TAMING THE COURTS: JUDICIAL COMPLIANCE AND DISOBEDIENCE UNDER AUTHORITARIAN COURT CONTROL

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Abstract. In studying states' coercive apparatus, courts are taken less seriously than other institutions and are typically regarded as a window dressing department for dictators. Judges lack judicial independence and are merely a rubber stamp approving and legitimizing state violence. Existing literature is filled with studies of how regimes control their courts, and yet the ways that judges resist compliance pressure is much less understood. In this study, we argue that in order to control judges dictators can enforce presidential review so that incorrectly sentenced cases will be rejected and re-tried based on dictator's preference, e.g., insufficiently punished cases will be sent back and punished more whereas excessively punished cases will be re-tried and sentenced less harshly. Judges whose cases are frequently rejected can be deemed incompetent and receive sanction. Ironically however, this review system designed to increase control over judges may have an adverse consequence where judges concern more about not being sanctioned than complying with dictators' preference so as to keep their job safe. Using newly declassified military trial documents of political victims in Taiwan's "White Terror" authoritarian period (1949-1991), we find that after presidential review was installed lower-tier judges tend to send the least likely rejected cases (military-related cases) to review than sending other cases where rejection is more likely (civilian-related cases). We also find evidence that lower-tier judges whose decisions were frequently vetoed by the president tend to be disbanded from serving again in the following year. These findings shed new light on our understanding court ruling in autocracies and unintended consequence of authoritarian control that hampers regime's ability to target their enemies.

Presentation for the International Studies Association Virtual Conference, 2021.

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Introduction

In studying repression and political control under authoritarian regimes, courts are generally regarded as less important as other coercive institutions, e.g., police, military, or intelligence agencies, and merely a robber stamp approving and legitimizing states' use of violence. Perceived as a purely instrumental establishment, the mainstream literature in authoritarian governance studies how dictators use and control courts to achieve their political goals (Moustafa, 2014; Ríos-Figueroa and Aguilar, 2018; Shen-Bayh, 2018). However, the agencies of court judges are largely assumed to be non-existent and we know quite little about the conditions under which courts deviate from dictators' mandate and develop their own interest in behavior. Therefore, this study seeks to understand why court judges sometimes comply with dictators while other times they do not?

Building on the iconic principal-agent framework, we argue that dictators' intention to increase control over courts can generate adverse consequences due to information asymmetry—the principal does not know if the agents will follow his command. The principal (dictator) always faces the problem of compliance when the day-to-day practice of repression is exercised by the agents (courts) on their behalf. In theory, the principal can oversee each case tried by courts and adjusts sentencing based on his preference, but in practice this level of scrutiny is time-consuming and costly. Many dictators will adopt some sort of monitoring mechanism to control the behavior of courts. Judicial review by president, for example, can be an effective way allowing dictators to re-examine 'important' cases and making sure all major threats are properly suppressed. When cases are deemed inappropriately sentenced, they can be returned for re-trial and judges who failed their duties will be sanctioned. However, this mechanism of review and sanction creates pressure on judges who fear punishment and thus motivates them to only send 'safe' cases to review while avoid sending 'tricky' cases where rejections and punishment become more likely. The intention of monitoring is then twisted in the way that the principal cannot properly monitor behavior due to private information and divergent preferences

between the principal and the agents, which allows agents to exploit the system opportunistically. The intention to increase control can inversely lead to a decrease in control.

We test this argument using newly declassified data on Taiwanese political victims in the White Terror period (1949-1991) collected from the Transitional Justice Commission (TJC) in Taiwan. This dataset provides a rare opportunity for us to empirically study the process of military tribunal against regime enemies and the interplay between the lower-tier court judges and the ruler in authoritarian contexts. Taiwan's authoritarian period features a highly repressive regime seeking to seize control of its remaining territory after a failed civil war against Mao's communist party, thereby offering a useful context to study how authoritarian regimes leverage repression to control their societies. The dataset details military trials and court verdicts for individuals targeted by Taiwan's security agencies. Back then, multiple secret police entities were created to monitor society in the name of fighting Chinese communist infiltration. The regime employed a wide variety of repressive tactics—ranging from surveillance technology and informant networks to physical arrests, torture, and expedited execution of political prisoners—against a broad set of regime challengers and would-be challengers that included doctors, military personnel, political officials, students, and many social elites whom were believed to show interest or have connections with underground communist organizations and dissent movements. Taiwan's history of appalling violence and highly centralized judicial repression system make the country a fruitful setting in which to test the expectations of our argument. The fine-grained nature of this data also allows us to inspect the power struggle between the ruler and the agents and how judges maneuver to escape sanction and increase autonomy.

Empirical results largely affirm the notion that judges tend to send safe cases for review when the presidential review was institutionalized. When the military trial procedure was reformed in 1956, a tiered tribunal system was introduced in Taiwan due to the pressure for the U.S. to protect human rights, and this tiered system increases the cost for the president in monitoring lower-tier judges' behavior. Chiang counter-reacted by introducing a

special presidential review where all cases sentenced above 15 years (and hence viewed as the most threatening ones) should go through his desk. Rejection and re-trial will be issued when Chiang disagreed with lower-tier judges' decisions. We find that after the reform there is a sharp decrease for judges in sending non-military cases to review (by reduced sentencing below 15 years) than before the reform, suggesting that judges became more refrained from sending tricky non-military cases where disagreement is more likely to occur (either deemed to be too lenient or too harsh by the president). Additionally, we find that judges whose cases were often rejected by the president are less likely to serve as judges in the following year, supporting the sanction mechanism.

These findings contribute to the burgeoning literature on law and courts in authoritarian regimes in several important ways. First, existing studies has put much emphasis on how regimes control courts. We direct research to consider how courts can show their agency in exploiting the principal-agent relationship and escaping discipline mechanism set by the ruler. Second, our discussion also shows that judicial reform pressured by international community can potentially increase the cost for dictators in controlling their agents, which opens up new avenues for judges to gain autonomy over time. Lastly, while our findings primarily speak to the literature on authoritarian court ruling, implications may be drawn to improve our understanding in judicial compliance and disobedience in broader contexts and democracies.

Laws and Courts in Authoritarian Governance

One of the core puzzles in authoritarian court research is why dictators allow courts to exist at all. The existence of courts seems to contradict the dictators' intention of wielding unconditional power and opens an unnecessary avenue for the opposition to challenge the authority. However, existing research has shown that laws and courts can be instrumental to political power for several reasons. The most obvious reason is that it grants regimes nominal legitimacy when exercising state power and helps fend off international pressure on democracy and human rights protection. The presence of judicial institutions,

even if very much constrained in power, preserves an image of constraints on arbitrary rule (Shen-Bayh, 2018). Courts can also function in the way to help regimes contain political challenges (Moustafa, 2014). Oppositions may be allowed to litigate but they can only lose because judges will favor the state in lawsuits. Lastly, courts also serve as an arena for regimes to discipline disloyalists from within the ruling elites.

When agents are necessary instruments in facilitating authoritarian ruling, delegation of power presents a challenge for the dictators. If court institutions lack power and delegation is very limited, regimes run the risk of not being to suppress dissent and deter political challenges (Dragu and Przeworski, 2019). By contrast, if courts enjoy too much autonomy in decision-making and execution, the dictators' survival may be at stake (Svolik, 2012). Authoritarian governance and survival hinges on a delicate balance on rather limited but effective authorization and delegation of force that empowers courts in pursuing repression against dissent while not threatening the dictator himself.

Controlling coercive institutions also plays a key role in disciplining delegated agents. One noticeable mechanism is utilizing the internal structure of appointments and promotions to constrain pro-reformed judges. According to Hilbink (2007), dictators can design a promotion filtering system and institutionalize internal review between Supreme courts and subordinate courts where misbehaved judges are punished in their promotion and appointments in serving as judges as a way to force them to follow commands from the upper echelons. However, despite a burgeoning literature on subordinates control throughout the judiciary, what remains under-explored is when control may fail and how subordinates can avoid being sanctioned. In this article, we complement and refine previous arguments on promotion control and show that the fear of punishment may generate behavior by subordinates that actually deviates from the dictators' will.

Information, Control, and Opportunistic Behavior in Principal-Agent Relationship

The principal-agent framework is very useful in explaining the problem of power delegation within the judicial hierarchy and mechanisms in which upper-level supervisors

use to monitor and discipline their subordinates. A large body of literature utilizes the P-A framework to explain power struggle in judiciaries of democracies (Petersmann, 2008; Kim, 2011), but it is rarely applied to understand judges and courts in authoritarian contexts. The key difficulty in these P-A relationships stems from the fact that principals and agents do not have perfectly aligned preferences, and there is asymmetric information. Most often, the principal does not have access to vital information about the agent who has incentive to hide their preference and exploit the relationship. The problem can be exacerbated when a foreign power forced the principal to install a tiered-judicial system which makes it less convenient for dictators to directly monitor agent's behavior and thus endeavor to address the information problem.

Promotion control is frequently discussed when literature studies authoritarian court control (Hilbink, 2007). But the principal needs to identify misbehavior in the first place to be able to issue punishment and demotion. The difficulty in identifying misbehavior lies in the fact that monitoring day-to-day routine of the agents is extremely time-consuming and resource-demanding. It is impossible for the principal to closely scrutinize agents without any help from additional monitoring institution or mechanism to fulfill the job. One convenient way is to set up an objective standard and use it to streamline/customize information flow in the way that the principal can quickly assess behavior and react. In the case of court control, some sort of judicial case review can be established that helps behavioral assessment. For example, the principal may build up a standard operating procedure that allows it to review the most important cases above some objective threshold so that the principal can ensure most threatening cases are properly suppressed and fully examined while avoiding being overwhelmed by less important cases. The severity of penalty provides an objective standard for review. In case of Taiwan for example, the principal set the review criterion by cases sentenced over 15 years and all cases above this year of sentencing needs to pass through the president's desk for examination.

When principal's review over cases is linked to potential sanctioning of court judges, it widens the gap of preference difference between the upper-level principal and the subordinates where the principal cares about thoroughness whereas the agent cares about job security. The principal's interest in ensuring all cases are investigated and properly tried can be misaligned with the interest of agents when the priority is not to be punished. The review institution requiring agents to submit important cases to review gives agents the leeway to exploit the system by only sending cases that are 'safe' in their eye rather than 'important' in the principal's standard. Because if they send in cases they are uncertain to pass, agents run the risk of their career and face higher probability to get sanctioned. Subversive cases involving military personnel should be considered as highly-threatening, and submitting these cases for review (by sentencing them over 15 years) gives them a higher probability of passing examination than submitting cases involving civilians when their decision is more likely to be challenged.

Two primary theoretical implications can be drawn from the above discussion. First, fearing to be sanctioned, judges have incentive to send military-related cases than non-military cases because harshly punishing military personnel is less likely to be challenged and rejected by the principal. Second, under principal-agent relationship, sanctioning mechanism tends to be used to control misbehaved court judges.

H1 (Selective submission argument): Preliminary court judges are less likely to send non-military cases than military cases to review when presidential review is installed.

H2 (Sanction argument): Preliminary court judges are less likely to serve in court again if their decisions were rejected by the president in the previous year.

Empirical Case: Taiwan's White Terror Period (1949-1991), Chiang, and Military Tribunal

The military tribunal is designed to try armed personnel who violates the law or disobeys the order during wartime. The Kuomintang government empowered the tribunal to prosecute the criminals, military and civilian, who committed treason, espionage, and

participating in communist activities or organizationsYeh and Su (2019). Due to the hierarchical military control, the military judges might be sufficiently professional for deciding on a court sentence, but a trial would not be finalized without the superior officer's approval. The superior officer could review and overrule the unsatisfied decision in the courts and ask for a retrialHuang (2019). Although the higher ranking officers could monitor the courts through the review process, the top-down control undervalued the judges in their competence to select the case for review and their interests in resisting monitor.

On their duty to eliminate disloyalty, the judges were in the first line investigating the threat, interrogating the accused, and deciding on the penalty for them. The judges were also the authors to employ the evidence, confession, and law to write a "story" in the verdict about espionage and punishment before submitting their case to review. Therefore, the judges had more information about the cases in their hands than their superior. The existing literature does not notice the asymmetric information the judges enjoyed behind the courts but only focuses on the legality and political will displayed by the trials.

The researchers only treat the judges as the dictator's puppets and conclude that the courts only functioned for political propaganda, for they have little data to conduct their studies about the decision-making process behind the trial. Some historians found that the superior, especially Chiang, manipulated the courts: he raised the penalty on the defendants when reviewing the judgment and asked to punish the judges for their "imprudent decisions" or simply for decisions against his will(Su, 2012; Huang, 2015). Therefore, the existing literature has pointed out that the judges had speculated the dictator's expectations in their courts. The researchers emphasize that the judges second-guessed the preference of the higher rankings was a result of discipline within the military trial institution (Su, 2014). However, this second-guessing theory, developed in the dictator's shoes, did not explore how the judges exploited the asymmetric information and accounted for the political repression.

The second-guessing was a result of rejecting and disciplining the judges by Chiang in the review. For example, the No. 14 Decision of the Transitional Justice Commission, a

legal instrument to void the criminal record of the political victims, revealed how Chiang dominated the trial by review. In August 1954, Chen Shih (陳實) was sentenced to 10-year imprisonment in the first instance because he had not confessed his participation in the communist party and not surrendered himself to the police. As one of Chen's co-defendants was sentenced to the death penalty, Chiang reviewed the case in February 1955 and asked for a retrial. He thought the 10-year imprisonment against Chen was not enough because, as he wrote on the document, he was intolerant of anyone who did not voluntarily confess his pro-communism actions in the past to law enforcement agencies. Although Chiang asked for a retrial based on his bias, not on the evidence or legal basis, the court still followed his order and raised the sentence to 15-year imprisonment against Chen. Chiang, nevertheless, was not satisfied and asked for a retrial again. The court finally sentenced Chen to the death penalty in August 1955. Although Chiang approved the judgment, he raged at the previous decisions and asked to punish the judges. In March 1956, Chiang permitted a report that his subordinate recorded a demerit on the judge in the first instance and recorded a warning on the other in the second instance. In 2019, the No. 14 Decision concluded to void Chen's criminal record since the presidential will dominated the judges and violated his right to a fair trial.

In the case above, Chiang patiently waited and continually rejected the judges until they surrendered the decision he preferred. In the other, Chiang sometimes arbitrarily and directly revised the judgments and asked for the death penalty on the accusedLee (2009). Chiang's intervention and the judge's second-guessing led the researchers and political victims to blame that the judges tended to give the defendants severer punishment in the first placeYo (2020).

However, since Chiang set a review threshold for selecting the critical cases to be reviewed by himself, the blaming did not examine what the judges would do in pondering the risks of submitting the case to Chiang. In 1951, Chiang ordered to review the judgment of 15-year to life imprisonment and capital punishment by himself, considering the accused of the judgment was significantly threatening against the regimeof the Ministry of

National Defense (1950). This kind of case might contain single or multi-defendant, but only the judgment exceeding the threshold legally needed approval. However, from Chiang's perspective, he did not review a specific decision in the case but examined whether the judges had carefully inspected how the resistance emerged; as a result, he also checked how the judges investigated and dealt with the other co-defendants. This was why he could disapprove of the 10-year imprisonment on Chen Shih since Chen had a co-defendant sentenced death penalty. Although the Code for Court Martial Procedure (軍事審判法) enacted in 1956 limited the presidential power over the military trial, for example, to only check the capital punishment on civilian, Chiang still kept the review power he had enjoyed beforeof the Ministry of National Defense (1956). His intervention indicated that the president possessed the final decision of the trials passed through his hands.

The review threshold, filtering off the marginal threats and helping Chiang focus on the critical ones, enhanced the judiciary power in selecting and submitting the cases upwards. The judges on the bench in opening a trial had the power to decide what the higher rankings would review. Adding the asymmetric information the judges collected in the courts, the judges might select and submit the case by their own interests, which were not getting the rejection and punishment in the review. Thus, rather than second-guessing, the judges would weigh the sentence differently around the review threshold and might incline to evade submitting their cases to Chiang.

From the perspective of the judges, if an accused were a felon, clearly based on the evidence, and his expected penalty based on the legal basis would certainly take him to Chiang, the judges would sentence him more severely than the statutory penalty. It would decrease the degree of the penalty that Chiang could further raise by rejection or revision. Otherwise, the judges would likely convict the accused of the punishment below the review threshold. In a word, the review threshold may not help Chiang control the judgment but make the judges prioritize risk reduction to prevent his review.

Data and Measurement

To test the hypotheses, we utilize the dataset collected by the Transitional Justice Commission of Taiwan (TJC). The dataset documents the court process of more than 10,000 victims trialed by military courts under the authoritarian rule during 1949–1991 in Taiwan. The list of victims is based on various organizations in Taiwan, including the Injustice Compensation Foundation, the National Archives Administration, the Memorial Foundation of the February 28 Incident, and the judicial branch. Following several transitional justice initiatives enacted since democratization in the 1990s in the country, these organizations have compiled cases of victims who went through military trials and their official judicial documents. The dataset covers 13,683 observations in total. A victim charged for one case is counted as one observation. [1], which is believed to be a quite comprehensive coverage of all political prisoners in the authoritarian era in Taiwan.

For each case, the decisions from prosecution to final judgment, including names and positions of the involved judges and officials of other authorities, the crime descriptions and verdicts of each court, and the crimes judged by each court, are documented in detail. In addition, the demographic information of the victims are also included. The dataset allows us to explore whether the decisions of lower-level judges were later overruled by higher-level officials, particularly the chief of defense and the president, Chiang Kai-shek.

Dependent Variable. To test whether the possibility of being monitored by the president has effects on the judged severity of punishments by lower-level military judges, we utilize the decisions of preliminary trials. The punishments range from no penalty to death sentencing. Since we focus on investigating whether judges strategically avoid punishments that are more severe than fifteen years of imprisonment, we create a binary variable in which 1 represents more severe punishments than a fifteen-year sentence (including death and life sentencing) and 0 refers to milder punishments (including no penalty

[1]There are 13,273 unique victims. Some victims were charged more than once.

and reformatory sentence). To verify the robustness of the results, we also create an ordinal variable scaled from 0 to 2 (0: milder punishments than a fifteen-year sentence; 1: term sentences more than fifteen years; 2: death and life sentencing).

Independent Variables. As for out independent variables, we created a dummy variable to indicate the years after the reform in the law of military tribunal, which took place on October 1st, 1956. In addition, it is expected that the effects of the reforms vary across different occupational groups. The reform specified that for non-military defendants only cases that had been charged with a sentence of more than fifteen years had to be submitted for the president's approval. That is, the strategic avoidance of punishments that are more severe than fifteen years of imprisonment by lower-level military judges is expected to be more evident for non-military defendants. To verify this possibility, we distinguish between victims who are in *Non-military* occupations (treated group) and those who are military personnel (control group).

Controls. We include several potential confounders as control variables. First, the decisions of the preliminary courts are likely to be affected by the ruling of the president for previously submitted cases. When the president disapproved the decisions of the subordinates and returned the case to them for reconsideration or review the submitted case more than once, it manifested that the president was discontented with the decisions of lower-level judges. Under such conditions, preliminary court judges may issue harsher punishments for subsequent cases to fulfill the preferences of the president. To take this possibility into account, we create indicators to measure the probabilities that the submitted cases in the previous year (t-1) were disapproved by the president and were reviewed by the president more than once respectively.

Additionally, features of the committed crimes affect the severity of punishments. For this aspect, we include the logged number of co-defendants. It is expected that when a case involves more dissidents and more organized groups, defendants are more likely to be harshly charged in preliminary courts. We also code whether the defendants were charged for *committing subversion* or *leaking military intelligence* based on the judgements

of preliminary courts. The former refers to that an individual was found guilty in conducting subversive activities and being substantially involved in treason. The later indicates a charge against individuals who provided sensitive military information to communists and facilitated potential invasions by the People's Republic of China. Both charges tended to lead to a death penalty based on the rules of military justice then.

Finally, we also control for the demographics of defendants and some contextual indicators. For the former, we include the gender variable and a dummy variable indicating whether the victims were born in Taiwan (*Islander*) or retreated from mainland China with KMT after 1949. With regard to contextual factors, since KMT imposed authoritarian rule on Taiwan following being defeated by the Chinese Communist Party in the civil war, it is expected that when faced with external crises, the KMT regime tended to particularly intensify repression to stabilize its control. To takes this possibility into account, we created dummies of *Korean War* and *break off with US* to indicate whether the cases were charged during the Korean War (1950–1953) and when the United States switched diplomatic recognition from the Republic of China to the People's Republic of China (December 1978–March 1979), respectively.

Empirical Analysis

Tables 1 shows the estimated effects of reforms on the severity of preliminary court decisions. The dependent variable of Models 1 and 2 is a binary indicator of whether the defendant was charged with more severe punishments than a fifteen-year sentence (including death and life sentencing); while the dependent variable of Models 3 and 4 is an ordinal indicator from 0 (milder punishments than a fifteen-year sentence) to 2 (death and life sentencing). The unit of analysis is individual defendant with standard error clustered at the trial case level. The results suggest that defendants charged after the reforms are significantly less likely to be sentenced for more than fifteen years, no matter what the measurement scale of the dependent variable is. Based on Model 2 in Table 1, those charged after 1956 were 46% less likely to be sentenced for more than fifteen years.

Table 1. Regression estimates of the effect of the 1956 reform on the decisions of preliminary trials

DV	1: ≥15 yrs, 0: <15 yrs		2: Death/life sentence, 1: ≥15 yrs, 0: <15 yrs	
	(1)	(2)	(3)	(4)
After 1956	-0.912***	-0.766***	-0.992***	-0.825***
	(0.239)	(0.236)	(0.246)	(0.251)
Non-military	-0.952***	-0.931***	-0.834***	-0.811***
	(0.242)	(0.237)	(0.256)	(0.253)
President disapproval rate$_{t-1}$	0.613		0.636	
	(0.720)		(0.712)	
President review rate$_{t-1}$		1.447**		1.574**
		(0.671)		(0.682)
In N of codefendants	0.177***	0.174***	0.161**	0.158**
	(0.0644)	(0.0651)	(0.0677)	(0.0685)
Committing subversion	4.024***	4.044***	4.151***	4.168***
	(0.152)	(0.153)	(0.156)	(0.155)
Leaking military intel.	2.570***	2.551***	2.688***	2.673***
	(0.305)	(0.301)	(0.317)	(0.313)
Male	0.129	0.134	0.230	0.234
	(0.250)	(0.249)	(0.256)	(0.255)
Islander	0.140	0.125	0.0715	0.0584
	(0.198)	(0.196)	(0.198)	(0.195)
Korean War	0.407*	0.654**	0.443*	0.717**
	(0.228)	(0.259)	(0.247)	(0.287)
Break off with US	0.779*	0.915*	0.753**	0.901***
	(0.470)	(0.468)	(0.302)	(0.296)
constant	-2.300***	-2.597***		
	(0.369)	(0.388)		
cut1			2.437***	2.767***
			(0.394)	(0.422)
cut2			3.156***	3.491***
			(0.417)	(0.441)
N	7308	7308	7308	7308

Note: Robust standard error clustered at the case level in parentheses.
*p<0.1; **p<0.05; ***p<0.01

Among control variables, the results are in general consistent with our expectations. Cases that were considered as more threatening, which involving more dissidents, subversive activities, or leaking sensitive military information, tended to be severely punished in preliminary courts. In addition, the president's decisions on submitted cases in the previous year had effects on low-ranking judges. When the president had more frequently

reviewed the same case repeatedly, suggesting that he was discontented with subordinates' decisions, preliminary court judges tended to issue severe punishments for subsequent cases. The coefficients for the indicator of president disapproval are not significantly different from zero. It may be due to the fact that sometimes the president did not explicitly disapprove subordinates' decisions but simply demanded more investigation and to review the cases over again. That is, presidential reviewing more than once is a more suitable measure than the presidential disapproval indicator for Chiang Kai-shek's disaffection. Finally, cases charged when the regime was faced with external crises, i.e., is, during the Korean War or when the United States switched its diplomatic recognition, were more likely to be sentenced harshly.

To further verify that the effects of reforms are particularly salient on non-military defendants, we employ a difference-in-difference design by including the interaction term between the two treatments, i.e., dummy variables indicating whether the preliminary trial of the case took place after July 1st, 1951 or October 1st, 1956, and whether the victims are in non-military occupations. In Table 2, the dependent variables in Models 1 and 2 are the binary indicator of whether the defendant was charged with more severe punishments than a fifteen-year sentence; while the dependent variables of Models 3 and 4 are on a tripartite ordinal scale. Models 2 and 4 also control for year fixed effects. Results in Table 2 show that the 1956 reform substantially reduced the severity of punishments received by non-military defendants, and the effects are significantly different between the treated and control groups, across various model specifications.

Figure 1 displays the estimated relationships based on Model 1 in Table 2. It shows the estimated probabilities of more severe charges than fifteen years in prison for defendants of different occupations and in different time periods. After the reforms, the punishments of both groups became lighter, and the changes for non-military defendants were more substantial. The effects of the 1956 reform are particularly salient for non-military defendants. Based on Model 1 in Table 1, after the 1956 reform, there is a 6% decrease in the

odds of being severely punished for military defendants; while for civilian defendants, the decrease in the odds is 83%.

Table 2. Difference in differences analyses on the effect of the 1956 reform on the decisions of preliminary trials

DV	1: ≥15 yrs, 0: <15 yrs		2: Death/life sentence, 1: ≥15 yrs, 0: <15 yrs	
	(1)	(2)	(3)	(4)
After 1956	-0.0619	0.537	-0.0530	0.820
	(0.409)	(1.187)	(0.450)	(1.325)
Non-military	-0.611*	-0.675*	-0.464	-0.528
	(0.332)	(0.347)	(0.356)	(0.369)
After 1956×Non-military	-1.082***	-0.952**	-1.161***	-0.990**
	(0.408)	(0.419)	(0.436)	(0.443)
President review rate$_{t-1}$	1.095	37.91***	1.215*	36.22***
	(0.669)	(9.941)	(0.671)	(10.19)
ln N of codefendants	0.166**	0.0938	0.148**	0.0679
	(0.0660)	(0.0710)	(0.0689)	(0.0698)
Committing subversion	4.100***	4.273***	4.216***	4.399***
	(0.158)	(0.172)	(0.161)	(0.175)
Leaking military intel.	2.489***	2.498***	2.606***	2.620***
	(0.300)	(0.304)	(0.314)	(0.321)
Male	0.139	0.138	0.237	0.249
	(0.248)	(0.249)	(0.254)	(0.254)
Islander	0.0430	0.186	-0.0277	0.0995
	(0.212)	(0.215)	(0.210)	(0.213)
Korean War	0.562**	-0.0684	0.626**	0.417
	(0.255)	(1.381)	(0.277)	(1.505)
Break off with US	1.012**	1.114	1.031***	1.167*
	(0.511)	(0.809)	(0.358)	(0.700)
constant	-2.700***	-5.311***		
	(0.417)	(1.173)		
cut1			2.884***	5.739***
			(0.455)	(1.266)
cut2			3.613***	6.496***
			(0.477)	(1.276)
N	7308	7308	7308	7308
Year FE	No	Yes	No	Yes

Note: Robust standard error clustered at the case level in parentheses.
*p<0.1; **p<0.05; ***p<0.01

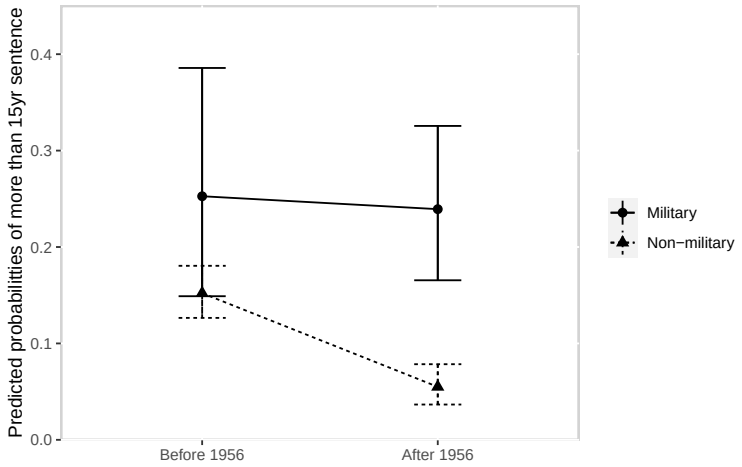

Figure 1. Effects of Trial Reform on the Decisions of Preliminary Trials

Test of the Sanction Argument

To further provide evidence for the argument that preliminary court judges whose decisions were frequently disapproved by the president tend to be penalized by not serving at military courts in the following year, we also utilize the TJC dataset. We employ the number of times individual lower-tier judges serve at courts as proxies of whether the judges were sanctioned. It is expected that when judges were punished, it is likely that they were prevented from continuously serving at courts. For all preliminary court judges who heard cases of dissidents at military courts and are documented in the TJC dataset for at least consecutive two years, we calculate the number of all their services and their services at preliminary courts each year in the dataset. In total, we have the data of 466 lower-tier judges and on average 2.4 years for each judge (with the maximum 20 years).

The results are shown in Table 3. The dependent variable of Models 1–4 is the annual change in the number of judges' appearance at all courts from year $t - 1$ to t; while the dependent variable of Models 5–8 is the annual change in the number of judges' services at preliminary courts from year $t - 1$ to t. The independent variables of Models 1, 2, 5, and 6 are the number of individual judges' decisions at preliminary courts that were latter vetoed or reviewed more than once by the president in year $t - 1$. For Models 3, 4, 7, and 8, the independent variables are dummies indicating whether individual judges' decisions

at preliminary courts were latter vetoed or reviewed more than once by the president in year $t-1$, where 1 refers to "yes". The unit of analysis is judge-year with standard error clustered at the level of judges. For each model, we also include the fixed effects of years and judges. The results are largely consistent with our expectation: if the decisions of lower-tier judges had been disapproved by the president, the number of times that they served at military courts, particularly at preliminary courts, in the following year was significantly reduced. Based on Model 8 in Table 3, if the decision of a preliminary court judge had been vetoed by the president in year $t-1$, the number of the judge's service at preliminary courts in year t was on average decreased by 25.

Since the dataset does not comprehensively cover all trials and career trajectories of lower-tier military judges in Taiwan's authoritarian period, the results may not be conclusive. However, the results across these different model specifications are consistent, and lend some support to our theoretical argument.

Table 3. Regression estimates of the effect of presidential disapproval on preliminary court judges

DV	ΔN of services at all military courts				ΔN of services at preliminary military courts			
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
N president review$_{t-1}$	-1.157				-1.584***			
	(1.740)				(0.537)			
N president disapproval$_{t-1}$		-6.242*				-4.534***		
		(3.299)				(0.974)		
President review$_{t-1}$ (1=yes)			-26.57**				-19.36***	
			(12.43)				(4.155)	
President disapproval$_{t-1}$ (1=yes)				-42.61***				-25.40***
				(15.43)				(5.545)
constant	-84.82***	-81.16***	-83.08***	-81.97***	-30.11***	-27.27***	-28.65***	-28.18***
	(13.92)	(14.32)	(14.48)	(14.92)	(6.134)	(6.419)	(6.502)	(6.670)
N	1115	1115	1115	1115	1115	1115	1115	1115
N of judges	466	466	466	466	466	466	466	466
Judge FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Year FE	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Note: Robust standard error clustered at the level of judges in parentheses.
*p<0.1; **p<0.05; ***p<0.01

Conclusion

To be finished.

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