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POLITICS OF THE ADMINISTRATIVE LITIGATION SYSTEM IN CHINA

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ABSTRACT

In this dissertation, I study the administrative litigation system of China because without a national-level election or freedom of expression, filing a lawsuit is one of the few ways that Chinese citizens can influence their political authorities. However, the system is fundamentally controlled by the regime, not independent from politics. Under such circumstances, I ask what political roles this administrative litigation system plays in China as an authoritarian state, both for the leadership and for the public.

I argue in the first part of the dissertation that the authoritarian leadership controls public dissent through the administrative litigation system. Specifically, I show that when the citizens' challenges against the government are non-threatening, then the regime is likely to adopt concession, but when the challenges are potentially threatening, then the regime adopts repression. I further show that China allows the state-controlled media to cover administrative disputes in the court to signal such a threshold of acceptable challenges against the state. In the second part of this dissertation, I turn to the citizen-side stories and argue that despite knowing that they are not likely to win against the government and that there might be political retaliation from the government, some Chinese citizens still want to sue their government because they want to face their administrators and teach them about their wrongdoings. I provide evidence for my arguments in two ways. First, I analyze my original quantified dataset from the entirety of all administrative rulings published in China between 2014 and 2018. Second, I provide interviews from my fieldwork in China.

This dissertation contributes to the field of comparative politics by studying the administrative litigation system, an under-examined topic within quasi-democratic institutions. The dissertation also brings individuals living under authoritarian rule to the center of scholarly attention alongside the leadership by including both state- and citizen-side stories. It further includes analysis of a new dataset. At the same time, it provides rich dialogues and context recorded from my fieldwork interviews.

CHAPTER 1

INTRODUCTION

1.1 Dissertation Summary

In this dissertation, I study the administrative litigation system of China because without a national-level election or freedom of expression, filing a lawsuit is one of the only ways that Chinese citizens can influence their political authorities. Yet, the system is fundamentally controlled by the regime, failing to meet the criteria of a liberal democratic rule of law. Under such circumstances, I ask what political roles the administrative litigation system plays, both for the authoritarian leadership and for the public.

I argue in the first part of the dissertation that an autocrat uses quasi-democratic institutions both for concession and repression, depending on the level of threat from the public. In the first empirical chapter, I analyze my original dataset on China's administrative lawsuit cases and demonstrate that when disputes are about minor issues such as traffic fines and mistakes in government paperwork, the chance for citizens to prevail over the government in a trial increases. However, when the disputes are about sensitive political challenges such as those against the family planning policy and law enforcement that involve high-level administrative agencies, then the government has an overwhelmingly high possibility of winning against citizens.

In the second empirical chapter, I further show that the Chinese leadership allows the media to cover disputes between the government and citizens in the court – a seemingly self-defeating choice – to signal such a threshold of acceptable challenge against the state. I compare the entire corpus of administrative rulings published in China with the administrative cases that are covered by the media and find that the state-controlled media reveals to the public that tolerable types of administrative lawsuits can be resolved in the people's favor. However, it simultaneously insinuates that repression will be enacted when litigation

is potentially regime-threatening. This “signaling” effect of the state media is particularly important nowadays when citizens under authoritarianism already have access to alternative information sources and are aware that state-controlled information is biased.

In the second part of this dissertation, I turn to the individuals living under authoritarian rule — who are often neglected in the literature. From my fieldwork interviews, I discovered a heretofore underexplored puzzle that Chinese citizens still want to file administrative lawsuits despite the low expectation of winning or the possibility of political retaliation from suing the government. I unravel this puzzle by arguing that the people’s desire to make their voices heard trumps these obstacles. Specifically, the litigants want to face their administrators and admonish them for their wrongdoings. Unlike other dispute resolution methods available under authoritarian regimes, an administrative tribunal provides procedural justice because administrators are summoned to sit and listen to litigants. Using this rare opportunity, citizens strive to attain their right to be heard.

Empirically, I employ statistical methods to analyze my original quantified dataset, the Administrative Lawsuits Dataset. With support from American Political Science Association through the Doctoral Dissertation Research Improvement Grant, I led a team of a computer scientist and two coders to parse text from more than one million administrative rulings published in China since 2014. The dataset features a machine-learning-based variable that classifies administrative disputes into 22 types that well-reflect the authoritarian political context of China. Beyond my dissertation, this dataset has vast potential to advance the fields of authoritarianism, law and politics, and quantitative methodology. My fieldwork interviews with Chinese citizens who experienced administrative disputes also support my claims in the dissertation. This fieldwork was supported both by the Center for East Asian Studies at the University of Chicago through the Pre-dissertation Research Grant and by the University of Chicago Center in Beijing through the Graduate Student Residency Funding.

My dissertation contributes to the field of comparative politics by studying the adminis-

trative litigation system, an under-examined topic within quasi-democratic institutions. The dissertation also brings individuals living under authoritarian rule to the center of scholarly attention alongside the leadership by including both state- and citizen-side stories. It further includes analysis of a new dataset that has vast potential to advance the fields of authoritarianism, law and politics, and quantitative methodology. At the same time, it provides rich dialogues and context recorded from my fieldwork interviews with Chinese citizens who have experienced administrative disputes.

1.2 China's Legal System

To provide background knowledge, this section summarizes the existing literature on the development and limitation of China's legal system.

1.2.1 *Legal Reforms*

The post-Mao legal reforms in China resulted in a great development of its legal system. During the Mao era, especially during 1957-66 with the anti-rightist campaign, the Great Leap Forward, and the Cultural Revolution, China was under a rule-by-man system where the charismatic individual almost exclusively monopolized the decision-making power. Consequently, mass mobilization campaigns, party policies, and the military were prioritized over the legal institution. That is, law and regulation were forced to be flexible enough to better reflect and implement the central policy, and legal dispute resolutions should have contributed to mobilizing popular support for the regime [Lubman, 2000, p. 72]. For example, the mediation process during the Mao era was politicized in that the mediators were required to teach proper political attitude and propagandize state policies to the parties, rather than to actually settle the disputes [Lubman, 2000, pp. 46-63]. Also, Mao's ideological fervor dominated criminal legal processes by punishing the "enemy" according to law, and the Chinese Communist Party (CCP, or the Party) deeply intervened in determining the

outcomes of court cases [Peerenboom, 2002, pp. 44-46]. In this regard, it is not surprising that legal professions were replaced with politically proper and reliable people [Lubman, 2000, p. 73].

Post-Mao legal reforms were promoted roughly from the 1980s when the party officially endorsed the concept of “rule the country in accordance with law (依法治国).” The following 1999 amendment reflects the ruling elites’ decision to reduce the party’s influence in daily governance [Peerenboom, 2002, p. 61]. Behind such a bold departure from Maoist politics were the challenges from the economic reform that could not be handled with the existing state institutions. The state needed to regulate a growing number of extra-plan transactions; limited regulations on property rights made foreign investors feel insecure; abrupt social changes derived from economic reform engendered discontent and crimes among the citizens and corruption among local officials; and growing “local state corporatism” made it necessary to solve the patron-client relationship between the central and local governments [Lubman, 2000, pp. 103-120]. The first step taken in the development of a legal system was to legislate. Most of the early-stage law-making efforts were focused on regulating economic transactions. Meanwhile, the promulgation of the administrative litigation law (ALL) was ground-breaking in that, though within a limited scope, it allowed the citizens to sue the state. Other than legislation, legal reform has been implemented through a growing emphasis on legal education, and legal dissemination (CITE).

1.2.2 Limitations

Nonetheless, not all of the reminiscent of the legal system in the Mao era disappeared in today’s China. Until recently, courts were utilized to implement campaign-style national policies such as the campaign against crime [Lubman, 2000, p. 133]. For example, Chongqing’s “smash black” campaign led by Bo Xilai is famous for neglecting due process and judicial independence, deciding on criminal cases with political considerations rather than with legal

ones [Yang, 2017, p. 47]. Also, some scholars contend that corrupted politicians are often investigated and punished in a way that is similar to the sanctioning process in the Mao era.¹

The ALL, which is intended to enhance government efficiency rather than to limit the central state authority, also shows the limitation of the Chinese legal system. Although the ALL allows citizens to resist certain state agencies' specific unlawful (in)actions, people cannot request abstract political rights such as freedom of rally through litigation or request Constitutional review [Peerenboom, 2010, pp. 13–16]. Moreover, the ALL is generally understood as to make low-level officials act in accordance with the central authority's preference, but not to constrain the central authorities themselves [Ginsburg, 2008]. Indeed, Party organizations or the State Council cannot be the defendant in an administrative lawsuit. Relatedly, Wang [2014] argues that the law in China has been developed intentionally for the purpose of attracting foreign investors who are organized, have valuable and mobile assets, and are not politically connected. In other words, a politically-driven administrative litigation system cannot be developed to the point that it would challenge the regime because the regime did not intend so from the beginning. Under Xi, the Chinese legal system is continuously serving the purpose of economic growth and controlling lower-level officials. Specifically, laws are contributing to the development of property rights and to the enlargement of foreign investment [deLisle, 2016]. As such, China's legal system remains a typical example of an authoritarian legal system – among the motivations of an authoritarian state to establish judicial institutions are to facilitate trade and investment and to strengthen administrative compliance [Ginsburg and Moustafa, 2008, pp. 7–10].

Administrative litigation that is intended to curb administrative arbitrariness does not seem to be a strong weapon for ordinary people. O'Brien and Lee [2005, pp. 31–45] shows that the Chinese judicial system remains deeply embedded in politics, especially when it comes to

1. For example, see [Zhu and Zhang, 2016].

administrative litigation. It is widely recognized as being limited in giving ordinary people enough power to resist state authorities. Especially in the countryside, the weak economic situation makes it harder to allure competent legal professionals, for courts to be independent of local governments, and for villagers to afford litigation fees. In addition, local officials often intervene in lawsuit cases that are politically sensitive. They would first prevent people from staging lawsuits by detaining them or by threatening lawyers not to assist potential litigants. Even when citizens succeed in filing lawsuits, officials would detain the litigant or force the judges to make complaints lose, or drop the case.

These limitations of the administrative litigation system are caused by a fundamental problem: Courts are not free from the influence of the Party and the state in China. After the separation of the Political-Legal Affairs Commission (PLAC) secretaries and police chiefs in 2010-2015, it became less frequent for the party to involve directly in the outcome of particular cases [Yang, 2017]. However, the structural settings still let the party exerts its influence in the areas of ideology, policy, and personnel matters [Peerenboom, 2002, pp. 302–309]. Usually, Party interventions are done through the PLAC, which includes the deputy party secretary, the president of the court and procuracy, and the heads of various ministries and bureaus. The PLAC as a department is at each level, and they answer to the Party Committee at the same level and the PLAC at the next highest level. In addition, Judicial appointments and promotions are, in fact, approved by the Party Organization Department, even though the Judges Law stipulates that People’s Congress at the same level elect the president of the court and the president nominates the vice president, members of the adjudicative committee, and division (vice-)chiefs. Internally, the Party Group constitutes the most authoritative entity within the court [Peerenboom, 2002, p. 302]. This group is headed by the highest or second party official and is responsible for ideological work, policy dissemination and implementation, and supervision and punishment of party personnel for violations of party discipline. The Party Institutional Organ and Party cells take instruction

from the Party Group and handle day-to-day issues [Peerenboom, 2002, p. 303].

Interference from local government officials is even more frequent, as can be seen from the aforementioned government interference with the administrative litigation process [O'Brien and Lee, 2005]. The most fundamental reason for such interference is that local courts have been funded by the same level of government. Therefore, the courts in poorer areas suffer more from limited judicial independence than those in rich areas. Furthermore, according to He [2009, pp. 470–472], in Hunan, local courts that suffer from financial difficulties impose fees on litigants that are 5 to 12.4 times higher than the regulation allows. As a result, the annual number of lawsuits filed in Hunan had been no more than about 1,000 cases per year. Yet, it should be noted that the limited independence of courts vis-a-vis government has become better with an increased amount of court budgets and the centralization of court funding [Peerenboom, 2010, p. 75].

Given the limited independence of Chinese courts from political influence, it is not surprising that courts are relatively weak compared to other state organs. For instance, courts do not have the authority to overturn any type of legislation on grounds of unconstitutionality or even to overturn lower-level legislation that is inconsistent with superior legislation other than the Constitution. The power of constitutional supervision resides in the National People's Congress (NPC) and NPC Standing Committee – there is no independent constitutional review body, and the NPC oversees itself [Peerenboom, 2002, p. 259]. Second, the Constitution, the Law on Legislation, and organic law give the State Council and administrative agencies, local people's congresses, and local governments vaguely delineated inherent authority to legislate. In addition, ministries and commissions subordinate to the State Council, local governments, and people's congresses also have the authority to pass and issue legislation [Peerenboom, 2002, p. 242]. Consequently, the courts have a severely circumscribed law-making power compared to other common-law precedent-based legal systems. In addition, the Supreme People's Court (SPC) has the power to interpret the law

only in specific applications of laws; Interpretive power is divided between the SPC and the Supreme People's Procuratorate [Lubman, 2000, p.145].

1.2.3 Developments

Despite the aforementioned limitations, there are several recent developments in the Chinese legal system. Laws and legal professions are becoming more and more independent from political intentions and influences, and the central authority does not monopolize the legal system anymore.

First, laws are not absolute political tools, and they are used to regulate diverse social interactions. For instance, although with several limitations, the administrative litigation system still forces local officials to act in accordance with the law. Within limited circumstances, people are now increasingly making the use of law to legitimize their requests to state agents.² In addition, unlike in the past where laws merely confirmed and publicized policy decisions, a growing number of legislation now proceed government policy.

Second, judicial officials are becoming more and more professionalized, which in turn contributes to less political interference in judicial decision-making. During the Mao era, legal professions were considered to serve the government as a part of the state. Even during the early reform era (1980-96), lawyers worked in state-owned law advisory offices that were financed by the state. Yet, the Lawyers Law 1996 encouraged verified forms of law firms, including cooperatives and partnerships. In addition, the Judges Law provides the judges with the right to be free from external influence. Thereafter, few judges have been prosecuted or put under administrative sanction. Furthermore, when it comes to judicial appointments, merit-based criteria are highly emphasized, and a greater role has been given to the higher-level courts in the decision-making process [Peerenboom, 2002, 2010]. Legal education level among judicial professions also has improved, although highly competent professionals are

2. Author's interview

concentrated in urban areas [Peerenboom, 2011]. As a result of such changes, the percentage of PLAC secretaries with legal education is now increasing [Yang, 2017]. Furthermore, the workload of the legal professions has decreased due to the greater use of streamlined trial procedures and the division of functions among judges [Peerenboom, 2010, p. 74].

Furthermore, as mentioned above, Party intervention is becoming less frequent and less direct. Party may still directly intervene in political cases that impose a great threat on the regime as it was in the Falun Gong case. However, except for such rare cases, even politically sensitive cases that may affect socio-political stability, economic growth, China's position in the world and international reputation, or the broader public interest, the CCP is now less likely to exercise its influence on them directly.³

Finally, legislation is not an exclusively top-down process anymore, because now broader members of society make inputs. For instance, the NPC delegates, specialized committees, and outside experts including academics have been given more opportunities to review and comment on proposed legislation [Peerenboom, 2002, pp. 242–245]. Even ordinary people are able to participate in reviewing draft legislation [Truex, 2014], although it is uncertain if those inputs actually result in meaningful change, especially when it comes to a politically sensitive issue [Rosenzweig, 2013].

1.3 Administrative Dispute Resolution in China

Within China's legal system, this dissertation focuses on the administrative litigation system. Therefore, this section explains the disputes between citizens and administrators in China, and how people resolve such disputes.

An administrative dispute between a citizen and a government agency in China can take various forms. It could arise from a simple mistake by a government official while creating a marriage certificate, a dispute over the amount of penalty imposed on a citizen by the police

3. Author's interviews

for violating a traffic law, or as serious as a dispute from a land requisition or demolition by the government or over recognition of an industrial accident. When Chinese citizens are dissatisfied with administrative actions, they have options to petition through the Letters and Visits system (*Xinfang*), apply for administrative reconsiderations (*Xingzheng fuyi*), or file administrative lawsuits. Informally, people would try talking to the administrators directly, or through a third party. More political actions that people would take include reporting the administrators to the media or protesting publicly.

The Letters and Visits system has a long history since 1951. Now, Letters and Visits bureaus are rooted in almost every Chinese government organ.⁴ The bureaus receive a wide range of issues from society, including but not limited to the ones that administrative tribunals also cover such as complaints, opinions, and suggestions about public services and government affairs [Minzner, 2006, p. 122]. Citizens petition through various channels, including phone calls, emails, and faxes [Minzner, 2006, p. 123]. Upon receiving a petition, the bureau usually refers the case to the next-level government agency or a relevant department or recommends the petitioner to file a lawsuit.⁵ If the petitioner were to remain unsatisfied, then they could bring the case to an even higher agency, such as a provincial- or national-level government agency, in a process called *Shangfang*. Petitioning remains a popular option for many Chinese citizens even after the introduction of the litigation system. Many of the aforementioned features, including people's long-lasting familiarity with the system, high accessibility, simple methods, and a broader range of covered complaints, may have contributed to the popularity of the Letters and Visits system.

An administrative reconsideration can be considered a pre-stage before formal administrative litigation. In order to reduce the burden of the court and to provide a less complicated and less time-consuming dispute resolution method to the people, a higher-level administra-

4. See, for example, [Minzner, 2006] for the research on Letters and Visits.

5. Author's interview with a former employee at a Letters and Visits office, OE-S4. Also, see, [Minzner, 2006, p. 117].

tive agency reviews the administrative actions committed by the potential defendant under the Administrative Reconsideration Law [Yang, 2018]. Except for a few circumstances where the reconsideration is mandatory, a potential litigant can choose whether or not to apply for an administrative reconsideration before going to court (Article 44 of the ALL).

A citizen may try to draw attention to their dispute from the society and from the central government by reporting the incident to the media. Upon receiving the socio-political pressures, local administrators may facilitate negotiation with the citizens. In the past, people relied on local news outlets [Zhao and Sun, 2008]; these days, social network platforms such as Weibo have become a more popular medium to expose local issues despite state censorship.⁶ Social media also connects citizens to plan out real-life collective actions [Zhang and Pan, 2019]. Yet, taking part in a protest, let it be small or large-scale, is becoming more and more risky and uncommon nowadays because of the growing control over grassroots activism under Xi Jinping [Fu and Distelhorst, 2018].

Administrative lawsuits have become an open venue to the public since 1989, when the ALL was promulgated.⁷ Since the 1980s when China began to adopt legal reforms, laws were created to regulate economic transactions, administrative actions, and everyday incidents [Peerenboom, 2002]. Even though the initial purpose of the reforms was to deal with the challenges from the economic opening up and to allure foreign investments, the reforms were later expanded to the political realm [Lubman, 2000, deLisle, 2016]. Arguably, the millstone legislation in the political realm is the ALL. The ALL stipulates that Chinese citizens can sue the government upon the latter's infringement of the former's lawful rights (Article 2) and that citizens have equal legal status with the government (Article 8). Based on this law, people who experience administrative disputes are now given an alternative option for

6. Author's interviews with OE-D1 and OE-D3.

7. Though without a formal law, lawsuits against the government for administrative decisions were possible in the 1980s because China was experimenting with the ALL. See [Chen, 2008] and [Kinkel and Hurst, 2011].

a resolution.

As such, three actors in the Chinese administrative litigation system are frequently mentioned in this dissertation – the central (Party) leadership, government agencies, and ordinary citizens (or the general public). The central (Party) leadership of China has the strongest decision-making power over national policy. Hence, in the context of this dissertation, the central leadership is considered a group of major “architects” of the administrative litigation system. National-, provincial-, prefectural-, and county-level government agencies are potential defendants if administrative lawsuits were to be filed. Ordinary citizens as administrative litigants are the focus of this chapter, and they are defined as litigants who are not prosecutors or corporations.

CHAPTER 2

ARGUMENTS, DATA, AND METHODOLOGY

2.1 Arguments and Contributions

The development and limitation of the administrative litigation system of China raise two related questions that are at the core of this dissertation. First, why does China allow its citizens to challenge the government? Second, despite many challenges in filing an administrative lawsuit, why do Chinese citizens continue to sue their administrators? As the questions suggest, I am interested in examining China's state-citizen relations by studying their dispute resolution process.

As to the first question, the existing studies have provided two explanations. First, Ginsburg [2008] and Gallagher [2017] argue that the ALL is a tool for the Party leaders to resolve the principal-agent problem, by mobilizing citizens to pressure government officials to comply with the laws and regulations set by the Party. Wang [2014] implies that the administrative litigation system in China is a window-dressing to show off the Party's democratic-ness in political areas – The Party would only respect the law in the economic realm, but not in the political realm. Although these findings are helpful in understanding the Party's intention for implementing the ALL, this dissertation takes a different view from these studies. First, this dissertation focused on the relations between the state and its *citizens*, rather than the central-local government dynamics. Therefore, I am interested in the Party's intention in controlling the public, not the local agents, through the administrative litigation system. Second, while recognizing the Chinese legal system has limitations in the political realm, this dissertation focuses more on the roles of the court – both for the authoritarian leadership and for the public – rather than its drawback.

Chapter 3 of this dissertation argues that China controls potential dissidents in society through the administrative litigation system. Specifically, when a citizen's challenge against

the government is less threatening and thus tolerable to the authoritarian leadership, then the regime let the citizen win against the government in a lawsuit. On the other hand, when a citizen's resistance is highly political and thus potentially threatening to the regime, then the government becomes more likely to prevail in a lawsuit. Here, the level of threat in a lawsuit case is measured both with the sensitivity of the issue and the administrative level of the government party. By controlling the administrative litigation system in such a way, China only allows a non-threatening sub-population to reap the benefit from this quasi-democratic institution. Chapter 4 continues to show that the regime informs the public of such boundaries of the permissible scope of resistance against the government through the media.

This research advances comparative political studies on authoritarian institutions by drawing attention to the methods that an autocrat employs in order to *keep* the institutions functional for the regime while preventing them from becoming threats to authoritarian stability. The *existence* of nominally democratic institutions in consolidating authoritarian regime stability has been of paramount interest for scholars in comparative politics.¹ Recent studies have revealed how political parties and elections [Magaloni, 2008], legislatures [Gandhi and Przeworski, 2007], constitutions [Albertus and Menaldo, 2012], and courts [Ginsburg and Moustafa, 2008] enable credible power-sharing and co-optation of potential regime-challengers, and resolve principal-agent problems, all for the advantage of authoritarian elites. The Chinese administrative litigation system is another example of a nominally democratic institution that plays political roles, not merely as window dressing that showcases the democratic-ness of the regime.

Nevertheless, the mere existence of institutions is not sufficient in explaining authoritar-

1. Here, an institution is "a political organization or procedure" that is "an arrangement for maintaining order, resolving dispute, selecting authoritative leaders, and thus promoting community among two or more social forces [Huntington, 1968, pp. 8–9]. And an institution being nominally democratic means that such an institution is expected to exist in a fully functional form in democratic countries, unlike in authoritarian countries [Gandhi, 2008].

ian regime durability [Meng, 2020]. If nominally democratic institutions function to fulfill an autocrat's needs, they could uphold authoritarian rule; if not, they could also trigger democratization. In Egypt, the initial purposes of establishing the Supreme Constitutional Court in 1979 were to lure investments, monitor bureaucrats, implement unpopular policies, and legitimize the state. However, because such pro-regime objectives entailed a certain level of independence of the court, the regime failed to prevent reformist judges from colluding with human rights organizations and opposition activists [Moustafa, 2007]. On the other hand, in many stable electoral authoritarian countries, the ruling parties manipulate electoral results by monopolizing access to media, employing coercive vote-buying, and/or stalling the opposition parties from running public campaigns [Levitsky and Way, 2010]. As such, once an authoritarian leadership establishes an institution, it inevitably generates tension between "delegation and containment" [Schedler, 2009]. That is, after letting an institution stand on its own feet, an autocrat's next mission is to restrict the institution's power so that it does not become a threat to the regime.

The above examples illustrate that both the foundation of nominally democratic institutions and the maintenance of those institutions are equally important in understanding the regime stability of authoritarian states. Likewise, an administrative litigation system is a double-edged sword for an autocrat because even if the system could help resolve the principal-agent problem as it does in China, providing citizens with a legitimate tool to challenge their administrators inevitably empowers them. Now that the system has existed for over 30 years, the real challenge for the Chinese leadership is to make it sustainable as an "authoritarian" institution with it serving the original purpose of upholding the regime while preventing misuse – for liberalization or for over-empowerment of the public – of it. Hence, this dissertation focuses on the measures that authoritarian leaders take to make their institutions continuously serve their original purposes.

Chapter 4 further calls attention to the evolving role of authoritarian state media in ad-

addressing the public by revealing the fine line between permissible and unallowable challenges to the state. The role of authoritarian state media in controlling its citizens' thoughts and behaviors had been deemed most effective in the past when the general public had limited access to the internet and alternative, free media. In today's world where the center's control over every piece of information has become less feasible, recent studies have focused on the decline of public trust in official media and press [Truex, 2016, Huang, 2015, Chen and Shi, 2001], the potential liberalizing role of free media [Yang, 2009], and how autocrats make use of the free media to gather information about local-level issues [Chen, 2017, Lorentzen, 2014]. Indeed, Chinese citizens are not only aware of the fact that state media outlets are the official mouthpiece, but also that their administrative litigation system is limited in protecting ordinary people's lawful rights against the government [Lin, 2014, pp. 66–68]. Under such a circumstance, it is unlikely that the role of the official media is to simply brainwash people with pro-regime propaganda. It is true that some people may be misled by state propaganda, but they would soon encounter reality [Stockmann and Gallagher, 2011].

Nevertheless, state media outlets still broadcast biased information as seen in Russia and in China, even when the expectation is that people are unlikely to be deceived by it. Then what role does the centrally controlled media play for an autocrat nowadays? This dissertation provides one of the answers to this understudied question and claims that the central government maintains the official media to deliver its messages to the general public. That is, by informing the extent to which resistance against the government is permissible, the Chinese central government is directing its people to stay within the "boundary [Stern and O'Brien, 2012]" and not to misuse the administrative litigation system to further challenge the regime.

The arguments in Chapters 3 and 4 are based on the empirical analysis of my original quantified dataset, the Administrative Lawsuits Dataset. Therefore, this dissertation offers new parsing tools and a dataset that covers more than 1.1 million administrative rulings of the

Chinese courts. Since the mass digitization of judicial documents in 2014, quantified research on China's law and politics has surged [Mao and Qiao, 2021b, Hou and Truex, 2020, Liebman et al., 2020, Xia et al., 2019b, Tang and Liu, 2019]. Research with text data enables a rich understanding of Chinese politics that would have been otherwise implausible due to the transparency and reliability issue of data generated from an authoritarian country. Joining the stream of research with the court documents, this research presents the parsing tools and the dataset with variables that will be of interest to political scientists. The variables include, but are not limited to, the dates when a case was filed, closed, and published, court and government locations, the administrative level of the government party, the type of non-government party, and the trial result. Above all, the most significant contribution of this research would be the Type of Dispute, the variable that categorizes the issue areas of administrative disputes into 22 types. This categorization is an even more detailed one than Liebman et al. [2020]'s classification of the 10 types of disputes, the only similar endeavor so far.

As to the second question, the literature on the institutions under authoritarianism lacks citizen-side stories about those institutions, while solely focusing on the role of institutions for the ruling elites and the regime stability. Consequently, we have limited knowledge of the ways people interact with and make use of the institutions available to them. Meanwhile, the literature on political participation pays little attention to participation in formal institutions, while perceiving social movements as the headmost way through which "voice" occurs [McAdam, 1982, Pfaff and Kim, 2003]. However, although political participation through the institutions manipulated by the ruling elites may have a limited impact on making immediate and substantial changes to society, small but significant political actions will result in cumulative effects in a long run. This is specifically important in an authoritarian context, as protests are often oppressed like in China and Russia, and thus people seek alternatives for political participation. As such, the new interpretation suggested by this dissertation

bridges and mutually complements the aforementioned two bodies of research on authoritarian politics and expands our understanding of authoritarian institutions and about the concept of political participation.

In addition, while scholars have been putting emphasis on the shortcomings or distinctiveness of the court system under authoritarianism compared to that of liberal democracy, ordinary citizens as an actor have been neglected in discussing the role of courts in non-democratic countries. People have been mostly described as “victims” of the non-liberal court system built primarily for the elites. Or, the participation of citizens in lawsuits almost has been taken for granted because the court is simply available to them. Consequently, the reasons behind constant rights claims by ordinary Chinese citizens that have made China’s administrative litigation system sustainable for the last 30 years remain unknown. By examining what people desire to achieve by filing administrative lawsuits other than simply resolving disputes, this project invites individuals living under authoritarianism into the study of the role of the court.

Specifically, Chapter 5 of this dissertation argues that Chinese citizens are motivated to file administrative lawsuits because they value the opportunity to argue for themselves in front of administrators during the trial, not because of their expected court rulings. This approach advances the literature on the selection of lawsuits as a dispute resolution method [Priest and Klein, 1984] since it turns our attention from the consequence of litigation to the *process* of it. Conventional wisdom suggests that a person would estimate the consequences of a lawsuit (e.g. win or monetary gains) and compare this to the costs involved in lodging lawsuits. Yet, in China’s case, the expected win rate is very low, while the litigation process is still lengthy and potentially risky. As a result, the existing explanations for citizens’ participation in the legal system in China lack explanatory power. [Li, 2014] expects that only those who are free from the local government’s retaliations would become administrative litigants. However, this argument is not empirically supported, as both [Cui,

2017, pp. 972–975]’s data analysis and my interview results show that the litigants are not retaliation-proof. [Gallagher, 2017] argues that the increase in internal efficacy is a driver for repeated participation in lawsuits among labor disputants. If her argument were to sufficiently explain the administrative litigants’ behavior, then among repeat players, those who expect themselves to prevail in future lawsuits, or at least expect to have greater monetary compensation from the settlement, should be the actual litigants. However, my interviews demonstrate that all of the seven “repeat players” in that they had gone through more than one administrative litigation in the past believed that they are unlikely to win against the local government, and that their lawful rights are not going to be protected through lawsuits, but still opted to lodge lawsuits for future administrative disputes. Hence, as this dissertation suggests, a turn to the process of lawsuits is needed to better comprehend the citizens’ choice for administrative lawsuits in China.

2.2 Fieldwork and Interview

The arguments of this dissertation are based on two sets of original data that I compiled. For Chapter 5, I conducted 44 in-depth face-to-face and phone interviews with local Chinese citizens who have considered resolving their administrative disputes through lawsuits.² Among them, 39 people ultimately chose to file lawsuits, and the other five respondents ended up resolving the disputes through other methods or gave up. Of the 39 people, eight interviewees had litigation experiences in the past. My interviews were conducted from June to September 2019, and the interviewees were recruited through online and snowball sampling in 18 different provinces.³ Although this sample is not representative of the entirety of the Chinese population or the administrative litigants, the respondents’ rich descriptions of

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3. Interviewees were recruited from Anhui, Chongqing, Fujian, Guangdong, Gansu, Henan, Hubei, Hainan, Heilongjiang, Jilin, Jiangsu, Jiangxi, Sichuan, Shandong, Shanghai, Shaanxi, Yunnan, and Zhejiang. Two interviewees refused to provide the information.

their own experiences in resolving administrative grievances provide important insight into the Chinese legal system.

Among the 44 respondents, five were in their 20s, ten were in their 30s, 17 were in their 40s, 11 were in their 50s, and one person was in their 70s. Twenty-seven respondents were male, and 17 were female. As for some of the respondents' occupations, there were twelve peasants (农民), seven without a job, five laborers (工人), four businesspeople, three legal professionals, and one doctor. Two respondents had political connections that may have made it easier for them to navigate through the dispute resolution process. One respondent worked for a county-level government, and the other was in a village leadership position. The respondents' disputes include those over demolition (14 people), requisition (10 people), law enforcement (8 people), land usage rights (4 people), urban plan (2 people), labor rights (2 people), and traffic regulation (2 people). These are all the common types of administrative grievances that are brought into the court. More than half of the respondents had disputes with county or lower-level government agencies (28 people). Nine people had disputes with city-level government agencies, and two with province-level government agencies, allowing for overlaps. This is largely in line with the overall distribution of the administrative levels of the government agencies in administrative lawsuits.

I conducted additional face-to-face interviews with 23 more people, including lawyers, law scholars, and civil servants who had direct or indirect experiences with legal disputes. These interviewees were recruited from Beijing, Hubei, Liaoning, and Shanghai, using a snowball sampling method. This second group of interviews acts as a reference to help interpret the conversations from the first group.

2.3 Administrative Lawsuits Dataset

For Chapters 3 and 4, I analyze my original quantified dataset, the Administrative Lawsuits Dataset (Lawsuits Dataset). This dataset contains the entirety of administrative rulings that

were published in a digital archive, *China Judgement Online* (CJO), between 2014 and 2018.⁴ In 2014, it became a legal obligation for every court in China to publish written judgments in this archive, which is operated by the Supreme People’s Court of China. Although Article 4 of the Supreme People’s Court’s Regulation on the Online Publication of Judgment Documents (the Regulation) leaves room for arbitrary non-disclosure by the court and selection bias on the publication of judgments, this archive provides the most complete collection of court cases among all the extant sources. Accordingly, many of the recent studies on China’s law and politics rely on this archive as the data source [Wu et al., 2022, Hou and Truex, 2020].

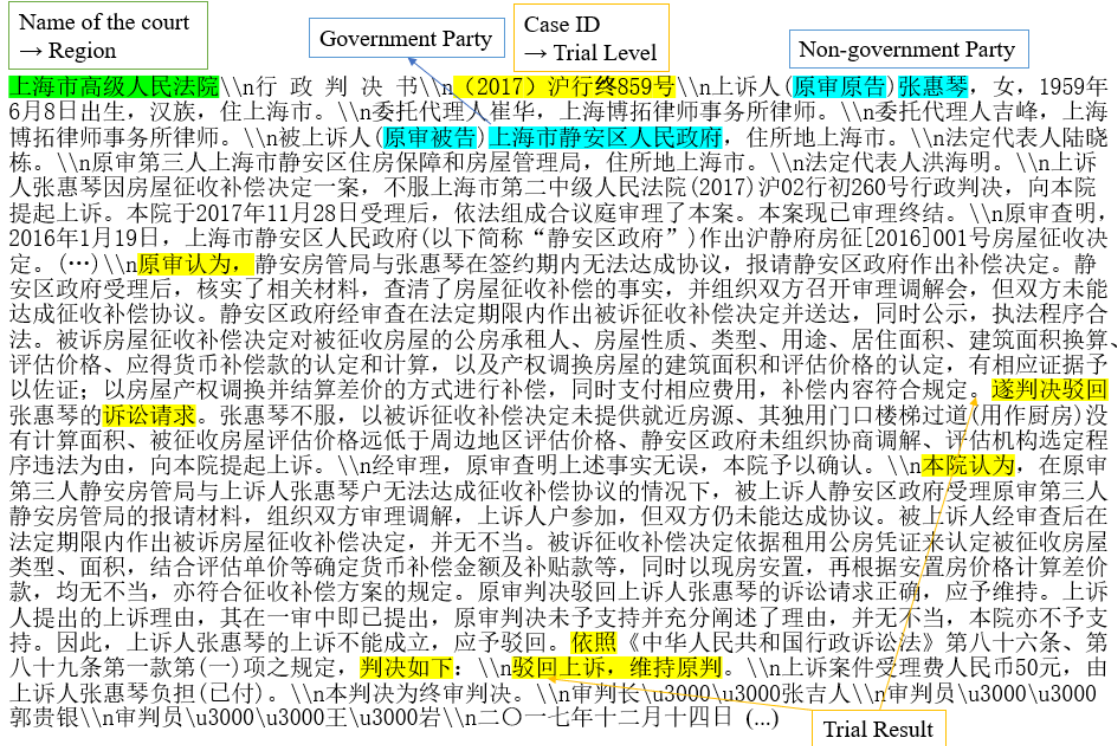
Figure 2.1 is a screenshot of a typical administrative ruling from the CJO. From the raw text, the variables in the Lawsuits Dataset are extracted as below:⁵

Trial Level and Result (highlighted in yellow): Because the case ID includes the term “终” [Final], this case is a second-level trial. Therefore, the result-inferring function first identifies its corresponding first-level trial result. The function does that by looping over all sentences (separated by “\n”) in the document. Looping stops once a sentence with “原审认为” [The original trial held that] as the leading word is detected, in this case “原审认为，静安房管局与张惠琴在签约期内无法达成...” Then, within the same sentence, the function searches for the keywords of a trial result. Once an indicative keyword is found (in this case, “遂判决...” [Thereby adjudicated that...]), the text that immediately follows the keyword and precedes the next “。” is recorded as the sentence that includes the information on the trial result. Because the sentence mentions “驳回...诉讼请求” [Dismiss the litigation request], the case, therefore, has “Government Win” as its first-level trial result. Subsequently, the function looks for the sentence that has the information on the second-level trial result. The sentence is detected with the leading word “本院认为” [The court holds that] and with the

4. *Zhongguo caipan wenshuwang* [China Judgements Online]. wenshu.court.gov.cn/

5. Acknowledgement: John Zhuang Liu at the University of Hong Kong provided me with the raw text. Ling Dai at Information Resources, Inc (IRI) developed text parsing tools and created the dataset with me. Two research assistants, Michael Huang and Alicia Liu at the University of Chicago, helped me hand-code the “Type of Dispute” variables.

Figure 2.1: Illustration of Data Creation Process



patterns such as “依照...规定, 判决如下” [Based on the ... regulation, adjudicate as below]. The function then uses the sentence that immediately follows to extract the second-level trial result. In the example, “驳回上诉, 维持原判” indicates that the second-trial result is in accordance with the first-trial result. Therefore, this case has “Government Win” as its final value.

Region (highlighted in green): Because 审理法院[Court in charge] is 上海市高级人民法院[Shanghai Higher People’s Court], the corresponding name of the province here is “上海市” [Shanghai].

Government Party and Non-Government Party (highlighted in blue): For the government party, the function loops over the sentences and searches for keywords such as “被告” [the defendant], “一审被告” [defendant in the first instance], and “原审被告” [defendant in the original trial]. In this example, “被上诉人(原审被告)上海市静安区人民政府...” [Appellee (defendant in the original trial), People’s Government of Jing’an District,

Shanghai]” is identified as the sentence that has the name of the original defendant, the government party. The function returns the text that immediately follows “原审被告” and precedes the next special character. The resulting output “上海市静安区人民政府” is recorded as the name of the government party. Similarly, when searching for the name of the non-government party, the sentence “上诉人(原审原告)张惠琴...” [Appellant (plaintiff in the original trial) Zhang Huiqin] is identified because it has the keyword “原审原告.” “张惠琴” is then recorded as the name of the non-Government party. Because it does not have indicators of either corporation or prosecutor, the type of this non-government party is recorded as “Ordinary.”

Administrative Level of the Government: The administrative level is inferred from the name of the government (“上海市静安区人民政府”). The function first checks whether the name of the government party includes the keywords that are indicative of national-level organizations, such as “国家” [National], “中国” [China], “中央” [central], “中华人民共和国” [People’s Republic of China], and “国务院” [State Department]. Because none of these keywords are mentioned in this example, the function continues to look for the keywords that are indicative of provincial level organizations. Here, “上海市” is identified as one of them. Once identified, “上海市” is removed, and then within the remaining text (“静安区人民政府”), the function checks for the keywords that are indicative of lower-level administrative agencies. Because “区” means “county,” and this is the lowest administrative level among all identified levels in “上海市静安区人民政府,” the government level here is thus recorded as “County or Lower.”

Type of Dispute: The first step of identifying the dispute type involves tokenization of the text and removal of specific stopwords. Once processed, the original text (正文) is turned into a list of words. Afterward, the already-built TfidfVectorizer is used to convert the target document into a vector, with each index representing the relative frequency of a term within the corpus. From the 3,100 documents where their dispute types are manually

labeled, terms (keywords) are listed in the order of frequency. Using those terms as the reference frame, a corresponding vector is generated to represent the relative frequencies of these terms within the target document. Once the vector is constructed, it is fed into the neural network MLPClassifier function to predict the Type of Dispute. In this case, the value is "Requisition and Eviction."

Details about each variable will be explained in the next chapter.

CHAPTER 3

COURT TO CONTROL PUBLIC DISSENT

This chapter addresses the following question: Why China allows its citizens to sue their administrators? Under authoritarianism, it is unlikely that the administrative litigation system is designed to be detrimental to the central leadership itself, and that the center would want to deprive the government's power over the citizens to the extent that the Chinese people would distrust their political authorities. Hence, I assume that the ALL and the administrative litigation system are designed strategically so that only the targeted population would be able to take benefit from the system. These targeted individuals are those who would not threaten the regime in court, in terms of their types of dispute with the government and the administrative level of the defendant.

Towards dissidents in the society, such as litigants, an autocrat could either make compromises to gain back their support or punish them to discourage further disturbances. Gandhi [2008] and Gandhi and Przeworski [2007] state that co-optation through institutions such as legislatures and multi-parties is an effective tool to make potential opponents vest their interests in the regime. Liebman [2011a] claims that the Chinese court pacifies litigants who make their cases political by ruling in their favor. However, the very same institution, the court, is also used to apprehend dissidents [Fu and Distelhorst, 2018]. Also, Dower et al. [2018] observes that in Imperial Russia, frequent social unrest was associated with punishment, that is, lesser representation in local self-governments. Amidst these varying observations, this chapter attempts to clarify the conditions under which opponents are invited to reap the benefit from the regime or are deliberately excluded from it. What I demonstrate is that an autocrat chooses to concede when government-citizen disputes are not too threatening and chooses to suppress when otherwise.

The findings of this chapter draw attention to how autocrats *maintain* the authoritarian characteristics of nominally democratic institutions, beyond their mere *existence* [Schedler,

2009, Meng, 2020]. If nominally democratic institutions function as intended, they fulfill an autocrat’s needs and uphold authoritarian rule; if not, they could backfire. For instance, Egypt initially established the Supreme Constitutional Court in 1979 to lure investments, monitor bureaucrats, implement unpopular policies, and legitimize the state. However, this decision proved to be self-harming when the reformist judges colluded with human rights organizations and opposition activists by the late 1990s – the regime ultimately revoked the independence of the Supreme Court [Moustafa, 2007]. As such, an administrative litigation system is a double-edged sword for an autocrat because even if the system could help resolve the principal-agent problem as it does in China [Ginsburg, 2008], providing citizens with a legitimate tool to challenge their administrators inevitably empowers the public.¹ Now that the Chinese administrative litigation system has existed for over 30 years, the key to its longevity, like similar institutions in many other non-democratic countries, lies in ensuring it fulfills the original purpose of serving the regime while preventing it from becoming a venue for liberalization. To do so, one of the methods that the Party leaders utilize, as shown in this study, is to let citizens prevail against the government only in certain cases that are non-sensitive.

3.1 Role of Administrative Litigation System for the Regime

I argue in this chapter that China maintains its quasi-democratic institution, namely the administrative litigation system, by letting the citizens win against the government in non-threatening cases but not in threatening cases.

When a citizen’s resistance against the government is less threatening and thus tolerable

1. This dissertation considers an administrative litigation system in China, not the court itself, as a nominally democratic institution. Although the Chinese legal system is criticized for being politically embedded [Ng and He, 2017], it still enjoys a certain degree of independence from the government and the Party (Ginsburg and Moustafa, 2008; Peerenboom, 2002). In addition, the administrative litigation system allows ordinary citizens to sue the government, and the latter losses on a regular basis. Such a curb on the state power by citizens is unexpected in an authoritarian context.

to the authoritarian leadership, then the regime will leave room for concession (“concession” argument) by letting the citizens win against the government in lawsuits. Here, each authoritarian regime defines its own scope of resistance that is tolerable. Based on the specific political contexts, different kinds of government-citizen disputes are deemed “non-threatening” enough to make a compromise. Compared to a total suppression of discontent that could risk sparking rage and spur protests, concession works as a pressure valve for public dissatisfaction, letting the steam out before resentment builds. Specifically, when an authoritarian regime is already equipped with a dispute resolution institution such as an administrative litigation system, it facilitates grievance management in a controlled way [Lei, 2018].

When a conflict between a citizen and the government is highly political and thus potentially threatening to the regime, then the authoritarian regime will not tolerate such challenges that are beyond the possible scope (“repression” argument). A regime would not want to adopt the “concession” strategy only – This is because the leadership would worry that continuous concessions will increase the citizens’ expectations and make them ask for further concessions from the regime. Therefore, with the demonstration of unwavering state power over certain disputes, the regime demarcates a clear limit to its citizens’ right to sue their administrators.

3.2 Sensitivity, Government Level, and Trial Result

Then what are the administrative lawsuits that are more threatening than others to the Chinese leadership, whose core interest is to remain in power? The form of resistance is constant, filing a lawsuit. The intensity is also relatively invariant because, in China, courts often separate collective lawsuits into individual ones with a single or a few litigants.² Thus, I focus on two features of an administrative lawsuit: the contents of a dispute, and the

2. Author’s interview with a local expert on administrative law, OE-W005. Also see Gallagher [2017].

administrative level of the government.

First, I classify the contents of disputes as either politically sensitive or non-sensitive. In sensitive disputes, the state is accused of violating civil liberties through, for example, censorship, limitation on freedom of assembly, forceful law enforcement, and putting barriers on property rights or on the choice of residence [Marshall et al., 2019, pp. 77-78]. The guarantee of civil liberties is one of the essential elements of a competitive democracy [Marshall et al., 2019, p. 26]. As such, people's challenge against civil liberties abuses is deemed sensitive because it questions the very nature of the authoritarian-ness of the regime, making it costly for an autocrat to make compromises. On the other hand, in non-sensitive disputes, the state is accused of violating socioeconomic rights, such as access to health or education. Or, the government agencies are not directly involved in the dispute but are drawn into the underlying civil disputes between two civil parties [Liebman et al., 2020]. This classification is in line with the existing literature's criteria for deciding certain rights abuses as being sensitive or not [Terman and Byun, 2022].

Second, the higher the administrative level of the government party involved in a case, the more threatening a case is. Local governors are often criticized for not being accountable to their people in China. However, the authority of the central leadership is to remain intact for the regime stability [Zhou, 2000, Liebman, 2011b, Shirk, 2011]. At times, to maintain its legitimacy, the central leadership shows that it concedes to a public request, if and only if the request is not politically sensitive; However, the regime does not give in when the issues are politically sensitive, as it could risk weakening its authoritarian grip on the rule.

With these measurements, I test the below three hypotheses:

- Hypothesis 1. As the issue sensitivity of a case becomes higher, a citizen is less likely to win against the government in a lawsuit.
- Hypothesis 2. As the administrative level of the government becomes higher, a citizen is less likely to win against the government in a lawsuit.

- Hypothesis 3. A citizen is least likely to win in an administrative case that involves a sensitive issue and a high-level administrator.

3.3 Data and Methodology

This chapter is based on the statistical analysis of the Administrative Lawsuits Dataset. Between 2014 and 2018, a total of 870,598 administrative rulings, or “cases,” were published in China.³ Here, a case consists of a non-government party (plaintiff in a first-level trial), a government party (defendant in a first-level trial), the court in charge, the level of trial, the issue or dispute, and the trial result. The number of administrative cases steadily increased every year:⁴ 626,88 cases were published in 2014, 100,782 cases in 2015, 162,428 cases in 2016, 197,013 cases in 2017, and 347,687 cases in 2018. That is, in five years, the number of published administrative cases increased by over 450 percent.

Such an improvement in transparency indeed provides an alluring research opportunity for scholars. Nevertheless, according to Tang and Liu [2019], the average disclosure rate of lawsuit cases in China ranges from 41 percent to 47 percent between 2014 and 2016. Although this is a huge jump from a less than three percent disclosure rate observed before 2013, we need to pay special attention to the missing data problem. The main concern regarding missing data arises from regional variance in disclosure rates, which not only vary across different provinces but also among different courts within the same province [Tang and Liu, 2019, Liebman et al., 2020]. Therefore, my Administrative Lawsuits Dataset could

3. Among the initial 1,239,876 rows in the dataset, 192,381 duplicates were dropped first. Duplicates are identified with case IDs. If two or more rulings share the same case ID, then one out of these same rulings was kept in the dataset. In some cases, more than one rulings with identical content have different case IDs. These cases are identified by comparing the names of the plaintiff and defendant, trial level, the court in charge, and dispute type. After removing duplicates, 164,343 cases that were published before 2014 or after 2018, 94 cases that were tried in Hong Kong or Taiwan, and 12,460 cases where the content was not disclosed were further excluded from the dataset.

4. ‘Year’ refers to the year when a case was published. Publication year was used for a couple of reasons. First, the information on the publication year is more complete and accurate, compared to that of the year when a case was filed or concluded. Second, because the publication of cases has become mandatory since 2014, the dataset coherently captures the cases that are under the influence of this regulation.

potentially over-represent rulings from certain regions. Specifically, Wu et al. [2022] finds that the courts on the East coast of China tend to be more transparent than others.

3.4 Empirical Analysis of China’s Administrative Cases (2014-18)

With this potential bias in the dataset in mind, this part provides the descriptive statistics of the Administrative Lawsuits Dataset.

3.4.1 *Region*

Table 3.1 shows the regional distribution of cases in the dataset. “Region” is classified based on the province where the court is located. If the cases from the Supreme People’s Court are combined, then Beijing has the largest volume (89,880 cases), taking up over 10 percent of all administrative cases. If not, then Henan stands out the most (8.8 percent), followed by Beijing (8.2 percent), Jiangsu (7.1 percent), and Guangdong (6.9 percent). The three provinces with the smallest number of cases are Ningxia, Qinghai, and Tibet. Given that these three provinces are all from the western part of Chinese territory, this low frequency is either due to the lack of frequency or low socio-economic level among the residents, which is in turn negatively associated with their propensity to use legal institutions [Michelson, 2007].

3.4.2 *Litigants*

Between 2014 and 2018, about 14 percent of all administrative lawsuits (121,118 cases) were filed by business organizations, 0.1 percent (960 cases) by prosecutors, and the rest 86 percent (748,520) by citizens or groups of citizens.⁵ Because this dissertation focuses on the

5. Litigants are labeled as ‘business organizations’ if their names include the keywords such as 公司, 企业, 集团, 厂, 中心. Litigants are labeled as ‘prosecutors’ if the names contain the term 检察院. The residuals are classified as citizen litigants.

Table 3.1: Regional Distribution of Administrative Cases, 2014-18

Province	Count	Province	Count
Henan	76,518	Shaanxi	21,275
Beijing	71,540	Jilin	18,356
Jiangsu	61,959	Supreme	18,340
Guangdong	59,991	Guangxi	17,670
Shandong	51,217	Jiangxi	16,938
Zhejiang	50,322	Shanxi	14,894
Hunan	47,100	Tianjin	14,551
Sichuan	39,467	Heilongjiang	14,395
Liaoning	32,768	Inner Mongolia	10,820
Hubei	31,441	Gansu	10,001
Anhui	31,141	Yunnan	7,548
Chongqing	30,415	Xinjiang	7,078
Hebei	30,350	Hainan	6,303
Shanghai	23,596	Ningxia	6,285
Guizhou	22,376	Qinghai	2,753
Fujian	2,1439	Tibet	194

relations between the state and the public, most of the data analysis provided here uses a subset of the data where the litigants are citizens, defined as those who are not corporations or prosecutors. Prosecutors are a part of the state, and government-corporation has different power dynamics from that of government-citizen. Therefore, they were excluded from the main analysis.

3.4.3 Trial Level

Among the 748,000 cases that involved ordinary citizens, 55.7 percent (417,238 cases) were at the first level, and 35.5 percent (266,004 cases) were at the second level trials. A rough inference from these two numbers leads to speculation that the Chinese citizens appeal their case to a higher-level court with about a 60 percent chance. The dataset also includes 60,406 re-trial cases (8.1 percent) and 4,872 other legal documents.

3.4.4 *Type of Administrative Dispute*

Among all potential sources of dispute between the government and the citizen, what kind of cases are brought into the court? Most of the previous research on lawsuit cases in China focused on a single type of issue, perhaps because it is challenging to process a large set of text-based data. Mao and Qiao [2021b] studies 678 land-taking administrative cases, Liu et al. [2019b] samples 192 criminal cases that involve foreign drug offenders, Xia et al. [2019b] examines 4,246 rape sentences, and Xia et al. [2020b] analyzes 387 women trafficking cases. Such methodological approaches that focus on a single dispute type may have advantages in conducting in-depth examinations of cases. Nevertheless, they inevitably generate an incomplete picture, limiting systematic comparisons across different types of disputes. Therefore, I provide a comprehensive classification of administrative disputes that well reflects the authoritarian political context of China, and label each case with 1 or 2 types that best describe the content of the dispute at hand.

This dissertation classifies the types of administrative disputes into below 22 categories. The author's team employed both keyword matching and neural net methods to code the dispute type of each case in the Lawsuits Dataset. Currently, with 70-30 train-test splits, the accuracy rate hits around 0.80. The inter-categorical error rate between those in the High sensitivity group and the Low sensitivity group is 0.071.

(1) **Labor**: keywords include 工资Wage, 劳动合同Labor contract,
劳动争议Labor dispute

(2) **Work Injury**: 工伤认定Work injury recognition

(3) **Profession** (Civil servant standards and government-managed job titles):
公务员招考Civil servant recruitment, 司法统一考试Unified judicial examination

Labor disputes are sub-categorized into cases that are (1) about labor disputes and welfare issues in general, (2) work injury, and (3) civil servants or government-managed certificates and exams that are related to professional titles.

(4) **Education:** 高考移民College entrance examination rules, 学位Degree,
教育局Education Bureau

(5) **Welfare** (that are not related to Education nor Labor): 社会保障Social security,
社会求助Social assistance, 最低生活Minimum cost of living

Autocrats are often assumed to have less incentive to provide a welfare system. However, education is not only a lawful right but also a constitutional duty in China. Therefore, it is differentiated from other kinds of services provided by the government.

(6) **Requisition and Eviction:** 房屋拆迁补偿安置House demolition compensation,
移民Eviction and resettlement

(7) **Urban Planning:** 违法建设Illegal construction, 强制拆除Forced demolition

(8) **Land:** 土地使用权Land use rights 权属Ownership

(9) **House Property:** 房地产管理局Real Estate Administration Bureau,
房产权Property rights

Land is one of the most frequent sources of administrative disputes in China. But there are at least three different forms of land disputes. First, as it has been widely known, (6) a land dispute could involve a government agency's forceful land-taking or an eviction order, often without due process or enough compensation. Second, (7) a government agency could still take or destroy one's land or house under the name of the regulation. Third, (8) a government agency could be involved in a civil land dispute, with two people claiming usage rights over the same piece of land. Similarly, (9) disputes over house property rights between two civil parties are separately classified in order to differentiate those from eviction cases.

(10) **Traffic Regulation:** 交通管理局Traffic Administration Bureau,
交通事故Traffic accident, 交通违法Traffic violations

(11) **Law Enforcement:** 扰乱Disturbance, 报警Police report, 治安处罚Misdemeanor fines, 卖淫嫖娼Prostitution

(12) **Stability Maintenance** (*Weiwen*): 上方Petition in Beijing, 集会Rallies,

示威Demonstrations, 微博举报Weibo reports

The central leadership's emphasis on stability maintenance followed by people's protests against the state is key to understanding Chinese politics [Yang, 2017, Chung et al., 2006]. Therefore, (12) cases involving protests, collective action, NGO, and petitioning in Beijing are separated from (11) other law enforcement cases.

(13) Market Economy: 不正当竞争Unfair competition, 消费者权益Consumer rights, 商标争议Trademark disputes

(14) State Economy: 金银管理Gold and silver management, 政府采购Government procurement, 人民币RMB

China has a socialist market economic system. Therefore, economic disputes are sub-categorized into two types: (13) Regulations on market economy, and (14) state-led economic activities or planned economy.

(15) Open Government Information Request (OGI): 政府信息公开

(16) Paperwork: 民政局Civil Affairs Bureau, 身份证ID card, 结婚证Marriage certificate

(17) Family Planning: 独生子女Only child, 超生生育Over-populated family, 计生手术Birth control surgery

(18) Tax: 税务局Tax Department, xx税xx Tax

(19) Self-governance: 集体经济自治组织Collective Economic Autonomous Organization, 合作经济社Cooperative Economic Organizations, 业主委员会Home Owners' Association

(20) Public Service - Safety and Quality: 安全设施Safety facilities (e.g. repairing roads), 质量监督Quality supervision, 食品安全Food safety

(21) Public Service - Health: 卫生Hygiene, 医疗安全Medical safety

(22) Environment and Resource: 环境保护Environmental protection, 污水Sewage, 节约资源Resource conservation

(23) Others

3.4.5 *Type of Dispute and Sensitivity*

As previously mentioned, an administrative lawsuit case is deemed politically sensitive when the government is accused of infringing on people's civil liberties. Polity IV, the index that many scholars in comparative politics use to measure the democratic-ness of a state, lists the examples of civil liberties abuses [Marshall et al., 2019, pp.77-78]. The abuses in the first set of their examples include censorship and limits on freedom of assembly and demonstration. In my categorization, "Stability maintenance" captures such administrative actions, including censorship of social media posts, surveillance of NGOs, and cracking down on protests. The abuses seen in the second set include police brutality and unjustified imprisonment. "Law enforcement" by police encompasses all such behaviors. The next set of abuses on "Labor disputes," "Work injury," and "Civil servant standards" from the index include administrative actions against (collective) labor rights requests. The list also includes "(imposing) barriers on property rights and choice of residence" as violations of civil rights. The administrative actions that involve the state's direct involvement in one's property include cases on "Requisition and eviction," "Urban planning," "Land disputes," and "Tax." Finally, an obvious act of human rights violation that is not listed in Polity IV is the implementation of "Family Planning" policy, that is, forceful birth control and sterilization.

On the other hand, if an issue is less about the state's direct control over livelihood and liberties but is more about the government's arbitration disputes between two civil parties and/or about mundane administrative issues in everyday life, then the case is classified as having low political sensitivity. Also, following Terman and Byun [2022], violations of socio-economic rights are considered to have low sensitivity. Such types of administrative actions include "Traffic regulation," regulations on economic transactions ("Market Economy," "State Economy," and "House property rights"), and documentation works ("Paperwork" and "Open

Government Information request (OGI)"). If a case is related to two types of disputes from each level of sensitivity, then such a case is coded to have a high sensitivity level.

Below, I provide further justifications to why I classified certain dispute types as **highly sensitive** cases:

(1) Stability maintenance (Weiwen): These cases involve a security department restricting people's freedom of expression. Often, a (group of) citizen(s) is(are) charged with an administrative penalty, or arrested for "disturbing social order" by resisting state authority in the form of petitions, protests, the political expression on social media, and/or physical conflicts. These cases also involve regulations on NGOs.

(2) Law enforcement: Cases involving police forces (e.g. administrative penalties such as labor reformation or imprisonment) could be deemed political because they implement laws that are unilaterally legislated. Police forces are also important agents of state repression.

(3) Labor disputes (Labor, Work Injury, and Profession): Labor rights issues (e.g. unpaid wages, work injury recognition) not only directly affect people's livelihood to a huge extent but also are the greatest source of large-scale popular protests in China [Tong and Lei, 2013].

(4) Requisition and eviction: These cases involve a government body forcefully taking people's land usage rights and houses without due process or enough compensation.

(5) Urban planning: These cases also include the cases where a state agency forcefully demolishes homes and businesses or restricts the use of certain pieces of land, in the name of regulation and urban planning.

(6) Land disputes: In a courtroom, an administrative agency decides to whom land usage rights belong. Especially in rural areas, land usage rights are directly related to livelihood.

(7) Family planning: Restricting the number of children a family can have is a severe violation of human rights. It further involves involuntary sterilization operations and resulting side effects among female citizens.

(8) Tax: Taxation is about the state's direct involvement in one's property. According

to Li [2014], the tax bureau is arguably one of the most powerful agencies in China, making it particularly risky for citizens to file lawsuits against tax-related disputes.

The following types of disputes are considered to have a **low sensitivity**:

(1) Economic disputes (both Market and State): Even if China is an authoritarian country in the political realm, it has become liberal economically. One of the initial purposes of building a legal system in China was to facilitate economic transactions, and judicial decisions are thought to be more just and fair in commercial areas than in political areas [Wang, 2014].

(2) House property disputes: Similarly, these cases are about economic transactions between two civil parties over real estate ownership.

(3) Traffic regulation: Everyday regulations on vehicle registration, speeding, and/or parking violations, far from the central leadership's political concerns.

(4) Public service (Safety & Quality and Health): Everyday management of facilities, such as repairing roads and bridges, putting warning signs on roads and near dangerous areas, and hygiene control. These are the examples of socioeconomic rights in Terman and Byun [2022] and Teets [2014].

(5) Welfare and Education: Similarly, Welfare and Education are about socioeconomic rights, less directly related to people's immediate livelihood or civil rights than employment, salary, or dwelling.

(6) Environment: Another example of socioeconomic rights. Stern [2013] places environmental lawsuits at the middle of the spectrum of political sensitivity in China; the cases are not politically taboo and are less risky than other rights claims, while still being a bit sensitive. Also, see Teets [2014].

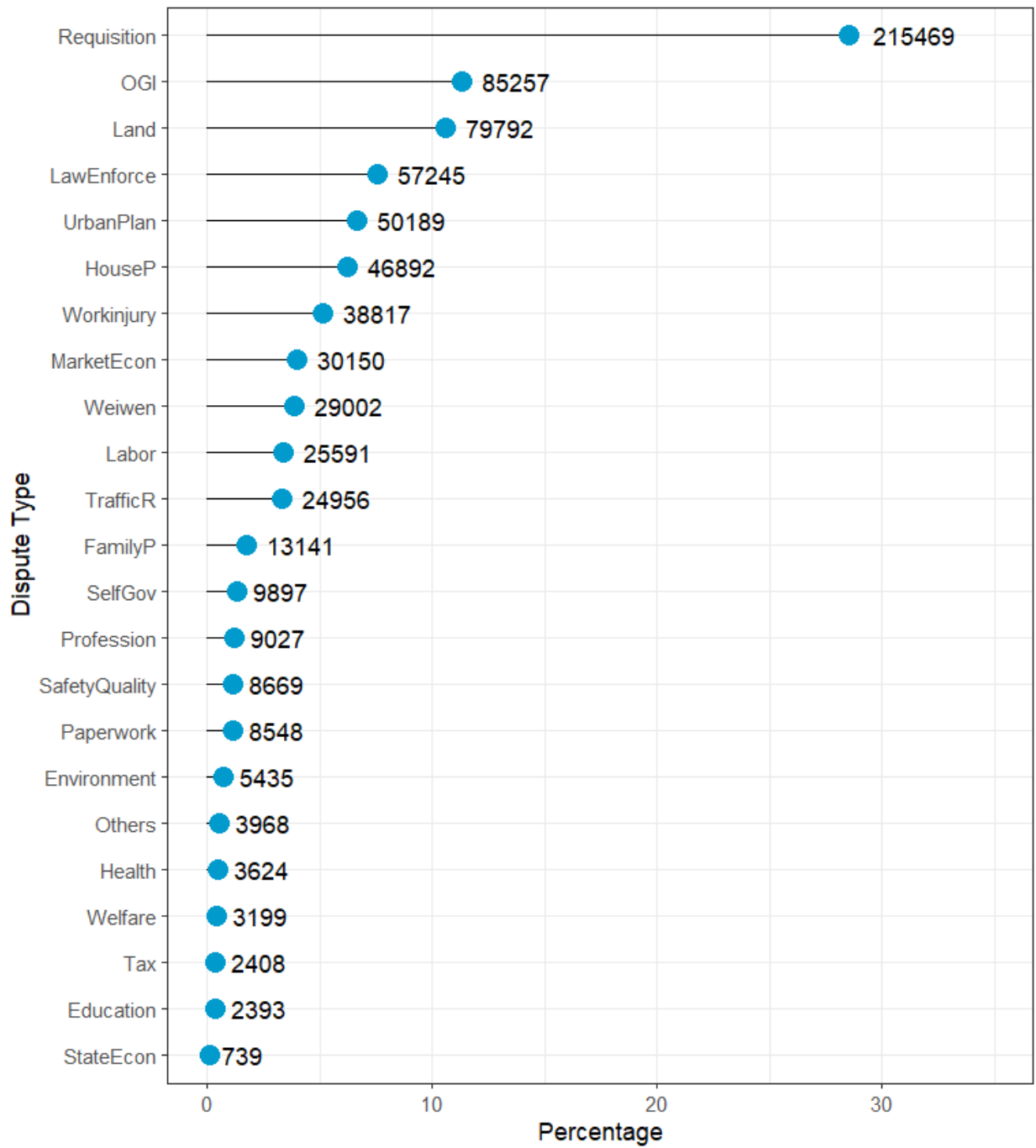
(7) Paperwork: Everyday issuance and management of birth registration, marriage or divorce certificates, and/or ID cards.

(8) Self-governance: Homeowners association or village committee affairs. Officially

embraced grassroots organizations.

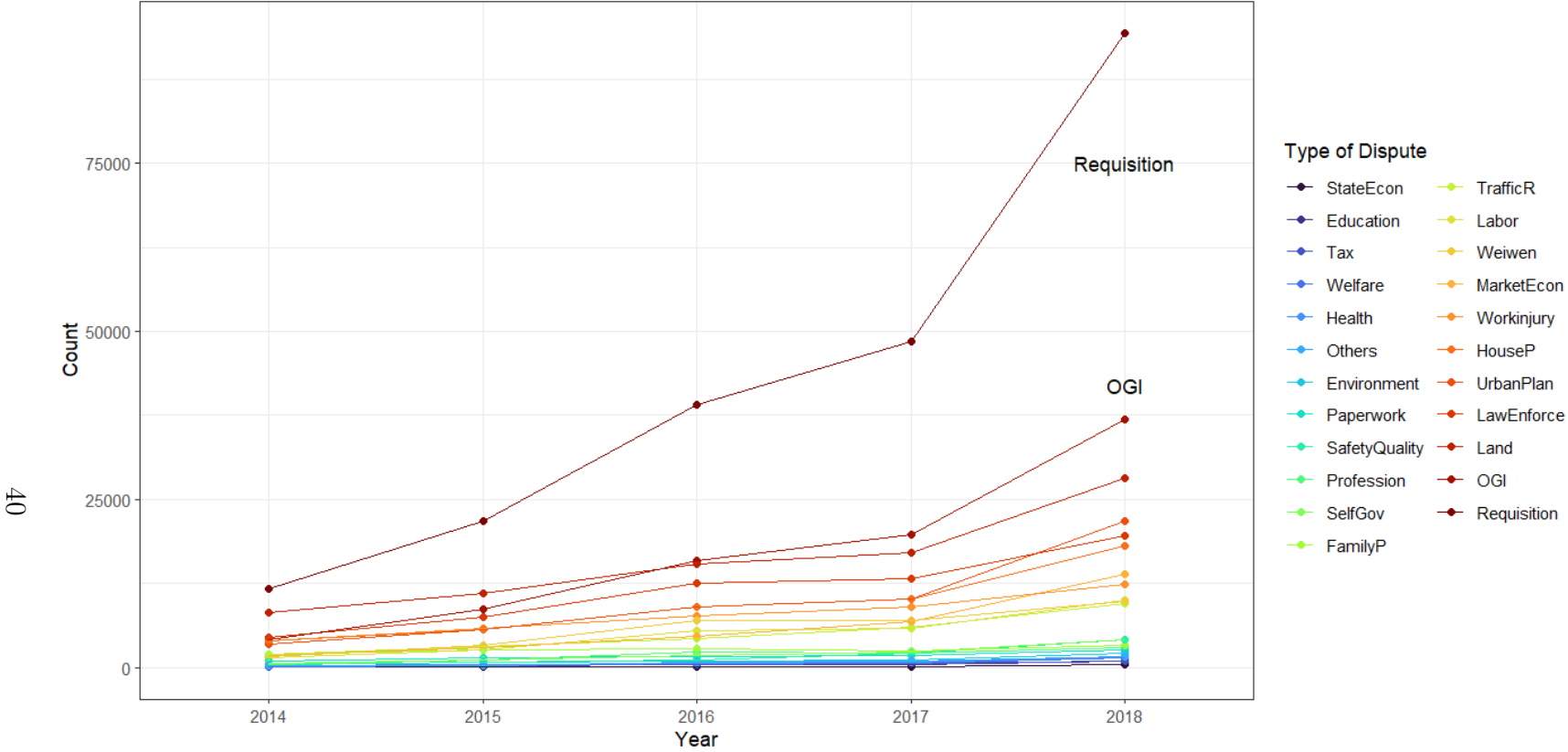
Figure 3.1 shows the distribution of each dispute type in the Administrative Lawsuits Dataset. Figure 3.2 further shows the change in the number of each type of case by year. The figures show that land-taking is the most frequent source of administrative disputes in China, and also the fastest-growing type of dispute. The next frequent and fast-growing area of dispute is open government information requests. The least frequent administrative cases are about welfare, tax, education, and state-controlled economic issues. Overall, understandably, the issues that directly affect the livelihood of Chinese citizens are more likely to be brought into the courtroom. Note that a single case is allowed to have up to two dispute types.

Figure 3.1: Distribution of Dispute Type (Count, Percentage)



Note: The numbers indicate counts. The X-axis is the percentage, and the y-axis is each dispute type.

Figure 3.2: Number of Cases in Each Type by Year



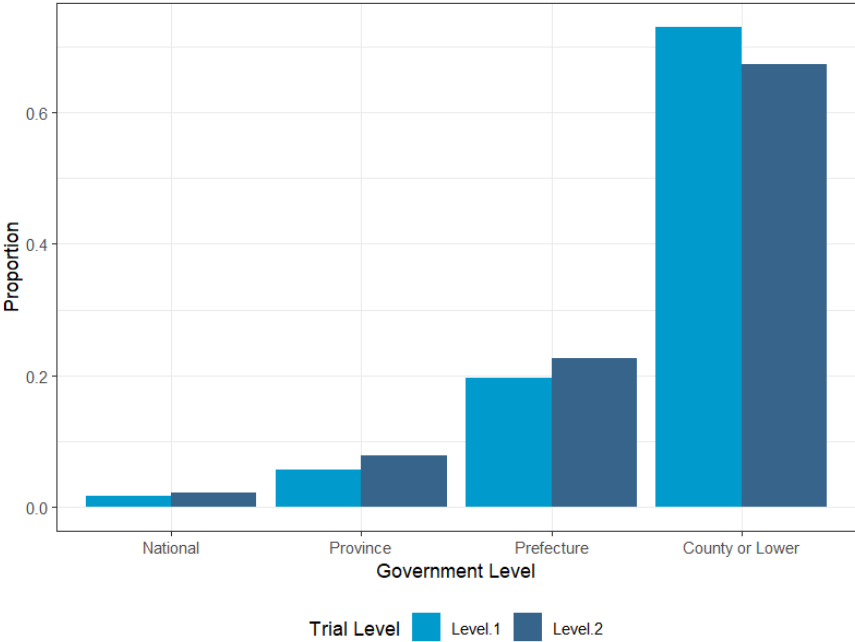
Note: The x-axis is the publication year, and the y-axis is the absolute number of cases in the dataset.

3.4.6 Administrative Level of the Government

Overall, the percentage of cases where the county or lower-level government agencies are involved hits as high as over 70 percent (489,662 cases) of all administrative cases. Prefecture-level government agencies appeared in about 21 percent (145,504 cases), provincial-level agencies in 6.6 percent (46,020), and national-level government agencies constitute only 1.8 percent (12,907) of all cases. This is understandable, as ordinary citizens are likely to have more frequent daily interactions with lower-level administrators.

Compared to the first level, in the second-level trials, the proportion of cases that involve county or lower-level government agencies slightly decreases, and those that involve prefecture or higher-level agencies increase.

Figure 3.3: Distribution of Government in Each Trial Level



Note: The x-axis is the administrative level of the government-party in a lawsuit, with the national level being the highest and the county or lower level being the lowest. The y-axis is the proportion of each government level in the dataset.

3.4.7 Trial Result

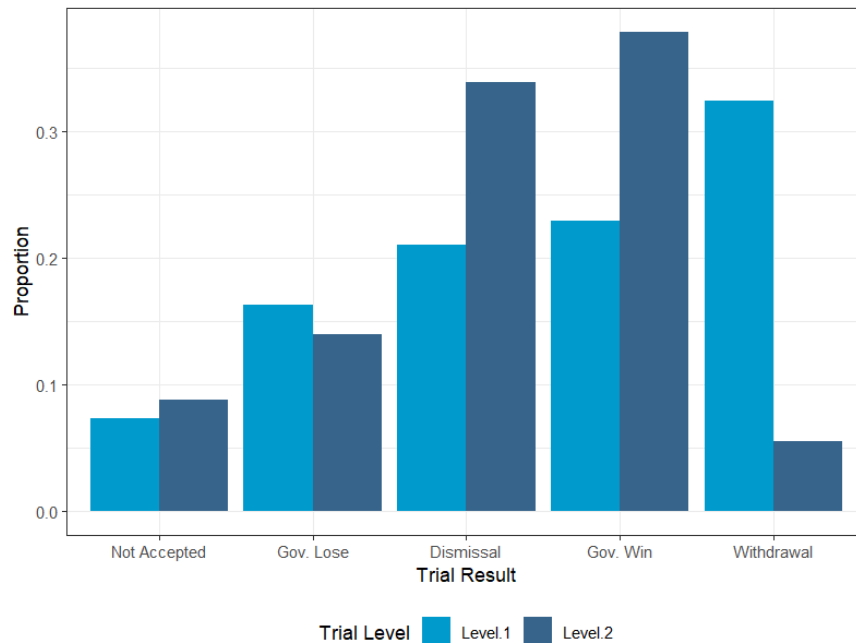
The result of a trial is a nominal categorical variable. Following He (2011, 262), rulings that (1) uphold administrative actions, (2) recognize that administrative actions in question were legal or effective, and/or (3) dismiss the non-government party's requests (*Bohui Susong Qingqiu*) indicate government prevailing results ("Gov.Win"). Cases that the non-government parties prevailed include the rulings that (1) revoke or (2) modify administrative actions, (3) compel administrative agencies to carry out their legal duties, and/or (4) recognize that the administrative actions in question were illegal or invalid ("Gov.Loss"). When there are two or more requests made by a plaintiff and therefore more than two court rulings are included in a single case, if at least one of the court rulings indicates that the non-government party prevailed, then such a case is coded as "Gove.Loss." This is because it is rare for a non-government party to achieve at least one small victory against the government party. "Dismissal" (*Bohui Qisu*) is different from *Bohui Susong Qingqiu* in that the former is pertaining to the procedural conditions of lawsuits whereas the latter is pertaining to the contents of disputes. Also, either party can opt to "Withdraw(1)" from lawsuits when the disputes are settled through mediation (He 2011), or when the non-government parties are threatened to give up on the lawsuits (O'Brien and Lee 2005). Finally, "Not Accepted" (*Buyu Shouli*) refers to the cases that are filed but rejected to be reviewed by the court because they are not within the jurisdiction of the administrative tribunal. Other results could be "adjourning," "resuming," and "transferring" of cases. These results are ignored in the main analysis of the dissertation.

Combining both the first- and second-level trials, in 28 percent of all cases, the government prevailed over citizens and government losses appear only in 15 percent of cases. The high frequency of dismissal (26 percent) or withdrawal (23 percent) implies that more than a majority of administrative lawsuits do not reach final verdicts. It is likely that the percentage of not accepted cases was underestimated in the dataset, as it is not mandatory

for a court to publicize a case that it did not receive.

This overall trend shows shifts if we split the dataset based on the trial level, as plotted in Figure 3.4. First, citizens are not likely to withdraw from their cases in the second-level trials. This is understandable because the fact that a case was appealed suggests that at least one party involved in the dispute is determined to go through with the litigation and receive verdicts in their favor. Second, because of this change, government-winning results become more prominent in the second-level trial than in the first level. This enlarges the gap between the proportions of government-losing and government-winning cases by over three folds: It was 0.067 in the first-level trial, but it becomes 0.238 in the second-level trials.

Figure 3.4: Distribution of Result in Each Trial Level

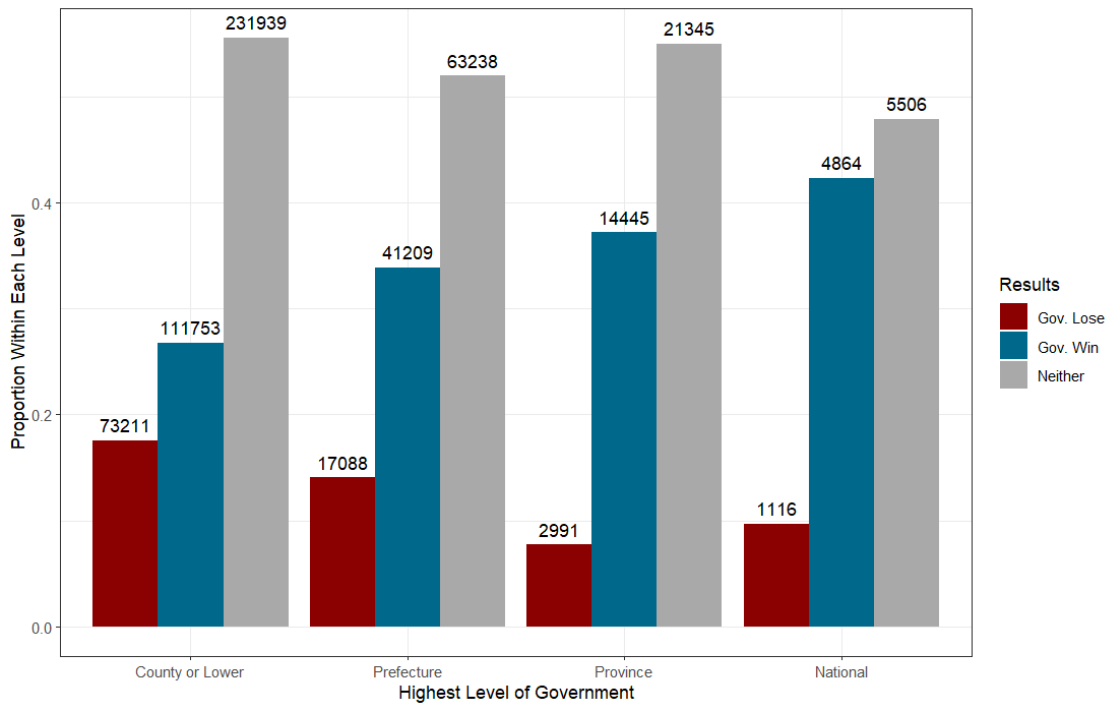


Note: The x-axis is the result of a lawsuit, and the y-axis is the proportion of each result in the dataset.

3.5 Hypotheses Test

With the above descriptive statistics in mind, this part tests the hypotheses that issue sensitivity and government level affect the trial result. First, Figure 3.5 hints that as the administrative level of the government in a lawsuit becomes higher, citizens become less likely to win in a case. When the government is at the county level, citizens prevail against the government in less than 20 percent of cases. However, they prevail against the government by less than a 10 percent chance when the government agencies are at the provincial or national levels. The government win rate hits the highest when a national-level government agency is involved in a case. This hints that Hypothesis 2 holds true.

Figure 3.5: Distribution of Result in Each Level of Government (Count, Proportion)



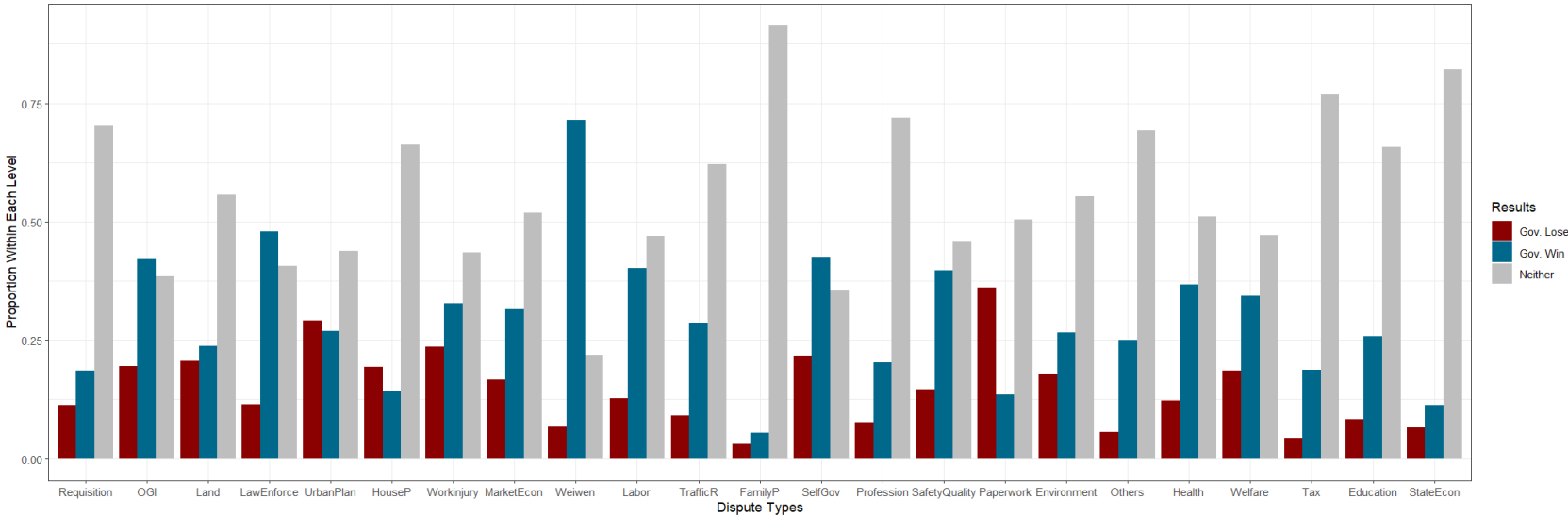
Note: The x-axis is the administrative level of the government. The y-axis is the proportion of trial results at each government level. "Neither" includes dismissal, withdrawal, and rejection of a case. The numbers are the absolute number of each trial result at each government level.

Second, Figure 3.6 suggests that the sensitivity of the content of a dispute also affects

the trial result. A few things are noticeable: First, as many as over 70 percent of stability maintenance cases (*Weiwen*) end up with citizen losses. Based on my hypothesis, this is because such an issue is the most political and sensitive type of administrative dispute in China. Second, on the contrary, citizen-winning results are prominent in cases that involve paperwork – citizens are most likely to win in such cases among all different types of disputes. My hypothesis suggests that this is because paperwork is a non-political and least sensitive issue. Finally, though most administrative cases are likely to be dismissed or withdrawn, this tendency is the strongest in family planning cases. As many as over 85 percent of family planning cases are likely to be either withdrawn, not accepted, or dismissed. This means that those who have related grievances may be left with no remedies, which can result in serious social conflict and problems.

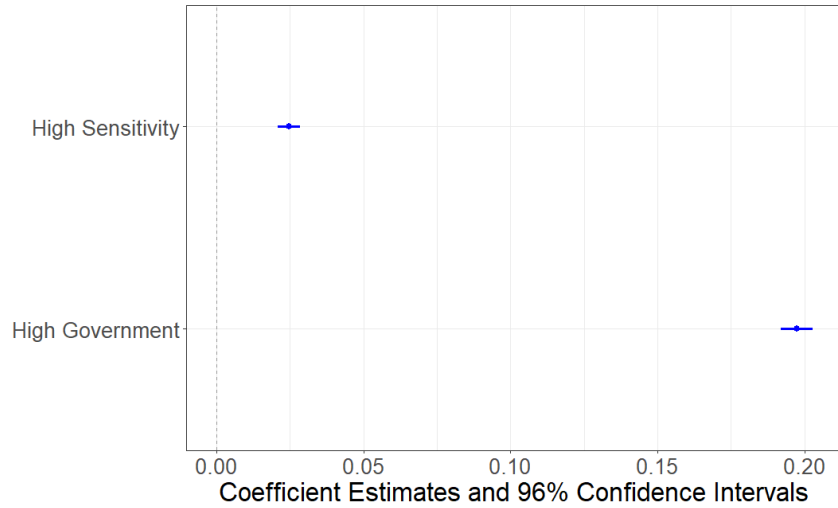
Linear regression analysis in Figure 3.7 and Figure 3.8 further confirms the hypotheses. More specifically, Figure 3.7 suggests that while both issue sensitivity and government level affect the trial result, the effect of the government level is greater than that of the issue sensitivity. Indeed, when the government agencies are at prefecture or lower levels, citizens are less likely to prevail against the government in more sensitive cases. However, the effect of issue sensitivity disappears when the government agencies are at provincial or national levels (Figure 3.8).

Figure 3.6: Distribution of Result in Each Dispute Type (Proportion)



Note: The x-axis is the type of dispute, and the y-axis is the proportions of trial results within each dispute type. "Neither" includes dismissal, withdrawal, and rejection of a case.

Figure 3.7: Government Level, Sensitivity, and Trial Result

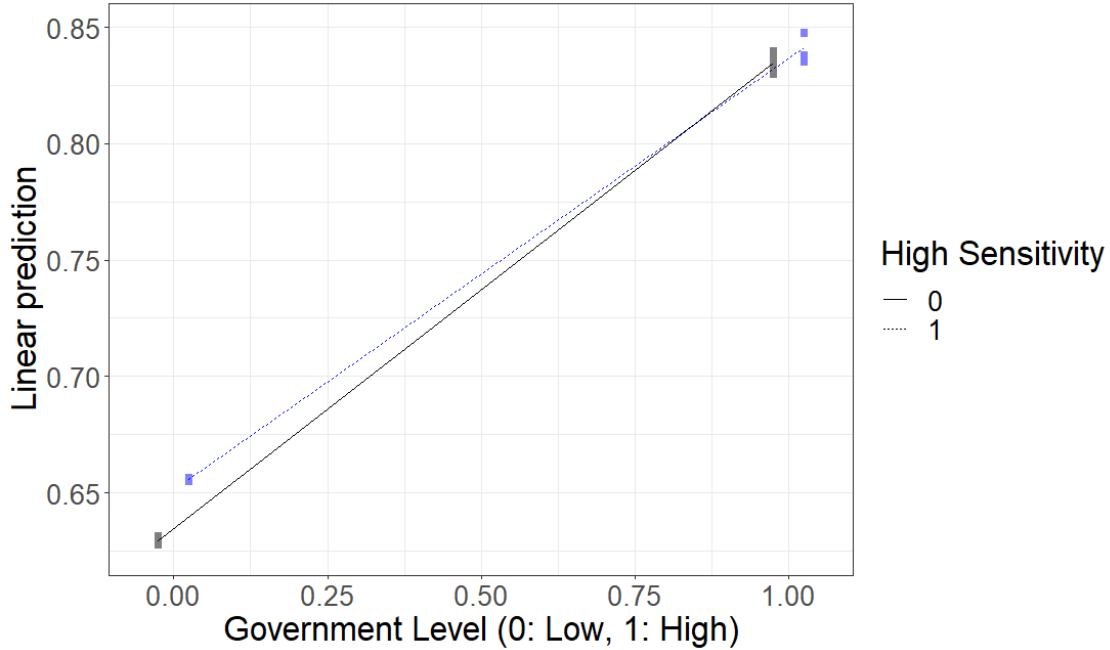


Note: Dependent variable: Government Win (1), Loss (0). Linear regression with robust standard errors, control on trial level, year fixed effects.

3.6 Example: Traffic Regulation, Law Enforcement, and Stability Maintenance

This section further looks into the dataset to provide illustrative evidence for the claims. Table 3.2 compares the percentage of government winning cases across different government levels within three types of disputes – Traffic regulation, law enforcement, and stability maintenance. These three dispute types are similar in that they all involve the enforcement of the law by public security bureaus. However, disputes regarding traffic regulations are deemed to be least sensitive to the central leadership among the three types because they involve the everyday management of vehicles, traffic orders, and traffic accidents, mostly at the local level. Law enforcement cases involve the management of public order, property crimes, and drug control. They are deemed to be more sensitive than traffic regulation cases, but less so than stability maintenance cases because policing of such behaviors is

Figure 3.8: Government Level, Sensitivity, and Trial Result (Interaction)



Note: Dependent variable: Government Win (1), Loss (0). Linear regression with robust standard errors, control on the trial level, year-fixed effects

also observable in democracies. Stability maintenance cases have political significance as these cases reflect the authoritarian political atmosphere. Maintaining social stability is the key concern for the Chinese leadership, and examples of such cases include regulations on non-government organizations, protests and petitions in Beijing, and political expressions in social media.

Therefore, based on the arguments presented in this chapter, we could expect that the government's prevailing rate increase as the sensitivity of the issue increases. This is what we observe from Table 3.2. Overall, in traffic regulation cases, the government has a 74.8 percent chance to prevail over citizens. This rate becomes as high as 80.5 percent in law enforcement cases, and it hits 91.3 percent in stability maintenance cases.

In addition, across different dispute types, the government-prevailing rates show an in-

Table 3.2: Example: Three Dispute Types, Government Level, and Result

Dispute Type	Government Level	Gov. Win (vs. Loss, Percentage)
	Overall	74.8
	County or Lower	74.4
Traffic	Prefecture	75.1
Regulation	Province	76.8
	National	68.4
	Overall	80.5
	County or Lower	79.7
Law	Prefecture	84.7
Enforcement	Province	85.8
	National	89.9
	Overall	91.3
	County or Lower	91.4
Stability	Prefecture	92.6
Maintenance	Province	81.8
	National	93.5

creasing trend as the administrative level of the government becomes higher. The drop in the government win rate among traffic regulation cases that involve national-level agencies is due to the small number of observations in the cell. There are only 19 traffic regulation cases where the government side is at the national level, and in 13 out of those cases, the government prevailed over the citizens.

3.7 Conclusion

Why China allows its citizens to sue their political authorities? I argue in this chapter that it is because the regime wants to accommodate the citizens who bring their non-threatening type of discontent towards the government to the courtroom, while still repressing the challenges that are potentially threatening. Using the text-based dataset on China’s administrative rulings between 2014 and 2018, this chapter demonstrates that as the sensitivity of a dispute increases, and the administrative level of the government becomes higher, a citizen

becomes less likely to win an administrative lawsuit. Also, a citizen is least likely to prevail against a high-level government regarding a highly sensitive issue.

In addition to the main findings, the descriptive statistics of this chapter further provide new knowledge about the distribution of administrative lawsuit cases in China. Specifically, the analysis of my dataset reveals that Chinese citizens are most likely to bring their requisition cases to the court, followed by open government information cases. Yet, almost 70 percent of requisition cases are likely to be either not accepted, dismissed, or withdrawn, likely due to the highly sensitive nature of the dispute.

Figure 3.6 suggests that there are specific types of cases that my argument cannot explain. For example, although urban planning cases are considered sensitive, a government party is more likely to lose than win in such cases. Also, government win rates are similar both in sensitive (e.g. land rights dispute cases) and in non-sensitive cases (e.g. open government information and environment cases). These anomalies need further examination, as other factors such as the difficulty of gathering evidence or procedural requirements in these specific cases may determine the trial result.

CHAPTER 4

INFORMATION CONTROL ON CITIZEN RESISTANCE AGAINST GOVERNMENT

The previous chapter showed that the administrative litigation system controls public dissent by adopting concession or repression depending on the level of threat posed by the public. Following upon this finding, this chapter further demonstrates that the regime signals such scope of permissible challenge against the government to the public by selectively increasing the visibility of lawsuit cases in the media.

4.1 Introduction

Media under the control of an authoritarian regime is generally assumed to carry out propaganda activities for the regime, with its purpose being to shape favorable public opinion or to signal the regime's strength [Huang, 2015, Becker, 2004, Byman and Lind, 2010, Shambaugh, 2017]. Negative reports that often come from independent media are either suppressed or left uncensored if they serve the interests of the regime [Tai, 2014, Chen and Xu, 2017, Egorov et al., 2009, Gehlbach et al., 2016].

However, occasionally, information that could potentially undermine the regime is disseminated from the least likely source in China – the state-controlled media outlets. In 2012, Xinhua News Agency reported that a father of a college student in Chongqing province filed an administrative lawsuit against the provincial government.¹ The litigant requested the court to cancel the labor reformation sentence imposed on his son for writing political critiques on his social media account, but the court dismissed the case.² In 2014, China News

1. Zhu, W. (2012, October 10). "Chongqing daxuesheng cungan fa weibo gongji zhengfu bei laojiaoan kaiting." [The trial on a Chongqing University student who "attacked" the government on Weibo and then given labor reformation] *China Court*. <http://www.chinacourt.org/article/detail/2012/10/id/605661.shtml>

2. Yang, J. X. (2012, November 21). "Chongqing san zhong yuan gongkai xuanpan renjianyu laojiao an

Service covered a case where a scholarly association sued the Ministry of Civil Affairs.³ The association pleaded against the administrative penalty that the Ministry imposed on it for not complying with the annual inspection of social organizations, but the court ruled in favor of the Ministry. In 2018, Beijing Youth Daily covered a similar case where another nation-wide social organization sued the Ministry of Industry and Information Technology.⁴ The Ministry did not approve the annual work report submitted by the organization because the report lacked structural information about the organization and because the organization lacked a proper internal management system. But again, the court reaffirmed that the Ministry did not do anything wrong.

These media reporting behaviors depart from conventional wisdom in two ways. First, they are not typical propaganda reports. In general, the Chinese media actively acclaims the legal system, portraying the system as a rights protector of powerless citizens [Stockmann and Gallagher, 2011]. Yet, in the above examples, the court did not protect people's freedom of expression and of association, but rather affirmed the government's penalties against them. This is closer to the raw reality of the legal system of China as an authoritarian state, an aspect that the regime would normally want to conceal from the public's eyes. Second, if divulgatory reports were to be made, then they are likely to be from independent or foreign media. It is expected that the regime would carefully control the content and amount of such negative reports so that they do not stir collective action and help the leadership monitor the local agents [Lorentzen, 2014, King et al., 2013]. However, in the above examples, the original sources of the reports are state-affiliated media outlets. Xinhua

renjianyu tiqi de xingzheng susong bei caiding bohui." [The court dismisses the case on Mr. Ren's labor reformation] *China Court* <http://www.chinacourt.org/article/detail/2012/11/id/789425.shtml>

3. Ming, T. (2014, November 25). "Minzhengbu sizhang chuting yingsu yuangaofang: Zhide kending." [The director of the Ministry of Civil Affairs appeared in court to respond to the plaintiff: worthy of recognition] *China Court* <https://www.chinacourt.org/article/detail/2014/11/id/1491519.shtml>

4. Li, T. (2018, December 28). "Shouli she quanguoxing shetuanzuzhi yu yewu zhuguanjiguan xingzheng jiufenan gongkai xuanpan." [The judgment of the first administrative case between a national social organization and a business management authority] *Sina* http://k.sina.com.cn/article_2090512390_7c9ab00602000s5e0.html?from=news&subch=onews

is a news agency that is directly under the State Council of China, China News Service is the second largest state news agency, and Beijing Youth Daily is sponsored by Beijing Communist Youth League. Considering that the Chinese leadership faces similar threats from the masses just as other autocrats, why would they actively disseminate information about the disgruntled population? Under what conditions would an authoritarian regime make such a seemingly self-defeating choice?

In this chapter, I argue that China controls the information on citizen resistance against the government. That is, China selectively increases the public visibility of state-citizen contentions in order to manage the threat from dissidents in society. When the regime reveals information on citizen challenges against the government that is less political and thus tolerable, it appeases the public by suggesting compromises – which can be understood as a form of propaganda. On the other hand, when the dispute is highly political and thus potentially threatening, the regime dissuades the public from posing further challenges by implying repression – which explains the above examples. Through this selective disclosure of information, an authoritarian regime signals the permissible scope of resistance against the state.

To test the argument, I compare two original datasets on China’s administrative lawsuit cases in which ordinary citizens sue their government. The first dataset includes media articles about administrative trials, published between 2014 and 2018. The other dataset contains the entirety of over 270,000 administrative rulings published in the same years. Reflecting the Chinese context, I measure the level of threat with the contents of the dispute and the administrative level of the government agency involved in a lawsuit. The empirical analysis demonstrates that for politically non-sensitive disputes (e.g. economic regulations and documentation of marriage or birth certificates), the media is likely to show results where citizens prevail over the government. I argue that through this, the regime signals to the public that it is leaving room for a concession when the threat is kept at a moderate

level. On the other hand, when the media covers highly sensitive disputes (e.g. enforcement of the law by the police and one child policy) that involve high-level administrative agencies, government-winning results are made more prominent. The regime, therefore, insinuates that repression may be enacted when the threat rises to a non-permissible level.

This chapter suggests that an autocrat informs the public of this threshold through an intentional disclosure of the cases where citizens challenge their political authorities. This signaling effect of the state media is particularly important nowadays since citizens under authoritarianism already have access to alternative information sources and are aware that the state media is biased [Chen and Shi, 2001, Truex, 2016]. Therefore, the state media is less likely to brainwash the public, but more likely to suggest a concession, by covering citizen-prevailing stories in non-sensitive disputes. Likewise, the state media could sometimes actively expose, rather than conceal, potentially self-defeating information to signal repression. As such, scholars have suggested that the new evolving role of the official mouthpiece is to convey political messages to the public rather than to indoctrinate them [Huang, 2015]. This research builds upon the literature and demonstrates that state media is a medium through which an authoritarian regime signals either concession or repression, depending on the level of threat that it faces.

4.2 Argument on Information Control

In this chapter, I argue that an authoritarian regime would selectively increase the public visibility of the information on state-citizen contention in order to manage threats from its opponents. By being selective, an autocrat signals the permissible level of resistance against the government to the dissidents in the society and achieves two goals: suggesting compromises to those who stay within the tolerable scope and implying repression for those who exceed it.

When a citizen's resistance against the government is less political and thus tolerable

to the authoritarian leadership, then the regime will show that it left room for concession (“concession” argument). As in the previous chapter, each authoritarian regime defines its own scope of resistance that is tolerable. Based on the specific political contexts, different kinds of government-citizen disputes are deemed “non-threatening” enough for the public to be aware of and to suggest a compromise.

When a conflict between a citizen and the government is highly political and thus potentially threatening to the regime, then the authoritarian regime will be less willing to disseminate relevant information in the first place. Unlike non-threatening types of disputes, this time, it is risky for an autocrat to acknowledge serious social problems. In addition, because the very purpose of revealing information on state-society conflict is to show the acceptable level of resistance, it is in the authoritarian leader’s interest to hide non-tolerable types of disputes from the public’s eyes. This is in line with the existing view in the co-optation and repression literature: when co-optation is plausible, repression is narrowly adopted only when it is absolutely necessary, as the latter is costlier [Frantz and Kendall-Taylor, 2014, Carter and Carter, 2021].

Nevertheless, in rare cases when the regime *does* decide to publicize such disputes, it will signal that any challenges beyond the permissible scope will not be tolerated (“repression” argument). A regime would not want to adopt the “concession” strategy only. This is because the leadership would worry that continuous concessions will increase the citizens’ expectations and make them ask for further concessions from the regime. Therefore, with the demonstration of unwavering state power over certain disputes, the regime demarcates a clear limit to its citizens.

Anyone in society can receive information spread by the state. However, I assume that the main target audience is dissidents, who are not likely to tolerate unfair treatment and may take action against their political authorities. Because those people have the potential to become a threat, the central leadership takes preemptive measures to contain them. The

public, who are assumed to have no clear prior understanding about what kind of challenge is permissible, learn about the state-set threshold through this information. While it is expected that the public, especially the dissidents, do catch the state-sent signals from the information to some extent, this dissertation does not test whether they will actually behave in the way that an autocrat intends.

4.3 Media Coverage on Administrative Lawsuits in China

China provides an appropriate testing ground for my argument. China’s administrative litigation system is a state-provided – or in other words, state-controlled – venue where citizens can challenge their political authorities in China. Furthermore, administrative cases are regularly covered by the media, although the absolute number of reports is relatively small due to the political nature of the disputes. This is part of larger legal dissemination efforts led by the state [Whiting, 2017]. Not only administrative cases but also other legal issues and trials are covered by newspapers and live-broadcasted online to promote law-based governance in China.⁵ Such state-led media coverage is the major channel through which Chinese citizens learn about their litigation system [Stockmann and Gallagher, 2011].

I argue that when the Chinese leadership publicizes administrative lawsuit cases through the media, they are being selective in order to signal the scope of tolerable resistance against the government. Scholars have already documented that the Chinese state signals the “boundary” of rights claims through surveillance or the use of raw coercion towards certain actions, and activists such as journalists and NGO leaders are attentive to those signals [Stern and O’Brien, 2012, Fu and Distelhorst, 2018]. I claim that an intentional disclosure of government-citizen contentions in a courtroom is one of the ways in which the Chinese leadership signals its boundary. It further suggests that the state not only signals the limi-

5. For live broadcasts, see The Supreme People’s Court of the People’s Republic of China. (n.d.). *China Court Trial Online*. <http://tingshen.court.gov.cn/>

tations to people's rights but also shows what *is* allowed, by implying concessions. Through this, the authoritarian leadership clearly demarcates the line at which the citizen-government confrontations are acceptable in the administrative litigation system.⁶

Among a wide range of potential consumers of media coverage on administrative trials, people who have experienced similar disputes and are trying to resolve conflicts will likely pay particularly close attention to related reports made by state-controlled outlets.⁷ From the perspective of the Chinese leadership, these people constitute the pool of possible regime challengers. This is particularly so in China because filing an administrative lawsuit is not easy for many people – their chance to prevail over the government is only around 10-15 percent, the rulings may not be enforced even if they win, and they could also face political retaliation from the administrators for suing them [He, 2016, O'Brien and Lee, 2005]. Therefore, unlike many others who do not pay heavy costs to file administrative lawsuits, administrative litigants constitute a small fraction of the population who willingly take time to study, endure lengthy waits, and even risk potential retaliation from the government to resist unfair administrative actions. Therefore, by clarifying the scope of administrative lawsuits that are acceptable, the Chinese leadership attempts to maintain its control over China's major dispute resolution institution, namely, the administrative lawsuits system. However, because not only administrative litigants but also any Chinese citizens have access to media reports, this information control fundamentally serves to make people recognize the limit to their rights to challenge the government, even outside this institution.

6. See Stern and Hassid [2012] for a different perspective.

7. This is especially true in the Chinese context where administrative litigants tend not to hire lawyers for lawsuits as frequently as they are in the U.S. In the author's interview in 2019 with 44 ordinary Chinese citizens who have considered filing lawsuits to resolve administrative grievances, 23 people said they either did not or will not hire lawyers for their administrative lawsuits. Among them, 16 people said that they self-studied laws and court cases to prepare for their lawsuits.

4.4 Hypotheses and Alternative Hypotheses

This chapter examines four hypotheses to empirically test the argument. The main components of the argument are the level of threat posed by opponents in the society, and the signals of concession and repression from the regime.

As in the previous chapter, I measure the sensitivity of an administrative lawsuit in two ways: the contents of a dispute and the administrative level of the government. The signs of concession and repression are expressed by revealing certain trial results. When the regime wants to suggest concession, it makes government losses more visible in the media. For repression, government wins are made more prominent.

With the above measurements, I present and test the below four hypotheses. First, the concession argument states that when an administrative dispute remains within a permissible scope, related information is likely to become highly visible to the public.

Hypothesis 1: An administrative case on a less sensitive issue is more likely to be covered by the state-controlled media than a case on a more sensitive issue.

The concession argument further posits that non-sensitive cases where the government loses are more likely to be covered by the media. This is because the regime wants to show that it can accommodate the public, as long as they remain obedient.

Hypothesis 2: Among cases with less sensitive issues, a government loss is more likely to be covered by the media than a win.

The repression argument assumes that information on citizen-government disputes that are outside the permissible scope will not be disseminated in the first place. In this regard, the first hypothesis indirectly tests the repression argument. But the repression argument further predicts that when the regime *does* decide to release information on such cases, it is trying to demonstrate that the general public cannot win against the state.

Hypothesis 3: As the sensitivity level of a case rises, a government loss becomes less likely to be covered by the media.

The “state” that has to showcase its unwavering power to the public is more likely to be central or provincial-level government agencies than ones at the local level. Therefore, when highly sensitive cases involve high-level administrative agencies, it becomes even more unlikely that the state media will cover government loss.

Hypothesis 4: Within sensitive cases, as the administrative level of the government agency involved in a case becomes higher, a government-winning result becomes more likely to be covered by the media than a government-losing result.

This chapter further tests three alternative explanations for why the media covers administrative lawsuits. First, Ginsburg [2008] states that China’s administrative litigation system *itself* was built for the central leadership to solve the principal-agent problem by overcoming information asymmetry. Therefore, the role of the state-controlled media would be to manage lower-level officials, not the general public, by gathering information about local issues. If so, then most of the cases that the media covers will involve low-level, rather than high-level, government bodies.

Alternative Hypothesis 1: An administrative case involving a lower-level government agency is more likely to be covered by the media than a case involving a higher-level government agency.

Second, state-controlled media may also follow the law of supply and demand, just as local or commercial media does. That is, reporters may prioritize satisfying the appetite of their readership over delivering political messages. In general, sensational events receive attention from a wider population than mundane stories do.

Alternative Hypothesis 2:⁸ An administrative case with a higher level of political sensitivity is more likely to be covered by the media than a case with a lower level of sensitivity. (\leftrightarrow **Hypothesis 1**)

Third, if the purpose of media coverage is to solely legitimize the CCP rule and to increase

8. Later, I further test this alternative hypothesis with another dataset containing commercial media coverage of administrative lawsuits.

public support, news articles do not have to intimidate the readers by demonstrating state power. Rather, the leadership would want to show that government agencies correct their behavior through lawsuits, regardless of the issue sensitivity or government level.

Alternative Hypothesis 3: Even within sensitive cases, regardless of the administrative level, government losses are always more likely to be covered by the media than wins. (\leftrightarrow **Hypothesis 4**)

4.5 Data and Methodology

4.5.1 *Media and Administrative Lawsuits Datasets*

Two datasets are needed to test the hypotheses, one on the media coverage of administrative cases and the other on all administrative cases. Among all possible data sources of the former, it is intuitive to collect the news articles from the Party-sponsored central-level media outlets because they best reflect the Chinese leadership's preference for making certain cases more visible than others. If all news articles on administrative lawsuits were to be used, then the analysis may draw in many other factors that led the journalists to write those articles instead of solely transmitting the central leadership's intentions. For instance, local media outlets might want to write sensational and entertaining news to attract readers or might want to write articles that fit local interests. However, the total number of news articles from Party-sponsored central-level outlets between 2014 and 2018 is under 50, which is not enough for a meaningful data analysis.⁹

Alternatively, I compiled the entire corpus of news articles about administrative trials posted on the Chinese official court website, *China Court* (the Court website), between 2014

9. "民告官" search results from *Wise News*. Setting: restricted the news outlets to People's Daily, Guangming Daily, Economic Daily, Legal Daily, Xinhua News Agency, and China Youth Daily, from Jan 1, 2014 to Dec 31, 2018).

and 2018.¹⁰ This dataset, or the Media Dataset, still captures which cases the leadership wants to make public. The Court website is under the leadership of the Party Group (*dangzu*) within the Supreme People’s Court and is overseen by the State Council Information Office and the National Radio and Television Administration (formerly the State Administration of Press, Publication, Radio, Film, and Television, 2013-2018). Therefore, the news articles available on this website can be considered “approved” by the leadership.¹¹ In the dataset used for the hypotheses tests, there are only three reports on administrative cases where the *original* sources are commercial media outlets.

Chinese citizens do not have to visit this particular website to read news articles on administrative lawsuit cases. Many of the articles on this website are the re-posts from popular state-controlled news outlets, such as People’s Daily (*Renminwang*), Xinhua (*Xinhuaawang*), and China News (*Zhongxinwang*). Sometimes, *China Court* directly publishes articles first and other news channels cover the same stories afterward. Therefore, not only are these articles available on the Court website or from the given sources, but one can find the same or similar news coverage elsewhere on the Internet.

The second dataset, the Administrative Lawsuits Dataset (Lawsuits Dataset) contains the entirety of administrative rulings that were published in a digital archive, *China Judgment Online* (CJO), between 2014 and 2018.¹² In 2014, it became a legal obligation for every court in China to publish written judgments in this archive, which is operated by the Supreme People’s Court of China. Although Article 4 of the Supreme People’s Court’s Regulation on the Online Publication of Judgment Documents (the Regulation) leaves room for arbitrary non-disclosure by the court and selection bias on the publication of judgments, this

10. *Zhongguo fayuan wang* [China Court]. www.chinacourt.org/

11. Between 2014 and 2018, over 2,000 news articles covered administrative lawsuits in mainland China, and 352 articles were posted on the Court website (“民告官” search results from *Wise News*. Setting: all newspapers from mainland China, from Jan 1. 2014 to Dec 31. 2018. No results appeared using “行政诉讼” as the keyword).

12. *Zhongguo caipan wenshuwang* [China Judgements Online]. wenshu.court.gov.cn/.

archive provides the most complete collection of court cases among all the extant sources. Accordingly, many of the recent studies on China’s law and politics rely on this archive as the data source [Wu et al., 2022, Hou and Truex, 2020]. Later, I discuss the patterns of missingness in the Lawsuits Dataset. Also, the Appendix includes a robustness check, done only with the observations from the highly transparent provinces.

4.5.2 *Unit of Analysis*

The unit of analysis is a “case.”¹³ An administrative lawsuit case consists of a non-government party (plaintiff in a first-level trial), a government party (defendant in a first-level trial), the court in charge, the level of trial, the issue or dispute, and the trial result. A single news article in the Media Dataset may cover two or more cases; when an article includes a single plaintiff-defendant conflict on the same issue but discusses both the first and the second level trials, then two cases are coded. When a single article covers multiple cases equally, then each of the cases counts as a separate unit; however, if an article focuses on a single case and adds other similar examples without detailed explanations about the disputes, then it is coded as a single case. Similarly, two or more news articles could be coded as a single case when they cover an identical issue involving the same parties at the same level of trial.

4.5.3 *Dependent Variable*

The dependent variable is coded as “1” for cases included in the Media Dataset and “0” for those in the Lawsuits Dataset. Ideally, “0” should represent the cases that were not covered by the media, rather than the population distribution of all cases. However, because

13. The disputes that this dissertation focuses on are ones where a non-government party sues a government party for the latter’s administrative (in)action. Accordingly, both the Lawsuits Dataset and the Media Dataset include (1) administrative lawsuits and (2) administrative compensation requests that are filed along with, or followed by, administrative lawsuits. The datasets do not include judicial compensation requests against courts’ misjudgments, non-litigation cases such as property preservation requests (*feisu caichan baoquan*) or executive reviews (*zhixing shencha*), and other administrative documents such as administrative jurisdiction documents, which are about deciding the court in charge of a case.

the information available in news articles is sometimes incomplete or inaccurate (e.g. using pseudonyms for litigant names), it is not enough to identify corresponding judgments with certainty. Furthermore, sometimes cases that are already covered by the media are not available from the CJO yet. This is because reporters usually write news articles right after a trial is concluded, whereas it could take up to a few years for a case to be officially written and published as a ruling. As a result, this coding method was adopted as the best alternative. Although this approach underestimates the actual probability of media coverage, the magnitude would be negligible as the ratio of 0 to 1 in the dependent variable is 1,474 to 1.

4.5.4 Independent Variables

The first independent variable is the level of issue sensitivity. As in the previous chapter, cases were first classified into 22 different dispute types, and then each dispute type was assigned to either a high or low level of sensitivity. Three coders hand-coded the type of dispute of all the cases in the Media Dataset and 3,100 cases (training set) in the Lawsuits Dataset. The inter-coder agreement rate is 93.1 percent. A single case is allowed to have up to two dispute types. As a reminder, Table 4.1 shows how I categorized the sensitivity of different dispute types.

The second independent variable is the administrative level of the government, consisting of national-, provincial-, prefecture-, or county- or lower levels. In certain parts of the analysis, these four administrative levels are further dichotomized. That is, national or provincial-level government agencies are considered to be at the high level, whereas prefecture, county, or lower-level government agencies are considered to be at the lower level. When there are more than two government agencies involved in a single case, the highest level is recorded. This is because, in the Chinese context, it is generally costly for a reporter to cover a high-level administrative agency, regardless of the involvement of a lower-level

Table 4.1: Type of Dispute and Level of Political Sensitivity

	High Sensitivity	Low Sensitivity
	Requisition and eviction	Self-governance
	Urban planning	Welfare*
	Land disputes	Education*
	Labor disputes	Environment*
	Civil servant standards*	Health*
Type of Dispute	Work Injury	Safety Quality*
	Stability maintenance	House property rights*
	Law enforcement	Traffic regulation
	Tax*	Paperwork
	Family planning	Open government information
		Market economy
		State economy

Table note:

In the Appendix, I explain each dispute type and why they are considered sensitive or not. Also, I conduct another hypothesis test with an alternative categorization of sensitivity level. In the alternative categorization, the dispute types with * are dropped because they are considered to be in the gray area. The regression analysis results with the alternative categorization show stronger support for my argument.

agency.

The last independent variable is the trial result. It is a nominal categorical variable that classifies the results of trials as government loss, government win, withdrawal, dismissal, and rejection. However, the cases that reached final verdicts by judges (either government loss or win) may be systematically different from the others. In addition, the Lawsuits Dataset is likely under-reporting withdrawn cases where the two parties often reach informal settlements and not accepted cases. Therefore, the empirical analysis only compares government losses and government wins. Cases where a government party loses include the rulings that (1) revoke or (2) modify the administrative actions in question, (3) compel administrative agencies to carry out their legal duties, or (4) recognize that the administrative actions were illegal or invalid. In some cases, judges accept part(s) of the non-government party's requests and dismiss the rest of their requests. Such cases are labeled as government losses in the dataset, as it is rare and difficult for ordinary citizens to achieve one small victory against

their administrators in a courtroom. The rulings that (1) uphold administrative actions, (2) recognize that administrative actions in question were legal or effective, and/or (3) dismiss the non-government party's requests (*Bohui Susong Qingqiu*) are coded as government prevailing cases.

4.5.5 *Control Variables*

Control variables are as follows: First is a factor of the year when a judgment or news article was published. Rather than the year when a case was filed or concluded, the publication date better represents when the decision on a case became publicly visible. Second, the trial level is included as a categorical variable, with first-, second, and re-trials. In the main empirical analysis, I only include first- and second-level trials, as second-level trials are the final step in the Chinese trial system.¹⁴ Third is an indicator of whether a case involves a compensation request or not. This variable is intended to control for the possibility that high-stake cases are more likely to be covered by the media. Finally, for a robustness check, I include an indicator of whether a case was held in Beijing or not. See (5) of Table A.3 in the Appendix.

The empirical analysis of this chapter only includes the case where the non-government party is an ordinary citizen(s), who is not a corporation nor a prosecutor. They constitute 85.5 percent of litigants in the Lawsuits Dataset and 58 percent of litigants in the Media dataset. This is because the article focuses on the relationship between the state and citizens. Corporations and prosecutors have different power dynamics vis-à-vis administrators compared to ordinary citizens. Also, it is unclear how ordinary citizens might interpret disputes between the two parties. For example, a citizen may perceive a prosecutor as a representative

14. Many re-trials in the Lawsuits Dataset are not about rulings but about deciding whether or not to allow re-examination of the case or not, and/or about deciding the court that will be in charge of re-trial. Also, in the Media Dataset, there are only five re-trials with valid trial results. A regression analysis does not hold if a re-trial is included as a control variable because there is not enough variation in other variables within those five cases.

of public interests, serving justice against the government. Yet, another person may think that a prosecutor is part of the state. Likewise, some citizens may sympathize with business owners, while others would perceive capitalism as the enemy of people.

4.5.6 *Number of Observations*

Between 2014 and 2018, a total of 883,152 administrative rulings were published on the CJO.¹⁵ Among them, 94 rulings from Hong Kong or Taiwan, and 12,450 rulings that do not include any information about the cases were dropped.¹⁶ Then, after limiting the dataset to cases where the non-government-party is an ordinary citizen(s), the results are either government loss or government win, and the trial is at the first or second level, I am left with a corpus of 271,177 cases in the Lawsuits Dataset.

During the same period of time, 352 news articles were posted on the Court website. These articles cover 961 administrative cases in total. Among them, 538 duplicates and 30 overlapping articles were dropped.¹⁷ After limiting the dataset to cases where the non-government party is an ordinary citizen(s), the results are either government loss or government win, and the trial is at the first or second level, the final number of observations of

15. Out of the original 1,070,806 rulings, 187,654 duplicates were dropped. Case ID, trial result, name of the non-government party, and name of the government party were compared to detect duplicates. The remaining 883,152 cases were concluded between 2001 and 2018, with 97.36 percent of them ending between 2014 and 2018.

16. Such rulings contain a single sentence, such as “This case was settled (以调解方式结案的),” “The People’s Court deems inappropriate to publish online (人民法院认为不宜在互联网公布的其他情形),” or “State secrete (涉及国家秘密的).”

17. Here, “duplicates” are the group of cases that are filed at the same time on the same or similar incident. Such cases have identical values in nearly all variables but are coded more than once in the dataset. This happens when, for example, a single plaintiff files multiple lawsuits with similar contents, or multiple individuals file the same lawsuits at the same time. The latter happens because Chinese courts often discourage collective lawsuits and persuade each litigant to file one lawsuit per person. This is to prevent collective action [Gallagher, 2017] or to exaggerate courts’ performance (Author’s interview with a local expert on administrative law, OE-W005). The news articles that include duplicates introduce the incident once and then add that “the plaintiff(s) filed n lawsuits on this.” In such cases, it is not that the media decided n times to publish about this particular dispute, which speaks to the probability of media coverage. Therefore, a single case among the duplicates was preserved for analysis while the others were excluded. “Overlapping coverage” happens when two or more articles cover the same case(s).

the Media Dataset is 184. Regardless of specific content, the dispute between citizens and the government is itself political, thus a risky topic for the media to cover. Therefore, it is understandable that the number of observations in the Media Dataset is much smaller compared to that in the Lawsuits Dataset.

4.6 Missing Data Problem

This chapter tests whether the administrative cases in the Media Dataset significantly differ from those in the Lawsuits Dataset as the hypotheses predict. Here, a concern arises from the prospect of selection bias in the Lawsuits Dataset. Tang and Liu [2019]’s analysis of the rulings from CJO finds that the average disclosure rates ranged from 42.1 percent to 47.4 percent between 2014 and 2016. Having the availability of only around 50 percent of all lawsuits indeed poses a challenge in viewing the true distribution of cases. Still, however, this is a huge improvement in transparency compared to the 0.3-2.7 percent disclosure rate before 2013, providing an alluring research opportunity for scholars.

The main concern arises from regional variance in disclosure rates, which not only vary across different provinces [Tang and Liu, 2019] but also among different courts within the same province [Liebman et al., 2020]. Therefore, the Lawsuits Dataset could potentially over-represent rulings from certain courts. However, this issue has limited influence on the way this chapter interprets media reporting behaviors, which are centrally controlled. More importantly, the unobserved cases do not appear to undermine this research after considering the sources of missingness. Recent findings from the related studies suggest that the uneven disclosure rate is not likely due to political concerns, but more likely due to the capacity of each court to handle the uploading process. For a robustness check, the Appendix includes additional analysis with the observations in the Lawsuits Dataset only from the courts on the East coast of China, as they are proven to be more transparent [Wu et al., 2022]. The assumption is that the cases from the East coast better represent the population distribution

of the actual administrative lawsuits. The analysis results show even stronger support for my argument (Table A.4 of the Appendix).

4.7 Results

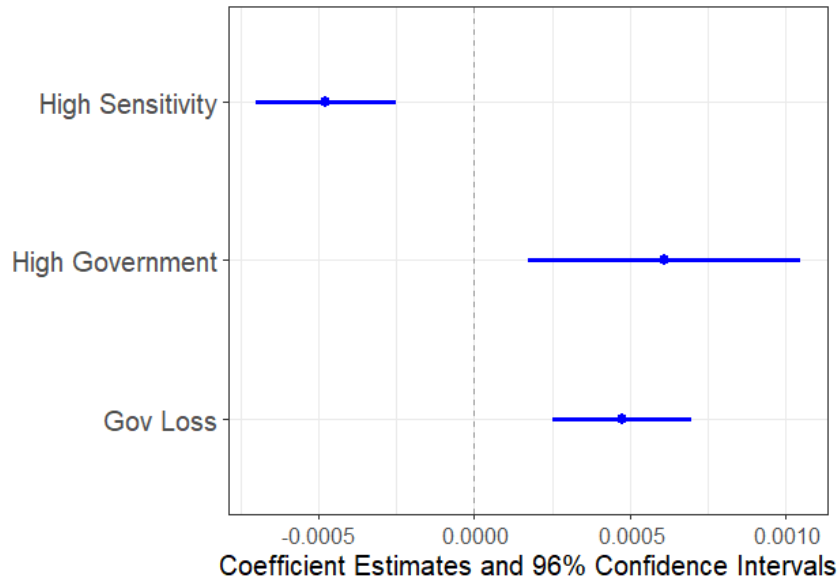
In this section, I run linear regressions with robust standard errors, control on the trial level, compensation, and year-fixed effects to test the hypotheses. The full regression table is available in Table A.3 of the Appendix.

4.7.1 Issue Sensitivity and Media Coverage

Figure 4.1 shows the coefficients and 96 percent confidence intervals of the three main variables: issue sensitivity, government level, and trial result. The first hypothesis predicts that less sensitive, thus more tolerable types of disputes are more likely to be covered by the media. The regression analysis proves that as the issue sensitivity of an administrative case moves from low to high, the case becomes less likely to appear in the media. Although the absolute magnitude of coefficients appears to be small (0.00048), considering that media coverage of administrative lawsuits itself is a rare event (rate: 0.00067), it bears substantive significance. This finding further suggests that newsworthiness (Alternative Hypothesis 2) does not fully explain the reporting patterns of the *state*-controlled media. Later, this alternative hypothesis on newsworthiness is further tested and rejected. Specifically, I show that the *commercial* media outlets cover as many sensitive types of administrative lawsuit cases as non-sensitive cases (See Figure 4.5).

Figure 4.2 illustrates this regression analysis result. It compares the distribution of the types of disputes in the two datasets. For instance, in reality, administrative (in)action regarding land requisition and eviction (Requisition) is the cause of over 15 percent of lawsuits. Yet, such cases only represent less than 7 percent of those covered by the media. Other topics that are highly underrepresented in the media include land disputes (Land), open government

Figure 4.1: Linear Regression Analysis – Main Variables



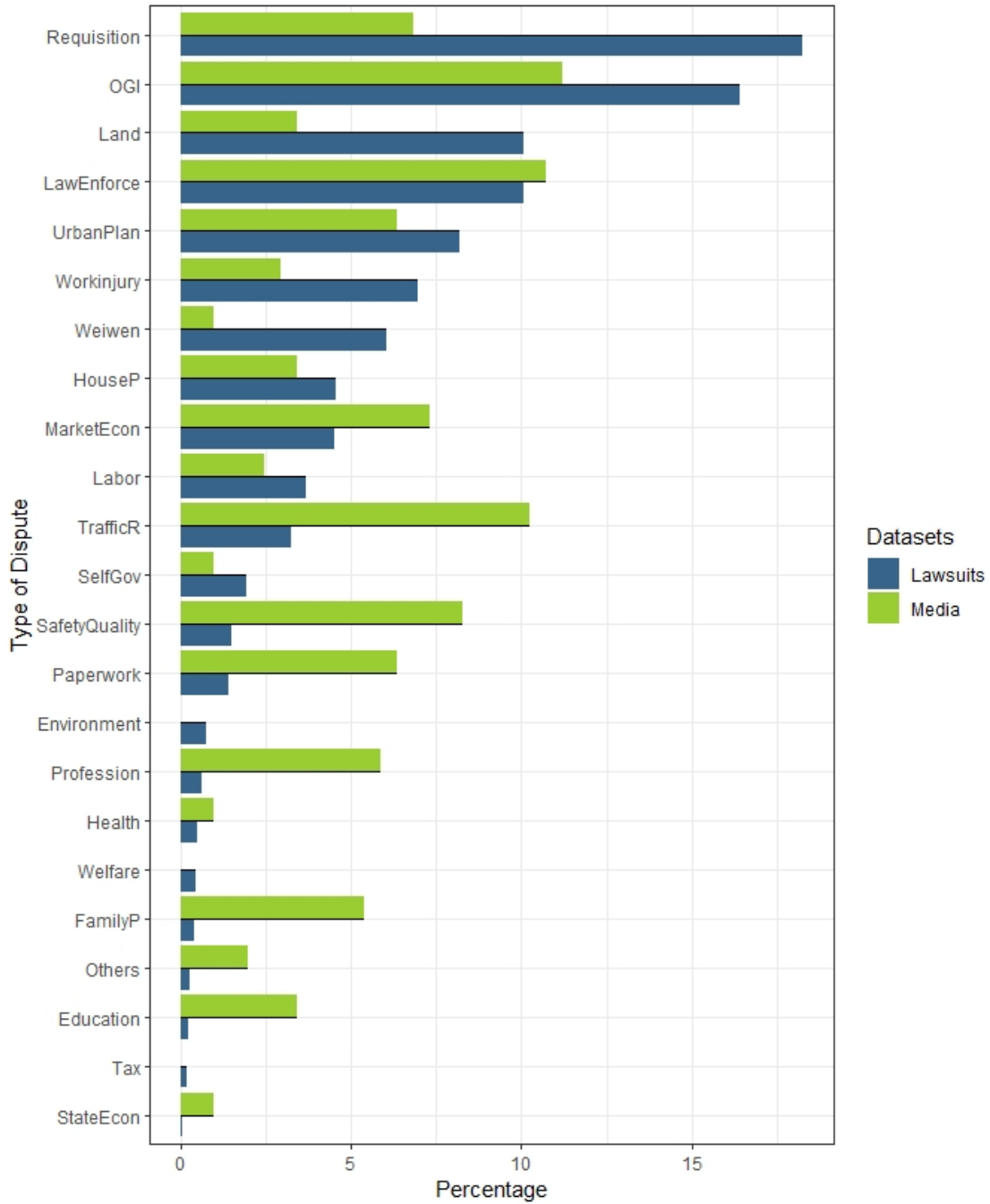
Note: Linear regression analysis with robust standard errors, control on the trial level, compensation, and year fixed effects. Model (2) of the full regression table in the Appendix (Table A.3).

information requests (OGI), stability maintenance (*Weiwen*), and labor disputes (Work Injury and Labor), in order. All of these issues are considered highly sensitive, so they are less likely to be covered by the media. On the other hand, cases on traffic regulation (TrafficR), safety and quality management (Safety Quality), civil servant standards and state-managed job titles (Profession), family planning (FamilyP), and documentation such as marriage or birth certificate issuance (Paperwork) are over-represented in the media. Traffic regulation, safety and quality management, and paperwork are the topics that are non-sensitive, so they are more likely to be covered by the media.

As such, the distributions of dispute types in Figure 4.2 are largely in line with the prediction in Hypothesis 1. Yet, topics such as Profession, Family Planning, and Law Enforcement are over-represented in the Media Dataset even though they are considered highly sensitive.

Later in the interaction analysis, I show that the government level explains why these

Figure 4.2: Distribution of Dispute Types in Each Dataset



Note: 1. A single case is allowed to have up to two dispute types.

2. Rulings on open government information cases (OGI) contain few details on the contents of the information requested, making any inference inaccurate.

3. See the Appendix for counts.

highly sensitive disputes are over-represented in the media. For example, out of 12 Profession cases, 11 cases involved prefecture or lower-level government agencies. In one case where a province-level government was involved, the media showed a result that was favorable to the government, which is in line with the repression argument. Similarly, in all of the 11 cases about Family Planning and in all of the 20 cases about Law Enforcement, the government agencies were at the prefecture or lower levels. As such, when administrative disputes are highly sensitive, the media is less likely to show higher-level government parties involved in the cases. When high-level governments are involved in highly sensitive cases, only government prevailing results are made visible.

4.7.2 Government Level and Media Coverage

The regression results also show that high-level government agencies are more likely to be covered by the media.¹⁸ This implies that resolving the principal-agent problem by covering local issues is not the main role of the state-controlled media in China (Alternative Hypothesis 1). Assuming that the administrative litigation system itself is indeed intended to resolve the principal-agent problem, then the regression results can be explained in three ways. First, because the publication of court rulings has become mandatory since 2014, the central leadership already has access to information on local politics. If so, then before 2014, the state-controlled media could have carried out an additional duty to deliver local information to the leadership, a role which they no longer need to play. Second, the role of the state-controlled media could differ from that of the local or commercial media. That is, the center may rely on local or commercial news coverage to gather information on local administrative performance. Third, I later show that when lower-level administrators are involved, the media does not hesitate to report government losses. Thus, if the media coverage

18. In another model that is not in the regression table, I included a different binary indicator variable to measure the government level. This variable is coded as 1 for the government agencies at the county or lower level, and 0 for those at the prefecture, province, or national levels. The coefficient is not statistically significant.

of administrative lawsuits regulates local agents, the mechanism is not through information gathering, but through sending political messages to the agents; if local administrators do not abide by the laws set by the center, they will be punished through administrative trials.

But why would the media cover administrative cases that involve high-level government bodies? The positive and significant coefficients of government losses in Figure 4.1 appear to provide evidence for the legitimacy theory (Alternative Hypothesis 3). Indeed, from a qualitative reading of cases with high-level government agencies that appeared in the media, I found that news articles emphasized how actively the high-level administrators are participating in the regime's "ruling in accordance with the law (*yifa zhiguo*)" initiatives. Specifically, the reporters praise high-level officials for readily attending administrative trials as defendants.¹⁹ This is an important phenomenon in the context of China's cultural tradition because when the legislation of the ALL was first discussed in the 1980s, government officials considered it humiliating that a "father figure" was being openly criticized by the populace [Chen, 2008]. Therefore, the center has been encouraging administrators in charge to be responsible and present at trials and listen to what the citizens say.²⁰ In this regard, the media is portraying the high-level administrators as setting a good example in building a law-based society. Nevertheless, as I demonstrate in the section below, legitimacy theory only explains half of the story, when media covers non-sensitive cases.

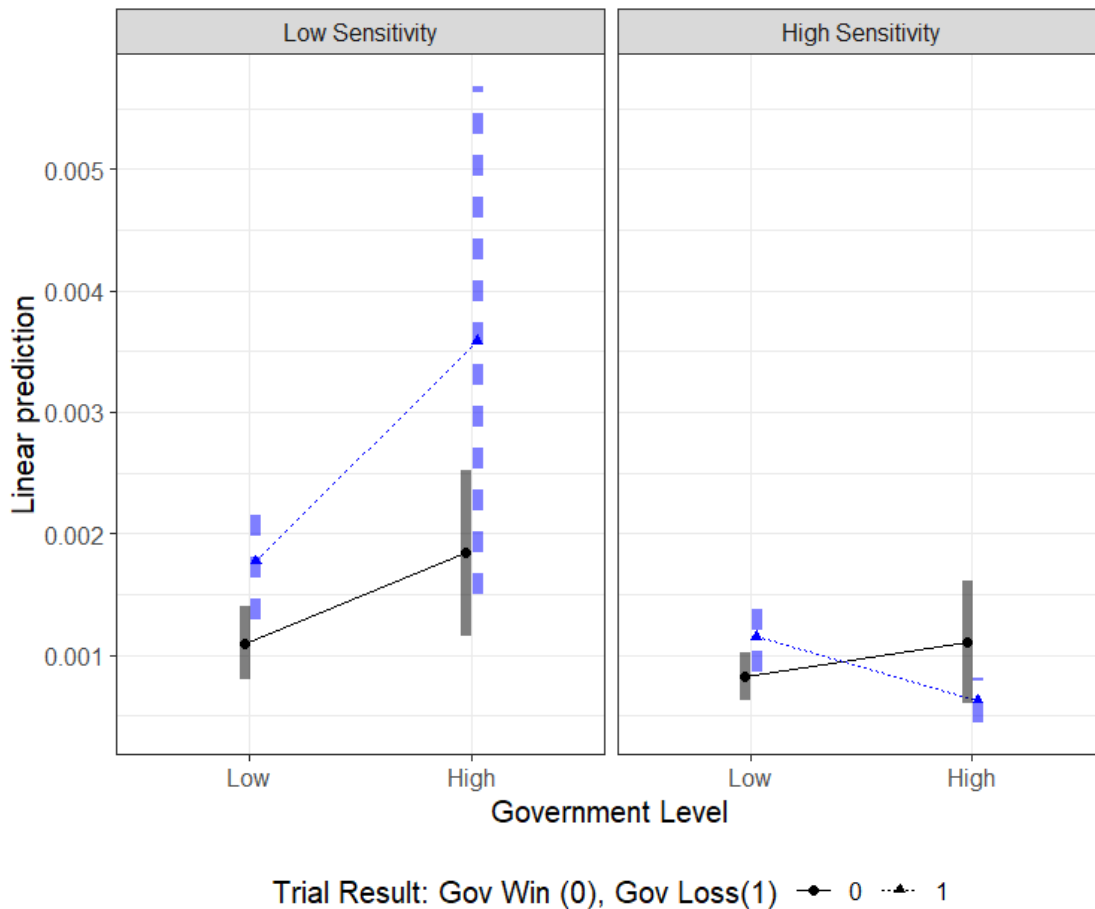
19. For example, see Yan, L. M. (2017, March 25). "Sheshui jin'e da 2700 wanyuan shuiwu bummn "yibashou" chuting ying su." [In a 27 million-yuan tax case, the "top leader" appeared in court to respond] *China Court*. www.chinacourt.org/article/detail/2017/03/id/2632420.shtml and Zhou Q. & Yang L. (2014, December 04). "Hunan Liuyang yi cunmin zhuanggao shizhengfu fenguan fushizhang chuting yingsu." [A villager in Liuyang, Hunan sued the municipal government. The deputy mayor in charge appeared in the court to respond] *China Court*. www.chinacourt.org/article/detail/2014/12/id/1496957.shtml.

20. "Guowuyuan guanyu jiaqiang fazhi zhengfu jianshe de yijian" [Opinions of the State Council on strengthening the building of a government ruled by law], issued by State Council in 2010, states that "Dui zhongda xingzheng susong anjian, xingzheng jiguan fuzeren yao zhudong chuting ying su" [For major administrative lawsuits cases, the persons in charge should actively appear in court to respond]. Also, see this article originally published in People's Daily and then uploaded to the State Council website: "'Yibashou" chuting shi tang fazhi ke." ["Top leaders" appearing in trials is a rule of law class] www.gov.cn/zhengce/2015-12/25/content_5027642.htm/

4.7.3 Three Interactions: Sensitivity, Government, and Trial Level

Figure 4.3 plots the coefficients and confidence intervals of the interactions among issue sensitivity, government level, and trial result.

Figure 4.3: Linear Regression Analysis – Three Interactions



Note: Linear regression analysis with robust standard errors, control on the trial level, compensation, and year fixed effects. Model (6) of the full regression table in the Appendix (TableA.3).

As Hypothesis 2 predicts, within a low level of issue sensitivity, the media tends to report more government losses than wins, regardless of the government level. On the contrary, in line with Hypothesis 4, government wins are made more prominent when high-level government agencies are involved in highly sensitive disputes. Even though the government losses are

overall highly visible from the media (Figure 4.1), in such a circumstance, the probability that the media will cover a government loss is the lowest. Indeed, when highly sensitive cases were covered, the media never showed a single government loss when province- or national-level administrators were involved; but note that the regression analysis result is driven by the statistical significance of the interaction term that includes the national-level government (See Models (4) and (6) of Table TableA.3 in the Appendix. Also, see Models (5) and (6) of Table A.4 in the Appendix). Also, in both of the two cases where the media covered sensitive cases that involve national-level government agencies, the cases were about stability maintenance. These are the 2014 case and the 2018 case introduced earlier in this chapter. Considering that both of these two cases are about inspections of civil organizations, a potential for collective action is likely to be the greatest threat to the Chinese regime. This is in line with the existing findings from King et al. [2013]. The results suggest that when citizens resist the government on sensitive topics, especially on stability maintenance, then resistance against the national level government agency is deemed not tolerable to the authoritarian leadership.

Yet, it is unclear whether the regime would adopt the repression strategy when a lower-level government agency is involved in a sensitive dispute. The statistical significance of the two-way interaction terms between issue sensitivity and the trial result are inconsistent across different models. In the two supplementary analyses for robustness checks, the terms are negative and statistically significant at the $\alpha = 0.1$ level (Models (3) and (4) of Table Table A.4, Models (3) and (4) of Table A.5 in the Appendix. Table A.5 only included highly transparent courts. Table A.5 dropped the dispute types where their levels of sensitivity are in the gray area). However, the terms are not statistically significant in the main linear regression analysis with robust standard errors (Model (3) of Table A.3 in the Appendix), and in the logistic regression analysis (Model (3) and (4) of Table A.6 in the Appendix). This suggests weak support for Hypothesis 3.

To dissect the regression analysis results in Figure 4.3, Figure 4.4 visualizes the number of cases by issue sensitivity, government level, and trial result in each dataset. Plot (c) and (d) demonstrate that the media covered 80 cases on sensitive issues and 88 on non-sensitive issues. But in reality, the Lawsuits Dataset shows that the courts tried more sensitive cases (173,206 cases, Plot (a)) than non-sensitive ones (92,765 cases, Plot (b)). This again confirms the above regression result on Hypothesis 1; non-sensitive cases are more likely to be covered by the state-controlled media over sensitive cases.

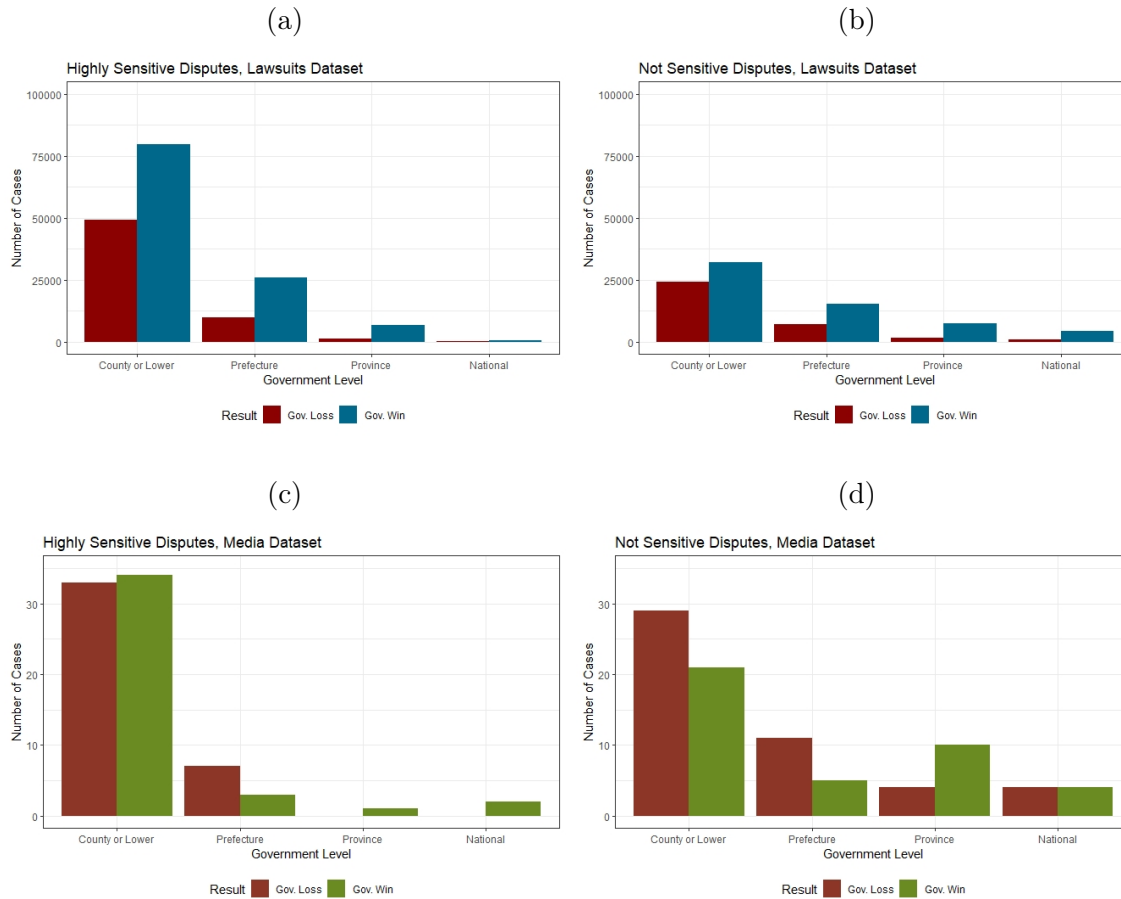
Furthermore, in the media, government losses were covered in 50 percent of the sensitive cases, and 55 percent of the non-sensitive cases. In reality, government agencies lost 35 percent of the time in sensitive cases and 36 percent of the time in non-sensitive cases. This shows that in the media, government losses from non-sensitive disputes were made more prominent than from sensitive ones. The results support Hypothesis 2, as well as Hypothesis 3, although the regression results were inconsistent in the latter.

What is most notable in Figure 4.4 is that when highly sensitive cases were covered, the media never showed a single government loss when province- or national-level administrators were involved (Plot (c)). On the contrary, when non-sensitive cases were covered, the media still over-represented government losses, even when high-level government bodies were involved (Plot (d)). This demonstrates that a public challenge against a higher-level government with a highly sensitive issue is considered not permissible in China, as Hypothesis 4 suggests.

Such signal of repression is only observable from the *state*-controlled media and not from the *commercial* media. Figure 4.5 replicates the statistical model in Figure 4.3 with another dataset on commercial media coverage of administrative lawsuits (Commercial Dataset). Commercial Dataset contains the entire corpus of news articles on administrative trials, published between 2014 and 2018 by commercial media outlets only.²¹ The number of

21. News articles are collected from “民告官” search results from *Wise News*. Setting: all newspapers from mainland China, from Jan 1. 2014 to Dec 31. 2018. No results appeared using “行政诉讼” as the keyword.

Figure 4.4: Sensitivity \times Government Level \times Trial Result, Each Dataset



1. There are two highly sensitive, government-winning cases that involve national-level government agencies in the Media Dataset, and both are about stability maintenance (*Weiwen*). There is one highly sensitive, government-winning case that involves a provincial-level government agency in the Media Dataset, and it is about "Profession."

2. Counts and proportions (in parenthesis) are as below:

(a) County: Gov Loss 49,079 (0.28) Win 79,678 (0.46), Prefecture: Loss 9,941 (0.06) Win 25,827 (0.15), Province: Loss 1,281 (0.01) Win 6,821 (0.04), National: Loss 117 (0.0007) Win 462 (0.003)

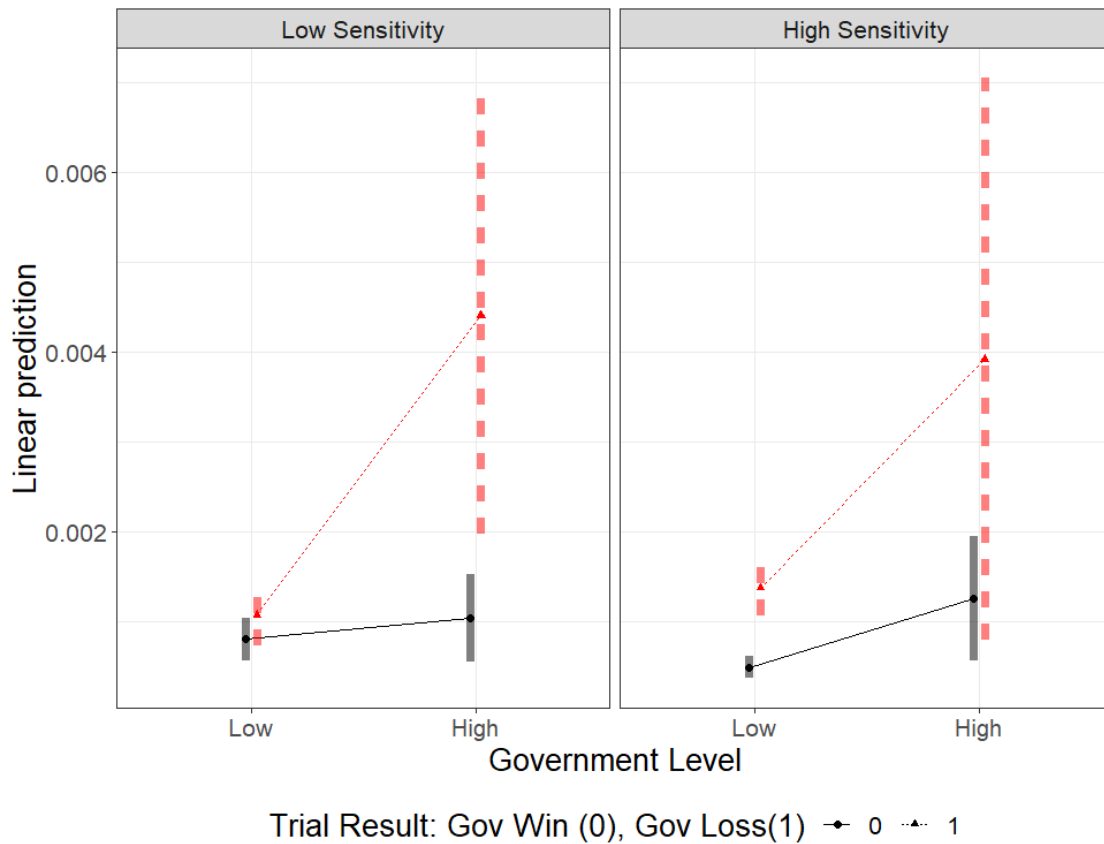
(b) County: Gov Loss 24,084 (0.26) Win 31,921 (0.34), Prefecture: Loss 7,111 (0.08) Win 15,232 (0.16), Province: Loss 1,666 (0.02) Win 7,413 (0.08), National: Loss 996 (0.01) Win 4,342 (0.05)

(c) County: Gov Loss 33 (0.41) Win 34 (0.43), Prefecture: Loss 7 (0.09) Win 3 (0.04), Province: Loss 0 (0) Win 1 (0.013), National: Loss 0 (0) Win 2 (0.025)

(d) County: Gov Loss 29 (0.33) Win 21 (0.24), Prefecture: Loss 11 (0.13) Win 5 (0.06), Province: Loss 4 (0.05) Win 10 (0.11), National: Loss 4 (0.05) Win 4 (0.05)

observations, or cases, is 183.

Figure 4.5: Replication of Figure 4.3 with *Commercial Media Coverage*



Note: Linear regression analysis with robust standard errors, control on the trial level, and year fixed effects. Note that I was not able to include compensation this time because it is highly correlated with sensitivity (Compensation nested within high sensitivity). Model (6) of the full regression table in the Appendix (Table A.7).

Unlike the state-controlled media coverage of administrative lawsuits, the commercial media is always more likely to cover government losses than government wins regardless of issue sensitivity or government level. Overall, the commercial media covered 114 government-losing cases and 71 government-winning cases. As my argument implies, only the state-controlled media delivers the state’s signal on repression; the commercial media does not want to scare off its audience. In addition, similar to the prediction of Alternative Hypothesis

I followed Kim [2018]’s classification of state-controlled versus commercial media outlets.

2, both highly-sensitive cases and non-sensitive cases are equally likely to be covered by the commercial media (Models (1) through (4) in Table A.7 of the Appendix). Among the 183 administrative lawsuit cases covered by the commercial media outlets, 108 cases (59 percent) were about highly sensitive issues and 75 cases (41 percent) were about not sensitive issues. This contrasts with the state media coverage of administrative lawsuits, where non-sensitive cases are more likely to be covered than sensitive cases, as my argument suggests. Such reporting behaviors of commercial media outlets are not likely due to legitimacy concerns. Rather, the commercial media would want to cover the stories that cater to its audience. That is, the commercial media tends to cover stories on sensational rather than mundane disputes, and stories on citizen winnings over government agencies than losses.

4.8 Conclusion

Why do we observe particular patterns of media reports on administrative lawsuit cases in China? This chapter explains that this is because the authoritarian regime wants to signal concession or repression, depending on the level of threat that they face from the public. In the Chinese context, the level of threat is measured by the sensitivity of the issue and the administrative level of the government. The empirical analysis suggests that challenges against a *national*-level government agency are particularly threatening to the Chinese leadership. Also, in both of the two cases where the media covered sensitive cases that involve national-level government agencies, the cases were about stability maintenance. These are the 2014 case and the 2018 case introduced earlier in this chapter. Considering that both of these two cases are about inspections of civil organizations, a potential for collective action is likely to be the greatest threat to the Chinese regime. This is in line with the existing findings from King et al. [2013].

Then to whom the regime is sending the messages? Although anyone in a society can receive the information spread by the state, the threat-control theory supposes that the

main target audience is the dissidents in the society who are not likely to tolerate unfair administrative measures and may take action against the state. Administrative litigants in China constitute those who have such potential to become a threat to the regime. This is because they constitute a small fraction of the Chinese citizens who are willing and courageous enough to challenge their administrators.

The public will turn to state-controlled media outlets to read the political signals from the regime. Therefore, even if the media reporting behavior of the commercial media diverges from that of the state-controlled media, it does not affect the signaling argument.

Admittedly, some consumers of the state-controlled media could take the messages at face value. That is, when they see the government-losing cases from the media, they may believe that the administrative litigation system is actually built to protect people's rights. Yet, other readers, especially potential administrative litigants, are likely to catch the state-sent signals and learn about the permissible scope of resistance against the state. This is because nowadays, people under authoritarianism are aware that state-controlled information is biased. Indeed, 47.9 percent of ordinary Chinese people understand that the court tends to treat the local government favorably at administrative trials, and 67.1 percent of them view that the administrative litigation system is limited in protecting people's lawful rights [Lin, 2014, pp. 66-68]. These people are unlikely to believe that the regime would easily give in, even if they see government-losing results from the media. Yet, it is beyond the scope of this dissertation to test whether the public fully understands the signal or acts in accordance with how the regime wants them to behave.

China is capable of adopting both concession and repression strategies because it has control over the dispute resolution institution, namely the administrative litigation system. In the courtroom, the state can decide the kinds of lawsuits that its citizens are allowed to win against it. This may not be the case for every authoritarian country, even if the leadership has tight control over the media. If an authoritarian regime does not have the

capacity to resolve a government-citizen dispute in a controlled way as China does, then it would be risky for its leadership to make certain disputes visible to the public, no matter the sensitivity of the cases.

CHAPTER 5

WHY PEOPLE DARE TO SUE GOVERNMENT

Whereas the previous chapters discussed the role of the administrative lawsuits system for the regime, this chapter turns to the role of the system for the public.

5.1 Introduction

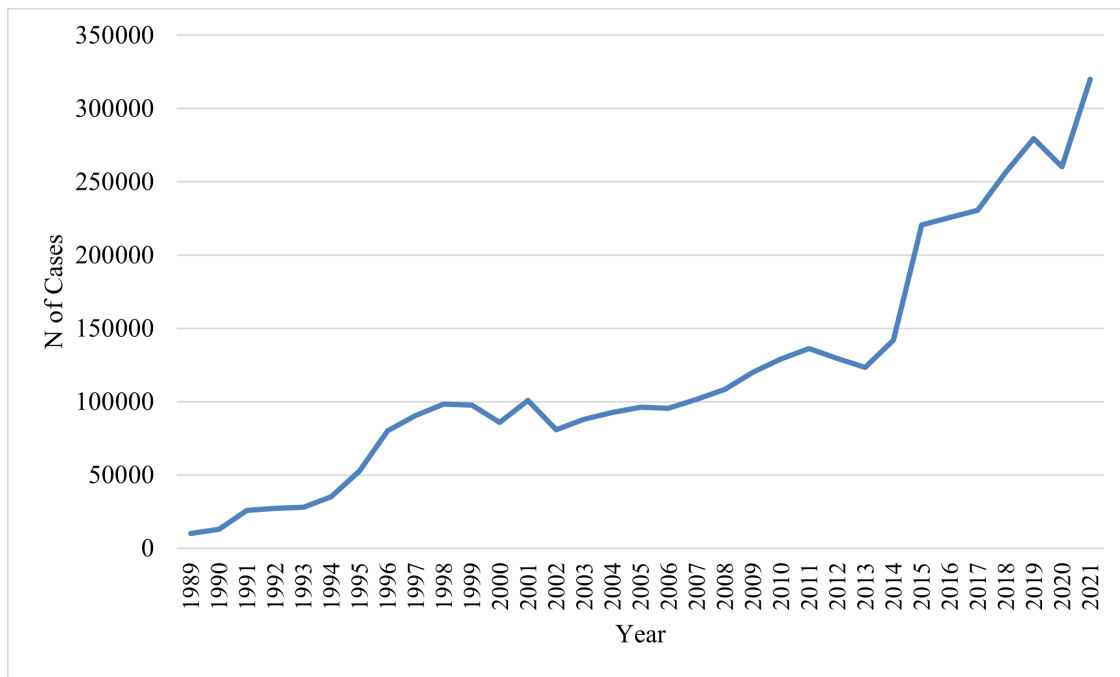
Despite China's "long march towards the rule of law," ordinary citizens still appear to have few incentives to use the administrative litigation system [Peerenboom, 2002]. Filing a lawsuit may not be worth their time and money as people only have a 10 to 15 per cent chance to win over their administrators [He, 2011]. Even when citizens prevail, court rulings are not likely to be fully enforced [He, 2016]. Litigants could also face retaliation, including threats of physical violence, from administrators who want them to withdraw their cases [O'Brien and Lee, 2005]. More fundamentally, courts are not free of political interference from the Chinese Communist Party (the Party) and the government [Peerenboom, 2002]. A survey conducted in 2011 found that a significant number of Chinese citizens are aware of this: 47.6 percent of the respondents understood that the court tends to treat the government favorably in administrative trials, and 67.1 percent of them viewed the administrative litigation system as limited in protecting people's rights [Lin, 2014, pp. 66–68].

Nonetheless, in the last three decades, China has seen an increasing trend in the number of lawsuits ordinary people bring against the government. Since 1989, when the ALL was first promulgated to allow citizens to sue the government, the number of first-level administrative trials has increased 32-fold, from 9,934 cases to 319,977 cases in 2021 (Figure 5.1). Among these litigants, more than 85 percent are ordinary citizens, not corporations or prosecutors.¹ This continuous push by the Chinese people to claim their rights is both significant and

1. Author's analysis of the Administrative Lawsuits Dataset

puzzling. It is significant because an administrative tribunal acts as one of the few venues where citizens can influence their political authorities in China’s authoritarian system. It is puzzling at the same time because extant studies on the limitations of China’s legal system imply that citizens should be stymied from challenging administrators through the court. Why, then, would people bring their administrators to court in China notwithstanding the risks and slim hopes for outcomes in their favor?

Figure 5.1: Number of Administrative Lawsuits by Year



Source: *Zhongguo Falv Nianjian* [Law Yearbook of China]; *Zhongguo Tongji Nianjian* [China Statistical Yearbook]; National Bureau of Statistics of China, “Annual Data,” at <http://www.stats.gov.cn/english/Statisticaldata/AnnualData/>.

This chapter draws on interviews with Chinese citizens who have considered filing lawsuits to resolve their administrative grievances and provides one possible answer to this question: Litigants file lawsuits because they want to make their voices heard in front of administrators. In an authoritarian political atmosphere, this is a rare opportunity. If people bring their grievances to the petition bureau, they are not likely to receive any responses. Protests are

often suppressed. On the contrary, a courtroom provides a stage where administrators are summoned to sit and listen to litigants putting forward their arguments. This chance to make their case during the trial is what litigants value, even though they either see the legal system as unfair or do not expect to win.

By treating an administrative trial as a stage for citizens to stand up for themselves, this chapter suggests that people participate in politics by filing lawsuits.² This view emphasizes the political significance of an individual lawsuit in a non-democratic legal system, where the consequences may not bring about immediate social changes or revisions in law. This view further suggests that the administrative litigation system in China is an example of quasi-democratic institutions in authoritarian regimes. The system fundamentally serves the authoritarian rulers because it was designed to help the central leadership monitor local officials [Ginsburg, 2008]. Yet, at the same time, the institution lets people use their voices against unlawful administrative behaviors, which is normally seen in democracies.

Despite such significance, the literature on quasi-democratic institutions lacks citizen-side stories. So far, the literature has focused on the institutions' role in consolidating authoritarian regime stability. We now know how political parties and elections, legislatures, constitutions, and courts assist authoritarian elites in enabling credible power-sharing, co-optation of potential challengers, and in resolving principal-agent problems [Magaloni, 2008, Gandhi and Przeworski, 2007, Albertus and Menaldo, 2012, Ginsburg and Moustafa, 2008]. However, we still do not know enough about the ways people interact with and make use of the institutions [Distelhorst, 2017]. People have been mostly described as victims of the non-liberal institutions built primarily for the elites. Also, citizens were viewed as passive participants in those institutions because it is thought that they simply act upon what is available to them. However, not only in China but also in other authoritarian states such as

2. Here, political participation is defined as "any action (or inaction) of an individual or a collectivity of individuals which intentionally or unintentionally opposes or supports, changes or maintains some feature(s) of a government or community." This definition is from Conge [1988]. Zeman [1983] also treats litigation as political participation.

Russia, citizens actively use the institutions to achieve their own objectives [Hendley, 2009]. This chapter attempts to fill this void in the literature and contribute to our understanding about the lives of ordinary citizens under authoritarian rules.

5.2 Administrative Dispute Resolution

As stated earlier in this dissertation, Chinese citizens have a few options to resolve their disputes with administrators. Among these options, filing an administrative lawsuit is a relatively new option. Chinese citizens who are aware of this relatively new litigation method have a greater tendency to file administrative lawsuits when faced with administrative disputes.³ According to Lin's survey, compared to those who are not aware of the ALL, the respondents who *are* aware of it were 13.9 percent points less likely to withhold (i.e. not taking any actions) and 11.5 percentage points more likely to apply for administrative reconsideration, a pre-stage of a lawsuit. Also, the existing literature suggests that socio-economic status, education level, and political connections have positive correlations with the propensity for legal mobilization [Michelson, 2007, Gallagher and Yang, 2017]. Indeed, in order to file a lawsuit, a litigant needs to be aware of their rights and make a law-based accusation against an administrative action. In addition, not everyone has the time and money to go through the lengthy legal processes.

Moreover, in China, there are several factors that make litigation a particularly less favorable option. First, because the legal system is not independent from political influence, those who are aware of it may avoid the court. For example, the president of the court belongs to the Political-Legal Affairs Commission of the Party, and the judicial appointments and promotions are approved by the Party Organization Department even though the Judges Law stipulates that local People's Congresses have the personnel rights [Peerenboom, 2002].

3. Note that the dispute resolution measures are by no means exclusive. People may take multiple actions at the same time so that they can quickly resolve their issues. For example, they may petition either before or after litigation. See [Liebman, 2011a].

Local government officials wield power over the judges and lawyers as well, although this has become less so after the fiscal centralization of the court [Chu, 2014, p. 363]. Second, the conditions for case registrations are too narrow. For example, litigants can only file lawsuits against concrete administrative actions, but not against the law itself [He, 2016]. This is because the court does not have the authority to overturn any type of law, even lower-level legislation that is inconsistent with superior legislation or the constitution. Third, there is a limit to what Chinese citizens can achieve through a lawsuit. Only in about 10 percent of the accepted cases are the litigants successful in achieving the rulings in their favor.⁴ When citizens prevail, the court either 1) revokes or 2) modifies the administrative action in question, 3) compels administrative agencies to carry out their legal duties, or 4) recognizes that the administrative action was illegal or invalid. However, winning in a case does not necessarily lead to an immediate change in the administrative action as the court has a limited capacity to enforce implementation [He, 2016]. Finally, litigants may have to risk their future relationship with the local government; they may even face threats from the government to force them to withdraw from their cases [O'Brien and Lee, 2005].

Perhaps due to these barriers and limitations, the number of administrative lawsuits in China remains low, albeit with an increasing trend. For example, in 2021, while the number of first-instance civil lawsuit cases was more than 16.6 million, there were only 319,977 administrative cases.⁵ The frequency of administrative lawsuits is far below that of the petitions as well, which is estimated to be more than 10 million each year.⁶ Because it is difficult to file an administrative lawsuit, it is even more striking to observe a steady increase, not a decrease, in the number of administrative lawsuits as in Figure 5.1. Therefore, it is important to study who would continue to act against the government amongst many others

4. Author's analysis of the Administrative Lawsuits Dataset.

5. National Statistics Bureau of China, "Annual Data," at <http://data.stats.gov.cn/easyquery.htm?cn=C01>.

6. Only estimate is available for the annual number of petitions. In 2002, the number of cases was around 11.5 million. See [Minzner, 2006, p. 105]

who do not do so when facing the above barriers. What motivated these litigants to become emboldened, and what are they striving to achieve through the administrative lawsuit?

5.3 Existing Explanations

There are several existing explanations for the continuous increase in the volume of administrative lawsuits in China. First, the extant findings suggest that growing public knowledge about the right to sue the government explains the inflow of new litigants. The aforementioned survey result implies that if people knew there were legal remedies to their disputes with the government, they would have been more likely to file administrative lawsuits [Lin, 2014]. This is in line with Gallagher and Yang [2017]’s claim that formal education in the law and legal knowledge gained from the media, books, the Internet, and social networks increases citizens’ propensity to use legal institutions in China. Indeed, China has been actively publicizing the law through propaganda, education, and the media under the slogan of “ruling the country in accordance with the law,” and this has been strongly influencing people’s awareness of, and access to, the law and legal system [Chen, 2017, Whiting, 2017]. Therefore, it is plausible that those who were not aware of their right to sue the government in the past have now turned to administrative lawsuits after years of legal dissemination efforts.

Second, filing a lawsuit has become less difficult, even though litigants might still face challenges during and after the trial. The amendment of the ALL in 2014 made it easier for the court to register complaints, devised remedies for litigants when their cases are not accepted, and placed a broader range of administrative actions within the scope of acceptable cases [He, 2018]. This resulted in an immediate and noticeable increase in the number of administrative cases since 2015 [He, 2018, p. 178].

Finally, some scholars have shown that, other than winning the trial, Chinese citizens make use of administrative lawsuits in order to achieve some auxiliary goals. They attempt

to “draw heat to a cooling case” by initiating a lawsuit and facilitate settlements outside the court [Chu, 2014]. In some administrative cases that involve a civil third party, the litigants can leverage the government’s influence to put pressure on an underlying civil dispute [Liebman et al., 2020]. Filing open government information (OGI) lawsuits, which is a type of administrative lawsuit, is sometimes considered as a form of political activism where the litigants expose the government’s corruption [Distelhorst, 2017]. OGI suits are also a tool to discover evidence, or the absence of evidence, for another lawsuit that is directly related to the information requested [Kim et al., 2022].

While acknowledging that these existing explanations do contribute to our understanding about various incentives Chinese citizens have to file administrative lawsuits, this chapter adds another motivation that has been underexplored – the desire to face administrators and admonish them for their wrongdoings. This claim is unique in that it focuses on the meaning of the trial *process* to the citizens – a venue where the litigants can meet and speak to their administrators. The existing arguments focused on the purpose of initiating a case (i.e. seeking attention, facilitating negotiations by increasing pressure), or on the outcome of a trial (i.e. winning another case by gaining information or leveraging the government) rather than on the process of the trial itself. My claim also departs from previous findings in that it focuses on the motivations behind those who still file lawsuits despite knowing the limitations of the litigation system and or facing political retaliation from suing the government.⁷

5.4 Puzzle

As summarized in the previous sections, the literature on China’s administrative litigation system has mentioned several key political challenges that may deter people from filing law-

7. Gallagher’s study shows that certain litigants become more confident in their ability to file additional lawsuits after going through the process once, notwithstanding their “informed disenchantment.” See [Gallagher, 2006].

suits, including the low win rates and the possibility of government retaliation. Conventional wisdom suggests that in general, a person will consider the potential consequence of a lawsuit (a win or monetary gains) and compare this to the costs (e.g. risk, money, and time) when making the decision for a suit [Priest and Klein, 1984]. In line with this common sense, Li [2014] expects that only those who are free from the local government's intimidation will become administrative litigants in China. In the Russian context, Hendley suggests that Russians use their "reckon-ability" – whether they think their cases are likely to be ruled based on the law or on politics – to determine litigation [Hendley, 2009]. However, below I show that my interviewees still opted to lodge suits even though they were well aware of the risks, did not expect to win, and did not think that the administrative litigation system can protect their rights. The findings suggest that the existing explanations do not fully explain why Chinese citizens make rights claims in administrative tribunals.

First, my interviewees knew that they were not likely to win against the government, yet this did not deter them from filing administrative lawsuits. Among the 44 respondents, 29 people expected that the court rulings would be biased in favor of the government, and thus the chances were slim for them to prevail. "It is simply too difficult to win against the government as a helpless citizen," said one of my interviewees (Interviews: ID 04 and ID 28). Nevertheless, among them, only two people ultimately gave up filing their suits. Similarly, actual experiences in losing a case did not frustrate them. Among the 44 respondents, 24 people never won against the government a single time. Their cases were either not accepted for years or were dismissed, or they lost or were forced to withdraw from the cases. However, among the 24 respondents, more than 80 percent (20 people) still said they would rely on administrative lawsuits the next time they had an issue.

Second, my interviewees were well aware of the political risks in filing an administrative lawsuit but still chose to litigate. Including seven interviewees who had already faced retaliation from local officials, 24 out of 44 respondents said that there would certainly be

intimidation from the local government if they were to file a lawsuit. Interviewee ID 13 had not been able to return home for years because he feared that the government officials would arrest him for filing a suit. Here, the “retaliation” or “intimidation” that the interviewees mentioned included threats to hold the litigants in custody, scaring off the litigants by, for example, throwing stones at their window every night, and threatening to exclude them from future benefits programs. Yet, again, only two of those people dropped their lawsuits. Also, nearly 80 percent (19 out of 24 people) of those who expected retaliation said they would choose to file administrative lawsuits again in the future.

Finally, despite their pessimistic view of the administrative litigation system, most of the respondents said they would resolve future disputes through lawsuits. When I asked if they thought the current administrative litigation system can protect their rights, 10 people answered that it can, while 29 people answered it cannot. Many of the latter 29 respondents felt that the court is not independent of the Party and the local government and that the court and the government are on the same side (Interviews: ID 01, ID 02, ID 05, ID 06, ID 13, ID 17, ID 20, ID 21, ID 23, and ID 25). They thought that because of this relationship between the court and the government, the court would intentionally drag their feet, refuse to accept the case, or inevitably rule in favor of the local administrator. Some even sounded hopeless, saying, “There’s no human rights or freedom of expression here (ID 09)” and, “Under a one-party rule, the law is useless (ID 18).” Surprisingly, however, nearly 80 per cent of the respondents (23 out of 29 people) who evaluated the system negatively still wanted to file a lawsuit to resolve issues again next time. Importantly, all of the eight respondents who had multiple experiences with administrative lawsuits assessed that the court cannot protect their lawful rights, but still said that they will file lawsuits to resolve future disputes.

Other than the political barriers that can be expected in authoritarian regimes, I also asked if my interviewees were concerned about monetary costs and lengthy processes. Only 14 people said they worried about money, perhaps because the cost to initiate a trial is very

low in China (around seven U.S. dollars). Many of those who said they were concerned about costs specifically referred to the financial burdens of hiring lawyers. However, hiring a lawyer does not appear to be a norm in China. As many as 24 of my interviewees were not represented by an attorney at their trials, and among them, 17 respondents did not even consult with legal experts but self-studied the law. Some believed that lawyers would side with the government, while others tried to hire a lawyer, but the lawyers received political pressure and ultimately refused to take on their cases (Interviews: ID 07, ID 08, ID 11, and ID 38). For many, the lengthy process of lawsuits, rather than the financial burden, was more of a concern. One of the respondents complained that he could not fully make a living while the lawsuit drags out in court (Interview: ID 22). Among the 22 respondents who expressed such concerns, 19 of them still opted for lawsuits in the future.

In summary, more interviewees were concerned about the political risks and limitations of the administrative litigation system over the monetary cost and the lengthy process. Considering this, the retention rate of about 80 percent is remarkably high.⁸ Then what motivates my interviewees to go to the court notwithstanding the barriers? Below, I suggest that the litigants value the procedure of administrative lawsuits in and of itself.

5.5 Speaking Up

5.5.1 *Mr. Liu and Ms. Yuan's Stories*

What caused my interviewees to overcome these political barriers and sue their administrators? The below accounts from Mr. Liu from Jiangxi (interviewee ID 14) and Ms. Yuan from Sichuan (interviewee ID 41) demonstrate that they valued the ability to make their voices heard through the litigation process.

8. Of course, positive images of, and positive experiences with the system result in more returning users. All of the 10 respondents who had positive images of and six (out of seven) respondents who prevailed at least once expressed their preference for administrative litigation. However, these only account for less than a fourth of the total respondents.

Mr. Liu, a peasant living in H Town in Jiangxi, did not expect that a simple request to separate his household registration (*Hukou*) from his ex-wife would result in a long and complicated administrative dispute that lasted for more than eight years. Since 2009 when he got divorced, he spent the first seven years visiting the local household registration department, police station, and public security bureau, asking for his Hukou separation. However, during that time, the county government was planning to develop H town, and thus was preparing homestead requisitions based on the residents' Hukou. The county government therefore temporarily prohibited any changes in Hukou registration, and Mr. Liu did not have any choice but to wait for his homestead to be sold.

After a long wait, Mr. Liu's land was finally sold, and his ex-wife had a daughter with her new husband. Now he believed that he could finally get his Hukou separated, but because there was still no progress, he filed an administrative lawsuit following advice from the public security bureau. Mr. Liu knew that he was likely to lose his case. Also, he was worried about his relationship with the local police station, and even thought that the police would retaliate against him. He imagined that after the trial, the police would try to find a reason to detain him, including for minor infractions of traffic laws. Still, he decided to bring his case to the courtroom. When I asked for the reason, Mr. Liu said, "because no one at the petition bureau or the relevant government agency responded to me. I was ignored and told to go back, so I did not have the chance to make my case (讲道理). This made me feel very humiliated and disrespected."

Even though he fully expected that it would not be easy to go through with an administrative lawsuit, there were more challenges that he did not foresee. To begin with, his first attempt at registering his case was unsuccessful because he was not qualified as a litigant. Article 25 of the ALL says that "the affected person of an administrative action" has the right to file a lawsuit. He thought that maybe he was not qualified because his mother was the head of the household, not himself, so he tried again with his mother as the litigant.

This time, his case was accepted, but ultimately dismissed without a proper explanation. He tried to ask for help from a local lawyer, but the lawyer refused to take the case. The lawyer was concerned that he would not be able to practice in that neighborhood in the future if he took an administrative case against the local government. Still left confused about the meaning of Article 25, Mr. Liu had to look up legal articles and books himself.

After self-studying the law, Mr. Liu managed to appeal. But, in the second-level trial, he encountered yet another problem: a conflict between the provincial and national regulations on Hukou separation. That is, his ex-wife had to live in a ‘lawful and stable’ residence for their Hukou to be separated. However, a rented house did not constitute a ‘lawful and stable’ residence based on the provincial-level regulations, while it did in the national-level regulations (his ex-wife was living in a rented house). Mr. Liu did not understand how the provincial standards could be applied to his case when it contradicts higher-level standards, nor why a rented house was considered an illegal residence. He went to the local police station to ask what constitutes a ‘lawful and stable’ residence but did not hear anything back. His second-level trial was dismissed again, so he filed a retrial request at the Supreme People’s Court and was waiting for the result at the time of the interview.

After going through all these setbacks, Mr. Liu suspected that the court was intentionally trying to avoid taking his case because it involved a county government’s development plan. He thought that Chinese law was created to just show off to foreigners, and that the administrative litigation system cannot protect people’s rights. His ‘informed disenchantment’ is understandable, as he experienced several of the typical and notorious hurdles of the Chinese administrative litigation system. His case was not accepted and later dismissed, arguably due to the political connection between the court and the county government. He could not hire a lawyer for his case because no one dared to challenge the local administrators. When there was an inconsistency between the upper- and lower-level standards, the court applied the local ones, which was favorable to the government, and did not provide any explanation.

Finally, he was not able to achieve the outcome that he wanted – getting his Hukou separated – through lawsuits.

Nevertheless, when asked whether he would choose to solve future disputes through administrative lawsuits again, he did not hesitate to say yes. “If I bring the case to the court, the government official will at least show his face (at the trial) and I will be able to talk to him, whether that conversation makes sense or not,” he explained. But in fact, his experience during the trial process did not live up to this ideal, because he “only got to speak a few words, while the government agency was speaking a few hundred words.” Still, that was a rare chance for him to face the administrator and put forward his arguments. Outside the courtroom, he was constantly ignored by the administrators and the petition bureau. Therefore, for Mr. Liu, this chance was what differentiated his lawsuit experience from other dispute resolution attempts. And, most importantly, he valued the chance to be heard in and of itself. That is, he did not expect to receive compensation through the conversation, but simply wanted to talk to his administrators.

Another interviewee, Ms. Yuan from Sichuan, works at a law firm (she is not a lawyer but did not specify her occupation), and has had many experiences filing lawsuits. Recently, her land was forcibly taken by the local government without due process or enough compensation. In the past, when such issues arose, Ms. Yuan used to try reporting incidents to the media, petitioning, visiting the office, and sending letters to the Central Commission for Discipline Inspection. However, this time, Ms. Yuan immediately filed an administrative reconsideration request to the provincial-level government – a higher-level administrative agency – and then sued it for not investigating her requisition case as requested. Although she lost in the first- and second-level trials, the Supreme People’s Court ultimately ruled in her favor, and the provincial government ordered the Department of Land and Resources to oversee the requisition case based on the law. Throughout the litigation process, Ms. Yuan was able to receive help from a lawyer at her law firm.

Although Ms. Yuan won in her recent case, she understood that normally, the general public loses in an administrative lawsuit. Even if a plaintiff wins on paper, she thought that the court would only admit procedural errors but not correct the substantive decisions made by the government. From her own past experiences, she also knew that the government could retaliate against the litigants. Overall, her assessment of the current administrative litigation system was that “[I]n 99 percent of the cases, it cannot protect common people’s rights.”

However, she said she would continue to bring her administrative disputes to the court. When I asked what she was trying to achieve through lawsuits, she said, “The goal is to have a conversation with the government. We just want the chief executive to appear in court, listen to the voices of ordinary people, and understand our situations.” For Ms. Yuan, an administrative trial was the chance to talk to the administrators in person. Therefore, if ordinary citizens do not speak up in the courtroom, then she thought that “they [the administrators] will feel that their actions are based on the law. This is why I still choose to file a lawsuit, even if I lose.” That is, Ms. Yuan believed that the administrators can finally realize their faults by listening to the people’s voices, not through court rulings.

At the same time, she recalled how frustrating her experiences were during the trials. Many times, only lower-level agents, not the chief executive himself, appeared in the court. She argued that if this continues, then there is no future in the administrative litigation system. For Ms. Yuan, for the administrative litigation system to function well, “These officials must face the accusations of ordinary people correctly and seriously.”

5.5.2 Voicing Discontent as Motivation for Lawsuits

The above anecdotal evidence suggests that for some administrative litigants in China, receiving favorable rulings is not the main goal of their lawsuits. More precisely, because they know that the chance is slim for the court to rule in their favor, the litigants do not expect

themselves to win. Rather, what they do expect is for the administrators to be summoned and listen to them. Other interviewees also expressed a similar desire to be heard by the administrators during the trial. In the below quotations, the bolded sentences indicate that the interviewees wanted their claims to be heard by administrators. The italics suggest that this holds true even when they think that the legal system is unfair, and thus cannot protect their rights:

1. Interview ID 23: *Although I was not able to win the case, I made my voice heard* (我发出了自己的声音). *The administrative litigation system could never protect my rights, though.*
2. Interview ID 27: *A law-based China does not exist. However, even though I lost my case, I can tell people that I dared to take action and to communicate with the government. I had to speak up* (我也要发出声音).
3. Interview ID 6: I don't care about the win rate, and *I even think that my case might be dismissed. If the court can make all the parties involved sit together and talk, then it is all good with me.*
4. Interview ID 34: If I file a lawsuit, I can **face the defendant and discuss** the problem.

According to Hirschman [2014, p. 30], "voice" is defined as "any attempt at all to change, rather than to escape from, an objectionable state of affairs, whether through individual or collective petition to the management directly in charge...or through various types of actions." As such, administrative litigants in China are voicing their discontent with the government directly to their administrators in the courtroom. Yet, my interviewees did not expect that they could actually change the administrative action in question. Rather, they wanted to alter the way that political authorities think about their actions by listening to

the people. As Ms. Yuan said, my interviewees thought that it is not the judges but the litigants themselves who can teach the administrators that “they were not lawful (Interviews: ID 17, ID 18).” Tyler [1987], Tyler et al. [1985] suggest that regardless of their capacity to influence the ruling, people value the chance to make their voices heard in a trial. Similarly, though the administrative litigation system may not provide fair rulings, Chinese citizens continue to use the system because it allows a space for litigants to voice themselves [Lind and Tyler, 1988]. Furthermore, if people believe that their views are being respected in a courtroom, then they perceive the decision-making *process* to be fair – that is, they feel that they received procedural justice [Tyler, 1987].⁹ For Mr. Liu, this feeling of being respected is what was lacking during his experience with other dispute-resolution methods.

This act of voicing their discontent is different from mere venting or from political activism. First, the litigants need their administrators to be present during the trial and listen to them. Therefore, it is not good enough for a trial to simply provide them with a chance to articulate their case without the administrator present. This explains Ms. Yuan’s frustration when the chief executive, the right audience for her, did not appear during the trial. Second, the litigants are not trying to draw attention to their case from society, but simply trying to talk to their administrators. An example of the former would be Nelson Mandela’s speech – “I Am Prepared to Die” – made during the Rivonia Trial. There, the speech was targeted at a broader audience in order to urge them to support the cause of the African National Congress, and the trial was used as a stage to deliver this political message. In China, as Distelhorst documents, certain administrative litigants do intend to draw in a larger audience to their cases and, for instance, expose the government’s corruption to the public [Distelhorst, 2017]. But my interviewees are different from this group of people, as their target audience is the administrators, not the public.

Perhaps a motivation like “talking to administrators about their faults” may sound too

9. For the definition of procedural justice, see [Tyler, 2003, p. 284].

small, but it is actually a rare opportunity in an authoritarian state. Without freedom of expression, Chinese citizens are mostly excluded from expressing political and administrative views that challenge government authorities. Under such a circumstance, an administrative tribunal provides an unusual venue for people to voice their concerns against the government because during the trial both parties are summoned to assert their case.

5.6 Who Chooses to Speak Up Through Lawsuits

As mentioned above, considering the size of the Chinese population and the volume of civil lawsuit cases filed each year, the number of administrative lawsuits is still small, though increasing. Among this small number of administrative litigants, the proportion of those who sue the government for the purpose of making their voices heard must be much smaller. Yet, despite its small size, the significance of this phenomenon – voicing one’s rights through trials – cannot be underrated. First, this suggests an under-explored role of the legal system for citizens living in an authoritarian state. The trial process provides a rare opportunity for these citizens to face their administrators and make their case. Second, in a society that lacks freedom of speech, it is costly to take such action of resistance against political authorities, as it is evident from the possibility of retaliation. Therefore, the individuals who choose to voice their grievances constitute a potential pool of politically “outspoken” citizens, a group of people that social scientists may be particularly interested in understanding [Xu and Tsai, 2018].

Then what differentiates these people from others? First, based on the existing literature, my interviewees, most of whom had the experience of filing an administrative lawsuit at least once, may represent a more educated and resource-rich population in China than those who did not have any experience at all. However, among the interviewees who explicitly stated that their goal is to express themselves, I was not able to find any consistency in their age, occupation, dispute type, or the administrative level of the government-defendant

that distinguish them from others (Interviews ID 06, ID 14, ID 23, ID 27, ID 34, and ID 41). Perhaps this result is due to my small and unrepresentative sample, which leaves the possibility for future research.

Although demographics did not appear to predict an interviewee's decision to voice their concerns through an administrative trial, they did have one thing in common: Their prior experiences with trials taught them that on one hand, the court cannot protect their rights, but on the other hand, it can bring the affected parties together. Even when their first-ever attempt at a lawsuit was prompted by other factors such as indirect experience with lawsuits and others' suggestions, after going through the trial once, these interviewees expressed both frustration with the legal system and willingness to file a lawsuit again in order to talk to administrators. A part of this finding is consistent with Gallagher's argument that people are likely to lose faith in the legal system after experiencing lawsuits. Gallagher claims that the increase in internal efficacy explains those who continue to choose a legal path even after this "informed disenchantment [Gallagher, 2006]." I add that the desire to talk to the administrator, independent of the expected outcome, provides another explanation.

My respondents further thought that options other than the administrative litigation system do not work. "At first, I thought an administrative lawsuit was a final option after trying everything else. But now, I think that this is the only way that I can choose (Interview ID 6)," an interviewee said. For them, adopting other dispute resolution methods is futile because they are most likely to be ignored, as we already saw in Mr. Liu's story. Indeed, among my interviewees who tried Letters and Visits before or along with filing lawsuits, none of them received a response. Either the Letters and Visits bureau referred the case to another government agency, which ultimately did not respond in any form, or the government officials answered that they could not resolve the problem, denied their responsibility for the issue, intimidated the petitioner, or sent the complaint back to the original agency.¹⁰ Many

10. See also, [Minzner, 2006, p. 117].

interviewees who tried *Shangfang* did not have a chance to talk to higher-level government officials, and among them, eight were arrested by the police. Administrative reconsiderations also did not work because the reviewing agencies often re-approved the original decision “without thoroughly investigating the case (Interview ID 27).” Finally, direct negotiations failed in most cases because the government officials avoided the interviewees or denied responsibility. Such experiences with these other methods heightened the perception that the distinctive function of the administrative litigation system is to make administrators to face people’s accusations.

In reality, however, their desire to be heard is more likely to be frustrated than realized. In China, over 20 percent of administrative cases are dismissed every year.¹¹ Perhaps more cases are not even accepted, though exact statistics are not available. In addition, although the central government is urging local agencies to be present at trials, many times they do not show up. One of the possible reasons is because, traditionally, it was considered shameful for the government – the “father figure” – to be dragged into the court by their people [He, 2016]. If anyone shows up on the defendants side, they probably will not be the people in charge or the head of an agency, but rather just lower-level officials who are far from being the actual “offenders” in a given case. Therefore, even though the desire to talk to administrators is the main motivator for people to file lawsuits, litigants may end up left frustrated if their cases are not accepted or the “right” persons do not appear in the courtroom, like in Ms. Yuan’s case. At the time of the interview, Ms. Yuan said that she will nonetheless file administrative lawsuits again given a similar conflict in the future. Yet, in a long run, it is unclear whether she will continue to choose the system if similar frustrations persist.

11. Author’s analysis of the Administrative Lawsuits Dataset.

5.7 Conclusion

I claim in this chapter that the chance to voice their discontent against the government is significant enough to motivate Chinese people to file lawsuits, notwithstanding the political barriers. Specifically, my interviewees wanted to speak up in the presence of their administrators, even when they do not expect a favorable outcome in the trial. Because they expect court rulings to be unfair, the administrative litigants believe that they should be the ones to confront administrators about their faults. An administrative tribunal indeed facilitates this process of voicing one's rights because both parties are mandated to be present. This contrasts with my interviewees' experiences with other dispute resolution methods such as Letters and Visits, where they were mostly ignored.

Of course, the desire to be heard is not the sole goal for every litigant. My interviewees cannot represent all Chinese citizens or administrative litigants due to the fundamental limitation of the snowball sampling method. In addition, among my interviewees, some explicitly said that receiving monetary compensation is their most important goal in filing lawsuits. Others simply made use of what is available to them. Nonetheless, it is noteworthy that a certain proportion of the litigants in China seek to partake in the process in order to influence their administrators. Although the number of such litigants is small, they constitute a potential pool of outspoken citizens that can be significant for political science studies.

My findings – that citizens are speaking up against the government through trials – suggest that although China's administrative litigation system has been criticized for being politically embedded, it could still function to provide a scarce venue for common people to participate in politics. This claim is unique in that it focuses on the meaning of the trial process to the citizens, in contrast to the outcomes. It further explains why Chinese citizens continue to file lawsuits even after realizing that the system cannot necessarily protect their rights.

Figure 5.2: Summary of the Interviewees (First Group)

ID	Region	Gender	Age	Occupation	Dispute Type and Government Agency**	Prior Litigation Experience	Barriers***	Evaluation of the System	Trial Result	Attorney	Other Methods Attempted	Preferred Method for Next Attempt
1	Wuhan	Male	30's	Finance	Demolition, District urban management bureau	First time	Retaliation, Time	No rights protection, Lack of independence, Judges are competent	Waiting	Consulted	Petition, <i>Shangfang</i> , City hotline	Litigation and media report
2	Qingdao	Male	30's	Taxi driver	Drug control, District traffic police brigade	First time	Retaliation, Future relationship, Time, Low win rate, Unfair judgement	No rights protection, Lack of independence	Dismissed	Consulted	Petition, <i>Shangfang</i> , Reconsideration	Said no litigation again, but filed another suit later
3	Jiangsu	Male	40's	Civil servant	Housing, District urban management bureau (his workplace)	None	Future relationship (main), Time, Low win rate,	Developed a lot, but still not comparable to the Western system	N/A	No	Personal connection, Direct contact, <i>Shangfang</i> , Internet exposure	Litigation
4	Henan	Female	20's	Tourism	Corruption, Township government	None	Retaliation, Future relationship, Cost, Time, Low win rate	Trust the system, but retaliation should be prevented	N/A	No	Report on government website	Litigation
5	Shanghai	Female	40's	N/A	Traffic regulation, Traffic police	First time	No	Lack of independence	Settled and withdrawn (Threatened)	Consulted	Direct contact	Litigation and petition
6*	Jilin	Female	30's	Sales	Demolition, County and township governments	First time	Cost, Time	Lack of independence	Waiting	Hired	Direct contact, 12348 (legal service), Reconsideration	Litigation only
7	Shandong	Male	30's	Peasant	Open government information, Industry and commerce bureau	First time	Unfair judgement	Lack of independence	Dismissed	No	No	Litigation only
8	Hainan	Female	20's	Unemployed	Demolition and eviction,	None	Cost, Unfair judgement	Narrow condition for	Preparing for a lawsuit	No, tried but the lawyer	<i>Shangfang</i> at the provincial level,	Litigation

Figure 5.2: Summary of the Interviewees (First Group), Continued

					Township-level agency (Class action)		(main), No enforcement	case registration		was threatened	12348	
9	N/A	Male	50's	Unemployed	Demolition and eviction, Township government	None (Tried once in the past but failed)	Cost, Time	No rights protection, Lack of independence	Preparing for a lawsuit	Hired	<i>Shangfang</i>	Litigation
10	Anhui	Male	20's	Teacher	Misdemeanor, Local police station	First time	Low win rate, Unfair judgement	Lack of independence	Waiting	Hired	Reconsideration	Litigation and media report
11	Henan	Male	50's	Laborer	Demolition, City and county governments, Local office	First time	Time	The system protects my rights, but local judges are corrupt	Dismissed	No	<i>Shangfang</i>	Litigation or petition, depending on the case
12	Guangdong	Male	20's	Businessman	Demolition, Township government	First time	No enforcement, Unfair judgement, (Will face retaliation but not worried)	Lack of independence	Dismissed once, Prevailed once	No	Direct contact	Personal connection
13	Yunnan	Male	30's	Driver	Father's death during a township-led labor mobilization, Township government	First time	Retaliation (main), Cost, Time, Low win rate, Unfair judgement	No rights protection, Lack of independence	Dismissed	Yes, but the lawyer was threatened	Social media post, <i>Shangfang</i>	Litigation and media report
14*	Jiangxi	Male	40's	Peasant	Household registration, Local police station	First time	Retaliation (main), Future relationship, Time, Low win rate, Unfair judgement	No rights protection, Lack of independence	Dismissed	No	Petition, <i>Shangfang</i> at the provincial level	Litigation
15	Heilong-jiang	Male	40's	Peasant	Demolition, Township government	None	Retaliation, Future relationship, Cost (main), Low win	No rights protection	N/A	Hired	Petition, Media report, Police report	Whatever the least costly

Figure 5.2: Summary of the Interviewees (First Group), Continued

							rate, Unfair judgement					
16	Sichuan	Male	40's	Laborer	Compensation for road construction	None	Retaliation, Future relationship, Cost	I don't understand the law or legal system	Preparing for a lawsuit	Hired	Interrupting construction, Preparing for <i>Shangfang</i>	D/K
17	Hubei	Male	50's	Peasant	Drug control	First time	Retaliation, Time, Low win rate, Unfair judgement,	No rights protection, Lack of independence	Lost	Provided by the police	<i>Shangfang</i> , Police report, Reconsideration	Litigation
18	Yunnan	Male	30's	Businessman	Requisition, County government	First time	Retaliation, Future relationship, Low win rate, No enforcement, Unfair judgement	No rights protection, Lack of independence	Dismissed	Hired	Petition, <i>Shangfang</i> , Media report	Litigation
19	Shandong	Female	40's	Village director	Misdemeanor, City and township police station	First time	Low win rate, Unfair judgement	No rights protection	Lost	Hired	Social media post, Reconsideration	<i>Shangfang</i>
20	Jiangxi	Female	40's	Unemployed	Open government information request about her detention after <i>Shangfang</i> , City public security bureau	Repeat player	Retaliation, Future relationship, Low win rate, Unfair judgement	Lack of independence	Lost	Hired	Police report	Litigation
21	Yunnan	Female	40's	Peasant	Land dispute, City and county governments	First time	Retaliation, Cost, Time, Unfair judgement	Lack of independence	Lost	Hired	Reconsideration	Media report
22	Fujian	Male	50's	Unemployed	Labor contract, District department of Human Resources	Repeat player	Time, Unfair judgement	No rights protection, Lack of independence	Not accepted	No	Reconsideration	Litigation only

Figure 5.2: Summary of the Interviewees (First Group), Continued

					and Social Security							
23*	Jiangsu	Male	70's	Retired	Open government information about illegal construction, Province and city-level department of land and resources	Repeat player	Retaliation, Low win rate, Unfair judgement	No rights protection, Lack of independence	Dismissed	No	Reconsideration	Litigation only
24	Shaanxi	Female	40's	Unemployed	Land dispute, District bureau of agriculture	First time	Future relationship, Time, Low win rate, Unfair judgement	The system protects my rights	Prevailed	Consulted	Direct contact	Litigation
25	Sichuan	Female	40's	Peasant	Demolition	First time	Future relationship, Cost, Time, Low win rate, Unfair judgement	No rights protection, Lack of independence	Not accepted	Hired, but will not next time	Petition, Open government information request	Not sure
26	Sichuan	Female	40's	Peasant	Requisition, District government	First time	Retaliation, Cost, Time, Unfair judgement	Law protects my rights, but the court lacks independence	Lost	Hired, but does not trust	<i>Xinfang</i> , Reconsideration	Litigation
27*	Chongqing	Male	40's	Peasant	Land dispute, City and county level governments	First time	Retaliation, Cost, Time, Low win rate, Unfair judgement	No rights protection, Lack of independence	Lost	Consulted as first, but not now	Reconsideration	Litigation
28	Zhejiang	Female	40's	Businessman	Requisition, County government	First time	Unfair judgement	No rights protection	Dismissed	No	Direct contact, Petition	Litigation
29	Shandong	Male	50's	Unemployed	Demolition	First time	Retaliation (main), Time	The system protects my rights	Not accepted	Hired	Reconsideration, <i>Shangfang</i>	Litigation
30	Zhejiang	Male	30's	Businessman	Demolition, Local street office	First time	Retaliation, Low win rate, Unfair judgement	The system protects my rights	Prevailed once, Lost twice	Hired	Direct contact	Litigation

Figure 5.2: Summary of the Interviewees (First Group), Continued

31	Henan	Male	20's	Laborer	Requisition	None	Cost, Low win rate	The system protects my rights	N/A	Consulted	Direct contact, Reconsideration (worked)	Reconsideration and litigation
32	Sichuan	Male	40's	Legal aid	Open government information request, District law enforcement bureau	Repeat player	Low win rate	No rights protection, Lack of independence	Not Accepted (Prevailed twice in the past)	No	No	Litigation only
33	Shaanxi	Male	50's	Doctor and professor	Demolition, City government	First time	Not worried	The system protects my rights	Prevailed twice	Hired	Personal connection, Reconsideration	Litigation only
34*	Fujian	Female	50's	Legal affairs	Demolition and traffic regulation, District law enforcement bureau and local police station	Repeat player	Low win rate, Unfair judgement (in the past)	No rights protection	Prevailed twice	No	Reconsideration	Litigation only
35	Jiangsu	Female	50's	Peasant	Detention after resisting requisition, District public security bureau and city government	Repeat player	Retaliation, Time, Low win rate, Unfair judgement	No rights protection	Lost	Consulted	Direct contact, <i>Shangfang</i> , Reconsideration	Litigation only
36	Sichuan	Female	40's	Peasant	Land dispute,	First time	Unfair judgement	The system protects my rights	Lost	Hired	<i>Shangfang</i> , Internet report	Litigation only
37	Gansu	Female	40's	Peasant	Requisition and demolition	First time	Not worried	D/K	Preparing	Hired	Police report, City hotline, Reconsideration	Litigation
38	Jiangsu	Male	40's	Freelancer	Law enforcement	Repeat player	Retaliation, Time, Low win rate, Unfair judgement	No rights protection, Lack of independence	Never prevailed	No	<i>Shangfang</i> , Reconsideration	Litigation
39	Jiangsu	Female	50's	Auditor	Housing, County government and housing administration	First time	Retaliation, Time, Low win rate, Unfair judgement	No rights protection	Not accepted, Dismissed	No	Direct contact, Petition, Reconsideration	Litigation and <i>shangfang</i>

Figure 5.2: Summary of the Interviewees (First Group), Continued

40	Henan	Male	30's	Freelancer	Requisition, County government	First time	Retaliation	The system protects my rights	Waiting	No	Direct contact, Reconsideration	Direct contact and litigation
41*	Sichuan	Female	50's	Legal affairs	Requisition, Province government	Repeat player	Retaliation, Time, Low win rate, Unfair judgement	No rights protection	Prevailed once, Lost twice	Consulted	Reconsideration	Litigation
42	Shandong	Male	50's	Peasant	Requisition, City and county governments	First time	Retaliation, Cost, Time, Low win rate, Unfair judgement	Lack of independence	Lost	Hired	Reconsideration, petition, <i>Shangfang</i>	Litigation and <i>shangfang</i>
43	Jiangsu	Male	30's	Laborer	Demolition, County committee	First time	Retaliation	The system protects my rights	Lost	Hired	Direct contact, Reconsideration, Petition, <i>Shangfang</i>	Litigation
44	N/A	Male	30's	Laborer	Requisition	None	Cost, Low win rate, Unfair judgement	No rights protection, Lack of independence	N/A	No	Police report, <i>Shangfang</i>	Litigation

Notes:

* Cases that best demonstrate the argument of this article.

** Those who did not mention the government agency did not exactly know which agency held responsibility.

*** Many respondents did not know that the rulings might not be fully enforced.

CHAPTER 6

CONCLUSION

This dissertation asked two questions about the administrative litigation system of China. First, why China allows its citizens to sue their government? Second, what motivates Chinese citizens to challenge their political authorities despite the challenges?

As to the first question, Chapter 3 explains that the regime controls public dissent toward the government through the system. Specifically, the regime accommodates the public who poses little threat, while repressing dissidents who are potentially threatening. The empirical analysis of the Administrative Lawsuits Dataset shows that Chinese citizens are more likely to prevail against the government in a case where they sue a lower-level administrator regarding a non-sensitive issue than in a case where they sue a higher-level administrator regarding a politically sensitive issue.

Chapter 4 further demonstrates that the regime selectively increases the visibility of state-citizen disputes in the media to signal such a scope of permissible challenges against the government. When faced with moderate-level disputes, the regime presents that it left room for discussion and suggests concession. On the other hand, with threatening disputes, the regime discourages non-permissible challenges by insinuating that repression may be enacted. The empirical analysis demonstrates that such particular behavior of the state-controlled media is not observable from the commercial media in China.

As to the second question, Chapter 5 demonstrates that administrative litigants in China want to make their voices heard in front of administrators, despite the low expectation of winning a lawsuit or the possibility of potential retaliation from their administrators for suing them. This chance to make their case while facing administrators is a rare opportunity under authoritarianism, and it is such procedural justice that the administrative litigation system provides for the public. This finding suggests that people under authoritarianism make use of the cleavage from the quasi-democratic institutions available to them. Through

the court, the Chinese people are requesting their local administrators to be aware of their unlawful behaviors.

The empirical analysis of this dissertation has its limitations. First, it is difficult to measure and control for the other factors that can influence the trial result, such as the effect of evidence, the capacity of a lawyer, and details about the dispute. Second, the Lawsuits Dataset suffers from data missingness problems. One might suspect that the findings of this dissertation were driven by non-random missing rulings in the archive. Unfortunately, the true distribution of administrative cases is not observable, as it is common in the authoritarian context. Third, due to the fundamental limitation of a snowball sampling method, the interviewees are not representative of Chinese citizens.

Nonetheless, the research on the administrative litigation system of China carries significance to the life of the citizens under authoritarianism. Without a national-level election, filing an administrative lawsuit is one of the few ways that those people can participate in politics and influence their administrators. Also, the potential utility of the Administrative Lawsuits Dataset reaches far beyond this research. It offers practical research possibilities for scholars, industries, policymakers, and journalists about the contents of disputes, power dynamics, and broader interactions between an authoritarian government and its citizens. Finally, the rich dialogue from the interviews offers a contextualized understanding of the citizen-court-regime dynamics in an authoritarian state.

APPENDIX A

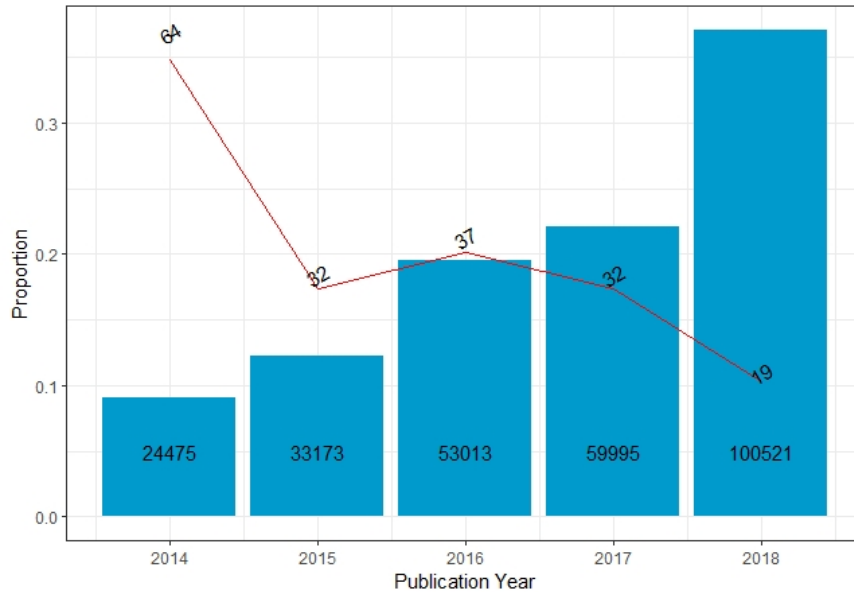
APPENDIX OF CHAPTERS 3 AND 4

A.1 Full Descriptive Statistics

This section includes the descriptive statistics of the Lawsuits Dataset and the Media Dataset.

Publication Year Figure A.1 visualizes the number of cases in the two datasets. The number of cases in the Lawsuits Dataset has an increasing trend over the years. However, the number of cases covered by the media fluctuates over the years.

Figure A.1: Yearly Distribution of Cases



Note: The X axis is the year when cases were published. The bars show the number of cases in the Lawsuits Dataset. The line shows the number of cases in the Media Dataset. The text labels represent the absolute number of publications. The Y-axis shows the proportions within each dataset.

Trial Level In the Lawsuits Dataset, there are 158,718 (58.5 percent) first-level trials and 112,459 (41.5 percent) second-level trials. In the Media Dataset, 136 trials (74 percent)

are at the first level and 48 (26 percent) are at the second level.

Region (Province of the Court) In the Lawsuits Dataset, Henan has the largest volume of cases (26,684 cases, 9.8 percent), followed by Guangdong (21,061 cases, 7.7 percent), Beijing (18,537 cases, 6.8 percent), and Shandong (16,895 cases, 6.2 percent). There are 374 cases where the region was unclear. In the Media Dataset, Beijing appears most frequently (27 cases, 14.7 percent), followed by Jiangsu (19 cases, 10 percent), Hunan (17 cases, 9 percent), and Zhejiang (15 cases, 8 percent). Table A.1 provides the distribution of regions in each dataset.

The main regression analysis of this chapter does not include the region fixed effects because the media coverage is not decided at the local level, but at the central level. Yet, because Beijing is over-represented in the Media Dataset, a binary indicator variable Beijing is included as a control in the supplementary analysis in Model 5 of Table A.3. This is not included in the main text because it is plausible that Beijing is nested within high-level government agencies.

Dispute Type Table A.2 provides the number of cases in Figure 4.2 of the main chapter.

Government Both in reality and in the media, county or lower-level government agencies constituted the government party in more than half of the cases. The media tends to under-represent prefecture-level government agencies, while over-representing higher-level government agencies that are at the province or at the national levels (Figure A.2).

Trial Result Figure A.3 visualizes the distribution of all five types of trial results. In addition to either government losing or government winning results, litigants may withdraw from their cases, often through mutual agreements [He, 2011], though settlement in an administrative case is not officially endorsed by written law. Cases that are filed but are not within the jurisdiction of an administrative tribunal may not be accepted, meaning that the court declined to review the cases. Finally, courts dismiss any cases that should have not

Table A.1: Distribution of Court Provinces

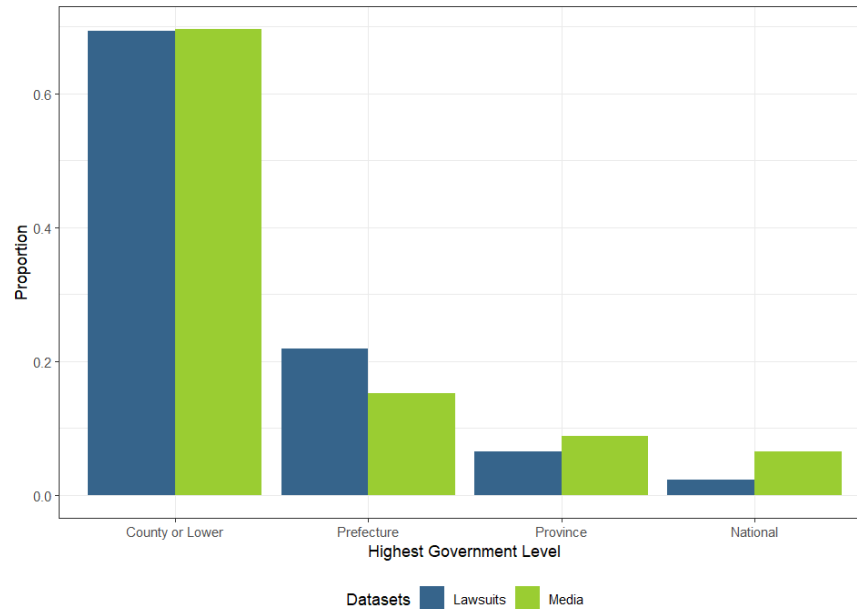
	Region	Lawsuits Count	Media Count	Balance*
1	Anhui	10,051	10	0.02
2	Beijing	18,537	27	0.08
3	Chongqing	7,536	13	0.04
4	Fujian	6,426	6	0.01
5	Gansu	2,723	1	0.00
6	Guangdong	21,061	9	-0.03
7	Guangxi	7,381	6	0.01
8	Guizhou	8,914	0	-0.03
9	Hainan	2,640	10	0.04
10	Hebei	11,120	2	-0.03
11	Heilongjiang	4,649	0	-0.02
12	Henan	26,684	6	-0.07
13	Hubei	8,577	0	-0.03
14	Hunan	15,359	17	0.04
15	Jiangsu	16,752	19	0.04
16	Jiangxi	5,576	13	0.05
17	Jilin	5,627	0	-0.02
18	Liaoning	10,506	0	-0.04
19	Neimenggu	3,712	2	0.00
20	Ningxia	1,754	0	-0.01
21	Qinghai	923	0	0.00
22	Shaanxi	5,897	2	-0.01
23	Shandong	16,895	9	-0.01
24	Shanghai	9,009	10	0.02
25	Shanxi	5,104	0	-0.02
26	Sichuan	11,966	1	-0.04
27	Tianjin	4,052	2	0.00
28	Xinjiang	1,870	0	-0.01
29	Tibet	31	0	0.00
30	Yunnan	2,730	4	0.01
31	Zhejiang	16,739	15	0.02

Note: *Balance = Media Frequency - Lawsuits Frequency

Table A.2: Distribution of Dispute Types in Each Dataset (Count), Figure 4.2

Dispute Type	Lawsuits Dataset	Media Dataset
Open Government Information	44,906	23
Labor	10,111	5
Work Injury	19,011	6
Profession	1,611	12
Education	642	7
Welfare	1,169	0
Requisition and Eviction	50,008	14
Urban Plan	22,416	13
Land	27,553	7
House Property	12,455	7
Traffic Regulation	8,851	21
Law Enforcement	27,519	22
Stability Maintenance (Weiwen)	16,484	2
Market Economy	12,369	15
State Economy	98	2
Paperwork	3,797	13
Family Planning	1,014	11
Tax	421	0
Self-governance	5,266	2
Safety Quality	4,032	17
Health	1,250	2
Environment	1,975	0
Others	729	4

Figure A.2: Government Level

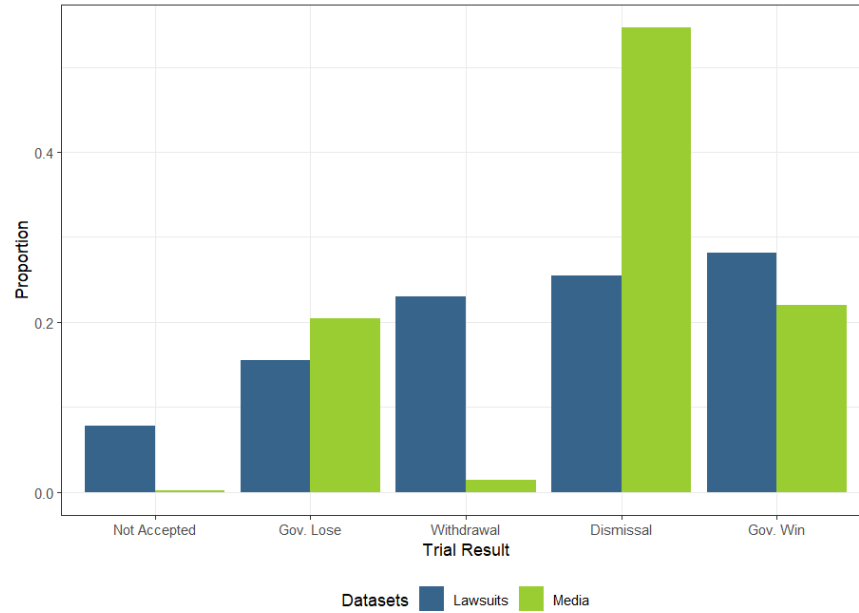


been accepted in the first place.¹ Finally,

As noted earlier, the Lawsuits Dataset may be under-reporting the number of withdrawn and/or not accepted cases. Hence, the chance that a non-government party has at least one of their requests heard at an administrative trial may in fact be lower than the 15 percent that appears in the Lawsuits Dataset. More than half, at least 56 percent based on the Lawsuits Dataset, of the lawsuits do not reach verdicts and are either not accepted, dismissed, or withdrawn. The media does not reflect this reality and tends to show dismissed cases or cases where one party wins over the other.

1. Note that ‘Dismissal’ of a lawsuit (*Bohui Qisu*), is different from the dismissal of a request (*Bohui Susong Qingqiu*), in that the former is pertaining to the procedural conditions of a lawsuit whereas the latter is a decision based on the legality of an administrative action at hand.

Figure A.3: Trial Result



A.2 Full Regression Analysis

Table A.3 shows the main regression analysis results. Figure 4.1 of the main chapter is based on model (2) and Figure 4.3 of the main chapter is based on model (6). Note that the coefficients and standard errors are multiplied by 100 in the table for better readability.

Table A.3: Main Linear Regression Analysis with Robust Standard Errors

	<i>Dependent variable: Media Coverage</i>					
	(1)	(2)	(3)	(4)	(5)	(6)
Sensitivity	-0.047*** (0.012)	-0.048*** (0.011)	-0.031** (0.013)	-0.033** (0.016)	-0.031* (0.016)	-0.028** (0.012)
Gov. Prefecture	-0.013 (0.011)		-0.013 (0.011)	-0.034* (0.020)	-0.029 (0.021)	
Gov. Province	0.040* (0.023)		0.042* (0.023)	0.076* (0.045)	0.071 (0.045)	
Gov. National	0.109** (0.055)		0.114** (0.055)	0.041 (0.048)	-0.010 (0.053)	
High Gov		0.061*** (0.022)				0.074** (0.034)
Gov Loss	0.047*** (0.012)	0.047*** (0.011)	0.074*** (0.024)	0.049* (0.027)	0.050* (0.027)	0.067*** (0.023)
Sensitivity * Gov Loss			-0.043 (0.026)	-0.022 (0.030)	-0.023 (0.030)	-0.034 (0.026)
Sensitivity * Gov Loss * Gov. Prefecture				-0.037 (0.063)	-0.036 (0.063)	
* Gov. Province				-0.095 (0.131)	-0.080 (0.133)	
* Gov. National				-0.730** (0.369)	-0.729** (0.369)	
* High Gov						-0.189 (0.116)
Sensitivity				0.011 (0.023)	0.009 (0.023)	
* Gov. Prefecture				-0.081* (0.048)	-0.081* (0.048)	
* Gov. Province				0.378 (0.308)	0.389 (0.309)	
* Gov. National						-0.046 (0.041)
* High Gov						
Gov Loss				0.067 (0.056)	0.066 (0.055)	
* Gov. Prefecture				0.048 (0.130)	0.033 (0.131)	
* Gov. Province				0.256 (0.207)	0.254 (0.207)	
* Gov. National						0.107 (0.113)
* High Gov						
Trial Level	Yes	Yes	Yes	Yes	Yes	Yes
Compensation	Yes	Yes	Yes	Yes	Yes	Yes
Beijing	No	No	No	No	Yes	No
Year (factor)	Yes	Yes	Yes	Yes	Yes	Yes
Constant	0.244*** (0.034)	0.241*** (0.033)	0.233*** (0.034)	0.239*** (0.034)	0.234*** (0.034)	0.228*** (0.033)
Obs.	266,139	266,139	266,139	266,139	266,135	266,139
Adj. R ²	0.00092	0.00091	0.00093	0.00099	0.00101	0.00094
F Stat.	23.19504***	27.84847***	21.59920***	13.55940***	13.28380***	20.32968***

Note:

*p<0.1; **p<0.05; ***p<0.01

A.3 Highly Transparent Provinces Only

Assuming that the rulings from the provinces on the East Coast better represent the true population distribution of the administrative lawsuits in China, this part of the analysis only includes the subset of the Lawsuits Dataset from the courts in Shanghai, Shandong, Jiangsu, Zhejiang, Anhui, Fujian, and Jiangxi. The results provide stronger support for the hypotheses (Table A.4). First, hypothesis 3, which was not supported in the main analysis, is now supported in models (3) and (4). Second, in models (5) and (6), the coefficients for three interactions show stronger support for hypothesis 4, both substantively and statistically. Note that the coefficients and standard errors are multiplied by 100 in the table for better readability.

A.4 Alternative Categorization of Sensitivity

The classification of 22 dispute types into two levels of sensitivity cannot avoid subjectivity to a certain extent. Therefore, this time, I dropped the observations with the dispute types that are in the gray area. In the below analysis in Table A.5, cases about "Profession," "Tax," "Welfare," "Education," "Environment," "Health," "Safety Quality," and "House Property rights" are excluded from the dataset. Hypotheses 1 through 3 are all supported, and hypothesis 4 is supported when the government agency is at the national level. Again, note that the coefficients and standard errors are multiplied by 100 in the table for better readability.

Table A.4: Subset Analysis - Highly Transparent Provinces

	<i>Dependent variable: Media Coverage</i>					
	(1)	(2)	(3)	(4)	(5)	(6)
Sensitivity	-0.128*** (0.036)	-0.136*** (0.036)	-0.072** (0.036)	-0.081** (0.035)	-0.069 (0.047)	-0.062* (0.035)
Gov. Prefecture	-0.035 (0.036)		-0.034 (0.036)		-0.092* (0.055)	
Gov. Province	0.127* (0.071)		0.136* (0.071)		0.183 (0.114)	
Gov. National	3.388*** (1.107)		3.399*** (1.108)		2.061* (1.089)	
High Gov		0.289*** (0.085)		0.298*** (0.086)		0.323*** (0.123)
Gov Loss	0.217*** (0.043)	0.225*** (0.042)	0.332*** (0.084)	0.339*** (0.084)	0.203** (0.087)	0.280*** (0.078)
Sensitivity * Gov Loss			-0.182* (0.095)	-0.180* (0.095)	-0.088 (0.101)	-0.127 (0.091)
Sensitivity * Gov Loss * Gov. Prefecture					-0.118 (0.261)	
* Gov. Province					-0.939 (0.673)	
* Gov. National					-12.657** (5.955)	
* High Gov						-1.929** (0.840)
Sensitivity					-0.4 (0.064)	
* Gov. Prefecture					-0.220* (0.124)	
* Gov. Province					1.740 (2.947)	
* Gov. National						-0.250* (0.145)
* High Gov						
Gov Loss					0.321 (0.216)	
* Gov. Prefecture					0.758 (0.669)	
* Gov. Province					8.458 (5.287)	
* Gov. National						1.614* (0.835)
* High Gov						
Trial Level	0.098*** (0.032)	0.097*** (0.031)	0.097*** (0.032)	0.096*** (0.031)	0.105*** (0.032)	0.100*** (0.032)
Compensation	0.216*** (0.064)	0.225*** (0.064)	0.221*** (0.065)	0.229*** (0.065)	0.216*** (0.065)	0.220*** (0.065)
Year (factor)	Yes	Yes	Yes	Yes	Yes	Yes
Constant	0.614*** (0.092)	0.604*** (0.089)	0.575*** (0.093)	0.566*** (0.089)	0.594*** (0.093)	0.560*** (0.088)
Obs.	80,040	80,040	80,040	80,040	80,040	80,040
Adj. R ²	0.00443	0.00275	0.00449	0.00281	0.00602	0.00341
F Stat.	33.37621***	25.50555***	31.11575***	23.56611***	24.07370***	22.03657***

Note:

Table A.5: Alternative Categorization of Sensitivity

	<i>Dependent variable: Media Coverage</i>					
	(1)	(2)	(3)	(4)	(5)	(6)
Sensitivity	-0.037*** (0.011)	-0.038*** (0.011)	-0.021 (0.013)	-0.023* (0.012)	-0.010 (0.015)	-0.013 (0.012)
Gov. Prefecture	-0.021** (0.009)		-0.021** (0.009)		-0.013 (0.022)	
Gov. Province	0.030 (0.022)		0.032 (0.022)		0.118** (0.052)	
Gov. National	0.101* (0.055)		0.106* (0.055)		0.035 (0.044)	
High Gov		0.054** (0.022)		0.057*** (0.022)		0.088** (0.036)
Gov Loss	0.026** (0.011)	0.028*** (0.011)	0.059** (0.025)	0.060** (0.025)	0.051* (0.027)	0.059** (0.024)
Sensitivity * Gov Loss			-0.045* (0.027)	-0.044* (0.027)	-0.037 (0.030)	-0.045* (0.027)
Sensitivity * Gov Loss * Gov. Prefecture					-0.045 (0.069)	
* Gov. Province					0.106 (0.108)	
* Gov. National					-0.791** (0.396)	
* High Gov						-0.103 (0.119)
Sensitivity					-0.014 (0.024)	
* Gov. Prefecture					-0.143*** (0.052)	
* Gov. Province					0.419 (0.336)	
* Gov. National						-0.078* (0.041)
* High Gov						
Gov Loss					0.037 (0.066)	
* Gov. Prefecture					-0.122 (0.108)	
* Gov. Province					0.291 (0.213)	
* Gov. National						0.057 (0.117)
* High Gov						
Trial Level	0.029*** (0.009)	0.029*** (0.009)	0.029*** (0.009)	0.029*** (0.009)	0.029*** (0.009)	0.029*** (0.009)
Compensation	0.020 (0.014)	0.021 (0.014)	0.021 (0.014)	0.022 (0.014)	0.019 (0.014)	0.021 (0.014)
Year (factor)	Yes	Yes	Yes	Yes	Yes	Yes
Constant	0.219*** (0.033)	0.215*** (0.033)	0.208*** (0.034)	0.204*** (0.033)	0.200*** (0.034)	0.196*** (0.033)
Obs.	243,438	243,438	243,438	243,438	243,438	243,438
Adj. R ²	0.00077	0.00075	0.00079	0.00076	0.00091	0.00079
F Statistic	18.13290***	21.32845***	16.99612***	19.62902***	11.54607***	15.82132***

Note:

A.5 Case Control Design and Logistic Regression Analysis

For the logistic regression analysis, I randomly sampled 10 percent of the observations (27,118 cases) from the Lawsuits Dataset and merged them with all observations in the Media Dataset. Then, I adjusted for selection on the dependent variable and for rare events [King and Zeng, 2001]. Table A.6 shows the results.

Models (1) and (2) are largely consistent with the linear regression in the main analysis. Model (3) and Model (4) show no statistical significance of the interaction term, though the directions meet the theoretical expectations. The three interactions and subset (highly sensitive versus non-sensitive) analysis do not produce valid results in logistic regressions. The coefficients return extremely large values, though with statistical significance. This is due to the limited number of cases covered by the media that involve high-level government parties and highly sensitive topics.

A.6 Commercial Media Regression Analysis

Table A.7 shows the regression analysis results with *Commercial* Dataset. Figure 4.5 of the main chapter is based on Model (6) of this table. Again, note that the coefficients and standard errors are multiplied by 100 in the table for better readability.

Table A.6: Logistic Regression with Adjustment for Selection on the D.V. and for Rare Events

	<i>Dependent variable: Media Coverage</i>			
	(1)	(2)	(3)	(4)
Sensitivity	-0.6598*** (0.1636)	-0.6606*** (0.1616)	-0.5873** (0.2351)	-0.5976** (0.2321)
Gov Lev:				
Prefecture	-0.2690 (0.2200)		-0.2684 (0.2199)	
Province	0.6404** (0.2867)		0.6500** (0.2874)	
National	1.3060*** (0.3520)		1.3231*** (0.3544)	
High Gov		0.9145*** (0.2314)		0.9242*** (0.2328)
Gov Loss	0.6949*** (0.1608)	0.7121*** (0.1603)	0.7617*** (0.2241)	0.7705*** (0.2231)
Sensitivity × Gov Loss			-0.1357 (0.3156)	-0.1188 (0.3148)
Constant	-6.2728*** (0.2287)	-6.3420*** (0.2209)	-6.3120*** (0.2479)	-6.3756*** (0.2397)
Trial Level	0.5392*** (0.1774)	0.5430*** (0.1772)	0.5389*** (0.1775)	0.5426*** (0.1773)
Compensation	0.7972*** (0.1945)	0.7966*** (0.1940)	0.8007*** (0.1947)	0.7997*** (0.1942)
Year(factor)	Yes	Yes	Yes	Yes
Null Deviance	2038.4	2038.4	2038.4	2038.4
(df)	26734	26734	26734	26734
Residual Deviance	1834.6	1838.6	1834.4	1838.5
(df)	26723	26725	26722	26724
A.I.C.	1858.6	1858.6	1860.4	1860.5

Note:

*p<0.1; **p<0.05; ***p<0.01

Table A.7: Linear Regression Analysis with Commercial Media Dataset

	<i>Dependent variable: Media Coverage</i>					
	(1)	(2)	(3)	(4)	(5)	(6)
Sensitivity	-0.003 (0.011)	-0.007 (0.011)	-0.014 (0.012)	-0.019 (0.012)	-0.028** (0.014)	-0.031*** (0.012)
Gov. Prefecture	0.024* (0.012)		0.024* (0.012)		0.010 (0.023)	
Gov. Province	0.084*** (0.027)		0.083*** (0.027)		0.024 (0.033)	
Gov. National	0.162*** (0.057)		0.158*** (0.058)		0.032 (0.042)	
High Gov		0.097*** (0.025)		0.095*** (0.026)		0.024 (0.026)
Gov Loss	0.083*** (0.013)	0.082*** (0.013)	0.063*** (0.022)	0.060*** (0.022)	-0.002 (0.020)	0.027 (0.020)
Sensitivity * Gov Loss			0.031 (0.026)	0.033 (0.026)	0.087*** (0.026)	0.061** (0.025)
Sensitivity * Gov Loss * Gov. Prefecture					-0.117 (0.071)	
* Gov. Province					0.058 (0.217)	
* Gov. National					-0.948*** (0.344)	
* High Gov						-0.131 (0.207)
Sensitivity					-0.011 (0.026)	
* Gov. Prefecture					0.043 (0.047)	
* Gov. Province					0.191 (0.220)	
* Gov. National						0.053 (0.043)
* High Gov						
Gov Loss					0.128** (0.059)	
* Gov. Prefecture					0.165 (0.125)	
* Gov. Province					0.625** (0.267)	
* Gov. National						0.309** (0.128)
* High Gov						
Trial Level	0.037*** (0.009)	0.036*** (0.009)	0.037*** (0.009)	0.037*** (0.009)	0.040*** (0.010)	0.039*** (0.010)
Year (factor)	Yes	Yes	Yes	Yes	Yes	Yes
Constant	0.101*** (0.025)	0.110*** (0.025)	0.109*** (0.027)	0.119*** (0.026)	0.128*** (0.028)	0.132*** (0.027)
Obs.	266,147	266,147	266,147	266,147	266,147	266,147
Adjusted R ²	0.00088	0.00086	0.00089	0.00087	0.00111	0.00098
F Stat.	24.51951***	29.70363***	22.47383***	26.65435***	15.75301***	22.81722***

Note:

*p<0.1; **p<0.05; ***p<0.01

A.7 Corporation and Prosecutor as Litigant

At the first-level trials, 85.5 percent of litigants (417,238 cases) in the Lawsuits Dataset and 56.7 percent of litigants (199 cases) in the Media Dataset were ordinary citizens, defined as those who were not corporations nor prosecutors. Both corporations and prosecutors were over-represented in the media. Corporations take up 14.3 percent (69,733 cases) of the Lawsuits Dataset, while they appear in 20.2 percent (71 cases) of cases in the Media Dataset. Only 0.18 percent of cases (900 cases) in the Lawsuits Dataset were filed by prosecutors, while such cases were 23.1 percent (81 cases) in the Media Dataset.

Table A.8 shows the number of cases that have corporations as the defendant. Overall, government wins are made more prominent than government losses in the media. In many cases where the litigants are corporations, ordinary citizens are involved in the case as the third party. For example, in labor-related disputes, citizens are the employees and corporations are the employers. Therefore, I suspect that the media makes government-prevailing results visible not to imply suppression but to propagate to the public that the court and the government are protecting people's rights from predatory corporations.

Table A.9 shows the number of cases that have prosecutors as the defendant. First, higher-level governments are rarely involved in administrative lawsuits filed by prosecutors. Second, in the media, government agencies are always shown to lose against prosecutors. This reflects reality to some extent. Third, many news articles do not cover how the lawsuits concluded. Therefore, it appears that propaganda is the purpose of covering public interest lawsuits: the purpose is not to show the results, but to show that prosecutors are filing lawsuits against corrupt government agencies. Indeed, the majority of the articles on public interest lawsuits (69 cases, 85.2 percent) were published either in 2016 or in 2017, when the two-year pilot program for administrative interest litigation was implemented. Then in 2018, the number of articles about public interest lawsuits drops to nine.

Table A.8: Corporations Only (Count)

		Lawsuits Dataset		Media Dataset	
		High Sensitivity	Low Sensitivity	High Sensitivity	Low Sensitivity
Gov Loss	County	5,009	2,286	3	6
	Prefecture	2,572	1,206	2	4
	Province	253	208	0	4
	National	9	4,423	0	7
Gov Win	County	14,810	3,680	9	18
	Prefecture	13,798	2,498	3	5
	Province	1,465	787	3	2
	National	74	11,674	0	13
Others	County	16,551	6,307	5	0
	Prefecture	8,207	3,393	0	0
	Province	1,111	994	0	0
	National	162	1,490	0	0
NA	County	4,998	1,749	3	6
	Prefecture	3,231	1,146	2	2
	Province	407	226	0	3
	National	29	1,348	0	4

Table A.9: Prosecutors Only (Count)

		Lawsuits Dataset		Media Dataset	
		High Sensitivity	Low Sensitivity	High Sensitivity	Low Sensitivity
Gov Loss	County	328	423	3	22
	Prefecture	43	9	0	0
Gov Win	County	13	1	0	0
	Prefecture	2	2	0	0
	Province	1	0	0	0
Others	County	18	30	0	3
	Prefecture	9	6	0	0
	Province	0	2	0	0
NA	County	24	12	16	30
	Prefecture	3	1	5	1
	Province	0	0	1	0

REFERENCES

- Björn Ahl, Lidong Cai, and Chao Xi. Data-driven approaches to studying Chinese judicial practice: Opportunities, challenges, and issues. *The China Review*, 19(2):1–14, 2019.
- Michael Albertus and Victor Menaldo. Dictators as founding fathers? the role of constitutions under autocracy. *Economics & Politics*, 24(3):279–306, 2012.
- Jongyoon Baik and Ling Dai. Administrative lawsuits dataset. *Working paper*, 2022.
- Jonathan Becker. Lessons from Russia: A neo-authoritarian media system. *European Journal of Communication*, 19(2):139–163, 2004.
- Anne-Marie Brady. *Marketing Dictatorship: Propaganda and Thought Work in Contemporary China*. Lanham: Rowman and Littlefield, 2008.
- Dawn Brancati. Democratic authoritarianism: Origins and effects. *Annual Review of Political Science*, 17:313–326, 2014.
- Daniel Byman and Jennifer Lind. Pyongyang’s survival strategy: Tools of authoritarian control in North Korea. *International Security*, 35(1):44–74, 2010.
- Erin Baggott Carter and Brett L. Carter. When autocrats threaten citizens with violence: Evidence from China. *British Journal of Political Science*, page 1–26, 2021.
- Albert H. Y. Chen. China’s long march towards rule of law or China’s turn against law? *The Chinese Journal of Comparative Law*, 1:11–27, 2016.
- Dan Chen. Facilitating public service provision: The emerging role of municipal television news in China. *The China Quarterly*, 229:130–149, 2017.
- Jianfu Chen. *Chinese Law: Context and Transformation*. Boston: Martinus Nijhoff Publishers, 2008.
- Jidong Chen and Yiqing Xu. Information manipulation and reform in authoritarian regimes. *Political Science Research and Methods*, 5(1):163–178, 2017.
- Xueyi Chen and Tianjian Shi. Media effects on political confidence and trust in the People’s Republic of China in the post-Tiananmen period. *East Asia*, 19:84–118, 2001.
- Julie Y. Chu. When infrastructures attack: The workings of disrepair in China. *American Ethnologist*, 41(2):351–367, 2014.
- Jae Ho Chung, Hongyi Lai, and Ming Xia. Mounting challenges to governance in China: Surveying collective protestors, religious sects and criminal organizations. *The China Journal*, 56:1–31, 2006.
- Patrick J. Conge. The concept of political participation: Toward a definition. *Comparative politics*, 20(2):241–249, 1988.

- Wei Cui. Does judicial independence matter? a study of the determinants of administrative litigation in an authoritarian regime. *University of Pennsylvania Journal of International Law*, 38(3):941–998, 2017.
- Robert A Dahl. *Polyarchy: Participation and Opposition*. Yale University Press, 1971.
- Jacques deLisle. Law in the china model 2.0: Legality, developmentalism and leninism under Xi Jinping. *Journal of Contemporary China*, 26(103):68–84, 2016.
- Greg Distelhorst. The power of empty promises: Quasi-democratic institutions and activism in China. *Comparative Political Studies*, 50(4):464–498, 2017.
- Paul Castañeda Dower, Evgeny Finkel, Scott Gelbach, and Steven Nafziger. Collective action and representation in autocracies: Evidence from Russia’s great reforms. *American Political Science Review*, 112(1):125–147, 2018.
- Georgy Egorov, Sergei Guriev, and Konstantin Sonin. Why resource-poor dictators allow freer media: A theory and evidence from panel data. *American Political Science Review*, 103(4):645–668, 2009.
- Erica Frantz and Andrea Kendall-Taylor. A dictator’s toolkit: Understanding how co-optation affects repression in autocracies. *Journal of Peace Research*, 51(3):332–346, 2014.
- Diana Fu and Greg Distelhorst. Grassroots participation and repression under Hu Jintao and Xi Jinping. *China Journal*, 79:100–122, 2018.
- Mary Gallagher and Yujeong Yang. Getting schooled: Legal mobilization as an educative process. *Law and Social Inquiry*, 42(1):163–194, 2017.
- Mary E. Gallagher. Mobilizing the law in China: “informed disenchantment” and the development of legal consciousness. *Law and Society Review*, 40(4):783–816, 2006.
- Mary E. Gallagher. *Authoritarian Legality in China: Law, Workers, and the State*. Cambridge: Cambridge University Press, 2017.
- Jennifer Gandhi. *Political Institutions Under Dictatorship*. New York: Cambridge University Press, 2008.
- Jennifer Gandhi and Adam Przeworski. Authoritarian institutions and the survival of autocrats. *Comparative Political Studies*, 40(11):1279–1301, 2007.
- Scott Gehlbach, Konstantin Sonin, and Milan W. Svobik. Formal models of nondemocratic politics. *Annual Review of Political Science*, 19(1):565–584, 2016.
- Tom Ginsburg. Administrative law and the judicial control of agents in authoritarian regimes. In Tom Ginsburg and Tamir Moustafa, editors, *Rule by Law: The Politics of Courts in Authoritarian Regimes*, pages 58–71. Cambridge, UK; New York: Cambridge University Press, 2008.

- Tom Ginsburg and Tamir Moustafa, editors. *Rule by Law: The Politics of Courts in Authoritarian Regimes*. Cambridge, UK; New York: Cambridge University Press, 2008.
- Haibo He. Litigation without a ruling: The predicament of administrative law in China. *Tsinghua China Law Review*, 3:257–281, 2011.
- Haibo He. Kundunde xingzhengsusong [administrative lawsuits in crisis]. *Huadong Zhengfa Daxue Xuebao [Journal of East China University of Political Science and Law]*, 86, 2012.
- Haibo He. *Xinzheng Susong Fa [Administrative Litigation Law]*. Law Press China, 2016.
- Haibo He. How much progress can legislation bring? the 2014 amendment of the Administrative Litigation Law of PRC. *University of Pennsylvania Asian Law Review*, 13:137–190, 2018.
- Xin He. Court finance and court responses to judicial reforms: A tale of two Chinese courts. *Law and Policy*, 31(4):463–486, 2009.
- Kathryn Hendley. ‘telephone law’ and the ‘rule of law’: The Russian case. *Hague Journal on the Rule of Law*, 1:241–262, 2009.
- Albert O. Hirschman. *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*. Harvard University Press, 2014.
- Yue Hou and Rory Truex. Ethnic discrimination and authoritarian rule: An analysis of criminal sentencing in China. 2020. Available at <http://dx.doi.org/10.2139/ssrn.3481448>.
- Haifeng Huang. Propaganda as signaling. *Comparative Politics*, 47(4):419–437, 2015.
- Samuel P. Huntington. *Political Order in Changing Societies*. New Haven: Yale University Press, 1968.
- Jieun Kim, Rachel E. Stern, Benjamin L. Liebman, and Xiaohan Wu. Closing open government: Grassroots policy conversion of China’s open government information regulation and its aftermath. *Comparative Political Studies*, 55(2):319–347, 2022.
- Sung Eun Kim. Media bias against foreign firms as a veiled trade barrier: Evidence from chinese newspapers. *American Political Science Review*, 112(4):954–970, 2018.
- Gary King and Langche Zeng. Logistic regression in rare events data. *Political Analysis*, 9: 137–163, 2001.
- Gary King, Jennifer Pan, and Margaret E. Roberts. How censorship in China allows government criticism but silences collective expression. *American Political Science Review*, 107 (2):1–18, 2013.
- Gary King, Jennifer Pan, and Margaret E. Roberts. How the Chinese government fabricates social media posts for strategic distraction, not engaged argument. *American Political Science Review*, 111(3):484–501, 2017.

- Jonathan Kinkel and William Hurst. Access to justice in post-Mao China: Assessing the politics of criminal and administrative law. *Journal of East Asian Studies*, 11:467–499, 2011.
- Ruth Kricheli, Yair Livne, and Beatriz Magaloni. Taking to the streets: Theory and evidence on protests under authoritarianism. *APSA 2010 Annual Meeting Paper*, 2011. Available at <https://ssrn.com/abstract=1642040>.
- Timur Kuran. Now out of never: The element of surprise in the east european revolution of 1989. *World Politics*, 44(1):7–48, 1991.
- Ya-Wen Lei. *The contentious public sphere: law, media, and authoritarian rule in China*. Princeton University Press, 2018.
- Steven Levitsky and Lucan A. Way. *Competitive Authoritarianism: Hybrid Regimes after the Cold War*. New York: Cambridge University Press, 2010.
- Ji Li. Dare you sue the tax collector? an empirical study of administrative lawsuits against tax agencies in China. *Pacific Rim Law and Policy*, 23:57–112, 2014.
- Benjamin L. Liebman. A populist threat to China’s courts? In Margaret Y. K. Woo and Mary E. Gallagher, editors, *Chinese Justice: Civil Dispute Resolution in Contemporary China*, pages 269–313. Cambridge: Cambridge University Press, 2011a.
- Benjamin L. Liebman. The media and the courts: Towards competitive supervision? *The China Quarterly*, (208):833–850, 2011b.
- Benjamin L. Liebman, Margaret Roberts, Rachel E. Stern, and Alice Wang. Mass digitization of Chinese court decisions: How to use text as data in the field of Chinese law. *Journal of Law and Courts*, 8:177, 2020.
- Lihong Lin. *Xinzheng Fazhide Lixiang yu Xianshi [The Ideal and Reality of the Rule of Administrative Law]*. Beijing: Beijing Daxue Chubanshe [Peking University Press], 2014.
- E. Allan Lind and Tom R Tyler. *The social psychology of procedural justice*. Plenum Press, 1988.
- Siyu Liu, Moulin Xiong, and Bin Liang. The death penalty for foreign drug offenders in China: Legal protection and equal treatment. *European Journal on Criminal Policy and Research*, 25:427–448, 2019a.
- Siyu Liu, Moulin Xiong, and Bin Liang. The death penalty for foreign drug offenders in China: Legal protection and equal treatment. *European Journal on Criminal Policy and Research*, 25:427–448, 2019b.
- Peter Lorentzen. China’s strategic censorship. *American Journal of Political Science*, 58(2): 402–414, 2014.

- Stanley B. Lubman. *Bird in a Cage: Legal Reform in China after Mao*. Stanford University Press, 2000.
- Xiaobo Lü. Social policy and regime legitimacy: The effects of education reform in China. *American Political Science Review*, 108(2):423–437, 2014.
- Beatriz Magaloni. Credible power-sharing and the longevity of authoritarian rule. *Comparative Political Studies*, 41(4-5):715–741, 2008.
- Wenzheng Mao and Shitong Qiao. Legal doctrine and judicial review of eminent domain in China. *Law & Social Inquiry*, 46(3):826–859, 2021a.
- Wenzheng Mao and Shitong Qiao. Legal doctrine and judicial review of eminent domain in China. *Law and Social Inquiry*, 46(3):1–34, 2021b.
- Monty G. Marshall, Ted Robert Gurr, and Keith Jagers. Polity IV project: Dataset users' manual, 2019.
- Doug McAdam. *Political Process and the Development of Black Insurgency, 1930-1970*. University of Chicago Press, 1982.
- Anne Meng. *Constraining Dictatorship: From Personalized Rule to Institutionalized Regimes*. Political Economy of Institutions and Decisions. Cambridge University Press, 2020.
- Ethan Michelson. Climbing the dispute pagoda: Grievances and appeals to the official justice system in rural China. *American Sociological Review*, 72(3):459–485, 2007.
- Carl F. Minzner. Xinfang: An alternative to formal chinese legal institutions. *Stanford Journal of International Law*, 42:103–179, 2006.
- Tamir Moustafa. *The Struggle for Constitutional Power: Law, Politics, and Economic Development in Egypt*. New York: Cambridge University Press, 2007.
- Kwai Hang Ng and Xin He. *Embedded Courts: Judicial Decision-Making in China*. Cambridge University Press, 2017.
- Kevin O'Brien and Lianjiang Lee. Suing the local state: Administrative litigation in rural China. In Neil J. Diamant, Stanley B. Lubman, and Kevin J. O'Brien, editors, *Engaging the Law in China: State, Society, and Possibilities for Justice*, pages 31–53. Stanford: Stanford University Press, 2005.
- Randall Peerenboom. *China's Long March Toward Rule of Law*. Cambridge, UK; New York: Cambridge University Press, 2002.
- Randall Peerenboom, editor. *Judicial Independence in China: Lessons for Global Rule of Law Promotion*. New York: Cambridge University Press, 2010.

- Randall Peerenboom. Economic development and the development of the legal profession in China. In Margaret Y. K. Woo and Mary E. Gallagher, editors, *Chinese Justice: Civil Dispute Resolution in Contemporary China*, pages 204–233. Cambridge: Cambridge University Press, 2011.
- Steven Pfaff and Hyojoung Kim. Exit-voice dynamics in collective action: An analysis of emigration and protest in the East German revolution. *American Journal of Sociology*, 109(2):401–444, 2003.
- George L. Priest and Benjamin Klein. The selection of disputes for litigation. *The Journal of Legal Studies*, 13(1):1–55, 1984.
- Joshua Rosenzweig. Disappearing justice: Public opinion, secret arrest and criminal procedure reform in China. *The China Journal*, 70:73–97, 2013.
- Andreas Schedler. The new institutionalism in the study of authoritarian regimes. *Totalitarismus und Demokratie*, 6(2):323–340, 2009.
- Mehdi Shadmehr and Dan Bernhardt. Collective action with uncertain payoffs: Coordination, public signals, and punishment dilemmas. *American Political Science Review*, 105(4):829–851, 2011.
- Jason Shafrin. Fixed effects logit estimator and the incidental parameter problem, 2012.
- David Shambaugh. China’s propaganda system: Institutions, processes and efficacy. *The China Journal*, 57:25–58, 2017.
- Susan Shirk. Changing media, changing China. In Susan Shirk, editor, *Changing Media, Changing China*, pages 1–37. New York: Oxford University Press, 2011.
- Rachel E. Stern. *Environmental Litigation in China: A Study in Political Ambivalence*. New York: Cambridge University Press, 2013.
- Rachel E Stern and Jonathan Hassid. Amplifying silence: uncertainty and control parables in contemporary China. *Comparative Political Studies*, 45(10):1230–1254, 2012.
- Rachel E. Stern and Kevin J. O’Brien. Politics at the boundary: Mixed signals and the Chinese state. *Modern China*, 38(2):174–198, 2012.
- Daniela Stockmann and Mary E. Gallagher. Remote control: How the media sustain authoritarian rule in China. *Comparative Political Studies*, 44(4):436–267, 2011.
- Milan W. Svobik. *The Politics of Authoritarian Rule*. New York: Cambridge University Press, 2012.
- Qiuqing Tai. China’s media censorship: A dynamic and diversified regime. *Journal of East Asian Studies*, 14(2):185–209, 2014.

- Yingmao Tang and John Zhuang Liu. Mass publicity of Chinese court decisions: Market-driven or authoritarian transparency? *The China Review*, 19(2):15–40, 2019.
- Jessica C. Teets. *Civil Society under Authoritarianism: The China Model*. Cambridge University Press, 2014.
- Rochelle Terman and Joshua Byun. Punishment and politicization in the international human rights regime. *American Political Science Review*, 116(2):385–402, 2022.
- Yanqi Tong. Dispute resolution strategies in a hybrid system. *China Review*, 9(1):17–43, 2009.
- Yanqi Tong and Shaohua Lei. *Social Protest in Contemporary China, 2003-2010: Transitional Pains and Regime Legitimacy*. Abingdon: Routledge, 2013.
- Rory Truex. Consultative authoritarianism and its limits. *Comparative Political Studies*, 50(3):1–33, 2014.
- Rory Truex. Bias and trust in authoritarian media. 2016. Available at <https://ssrn.com/abstract=2802841> or at <http://dx.doi.org/10.2139/ssrn.2802841>.
- Rory Truex. Focal points, dissident calendars, and preemptive repression. *Journal of Conflict Resolution*, 63(4):1032–1052, 2019.
- Gordon Tullock. *Autocracy*. Dordrecht; Boston: Kluwer Academic Publishers, 1987.
- Tom R. Tyler. Conditions leading to value-expressive effects in judgements of procedural justice: A test of four models. *Journal of Personality and Social Psychology*, 52(2):333–344, 1987.
- Tom R. Tyler. Procedural justice, legitimacy, and the effective rule of law. *Crime and Justice*, 30:283–357, 2003.
- Tom R. Tyler, Kenneth A. Rasinski, and Nancy Spodick. Influence of voice on satisfaction with leaders: Exploring the meaning of process control. *Journal of Personality and Social Psychology*, 48(1):72–81, 1985.
- Jeremy L. Wallace. Juking the stats? Authoritarian information problems in China. *British Journal of Political Science*, 46(1):11–29, 2016.
- Qinghua Wang. Zhongguo xingzhengsusong: Duozhongxin zhuyide sifa [China's administrative litigation: Poly-centric judiciary]. *Zhongwai Faxue [Chinese and Foreign Law Studies]*, 5:513–535, 2007.
- Yuhua Wang. *Tying the Autocrat's Hands: The Rise of the Rule of Law in China*. Cambridge: Cambridge University Press, 2014.
- Susan H. Whiting. Authoritarian "rule of law" and regime legitimacy. *Comparative Political Studies*, 50(14):1907–1940, 2017.

- Xiaohan Wu, Margaret E. Roberts, Rachel E. Stern, Benjamin L. Liebman, Amarnath Gupta, and Luke Sanford. Augmenting serialized bureaucratic data: The case of Chinese courts. *Working Paper*, 2022.
- Yiwei Xia, Tianji Cai, and Hua Zhong. Effect of judges' gender on rape sentencing. *China Review*, 19(2):125–150, 2019a.
- Yiwei Xia, Tianji Cai, and Hua Zhong. Effect of judges' gender on rape sentencing. *China Review*, 19(2):125–150, 2019b.
- Yiwei Xia, Yisu Zhou, Li Du, and Tianji Cai. Mapping trafficking of women in China: Evidence from court sentences. *Journal of Contemporary China*, 29(122):238–252, 2020a.
- Yiwei Xia, Yisu Zhou, Li Du, and Tianji Cai. Mapping trafficking of women in China: Evidence from court sentences. *Journal of Contemporary China*, 29(122):238–252, 2020b.
- Yiqing Xu and Lily L. Tsai. Outspoken insiders: Political connections and citizen participation in authoritarian China. *Political Behavior*, 40(3):629–57, 2018.
- Dali Yang. China's troubled quest for order: Leadership, organization and the contradictions of the stability maintenance regime. *Journal of Contemporary China*, 26(103):35–53, 2017.
- Guobin Yang. *The Power of the Internet in China: Citizen Activism Online*. New York: Columbia University Press, 2009.
- Weidong Yang. Can the introduction of administrative reconsideration committees help reform china's system of administrative reconsideration? *University of Pennsylvania Asian Law Review*, 13:107–136, 2018.
- Frances Kahn Zemans. Legal mobilization: The neglected role of the law in the political system. *American Political Science Review*, 77(3):690–703, 1983.
- Han Zhang and Jennifer Pan. Casm: A deep-learning approach for identifying collective action events with text and image data from social media. *Sociological Methodology*, 49(1):1–57, 2019.
- Yuezhi Zhao and Wusan Sun. Public opinion supervision: Possibilities and limits of the media in constraining local officials. In Elizabeth J. Perry and Merle Goldman, editors, *Grassroots Political Reform in Contemporary China*, pages 461–469. Harvard University Press, 2008.
- Hui Zhou, Junqiang Liu, Jiang He, and Jianxin Cheng. Conditional justice: Evaluating the judicial centralization reform in China. *Journal of Contemporary China*, 30(129):434–450, 2021.
- Yuezhi Zhou. Watchdogs on party leashes? contexts and implications of investigative journalism in post-Deng China. *Journalism Studies*, 1(4):577–597, 2000.

Jiangnan Zhu and Dong Zhang. Weapons of the powerful: Authoritarian elite competition and politicized anticorruption in China. *Comparative Political Studies*, 50(9):1186–1220, 2016.