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Conditional Justice: Evaluating the Judicial Centralization Reform in China

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ABSTRACT

Abuse of power and corruption is prevalent in authoritarian countries. Does centralized management of courts serve to tie the hands of local bureaucrats? This article evaluates the effects of China's two waves of reform aimed to centralize the management of local courts. The authors randomly sampled 3,993 adjudication documents from over 70,000 administrative litigation cases. Difference-in-differences estimations demonstrate that the reform does not improve civil actors' probability of winning administrative litigations. When the police department is sued, the plaintiff's odds of winning the litigation is 84.28 percent lower. Besides, a one unit increase in the defendant's rank relative to the court decreases the plaintiff's win odds by 42.99 percent. These findings reveal a logic of conditional justice and cast doubts on the effectiveness of China's legal reform.

Introduction

The emerging comparative judicial politics literature reveals the complicated attitudes of autocrats towards the law.[1] In order to tackle widespread abuse of power and corruption, autocrats use the law as a tool to discipline subordinates, establish a credible commitment to investors and co-opt internal conflicts. This is the so-called 'rule by law'.[2] However, autocrats face multiple dilemmas in implementing such rule by law: disciplining local officials may drive them to shirk; protection of property rights may spill over into human rights fields; economic issues may be turned into political ones; the trials of dissidents may provide those people with a platform to mobilize supporters; ordinary people may use legal weapons to resist state intrusion.[3]

Therefore, the use of the law is critical in democracies and nondemocracies alike. In post-colonial common law states confronted with the aftermath of coups d'etat, judges are not willing to touch emergency laws or politically sensitive issues.[4] In Pinochet's Chile, rulers guaranteed ideological homogeneity by controlling the training, selection and promotion of judges.[5] Even in Japan from

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[1]Tamir Moustafa, 'Law and courts in authoritarian regimes', *Annual Review of Law and Social Science* 10, (2014), pp. 281–299.
[2]Tom Ginsburg and Tamir Moustafa, *Rule by Law: The Politics of Courts in Authoritarian Regimes* (New York: Cambridge University Press, 2008), pp. 4–11.
[3]Kevin J. O'Brien and Lianjiang Li, *Rightful Resistance in Rural China* (New York: Cambridge University Press, 2006), pp. 1–24.
[4]See Tayyab Mahmud, 'Jurisprudence of successful treason: Coup d'etat and common law', *Cornell International Law Journal* 27(1), (1994), pp. 49–140; Raul A. Sanchez Urribarri, 'Courts between democracy and hybrid authoritarianism: evidence from the Venezuelan supreme court', *Law & Social Inquiry* 36(4), (2011), pp. 854–884; Rolando V Del Carmen, 'Constitutionalism and the supreme court in a changing Philippine polity', *Asian Survey* 13(11), (1973), pp. 1050–1061.
[5]Lisa Hilbink, *Judges beyond Politics in Democracy and Dictatorship: Lessons from Chile* (New York: Cambridge University Press, 2007), pp. 34–36.

the 1960s through the mid-1980s, disobedient judges were more likely to receive unsatisfying job rotations as a punishment for antigovernment decisions.[6] In the late Franco period in Spain, civil affairs were divided into different categories based on importance to the state, with courts only dealing with routine civil and criminal disputes.[7] In Vietnam, party officials took charge of cases where governmental and Party acts were accused of violating constitutional norms when the 1992 Constitution came into effect.[8] Singapore provides a textbook model of how the law and legal institutions can be used to sideline opposition and maintain political dominance.[9] Such institutional arrangements enable authoritarian rulers to reap the benefits of rule by law while avoiding being tied up.

Such restrictions ultimately undermine the positive role of a judicial system and thereby the legitimacy of authoritarian regimes.[10] Scholars have cast doubts on the effectiveness of legal instruments, such as administrative litigation, in protecting civilians' interests.[11] In order to restore public faith in the courts, countries like China and Vietnam have launched reforms to extend court autonomy.[12] Specifically, China has initiated a new round of judicial reform since 2012, and a profound centralization reform was introduced in 2014 with the aim of strengthening the autonomy of local courts by shifting funding responsibility and cadre management authority to provincial governments. This reform was conducted in a staggered manner, with pilot reforms carried out in selected provinces before being rolled out nationwide. In 2014, seven of the thirty-one provinces in mainland China were chosen as pilot provinces. Then, in the June of 2015, another fourteen provinces were chosen in the second round of the reform. In December 2015, the reform was introduced to the remaining thirteen provinces.

Can the centralization reform immunize courts from local governments' influence? The reform provides an excellent opportunity to examine judicial independence in an authoritarian context. By focusing on how government agencies interact with civil actors in courts, this research casts light on the resilience of authoritarian regimes in terms of limiting the power of governments. Using 3,993 administrative litigation documents randomly sampled from over 70,000 documents, the difference-in-differences estimations suggest no evidence that the centralization reform increases civil agents' win rate. Moreover, plaintiffs are less likely to win the administrative litigation when confronted with the police department or a higher-rank agency, demonstrating conditional justice in the court.

The contribution of this study is twofold. First, it shows how seemingly democratic institutions fail to advance citizens' interests through the lens of judicial process. Comparativists have paid substantial attention to elections in authoritarian contexts, giving rise to heated debates over the nature and consequences of the so-called 'electoral authoritarianism', 'democratic authoritarianism' or 'competitive authoritarianism'.[13] This research complements this stream of literature by showing how judicial reforms can proceed in a way that nominally increases court independence but essentially maintains the government's advantage. Second, this article has implications for studies on Chinese politics. On the one hand, China's institutional arrangement makes it difficult for the legislature to hold bureaucrats accountable.[14] On the other hand, it remains unclear whether the

[6]Mark Ramseyer and Eric Rasmusen, 'Judicial independence in a civil law regime: the evidence from Japan', *The Journal of Law, Economics, and Organization* 13(2), (1997), pp. 259–286.
[7]Ibid.
[8]Mark Sidel, *Law and Society in Vietnam: The Transition from Socialism in Comparative Perspective* (Cambridge: Cambridge University Press, 2008), p. 53.
[9]Ibid.
[10]Gretchen Helmke and Frances Rosenbluth, 'Regimes and the rule of law: judicial independence in comparative perspective', *Annual Review of Political Science* 12, (2009), pp. 345–366.
[11]Kevin J. O'Brien and Lianjiang Li, 'Suing the local state: administrative litigation in rural China', *China Journal* 51, (2004), pp. 75–96.
[12]Yuhua Wang, 'Relative capture: quasi-experimental evidence from the Chinese judiciary', *Comparative Political Studies* 5(8), (2018), pp. 1012–1041.
[13]Dawn Brancati, 'Democratic authoritarianism: origins and effects', *Annual Review of Political Science* 17, (2014), pp. 313–326; Matthijs Bogaards, 'How to classify hybrid regimes? Defective democracy and electoral authoritarianism', *Democratization* 16(2), (2009), pp. 399–423; Steven Levitsky and Lucan A. Way, 'Elections without democracy: the rise of competitive authoritarianism', *Journal of Democracy* 13(2), (2002), pp. 51–65.
[14]Oscar Almén, 'Only the party manages cadres: limits of local people's congress supervision and reform in China', *Journal of Contemporary China* 22(80), (2013), pp. 237–254.

judicial branch, as part of the government, can fairly contest the executive counterpart in courts. This study deepens the understanding of Chinese politics by demonstrating the ways in which local governments prevail over civil actors in administrative litigations.

Background

China has attached much significance to the rule of law since the early 1980s. The Administrative Litigation Law was promulgated in 1989, enabling Chinese citizens to sue the government. In 2003 and 2007, two rounds of legal reform were initiated to empower the judiciary to play a bigger role in handling social disputes. However, due to substantial increases in protests and petitions in the 2000s, these reforms were deemed ineffective by the central government, which led to a retreat from the judicial reform by prioritizing mediation over adjudication.[15] The ineffectiveness of China's judicial reform has much to do with a set of problems embedded in the judiciary, which is referred to as the Chinese 'judicial syndrome'.[16] For example, judges' salaries are determined by their administrative rank and they are subject to performance evaluation. Court heads are responsible not only for administrative affairs but also for handling cases occasionally,[17] thus making Chinese judges indistinguishable from ordinary public servants. However, the most striking characteristic of China's judicial system lies in the relationship between the judiciary and local governments. China's judicial system is neither financially nor administratively independent of local governments. Local courts rely on the parallel government and Party Committee for funding and personnel management. This institutional arrangement raises serious questions about judicial fairness, especially when the government itself or its constitutive agency becomes a defendant.

The judicial protectionism in China's judicial practice has long been criticized.[18] Evidence shows that government tends to intervene in judicial activities for its own interests. For example, local governments are incentivized to intervene in economic cases to protect the enterprises in their jurisdiction due to the preoccupation with economic performance.[19] In particular, state-owned enterprises are favored because of their connections with the government.[20] Moreover, due to political dependence and lack of accountability, judicial corruption can be common as well.[21] Judicial protectionism and corruption undermine the legitimacy of the judiciary and pose challenges to the state.

To constrain the influence of local governments, China has taken various measures since 1999, which basically fall into two categories: judicial professionalism and institutional reconfiguration.[22]

[15]See Hualing Fu and Richard Cullen, 'From mediatory to adjudicatory justice: the limits of civil justice reform in China', in *Chinese Justice: Civil Dispute Revolution in China*, eds. Margaret Y. K. Woo and Mary E. Gallagher (New York: Cambridge University Press, 2011), pp. 25–57; Benjamin L. Liebman, 'Legal reform: China's law-stability paradox', *Daedalus* 143(2), (2014), pp. 96–109; Carl Minzner, 'Legal reform in the Xi Jinping era', *Asia Policy* 20, (2015), pp. 4–9.

[16]Qianfan Zhang, 'The People's court in transition: the prospects of the Chinese judicial reform', *Journal of Contemporary China* 12(34), (2003), pp. 69–101.

[17]Yuhua Wang, 'Judicial cost and judicial efficiency: the financial guarantee for courts and incentives to the judges in China', *Jurist* 4, (2010), pp. 132–137.

[18]See Donald C. Clarke, 'Power and politics in the Chinese court system: the enforcement of civil judgments', *Columbia Journal of Asian Law* 10(1), (1996), pp. 1–91; Qianfan Zhang, 'The people's court in transition: the prospects of the Chinese judicial reform', *Journal of Contemporary China* 12(34), (2003), pp. 69–101; Kevin J. O'Brien and Lianjiang Li, 'Suing the local state: administrative litigation in rural China', *China Journal* 51, (2004), pp. 75–96.

[19]Yue Pan, Jianping Pan, and Yiyi Dai, 'Litigation risk, judicial local protectionism and innovation', *Economics Studies* 3, (2015), pp. 131–145.

[20]For example, see Michael Firth, Oliver M. Rui, and Wenfeng Wu, 'The effects of political connections and state ownership on corporate litigation in China', *Journal of Law and Economics* 54(3), (2011), pp. 573–607; Yuhua Wang, 'Relative capture: quasi-experimental evidence from the Chinese judiciary', *Comparative Political Studies* 5(8), (2018), pp. 1012–1041; Zheng Song, Kjetil Storesletten, and Fabrizio Zilibotti, 'Growing like China', *American Economic Review* 101(1), (2011), pp. 196–233.

[21]Ting Gong, 'Dependent judiciary and unaccountable judges: judicial corruption in contemporary China', *China Review* 4(2), (2004), pp. 33–54.

[22]Titus C. Chen, 'Recalibrating the measure of justice: Beijing's effort to recentralize the judiciary and its mixed results', *Journal of Contemporary China* 21(75), (2012), pp. 499–518.

However, these two areas of reform fared quite differently. While significant progress was made with respect to judicial professionalism, institutional reconfiguration stalled.[23] Against this background, China took an important step in 2014 to centralize the management of personnel, finance and facilities within the judicial system (*ren cai wu tongyi guanli*).[24] This centralization reform is not new from a historical perspective, but it represents a more determined effort to adjust the relationship between the judiciary and local state agents. Although the reform does not completely remove the reliance of courts on local government, it is anticipated that a lower level of reliance might make local courts more autonomous and thus fairer in judicial activities.[25]

Conditional Justice: A Theoretical Framework

Judicial bias is ubiquitous, and it occurs for a host of reasons that range from institutional arrangement to individual traits. First, judicial behaviors can be shaped by the institutional environment. In Argentina, where constitutional lifetime tenure is not guaranteed, judges strategically defect against the government when the incumbent government is weak and likely to step down.[26] In the United States, the attitudinal model argues that judges use their power to bring their ideology and preferences into policies and laws.[27] Moreover, judicial bias also may be associated with plaintiffs' identity. Israel's case demonstrates an ingroup bias in judicial decisions, with claims of plaintiffs sharing ethnic identity with the judge being between 17 percent and 20 percent more likely to be accepted.[28]

Scholars on China's judicial politics have found that courts at different levels tend to be captured by different kinds of enterprises because of financial incentives, a phenomenon called 'relative capture'.[29] In administrative litigations, however, the situation is quite different. First, the Chinese judiciary is not independent of the government; rather, the courts are generally deemed to be part of the government and hence are vulnerable to its influence. Second, there is an imbalance of strength between plaintiffs and defendants in administrative litigations. While government representatives usually have a good knowledge of laws and regulations, ordinary citizens know much less. These two factors likely make it extremely difficult for plaintiffs to win administrative litigations. In this article, the authors propose a conditional justice theory to argue that justice in China's administrative litigations might be contingent on the defendant.

In China, local governments and Party Committees can exercise influence on judicial activities in multiple ways. Party committees may issue internal orders to prevent courts from accepting lawsuits on sensitive matters.[30] The government also can exert an influence in the trial process. One of the practices is simply to issue a verdict on the grounds that court cadres should obey the party leadership and support the government's work.[31] The government is so reliant on local governments that some scholars simply treat the courts as a part of the local governments.[32] Moreover, the

[23]Ibid.

[24]In addition to this reform, other measures have been taken. For example, in some provinces, administrative cases have been transferred to specialized courts. The authors call this reform the '*jizhong guanxia*' ['specialized trial reform']. Another important move has been to send administrative cases to other localities to avoid the influence of local governments. This reform is called the '*yidi guanxia*' ['off-site trial reform']. These two factors are potential confounders and hence are controlled in the statistical analyses.

[25]It should be noted that despite the shift of personnel management from local to provincial level, there is much debate over how it should be done. While some provinces have made provincial Organizational Department responsible for the personnel management of court leaders, other provinces decentralize this task to the prefectural government. Regardless of the variance in policy implementation, the principle of '*dang guan ganbu*' ['Party manages cadres'] remains unchanged. The provincial government may still consider the opinions of local Party Committee when appointing court leaders.

[26]Gretchen Helmke, 'The logic of strategic defection: court-executive relations in Argentina under dictatorship and democracy', *American Political Science Review* 96(2), (2002), pp. 291–303.

[27]Lee Epstein and Jack Knight, 'Reconsidering judicial preferences', *Annual Review of Political Science* 16, (2013), pp. 11–31.

[28]Moses Shayo and Asaf Zussman, 'Judicial ingroup bias in the shadow of terrorism', *The Quarterly Journal of Economics* 126(3), (2011), pp. 1447–1484.

[29]Ibid.

[30]Ibid.

constraints on local courts come not only from power but also from money. When courts are underfunded, they are more susceptible to corruption.[33] Therefore, the change in funding responsibility and administrative authority is expected to enable judges to try cases in a more objective manner than they used to. Hence, the authors propose the first hypothesis:

Hypothesis 1: *Ceteris paribus, the centralization reform can improve civil actors' probability of winning against the government in a litigation.*

Unbounded rule of law is a threat to authoritarian rulers. Scholars argue that the rule of law will be respected in the economic realm rather than the political realm.[34] This suggests that the effects of the centralization reform may vary across different fields. Liebman proposed a 'law-stability paradox': social stability is of high priority to the Chinese government, and the concern about social stability can lead governments to retreat from the rule of law.[35] This is why in some places, upper-level courts require that for possible disputes affecting social stability, all courts shall 'discover early, report early, control early and handle early, sterilizing unstable factors in their conception stage'.[36] The recent political science literature has provided ample evidence on the government's sensitivity to social stability. For example, the stability-driven governments tend to censor information pertinent to collective action,[37] respond more to citizens with a threat of collective action,[38] and more likely intervene in medical disputes to mollify protestors.[39]

Given the emphasis on social stability, the authors infer that government agencies in charge of maintaining social stability will occupy a more important position than other agencies and therefore will have more say over the judicial process. In this study, the focus is on the police department for two reasons. First, the police department is the key government agency responsible for maintaining social order in China, which gives it particular leverage in the political sphere.[40] Second, the head of the Police Bureau is usually an important member or leader in the '*Zhengfawei*' [Political-Legal Committee], a party body in charge of legal affairs, within which the head of the court is usually an ordinary member.[41] For those core agencies, the centralization reform might not improve citizens' win rate because the courts will still be subject to the influence of core defendants. Therefore, the second hypothesis is formulated as follows:

Hypothesis 2: *Controlling for other factors, the plaintiff will be less likely to win when the defendant is a police department vis-à-vis other government agencies.*

[31]Randall Peerenboom, 'Globalization, path dependency and the limits of law: administrative law reform and rule of law in the People's Republic of China', *Berkeley Journal of International Law* 19(2), (2001), pp. 161–264.
[32]Feng Chen and Xin Xu, '"Active judiciary": judicial dismantling of workers' collective action in China', *China Journal* 67, (2012), pp. 87–108.
[33]Ibid.
[34]Yuhua Wang, *Tying the Autocrat's Hands*, (New York: Cambridge University Press, 2015), p. 3.
[35]Ibid.
[36]Yang Su and Xin He, 'Street as courtroom: state accommodation of labor protest in South China', *Law & Society Review* 44(1), (2010), pp. 157–184.
[37]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), (2013), pp. 326–343; Gary King, Jennifer Pan, and Margaret E. Roberts, 'Reverse-engineering censorship in China: randomized experimentation and participant observation', *Science* 345(6199), (2014), pp. 1251722.
[38]Jidong Chen, Jennifer Pan, and Yiqing Xu, 'Sources of authoritarian responsiveness: a field experiment in China', *American Journal of Political Science* 60(2), (2016), pp. 383–400; Greg Distelhorst and Yue Hou, 'Constituency service under nondemocratic rule: evidence from China', *Journal of Politics* 79(3), (2017), pp. 1024–1040.
[39]Junqiang Liu, Hui Zhou, Lingrui Liu, and Chunxiao Wang, 'The weakness of the strong: examining the squeaky-wheel effect of hospital violence in China', *Social Science & Medicine* 245, (2020), pp. 112717.
[40]Yuhua Wang, 'Empowering the police: how the Chinese Communist Party manages its coercive leaders', *China Quarterly* 219, (2014), pp. 625–648.
[41]Xin He, 'Judicial innovation and local politics: judicialization of administrative governance in East China', *China Journal* 69, (2013), pp. 20–42.

Administrative rank is an important variable in Chinese politics. Higher-rank administrative agencies will have more authority over lower-rank counterparts.[42] The role of administrative rank can be reflected by bureaucratic behaviors. During the Great Leap famine (1959–1961), the procurement ratios of provinces governed by alternate members of the Central Committee were about 3 percent higher than those of provinces governed by full members, corresponding to an approximate 1.11 percent increase in the excess death rate.[43] In addition, studies on China's political mobility demonstrate that contrary to the conventional wisdom, economic performance matters for career promotion largely at lower administrative levels of government. Higher-rank positions tend to be held by cadres with political connections, which are symbolic of loyalty as opposed to competence associated with lower-rank cadres.[44] A recent study on political promotion also shows that economic performance has a negligible effect on the promotion prospect of party secretaries from sub-provincial cities, compared to those who are from municipal cities or provincial capitals.[45] These studies demonstrate the salience of administrative rank in the Chinese political system, but its role in judicial process remains less explored.

Based on administrative adjudication documents, scholars show that when a county or district government is the defendant, the plaintiffs' win rate is significantly lower than when the defendant is a township government.[46] Their study provides preliminary evidence that the defendant's administrative rank matters, but there needs further research to take into account the administrative rank of both defendants and courts. Although the centralization reform shifts in part the funding responsibility and personnel management authority to provincial governments, the administrative ranks of governments and courts remain unchanged. A higher-rank government may pressure local courts in multiple ways. For instance, the head of a higher-level government agency may be on higher-level committees and thus may exercise an influence on decisions related to appointments and promotions of lower-level court leaders and justices. Therefore, the authors expect that the centralization reform may not improve citizens' probability of winning an administrative litigation when they face a government agency with a higher administrative rank than the court.

Hypothesis 3: *All else equal, plaintiffs are less likely to win the litigation when the defendant agency's administrative rank increases relative to that of the court.*

Methodology

Data Source

The unit of analysis of this research is an administrative litigation case. Data on administrative litigation came from '*Zhongguo Caipan Wenshu Wang*' [China Judgments Online], an official website established in 2013 for publicizing adjudication documents. The data collection took place in 2016. Setting the study period between 1 June 2013 and 31 December 2016, the authors randomly drew 4,000 cases from over 70,000 administrative litigation documents. Among these 4,000 cases, 7 cases either had incomplete adjudication records or were not administrative litigation cases. After dropping the seven flawed documents, the final sample size was 3,993.

[42]Nicole Ning Liu, Carlos Wing-Hung Lo, Xueyong Zhan, and Wei Wang, 'Campaign-style enforcement and regulatory compliance', *Public Administration Review* 75(1), (2015), pp. 85–95.

[43]James Kai-Sing Kung and Shuo Chen, 'The tragedy of the nomenklatura: career incentives and political radicalism during China's Great Leap famine', *American Political Science Review* 105(1), (2011), pp. 27–45.

[44]Pierre F. Landry, Xiaobo Lü, and Haiyan Duan, 'Does performance matter? Evaluating political selection along the Chinese administrative ladder', *Comparative Political Studies* 51(8), (2018), pp. 1074–1105.

[45]Yang Yan and Chunhui Yuan, 'City administrative level and municipal party secretaries' promotion: understanding the logic of shaping political elites in China', *Journal of Contemporary China* 29(122), (2020), pp. 266–285.

[46]Yanlong Chang and Yiming Liu, 'Zhengfu Xingzheng Jibie, Sifa Ganyu Nengli he Fayuan Panjue—Laizi Xingzheng Anjian Panjueshu de Zhengju' ['Administrative ranks of the government, judicial intervenor's ability and court verdicts—evidence from administrative litigation cases'], *Guangdong Caijing Daxue Xuebao* 2, (2018), pp. 99–110.

Adjudication documents follow a structured style. A coding manual was produced and revised based on intensive discussions among the authors. Eleven research assistants (RAs) were recruited and trained to code the documents. Each RA was assigned 40 copies of documents to conduct a pre-coding procedure. The coding manual was revised based on responses from the pre-coding procedure. The remaining documents were allocated to the RAs in three batches, with each batch coupled with a certain number of duplicate documents to check coding reliability between the RAs. The Kappa reliability indices for the three batches were 96 percent, 91 percent and 91 percent respectively. According to Landis and Koch, these reliability test results indicate a level of 'almost perfect'.[47]

Conceptualization of Variables

The dependent variable, judicial decision, is binary; it indicates whether the plaintiff wins a litigation or not. The result of a case can be identified through the final court decisions in the adjudication documents. Six types of decisions can be issued in administrative litigations. This study labels four of them as a victory for the plaintiff: 'biangeng' [amend the administrative decision], 'chexiao' [repeal the administrative decision], 'zeling' [order the defendant to fulfill a duty] and 'queren weifa huo wuxiao' [confirm the illegality of administrative decision or behavior or annul it]. Results favorable to the defendant, which include 'weichi' [maintain the original administrative decision or behavior] and 'bohui susong qingqiu' [reject the plaintiff's request], were coded as a loss for the plaintiff. In the sample, only 1437 of the 3990 (36.02 percent) cases ended up with a victory for plaintiffs. In contrast, plaintiffs lost more than 50 percent of the 50,000 cases in 1995,[48] suggesting a likely decline in civil win rate since the introduction of Administrative Litigation Law in the late 1980s.

The first key independent variable is reform province, which defines the treatment group and the control group. There have been three rounds of reform. The first round took place in June 2014 and involved 7 reform provinces; hence, the other 24 provinces became the control group in the same period. The second round took place in June 2015 and introduced the reform to 11 of the 24 previously unreformed provinces; therefore, the remaining 13 provinces became the second control group in the study period. In December 2016, the reform was introduced to the remaining 13 provinces; therefore, there was no control group after December 2016.

Post-reform is the second key independent variable. This is a dummy variable indicating when an administrative case was tried. When the reform preceded a trial, post-reform took the value of 1. In using the difference-in-differences (DID) method, it is important to identify whether a case was observed before or after the treatment was assigned. 30 June 2014 and 30 June 2015 were the dates when the first and second round of reform were initiated, respectively.[49] As noted earlier, there are seven and eleven provinces selected for pilot reform in the first- and second-round reform, respectively. Cases that were tried in reform provinces during the reform period comprise the treatment group, and the rest are classified into control groups. A critical issue in this study is that the choice regarding which province adopted the reform is not random. However, the authors posit that this issue does not pose a big challenge to the analysis. Figure 1 shows that the judicial centralization reform rolled out evenly throughout mainland China. The first round of the reform, despite only involving seven provinces, covers northeastern (Jilin), eastern (Shanghai, Guangdong, Hainan), central (Hubei) and Western provinces (Guizhou, Qinghai) simultaneously. From the July of 2015 through the end of the year, another eleven provinces representative of China's geographical and

[47] J. Richard Landis and Gary G. Koch, 'The measurement of observer agreement for categorical data', *Biometrics* 33(1), (1977), pp. 159–174.

[48] Stanley Lubman, 'Bird in a cage: Chinese law reform after twenty years', *Northwestern Journal of International Law & Business* 20, (2000), pp. 383–424.

[49] There is no uniform date for the initiation of the centralization reform. The authors chose the end of June for two reasons: firstly, many provinces are reported to have started the reform in June 2014 and June 2015; secondly, there may have been a time lag in launching the reform because it takes time for the bureaucracy to make adjustments.

Figure 1. The geographic distribution of reform provinces.

socioeconomic division joined the reform (Yunnan, Shanxi, Inner Mongolia, Heilongjiang, Jiangsu, Zhejiang, Anhui, Fujian, Shandong, Chongqing, Ningxia). This implies that the central government might have relied on purposive sampling to enhance the representativeness of the sample and increase the likelihood of reform success.

The authors also used a dummy variable to distinguish the police department from other agencies. For the reasons mentioned earlier, the police department is a crucial department that is responsible for maintaining social stability. The authors anticipate that it will be more difficult for a plaintiff to win a litigation against a core agency such as the police department. In addition, the authors take account of the rank difference between defendant agencies and the courts on the basis of their respective administrative ranks. In China's bureaucratic hierarchy, there are six administrative levels for public servants: ministry (*bu*), department (*ju or ting*), division (*chu*), section (*ke*), staff member (*keyuan*) and clerk (*banshiyuan*).[50] The rank for agencies is a bit simpler and it generally ranges from section (*ke*) to ministry (*bu*). The coding scheme is shown in Table 1.

Although there is no official institutional arrangement at the village level in China, the Villager Committee performs many functions that are supposed to belong to the government. More importantly, the Villager Committee is an important defendant in administrative litigations due to its close ties to villagers. Therefore, it was included in the analysis and was assigned a value of 1 regarding its administrative rank. The bureaus of county governments were generally coded as 2, except for some special cases. A Primary People's Court at the county level was considered equivalent to 'fuchu' [vice-Chu], assigned a value of 1.5. An intermediate court at prefectural level was considered equivalent to 'fuju' [vice-Ju] and was coded 2.5, so on and so forth. Unlike previous

Table 1. The coding of the administrative ranks of agencies

Values	Rank	Agencies
1	None	Village
2	Section (*Ke*)	Township government and departments of county government
3	Division (*Chu*)	County government and departments of prefecture government
4	Department (*Ju*)	Prefecture government and departments of provincial government
5	Ministry (*Bu*)	Provincial government or state ministries
6	State (*Guo*)	Central government

Note: the department level *Ju* is usually equivalent to *Ting*.

[50]Heather A. Haveman, Nan Jia, Jing Shi, and Yongxiang Wang, 'The dynamics of political embeddedness in China', *Administrative Science Quarterly* 62(1), (2017), pp. 67–104.

studies that take account of the administrative ranks of courts and defendants independently,[51] this study pays attention to the rank difference between the court and defendant. The rank difference was calculated by subtracting the court's rank from the defendant agency's rank. This variable can indicate the bureaucratic pressure that courts face in their decision-making, with a larger value suggesting greater pressure from the defendant.

A set of control variables was included. First, two similar judicial reforms are taken into account. The first reform, 'jizhong guanxia' [specialized trial], refers to a reform intended to strengthen the autonomy of judiciary. This reform enables some specialized courts to deal with province-wide administrative cases, which means the trial courts will usually be beyond local governments' reach. The second reform, 'yidi shenli' [off-site trial], requires that administrative litigations must not be tried in localities. Instead, such cases should be transferred to nonlocal courts to avoid the influence of local governments. If not controlled for, these two reforms would have confounded the effects of the variables of interest.

Attorney agent refers to the legal representative of both the plaintiffs and the defendants. This variable consists of three categories: with no legal knowledge (law-blind), with some legal knowledge (law-familiar) and with expertise in the law (lawyers). Legal expertise may influence judicial decisions, so this variable is used to contrast the legal resource between plaintiffs and defendants.

The type of plaintiff indicates whether the plaintiff is an individual or organization (for instance, an enterprise). When launching trials, organizations may have more resources and a wider network, which may in turn affect the win rate. Type of the defendant refers to whether the defendant is the government in general (e.g. county or prefectural government) or a constitutive agency of government (e.g. Health Bureau). When the government in general is the defendant, the case is likely to be a complex one. When constitutive government departments are sued, these agencies may be in an advantageous position because of their specialized knowledge. Therefore, this variable may capture the different situations that governments and departments face in trials.

The number of defendants is also included in the analysis. The greater the number of defendants, the more likely that the result is affected by the defendant since there are more agencies that might exert pressure on justices. Trial length measures the period of time from the acceptance of a case to the ending of the trial. Its unit of measurement is month.

The geographical area variable considers the role of regional differences. China is characterized by significant regional disparity. Eastern provinces are industrialized, and Western provinces are relatively underdeveloped. The judicial reform creates different incentives for courts in different areas. Since the reform shifts funding sources from local to provincial governments, the reform may not be desirable in eastern areas because it is likely that affluent local governments provide more funding than provincial governments. Local courts in underdeveloped areas, by contrast, will be better off after the reform since they would not have received as many financial resources without the centralization reform. The authors classified provinces into four categories based on the classification scheme used by the National Bureau of Statistics of China: the east, the northeast, the central and the west.

Table 2 presents the summary statistics of study variables. In the total sample, 35.05 percent of cases were in the treatment group and 40.58 percent of cases were tried in the post-reform period. The police department was sued in 20.01 percent of cases, demonstrating its frequent engagement in administrative litigations. The difference in administrative rank is positive, suggesting that, on average, the defendant agency has a higher administrative rank than the court. The cases that were influenced by the specialized trial reform and the off-site trial reform accounted for 4.31 percent and 12 percent of the cases, respectively, suggesting that in comparison with the specialized trial reform and the off-site reform, the centralization reform is the major reform in terms of coverage. In 68.07 percent of the cases, the plaintiffs were individuals, and in 76 percent of the cases, the

[51]Ting Gong, Shiru Wang, and Hui Li, 'Sentencing disparities in corruption cases in China', *Journal of Contemporary China* 28(116), (2019), pp. 245–259.

Table 2. Descriptive statistics of independent variables

Variables	Values	Mean or proportion	Standard deviation	Min	Max	N
Key independent variables						
Reform province	1 = yes	30.05 percent	-	0	1	3993
Post-reform	1 = yes	40.58 percent	-	0	1	3578
Strong department	1 = police	20.01 percent	-	0	1	3993
Rank difference	continuous	0.09	0.67	−2.5	2.5	3988
Control variables						
Specialized trial	1 = yes	4.31 percent	-	0	1	3966
Off-site trial	1 = yes	12 percent	-	0	1	3993
Type of plaintiff	0 = organization	68.07 percent	-	0	1	3990
Type of defendant	0 = government	76 percent	-	0	1	3987
Plaintiff's representative	0 = law-blind					
	1 = law-familiar	13.58 percent	-	0	1	2076
	1 = lawyer	51.55 percent	-	0	1	3711
	0 = law-blind					
Defendant's representative	1 = law-familiar	32.41 percent	-	0	1	2428
	1 = lawyer	48.81 percent	-	0	1	3206
Number of defendants	continuous	1.10	0.37	1	8	3993
Trial length	continuous	3.4	3.01	0.23	48.2	2938
	0 = eastern					
	1 = northeastern	10.74 percent	-	0	1	2237
Geographical area	1 = central	50.00 percent	-	0	1	3030
	1 = Western	36.93 percent	-	0	1	2766

Note: the total sample was divided into two subsamples to examine the first- and second-round reform respectively.

defendants were government departments rather than general governments. The results suggest that when it comes to legal representatives, both plaintiffs and defendants were more likely to have lawyers represent them. Administrative litigation involved one defendant on average and eight defendants at most. In the sample, the average trial length was 3.4 months, with the longest being 48.2 months. Finally, most cases came from eastern provinces. This is expected because eastern provinces are more developed and populous, and therefore administrative litigation is more likely to occur.

Identification Strategy

The centralization reform is a nationwide policy shock, thus making the difference-in-differences (DID) method a perfect analytic tool. However, the DID is based on the random assignment of the treatment. Did the Chinese government randomly select pilot provinces? To answer this question is not easy. In China, pilot projects are usually implemented to test the feasibility of an important policy proposal. If the pilot project proves successful, then it will be scaled up nationwide. The Chinese central government's decision-making process remains largely a black box. But in view of the incentive behind pilot projects, the authors believe the central government might take sample representativeness into account to maximize the probability of nationwide success. Just as Figure 1 shows, the Chinese central government selected geographically representative provinces in both the first and second round of reform. In addition, the balance check in Appendix A between the treatment group and control group also lends support to the comparability between the two groups.

Given these facts, the authors assume that the selection of pilot provinces is random or quasi-random and does not pose challenges to the causal inference. The key of DID lies in the two dummy variables indicating units and time, respectively, and the interaction between them captures the causal effect of interest. The statistical model is specified as follows:

$$Y = \beta_0 + \beta_1 \times \text{Province} + \beta_2 \times \text{Post} + \beta_3 \times \text{Province} \times \text{Post} + \beta_4 \times \text{Core} + \beta_5 \times \text{Rank} + \beta_j \times X_j + e \quad (1)$$

In Equation (1), *Province* is the treatment variable, and *Post* is the dummy representing whether the case was tried after the date when the reform was launched (30 June 2014 and 30 June 2015 for the

Table 3. Logit regressions of litigation outcomes

	Dependent variable: Plaintiff wins or not			
	The 1st round		The 2nd round	
Reform province	−0.147	(0.227)	−0.070	(0.168)
Post-reform	0.160	(0.119)	−0.417*	(0.238)
Reform × Post	0.278	(0.282)	0.122	(0.353)
Police department	−1.653***	(0.195)	−1.850***	(0.255)
Rank difference	−0.522***	(0.090)	−0.562***	(0.117)
Specialized trial	0.313	(0.281)	0.320	(0.344)
Off-site trial	0.349*	(0.201)	0.470*	(0.242)
Type of plaintiff	0.447***	(0.117)	0.381**	(0.149)
Type of defendant	−0.422***	(0.122)	−0.476***	(0.158)
Plaintiff agent: law-familiar	0.246	(0.223)	0.207	(0.291)
Plaintiff agent: lawyer	0.275**	(0.114)	0.235	(0.149)
Defendant agent: law-familiar	−0.062	(0.157)	−0.199	(0.208)
Defendant agent: lawyer	0.006	(0.122)	−0.034	(0.158)
Number of defendants	0.321	(0.222)	0.351*	(0.187)
Trial length	0.055***	(0.017)	0.011	(0.022)
Northeastern area	0.532*	(0.282)	0.405	(0.372)
Central area	0.468***	(0.146)	0.217	(0.206)
Western area	0.634***	(0.141)	0.439**	(0.192)
Intercept	−1.329***	(0.296)	−0.774**	(0.306)
Observations	1,786		1,082	
Log Likelihood	−1,054.505		−628.853	
Akaike Inf. Crit.	2,147.010		1,295.707	

Note: *p < 0.1; **p < 0.05; ***p < 0.01. Standard errors in parentheses.

first-round and second-round reform, respectively). The causal effect of the centralization is identified by the coefficient on the interaction term β_3. *Core* refers to whether the defendant is police department and *Rank* represents the difference in administrative rank between the court and the defendant. X_j represents a vector of independent variables, including specialized trial, off-site trial, attorney agent, type of defendant, type of plaintiff, number of defendants and geographical area.

Regression Analyses: Did the Centralization Reform Improve Plaintiffs' Win Rate?

Since the dependent variable in this study is binary (whether a plaintiff wins the litigation; yes = 1), the authors employ a logit model to estimate the effect of the reform. The sample is divided into the first- and second-round and results are reported separately. The results are shown in Table 3.

The sample based on the first- and second-round reform produces very similar results. The logit regression indicates that there is no evidence that the reform has a significant effect on the win rate for plaintiffs. The interaction term is not statistically significant across the models. Furthermore, there is no significant difference in win rate between the provinces that carried out the reform and those that did not. From a temporal perspective, there is no significant difference between the pre- and post-reform period in the first round, but the difference is significant in the second round. This suggests that as time goes by, China's courts tend to issue decisions less favorable to civil actors, at least over the period under study. As the second-round sample is more balanced, the interpretation of results will be based on the model of the second-round reform.

The other two key independent variables show expected effects on plaintiffs' win rate. When a plaintiff confronts the police department, the odds that the plaintiff wins decreases by 84.28 percent [$(e^{-1.850}-1)*100$ percent] in comparison with other government agencies. If the defendant is higher in administrative rank by one unit than the local court (e.g. *Ting* relative to *Chu* or *Chu* relative to *Ke*), the odds that the plaintiff wins the litigation is 42.99 percent [$(e^{-0.562}-1)*100$ percent] lower. The effects are very significant in both rounds of reform, lending strong support to the second and third hypotheses. Therefore, even if funding responsibility and personnel management authority

have been shifted to higher-level governments, local governments may still have vehicles for influencing the outcomes of administrative litigations.

The effects of control variables vary. Firstly, the two other reforms, specialized trial and off-site trial, have positive coefficients, indicating a positive effect on litigation outcome. It is possible that these two reforms crowd out the effect of the centralization reform. However, the coefficient on specialized trial is not significant at conventional significance levels. Individuals seem to have a higher chance of winning the suit than organizations. The type of the defendant shows a very significant negative effect on the dependent variable, suggesting that plaintiffs will have greater difficulty winning against constitutive agencies than general governments. Attorney agent shows expected effects. The more legal expertise a plaintiff's agent has, the more likely the plaintiff will win. But its effect is barely significant. The number of defendants does not show a significant effect. Trial length is only significant in the first round of reform. The longer a litigation lasts, the more likely the plaintiff will win.

Notably, geographical area shows expected effects. In comparison with cases in the developed eastern provinces, cases in other less developed regions experience a higher win rate. The underlying mechanism still needs to be explored, but one possible explanation might be that the reform provides positive incentives for judges in poor areas, where the provincial governments can provide more financial support to the local courts. But it is also possible that public servants in developed areas are better at law-based governing, thus incurring fewer law violations. This question is worth further investigation.

Exploring Mechanisms for Conditional Justice

Although the empirical analyses show that the police department and higher-level agencies lead to lower win rates for plaintiffs, it remains to be answered why the police department and administrative rank matter. Some people might argue that the application of high-tech devices confounds the relationship between the police department and adjudication outcome. Nowadays, the Chinese police department has increasingly utilized technology in their decision-making and law enforcement.[52] As a result, it is likely that plaintiffs had a lower win rate against the police because the latter could use high-tech devices to better justify their activities. However, the robustness check in Table 4 demonstrates that after controlling for the use of high-tech devices, plaintiffs still fared worse when facing the police department in comparison with other government agencies. In fact, most of the high-tech devices do not show a significant effect on litigation outcomes, except body-worn camera and audio record, which have a positive and negative effect, respectively, on the likelihood of issuing pro-plaintiff verdicts. After controlling for technology factors, the effect of political department remains pronounced and significant. The result suggests that technology is not the major driver of the police department's advantage.

The authors posit that the police department and administrative rank matter for different reasons. First, as noted earlier, the police department is the major public agency in charge of maintaining social stability. When plaintiffs pose a threat to social stability, judges are more likely to reject their requests to align with the local government's need of maintaining social stability. Therefore, it might be the nature of the case per se, not the police department, that gives rise to a lower win rate in police-related administrative litigations. As for administrative rank, the authors posit that its effect has to do with bureaucratic authority. When the defendant enjoys a higher authority, justices tend to be warier of their decisions in case that they may face grave consequences once they issue unfavorable verdicts to the higher-level agency.

To test the above two arguments, the authors scrutinized the adjudication documents and identified two variables. First, cases concerning petitions and letter visits were chosen and highlighted. Petitioning

[52]Xu Xu, 'To repress or to co-opt? Authoritarian control in the age of digital surveillance', *American Journal of Political Science* (2020), pp. 1–17.

Table 4. The influence of high-tech devices

	Dependent variable: Plaintiff wins or not			
	The 1st round		The 2nd round	
Reform province	−0.160	(0.229)	−0.070	(0.170)
Post-reform	0.147	(0.120)	−0.403*	(0.240)
Reform × Post	0.282	(0.284)	0.126	(0.357)
Police department	−1.719***	(0.210)	−2.023***	(0.281)
Rank difference	−0.524***	(0.091)	−0.561***	(0.119)
Body-worn camera	1.558**	(0.778)	1.622**	(0.802)
Video	−0.207	(0.288)	−0.052	(0.324)
Surveillance footage	0.105	(0.282)	0.205	(0.376)
Audio record	−0.638**	(0.276)	−1.113***	(0.404)
Telephone	0.075	(0.165)	0.071	(0.224)
Photo	−0.053	(0.117)	0.069	(0.156)
Monitor	0.324	(0.354)	0.441	(0.433)
Handwriting	0.118	(0.395)	0.227	(0.563)
Fingerprint	−0.070	(0.642)	−0.170	(0.709)
Other reforms	Yes		Yes	
Defendant traits	Yes		Yes	
Plaintiff traits	Yes		Yes	
Geographic area	Yes		Yes	
Intercept	−1.274***	(0.303)	−0.728**	(0.313)
Observations	1,786		1,082	
Log Likelihood	−1,048.788		−621.200	
Akaike Inf. Crit.	2,153.575		1,298.401	

Note: *p < 0.1; **p < 0.05; ***p < 0.01. 'Yes' means these variables are controlled in the model.

activities are emblematic of threats to social stability, and the police department will have a higher likelihood of being involved in cases where petitions and letter visits are present. Therefore, the authors regress the existence of petitions and letter visits on the type of government agencies to see whether the police department is more likely to be associated with cases involving petitioning activities. Then, the authors regress litigation outcomes on the existence of petitioning. If the judicial system is sensitive to petitioning activities, the police department will be more likely than other agencies to be sued in cases that involve petitioning and petitioning activities will be associated with a lower likelihood of pro-plaintiff verdicts. The regression results in Table 5 lend support to this argument.

Table 5 shows that the police department is significantly more likely to be involved in cases in which the plaintiff petitioned other government agencies, and judges are significantly less likely to issue favorable verdicts to plaintiffs in the presence of petitioning activities. Administrative rank, by contrast, does not demonstrate a significant effect, which means that agencies of different administrative ranks are equally likely to encounter petitioning cases. In a nutshell, this analysis provides evidence that the police department is more likely to be involved in cases demonstrating social stability threats. The judicial system, which is also part of the political regime, is sensitive to such threats. As a result, judges are less likely to issue verdicts in support of plaintiffs, making the police department a more frequent winner in administrative litigations. Despite this finding, the authors admit that this is perhaps only one of the mechanisms that benefits the police department in administrative litigations. Other mechanisms might exist as well, but it will be hard to test. For instance, the police department is always enumerated ahead of the judiciary in China's political context (i.e. *gong jian fa*), suggesting that the police department may occupy a more important position in the legal and judicial field in China.

How to explain the mechanism that links administrative ranks and judicial outcomes? The authors attribute the influence of administrative ranks to bureaucratic authority. In China's political system, a higher administrative rank not only brings more resources but also elicits more respect and compliance from a lower-level agency. It is likely that the high rank of the defendant deters lower-level judges from making disadvantageous decisions to the defendant. To examine this argument, the authors capitalize on a recent change in China's *Administrative Litigation Law*, which was amended in

Table 5. The relationship between petitioning, police involvement and litigation outcomes

	DV: Petition or not		DV: Win or not	
	The 1st round	The 2nd round	The 1st round	The 2nd round
	(1)	(2)	(3)	(4)
Reform	0.005	−0.067	−0.137	0.068
	(0.323)	(0.212)	(0.224)	(0.159)
Post	0.438***	0.145	0.223*	−0.447**
	(0.160)	(0.291)	(0.116)	(0.228)
Reform × Post	−0.125	−0.338	0.311	0.021
	(0.391)	(0.434)	(0.277)	(0.340)
Police department	1.344***	1.256***		
	(0.197)	(0.238)		
Rank difference	0.127	−0.192		
	(0.120)	(0.150)		
Petition or not			−0.501***	−0.241
			(0.154)	(0.185)
Other reforms	Yes	Yes	Yes	Yes
Defendant traits	Yes	Yes	Yes	Yes
Plaintiff traits	Yes	Yes	Yes	Yes
Geographic area	Yes	Yes	Yes	Yes
Intercept	−2.083***	−1.407***	−1.338***	−0.759***
	(0.406)	(0.435)	(0.287)	(0.285)
Observations	1,786	1,083	1,788	1,083
Log Likelihood	−688.997	−441.384	−1,099.199	−666.838
Akaike Inf. Crit.	1,415.993	920.768	2,234.398	1,369.676

Note: *p < 0.1; **p < 0.05; ***p < 0.01.

2014 to provide more support to plaintiffs. One of the noteworthy amendments is that the head of the sued agency must show up in the court to facilitate the trial. If the head is unable to show up, he or she should delegate a stuff on his or her behalf. In reality, however, many agencies disregard this stipulation. In the study dataset, the head of the defendant agency showed up in only 105 out of the 3,993 cases. The authors argue that if the administrative rank matters, the higher-level agency may not take the suit seriously, and hence the head of the agency is less likely to show up in the court and also less likely to assign a high-level colleague to handle the case. Therefore, the authors focus on the type of government delegates that show up in the court, coding them into three categories: agency head (e.g. mayor and Party Secretary of the prefecture government), non-head leader (e.g. deputy directors) and non-leader stuff. The authors hypothesize that the higher the administrative rank of the defendant relative to the court, the less likely the head and other high-level leaders of the agency will show up as opposed to non-leader stuff. The results are presented in Table 6.

Table 6 provides support to the administrative rank account. Multinomial logit regressions show that as the rank of the defendant agency increases relative to the court, the head of the defendant agency is less likely to show up in the court as stipulated by the law. The non-head leaders of the agency, like vice directors, are less likely to show up as well. In short, higher-level agencies will more likely delegate ordinary workers rather than administrative leaders to address administrative litigations. This finding suggests that higher-level agencies take administrative litigations less seriously, probably because of their greater authority that derives from the higher administrative rank.

Conclusion

Students of comparative judicial politics have revealed the mechanisms of rule by law in authoritarian regimes. However, the lack of judicial independence undermines the legitimacy of and public trust in rule by law. Countries like China and Vietnam have launched reforms to restrain the influence of the government on local courts. Do the reforms serve to tie the hands of local cadres and protect citizens' rights? This study examined a sweeping judicial centralization reform carried out in China in 2014 and 2015. Building on a counterfactual framework, the authors utilized newly released

Table 6. The multinomial logit model of the presence of agency head in the court

	DV: Presence of the agency head (non-leader stuff = 0)			
	Non-head leader	Agency head	Non-head leader	Agency head
	(The 1st round)	(The 1st round)	(The 2nd round)	(The 2nd round)
Reform	−0.180	−0.633	0.318*	0.129
	(0.280)	(0.765)	(0.184)	(0.528)
Post	0.336**	−0.241	−0.194	−0.046
	(0.135)	(0.326)	(0.261)	(0.852)
Reform × Post	0.182	0.165	0.643*	1.555
	(0.339)	(0.993)	(0.368)	(0.981)
Police department	−0.097	−0.267	0.186	0.716
	(0.187)	(0.426)	(0.224)	(0.541)
Rank difference	−0.817***	−1.582***	−0.897***	−1.227***
	(0.108)	(0.333)	(0.134)	(0.407)
Other reforms	Yes	Yes	Yes	Yes
Defendant traits	Yes	Yes	Yes	Yes
Plaintiff traits	Yes	Yes	Yes	Yes
Geographic area	Yes	Yes	Yes	Yes
Intercept	−2.516***	−4.555***	−2.335***	3.518
	(0.327)	(0.650)	(0.348)	(41.378)
Akaike Inf. Crit.	2,182.519	2,182.519	1,407.710	1,407.710

Note: *p < 0.1; **p < 0.05; ***p < 0.01.

adjudication documents to evaluate whether the centralization reform improves plaintiffs' win rate in administrative litigations. DID estimations show that despite the good intention to restrict the influence of local governments on judicial activities, the reform fails to improve plaintiffs' probability of winning litigations against public agencies.

More importantly, the DID results show that plaintiffs have a lower win rate when confronting the police department. China's public security system is characterized by a decentralized law enforcement and it is vulnerable to the influence of local Party officials.[53] This article implies that without touching on the internal power structure in the government, it is hard for courts to fairly adjudicate disputes between the police department and civil actors. Despite less dependence on local governments owing to the reform, justices may still be constrained by the local government or Party Committee. Moreover, plaintiffs also have a lower win rate when the defendant's administrative rank increases relative to the trial court. These two findings collectively substantiate the conditional justice hypothesis that the judicial decisions of Chinese judges are contingent on the specific traits of the defendant. Given the introduction of judicial accountability in recent years, the effects of departmental traits might have been more pronounced when those accountability mechanisms were nonexistent.

Extant studies show that the Chinese judiciary adjudicates in a biased way, and this study complements the literature by showing how. For instance, scholars have revealed that the Chinese judiciary at different levels tends to be captured by different interest groups, showing that the judiciary can be susceptible to *external* influence.[54] This study, in contrast, demonstrates that the bias can also be attributed to *internal* pressure. It suggests that although the courts rely less on local governments for financial support and personnel management since the centralization reform, local governments can still exercise an influence. This finding echoes Liebman's view of the restricted court reform in China, which suggests the lack of a fundamental change to court's political power.[55] Although the Party allows and even encourages judicial innovation in recent years, it is insufficient to guarantee fair adjudication in the absence of an independent judiciary. Justices may be fair

[53]Murray Scot Tanner and Eric Green, 'Principals and secret agents: central versus local control over policing and obstacles to "rule of law" in China', *China Quarterly* 191, (2007), pp. 644–670.

[54]Yuen Yuen Ang and Nan Jia, 'Perverse complementarity: political connections and the use of courts among private firms in China', *Journal of Politics* 76(2), (2014), pp. 318–332; Haitian Lu, Hongbo Pan, and Chenying Zhang, 'Political connectedness and court outcomes: evidence from Chinese corporate lawsuits', *The Journal of Law & Economics* 28(4), (2015), pp. 829–861.

[55]Benjamin L. Liebman, 'China's courts: restricted reform', *China Quarterly* 191, (2007), pp. 620–638.

adjudicators in civil disputes, but the fairness becomes questionable once they confront particular state institutions.

This study has two limitations that warrant attention. First, there is no guarantee that the treatment assignment was random, despite the ancillary evidence. The decision as to which pilot province was chosen was made by the central government, and it remains unknown as to what criteria were used in the decision-making process. Second, although the Supreme People's Court decreed that all levels of courts must upload adjudication documents to the website *China Judgments Online* unless for special concerns such as confidentiality, we could not rule out the possibility that documents are disclosed selectively. Existing research has demonstrated a significant variation in disclosure rates across courts. While some courts disclosed nearly 100 percent of completed cases after adjusting for mediation, the least compliant court only disclosed around 20 percent of cases.[56] Investigating the causes and consequences of selective disclosure can be a good direction for future research.

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Geolocation Information

This article utilizes a large-N sample of China's nationwide administrative litigation cases. It provides insights into the legal reform and rule of law in China. This is a collaborative project based on the cooperation of researchers located in both Chinese and American Universities.

Appendix A. Balance Check Between the Treatment and Control Groups

The difference-in-differences method relies on the assumption that reform provinces would have followed the same time trend as the non-reform provinces had they not carried out the reform. This is called the parallel trend assumption. Although it is impossible to test this assumption due to its counterfactual nature, a comparison of the differences between the treatment group and the control group across covariates can provide information about the comparability of the two groups. If the distribution of the covariates is balanced, it will be more acceptable to assume that the non-reform provinces are appropriate counterfactuals for the reform provinces. The authors employ the *t*-test of means to check the balance between the two groups. The means are calculated by subtracting treatment from control.

[56]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', *21st Century China Center Research Paper No. 2017–01*, (2019), pp. 1–47.

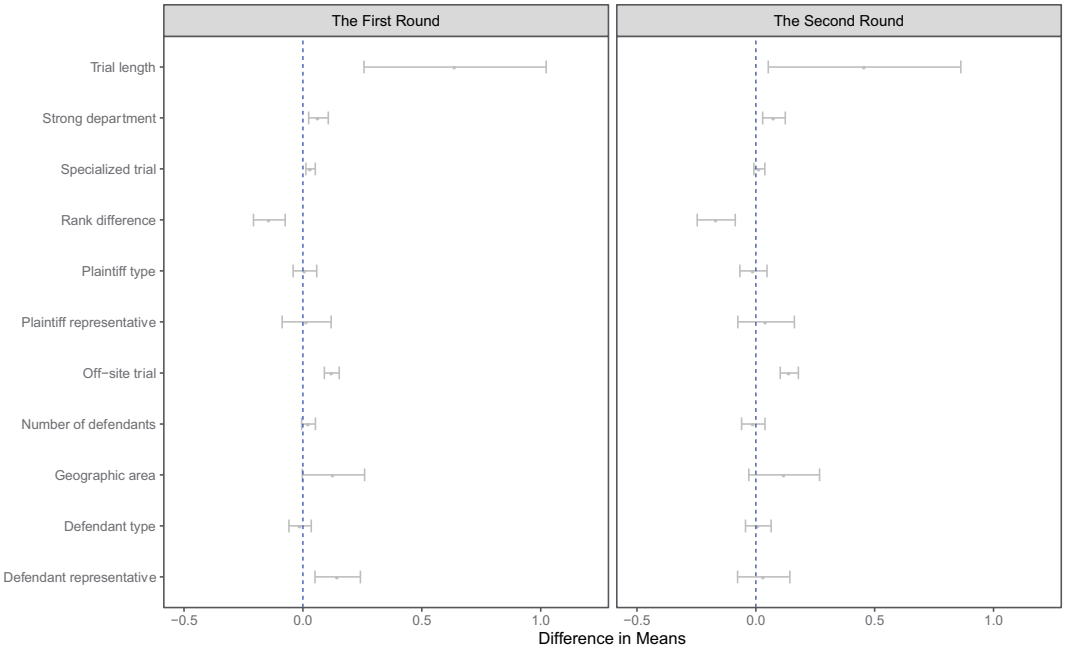

Figure A1. The difference in variable means between treatment and control groups.

Figure A1 shows that the treatment and control groups are balanced on more than half of the covariates, especially in the second-round reform. The specialized reform and off-site trial reform are a bit more likely to occur in the control group, suggesting that these two reforms may be complementary to the centralization reform. In the control group, the involved department is on average more likely to be a strong department, the rank tends to be smaller relative to the court, and the trial length is longer. It should be noted that after controlling for other covariates and regressing mean differences in rank and department on reform provinces, the differences decreased and even became insignificant, thus lending support to the comparability of the two groups.