

ORIGINAL ARTICLE OPEN ACCESS

# Legal Brokers of Chinese Investment in Cambodia: Compliance Between Contract and Culture

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**Received:** 30 May 2024 | **Revised:** 6 February 2025 | **Accepted:** 13 March 2025

**Funding:** This work was supported by H2020 European Research Council (Grant No. 803763).

**Keywords:** bribery | China | compliance | emerging markets | legal brokers

## ABSTRACT

In conventional understandings of compliance, lawyers and compliance officers internalize compliance within corporations. Complicating this model, this article argues that compliance professionals may occupy a Janus-faced role between informality and formality. We use the case of “legal brokers” of Chinese investment in Cambodia as our empirical testing ground. Based on qualitative fieldwork conducted in Cambodia from 2019 to 2022, we find that legal brokers between Chinese investors and Cambodian counterparties are a vital feature of the market converting illicit into lawful capital. Our findings have implications for not just compliance professionals but also market entry, sustainable development, anti-bribery, and rule of law. By drawing on theoretical literature including relational contract and *guanxixue* (the study of *guanxi* or “social ties”), we scale up our findings to conclude that a focus on legal brokers reveals a social reality that may be more emblematic for most of the world than the existing model.

## 1 | Introduction

Much of conventional knowledge pertaining to the compliance of foreign investors operating in host states shows a Global North bias. However, emerging markets represent an increasingly important stake in international trade and investment and, thus, compliance.<sup>1</sup> Emerging markets outperformed developed economies in the decades before the Covid-19 pandemic. Though the pandemic has significantly slowed their growth, emerging markets are expected to grow more rapidly than developed economies in the long run (Intelligence 2022). Given these trends, analyses of compliance in the context of international investment should likewise reflect emerging realities of global capital both flowing from and to Global South countries (Rolland and Trubek 2017; Morosini and Badin 2018; Shaffer 2021).

Compliance in this context, meaning, most broadly, adherence to requirements under international investment law as well as the laws of investors' home and host states, is linked to foundational concerns in international legal ordering. For example, compliance builds on investment frameworks that are increasingly aligned with the aims of sustainable development and greater inclusivity (Puig and Shaffer 2018; Johnson et al. 2020). Further, calls within the international investment regime point to the primacy of rule of law, as foreign investors occupy an important position in supporting (or violating) rule of law through their compliance practices, including in the areas of anti-bribery, anti-money laundering, anti-trust, employment law, financial reporting, and licensing and permitting (Soltes 2021, 29). Compliance matters at market entry but also throughout an investment's life cycle.

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Within the field, lawyers and compliance officers occupy nodal positions. These professionals are naturally perceived to internalize regulatory requirements for corporate clients (DeStefano 2016; van Rooij and Fine 2019). This article challenges this traditional thinking to argue that those who achieve compliance or the appearance thereof, whom we term “legal brokers,” instead occupy liminal positions between informality and formality and, therein, are a vital feature of the market, converting illicit into “lawful” capital. Here, legal brokers help to create the appearance of lawfulness even if compliance is a sham.

Based on empirical data collected on Chinese investment in Cambodia, our study makes three interventions. First, it introduces the concept of “legal brokers” as those who engage in compliance work (broadly understood) that may erode rather than bolster corporate governance. Second, it does so by shifting the analytical focus from developed to emerging markets. Third, and relatedly, it casts the spotlight not on Western multi-nationals but on the commercial aspects of “Global China” (Lee 2022). Rather than Chinese investors in Cambodia demonstrating an exceptional case, through juxtaposing our empirical findings with prevailing theories for understanding the relationship between informality and formality, namely, relational contract theory and *guanxixue* (the study of *guanxi* or “social ties”), we argue that legal brokers have broad relevance for not just emerging markets but developed ones, too, revealing a social reality of compliance that may be more emblematic for most of the world than the existing model.

The remainder of this article includes six parts. In Section 2, we review the relevant literature regarding issues raised by legal brokers. Section 3 introduces our methodology and data. Section 4 provides background to our case. Section 5 provides the findings. Section 6 discusses the significance of the study, and a short conclusion follows.

## 2 | Literature Review

Our exploration of the role that legal brokers play implicates two bodies of literature. The first is studies of lawyering and compliance work in developing states. The second is China’s approach to law and development. Whereas compliance professionals have been critical actors in facilitating Western law and development, academics, practitioners, and policymakers are just beginning to understand the role of such experts in promoting Chinese approaches. Here, we provide an overview of these literatures to help frame the contribution of legal brokers and associated practices.

### 2.1 | Lawyering and Compliance in Developing Countries

To understand legal brokers, we begin with a review of precedential roles in the literature. Studies of compliance professionals include, roughly, two types: those on lawyers and those on compliance officers. Starting with the former, a mainstay of “law and society” literature over the past 50 years, studies of lawyers cover vast terrain but demonstrate certain preferences in terms

of the countries lawyers work in, their hyper-elite background, and the nature and ends of their work. For the most part, these studies have focused, at least in earlier decades, on lawyering in Western developed countries (Friedman 1969; Slovak 1981; Abel and Lewis 1988).

A common image derived from this work is that of the American corporate lawyer, especially those practicing in large law firms (Sarat 2010; Flood 2013; Garth and Dezalay 2021). Legal scholar Katharina Pistor has argued that Anglo-American lawyers were central in “coding” capital through finance law through which they bestow attributes on certain intangible assets, laying the legal infrastructure for global capitalism (2019, 3, 162). While these Anglo-American lawyers work to ensure that corporate clients comply with relevant laws, part of what they do is help those clients to evade or redefine laws (Palan et al. 2010, 213). In the past, when lawyers in developing countries were the object of study, their position in their economies has been understood generally as either showing no difference from that of American lawyers (Garth 2016) or as irrelevant if not deleterious to economic development (Hager 1972). Legal brokers expand these literatures in two directions: first, while some legal brokers are trained in law, others are not, and rather do compliance work as business consultants; second, legal brokers have contradictory effects on the local economy and legal system in that they both facilitate investments but in ways that erode market and legal institutions.

In parallel, studies of compliance officers demonstrate similar patterns. Whereas there is significant overlap between the two professions—some lawyers do regulatory and corporate compliance work, and some compliance officers are trained lawyers—they are distinct. In a nutshell, compliance officers are employees who ensure a company complies with regulations through prevention, detection, and training (Soltes 2021, 29). Since the U.S. government’s increased regulation of corporate activity in the late 1990s and early 2000s spurred the compliance industry’s growth, most studies of compliance have concentrated on the United States and like jurisdictions (Soltes 2019, Rorie and van Rooij 2022). The resulting image of the compliance officer is not too different from that of the corporate lawyer.

While the general picture is one of U.S.-led homogenization of the fields of lawyering and compliance, including in developing countries, other literatures complicate this impression. Recent studies have pointed to the financial, cultural, and bureaucratic differences of lawyering in emerging economies (Wilkins and Papa 2013, Cunha et al. 2017, Wilkins et al. 2017). Chinese law firms have also sought to internationalize (Li 2019). Yet rather than a new wave of Sinocentric homogenization by “Red Circle” law firms, Chinese overseas direct investment (ODI) has created an “ecology of legal experts,” including local lawyers (Erie and Liu 2021, 64–65.).

Meanwhile, the study of compliance in developing states is embryonic and mostly limited to research on domestic regulation (Gupta et al. 2019) or the question of whether Global North actors comply with local law or international standards in conducting business in low-income countries (Parella 2020). The question of who on the ground enforces regulations, whether local, national, or international, remains mostly a black box. Given that

a wide swath of the developing world features informal economies (Soto 1989, xvii; von Benda-Beckmann and von Benda-Beckmann 2010, 172; Gillespie 2014, 292), a focus on those who convert illicit to licit capital in those contexts is overdue.

## 2.2 | China's Approach to Law and Development

This study of legal brokers sheds light on another emerging literature: the role of law in China's global development. Since the 1960s, the U.S. has led Western states in promoting versions of "law and development," that is, the role of law in promoting economic development. One fixture in the U.S. approach was cultivating a corps of legal professionals who could catalyze the growth of the legal system, economic development, and democratization (Friedman 1969, 42, 53; Trubek and Galanter 1974, 1075; Krishnan 2004, 448). Home-grown corporate lawyers could also assist U.S. companies in conducting business in high-risk investment destinations (deLisle 1999). While these efforts often operated in parallel with some U.S. investors actively skirting legal obligations, occasionally with tacit government support, the American approach was relatively interventionist by stimulating legal reform abroad (Gardner 1980; Kroncke 2016).

In comparison, China's approach is more circumspect in several ways (Erie 2021). For instance, Chinese lawyers and academics do not engage, to the same degree, in "legal missions" seeking to shape legal education overseas. Nonetheless, Chinese lawyers, scholars, and officials engage in building transnational networks of like-minded legal experts focusing on legal exchange, training, and education (Erie 2023a). Whereas the goal of fostering political change (i.e., authoritarianization) appears muted and is likely more indirect than one of imposing Chinese hegemony, these programs appear to have commercial objectives to cultivate a corps of lawyers to facilitate Chinese ODI. Yet these programs are quite new (Erie 2023b).

One distinguishing feature of Chinese ODI is its willingness to enter high-risk environments, whether defined by economic, political, or legal risk (Wang and Miao 2019; Zeng 2019; Gong and Boute 2021; Camba 2021; Young 2020). Within such jurisdictions, Chinese parties try to keep local governance problems at arm's length, contrary to Anglo-American evangelist tendencies. This behavior is both a cause of and consequence of the Chinese overseas footprint: Chinese parties are encouraged to do business in such contexts because of their non-interventionism (e.g., lack of lending conditionalities) and those same parties respond to regulatory, bureaucratic, and other challenges through an array of adaptations to avoid liability. Relatedly, Chinese investors also tend to rely heavily on local actors (Young 2020). For instance, one element that differentiates Chinese ODI from Western capital is that the former was greatly assisted by the multi-generational Chinese diaspora and transnational business networks throughout most of Asia (Ye 2014; Young 2020; Cullen 2024). Southeast Asia, in particular, has seen millions of Chinese immigrants integrate into local communities since the 1990s; these ethnic Chinese occupy diverse positions regarding outbound Chinese capital flows (Nyíri and Tan 2017, 14–16) and have complex effects regarding the balance of political versus commercial consequences for Chinese capital in the region (Han 2023, 9–10).

Building on the foregoing, a focus on legal brokers sheds light on many of these processes. Given the role of relational governance in state-business ties in China (Rithmire 2023), legal brokers play an important role in the overseas deals of Chinese investors. The importance of legal brokers in the context of global Chinese commerce is consistent with the social scientific literature on brokers, intermediaries, and other change agents. Precedents for legal brokers are found in Bourdieu's study of class (i.e., "class defectors" who operate betwixt and between different classes) (Bourdieu and Wacquant 1992, 204) and in the Bourdieuan sociology of professions (e.g., social scientists as "double agents") (Dezalay and Garth 2016). Closer to the field of the sociology of law, scholars have highlighted the roles of lawyers who mobilize transnational networks (Grisel 2022). In parallel, scholars have pointed to regulatory intermediaries as important links between regulators and targets for compliance (Abbott et al. 2017). Legal brokers have had salience in Asia past and present; for instance, in precolonial India and Indonesia, there were "local lawyer-like role[s]" of agents who served powerful groups (Dezalay and Garth 2010, 36, 347), compradors straddled the British and Chinese empires in Hong Kong (Carroll 2005), and, more recently, bankruptcy lawyers in Indonesia, Korea, and China "negotiate" globalization via "global scripts" for bankruptcy reforms (Carruthers and Halliday 2006).

These precedents and analogues find resonance in contemporary Chinese overseas projects. On the transactional side, legal brokers include lawyers and business consultants who are key players in facilitating market entry for Chinese investors, including introducing them to relevant local partners, in our case, in Cambodia. Likewise, and crucially, legal brokers interface with Cambodian regulators and decision-makers and thereby assume liability for Chinese principals. On the dispute resolution side, legal brokers are fixers of all sorts of micro-level problems. At a more aggregate level, legal brokers preempt some of these problems by providing support to Chinese initiatives for adaptive responses to governance problems and cultures of informality.

## 3 | Data and Methodology

Our analysis is based on 10 months of fieldwork conducted in Cambodia between the years of 2019 to 2022. Co-authors were based either in think tanks or university faculties. These platforms allowed us to engage with a wide range of professionals involved in the investment industry. We conducted interviews with government officials, legal service providers, business associations, investors, their employees, academics, and advocates. Most interviewees were Cambodian nationals, although tens of overseas Chinese, American, British, and Australian nationals were also interviewed. Pursuant to strategies of conducting "elite interviews" (Harvey 2011), co-authors spent considerable time preparing for interviews and calibrating their self-presentation over time. Interviews were identified via snowball sampling (Atkinson and Flint 2003). Given the material's sensitivity, to safeguard our interlocutors' identities, we have either disclosed no identifying information or provided pseudonyms.

In total, we conducted 45 interviews, the vast majority of which were conducted in Cambodia; the remainder were conducted in Singapore or online. This set of interviews was conducted

in Mandarin, English, Khmer, or a mix of those languages. Occasionally, multiple interviewees were present. Where a co-author was interviewing in a language other than their native language, the author recorded the interview for purposes of verifying contemporaneous translation. Additional interviews were conducted virtually over secure channels. Informal conversations with others in the above groups and field observations from co-authors' collective years living and working in Cambodia complemented these discussions.

## 4 | Background

### 4.1 | The Legal Framework for Foreign Investment in Cambodia

The Council for the Development of Cambodia (CDC), a ministry-level agency—chaired by the Prime Minister and established by the 1994 Law on Foreign Investment as amended 2021 (hereinafter, Law on Foreign Investment 2021)—stands at the forefront of the process by which foreign investors may gain investment incentives, legal permits and subsidies (CDC 2022; Law on Investment 2021, art. 4). A response to international development orthodoxy that excessive red tape creates barriers to market entry and opportunities for corruption (Djankov et al. 2002), the CDC has a mandate to serve as a “one-stop service organization responsible for the rehabilitation, development and the oversight of investment activities.” (Law on Investment 2021, art. 4–5). To that end, the CDC reviews applications for and awards incentives to investors who propose qualified investment projects (QIPs). The CDC also assists investors to secure necessary licensing and permitting from line ministries and has launched a platform to connect investors with domestic suppliers (CDC, SD2 2024).

Pursuant to the CDC's review, foreign-invested projects can obtain an array of subsidies. QIPs are entitled to receive the following: nine-year profit tax exemptions; import duty exemptions for production equipment and construction materials; free purchase and remittance of foreign currencies; and free capital repatriation (Sok and Rendall 2018, 108–109). Prior to 2021, QIPs located in designated Special Economic Zones (SEZs) were additionally entitled to further subsidies (Sok and Rendall 2018, 107–109; Law on Investment 2021, art. 26).

Although the 2021 amendments allow “any person” to apply for QIP status, applicants were previously required to invest over US\$2,000,000 and refrain from operating within several industries enumerated on what is informally known as the “Negative List” (Sok and Rendall 2018, 105; Law on Investment 2021, art. 10). Further, prior to 2021, investors in sectors subject to heightened regulation, such as insurance and banking were required to “place a deposit [with the CDC] guaranteeing their investment” (Sok and Rendall 2018).

Upon receipt of promising applications, the CDC, which houses representatives from each relevant Royal Government of Cambodia (RGC) ministry, assists the investor in applying for and obtaining registration and licensing. All companies must register with the Ministry of Commerce, the General Department of Taxation (GDT), the General Department of Immigration,

and the Ministry of Labor and Vocational Training (MVL). Depending on the nature of specific projects, investors might also have to acquire approval for an environmental impact assessment from the Ministry of Environment (DFDL 2018, 18).

The CDC then reviews the application at a final monthly meeting chaired by the CDC Secretary General. As CDC Chair, the prime minister also retains the authority to approve or veto applications independently on any timeline.<sup>2</sup> If the CDC grants an application, the investor is awarded a tailored subsidy package.<sup>3</sup>

Before 2021, the CDC was required to issue decisions on applications within 45 days “of submission of the complete investment application.” The 2021 Investment Law (art. 12) requires the CDC to assess applications and issues certificates within 20 days. An internal mechanism within the CDC also allows investors to submit formal complaints regarding their experiences of any unusual or delayed aspect of their review.<sup>4</sup>

While it is possible for investors to circumvent the CDC, according to a CDC official, all “big projects” apply for QIP status: “They need the incentives, including the nine years of an income tax holiday and duty-free imports and exports, to be financially viable and competitive.”<sup>5</sup>

The foreign investment regime intersects with other bodies of law governing commerce in Cambodia, including anti-bribery law. Cambodia is a participant in the “regulation of transnational bribery” (Davis 2019, 3), having ratified the United Nations Convention Against Corruption in 2007. Cambodia is also party to ASEAN Parties Against Corruption. In terms of domestic law, the Criminal Code penalizes the receipt, solicitation, or offer of bribes, while the 2010 Anti-Corruption Law provides a comprehensive anti-bribery framework applicable to juridical and natural persons (Criminal Code, art. 594 2009; Anti-Corruption Law, art. 34 2010). Moreover, foreign investors in Cambodia are often subject to anti-corruption provisions of their home countries' regulations, which typically prohibit investors from bribing foreign officials and from engaging in related fraudulent accounting practices (FCPA 1977; UK Bribery Act, c. 23 (6) 2010).

### 4.2 | Chinese Investment in Cambodia

In recent years, China has emerged as one of the largest capital exporters of ODI in the world. Cambodia has become a significant market for Chinese investors in part because of its geopolitical position, as well as the long history of commercial and political ties between the states, dating back to the third century, when the Cambodian empire engaged in tributary missions to China (Willmott 1967, 3). Throughout Cambodian history, Chinese immigrants came to play a central role in trade, commerce, and lending, especially in Phnom Penh (Willmott 1967).

State-to-state ties only strengthened during the twentieth century, as both countries underwent socialist revolutions, during which the Chinese Communist Party (CCP) provided significant financial and military support to the Khmer Rouge (Mertha 2014). The PRC proved to be a steadfast ally even after Cambodia's post-war occupation by the United Nations and the Kingdom's

reestablishment in 1993. For instance, following a 1997 coup, Western nations suspended aid and stalled Cambodia's application to ASEAN, yet the PRC continuously provided unconditional material and political support.<sup>6</sup> Cambodia has returned such favors by, *inter alia*, siding with China in transnational fora (Chandler 2014, 290–291).

Over the past decade, surging Chinese investment has come to drive many sectors of Cambodia's economy. Following the 2013 launch of the Belt and Road Initiative (BRI), which erected new infrastructural pathways into Cambodia and provided greater access to institutional financing of Chinese overseas projects, China became Cambodia's largest foreign investor and sponsor of development assistance. As of 2020, Chinese ODI "accounted for over 56 percent of all cumulative FDI in Cambodia since 1993" (Bodurtha 2021, 6). This investment has concentrated within garment manufacturing, infrastructure construction, "luxury real-estate[,] and tourism-related investment, including casino gambling operations" (Bodurtha 2021, 6). A large influx of Chinese nationals doing business in and visiting Cambodia—at one point, totaling over one hundred thousand people—accompanied the investment boom.

Attracting FDI and Chinese ODI, in particular, was a pillar of Hun Sen's regime and remains one of his successor's (Mom 2019). Officialdom's faith in the transformative capacity of ODI, especially that from Chinese firms, has been central in the government's approach to growth and development (Mom 2019). Cambodia entered into a free-trade agreement with China to increase the economic ties between the two countries and attract investors from China in 2020.

However, despite officials' championing of foreign investment-led growth, Chinese ODI has not been without controversy. Reports attest that FDI has produced negative consequences for host communities—enriching investors and the Cambodian elite at the expense of Cambodian society and the working class (Po and Heng 2019; Ellis-Petersen 2018; Young 2020). The immediate-term disruptions to Cambodian host communities have ranged from inflation (Haffner 2020)<sup>7</sup> to an explosion of industries like gambling, an increase in crime rates (Po and Heng 2019; Ngoun 2019) and the incapacitation of local law enforcement, which has struggled to deal with a widening, internationally mobile population and powerful, newly arrived criminal syndicates (UNODC 2019).<sup>8</sup> There is also growing concern about irreparable harms, including environmental damage (Baehr et al. 2022), land grabs (Luo and Head 2023), loss of life owed to shoddy infrastructure erected during underregulated building booms (Ben 2019),<sup>9</sup> the forfeiture of vital resources and territory to foreign stakeholders, and the corruption of local institutions (Chheang and Heng 2019; Mech 2019). Concerns over these disruptions have fomented anti-Chinese sentiment among disenfranchised Cambodians, an attitude reflected in media coverage, Cambodian social media, and even recent scholarship (Ngoun 2019, 32–33).

Whether for good or ill, Chinese investment is transforming key sectors of Cambodian society, as well as Cambodian governance, as the RGC has set up additional programs or operations to court and manage Chinese investors specifically.<sup>10</sup>

The educational sector is also reorienting itself to prepare students for work involving China.<sup>11</sup> For instance, Cambodian universities have established joint programs in Chinese and Cambodian law.<sup>12</sup>

Before explaining the importance of and contradictions within these professional services, we first describe the complement to the formal regulatory system in Cambodia—an informal economy driven not by law, but by personal connections, illicit financing, and power.

## 5 | Findings

### 5.1 | Strategies of Informality

The reality of market entry and setting up a business in Cambodia can differ significantly from the formal procedures and is marked by informal, extra-legal, and even illicit behaviors. Specifically, investors use several strategies to facilitate market entry: (1) submitting bribes in exchange for legal status and security, (2) investing without any legal status, while relying on weak enforcement capacity, and (3) leveraging diplomatic assistance to facilitate investment projects through official channels.

These strategies have different relationships to the formal process. The first is often a complement to, rather than a negation of, the formal process, as bribes are used to produce paper compliance. The second circumvents the formal process altogether. The third is more ambiguous and may either work toward or bypass paper compliance. The first and third are akin to what sociologist Kimberly Kay Hoang (2022, 5) calls "playing in the gray" in frontier markets, whereas the second is closer to playing in the black. Our fieldwork demonstrated that the first two strategies were most prevalent.

Beginning with the first, for those investors that seek out legal status, the formal process described above is mostly upheld, but epiphenomenal. Instead, extra-legal and even illegal mechanisms generate momentum for a project's approval. Officials provide even basic services, such as routine permitting, almost exclusively to those who provide direct or indirect personal benefit to officials.<sup>13</sup> The type of bribe and transaction method vary, but such corruption is ubiquitous throughout investors' interactions with the RGC and dispute resolution mechanisms.<sup>14</sup>

As for the second strategy, during our fieldwork, many foreign investors bypassed registration altogether and proceeded to operate without status. Unregistered capital was pervasive, but especially prevalent in border towns featuring SEZs, such as Sihanoukville and Bavet. In Sihanoukville, newly established infrastructure and a casino boom prompted a wave of investments by Chinese firms in luxury real estate and tourism. However, a competitive race-to-the-bottom compelled the majority of investors to circumvent permitting processes, environmental impact assessments (EIAs), and safety checks. Interviewees estimated that 90% of construction projects in the city were non-compliant and violated the relevant laws (Fevre 2019).<sup>15</sup>

We next provide a closer examination of how corruption operates within these strategies.

## 5.2 | Investor Experience With the Regulatory State

It is ironic that the CDC, as the gatekeeper for investments, has gained a reputation for corruption. This culture pushes some investors into the gray. One lawyer described working with the CDC as “a traumatic experience”<sup>16</sup> and the CDC as a “corrupt organization,” one which purposefully made the QIP process cumbersome to induce the investor to hire a consultancy firm owned by the CDC Secretary General’s spouse. When investors decline consultancy services, the CDC “makes your life as difficult as possible.”<sup>17</sup> However, in exchange for hiring the consultancy, the CDC would reduce the application period from 6 months to several weeks.<sup>18</sup> Another lawyer nonchalantly acknowledged the corruption’s institutionalization:

Everyone knows if you submit documents to the CDC, you submit payments equal to double the amount of the official fee, your application will get approved. They ask for \$500? Send \$1,000.... They allege they are a one-stop service center to help investors, but they don’t do so unless investors make it worth their while.<sup>19</sup>

The opacity of the CDC’s process may lead other investors into the black and forego registration, given the costs of illicit barriers to entry. Representatives of two separate business associations serving Cambodian enterprises noted that domestic businesses experience difficulties accessing the CDC’s services, citing “unfair competition with businesses able to pay actual fees and ‘no receipt’ fees.”<sup>20</sup> The only acceptable payment method with official receipts is through law firms or consultancy firms, as they are empowered to issue receipts.

Relatedly, at the time of our fieldwork, the CDC did not keep accessible, let alone digitized records, facilitating further opportunities for corruption and diminishing public oversight over QIPs.<sup>21</sup> These practices prevailed, despite the robust subsidies offered by the public to QIPs and despite agencies’ plausible legal obligations to make such records available to the press and public. Such problems persist at other ministries as well, notwithstanding several e-government initiatives the RGC has recently undertaken (Bodurtha 2021, 12).<sup>22</sup>

A primary method for investors to recover certainty in this landscape is through paying bribes, which is perceived as one of the only reliable means of facilitating business. Investors and their legal teams acknowledge that once ‘concessions’ are made, officials demand few, if any, changes to or impose any regulatory conditions on business plans. One lawyer stated, “If investors submit documents along with extra cash, any issues the CDC has with your application are dealt with as consultative conversations and suggestions, rather than punitive and unilateral actions against the company.”<sup>23</sup>

Within other ministries as well, problems related to public integrity are pervasive.<sup>24</sup> A lawyer described how his firm’s attainment of work permits from the MLVT required a senior official with a “friendly connection to our firm” to shepherd the forms through the ministry’s “ground level”: “We do not take

shortcuts and submit everything properly like everyone else, but we need a contact to push it through.”<sup>25</sup> Another lawyer echoed, “If either you or I just walked up to the ministries and tried to apply for something, they would not know what to do with us.”<sup>26</sup> However, referrals from (paid) personal connections generate movement.

The GDT has also gained a particular reputation for arbitrary enforcement and official enrichment. For instance, the GDT has audited and levied penalties against several media companies following their publication of articles critical of the CPP.<sup>27</sup> As one source said, “Ministries and agencies are demonstrably under the direction of those on the top, and thus companies could be at risk of facing legal charges related to noncompliance for anything for which they can be charged.”<sup>28</sup>

In other words, the objective of government involvement and enforcement is perceived to be enrichment, as opposed to corporate compliance. Further, pressure for informal payments persists throughout operations. A factory office employee reported seeing ubiquitous corruption transpire in regulatory inspections: “There is corruption everywhere. When the inspector comes by, [the boss] just negotiates and explains he couldn’t achieve compliance because of extenuating circumstances. The inspector agrees to ‘let them go this time’ for a certain price. Very regular.”<sup>29</sup> As such, Cambodia is rated by Transparency International’s Corruption Index (2023) as one of the most corrupt countries in Southeast Asia (Transparency International 2023).

Given the systematic nature of these challenges, individual officials and investors have little incentive to agitate for different treatment or practices. Neither investors themselves nor Cambodian officials—who are either incapable of disrupting entrenched systems or who seek to profit from embezzlement, unofficial fees, and inappropriate ownership stakes in incoming investment projects—have an interest in upgrading governmental capacity for managing and monitoring these challenges.

## 5.3 | The Role of the Legal Profession

The legal profession occupies a liminal, but crucial role within this system—namely, managing the risks of operating in an informal system that seems to demand unlawful practices, while to varying extents, concealing investors’ engagement in such practices or laundering them into lawful business dealings. Legal brokers, as we use the term to include consultants advising on compliance matters, are key within this broadly conceived profession. While not essential in all transactions, legal brokers are deployed to engage with Cambodian officialdom during an investment project.

Legal brokers’ ethical dilemmas begin with their own entry into the profession.<sup>30</sup> As part of their accreditation process, lawyers in Cambodia are socialized into corruption. Lawyers in the country are self-governed by the Bar Association of the Kingdom of Cambodia (BAKC). According to interviewees, bar applicants must pay an unofficial fee of approximately \$30,000.<sup>31</sup> As a result of this unspoken expectation, many lawyers, even quite senior lawyers in profitable firms, forego accreditation after receiving

their degrees.<sup>32</sup> A foreign lawyer stated that they could count on one hand the annual number of candidates who become accredited without submitting such payment.<sup>33</sup> Meanwhile, the process of becoming a judge is slightly steeper, an estimated US \$50,000 payment.<sup>34</sup>

In structuralist terms, lawyers in Cambodia thus undergo a rite of passage socializing them into the realities of a system that eschews the formal rules.<sup>35</sup> This experience is not just instructive but indeed formative. After their entry into the profession, lawyers demonstrate “loyalty” rather than “voice,” and only a few “exit” (Hirschman 1972). To avoid the BAKC, many practicing legal professionals remain unaccredited and refer to themselves as “legal consultants,” as opposed to “lawyers.”<sup>36</sup> These consultants—who opt for the black rather than the gray—nonetheless do the work of legal brokers.<sup>37</sup>

Many investors use legal brokers to enter the Cambodian market, establish a legal presence, and conduct commercial transactions through such entities. Occasionally, this involves brokers concealing foreign investors’ beneficial ownership so the investor may acquire land, which foreigners are prohibited from owning.<sup>38</sup> For those investors seeking legal status and subsidies, legal brokers are often on the front line in dealing with the CDC. Many lawyers refuse to interact directly with the CDC to avoid being pressed for payments.<sup>39</sup> Such lawyers often deputize a “local counsel” or “local counsel” to interface with officials.<sup>40</sup>

Legal brokers often also possess critical political connections to officials within the regime. For instance, one lawyer, who assists with Chinese firms’ investments in Cambodia, described the importance of personal connections as follows:

Say a power company from China is looking for projects but needs someone here who can help get them the power concession from the government. There are [only] a few lawyers here with connections who can do that, like relationships with the deputy prime minister. These are not really legal services. It is more like providing service for tax audits. The tax authority targets Chinese businesses either through legal or illegal means, they have discretionary power. The tax department people may give you a fine of a few million dollars [but] which could be settled for 30K.<sup>41</sup>

Another interviewee to whom we spoke bragged about an investor’s connections to the head of the “most feared” branch of the Cambodian military, to which the firm had a “hotline” should labor riots or other issues transpire.<sup>42</sup> The same interviewee emphasized that the investor’s interests were best served when the head of security spent most of his time away from the investment site, getting meals and socializing with military officials,<sup>43</sup> which were an especially valuable currency.<sup>44</sup>

At the apex of politically connected brokers in Phnom Penh is one law firm which was founded by a relative of the prime minister. Lawyers at the firm assist investors with regulatory approval, including the QIP application process, while the

founder has come to own shares in many of their client’s companies, including several SEZs, the largest casino in Cambodia, and domestic airlines. While some become legal brokers because of their political connections, others undertake efforts to build cooperative relationships with authorities. One lawyer to whom we spoke described calling upon local officials to enforce corporate clients’ land claims.<sup>45</sup> The lawyer conveyed that, in circumstances where villagers would trespass or squat on clients’ corporate property in more rural areas, their firm has utilized a “local counsel” to obtain a court order and have police remove the villagers.<sup>46</sup> When that proved ineffective, the lawyer again dispatched “local counsel” to “talk with the local chief.”<sup>47</sup> Relationships to Cambodian officialdom—in addition to technical knowledge—are among legal brokers’ primary assets.

Legal brokers assist not only with the transactional elements of investment projects, but also with disputes, which requires interacting with either the judiciary or arbitration centers. Both litigation and arbitration are laden with requests for bribes.<sup>48</sup> Every lawyer to whom we spoke emphasized to their clients the importance of including arbitration clauses within all contracts, preferably stipulating arbitral councils outside of Cambodia.<sup>49</sup> As one lawyer stated, “I purposely and actively avoid entering into litigation in general and try to stay within corporate law. Corruption is almost inescapable in litigation.”<sup>50</sup> They acknowledged that although domestic arbitral institutions have a great deal of corruption too, there is slightly less than in the courts.

Outcomes from litigation in the courts can be reduced to which party submits a larger payment to the judge or arbitrator.<sup>51</sup> One interviewee outside of Phnom Penh shared that they wanted to pursue law as a career and a role in the judiciary, but were discouraged by their parents due to the inevitable pressures within that role to accept bribes and an eagerness to avoid association with such conduct.<sup>52</sup> As one interviewee stated, “Going to court is literally a matter of who wants to pay more money to the judge to win a case.”<sup>53</sup> One lawyer remarked how within their firm, senior lawyers formulate the “grand strategy” for litigation; then legal brokers as “local counsels” promise to execute that strategy while, in practice, passing along bribes to judges.<sup>54</sup>

## 5.4 | How Legal Brokers Conceive of Their Work

While legal brokers permit foreign investors to play both in the gray and in the black, it is their role in facilitating transactions and disputes in the former that is our principal focus. Given their involvement in navigating boundaries between formal and illicit commercial and disputing activities, legal brokers exhibit a “dual aspect” common to brokers generally, in that while they lubricate economic development, they may also facilitate corruption and even exploitation (Stovel and Shaw 2012, 140). Consequently, legal brokers’ work in Cambodia is riddled with ethical dilemmas. Many acknowledged that their “job is not to make sure a client follows the law one hundred percent,” but rather to “help the client optimize their risks and be noncompliant in ways that are manageable for the company.”<sup>55</sup> One lawyer, who services clients in Sihanoukville, some of which involve members of organized crime syndicates, uses aliases when he travels to Sihanoukville as doing so, he believes, avoids negative

reputational effects on his front-shop business.<sup>56</sup> Yet, the two-faced nature of this “obfusatory relational work” bares risks (Rossman 2014), and brokers can be burned by clients as much as by officials.<sup>57</sup>

Aware of this complexity, the legal brokers to whom we spoke rationalized their work in different, overlapping ways. While some seemingly viewed themselves as reluctant participants in a system over which they had little to no control, others justified their work as greasing the wheel of critically-needed economic growth.<sup>58</sup> Several interviewees portrayed aspects of the system as inevitable.<sup>59</sup> As one interviewee, who assisted management in an SEZ-based factory, shared, “We are just focused on surviving. If I call out corruption, it will make no difference. So what should I do?”<sup>60</sup> One lawyer stated, “When I first got here, I thought I had to change the culture, but you cannot change a widespread culture and environment like this. You have to adapt.”<sup>61</sup>

Other legal brokers rationalized their work by pointing to positive economic effects of their work in Cambodia. One broker who facilitates inbound investment from China emphasized that when his firm was established a decade prior, “a whole family’s aggregated income was \$300 per month,” but that factory-based employment was “raising the quality of life” for tens of thousands.<sup>62</sup>

Nevertheless, after interfacing with regulatory authorities over time, legal brokers also develop hardened skepticism toward institutions of governance, coming to the belief that the very purpose of regulatory oversight is to extract fees.<sup>63</sup> As one lawyer who facilitates investment from Chinese companies in Cambodia shared

It is straightforward to set up in Cambodia, but the problem for Chinese companies is dealing with the government authorities. They are investor-friendly but corrupt. Ten years ago, it cost about \$6-8,000 to set up a factory, but now it costs about \$30,000...The Cambodian government is becoming more regulatory, for example, there is a recent environmental protection law. Is the law to protect wildlife? [I think it’s] really to help certain people, that is, you must do an [EIA] which must be done by certain people and there are large fees involved.<sup>64</sup>

In a separate interview, a business executive expressed frustration at one agency’s refusal to adopt policies that would avoid waste and benefit the public, due to the illicit financial stakes that officials of that agency maintained in certain outdated modes of operation.<sup>65</sup> One lawyer, in a quite straightforward manner, compared the government to a “racket” and noted

There is a general lack of transparency, which isn’t to say that the exercise of governmental function in Cambodia isn’t arbitrary; it’s just that there are established patters of corruption, so much so that corruption ceases to have meaning—or government ceases to have meaning.<sup>66</sup>

The prevalence of these beliefs—including that illicit financing not only complements but *drives* governance—among legal brokers may contribute to that community’s distrust of public-sector institutions and eagerness to find private-sector solutions to the challenges Cambodia faces.<sup>67</sup> In this way, legal brokers may constitute a type of private order that provides functional substitutes for contractual certainty to parties operating between state-supported order and informal order (McMillan and Woodruff 2000, 2423). Yet this private order is never fully severed from official circles. Brokers may substitute informal guarantees for formal investment guarantees, but rather than the two spheres as hermetically sealed, brokers operate between these fields. There is thus a spectrum of white-gray-black activities, and investors’ activities along this spectrum are facilitated by legal brokers’ proficiencies in navigating through and across them.

For large-scale investment projects from the PRC, Chinese adaptation occasionally involved weighty, million-dollar plus donations to the much-criticized Cambodian Red Cross, a charity led by the wife of the former Prime Minister. Prominently placed, glossy photographs of such investors handing seven-figure checks to the former prime minister or his spouse decorate the entrance halls of the corporate offices of such businesses.

## 6 | Discussion and Significance

The role of legal brokers in facilitating Chinese investment into Cambodia could be an exceptional tale. It may be seen as something peculiar to the Sino-Cambodian relationship, an effect of an aberrational arrangement. To the contrary, we view legal brokers or analogous roles as having salience in a wide range of transactions across a vast geography, including not just developing states and emerging economies, but also Global North markets, too. To make this broader argument, we juxtapose our findings with two theories explaining the relationship between informality and formality in business transactions.

The first is the idea of the relational contract, which derives from contract theory, and the second is *guanxixue* or the study of *guanxi* or “social ties,” which has its origins in Chinese studies. We argue that the conceptual affinities between legal brokerage, on the one hand, and relational contract and *guanxi*, on the other, open a wider field of inquiry beyond what may otherwise be perceived to be particularities of Sino-Cambodian deals. In so doing, we acknowledge that legal brokers significantly add to these theories. Lastly, with this wider purview in mind, we return to the topics which initiated our inquiry, namely, lawyering and compliance in developing countries and Chinese law and development.

To begin, while there are a number of conceptual antecedents for legal brokers—among them, legal pluralism, the role of peripheral elite in empires, and compradors—two stand out as particularly relevant: relational contract theory and *guanxixue*. Taking these in turn, relational contract theory holds that, contrary to classical or “neo-classical” definition of contracts which emphasize parties’ interests at the time of formation, contracts are fundamentally about ongoing relationships (Macneil 1985). After finding that businesspeople preferred to rely on “a man’s

word,” handshake, or “common honesty and decency” even in high-risk transactions, Stewart Macaulay opined that interpersonal bonds could supersede formal, legally enforceable agreements (1963, 58). In Macaulay’s analysis, relationships substitute for contracts, and business relations may endure despite a lack of “rational planning” and “formal sanctions” (1963, 56). Subsequent researchers have confirmed that relational contracts are embedded in everyday business operations throughout the world (Bernstein 1992; Baker et al. 2002; Campbell 2014; Ling et al. 2014; Nwajei 2021).

Relational contract theory partially explains the conditions under which legal brokers attain importance. Legal brokers operate in settings where relationships, in our case, that between Chinese investors and Cambodian partners, are often prioritized over other considerations including observance of formal law. Legal brokers often operate in such contexts, side-stepping formal requirements in establishing and maintaining relationships between investors and regulators or foreign parties and Cambodian ones. Yet there are two ways in which the relational contract comes up short in explaining legal brokerage. First, relational contract theory—a dyadic model rather than a triadic one<sup>68</sup>—curiously excludes third-party intermediaries. Relational contract theory assumes some degree of pre-existing affinity (occupational, ethnic, linguistic), which unites the parties. In the case of legal brokers, the parties may not know each other and may lack such affinities. Legal brokers can nonetheless suture over this “structural hole” (Burt 2005, 18). Second, certain versions of relational contract theory are static in assuming informal bonds of trust endure and in emphasizing informality to the exclusion of formality. But legal brokers spotlight how informal, if illicit, ties are rendered formal and (seemingly) lawful through labor. As opposed to a static model, legal brokers are transformative.

A very different theoretical orientation explaining the relationship between informality and formality is *guanxixue*. *Guanxi* is widely regarded as the ties that bind Chinese society making political advancement and business success possible (Smart 1993; Yang 2002; Osburg 2013). In a classic treatment of the topic, anthropologist Mayfair Yang explains that *guanxixue* is the study of “the exchange of gifts, favors, and banquets; the cultivation of personal relationships and networks of mutual dependence; and the manufacturing of obligation and indebtedness” (1994, 6). While some have conceptualized *guanxi* as opposed to formal law (Kennedy and Stiglitz 2013), other scholars have suggested the relationship is complementary (Potter 2002). Complementarity better describes the role of legal brokers in converting illicit capital, practices, and relationships into licit ones. Legal brokers spotlight how *guanxi* and law are more fairly viewed as iterative instead of exclusive. Moreover, *guanxixue*’s spotlighting the role of *zhongjieren* (middleperson) corrects relational contract theory’s dyadic lens.

Yet *guanxixue* only explains so much of legal brokers’ role as linchpins of compliance in the context of Chinese-Cambodian business because *guanxi* is traditionally understood to be a distinctly Chinese phenomenon. To the extent *guanxi* is transnational, it tracks the Chinese diaspora (Ong 1999). Understood in cultural terms, *guanxi* may have limited purchase on relationships between Chinese and non-Chinese. Put another way, in

the context of “Global China,” is *guanxi* cross-cultural? Recent studies suggest that *guanxi* is a fixture in Chinese ODI, including in such contexts as African states, where, because of *guanxi*, “best friends do get along and trust each other even in controversial and risky settings” (Ado 2020, 86). Hence, despite cultural differences, *guanxi* may operate across cultural divides. Arguably, this gap is smaller in the context of Sino-Cambodian business wherein legal brokers create bridges between Chinese and non-Chinese, building on familiarity with Chinese *guanxi* practices and thereby addressing structural gaps.

For Chinese approaches to law and development, it is clear that legal brokers are one type of middleperson that facilitates Chinese ODI. It is probable that there are different types of legal brokers in different jurisdictions or regions. Whereas elsewhere in Southeast Asia or Central Asia, there may be ethno-linguistic characteristics to legal brokers servicing Chinese capital, the same cannot be said for Africa, Latin America, or elsewhere where the Chinese diaspora does not have the same footprint. In these regions, local lawyers or fixers may assume such roles, some of whom have Chinese language skills and familiarity with Chinese business culture (see Driessen this special issue). Alternatively, there may be early Chinese migrants who have localized by adopting aspects of the host society’s language, norms, and culture.

If legal brokers are a helpful (if not necessary) element of the Chinese approach, then what does their role portend for legal development in their states? On the one hand, our study has shown that legal brokers deal in transactions and disputes in the gray or black, engaging in bribery and corruption. These behaviors, though widespread and normalized, can create significant harms, including increased institutional inaccessibility (i.e., the inability of firms, domestic and foreign, to gain institutional recognition and benefits via legal means),<sup>69</sup> widespread negligence of duty by government apparatuses, and the operationalization of risky, unsustainable, and, occasionally, exploitive investments in Cambodia.<sup>70</sup> In the aggregate, these behaviors can erode institutional integrity, especially in a weak legal system, or stymie its professionalization and development. Generally, in developing countries, a high level of informality in the economy produces deleterious effects both on growth and regulatory compliance itself, as businesses that operate outside the law and regulatory supervision are rewarded in the form of limited rent collection and heightened growth potential (Blanc and Ottimofiore 2021, 162–163).

On the other hand, it is not necessarily a given that legal brokerage is a negative for a developing justice system. The relational contract literature is clear on this point: Informality does not have to militate against legal formalism; rather, it can persist alongside it. Even *guanxixue* suggests that social ties can be an asset to be utilized to serve interests within a larger (formalized) system (Potter 2002, 183). Moreover, the negative outcomes of excessive informality may be the springboard for regulatory improvements. Despite deploying non-interventionist discourse, some PRC firms have sought to creatively implement capacity-building and whistle-blowing programming.

One program aimed to reduce corruption within a SEZ that has close ties to both the Cambodian and Chinese governments and hosts 165 factories.<sup>71</sup> A broker working on behalf of the SEZ

organized a meeting with the provincial governor, who passed along the contact information of several people within his administration who could be contacted by factories in the event that a police officer or lower-level official requests a bribe. The SEZ broker also helped organize an anti-corruption training by Cambodia's Anti-Corruption Commission for over a hundred people, including Cambodian officials, within the SEZ's facilities. The broker shared that they were "pleased" to have the local government's cooperation on this front, as "improvements to the rule of law" would significantly ease investor's work.<sup>72</sup> These efforts suggest a move toward an obliquely interventionist approach that supports better legal and regulatory institutions in host states of Chinese capital. Nevertheless, questions of sustainability and commitment remain.

## 7 | Conclusion

Legal brokers make compliance possible in emerging economies like that of Cambodia. Yet it is a type of compliance that is often more sham than real, and operates, ultimately, to perpetuate entrenched power, in this case, that of corporate and official interests, a fact to which Chinese investors must adapt. Legal brokers are not remarkable; they abound. Recalling Pistor's elite Anglo-American lawyers, while the architects of global capitalism, they are also a type of legal brokers. New York City and Sihanoukville may be less incommensurate jurisdictions and more different ends on the same spectrum. Brokers at both ends are coding capital and rendering its appearance "legal" akin to sociologist Lauren Edelman's notion of "symbolic compliance" (Edelman 1992, 1532).<sup>73</sup> Yet, the nature of their codework differs. There is, arguably, greater grayness in the work of legal brokers operating in frontier markets, yet the consequences of the activities of legal brokers operating in any market may be variations on a theme. While law may never attain full autonomy from power anywhere, in certain systems more than others, legal brokers can exploit institutional weaknesses to perpetuate power to the detriment of law.

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### Acknowledgments

This work is part of the "China, Law and Development" (CLD) project, funded by the European Research Council under the European Union's Horizon 2020 research and innovation program (Grant No. 803763). The views expressed herein do not reflect those of the authors' employers.

### Conflicts of Interest

The authors declare no conflicts of interest.

### Data Availability Statement

Research data are not shared.

### Endnotes

<sup>1</sup> In a recent survey of 1700 employees in large organizations working in 21 emerging market countries, one-third (32%) of respondents say that bribery and corrupt practices represent the greatest threat to long-term business success (Ernst and Young 2021, 3).

<sup>2</sup> Interview by Author, Director of Public Relations, CDC, 12.19.2019.01. Our notation format for interview sources is month-date-year-number of interview (for that date).

<sup>3</sup> Interview by Author, Director of Public Relations, CDC, 12.19.2019.01.

<sup>4</sup> Interview by Author, Director of Public Relations, CDC, 12.19.2019.01.

<sup>5</sup> Interview by Author, Director of Public Relations, CDC, 12.19.2019.01.

<sup>6</sup> Chandler 2014 (Page 290–291).

<sup>7</sup> Interviews, 01.18.2020.02.

<sup>8</sup> Interview, 06.03.2020.01.

<sup>9</sup> Interview, 12.03.2019.01; Interview, 01.20.2020.01.

<sup>10</sup> For instance, the CDC has special reception facilities for Chinese delegations and a satellite office within the corporate property of an SEZ owned by a Chinese firm.

<sup>11</sup> Interview, 02.25.2020.01.

<sup>12</sup> Interview, 12.20.2019.01.

<sup>13</sup> Interview, 11.29.2019.01.

<sup>14</sup> Interview, 11.22.2019.01.

<sup>15</sup> Interview, 12.03.2019.01.

<sup>16</sup> Interview, 12.02.2019.01.

<sup>17</sup> Interview, 12.02.2019.01.

<sup>18</sup> Interview, 12.02.2019.01.

<sup>19</sup> Interview, 01.20.2020.01.

<sup>20</sup> Interview, 01.17.2020.01; 02.24.2020.01.

<sup>21</sup> Communication via Telegram, from CDC Official, 12.20-21.2019.

<sup>22</sup> Interview, 12.02.2019.01.

<sup>23</sup> Interview, 01.20.2020.01.

<sup>24</sup> Interview, 12.02.2019.02.

<sup>25</sup> Interview, 12.03.2019.01.

<sup>26</sup> Interview, 11.29.2019.01.

<sup>27</sup> Interview, 12.04.2019.01.

<sup>28</sup> Interview, 12.04.2019.01.

<sup>29</sup> Interview, 02.23.2020.02.

<sup>30</sup> In foregrounding ethics, we do not wish to reproduce a focus on what may otherwise be perceived to be Global North practices of good lawyering. Instead, we note that professional ethics are an increasing focus of governmental bureaucracies the world over, transcending East/West or authoritarian/democratic regimes (Cohen 2023).

<sup>31</sup> Interview, 12.02.2019.01; Interview, 12.03.2019.01.

<sup>32</sup> Interview, 08.03.2020.01.

<sup>33</sup> Interview, 12.02.2019.01; Interview, 12.03.2019.01.

<sup>34</sup> Interview, 12.02.2019.01.

<sup>35</sup> Legal scholar Rachel Stern (2016) has also written about lawyers' rite of passage in nondemocratic settings.

<sup>36</sup> Interview, 12.03.2019.01.

<sup>37</sup> Interview, 11.06.2019.01; Interview, 01.22.2019.01.

<sup>38</sup> Interview, 10.14.2019.01; Interview, 11.07.2019.03.

<sup>39</sup> Interview, 11.22.2019.01; Interview, 12.02.2019.01.

<sup>40</sup> Interview, 11.07.2019.03; Interview, 11.22.2019.01.

<sup>41</sup> Interview, 11.06.2019.01.

<sup>42</sup> Interview, 02.12.2020.01.

<sup>43</sup> Interview, 02.12.2020.01.

<sup>44</sup> As one interviewee stated in regard to a provincial business tycoon for whom they worked, "he has many powerful friends, including generals." Interview, 02.20.2020.01.

- <sup>45</sup> Interview, 11.29.2019.01.
- <sup>46</sup> Interview, 11.29.2019.01.
- <sup>47</sup> Interview, 11.29.2019.01.
- <sup>48</sup> Interview, 02.24.2020.01.
- <sup>49</sup> Interview, 11.07.2019.03; Interview, 11.22.2019.01; Interview, 11.29.2019.01; Interview, 12.02.2019.01; Interview, 12.03.2019.01.
- <sup>50</sup> Interview, 11.22.2019.01.
- <sup>51</sup> Interview, 12.02.2019.01.
- <sup>52</sup> Interview, 02.24.2020.01.
- <sup>53</sup> Interview, 11.22.2019.01; Interview, 12.02.2019.01; Interview, 02.24.2020.01.
- <sup>54</sup> Interview, 11.07.2019.03.
- <sup>55</sup> Interview, 02.20.2020.01.
- <sup>56</sup> Interview, 11.16.2019.01.
- <sup>57</sup> On this broader point see Darrell J. Steffensmeier's (1989) account of the fall of "Sam Goodman," a fence who dealt in stolen goods.
- <sup>58</sup> Legal scholar Kevin Davis observes, "people accused of paying bribes often complain that they are victims rather than perpetrators of crime... [and that] the real perpetrators are the public officials who use the power of their office to extract bribes" (2019, 104–105).
- <sup>59</sup> Interview, 01.20.2020.01.
- <sup>60</sup> Interview, 02.23.2020.03.
- <sup>61</sup> Interview, 01.20.2020.01.
- <sup>62</sup> Interview, 01.16.2020.01.
- <sup>63</sup> Interview, 12.02.2019.01; Interview, 02.20.2020.01.
- <sup>64</sup> Interview, 01.22.2019.01.
- <sup>65</sup> Interview, 02.12.2020.01.
- <sup>66</sup> Interview, 08.03.2020.01.
- <sup>67</sup> Interview, 02.24.2020.01.
- <sup>68</sup> Pursuant to the legal sociology of Martin Shapiro, one which is predicated on the role of triads in dispute resolution (1981:1), legal brokers, while mostly engaged in transactional matters are not unknown to assist in dispute resolution.
- <sup>69</sup> Interview, 02.24.2020.01.
- <sup>70</sup> David Hutt. "The Bigger Problem Behind Cambodia's Building Collapses." *The Diplomat*. <https://thediplomat.com/2020/01/the-bigger-problem-behind-cambodias-building-collapses/> (January 9, 2020). *Underwater: Human Rights Impacts of a China Belt and Road Project in Cambodia*. Human Rights Watch. (August 10, 2021), <https://www.hrw.org/report/2021/08/10/underwater/human-rights-impacts-china-belt-and-road-project-cambodia>.
- <sup>71</sup> Interview, 01.16.2020.02.
- <sup>72</sup> Interview, 01.16.2020.02.
- <sup>73</sup> Our analysis extends Edelman's pathbreaking work from its focus on organizations' behavior (see also Edelman et al. 1999) to that of a "field" to use Bourdieu's term, that is, Chinese investment into Cambodia.
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