Authoritarian Courts as an Institution of Control: Political Action and Trial Result

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Abstract

When people take political actions, autocrats could either punish them and remove future threats or appease them by providing compromises. Amidst these varying expectations, we empirically test the effect of political action in the form of petitions on trial results. In China, certain administrative rulings include sentences that indicate that the litigants petitioned before filing suits against the government. Taking advantage of this, we test whether including and excluding such sentences from the ruling changes the predicted trial result. Specifically, we apply text-as-data and machine learning methods to the entire corpus of administrative court rulings in order to overcome the extant methodological challenges of text-based analysis, including unstructured confounders and high-order interactions among covariates. We find that litigants who petitioned about their grievances are more likely to lose in trials. Given that China is developing an AI court, this study has practical significance as its verdicts are likely to be made based on the existing rulings.

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Courts in authoritarian regimes are often seen as a double-edged sword – they can be used by autocrats to prosecute regime opponents (Shen-Bayh, 2018, 2022) or to tie the autocrats' hands and hold power accountable (North and Weingast, 1989; Hill and Jones, 2014). Leveraging on this nature, autocrats can even design courts such that the rule of law is selectively applied, by which judicial fairness is respected only in the economic realm but not in the political realm (Wang, 2015).

The boundary of judicial fairness in an authoritarian court can be murky, however. For instance, it appears self-harming for autocrats to allow their citizens to challenge the state and win in administrative trials. Yet, by letting them prevail against the government on a regular basis, autocrats can resolve the principal-agent problem and control public grievances (Ginsburg, 2008). Then, how do authoritarian courts respond to such government-citizen conflicts so that they do not grow too political, while still serving the regime's purpose of resolving the problems? In this paper, we answer this question in the context of administrative lawsuits in China. Particularly, we test whether petitioning before a lawsuit, which increases the political stake of the case, systematically changes the trial result.

The existing literature suggests that the Chinese court could either appease or punish litigants who take political actions. According to Liebman (2011), when Chinese citizens petition about their trial results, the court changes the rulings in favor of the petitioners. That is, the court would pacify troublemakers by providing concessions and silence them. On the contrary, a similar study by Hou and Truex (2022) finds that drug crimes committed by ethnic minorities – which are considered political cases – receive heavier sentences than those of the Han majority in the criminal court. That is, the court would punish the individuals that increase the political stake of the case and prevent similar incidents from happening.

Amidst these varying expectations, we empirically test the effect of political action, namely petitions, on trial results through the analysis of administrative lawsuits in China. Our analysis of more than 270,000 administrative rulings published between 2014 and 2018 in China reveals that the court systematically discriminates against the citizens who peti-

tioned before bringing the suits. That is, if a citizen petitioned about their grievances before filing a lawsuit, then such a case has a lower chance of receiving a citizen-prevailing result – which means a higher chance of a government-prevailing result – than a case that was not petitioned. This association holds across a range of different conditioning strategies and covariate sets, including both structured and unstructured ones. The findings contribute to an emerging literature on the repressive nature of authoritarian courts by demonstrating that petitioning as a political and extra-judicial action is systematically punished in administrative tribunals in China (Solomon, 2007; Varol, 2014; Wang, 2015; Shen-Bayh, 2018, 2022).

Methodologically, we combine text-as-data and double machine learning methods to overcome unstructured data and estimation challenges that have plagued legal studies on bias in court rulings (Mustard, 2001; Ulmer and Johnson, 2004; Rehavi and Starr, 2014). Establishing the effect of political actions on trial outcomes is challenging for two reasons. First, it is challenging because the potential confounders (e.g., the strength of evidence) that affect both the likelihood of petitioning and the trial outcome are often embedded in the raw text as unstructured data, which is difficult to extract. Second, confounders can exhibit complex relationships and interactions with each other (e.g., the interaction between the competence of the legal representative and the strength of evidence). Previous studies address the first and second concerns by resorting to machine learning methods to extract relevant variables from raw text or by using flexible models in the regression analysis (e.g. Hou and Truex 2022). However, such an approach can still leave out useful information in the raw text and may not be able to fully capture the relationships between variables.

To overcome these challenges, we combine two recent methodological innovations and apply them in our empirical setting. To address the challenge of unstructured confounders, we use text-as-data methods to encode text as numerical values that can be used in statistical analysis (Grimmer et al., 2022). By including the numerical representation of full texts as covariates, we move closer to accounting for potential confounders in the study. To

model the potentially high-order interactions among covariates, we use nonparametric, machine learning methods to better approximate the complex relationships. Although machine learning methods have proven to be effective in prediction contexts, an accurate prediction does not guarantee a good performance of estimation or inference about specific (causal) parameters. To bridge this gap, we leverage the recent double machine learning approach, which improves machine learning methods for estimation and inference (Belloni et al., 2017; Chernozhukov et al., 2018).

Petition and Administrative Lawsuit in China

An administrative dispute between a citizen and a government agency in China occurs for various reasons. 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 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 such administrative (in)actions, they have options to petition through the Letters and Visits system (Xinfang) or to file administrative lawsuits, among others.

Petitioning allows Chinese citizens to bring their grievances to the government. Petition bureaus are rooted in almost every government organ, and they receive a wide range of cases from individuals, including but not limited to the ones that administrative tribunals also cover: complaints about public services and government affairs (Minzner, 2006). Upon receiving a petition, the bureau usually refers the case to the next-level government agency or a relevant department. More recently, the bureau also recommends petitioners resolve disputes through trials and refers the case to the court. ¹ According to Tong (2009)'s survey, when Chinese citizens faced administrative disputes, 17 percent of them tried petitioning, and this is the second most frequent reaction followed by inaction (63 percent). Yet, the success rate of a petition is estimated to be as low as 0.2 percent (Zhang, 2009).

¹One of the authors' interviews with a former employee at a Letters and Visits office and a local legal expert.

By filing administrative lawsuits, citizens can bring their grievances to the third party, the court. In 1989, the Administrative Litigation Law was promulgated, and it empowered citizens to sue the government for the latter's infringement of the former's lawful rights (Article 2). Since then, the number of administrative lawsuits has been increasing, although it is still small (300 thousand cases in 2021) compared to that of civil lawsuit cases (16.6 million in 2021). Indeed, suing the government under authoritarianism does not appear to be easy. Almost half of the Chinese citizens understand that the court tends to treat the government favorably in administrative trials (Lin, 2014). Litigants are also aware that they could face retaliation, including threats of physical violence, from administrators who want them to withdraw from their cases (O'Brien and Lee, 2005). As such, even though the court is nominally a third-party institution, it is not free of political influence, especially from the local government.

The focus of this article is on the administrative lawsuit cases where the litigants petitioned before the suits. This is because petitioned litigants can be perceived as trouble-makers, technically by the court, but likely in fact by the government due to the lack of judicial independence in China. Litigants who also petitioned often strategically do so to put pressure on the government and achieve their goals, such as prompt dispute resolution or better compensation. While petitioning is an official grievance-resolution method, local governments are concerned that if petitioners appeal to upper-level government agencies, this would result in an adverse effect on their performance evaluation on stability maintenance (Li et al., 2012; Benney, 2016). Taking advantage of this concern, some people "politicize" their cases by filing both petitions and lawsuits (Feng and He, 2018; Liebman, 2011). As such, petitioning is often considered a threat to social stability – making problems bigger rather than extinguishing them –, and some extreme petitioners are often charged with crimes and prosecuted (Zeng and Feng, 2022). Even if certain petitioners do not act strategically and thus do not intend to increase the political stake of their cases, these people

²See, for example, Peerenboom (2002) and deLisle (2017) for the legal reforms in China.

are trying multiple methods to resolve their disputes with the government. Such persistent efforts in confronting the government still make these individuals stand out.

Competing Predictions: Political Action and Trial Result

Authoritarian courts may follow politics over justice when lawsuits become political. Therefore, it is plausible that political actions such as petitions influence the judge's decisions. Indeed, in China, certain administrative rulings include sentences that say, "The litigant petitioned before filing this suit (Figure 1)." Considering that filing a petition is not a procedural requirement of a lawsuit, it is noteworthy that the rulings intentionally include such information on the petition. This interesting fact implies an important possibility that judges do take the act of petitioning seriously when they make decisions.

Figure 1: Example of an Administrative Ruling

四川省成都市中级人民法院 行 政 判 决 书(2018)川01行终927号 上诉人(原审原告) 钟文彬,男,1965年3月29日出生,汉族,住四川省成都市锦江区 委托代理人李晓斌,四川顺泰律师事务所律师。被上诉人(原审被告)成都天府新区华阳街道办事处,住所地:四川省成都市天府新区华阳街道华新中街**号。法定代表人徐惠民,主任。委托代理人巫贵江,北京市中伦文德(成都)律师事务所律师。委托代理人肖雅升,北京市中伦文德(成都)律师事务所律师。上诉人钟文彬因诉被上诉人成都天府新区华阳街道办事处(以下简称华阳街办)行政协议一案,不服四川省成都市龙泉驿区人民法院(2018)川0112行初9号行政判决,向本院提起上诉。本院受理后,依法组成合议庭审理了本案。本案现已审理终结。原审法院审理查明…钟文彬因此向相关部门信访并要求进行处理未果,便于2015年1月9日向原审法院提起行政诉讼,…。本院认为,…判决如下:驳回上诉,维持原判。一审案件受理费负担不变;二审案件受理费 50元,由上诉人钟文彬负担。本判决为终审判决。审判长 李伟东 审判员 喻小岷 审判员 盛 莉 二〇一八年十月十六日 书记员 尹德兰

Note: An example of an administrative ruling that includes the information that the litigant petitioned before filing the suit. The highlighted sentence reads that the litigant tried petitioning first, but because there was no result, he filed an administrative lawsuit. The underlined sentence is the information about the litigant, including his name, gender, date of birth, ethnicity, and county in which he resides.

Taking advantage of this fact, we empirically test if Chinese citizens who petitioned about their administrative grievances *prior to* filing lawsuits received systematically different rulings compared to those who did not petition. Here, petitioning is considered an action

that increases the political stakes of the case. In the face of increased political stakes, authoritarian courts may take two different measures. First, they can choose to pacify the litigants and resolve the disputes smoothly. In this case, we should expect that litigants who petitioned receive more favorable rulings than those who do not, as Liebman (2011) and Feng and He (2018) find. Second, however, authoritarian courts can choose to punish those who instigate such political action. Then, we should expect petitioned litigants to receive unfavorable rulings compared to the litigants who did not petition, similar to what Hou and Truex (2022) finds.

Data: Administrative Rulings of China, 2014-2018

This article tests the effect of petitions on trial results using the dataset that contains all administrative rulings that were published in the centralized digital archive, *China Judgement Online* (CJO), between 2014 and 2018.³ 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 not free of missing data issues, this archive provides the most complete collection of court cases among all the extant sources. We discuss the missing data problem later.

Measurement

Unit of Analysis: An Administrative Case

The unit of analysis is a case. An administrative case consists of a dispute between the non-government side (plaintiff in a first-level trial) and the government side (defendant in a first-level trial), the court in charge, the level of trial, and the trial result. Among the available cases, we use the subset of data where the litigants are ordinary citizens, who are not corporations or prosecutors. Citizens constitute the non-government side in more than 85 percent of the cases. Additionally, we include both the first- and second-level trials, as

³中国裁判文书网, China Judgements Online, wenshu.court.gov.cn

second-level trials are the final step in the Chinese trial system. After dropping duplicates, we are left with a total of 271,177 cases.

Dependent Variable: Trial Result

The dependent variable is a binary variable where government wins are coded as 1 and government losses are coded as 0. Cases where the government agencies prevail (or citizens lose) include 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 side's requests (Bohui Susong Qingqiu). Cases where the government agencies lose (or citizens prevail) 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. Sometimes, judges accept part(s) of the citizens' 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 citizens to achieve one small victory against their administrators in a trial.

In fact, there can be five different results from an administrative case: government win, government loss, withdrawal, dismissal, and rejection. However, the cases that are ruled by judges (either government wins or losses) can be systematically different from the others. For example, only the cases that meet the minimum procedural requirement can be reviewed by the judge. Furthermore, our dataset is likely to underestimate withdrawn cases – where the two parties often reach informal settlements – and not accepted cases. Therefore, the main empirical analysis only compares government wins and losses.⁴

Independent Variable: Petition

The independent variable is whether a case was petitioned before being brought into the court or not. If a ruling includes the sentence that indicates that the litigant tried petitioning,

⁴In the appendix, we conduct another regression analysis, this time with the dependent variable being either ruled (that is, government wins and losses) or not (that is, dismissal, withdrawal, and rejection).

then the case is coded as 1. Examples of the keywords include: "through a petition (经过信访or 通过信访)," "no result from the petition (信访无果)," and "a petition case (信访事项or 信访案件)." In the dataset, 15.4 percent of the rulings include such sentences.⁵

Control Variables

The following variables are controlled for, as they are likely to affect the trial result: First, the trial level, either at the first level or at the second level. Second, "Nonperformance," which captures whether the government was sued for not implementing its duties (1) or committing unlawful administrative actions (0). Third, "Reconsideration" is coded as 1 if the litigant filed administrative reconsideration (Xingzheng Fuyi) — a pre-stage of an administrative lawsuit — before filing the suit. Fourth, "Government level," which consists of four levels, from county-, prefecture-, provincial-, and national levels. Next, "Dispute Type" classifies the topics of the underlying administrative disputes into 22 different categories. Finally, year- and province-fixed effects.

Research Design

We attempt to measure the association between petition and administrative lawsuit outcome through a conditioning approach, in line with both the foundational and recent studies in the literature on bias in court rulings (Ulmer and Johnson, 2004; Rehavi and Starr, 2014; Hou and Truex, 2022). We attempt to 1) first identify whether there is indeed an association between petition and trial outcome and 2) test whether that association still exists after accounting for a rich set of covariates that should affect both the likelihood of petitioning and trial outcome. Any "unexplained variation" is suggestive of an effect of the petition on the trial outcome, though it is possible that some unobserved confounders or sample selection issues could explain any discrepancy between cases that involve petitions and those that do

⁵Note that the actual percentage of petitioned cases is likely to be higher than 15.4 percent, as some rulings may not include the information on petitioning even when it happened. Nevertheless, we still assume that the cases where the rulings do mention petition take the act of petitioning seriously, thereby different from other cases. We further address the selection effect later in this paper.

not.

Following the existing literature, we first estimate the following linear model:

$$Y_i = \alpha_i + \tau D_i + \beta \mathbf{X_i} + \varepsilon_i \tag{1}$$

where Y_i is the binary outcome of the government winning or losing. D_i is a binary indicator for the petition. $\mathbf{X_i}$ is a vector of covariates that include the administrative level of the government in the lawsuit, type of dispute, trial level, non-performance, reconsideration, whether the litigant has legal representation or not, and a set of fixed effects.

To account for potential confounders that are embedded in the texts of case descriptions and to allow for more flexible functional forms, we also estimate the following partially linear model:

$$Y_i = \alpha_i + \tau D_i + g(\mathbf{Z}) + \varepsilon_i \tag{2}$$

and $D_i = c_i + m(\mathbf{Z}) + v_i$. Here \mathbf{Z} is a set of covariates that include $\mathbf{X_i}$ as well as a numerical representation of the case descriptions. \mathbf{Z} affects the independent variable D and the outcome variable Y via the (potentially flexible) functions of $m(\cdot)$ and $g(\cdot)$ respectively. To represent the texts of case descriptions, we opt for a large language model that is specifically trained on Chinese legal documents (Cui et al., 2020) to obtain high-quality numerical embeddings for each text. We then use the double machine learning approach (Belloni et al., 2017; Chernozhukov et al., 2018) to estimate the partially linear model of (2). Essentially, the approach minimizes the effect of any estimation error of the nuisance parameters $g(\mathbf{Z})$ and $m(\mathbf{Z})$ on the estimation of the parameter of interest τ . In the main text, we use the random forest to estimate $g(\mathbf{Z})$ and $m(\mathbf{Z})$. See the supplementary materials for alternative machine learning models and technical details of the method.

Results

Table 5 shows the estimated effect of the petition on trial outcome. Model 1 is a simple difference-in-means between trial outcomes of cases with and without petitions. Model 2 is a linear model with structured covariates (X_i) extracted from the metadata and text descriptions of each case. Model 3 is a partially linear model with text descriptions as additional covariates and estimated using double machine learning. For all three models, we include year, province, and dispute-type fixed effects. Standard errors are clustered at the provincial level to account for correlations in petitions within each province (Abadie et al., 2017).

The coefficient estimates are relatively stable across models and suggest that petition as a form of political action is systematically punished in administrative trials. Model 1, the minimalist specification, shows that a petitioned case has a 13.1% increased probability of having a government-prevailing result than a case without. The magnitude of coefficients becomes smaller when we account for relevant case attributes in the relationship between petition and trial outcomes. Model 2 and 3 yield estimates ranging from 6.8% to 11.1%.

While the regression results show an association between petition and trial result, we do not intend to make a strong causal claim in this paper due to the possible selection effect, which is discussed in the next section.

Selection Effect

The empirical findings are subjective to three sources of selection effect – transparency of the archive, unobserved petitioned cases, and the qualitative difference between petitioned and non-petitioned cases. We address these scenarios one by one.

First, Tang and Liu (2019)'s analysis of the rulings from CJO finds that its average disclosure rates range from 42.1 percent to 47.4 percent between 2014 and 2016. While this is a huge improvement in transparency compared to the 0.3-2.7 percent disclosure rate before 2013, having the availability of only around 50 percent of all lawsuits indeed poses a challenge

Table 1: Effect of Petition on Trial Outcome

	Dependent variable: Gov. Win (1) or Loss (0)					
	(1)	(2)	(3)			
Petition	0.131*** (0.020)	0.068*** (0.010)	0.111*** (0.018)			
Constant	0.628	0.628	0.628			
Text	No	No	Yes			
Year FE	No	Yes	Yes			
Province FE	No	Yes	Yes			
Dispute Type FE	No	Yes	Yes			
Other Covariates	No	Yes	Yes			
Observations	273,589	273,589	273,589			
Std. Err.	Clustered	Clustered	Clustered			

Note: * p < 0.1, *** p < 0.05, *** p < 0.01. Models (1) and (2) are linear models. Model (3) is a partially linear model. Estimates for (3) are based on the double machine learning approach. "Text" indicates whether embeddings of case descriptions are included in the model. "Other Covariates" include the administrative level of the government in the lawsuit, trial level, non-performance, reconsideration, and whether the litigant has legal representation. Standard errors are clustered at the provincial level.

in viewing the true distribution of cases. Pertaining to this research, if the unobserved cases were to alter our findings, then the court's decision on disclosure should be influenced by the trial result. Specifically, courts should be more likely to upload their rulings to the archive when the government wins, especially when the cases are petitioned. However, Wu et al. (2022) finds that the disclosure rate is related to the capacity of each court to handle the uploading process. Such effect of resources or capacity across different courts is orthogonal to the political consideration that we are interested in capturing. In addition, while we included provincial-level fixed effects in our analysis, we further conducted a robustness check only with the cases that were uploaded by the highly transparent provinces. (To be added)

Furthermore, courts are unlikely to have the incentive to upload government-winning cases only, even if they are not free of the government's influence.⁶ This is because it is in line with the court's interest to demonstrate to the central authorities that the court is

⁶Author's interview with a local legal expert.

"functioning." Also, local agents are not afraid of being sued and defeated in recent years, as lawsuits have been regularized.⁷

Second, we were not able to verify whether the rulings always included the petition history when it happened. That is, there is a possibility that in certain cases, even if the litigants tried petitioning before filing the suits, the rulings did not include that information. If such unobserved cases were to alter our findings, then within those cases, petitioning should have zero or negative correlation with the trial result. To be included: Calculations on such possibility.

Third, if the petitioned cases are "weak" from the start, then the citizen-losing results in these cases are based on justice, rather than on politics. Nevertheless, to our best knowledge, there is limited evidence that suggests such a possibility. Considering that the success rate of a petition is as low as 0.2 percent (Zhang, 2009), it is not likely that the petitioned lawsuits have disputes that are too difficult to resolve from the petition. Instead, it is more likely that the litigants simply chose to employ both tools. Most importantly, our empirical strategy intends to control for the unstructured confounders such as the strength of evidence and their relations with other variables that can affect both the petition and the trial result.

Discussion

This article finds that political action in the form of petitioning is correlated with the citizen's loss in an administrative trial. The finding suggests that authoritarian courts make rulings that systematically discriminate against troublemakers who politicize their disputes with the government. Note that while it is the local court that makes such decisions, given that the Chinese courts are not free of political influence, we can suspect that it is actually the government's will to punish them. This interpretation resonates with one of the court's political roles under authoritarianism, which is to undertake the government's task

⁷Author's interview with a lawyer who has been working for the local government agencies in W city. Another interviewee, who is a local legal expert, added that when the local agent's performance is being evaluated by the center, then the evaluations are less likely to be based on trial results than on other internal criteria.

of handling political cases so that the regime maintains its legitimacy (Moustafa, 2007).

Our finding is different from Liebman (2011), where the author finds that the court would pacify petitioners by changing the rulings in their favor. There are a few possible reasons for such difference, which also suggest the scope condition of our findings: First, While Liebman's interviews were conducted in 2006-7, the rulings we used for our empirical analysis were published between 2014 and 2018. Because Liebman's research was conducted during the Hu Jintao and Wen Jiabao era and our research period covers the Xi Jinping era, the difference in the results may in part explain the leadership's different approaches to citizens' political actions. Second, the dependent variable of our empirical analysis is either government win or loss. However, it is plausible that concessions are actually happening informally, behind the scenes. In that case, within the withdrawn cases that we cannot observe, concessions may have been made, as Liebman (2011) suggests. Third, while Liebman (2011) looks at criminal and civil cases as well, we focus on administrative cases. It would not be easy for the court to make concessions to the cases that involve government agencies. Finally, while Liebman (2011)'s finding is about the effect of petitioning after a lawsuit is concluded, we test the effect of petitioning before a lawsuit.

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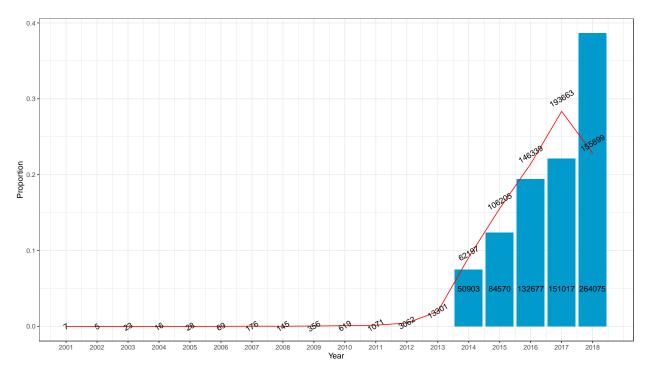
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Appendix A. Descriptive Statistics

Year

Before limiting the cases to either government win or loss, we had a corpus of 683,242 observations. See Figure 2 for the yearly distribution of cases. Every year, about 10 percent of all cases were petitioned before being brought into the court: 8.5 percent of cases were petitioned in 2014, 10.1 percent in 2015, 13.1 percent in 2016, 11.5 percent in 2017, and 11.1 percent in 2018.

Figure 2: Yearly Distribution of Cases



Note: The X axis is the year when cases were published (bar) or concluded (line). The text labels represent the absolute number of cases. The Y-axis shows the proportion. In the main empirical analysis, the published year was used.

Once we limit the cases to the ones where the judges ruled in favor of the government or the citizen, then the number of observations becomes 271,177. The overall proportion of lawsuit cases across different years do not significantly differ from Figure 2. Yet, the

proportion of petitioned cases becomes larger: 12.1 percent of cases were petitioned in 2014, 15.9 percent in 2015, 19.1 percent in 2016, 15.7 percent in 2017, and 13.8 percent in 2018.

Province

Table 2 shows where the cases were held, based on the court's provinces. When all results are considered, Henan has the largest volume of cases (66,680 cases, 9.8 percent), followed by Jiangsu (47,876 cases, 7 percent), Beijing (47,219 cases, 6.9 percent), and Guangdong (42,836 cases, 6.3 percent). Such a large number of cases from Henan is likely to due the high transparency rate of the courts in Henan, not necessarily because of the absolute number of lawsuits filed in the province (Liebman et al., 2020). This suggests selection bias in the dataset, which will be addressed below. The cases from Yunnan, Hainan, Ningxia, Xinjiang, Qinghai, and Tibet each take less than one percent of the dataset, with Tibet having nearly zero percent of observations. The order of the provinces based on the case road shows slight changes within the subset of cases where the government prevailed or lost.

When the regional distributions of petitioned cases are compared with the corresponding total cases, Beijing shows a drop in its proportion, while Hebei shows an increase. Hunan also ranks fourth among the provinces when petitioned cases are considered when it is the 7th with the total share of cases.

Trial Result

Overall, more than 56.3 percent of all administrative cases in the dataset were either dismissed (25.5 percent), withdrawn or settled (23 percent), or not accepted (7.8 percent). Note that these percentages are likely to underestimate the reality, therefore excluded in the main empirical analysis. Within the rest 43.7 percent of cases that were ruled by judges, citizens are likely to prevail against the government by a 35.5 percent chance. That is, overall, the government-losing results take up 15.5 percent, and government-winning results take up 28.2 percent of the dataset.

Table 2: Distribution of Cases Based on Court Location, Percentage

		Total Cases		Pe	etitioned	Not Petitioned	
		All Win or Loss		All	All Win or Loss		Win or Loss
	N. of obs.	683,242	271,177	77,160	41,640	606,082	229,537
1	Henan	9.8	9.9	7.9	8.8	10	10
2	Jiangsu	7	6.2	7.4	6.5	7	6.1
3	Beijing	6.9	6.8	7	4.7	6.9	7.2
4	Guangdong	6.3	7.8	6.7	6.6	6.2	8
5	Shandong	6.2	6.2	5.4	5.5	6.3	6.4
6	Zhejiang	6	6.2	6.6	6.5	6	6.1
7	Hunan	5.9	5.7	7	7.2	5.7	5.4
8	Sichuan	4.8	4.4	4.3	4.2	4.8	4.5
9	Liaoning	4.1	3.9	4.8	5	4	3.7
10	Hebei	3.8	4.1	4.5	5.8	3.7	3.8
11	Hubei	3.7	3.2	4.1	4.5	3.7	2.9
12	Anhui	3.7	3.7	3.3	3.7	3.8	3.7
13	Chongqing	3.3	2.8	2.2	2	3.4	2.9
14	Guizhou	2.9	3.3	2.1	2.1	3	3.5
15	Shanghai	2.8	3.3	1.5	1.5	3	3.7
16	Shaanxi	2.5	2.2	2.4	2.4	2.5	2.1
17	Fujian	2.5	2.4	3.2	3.5	2.4	2.2
18	Guangxi	2.2	2.7	1.9	2.1	2.3	2.8
19	$\overline{ m Jilin}$	2.2	2.1	2.9	2.9	2.1	1.9
20	Jiangxi	2.1	2.1	1.8	1.7	2.1	2.1
21	Shanxi	1.8	1.9	2.2	2.6	1.8	1.8
22	Tianjin	1.8	1.5	1.6	1.5	1.8	1.5
23	Heilongjiang	1.7	1.7	3.4	3.2	1.4	1.4
24	Neimenggu	1.3	1.4	1.4	1.5	1.3	1.4
25	Gansu	1.2	1	1.3	1.2	1.2	1
26	Yunnan	0.9	1	0.8	0.7	0.9	1.1
27	Hainan	0.8	1	0.7	0.7	0.8	1
28	Ningxia	0.8	0.6	0.8	0.9	0.8	0.6
29	Xinjiang	0.8	0.7	0.5	0.5	0.8	0.7
30	Qinghai	0.3	0.3	0.3	0.3	0.3	0.4
31	Tibet	0	0	0	0	0	0

Note: Proportion of cases within the total observations, petitioned subset, and non-petitioned subset. "All" include all five results, including government win, loss, withdrawal, dismissal, and rejection. Bolded figures indicate notable changes in the proportion compared to that of the total share.

Figure 3 shows the distribution of five trial results, depending on whether the cases were petitioned or not. In about 11.3 percent of all cases (77,160 observations), the litigants petitioned about their administrative grievances first and then filed lawsuits. The distribution of trial results does differ between the cases that went through petition and the cases that did not. Specifically, two things stand out in Figure 3. First and foremost, the overall proportion of government-prevailing results is larger in the cases that went through petitions (40.5 percent) than in the cases that did not (23.7 percent). Furthermore, if citizens petitioned before lawsuits and if such cases were ruled by the judge, then over 75.1 percent of the rulings were in the government's favor; On the other hand, if citizens did not petition and such cases reached verdicts, then the rulings were in favor of the government by a 62.6 percent chance.

Second, while the withdrawn cases take up to 23.6 percent of the cases where the litigants did not petition, such cases take less than 0.5 percent of the cases where the litigants petitioned first. Considering that the litigants make decisions on withdrawal – let the decisions be voluntary or forceful – this result would have been driven by the characteristics of the litigants than the politics of trials. That is, those who are determined to resolve an administrative dispute would have been more likely to adopt multiple methods to confront administrators, and at the same time, less likely to give up their trials.

Dispute Type

The Administrative Lawsuits Dataset classifies the types of administrative disputes into below 22 categories. One of the authors' team employed both keyword matching and neural net methods to code the dispute type of each case in the Lawsuits Dataset. With 70-30 train-test splits, the accuracy rate hits around 0.80.

- (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):

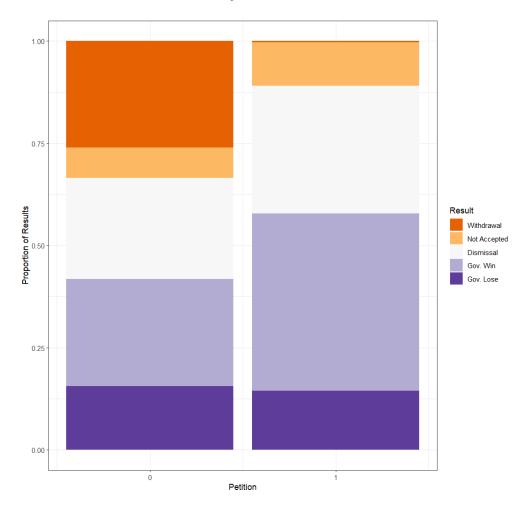


Figure 3: Distribution of Trial Results by Petition

Note: The X-axis indicates whether a lawsuit was filed after a petition (1) or not (0). The y-axis shows the proportions of trial results within each scenario.

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 subcategorized 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

Dispute Type and Petition

Figure 4 shows the distribution of each dispute type in the dataset and the percentage of petitioned cases within the cases where the government prevailed or lost. Certain disputes such as requisition, stability maintenance, open government information, land dispute, and

labor dispute have more petitioned cases than other disputes such as safety quality, traffic regulation, and economic disputes.

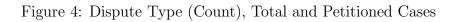
When we conducted regression analysis with 22 different subsets of data with each dispute type, the coefficients of the petition were positive and significant within 11 dispute types – OGI, Labor, Welfare, Environment, Requisition, Land, House Property Rights, Law Enforcement, Stability Maintenance (*Weiwen*, both the standard and the conservative measurements), Market Econ, and State Econ. Within six dispute types, the coefficients were not statistically significant, probably due to the limited number of total or petitioned cases – Profession, Education, Tax, Self-governance, Safety Quality, and Health. The rest five subsets of data had limited observations for the analysis.

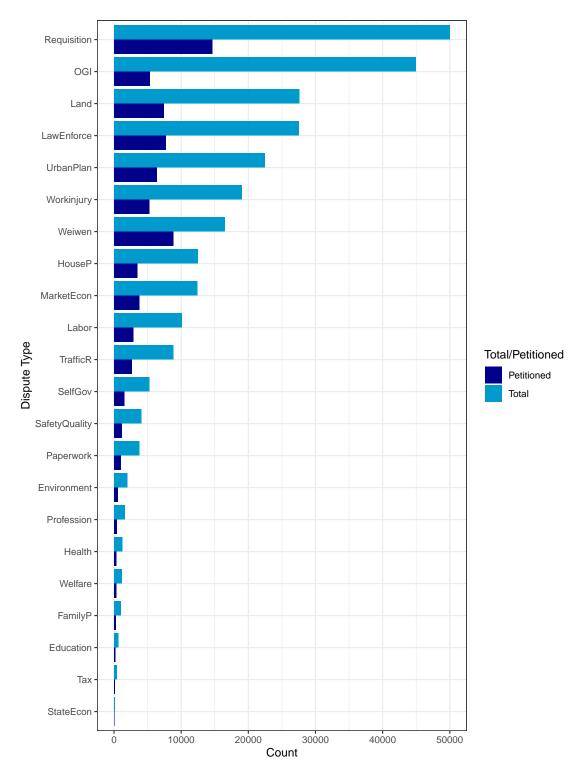
Figure 5 shows the estimated effects of petitions on different types of administrative lawsuits. The estimates are similar and stable across most types of administrative lawsuits. This suggests that the effect of the petition is not concentrated on certain types of conflict with state agencies. Rather, petition as a form of political action is broadly punished by the administrative tribunals.

Government Level

Lower-level government agencies are more likely to be involved in administrative lawsuits than higher-level agencies. Within the dataset, 66.1 percent of the government sides were at the county- or lower levels, 19.4 percent were at the prefecture level, 6.1 percent were at the provincial level, and 1.8 percent of cases were at the national level. In general, higher-level government agencies have a higher chance to prevail over citizen litigants than lower-level agencies do (Figure 6),

Petitioned cases do not significantly differ from non-petitioned cases in terms of their overall distributions of government levels. Within the cases where the government prevailed or lost, petitioned cases appear in 16.6 percent (30,634 cases) of the suits against the county or lower-level government agencies, 13.2 percent (7,722 cases) of those against the prefecture





Note: The X-axis is the count, and the Y-axis is each type of dispute. A single case is allowed to have up to two dispute types. The upper light bars indicate the total number of cases and the lower dark bars indicate the number of petitioned cases.

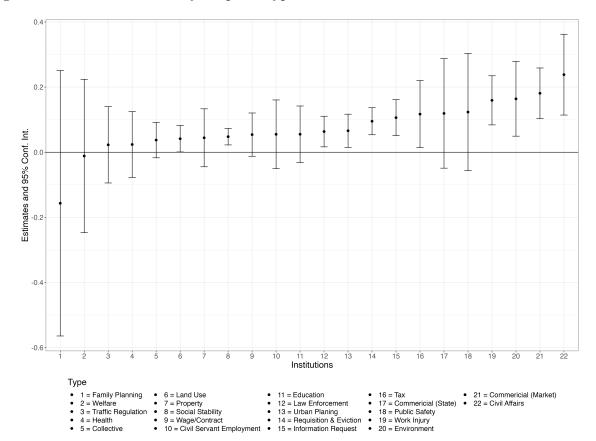


Figure 5: Estimated Effects by Dispute Type

Note: Estimates and standard errors are obtained using the same specification and estimation procedure as Model 3 of Table 5.

level, 13.7 percent (2,3856 cases) of those against the provincial level, and 7.1 percent (2,386 cases) of those against the national level government agencies.

Trial Level

Overall, 61.1 percent of all cases are at the first level trials and the rest 38.9 percent are at the second level. When petitioned cases are considered only, this distribution becomes more even, with the second-level trials now taking up 46.5 percent of such cases. As aforementioned, this can be attributed to the traits of the litigants: those who did not stop at the petition stage but filed lawsuits again would be more likely to appeal when they are not satisfied

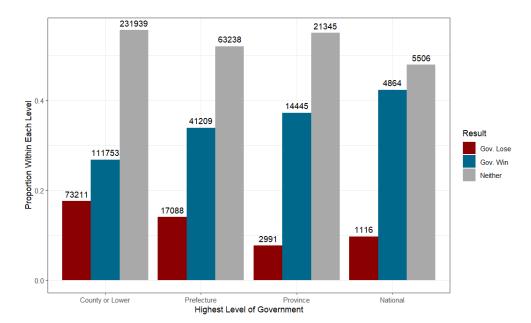


Figure 6: Government Level and Trial Result

Note: The X-axis is the administrative level of the government in a trial. If two or more government agencies are involved, then the highest level was recorded. The Y-axis is the proportion of trial results within each government level. The numbers indicate the absolute number of cases. "Neither" includes dismissal, withdrawal, and rejection of a case.

with the trial result.

Figure 7 further shows the distribution of trial results at the first and second-level trials. When only government prevailing or losing results are being compared, then the government wins at a 58.5 percent chance at the first level trials and it wins at a 73.0 percent chance at the second level trials.

Other Covariates

The below tables provide summary statistics of the control variables. One thing noticeable here is that compared to not petitioned cases, petitioned cases are more likely to include the citizens' compensation requests from the government.

Table 3: Summary Statistics (Total Observations)

			All Observations		Petitioned Subset		Not Petitioned Subset	
			N=683,242		N=77,160		N=606,082	
Covariates	Min	Max	Mean	St. Dev.	Mean	St. Dev.	Mean	St. Dev.
Nonperformance	0	1	0.121	0.327	0.187	0.390	0.113	0.317
Reconsideration	0	1	0.250	0.433	0.328	0.470	0.240	0.427
Compensation	0	1	0.113	0.317	0.219	0.414	0.100	0.300
Represented	0	1	0.170	0.375	0.159	0.366	0.171	0.376
Third-party	0	1	0.104	0.305	0.057	0.231	0.110	0.313

Note: "Nonperformance" captures whether the government was accused of not implementing its duties (1) or committing unlawful administrative actions (0). "Reconsideration" is coded as 1 if the litigant filed administrative reconsideration ($Xingzheng\ Fuyi$) – a non-mandatory pre-stage of an administrative lawsuit – before filing the suit. "Compensation" is whether the litigant requested monetary compensation from the government (1) or not (0). "Represented" is whether the litigant was represented by an attorney (1) or not (0). "Third-party" is whether the case involves a third party, either a corporation, institution, or organization (1) or not (0).

Table 4: Summary Statistics (Government Win or Loss Subset)

			All Observations N=271,177		Petitioned Subset N=41,640		Not Petitioned Subset N=229,537	
Covariates	Min	Max	Mean	St. Dev.	Mean	St. Dev.	Mean	St. Dev.
Nonperformance	0	1	0.144	0.351	0.190	0.392	0.135	0.342
Reconsideration	0	1	0.384	0.486	0.389	0.488	0.383	0.486
Compensation	0	1	0.132	0.339	0.245	0.430	0.112	0.315
Represented	0	1	0.169	0.375	0.161	0.367	0.170	0.376
Third-party	0	1	0.120	0.325	0.061	0.239	0.130	0.337

See the note from Table 3

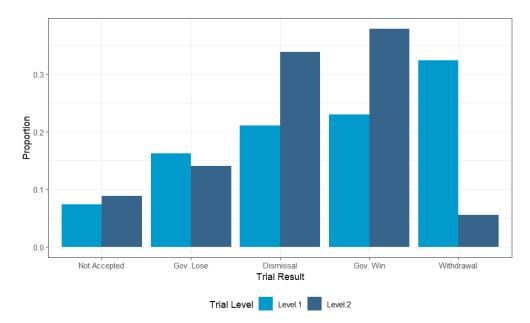


Figure 7: Trial Level and Trial Result

Note: The X-axis is the trial result. the Y-axis shows the proportion of each trial result within the first-and second-level trials.

Appendix B. Full Linear Regression Analysis⁸

Table 5 shows the linear regression result with robust standard errors. Models (1) through (4) include all observations with different control variables and fixed effects. Across these models, petitioning constantly shows a positive and statistically significant correlation with the trial result. That is, if the litigants petitioned about their grievances, then they are more likely to lose to the government in the lawsuit. This is consistent with hypothesis 2, which predicted that political action results in state repression based on the widely accepted theoretical view that an autocrat would adopt targeted repression when dissidents are identified.

Model (5) only includes stability maintenance (Weiwen) cases. When classifying dispute types, a stability maintenance case includes the keywords such as "illegal petition (非正常

⁸On the direction of coefficient of trial level in Model (5): Overall, the government wins over citizens with a 58 percent chance at the first-level trials and a 73 percent chance at the second-level trials. However, in stability maintenance cases, the disputes that are considered highly political, the government has an overwhelmingly high chance to prevail over citizens both at the first level (92 percent) and at the second level (91 percent).

Table 5: Linear Regression Analysis with Robust Standard Errors (1)

	Dependent variable: Gov. Win (1) or Loss (0)						
	(1)	(2)	(3)	(4)	(5)		
Petitioned	0.125*** (0.002)	0.134*** (0.002)	0.145*** (0.002)	0.066*** (0.003)			
Petitioned (Conservative)					0.040*** (0.005)		
Trial Level			0.131*** (0.002)	0.118*** (0.002)	-0.019^{***} (0.004)		
Non-performance			-0.143^{***} (0.003)	-0.131^{***} (0.003)	-0.265^{***} (0.028)		
Reconsideration			0.099*** (0.002)	0.073*** (0.002)	0.011** (0.005)		
Year FE	No	Yes	Yes	Yes	Yes		
Province FE	No	Yes	Yes	Yes	Yes		
Gov. Levels FE	No	No	Yes	Yes	Yes		
Dispute Type FE	No	No	No	Yes	N/A		
Observations	271,177	270,801	266,319	266,319	16,346		
Adjusted R^2	0.009	0.038	0.097	0.151	0.040		
Residual S. E.	0.476	0.469	0.454	0.440	0.275		
F Statistic	2,420.937***	309.527***	701.921***	743.449***	17.879***		
df	1; 271,175	35; 270,765	41; 266,277	64; 266,254	40; 16,305		

Note:

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

Model (5) only includes stability maintenance (Weiwen) cases

上访or 非正常信访)" "petitioned in Beijing (到北京上访or 驻京信访)," or "petitioned in the restricted area (非上访地区)." In such cases, the litigants are filing lawsuits against the law enforcement agency that imposed administrative penalties on them for petitioning — the underlying administrative grievances that led these litigants to the petition are not related to the law enforcement agency. Because the keywords used for stability maintenance and for the petition are similar (yet, there are no overlapping keywords. Also, to avoid conflict, the keywords consist of two or more words, not a single word such as "信访" alone), a conservative approach was taken when coding petition within stability maintenance cases. That is, within stability maintenance cases, if there is information on the underlying administrative grievances that led the litigant to the petition, then such cases have "0" in their petition columns. With this conservative approach, petitioning still shows a positive and significant correlation with the trial result.

Appendix C. Ruled or Not

In the main article, we dependent variable was either government win (1) or loss (0). In this section, we treat the dependent variable differently. Now, either government prevailing or losing results are coded as 1, and the other results – dismissal, withdrawal, and rejection – were coded as 0. Table 6 shows that petitioned cases are more likely to be ruled by the judge compared to non-petitioned cases. Again, these results are in part attributed to the traits of the litigants: those who did not stop at the petition stage but filed lawsuits again would be less likely to withdraw from their cases.

Table 6: Linear Regression Analysis with Robust Standard Errors (2)

		Depender	nt variable:			
	1: Gov. Win or Loss, 0: Other Results					
	(1)	(2)	(3)	(4)		
Petitioned	0.161***	0.164***	0.137***	0.093***		
	(0.002)	(0.002)	(0.002)	(0.002)		
Trial Level			0.101***	0.098***		
			(0.001)	(0.001)		
Non-performance			0.079***	0.065***		
•			(0.002)	(0.002)		
Reconsideration			0.280***	0.251***		
			(0.001)	(0.001)		
Year FE	No	Yes	Yes	Yes		
Province FE	No	Yes	Yes	Yes		
Gov. Levels FE	No	No	Yes	Yes		
Dispute Type FE	No	No	No	Yes		
Observations	621,587	620,269	587,464	587,464		
\mathbb{R}^2	0.011	0.026	0.101	0.163		
Adjusted R ²	0.011	0.026	0.101	0.163		
Residual S. E.	0.493	0.490	0.472	0.456		
F Statistic	6,768.130***	465.113***	1,617.374***	1,782.183***		
df	1; 621,585	35; 620,233	41; 587,422	64; 587,399		

Note:

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