

Bargaining in the Shadow of the Law: Victim Forgiveness and Criminal Sentencing in China

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This paper examines the unique approach to victim participation in criminal sentencing within the Chinese legal system, particularly in death penalty cases. Through quantitative analysis and qualitative interviews, the study investigate the emergence of a “forgiveness marketplace”, a complex system of negotiation and exchange surrounding victim forgiveness, which operates within the framework of the formal justice system but relies heavily on informal bargaining. The findings demonstrates that sentencing outcomes are highly responsive to victim forgiveness, which correlates closely with compensation. Judges play a crucial role as mediators and information brokers, motivated by maximizing dispute resolution and minimizing appeals. This study provides insights into different methods of incorporating victim preferences into criminal sentencing, contributing to the global discourse on victim participation in criminal justice systems.

Keywords: victim forgiveness, compensation, death penalty, Chinese sentencing

1 Introduction

The issue of participatory rights for victims in criminal proceedings has been a longstanding topic of debate (Erez and Rogers 1999; Erez and Tontodonato 1990; Roberts 2009). With the evolution of criminal justice system and the shift from private to public prosecution, law students are often taught that crimes are committed against the State, rather than against the individual (O’Hara 2005). Unsurprisingly, victims became marginalized, excluded and forgotten.

However, this situation has changed significantly in past decades, thanks to the efforts of victim rights movements (Carrington and Nicholson 1983; Cassell 2015). Some scholars have acknowledged the inevitability of increased participatory rights for victims (O’Hara 2005) and welcome innovations such as the victim impact statement (Roberts 2009). Others, however, continue to object. These objections have centred on victim participation at sentencing. Scholars’ express concerns that victims bring subjectivity and emotion to a process that demands rationality and objectivity (Mosteller 1999; Robinson 2001), and that victim participation will increase punitiveness and the length of sentences (Erez and Rogers 1999). This article examines a unique method of including victims in the criminal process in China. The approach involves formalizing “victim forgiveness” as a mitigating factor in sentencing with a particular focus on its application in death penalty cases.

The Chinese approach, rooted in deep-seated philosophical and cultural traditions that prioritize social harmony and the restoration of social relations (Yuan 2017), offers a compelling case study for comparative criminology. The Chinese model of victim forgiveness is formally integrated into the sentencing process.¹ It operates within the framework of “social governance through adjudication (sifa zhili)” (Liu 2021). This unique blend of cultural heritage and modern governance provides insights into different approaches to victim participation, particularly in high-stakes cases such as those involving capital punishment. Like victim impact statements, participation in this process in Chinese criminal procedure is voluntary. If the family of a deceased victim does submit a letter of forgiveness, they can anticipate both financial compensation and a reduced sentence. They also have the option to refuse any form of compensation and refrain from submitting a letter of forgiveness to the courts (Fu 2018). The article applies an economic lens that reveals a form of bargaining resulting in a “forgiveness marketplace”.

In the Chinese context, victim forgiveness operates as a quasi-market. This system creates a distinctive transactional space where victims and defendants engage in bargaining over the value of forgiveness, which can significantly impact sentencing outcomes, including the commutation of death sentences. While relevant documents stipulate that victim forgiveness “can” rather than “should” affect sentencing, the quantitative evidence indicates that these transactions have become one of the most critical factors affecting sentencing in practice.

The economic dynamics of this system are particularly evident in the qualitative findings. Interviews with 18 lawyers revealed that victim forgiveness typically functions as a marketable commodity, with its price determined through direct negotiations between victims and defendants. Unless there is a pre-existing relationship between the parties, forgiveness is generally exchanged for monetary compensation,² with the amount established through a bargaining process that reflects both parties’ relative negotiating power and the severity of the offense.

From the perspective of China’s political and legal ecology, the victim forgiveness process serves multiple objectives. It facilitates conflict resolution by allowing victims to receive tangible economic benefits through compensation, while defendants can secure reduced sentences. This negotiation process also provides courts with valuable insights into the nature and extent of the conflict between parties, which is crucial for achieving the desired “social effect” of maintaining harmony through judicial means. However,

this approach also raises concerns. It creates a system where sentencing outcomes can be influenced by a victim's willingness to forgive and a defendant's ability to compensate, potentially compromising the equity and integrity of the justice process.

This research makes several important contributions to the scholarly discourse on victim forgiveness and participation in criminal proceedings. First, unlike most research focused on common law systems (Holder and Englezos 2024), this analysis explores a system that diverges significantly from Western practices. While previous studies have often centered on victim participation at trial and through victim impact statement (Armour and Umbreit 2006; Holder and Englezos 2024), China's model formally recognizes victim forgiveness as a means of direct victim involvement in the sentencing process. This research delves into how this recognition enables victims to influence judicial outcomes, presenting a distinctive victim-oriented approach that integrates victims' interests in a tangible way. By expanding beyond the traditional scope of victim participation observed in existing literature, this study provides fresh insights into alternative methods of incorporating victims' perspectives in criminal justice proceedings. Second, by focusing on death penalty cases, this study sheds light on how victim forgiveness operates in high-stakes situations where its impact is most pronounced. The article strengthens the empirical analysis of victim participation by developing improved statistical models of sentencing data, providing robust evidence that outcomes directly respond to victim forgiveness in China. Third, the combination of quantitative analysis and qualitative interviews offers a comprehensive view of how victim forgiveness functions in practice, revealing the complex interplay between legal provisions, judicial discretion, and negotiated outcomes.

The article then progresses as follows: Section 2 lays the foundation by elucidating the emergence and significance of victim forgiveness in China, with a particular focus on its role in death penalty cases. The methodology is then detailed in Section 3, which outlines the dual approach of quantitative models and qualitative interviews employed in this study. Section 4 presents the findings, encompassing both descriptive and regression results from the quantitative analysis, as well as insights gleaned from interviews regarding the intricate dynamics of compensation and forgiveness. In Section 5, the study adopts a market-oriented perspective to analyze these dynamics, delving into concerns about the fairness of the informal marketplace surrounding the negotiation of victim forgiveness and compensation in criminal cases. The article concludes by acknowledging the limitations inherent in both the methodology and the unique cultural context of the study. It also identifies promising avenues for future research.

2 Background

2.1 The emergence and significance of victim forgiveness in China

The concept of victim forgiveness in China's criminal justice system has deep roots in both Confucian philosophy and communist ideology, long predating its formal recognition in modern legal frameworks. This approach to justice, emphasizing social harmony and collective acceptance of judgments, can be traced back to traditional Confucian values that prioritized social order and interpersonal relationships over rigid legal structures (Yuan 2017).

In the communist tradition, this concept found expression even before the Communist Party came to power. A notable example is the "Ma Xiwu Trial Method", developed in 1943 in the communist-controlled areas. Named after Judge Ma Xiwu, this method epitomized the party's grassroots approach to justice. As described,

The judge would personally go to the site of the dispute, gather the masses together, and let the public discuss and evaluate the rights and wrongs of the case. Then, a trial opinion that both parties were willing to accept would be drafted. If the parties were unwilling to accept the opinion of the majority, they would feel embarrassed and unable to hold their heads up in front of the crowd (Hao 2023: 51).

This method not only sought to resolve disputes but also to educate the masses and reinforce community norms.

This approach, blending Confucian emphasis on social harmony with communist ideals of mass participation, laid the groundwork for the concept of "masses' forgiveness" in the early years of the People's Republic of China. The term first appeared in official documents in 1951, when the Supreme People's Court, responding to the Guangxi Provincial People's Court, stated that a rapist "who committed an understandable offense and received forgiveness from the masses" could be given a lighter sentence (Supreme People's Court 1951).

The emphasis on masses' forgiveness continued to be a significant feature of China's legal landscape, reflecting the government's focus on resolving civil disputes and maintaining social stability. For instance, in 1957, the State Council issued instructions highlighting the importance of addressing citizens' letters and visits, emphasizing the need to obtain people's forgiveness when certain requests couldn't be immediately resolved (The State Council 1957).

However, as China's legal system evolved, particularly in the reform era beginning in the late 1970s, there was a gradual shift from the broad concept of masses' forgiveness to a more specific focus on victim forgiveness. This transition reflected both the modernization of China's legal system and a growing recognition of individual rights within the collective framework.

The concept of victim forgiveness, initially termed "Kuzhu Liangjie", first appeared in legal documents in 1982. The Ministry of Public Security's regulations on prison management used this term, denying certain privileges to prisoners who hadn't obtained forgiveness from victims (Kuzhu) or the public (Ministry of Public Security 1982). As China's legal terminology evolved, "Kuzhu" was replaced by "Beihairen", now the standard term for crime victims.

The modern concept of victim forgiveness, expressed as “Beihairen Liangjie”, gained prominence in 2006, coinciding with a significant shift in China’s political direction. This shift was marked by the Chinese Communist Party’s enactment of the “Resolution of the CPC Central Committee on Major Issues Concerning the Building of a Socialist Harmonious Society (中共中央关于构建社会主义和谐社会若干重大问题的决定).” Under the leadership of Hu Jintao and Wen Jiabao, this resolution formalized the “harmonious society” agenda, emphasizing social stability and conflict resolution through more conciliatory means. In the context of criminal justice, this political transition represented an effort by the Chinese government to revive and institutionalize mediation practices reminiscent of grassroots dispute resolution methods from the Maoist era (Di and Wu 2009; Zhang 2013; Zhang and Xia 2021). The integration of victim forgiveness into the legal framework was an important component of this broader attempt to balance modern legal practices with traditional approaches to maintaining social harmony.

In 2006, the Supreme People’s Procuratorate (2006) took a significant step by incorporating victim forgiveness into its “Quality Standards for Examining Arrests.” This document stipulated that in cases of minor offenses, particularly those arising from disputes between neighbors or friends, prosecutors could consider foregoing arrest if the suspect apologized to the victim, provided compensation, and obtained the victim’s forgiveness. This marked an important shift towards considering victim-offender reconciliation in the early stages of the criminal justice process.

The Supreme People’s Court further elevated the importance of victim forgiveness in 2007 through two key documents. The “Several Opinions on Providing Judicial Safeguards for Building a Socialist Harmonious Society (hereinafter Several Opinions)” emphasized balancing leniency with severity to ensure social stability. It advocated for leniency in minor crimes where defendants demonstrated remorse and obtained victim forgiveness, viewing this as an opportunity for reform and rehabilitation (Supreme People’s Court 2007b). The Court’s “Decision on Strengthening Criminal Trial Work,” issued the same year, reaffirmed this approach while also introducing the requirement of active compensation alongside remorse and forgiveness (Supreme People’s Court 2007a).

The formalization of victim forgiveness as a sentencing factor came in 2008 with the first edition of the “Guiding Opinions of the People’s Courts on Sentencing.” This document allowed for significant sentence reductions – between 20% to 50% – when defendants actively compensated victims for economic losses and obtained their forgiveness (Supreme People’s Court 2008). Subsequent revisions to these guidelines refined the approach. The 2009 version adjusted the reduction range to 10-40% (Supreme People’s Court 2009), while the 2010 edition introduced more nuanced considerations, allowing for up to a 20% reduction based on forgiveness alone, taking into account factors such as the nature and severity of the crime, the reason for forgiveness, and the degree of remorse shown by the offender (Supreme People’s Court 2010).

From 2014 onwards, the sentencing guidelines settled into a more stable format. They now consistently stipulate that actively compensating the victim for economic losses and obtaining their forgiveness can result in a reduction of the benchmark sentence by up to 40%. Even in cases where no compensation is involved, obtaining forgiveness can lead to a reduction of up to 20% of the benchmark sentence (Supreme People’s Court 2014).

Beyond China, forgiveness can play a significant role as an extralegal sentencing factor in the United States (Robinson, Jackowitz, and Bartels 2012), closely linked to victims’ demands for punishment and public outcry (although the importance of community views is not openly acknowledged). It is also a key component of restorative justice in England (Shapland 2016). It should be noted that while restorative justice emphasizes active participation of victims and offenders in the justice process, forgiveness represents a distinct emotional and psychological shift that may or may not occur through such participation.

2.2 Vicim forgiveness in death penalty cases

While the role of victim participation in death penalty cases has been studied extensively in the United States (Bandes 2021; Logan 1999; Kleinstuber, Zaykowski, and McDonough 2020), less attention has been paid to its function in non-Western legal systems.

The death penalty has long been a controversial and significant aspect of China’s criminal justice system. While the exact figures remain classified as state secrets, China is widely believed to lead the world in both the number of death sentences imposed and executions carried out annually (Wang 2008). However, since the mid-2000s, there has been a notable shift in China’s approach to capital punishment, marked by efforts to reduce its application while retaining it for the most serious offenses (Trevaskes 2013; Scott 2010).

This shift became particularly evident in 2007 when China implemented a revised procedure for reviewing capital cases, resulting in a dramatic reduction in death sentences. Estimates suggest a decrease of up to thirty percent compared to the previous year, reflecting a significant number of lives spared (Scott 2010). In a historic first, suspended death penalty outnumbered immediate death penalty (Scott 2010).

A pivotal moment in this evolution came on January 15, 2007, when the Supreme People’s Court of China issued “Several Opinions.” This document explicitly stated a policy of “retaining the death penalty while strictly controlling its application.” It mandated leniency for cases with statutory mitigating circumstances, generally avoiding immediate execution of the death penalty. The opinion highlighted specific scenarios where the death penalty should be used cautiously: cases arising from civil conflicts, cases provoked by the victim’s misconduct, and cases where the offender sincerely repented and actively compensated for the victim’s losses.

Interestingly, while the initial policy document emphasized repentance and compensation, it did not explicitly mention victim forgiveness. However, subsequent judicial practice saw a significant emphasis on forgiveness as a crucial factor in death penalty cases.

This shift became evident in 2009 when the Supreme People's Court distributed 17 typical cases to lower courts, with 15 of these cases citing victim forgiveness as a key factor in lenient sentencing for potential death penalty cases (Wang 2013).

The emphasis on victim forgiveness in practice, despite its absence in the initial policy, can be understood in the context of China's broader societal and legal dynamics. Victim forgiveness, particularly in capital cases, serves a crucial practical function beyond its moral or legal implications. It provides assurance that the victim's family will not appeal the decision or cause social unrest by seeking revenge or protesting the court's judgment. This aspect is particularly important in China, where maintaining social stability is a key concern for the government and the judiciary (Wang 2013).

This pragmatic approach to victim forgiveness in judicial practice has sparked intense scholarly debate regarding its legitimacy as a mitigating factor in capital cases. Proponents argue that victim forgiveness legitimately reduces criminal responsibility, especially when coupled with sincere repentance and compensation (Wang 2018; Tong 2017). Some scholars also argue that forgiveness, combined with repentance, indicates reduced needs for both special and general deterrence (Zhang 2015).

Critics, however, raise several counterarguments. They assert that victim forgiveness merely reflects a change in attitude and does not affect the fundamental evaluation of the defendant's culpability or the harm caused (Wang 2012; Liu 2008). Opponents argue that it is sincere repentance, rather than forgiveness, that indicates reduced future dangerousness (Wang 2012; Zhang 2015). Moreover, they contend that victim forgiveness has little relation to general deterrence, which depends more on the overall probability of punishment for a given crime (Wang 2012). A significant legal argument against the practice involves the question of authority in public prosecution cases, with critics noting that according to China's Criminal Procedure Law, decisions in prosecutable cases must be made by procuratorates, not victims (Wang 2012).

Despite these scholarly debates, empirical research suggests that victim forgiveness plays a significant role in judicial practice (Xiang 2013; Zhang and Xia 2021; Xin and Cai 2020), particularly in death penalty cases. One study revealed that between 2007 and 2011, victim forgiveness was a key factor in changing 84 out of 131 death sentences to suspended death sentences (Wang 2013). High-profile cases, such as the Ma Tao murder case, further illustrate this trend, where mediation led to victim forgiveness and the avoidance of immediate execution (Jiang 2009).

Beyond capital cases, victim forgiveness may also influence sentence lengths, though its actual impact remains uncertain. While judges often cite forgiveness in explaining sentences for various crimes, whether this translates to reduced terms is debated. Empirical findings are mixed. Some research on theft crimes found no significant forgiveness effect on sentencing (Zhang, Ke, and Zhang 2022). However, other studies indicated sentence length reductions due to forgiveness in theft and child molestation cases, though regional variations existed (Liu 2021; Wu and Diao 2020; Xu 2021). Meanwhile, defendants who obtained forgiveness show increased likelihood of probation in both intentional assault and traffic cases (Lu, Li, and Liang 2017; Xin and Cai 2020).

Nevertheless, methodological limitations temper these conclusions. Failure to control for key legal factors undermines findings attributing effects solely to forgiveness (Zhang, Ke, and Zhang 2022; Xu 2021). Neglecting to include fixed effects for year and court is problematic given the multi-year, multi-court samples and overall sentencing trends, like lighter penalties over time and provincial differences in offense criteria (Wu and Diao 2020; Liu 2021; Xu 2021). Despite employing superior empirical designs, studies like Lu, Li, and Liang (2017) and Xin and Cai (2020) yield findings that are not generalizable to death penalty cases. In China, probation is exclusively applicable to sentences of fixed-term imprisonment not exceeding three years. Furthermore, death penalty research faces additional constraints, as most studies are descriptive in nature and lack robust statistical models. This absence of sophisticated analytical frameworks limits the ability to draw causal inferences or account for complex interactions between variables. While empirical evidence is mixed and limited, particularly in capital cases, the impact of victim forgiveness on both capital and non-capital sentencing merits further rigorous investigation using more advanced methodological approaches.

In the next section, I address the aforementioned limitations and empirically examine the impact of victim forgiveness on sentencing outcomes in capital punishment cases. To facilitate quantitative analysis, I convert death sentences to equivalent prison years, allowing for a unified metric across all murder cases. While anecdotal evidence provides a general sense that forgiveness can influence sentencing in capital cases, rigorously testing this hypothesis quantitatively can substantiate and illuminate the magnitude of such effects. This approach enables a comprehensive examination of sentencing severity, encompassing both death sentences and long-term imprisonments within the capital punishment framework. To complement the quantitative analysis and provide deeper insights, I have conducted semi-structured interviews with 18 lawyers using a snowball sampling method. These lawyers practice in various provinces, including both private and pro bono practitioners, with most having experience in death penalty cases and some specializing in death penalty review cases. The combination of quantitative findings and qualitative insights from experienced practitioners will help confirm whether the apparent relationship suggested by case examples holds up under scrutiny, providing a more nuanced understanding of how victim forgiveness may affect sentencing outcomes in death penalty cases.

3 Data and Methodology

The author compiled a dataset of 440 single-offender completed first-instance murder cases from Guangdong Province, sourced from the official China Judgements Online website. Forgiveness was explicitly given in court transcripts and coded as such in the dataset. Murder cases were specifically chosen for this study due to their unique status in Chinese criminal law. In China, every type of crime has prescribed sentences and sentencing ranges, but murder is the only offense where the death penalty is listed as the primary sentencing option. According to Article 232 of the Chinese Criminal Law, "Whoever intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than ten years." This placement of the death penalty

as the first option is unique to murder cases, as other capital offenses list it as the last resort. Hence, in the Chinese legal context, murder cases are nearly synonymous with death penalty cases, making them an optimal setting for studying the influence of victim forgiveness on capital punishment decisions.

The dataset comprises all cases adjudicated between 2017 and 2018, along with a random sample of cases adjudicated between 2015 and 2016. Each case was manually reviewed and coded, with cases from 2017-2018 coded in 2019 and cases from 2014-2016 coded in 2017. Due to resource constraints in 2017, cases from the 2014-2016 period were sampled at 50% of the total population. The sampling method involved selecting every other record by case number in sequence. Random sampling would not have affected the results and was a more economical choice at that time. Currently, it is difficult to confidently add more samples to the original one due to the increasing secrecy surrounding China’s online judicial decisions - many judgments carrying the death penalty have been removed from the website.

A potential selection bias exists due to the website’s posting procedures. Specifically, the courts may intentionally conceal some death penalty judgments given China considers execution numbers state secrets (Chen 2006). However, the mandatory online publication requirement initiated in 2014 should require posting of murder cases, unless deemed “inappropriate.” To assess potential exclusion of cases, the Guangzhou Intermediate People’s Court’s regular reporting on unposted cases was examined. Back in 2017, the Court reported regularly on unposted cases, including their case numbers, causes of action, and non-publication reasons. For example, of 2,686 unposted judgments in Q3 2016, 199 were criminal cases. The two main non-publication reasons were juvenile offenses and crimes deemed “inappropriate,” chiefly rape and drug-related allegations identifiable from case details. Their exclusion did not preclude assessing potential non-publication of murder cases (Guangzhou Intermediate People’s Court, n.d.). In the period from January 2016 to February 2017, no murder cases were excluded from online publication. In addition, the author were told by several judges in Guangdong that they will post all judgments, unless they clearly fell into an exempted category. According to a study (Lin, Xia, and Cai 2024), Guangzhou contributes the most non-disclosure information and maintains one of the higher uploading rates—over 70%. Moreover, the following descriptive results uncover a significant number of death penalty cases. Despite its inability to unravel the missingness issue completely, the information available suggests the sample remains reliable. However, the author must note that the situation may be different now, which emphasizes that the original dataset is extremely valuable given the unique judicial transparency circumstances that existed at the time it was collected.

Table 1. Frequency Distribution of Severe Sentencing Outcomes (Excluding Fixed-Term Sentences)

Sentencing	Descriptive Statistics
death penalty	25 (5.7%)
suspended death sentence with restrictions on commutation	10 (2.3%)
suspended death sentence	105 (23.9%)
life imprisonment	189 (43.0%)

The study examines two sets of independent variables: extralegal factors that may influence sentencing and formal sentencing factors derived from China’s sentencing guidelines. Extralegal independent variables include gender,

hukou

(China’s household registration system that often determines access to social services), and type of attorney (state-appointed or privately hired). It’s important to note that detailed information about victims is typically limited in Chinese court judgments, so the study primarily focuses on offender-related variables.

In addition to victim forgiveness, the sentencing guidelines specify several factors that are included in the analyses. These comprise case nature (e.g., premeditated or spontaneous), case circumstances (including method of crime),³ and case results. Defendant-related factors include characteristics (disability status, limited criminal responsibility), behavior (pleading guilty, surrendering to authorities), and criminal history. Importantly, some victim-related legal factors are also included in the judgments and thus in the analyses, such as victim vulnerability (e.g., pregnancy or infancy) and the victim’s fault.

The study uses two dependent variables. The first is the length of imprisonment in months. To create a unified metric, various sentences are converted to months as follows: a life sentence equals 264 months, a suspended death sentence equals 288 months, a suspended death sentence with restrictions on commutation equals 300 months, and a death sentence equals 360 months. This conversion follows the standard established by Hou and Truex (2019), with an additional category for suspended death sentences with restricted commutation. The second dependent variable is binary, indicating whether the defendant received a death sentence. This approach allows for a comprehensive analysis of sentencing outcomes in capital cases, accounting for both the severity of the sentence and the specific imposition of the death penalty.

Regarding the length of imprisonment, I utilized OLS with the following specifications:

$$\text{Log}(\text{Length}_i) = \alpha + \beta \text{forgiveness} + \gamma \text{Extralegal}_i + \delta \text{Other_Legal}_i + \varepsilon_i$$

The life/death decision was analyzed by a binary logistic model with the same specifications:

$$\text{Logit}(\text{death}_i) = \alpha + \beta \text{forgiveness} + \gamma \text{Extralegal}_i + \delta \text{Other_Legal}_i + \varepsilon_i$$

To complement the quantitative analysis, I conducted semi-structured interviews with 18 lawyers selected through snowball sampling. The majority of these interviews were conducted via phone calls, which allowed for a diverse geographical representation of legal practitioners. The interviewees' professional locations span several regions of China, including Beijing, Xinjiang, Guangdong, Shanghai, and Zhejiang, providing a broad perspective on regional variations in legal practice. Their professional experience ranges from 2 to 15 years, with the majority having defended in death penalty cases, and some specializing exclusively in capital cases.

The following questions were asked in all interviews: 1. How significant do you consider the impact of victim forgiveness compared to other sentencing factors? 2. Under what circumstances might there be forgiveness without compensation or compensation without forgiveness? 3. How do lawyers negotiate compensation amounts? In what situations do these negotiations typically break down? Furthermore, depending on the progress of the interview and the lawyer's personal experience, specific questions were asked about the role of prosecutors, judges, and law enforcement in this mechanism.

This qualitative approach enriches the quantitative findings by providing nuanced insights from practitioners directly engaged with China's criminal justice system, particularly in capital cases. It allows for a more comprehensive understanding of how victim forgiveness operates within the legal process and how it is perceived by those navigating these complex negotiations.

4. Results

4.1 Descriptive Results

Table 2. Descriptive statistics for the variables included in the study

Variable	Type	Mean	Min	Max
Female	Control	0.10	0	1
Local <i>Hukou</i>	Control	0.45	0	1
Appointed Lawyers	Control	0.61	0	1
Severe case nature (e.g. premeditated)	Control	0.12	0	1
Severe circumstance (e.g. brutal method)	Control	0.32	0	1
Severe result (e.g. multiple victims)	Control	0.06	0	1
Disabled offender	Control	0.01	0	1
Limited criminal responsibility	Control	0.13	0	1
Surrendered	Control	0.45	0	1
Pleaded guilty	Control	0.45	0	1
Criminal history	Control	0.06	0	1
Vulnerable victim	Control	0.10	0	1
Victim at fault	Control	0.18	0	1
Forgiveness	Independent	0.18	0	1
Sentences (converted in months)	Dependent	246.7(66.1)	36	360

Note: All variables except "Sentences" are dummy variables, indicated by their Min (0) and Max (1) values. For these dummy variables, the Mean represents the proportion of cases in the category. The dependent variable "Sentences" is measured in months. The standard deviation is only reported for this non-dummy variable. |

Table 2 presents descriptive statistics for the variables included in the study. The independent variable, victim forgiveness, was obtained by 18% of defendants. Among the control variables, 10% of defendants were female, and 45% had local

Hukou

status. Regarding case characteristics, 12% were classified as severe in nature (e.g., premeditated), 32% involved severe circumstances (e.g., brutal method), and 6% had multiple victims. Only 1% of defendants were disabled, while 13% had limited criminal responsibility. In terms of defendant behavior, 45% surrendered, 45% pleaded guilty, and only 6% had a criminal history. Victim characteristics show that 10% were vulnerable victims, and 18% were considered at fault.

The dependent variable, sentence length, was standardized by converting various sentence types to months as above mentioned. Using the conversion method, the average sentence length was 246.7 months (approximately 20.6 years), with a minimum of 36

months (three years) and a maximum of 360 months (30 years, representing a death sentence). The standard deviation of 66.1 months indicates substantial variation in sentence lengths across cases.

The minimum sentence of three years for a murder case is exceptionally rare and involves highly mitigating circumstances. Such cases often feature complex personal and social factors, as exemplified by a case where a mother suffering from postpartum depression tragically took the life of her infant. In this instance, the court likely considered multiple mitigating factors: the defendant's diagnosed postpartum depression, her limited criminal responsibility due to mental health issues, and importantly, the overall family dynamics. The fact that the defendant had a good relationship with her husband prior to the incident may play a crucial role. The court's decision to impose a minimal sentence may reflect a consideration for preserving family harmony and the potential for rehabilitation within a supportive family environment. This approach aligns with certain aspects of Chinese judicial philosophy that emphasize social stability and harmony.

4.2 Regression results

Table 3. Logistic regression of death penalty decision on victim forgiveness

	Model 1	Model2	Model3	Model4	Model5	Model6
Forgiveness	-2.06*** (0.48)	-2.06*** (0.49)	-2.09*** (0.49)	-2.06*** (0.49)	-1.72*** (0.51)	-1.80*** (0.55)
Nature	-0.28 (0.35)	-0.30 (0.35)	-0.34 (0.39)	-0.45 (0.40)	-0.50 (0.42)	-0.82 (0.46)
Circumstance	1.53*** (0.24)	1.52*** (0.24)	1.50*** (0.27)	1.54*** (0.27)	1.63*** (0.29)	1.92*** (0.33)
Result	0.37 (0.48)	0.39 (0.48)	1.06 (0.65)	1.06 (0.65)	1.27 (0.65)	1.71* (0.65)
Criminal history		0.75 (0.46)	0.25 (0.47)	0.25 (0.48)	0.34 (0.48)	0.56 (0.51)
Limited criminal responsibility			-2.91*** (0.65)	-2.91*** (0.66)	-3.12*** (0.82)	-3.03*** (0.83)
Disabled offender			-15.00 (710.66)	-14.95 (714.2)	-14.79 (822.10)	-16.57 (2228.31)
Surrendered			-0.10* (0.25)	-1.13* (0.26)	-0.82* (0.28)	-0.78* (0.31)
Vulnerable victim				-0.37 (0.48)	0.02 (0.51)	0.45 (0.57)
Victim at fault				-0.7** (0.34)	-0.76** (0.34)	-0.29 (0.34)
Female					-0.35 (0.54)	-0.65 (0.61)
Local <i>Hukou</i>					-0.39 (0.28)	-0.44 (0.31)
Appointed lawyers					-0.16 (0.27)	-0.07 (0.30)
Year (fixed effect)	NO	NO	NO	NO	NO	YES
Court (fixed effect)	NO	NO	NO	NO	NO	YES
N	436	436	436	436	373	373
AIC	480.03	479.34	431.76	430.41	377.56	382.07
BIC	500.42	503.81	468.46	475.26	432.46	527.17
McFadden R ²	0.148	0.153	0.250	0.260	0.260	0.349

Note: Coefficients shown with robust standard errors in parentheses. All predictors in this model are dummy variables. Standardization is not applied to dummy variables, as their coefficients already represent a standardized effect size (the difference between two groups). The variable “Pleaded guilty” was excluded from the model due to multicollinearity. *p<0.05, ** p<0.01, *** p<0.001

The logistic regression results presented in Table 3 examine the factors influencing death penalty decisions, including suspended death sentences. This inclusive approach was necessary due to the limited number of outright death penalty cases, which would have been insufficient for a robust logistic regression analysis if considered alone. The analysis reveals that forgiveness by the victim’s family has a strong and statistically significant effect on the likelihood of a death sentence being imposed. Across all six models, the coefficient for the binary predictor measuring victim forgiveness is consistently large and negative, ranging from -2.06 to -1.80 (p<0.001). In the most comprehensive model (Model 6), the coefficient is -1.80 (p<0.001). This translates to an odds ratio of $\exp(-1.80) \approx 0.165$, indicating that the odds of receiving a death sentence are approximately 83.5% lower when the victim’s family grants forgiveness compared to when they do not. The magnitude and consistency of this effect across all models underscore the substantial role that victim forgiveness plays in capital punishment outcomes. Other significant factors include the circumstance of the crime (coefficient 1.92, p<0.001 in Model 6), which increases the likelihood of a death sentence, and limited criminal responsibility (coefficient -3.03, p<0.001 in Model 6), which decreases it.

Table 4. OLS regression of sentencing on victim forgiveness

	Model 1	Model2	Model3	Model4	Model5	Model6
Forgiveness	-0.30*** (0.06)	-0.30*** (0.06)	-0.31*** (0.06)	-0.29*** (0.05)	-0.28*** (0.05)	-0.27*** (0.05)
Nature	0.04 (0.04)	0.03 (0.04)	0.05 (0.04)	0.03 (0.04)	-0.00 (0.04)	-0.00 (0.05)
Circumstance	0.13*** (0.03)	0.13*** (0.03)	0.11*** (0.03)	0.11*** (0.03)	0.10*** (0.03)	0.12*** (0.03)
Result	0.11* (0.05)	0.11* (0.05)	0.18*** (0.05)	0.20*** (0.06)	0.25*** (0.06)	0.22*** (0.06)
Criminal history		0.10* (0.04)	0.04 (0.04)	0.03 (0.04)	0.03 (0.04)	0.06 (0.04)
Limited criminal responsibility			-0.32*** (0.07)	-0.30*** (0.07)	-0.27*** (0.06)	-0.25*** (0.06)
Disabled offender			-0.14 (0.18)	-0.02 (0.15)	0.10 (0.15)	0.16 (0.08)
Surrendered			-0.07* (0.03)	-0.07* (0.03)	-0.06 (0.03)	-0.05 (0.03)
Vulnerable victim				-0.29** (0.09)	-0.21** (0.09)	-0.18** (0.08)
Victim at fault				-0.06 (0.05)	-0.07 (0.05)	-0.01 (0.05)
Local <i>Hukou</i>					-0.06 (0.03)	-0.07* (0.03)
Female					-0.32*** (0.09)	-0.34*** (0.08)
Appointed lawyers					-0.03 (0.03)	-0.01 (0.03)
Year (fixed effect)	NO	NO	NO	NO	NO	YES
Court (fixed effect)	NO	NO	NO	NO	NO	YES
N	436	436	436	436	373	373
Adjusted R ²	0.144	0.146	0.223	0.276	0.360	0.400

Note: All predictors in this model are dummy variables. Coefficients shown with robust standard errors in parentheses. *** p < 0.001; ** p < 0.01; * p < 0.05

Table 4 reveals a consistent and statistically significant negative association between victim forgiveness and converted sentence lengths across all six models. In the most comprehensive model (Model 6), victim forgiveness is associated with a substantial 27% reduction in imprisonment length. This effect is more than twice as large as the impact of case circumstances, which shows a coefficient of 0.12 ($p < 0.001$) in the same model. The influence of forgiveness on sentence length is comparable to that of limited criminal responsibility, with a coefficient of -0.25 ($p < 0.001$). Other significant factors affecting sentence length include the result of the crime (0.22, $p < 0.001$), vulnerable victim status (-0.18, $p < 0.01$), and being female (-0.34, $p < 0.001$). Interestingly, compared to Table 3, the influence of vulnerable victim status and local hukou is somewhat surprising. A review of case documents reveals this may be due to unique cases, such as the above mentioned mother with postpartum depression who killed her infant (a vulnerable victim) yet received only three years imprisonment.

Overall, these quantitative findings from Tables 3 and 4 substantiate previous qualitative evidence regarding the significant influence of victim forgiveness in judicial practice, as noted by Xu and Liu (2015).

4.3 Interview results (compensation dynamics)

In the Chinese context, compensation is an important avenue for obtaining forgiveness (Ng and He 2017; Xin and Cai 2020). Therefore, any discussion of victim forgiveness should not overlook its dynamic relationship with compensation. The dynamics between compensation and forgiveness are challenging to discern from quantitative studies alone, as court judgments often provide minimal information. For instance, a typical entry might simply state: “The village committee has confirmed...that the defendants’ families have compensated for economic losses, and the victim’s relatives have forgiven the defendants’ actions.” Some judgments may specify compensation amounts, such as 50,000 yuan, while others, particularly in intra-family cases, may mention forgiveness without compensation. The negotiation process for compensation and forgiveness can be intricate, yet judgments rarely detail this complexity.

Given the article’s focus on victim forgiveness and the potential loss of information from including a complex interactive term, I chose to concentrate solely on forgiveness in the quantitative models. To explore the compensation dynamics with forgiveness, I conducted exploratory interviews with lawyers. While anecdotal, their insights help elucidate the bargaining dynamics potentially driving the statistical relationship between forgiveness and reduced sentences.

Table 5. List of Interviewees

Code of Interviewee	Experience (Years)	Principal Working Area (Province)
L20240001	5-10	Beijing
L20240002	1-5	Beijing
L20240003	10+	Beijing
L20240004	1-5	Beijing
L20240005	10+	Shanghai
L20240006	10+	Zhejiang
L20240007	10+	Zhejiang
L20240008	10+	Zhejiang
L20240009	5-10	Zhejiang
L20240010	10+	Zhejiang
L20240011	10+	Beijing
L20240012	5-10	Beijing
L20240013	5-10	Guangdong
L20240014	5-10	Xinjiang
L20240015	1-5	Beijing
L20240016	5-10	Guangdong
L20240017	5-10	Beijing
L20240018	10+	Shandong

The interviews highlighted the prevalent link between compensation and obtaining victim forgiveness in murder cases. All interviewees reported rarely encountering cases with only compensation or only forgiveness in murder cases. Typically, without compensation, forgiveness letters are not signed (eg. L20240001; L20240008; L20240010). Often, all first-order heirs (spouse, children, par-

ents) must be involved in negotiations, with compensation agreements specifying exact payment amounts to each party to avoid breakdown in forgiveness negotiations (L20240008). Cases with only compensation are rare and usually occur within families (L20240011; L20240013). In non-murder cases, there are instances of economic crimes with only compensation and cases of assaulting police officers where forgiveness is granted without compensation (L20240001). Anyhow, the interview and survey data suggest that compensation is integral to securing forgiveness in most criminal cases, reflecting complex social and cultural dynamics at play.

Below is a template of the criminal forgiveness letter provided by an interviewee (L20240017, not for murder cases, as those agreements can be more extensive):

On [Date], a dispute arose between the forgiver and [Name] during [Location/Event], which led to subsequent conflicts. [Name] was subsequently detained by the police.

After the incident, [Name's] relatives apologized to the forgiver multiple times and expressed a willingness to actively compensate for the losses. After negotiation, [Name's] relatives compensated the forgiver for a total of RMB [Amount] in losses. The payment has been transferred to my account via bank transfer, and I have received the payment.

Given the sincere apology and active compensation from [Name] and their family, I am willing to forgive [Name's] behavior and not pursue their civil and criminal liability. I earnestly request the public security and judicial authorities not to treat their behavior as a crime.

Importantly, this letter merely expresses the victim's intent not to pursue further action, reducing pressure on the prosecutor's office. The decision to prosecute remains with the prosecutor, and in murder cases, prosecution is certain. Lawyers emphasized two key points in forgiveness letters: confirmation of payment receipt and relinquishment of further liability demands against the offender (L20240017; L20240008). This signifies dispute resolution and simplifies case handling. Interestingly, sincere remorse from the offender isn't necessarily vital for securing forgiveness. In fact, the significance of victim forgiveness cannot be overstated. One lawyer recounted a case where the victim's family threatened suicide at the court, forcing the first-instance court to impose a death sentence (L20240012).

Interviews revealed that compensation amounts in criminal cases are not determined by standardized criteria, but rather through mutual agreement between parties. This negotiation process considers various factors, including the victim's financial situation, the offender's identity and means, and the specific circumstances of the case (eg., L20240010). The stakes and dynamics of these negotiations vary significantly between death penalty and non-death penalty cases (L20240001; L20240007).

In non-death penalty cases, the significance of obtaining forgiveness can vary widely (L20240001). For minor injury cases, it might directly influence decisions about arrest or prosecution (L20240010). Some impoverished offenders might prefer a short prison sentence over paying substantial compensation, illustrating how economic circumstances can shape negotiation strategies. Government officials, fearing career repercussions, may be particularly motivated to secure forgiveness, while repeat offenders might feel less urgency (L20240017).

In contrast, for murder cases, which often carry the possibility of a death sentence in China, the stakes are considerably higher (L20240009; L20240008). Victim forgiveness in these instances could literally mean the difference between life and death for the offender, intensifying the urgency and complexity of compensation negotiations. However, the dynamics of these high-stakes scenarios are more nuanced than simply wealthier offenders being more likely to obtain forgiveness (L20240008). Instead, the offender's perceived financial status can significantly influence the victims' compensation expectations. One lawyer (L20240008) recounted a case involving a long-unsolved murder where the perpetrator had since become a well-known local business owner. Upon this discovery, the victim's family demanded several million yuan in compensation, far exceeding the typical amounts in similar cases. This example illustrates how the perceived ability to pay can dramatically escalate compensation demands, potentially making forgiveness more challenging to secure for wealthier offenders, contrary to what one might initially assume.

Interestingly, the interviews revealed a dichotomy in the role of judicial authorities in the negotiation process, which appears to be correlated with the severity of the cases. One lawyer who primarily handles minor cases reported that prosecutors and judges generally maintain a hands-off approach, rarely intervening in the mediation process between victims and defendants (L20240001). In contrast, lawyers specializing in serious criminal cases, particularly capital cases, emphasized the significant and active role played by judicial authorities in facilitating negotiations (L20240008; L20240015).

One lawyer (L20240003) specializing in serious cases emphatically stated, "Truly effective negotiation must involve the prosecutor and the judge." This perspective underscores the pivotal role of judicial authorities in the forgiveness marketplace, particularly in high-stakes cases. Judges actively participate by mediating between parties and elucidating the consequences of forgiveness and compensation. They engage in a delicate balancing act, explaining to victims the legal implications of their decisions while simultaneously educating them about their rights. For instance, judges often inform victims that statutory compensation might be lower than what could be negotiated privately, thereby incentivizing reconciliation (L20240008). This approach not only facilitates more informed decision-making but also promotes the resolution of conflicts outside the courtroom.

The involvement of judges lends credibility and impartiality to the negotiation process, which is crucial given that defense lawyers may be viewed with suspicion by victims, potentially exacerbating conflicts rather than resolving them (L20240003). "Under China's lifelong accountability system for legal professionals, judges and prosecutors have a vested interest in ensuring thorough and fair

case resolutions (L20240003).” This accountability mechanism motivates them to actively oversee and participate in the negotiation process, particularly in serious cases where the stakes are highest and the potential for future scrutiny is greater.

Ultimately, each case presents a unique cost-benefit analysis for all parties involved, leading to varied bargaining power and urgency in negotiations. This complex interplay of factors underscores the strategic nature of seeking and granting forgiveness within the Chinese criminal justice system.

5 Discussions: The Forgiveness Marketplace

The quantitative analysis demonstrated that victim forgiveness significantly influenced court sentencing decisions, with forgiveness associated with more lenient sentences. Complementing this finding, the qualitative data revealed that such forgiveness was typically contingent upon offenders providing financial compensation to victims. The findings of this study reveal a complex system of negotiation and exchange surrounding victim forgiveness in Chinese criminal cases, particularly in capital cases. This system, which I term “the forgiveness marketplace,” operates within the framework of the formal justice system but relies heavily on informal negotiations between victims, defendants, and their representatives, with judges often playing a crucial mediating role in high-stakes cases.

While past research has provided a sociological perspective on “blood money” and the legal commensuration process, this paper adds a previously neglected economic perspective to the analysis (Ng and He 2017). Economic analyses have been applied to compensation in other contexts, such as takings (Blume and Rubinfeld 1984; Ulen 1998) and state-provided victim compensation in the Netherlands (Mulder 2013), but to the author’s knowledge, this is the first attempt to apply such an approach to the phenomenon of victim forgiveness in criminal cases. This economic lens offers new insights into the dynamics of forgiveness negotiation and its implications for the criminal justice system.

The marketplace of forgiveness in death penalty cases in China is characterized by several key features. Foremost among these is the strong link between compensation and forgiveness. This study indicates that forgiveness is rarely granted without some form of compensation, effectively creating a *de facto* pricing mechanism for clemency.

Information asymmetry is a defining characteristic of this marketplace, with judges playing a pivotal role in balancing these disparities. Leveraging their legal expertise and experience from overseeing multiple cases, judges often serve as information brokers (L20240008). They work to reduce asymmetries between parties, facilitating more efficient “trades” in the forgiveness marketplace. This judicial mediation is exemplified by a case shared by one interviewee, where the judge actively encouraged the victim to accept compensation and grant forgiveness (L20240016). The judge explained that such forgiveness could moderately reduce the defendant’s sentence, while withholding it would only slightly increase the punishment. Judges’ motivation appears to stem from a desire to avoid burdensome petitions and potential future accountability issues (L20240003; L20240016). Consequently, victim forgiveness evolves into a proxy for comprehensive dispute resolution, extending beyond mere sentencing considerations.

The marketplace raises concerns about “buying justice” and “buying life” (Wang 2013; Du 2009). Some argue that such practices are ethically questionable, as they may create inequities in the justice system based on financial means. Theoretically, one might expect economic disparities to play a significant role in this marketplace, with wealthier defendants better able to “purchase” forgiveness through substantial compensation. However, this concern may be less relevant in practice than initially assumed. In violent crime cases, offenders typically come from modest economic backgrounds (Dong, Egger, and Guo 2020), somewhat mitigating the potential for extreme economic disparities to skew outcomes. All the lawyers interviewed in this study reported not having personally encountered any affluent offenders in these types of cases, with one notable exception of a long-standing murder case where the offender became wealthy after the crime (L20240008).

The economic status of victims also plays a crucial role in the forgiveness marketplace. In cases where victims are not wealthy themselves, compensation can help alleviate the economic burden resulting from the loss of human capital, particularly when the victim was the primary breadwinner. Conversely, when victims are wealthy or privileged, their families may be less concerned about compensation and more focused on retribution through harsher sentences (Jiang and Xu 2009). In such cases, judges can play a significant role as mediators, helping to bridge the gap between victims’ demands and offenders’ capabilities. For instance, in one case an interviewee handled, the victim demanded compensation of one million yuan in exchange for forgiveness, but the offender had exhausted their family’s resources and could only gather 0.4 million yuan (L20240016). In this scenario, the judge served as an effective mediator, helping them agree upon 0.4 million yuan as the appropriate compensation amount.

Therefore, judicial oversight plays a critical role in maintaining the integrity of this forgiveness marketplace, particularly in cases involving affluent parties. While such cases are rare, they underscore the importance of the judge’s authority in evaluating and weighing victim forgiveness. Judges are uniquely positioned to discern attempts by wealthy offenders to manipulate the system through excessive compensation, or by privileged victims to exploit their status for punitive ends. This oversight is crucial because the ultimate goal in the Chinese legal context is comprehensive dispute resolution. Judges, therefore, have a vested interest in facilitating outcomes that are not only mutually beneficial but also genuinely address the underlying conflict. By carefully scrutinizing the circumstances surrounding forgiveness negotiations, judges can prevent manipulations that might lead to superficial resolutions and potential future disputes. This approach ensures that the forgiveness marketplace serves its intended purpose of promoting justice and social harmony, rather than becoming a tool for those with financial or social advantages to unduly influence legal outcomes.

Viewing this system through the lens of a marketplace metaphor illuminates several important dynamics. It underscores the transactional nature of forgiveness in this context, where negotiation, bargaining, and exchange are central processes. However, unlike a typical market, the “currency” here extends beyond money to include intangible concepts such as justice, closure, and social harmony. Furthermore, conceptualizing this system as a marketplace helps explain the variability in outcomes we observe. Just as market prices fluctuate based on supply and demand, the “price” of forgiveness - in terms of compensation or other concessions - varies based on factors such as case severity, economic circumstances of both parties, and even the negotiating skills of the lawyers involved.

Overall, this study provides a foundation for understanding these dynamics, but further research is needed to fully quantify the impacts of this system on both efficiency and equity in criminal justice outcomes. But in theory, efficient triple-win outcomes could be achievable through proper oversight - facilitated trades improving both parties’ utility while still upholding legal principles.

Conclusion

The genetic makeup of the Chinese judicial system, which emphasizes maintaining stability, has resulted in early attention to forgiveness as a factor in sentencing practices. Initially, forgiveness was sought from the masses to ensure their support for judicial decisions. However, today, a more individualized approach that places value on the victim forgiveness is taken.

This study has illuminated a unique aspect of the Chinese criminal justice system: the informal “forgiveness marketplace” that has developed within the framework of formal legal proceedings. This system, characterized by negotiated forgiveness-compensation trades between victims and defendants, exhibits hallmarks of economic market forces while operating under judicial oversight. Victims and defendants engage in utility maximization assessments and bargaining until satisfactory exchange ratios are reached or an impasse occurs. From the judges’ perspective, victim forgiveness can also lead to a triple win: it can reduce the punishment for the defendant, provide real economic compensation and improve the life of the victim, and reduce the likelihood of appeals and petitions, avoiding unnecessary troubles for the judges themselves.

Judges play an intriguing governance role in this quasi-market by leveraging information asymmetries and oversight to balance efficiency and fairness. Their perceived goal of maximizing dispute resolution while minimizing adjudicative burdens due to appeals and petitions aligns with a regulated supervisor incentivizing mutually beneficial trades within ethical boundaries.

Quantitative empirical analysis reveals victim forgiveness significantly impacts sentencing, substantiating the prevalence of such bargaining. However, data limitations preclude definitive assessment of potential unequal access issues stemming from wealth disparities. Rigorous statistical tools combined with economic modeling could better elucidate the complex strategic dynamics and efficiency versus equity tradeoffs.

It is crucial to recognize the limitations of this study and the uniqueness of the Chinese context. The data was collected solely from Guangdong province, a developed region on China’s eastern coast, which may not be representative of the entire country. Future research should aim for a more comprehensive national sample to account for regional variations. Additionally, the interviews were limited to lawyers, and a more holistic understanding would require input from judges, prosecutors, victims, and defendants.

Another limitation to address is the conceptualization of “forgiveness” in this study. Throughout the paper, forgiveness is treated as a concrete action, but it’s important to acknowledge that what is observed may be more accurately described as a formal and ritualized expression of forgiveness. The depth and authenticity of this forgiveness, as well as its psychological impact on victims, remain unexplored. Future qualitative research focusing on victims’ experiences and perceptions would be valuable in understanding the nuances of this forgiveness process.

Meanwhile, the Chinese approach to victim participation through forgiveness and compensation is deeply rooted in its cultural and legal traditions, which prioritize social harmony and dispute resolution. This differs significantly from Western criminal justice systems, which typically separate criminal proceedings from civil compensation and have different mechanisms for victim participation. This study aims to broaden our understanding of how different cultural contexts can produce unique solutions to common challenges in criminal justice administration.

Comparative studies examining various models of victim participation across different legal systems, focusing on their respective strengths and limitations within their specific contexts, would further enrich our understanding of this complex issue. Such research could help identify best practices and innovative approaches that might be adapted, with careful consideration, to improve victim participation in various legal frameworks.

In conclusion, by exploring the linkage between victim forgiveness and compensation in the Chinese context, this study contributes to the global conversation on victim participation in criminal justice. It highlights the importance of understanding diverse approaches to this complex issue while emphasizing the need to consider each system within its unique cultural, legal, and ethical framework. As we continue to grapple with the challenge of integrating victim interests into criminal proceedings, studies like this one serve as valuable reminders of the rich diversity of solutions that can emerge from different cultural and legal traditions. By fostering a deeper understanding of these varied approaches, we can work towards more nuanced and effective methods of victim participation in criminal justice systems worldwide.

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Appendix

Table 5. The Significance of Victim Forgiveness: Pre-2016 sample v Post-2016 sample

OLS	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Forgiveness: Pre-2016 Sample	-0.26 ** (0.08)	-0.26 ** (0.08)	-0.30 ** (0.07)	-0.30 ** (0.07)	-0.29 ** (0.09)	-0.25 ** (0.07)
Forgiveness: Post-2016 Sample	-0.32 ** (0.08)	-0.31 ** (0.08)	-0.30 ** (0.08)	-0.28 ** (0.06)	-0.28 ** (0.07)	-0.29 ** (0.07)
Logit	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Forgiveness: Pre-2016 Sample	-2.71** (1.04)	-2.72** (1.04)	-3.07** (1.07)	-3.15** (1.08)	-2.47** (1.10)	-2.60** (1.14)
Forgiveness: Post-2016 Sample	-1.71** (0.56)	-1.70** (0.56)	-1.58** (0.58)	-1.56** (0.58)	-1.47** (0.61)	-1.71** (0.63)

Note: Coefficients shown with robust standard errors in parentheses. *** p < 0.001; ** p < 0.01; * p < 0.05. The OLS coefficients before and after 2016 are approximately equal. While the logit model shows slightly different coefficients (likely because the dependent variable is binary), the confidence intervals overlap when accounting for standard errors.

1. Victim forgiveness in this article includes forgiveness by the victim's family members, particularly in homicide cases where the victim is deceased.↩
2. Compensation here does not mean full reparation to make the victims whole; rather, it refer to any amount mutually agreed upon between the victims and offenders.↩
3. For example, the utilization of sulphuric acid is deemed to be more egregious compared to the use of bare hands.↩