DICTATORS AND THEIR REPRESSIVE AGENTS: JUDICIAL INSTITUTION, INFORMATION SCREENING, AND STATE REPRESSION

HOWARD LIU, CHING-HSUAN SU, AND YI-TING WANG

Abstract. Dictators rely on repressive agents to exercise repression, but the role of agents is often overlooked under the unitary state actor assumption. This research challenges this assumption and considers an important but understudied agent, the court, studying how the principal-agent relationship between the ruler and judges impacts the supply of repression. We argue that in the state hierarchy courts serve as a critical information filter that controls information (e.g., dissident cases) flow upwards to the ruler. When dissent increases and the quantity of information overload the ruler, judges are often empowered to improve information quality and only submit more threatening cases for ruler's review to increase decision-making efficiency. However, this empowerment creates a moral hazard problem that encourages judges to cheat by reducing cases qualified for review to avoid decision rejection and sanctions, ultimately hurting rulers' control over the judiciary and undermining repression. Using declassified archives documenting the judicial process of repression in authoritarian Taiwan with a regression discontinuity design, we find that when the president only reviews dissent cases above a severity threshold due to rising review demands, judges become significantly less likely to sentence dissidents above that threshold. We also find evidence that this distorted behavior is driven by judges' fear of sanctions when the president rejects their decisions and subsequently punishes them. These findings shed new light on the role of judiciaries in dictatorships and provide an information-based perspective to understand the moral hazard problem.

Keywords: State repression, judiciary, information screening, political trials

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The top priority of states is to construct order and maintain political control, which is particularly important for authoritarian regimes as their survival hinges on suppressing political dissidence. Literature on state repression typically assumes that states are unitary actors who exercise repression by themselves (Hafner-Burton, 2005; Davenport, 2007; Sullivan, 2016; Ritter and Conrad, 2016). A wide application of this assumption draws on that the concept of state repression itself implies states as an independent actor, and the unitary actor assumption renders analytical convenience when we compare repression patterns cross-nationally and derive theoretical explanations based on the preference of the state. Yet, the state as a whole never executes repression itself and relies on repressive agents who are empowered and controlled by rulers to exercise the act of coercion. Examining state repression ultimately requires us to unpack the repressive state into its constitute, i.e., repressive agents and institutions, so that we can better understand how regimes use and abuse power in ways that infringe human rights and seek ways to constrain it.

A growing body of literature has begun studying agents of repression. These political actors include the police sector (Liu and Sullivan, 2021; Curtice, 2021; Blair and Morse, 2021; Arriola et al., 2021), the military (Dragu and Przeworski, 2019; Lachapelle, 2020), militias (Mitchell, Carey and Butler, 2014; Carey, Colaresi and Mitchell, 2015), and secret police (Greitens, 2016; Piotrowska, 2020; Scharpf and Gläßel, 2020; Hager and krakowski, 2021). However, the role of courts and judges in state repression remains understudied.[1] Authoritarian judiciaries have not yet been taken seriously because existing literature focuses primarily on extra-judicial violence, e.g., arrest, detention, and torture, and considers courts merely pawns of dictators with little influence on repression decisions.

We direct research to consider the importance of judiciaries in supplying repression, especially under authoritarian rule. By doing so, we ask the following important questions: Why do judges strategically sentence certain dissidents heavily while showing leniency to others? What explains the variation in political sentencing when the dictator oversees the

[1] With a few good exceptions, e.g., Shen-Bayh (2018); Hu and Conrad (2020).

jurisdiction? What are the conditions under which judges have more discretion on the degree of repression against dissidents? In answering these questions, we theorize the relationship between the principal (dictator) and agents (judges) and discuss mechanisms under which judicial empowerment designed by the ruler to enhance repression can ultimately undermine the goal of repression.

By conceptualizing the state as a hierarchy, we argue that the dynamic between the ruler and agents is not just a simple top-down command and execution relationship but also a bottom-up process where agents collect and screen information before the ruler makes decisions based on the processed information. The degree of information screening represents a trade-off between empowering and controlling agents, and the key is the rulers' information-processing capacity. Rulers have the incentive to fully control information flow when they are capable of digesting all collected information on dissent and deciding repression independently without delegating power to agents. But this incentive decreases when challenges from dissent surge and the quantity of information overflows. With limited time and resources, the ruler needs to concentrate on addressing more prominent threats while allowing agents to filter out unimportant dissident cases and issue penalties on his behalf. In so doing, while controlled information flow enhances the ruler's decision-making efficiency, it also creates a moral hazard problem that enables career-minded agents to cheat and manipulate the definition of important cases to be reviewed in the way that benefits agents' career rather than the ruler's interest, which ultimately hurts the goal of repression campaign. This moral hazard problem is particularly acute when agent empowerment fails to be accompanied by a strong agent monitoring mechanism to prevent cheating.

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). This dataset provides a rare opportunity for us to empirically study the process of military tribunal against regime enemies at the individual level when it is difficult to do in many authoritarian contexts due to data limitations. 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 unique nature of this data detailing the judicial process of dissent case screening and review also allows us to inspect the power struggle between the judiciary and the ruler and how judges maneuver to escape sanction and increase autonomy.

Empirical results affirm the notion of moral hazards between the ruler and judges via delegation of information screening power. In response to the increasing pressure from dissent and information overloads, Chiang announced a new law in 1956 allowing military judges to adjudicate unimportant threats on his behalf without review when he focused on reviewing the most threatening cases only (longer than fifteen years imprisonment). Using the regression discontinuity design, we find that judges are significantly less likely to sentence criminals longer than fifteen years imprisonment (hence no review needed) right after the law is enforced, supporting our argument about agents' cheating behavior under power delegation but without sufficient monitoring. We also find evidence that this distorted behavior is driven by judges' fear of sanctions if the president rejects their decisions in review. Evidence shows that judges tend to be sanctioned if their verdicts are denied by the president.

These findings contribute to the burgeoning literature on state repression and authoritarian judiciaries in several important ways. First, we challenge the unitary state actor assumption in the repression literature by unpacking the role of repressive agents, particularly the judiciary, investigating the understudied power interplay between the dictator and judges and how it shapes the supply of repression. Secondly, unlike the mainstream literature that emphasizes primarily on the delegation of military power and control in the principal-agent relationship, our argument highlights the delegation of information power and control, providing a new information-based moral hazard theory that explains the power struggle in many dictatorships. Lastly, while our findings primarily speak to the literature on repression and authoritarian court ruling, implications may be drawn to

improve our understanding of judicial compliance and disobedience in broader contexts including democracies.

Rethinking Judiciaries and State Repression

One key question that attracts many intellectual inquires is how we can protect human rights against the infringement by state oppression and violence. Answering this question requires us to understand how the state violates human rights and who the perpetrators are exercising repression on behalf of the state. This endeavor leads us to unpack the repressive regime into its constitutes, and a growing body of literature has begun investigating the role of repressive agents, i.e., the police, the military, militias and mercenaries, and how they facilitate the act of repression by the regime. Courts and the judiciary, however, rarely appear on the list of repressive agents to be investigated because repression literature typically considers them as the obstacles to rather than facilitators of state repression. Repression scholars tend to view courts, particularly the independent ones, positively in helping citizens resist government encroachment on basic rights (Hill and Jones, 2014; Keith, 2012; Conrad and Ritter, 2019; Hu and Conrad, 2020) but show less interest in studying state-controlled courts and semi-independent judiciaries as they are considered merely pawns of the autocrats and have little influence on the ruler's repression decisions.

By contrast, the scholarship on comparative authoritarian judiciaries is drawn to study the role of semi-independent judiciaries and how regimes use them to expand power. Authoritarian courts are found to have important functions to advance administrative discipline within state institutions, maintain cohesion among domestic factions, facilitate market transitions, and bolster regime legitimacy (Moustafa, 2007). New literature also shows that political trials against the elite inside the ruling coalition can be used to mobilize insider's support for the ruler (Shen-Bayh, 2018). This line of work emphasizes heavily how the ruler controls the judiciary to advance power, and the controlling mechanisms include appointments and promotions, limited access to justice, ideology, and fragmentation (Ginsburg and Moustafa, 2008). While these discussions help explain why courts

matter in dictatorships and how autocrats govern the courts, little work explains how the judiciary impacts the use of repression under the dictator's supervision, and scant attention is paid to the agency of judges under authoritarian rule.

If the state is a conglomerate of specialized agents working under the command of the ruler, then it is important to study organizational behavior and compliance issues between the leader and subordinates. Of great relevance to our research is the work on the principal-agent relationship in dictatorships. Scholars break the state down into its elements and analyze repressive behavior from the view of contestation and compliance between the ruler and repressive agents. For example, the seminal work from Svolik (2012) explains the tension between the ruler and the military and when the latter will decide to repress dissidents out of their own interest. Others follow a similar path to study the issue of moral hazard and agency problem in influencing the supply of repression and the likelihood of military coup (Tyson, 2018; Dragu and Przeworski, 2019; Lachapelle, 2020). While important, this line of research only examines the delegation of "military power", discussing when the military will repress dissidents and when will initiate a coup against the ruler. An essential aspect of the principal-agent relationship being missed in the discussion is the delegation of "information power" and how repressive agents filter out dissent information in ways that advance their own interest at the expense of the ruler's. In the following section, we will develop a theoretical argument about information filtering and the moral hazard problem in the principal-agent relationship, showing that judiciary empowerment aiming to enhance state repression results in judges' cheating behavior to the point of undermining the goal of repression.

Moral Hazards in Authoritarian Judiciaries: Information Screening and Repression Decisions

State security apparatus is typically thought of as a hierarchical stratum where the ruler decides and agents execute. However, the ruler not just decides but also digests information before making a decision, and one key function of the coercive apparatus is to

collect, organize, and screen information presented to the principal so he can make an informed judgment. Information triage is critical because the effectiveness of repression relies on the quality of information presented and how well each piece of intelligence is evaluated. Given the importance of information management, the ruler has the incentive to scrutinize the performance of agents and allow as much information to flow up when it is under his capacity, making sure that information-processing is thorough and his decision is well-informed.

Institutionalizing the judiciary has important functions for a repressive regime seeking control over the society. Literature has emphasized the aspects of bolstering regime legitimacy, containing factions within ruling elites, and creating a platform of political propaganda as important functions of the judiciary. In addition to these aspects, information processing and refinery matter critically for state repression. In the repressive state apparatus, agents specialize in different areas of coercion. For instance, the intelligence agency is tasked to collect dissent information, while the police and the military use the leads to capture individual dissidents and conduct initial interrogation. After individuals are arrested, the court will organize the evidence of crime and trial the criminals based on their actions and propose a degree of punishment for the ruler to review. In other words, raw information from the intelligence and police does not necessarily help the ruler to understand what dissidents have done, and the judges play an important role to condense the information and compose a story of crime that is backed up by the motivation, evidence of subversion, the network of accomplices, and the degree of suggested punishment based on the law. This process of information refinery makes dissent information much more accessible and helps the ruler understand the act of dissent and progress of repression more efficiently.

Reading court verdicts of cases also allows the ruler to monitor the agents. Because the story of crime dissidents committed has to be supported by narratives and evidence, it provides convenient access for the ruler to gauge the thoroughness and comprehensiveness of the investigation. The more thorough an investigation is, the more likely the agent

is to be praised by the ruler. By contrast, incompetent agents writing poor and porous investigations will likely incur sanctions when the ruler reviews the trial documents.

However, time and resources are finite and the ruler faces the trade-off between thoroughness and efficiency. When dissent increases and the quantity of information overflows, the ruler has little choice but to delegate agents more power to perform information quality control, screening out unimportant information and making sure that only essential information will be sent to his desk. By focusing on reading and reviewing information about the most threatening dissident cases, the ruler can prioritize attention and resources to react and eliminate prominent regime challengers more efficiently while allowing delegated agents to make judgment on less imminent threats and decide appropriate levels of punishment.

Ironically, empowering agents to control information flow can create a moral hazard problem where agents are incentivized to cheat in the system. The utility structure differs between the ruler and agents and this difference can drive divergent behavior. While the ruler's priority is to suppress dissent and maintain political order, agents care more about job security and avoiding punishment by the ruler. If the information processed by agents is considered insufficient, they can be punished by the ruler for being incompetent to motivate agents to thoroughly examine dissent cases. However, when the ruler is overwhelmed by the quantity of information and allows agents to determine what is considered as important threats (and hence to be reviewed by the ruler) and what is not, career-oriented agents can be emboldened to manipulate the mandate, such as reducing the amount of information qualified to be submitted to the ruler so as to evade accountability. Consequently, the moral hazard between the ruler and agents will lead to a situation where power delegation to courts fosters cheating behavior in judges to the point of undermining the goal of repression. This cheating behavior tends to be amplified when no additional agent monitoring system is implemented to check whether agents loyally triage information in a way that adheres to the ruler's mandate.

But if the ruler has specified what information is important and what is not, how would agents be able to manipulate the ruler's mandate and evade review? The answer lies in information accessibility. The fundamental feature in the principal-agent relationship is information asymmetry. In the principal-agent relationship where agents act as the gatekeepers of information processing, the ruler doesn't know the true quality of information, and the most intuitive way for him to differentiate important versus unimportant cases is by looking at some threshold of severity in sentencing. Capital punishment or long imprisonment means that these cases are more significant, while shorter years of imprisonment or innocence imply unimportant threats to the regime that should be filtered out. Since the ruler does not know the true quality of information, agents can manipulate and relax the "definition" of importance so that fewer dissidents will be qualified for severe punishment, resulting in fewer cases to be reviewed by the ruler.

Following the above discussions, we draw several testable implications. First, we hypothesize that judges will have less incentive to issue severe punishment to dissidents when the ruler demands more severe cases ought to be reviewed and approved. Specifically, if there is a review requirement for cases above a certain severity threshold in sentencing, judges will be motivated to manipulate the mandate and intentionally reduce sentencing severity so that fewer cases will be qualified for review:

H1 (the cheating argument): When the ruler demands reviews of dissent cases above a severity threshold, judges are less likely to sentence dissidents above that threshold.

Additionally, to test the argument that judges cheat due to the fear of being sanctioned, we also expect that judges whose verdicts were rejected when reviewed by the ruler will be penalized and being banned from serving the court:

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

Empirical Case: State Repression During Taiwan's White Terror Period (1949-1991)

The period under investigation was an extremely repressive time in Taiwanese history. Historians commonly refer to it as "Taiwan's White Terror," when the Taiwanese government was ruled under a single-party regime of the Republic of China's Nationalist Party (or the Kuomintang, KMT, 國民黨). Chiang Kai-shek, the leader of the KMT, was defeated by Mao's communist party and retreated to Taiwan in the winter of 1949. In the same year, KMT announced the Martial Law Act (臺灣省戒嚴令) and introduced the Betrayers Punishment Act (懲治叛亂條例), aiming to immediately control Taiwanese society and avoid infiltration by mainland communists.

Taiwan's repressive apparatus was both professional and highly centralized under the rule of Chiang. The security agencies, such as the Secrets Bureau (國防部保密局) and Taiwan Garrison Command (臺灣警備總司令部/保安司令部), are tasked to collect intelligence and arrest dissidents. After suspected dissidents arrested and interrogated, they were sent to the military court (國防部軍事法庭) and stood trial under the rule of martial law. In the tribunal, judges made initial decisions before each case was reviewed and approved by the president Chiang. The presidential power of trial review and approval implies that the entire security and judicial system are under the central command where repressive agents collect and assess dissent information and the ruler makes the final judgement call on the degree of repression and prosecution.

The president-judges relationship experienced a major change in 1956 when a new law of military trial was announced. Hoping to seize control over the island since the retreat in 1949, Chiang's regime intensified the level of repression to encounter the increasing challenge from underground communists. Back then, Taiwan was newly returned to China after decades of Japanese colonization; however, the corrupt KMT administration in Taiwan, exclusiveness in political power, and shattered economy frustrated Taiwanese islanders, fueling the sentiment to join Mao's communist China and overthrow Chiang's regime. Official documents show that more than 250 underground branches were established throughout the island by 1949 with over 2000 members joining organizations

(Lin, 2009). The subversion activity ranges from armed activity that plans to steal, purchase, and make weapons or explosives, to unarmed activity that focuses on expanding membership, educating communist ideology, and training that prepares for the mainland Communist's control over military-industrial facilities when the Red Army marches ashore. However, increased dissent as well as intensified repression resulted in a flood of information and prosecution entering the repressive apparatus which led to administrative fatigue. Several government internal documents show that the president felt overwhelmed by mounting cases waiting to be reviewed that causes institutional delays in prosecuting dissidents and his inability to concentrate on coping the most direct threats in society (Bureau, N.d.). After internal discussion between the Chiang and ruling elites, the new law of military tribunal was enacted which reforms the presidential review procedure and relaxes the review requirement, allowing judges to finalize prosecution on minor cases without needing presidential approval. The president remained a firm grip on subversive cases associated with military personnel as they are highly threatening to regime but loosened the threshold of review for civilian cases to only above fifteen years of imprisonment only, aiming to strike a balance between thoroughness and efficiency.

Empirical Strategy

To test these hypotheses, we utilize the dataset collected by the 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 collected by various non-governmental organizations and the judicial branch. Following several transitional justice initiatives since democratization in the 1990s in the country, these organizations have compiled the official judicial documents of victims who went through military trials. In the dataset, a victim charged for one case is counted as one observation. The dataset covers 13,683 observations in total[2], which is believed to be a quite comprehensive coverage of all political prisoners in the authoritarian era in Taiwan.

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

For each case, the decisions from prosecution to final judgment, including names and positions of the involved judges and officials, the crime descriptions and verdicts of each court, the entire court process, are documented in detail. In addition, the demographic information of the dissidents are also included. The dataset allows us to explore whether and the conditions under which judges' decisions were later reviewed and overruled by the president.

Severity Threshold and the Regression Discontinuity Design. Following the first hypothesis, it is expected that after October 1st, 1956, when the threshold of presidential review was installed, judges tended to impose sentences below the threshold. To identify effects of the reform, utilizing the entire sample and comparing the severity of verdicts before and after 1956 can be problematic because dissident cases and judicial system in different time periods may be different due to other factors. For example, as the KMT further secured control over the society, particularly since the mid 1960s, uprisings became less organized and less threatening; when political liberalization gradually started in the 1980s, judges were likely to have more autonomy compared to in the 1950s. These variations complicate our inference.

To isolate the causal effect of the reform, we use a regression discontinuity (RD) design. This design allows us to compare the punishments of cases closely before and after the reform. As has been well established in the literature, RD design leverages as-good-as-random variation in treatment and continuity in potential outcomes around the cutoff (e.g. de la Cuesta and Imai, 2016; Calonico, Cattaneo and Titiunik, 2014). The design rests on the assumptions that dissidents and judges are unable to sort around the cutoff, and there are no significant differences between cases before and after the reform except for their treatment status within a narrow window near the cutoff. Given that the precise timing of the enactment of the new military tribunal law was unanticipated by the public, dissidents' actions were orthogonal to the reform. Furthermore, even though judges might foresee the reform coming, Chiang and other ruling elites were aware of the possibility that judges may manipulate the timing of when they trial cases, and therefore formally forbid judges

delaying any trial. Based on these regulations, we think the model assumptions are held reasonably.

Dependent variable. To test whether the possibility of being reviewed by the president has effects on the severity of sentences imposed by judges, we utilize the decisions of preliminary trials as the new presidential review requirement was based on preliminary court decisions. The punishments range from no penalty to death sentencing. Since we focus on investigating whether judges strategically avoid punishments more severe than fifteen years of imprisonment, we create a binary variable in which 1 represents severe punishments with more than a fifteen-year sentencing (including death and life sentencing) and 0 refers to milder sentencing below the threshold. We only focus on sentences for civilian dissidents because the military tribunal law detailed different regulations about presidential review criteria for cases associated with military personnel, and most military cases were still required to be submitted to the president. Among all cases charged in the 1950s, 70% dissidents were civilians. We show separate analyses for military defendants in the section of Robustness Checks[3].

RD running variable and the treatment. The RD running variable is the date of the preliminary trial for each defendant. The cutoff is October 1st, 1956, when the new military tribunal law took place. The treatment condition is being sentenced in the preliminary court since the date.

Covariates. We include several potential confounders. First, features of the committed crimes affect the severity of punishments. For this aspect, we include the logged number of codefendants. It is expected that when a case involves more dissidents and more organized groups, defendants tend to be harshly charged. We also code whether the defendants were charged for *committing subversion*, *leaking military intelligence*, or having *weapons* based on crime descriptions by preliminary courts. *Committing subversion* refers

[3]Because files of codefendants were usually submitted to upper levels together, we classified dissidents as civilians if none of the codefendants were military personnel. The classification based on individual occupations also generate consistent results.

to that an individual was found guilty in conducting subversive activities and being substantially involved in treason. *Leaking military intelligence* indicates a charge against individuals who provided sensitive military information to communists and facilitated potential invasions by the People's Republic of China. Having *weapons* means that the defendants used, acquired, sold, or delivered any firearm or ammunition. These charges tended to lead to a death penalty based on the rules of military justice then.

Additionally, for the demographics of defendants, we control for gender, age, and a dummy variable indicating whether the victims were born in Taiwan (*Islander*) or retreated from mainland China with KMT after 1949. Finally, judges' decisions were likely to be affected by the ruling of the president for previously submitted cases. When the president disapproved judges' decisions and reviewed a submitted case more than once, it manifested that the president was discontented with judges' decisions. Under such conditions, judges may issue harsher sentences for subsequent cases to fulfill the president's preferences. To take this possibility into account, we create an indicator to measure the proportion of the submitted cases that were reviewed by the president more than once in the previous year ($t - 1$). The descriptive statistics of the variables are documented in Tables A.1 and A.2 in the Appendix.

Sanction of Judges. Following the second hypothesis, it is expected that judges whose decisions were frequently disapproved by the president tended to be sanctioned. We employ the number of times individual judges serve at military courts as a proxy of whether the judges were sanctioned. When judges were punished, it is likely that they were prevented from continuously serving at courts, which tends to significantly impact their future career. Although the TJC dataset does not comprehensively cover the career trajectories of military judges in Taiwan's authoritarian period, we believe that the number of court services provides a consistent and reliable measure across judges of different ranks and units.

For all 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 each year in the dataset. In total, we have the data of 466 judges and on average 2.4 years of records for each of them (with the maximum 20 years). The unit of analysis is judge-year.

Dependent variable. The dependent variable is the annual change in the number of judge *i*'s appearance at all courts from year $t-1$ to t.

Independent variables. The independent variables are the number of judge *i*'s decisions on civilian defendants at preliminary courts that were latter vetoed or reviewed more than once by the president in year $t-1$. Since these indicators are strongly right skewed, in Table 2, they are plus one log-transformed, while in Table A.7 in the Appendix, we use dummies to indicate whether judge *i*'s decisions were ever vetoed or reviewed more than once by the president in year $t-1$, where 1 refers to "yes."

Covariates. Although we do not have information about the demographics of judges, such as their age and education, we control for fixed effects of judges. To take the overall level of social unrest and judges' workload into account, we include the number of all accused dissidents in year t. Additionally, yearly fixed effects are included to control for other contemporaneous factors. The descriptive statistics of these variables are reported in Table A.3.

Results

Figure 1 displays the probabilities of being sentenced to more than fifteen years imprisonment for civilian dissidents around the cutoff date of October 1st, 1956. A fourth-order polynomial regression is fitted separately on each side of the cutoff. There is a clear discontinuity in court decisions between defendants who were sentenced barely before the enactment of the new law and those who were convicted right after it.

In Table 1, we formally estimate the degree of the discontinuity. Following recent recommendations (Cattaneo, Idrobo and Titiunik, 2019), the bandwidths are selected using a data-driven approach that minimizes the mean square error of local regression point estimates and optimize the bias-variance trade-off. In Models 1 and 2, a triangular kernel

function is employed to give more weights to court decisions closer to the cutoff and facilitate a comparison between dissidents sentenced right before and after the cutoff date. In Model 3, observations within the bandwidth are uniformly weighted. To avoid overfitting, we use linear or quadratic specifications (Gelman and Imbens, 2019). In the main analyses, standard errors are clustered at the trial case level. We report bias-corrected and robust confidence intervals based on Calonico, Cattaneo and Titiunik (2014).

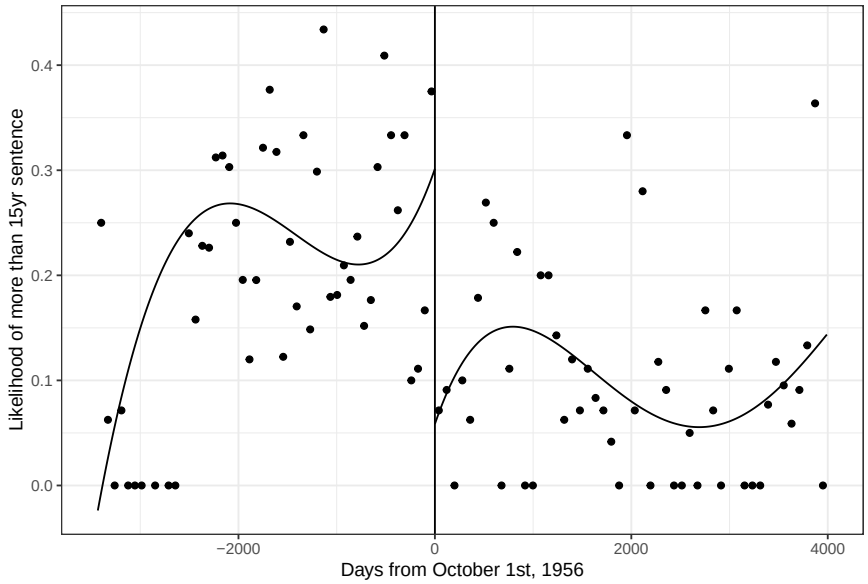

Figure 1. The 1956 reform and the severity of sentences

Note: All observations between 1949 and 1967 are grouped into 100 evenly-spaced bins, with each point representing the unconditional mean of more severe punishments than a fifteen-year sentence. The solid line is the fourth-order polynomial regression fit separately on each side of the cutoff and based on the original data.

Models 1–3 show that, across the different specifications, civilian defendants who were charged after the 1956 reform were less likely to be sentenced for more than fifteen years, compared to those charged before the reform. The magnitude of the effect is about a 29% reduction. Tables A.4 and A.5 in the Appendix include models with the Imbens-Kalyanaraman optimal bandwidths (Imbens and Kalyanaraman, 2012) and standard errors clustered at the running variable as suggested by Lee and Card (2008), and the results are consistent.

To verify the stability of our results, Figure A.1 in the Appendix plots the estimates for alternative bandwidths ranging from 200 to 1500 days. The negative effects are in general robust to bandwidth choice. The plot shows that the estimates with bandwidths of 500 and greater are stable. With various bandwidth specifications, we similarly find a significant and substantial reduction in the likelihood of more severe punishments than fifteen years imprisonment after the cutoff. Figure A.2 displays estimates with placebo cutoffs to verify that there is no similar discontinuity at other time points. The figure includes results for false cutoffs at an interval of half year between 1950 and 1963, and no significant negative treatment effects can be detected for these cutoffs. Further validation tests on the possibility of sorting are reported in the next section.

Table 1. Regression discontinuity of the 1956 reform on the severity of sentences

	(1)	(2)	(3)
New Law of Military Trial	-0.287***	-0.197**	-0.261***
Bias-corrected 95% CI	[-0.450, -0.123]	[-0.354, -0.040]	[-0.401, -0.121]
Robust 95% CI	[-0.480, -0.092]	[-0.380, -0.014]	[-0.419, -0.102]
Bandwidth (days)	721	1655	727
Effective N	435	2016	454
Polynomial order	Linear	Quadratic	Linear
Weight	Triangular	Triangular	Uniform

Note: Confidence interval (CI) clustered at the case level. Mean square error optimal bandwidth. Covariates of age, male, islander, (log) number of codefendants, weapon, committing subversion, leaking military intelligence, and president's review rate in $t-1$ are included. **p<0.05; ***p<0.01.

For the second hypothesis, we examine the expectation that judges whose decisions were frequently disapproved by the president tended to be sanctioned. The results are shown in Tables 2 and A.7. In these two tables, Models 1 and 2 cover the full sample, while Models 3 and 4 include judges' services before the new military tribunal law. Fixed effects of judges and years are included in all models. Standard error are clustered at the level of judges.

Across different model specifications, the results are consistent with our expectation: if judge *i*'s decisions on civilian defendants had been disapproved by the president or reviewed by the president more than once in year $t-1$, the number of times that judge *i*

served at military courts in the following year was significantly reduced. Based on Model 1 in Table 2, if the number of a judge's decisions that had been vetoed by the president increases by 10% in year $t-1$, the number of the judge's service in year t was on average decreased by more than five times.

Table 2. Regression estimates of the effect of presidential disapproval on judges' appearance

DV	ΔN of services at all military courts			
	(1)	(2)	(3)	(4)
	All		Before 1956	
ln N of president disapproval$_{t-1}$	-56.09***		-68.25***	
	(16.05)		(21.09)	
ln N of president review$_{t-1}$		-41.06***		-45.85***
		(12.80)		(17.24)
N of all defendants	2.217***	2.216***	-0.349	-0.339
	(0.507)	(0.506)	(0.224)	(0.224)
constant	-88.41***	-92.39***	-10.45	-16.38
	(15.42)	(15.20)	(29.48)	(31.96)
N	1115	1115	473	473
N of judges	466	466	231	231
Judge FE	Yes	Yes	Yes	Yes
Year FE	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

Robustness Checks: Alternative Explanations

We conduct several robustness checks to verify the result for the first hypothesis: the probabilities of being sentenced to more than fifteen years imprisonment were largely reduced since the new law of presidential review was introduced in 1956. One identification assumption of the RD design is that dissidents and judges were not able to manipulate the timing of their cases relative to the cutoff. Figure 2 plot the monthly number of civilian dissident cases charged in military courts around the cutoff date of October 1st, 1956. The figure shows that the distribution is roughly equivalent before and after the cutoff date, and the number does not sharply decline or increase in this local area. To formally verify the assumption of no sorting, we conduct the density test introduced by McCrary

(2008). The estimate is 0.31 with a p-value of 0.75, suggesting that there is no significant discontinuity in the density of observations around the cutoff.

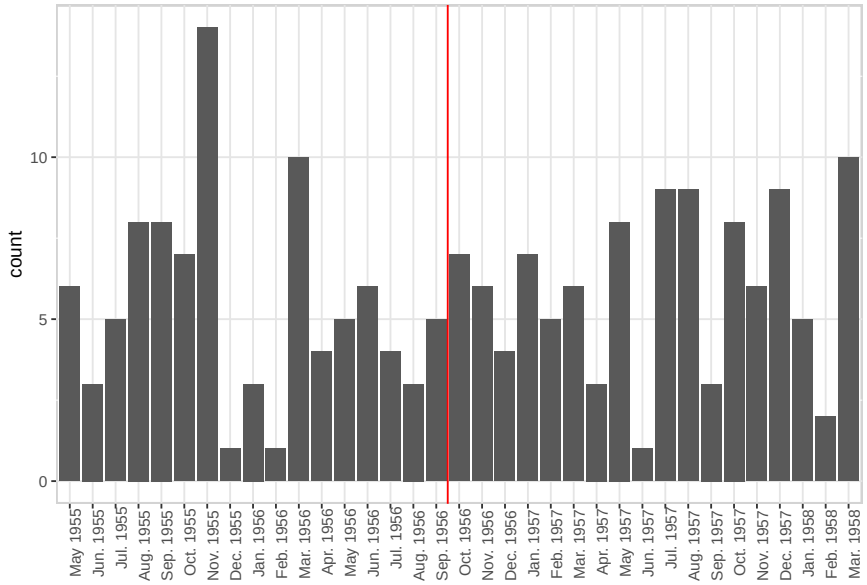

Figure 2. Frequency of civilian dissident cases around Oct. 1st, 1956

Furthermore, if there is no sorting and observations are assigned as-if randomly to both side of the cutoff, cases before and after the date should be similar with regard to other characteristics (de la Cuesta and Imai, 2016). Table 3 presents separate RD estimates for the covariates for civilian dissidents and demonstrates that there are no large imbalances at the cutoff across these covariates, including the demographics of defendants and features of the committed crimes.

Table 3. Testing for discontinuities in covariates

Covariate	Coefficient	Robust 95% CI	Bandwidth (days)	Effective N
Age	2.806	[-2.051, 7.662]	1130	1342
Male	0.167	[-0.014, 0.347]	1276	1592
Islander	0.054	[-0.333, 0.440]	1207	1467
ln N of codefendants	-0.538	[-1.300, 0.224]	1142	1357
Weapon	0.006	[-0.009, 0.021]	973	1087
Committing subversion	-0.073	[-0.158, 0.013]	1309	1622
Leaking military intel.	0.010	[-0.027, 0.048]	1543	2255
President review rate$_{t-1}$	0.036	[-0.060, 0.131]	1278	1594

Note: Confidence interval (CI) clustered at the case level. Mean square error optimal bandwidth. Local linear estimate with a triangular kernel weight.

These estimates show that there is no sharp decline in the number of charged cases after the cutoff, and observations before and after the cutoff are largely similar. One might still wonder that the discontinuity in the severity of imposed sentences for civilian dissidents is due to that the society became generally less riotous rather than the reform was enacted. If it is the case, however, we should find similar reduction in the severity of sentences among military dissidents, which tend to be more threatening to the regime. We conduct the same RD analysis for the sample of military dissidents, and the estimate of local treatment effect is 0.078, with a robust 95% confidence interval between -0.263 and 0.418[4]. The results suggest that among military defendants, whose resistance was more threatening to the regime and still required to be reviewed by the president in the new regulation, there is no similar discontinuity in the severity of imposed sentences. The comparison between the local treatment effects for military and civilian samples provides more evidence supporting our argument that the reduction in sentences among civilians results from the new presidential review regulation in 1956.

The new military tribunal law was passed by the legislature on July 1st, 1956 and implemented on October 1st in the same year. Although judges were ordered not to delay trials, one may be concerned that during the three-month window, judges would manipulate their sentencing decisions. To alleviate this concern, we exclude observations closest to the cutoff and conduct the same RD analyses (donut-hole approach). The results are shown in Table A.8. Either excluding observations within one month or three months from the cutoff date, the patterns are consistent with our main finding: the local treatment effect is significantly negative.

Finally, our arguments depend on that the reform was indeed put into effect since the cutoff date. That is, court decisions milder than fifteen years imprisonment were truly less likely to be submitted to the president since the reform. We conduct separate RD

[4]The estimate is based on a local linear model with a triangular kernel weight. The standard error is clustered at the case level. Mean square error optimal bandwidth is utilized. Covariates of age, male, islander, (log) number of codefendants, weapon, committing subversion, leaking military intelligence, and president's review rate in $t-1$ are included. The bandwidth is 717 days, and the effective number of observations is 325.

analyses for civilian dissidents who received more severe punishments and those with milder punishments. The dependent variable is presidential review, a binary indicator taking 1 if the file of a defendant was reviewed by the president later on, and 0 if the the file was never reviewed by the president. The results are shown in Table A.6. Consistent with the expectation, for cases with milder court decisions, the likelihood of being reviewed later by the president is substantially reduced since October 1st, 1956; while for more threatening cases imposed with sentences above the threshold, the likelihood does not change significantly.

Conclusion

This study seek to understand the role of judicial institutions in shaping repression decisions in dictatorships. We conceptualize the state as a hierarchy and argue that the judiciary serves as a critical information processor that controls what information flows upwards to the ruler. When dissent challenge is mild, the ruler has the capability to review all dissent cases tried by judges to ensure that investigation and sentencing are thorough and appropriate. However, when dissent pressure increases and the quantity of information mounts up, the ruler often delegates more power to judges in adjudicating unimportant cases on his behalf without review and only investigate more threatening cases to increase the decision-making efficiency. This empowerment creates a moral hazard problem where judges can cheat by reducing cases qualified for review to avoid decision rejection and sanctions by rulers, ultimately hurting rulers' control over the judiciary and undermining repression.

To test this argument, we use newly declassified military trial data in the authoritarian period of Taiwan. We show that mounting dissent in the island after Chiang's regime moved to Taiwan forced a change in the way that the regime processed dissent information and decided how much violence to use. We find that after Chiang implemented a new military tribunal law that required judges to only send important cases above a severity

threshold (fifteen-years of imprisonment) for president's review, judges became significantly less likely to sentence dissidents above that threshold. We also find evidence that this distorted behavior is driven by judges' fear of sanctions when the president rejects their decisions and subsequently punishes them.

These findings raise some important implications for research and policy. First, we need to think about state repression and human rights violations differently by considering the state as a hierarchy, not a unitary actor, where the decision of repression is made dynamically between the ruler and the repressive agents. Secondly, dissent rarely impacts repression decisions in a straight line. How dissent shapes the use of violence can be channeled through other mechanisms, such as creating internal pressure for the state to process dissent information and generate compliance issues within the coercive institution. Thirdly, so far when we discuss the principal-agent relationships in dictatorship, the scholarship only examines the moral hazard problem between the ruler and the military, but we need to look beyond the dilemma in military power delegation and start thinking about other types of delegation issues, i.e., information power, that exist in different coercive agencies, which will help us understand a wider condition of dysfunctioning in authoritarian governance. Lastly, studying the compliance issue between the ruler and the judiciary creates an opportunity to see under what conditions failing to fully control judges can lead to a collapse of authoritarian rule.

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