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Appendix A 2

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**Appendix A**

**Table A1** Regional Distribution of Published ALCs, GDP per capita, and Legal Environment Rank in 2016

|  |  |  |  |
| --- | --- | --- | --- |
| **Provinces** | **Number of published ALCs** | **GDP per capita****(CNY)** | **Legal Environment Rank** |
| Beijing | 9691 | 118198 | 2 |
| Tianjin | 1470 | 115053 | 6 |
| Hebei | 4133 | 43062 | 17 |
| Shanxi | 1821 | 35532 | 21 |
| Inner Mongolia | 1547 | 72064 | 28 |
| Liaoning | 2904 | 50791 | 18 |
| Jilin | 2500 | 53868 | 14 |
| Heilongjiang | 1835 | 40432 | 16 |
| Shanghai | 4514 | 116562 | 4 |
| Jiangsu | 5790 | 96887 | 5 |
| Zhejiang | 6475 | 84916 | 1 |
| Anhui | 3781 | 39561 | 11 |
| Fujian | 2211 | 74707 | 7 |
| Jiangxi | 1878 | 40400 | 15 |
| Shandong | 6944 | 68733 | 10 |
| Henan | 8737 | 42575 | 19 |
| Hubei | 3318 | 55665 | 20 |
| Hunan | 4882 | 46382 | 13 |
| Guangdong | 8802 | 74016 | 3 |
| Guangxi | 2443 | 38027 | 22 |
| Hainan | 953 | 44347 | 26 |
| Chongqing | 3180 | 58502 | 8 |
| Sichuan | 3477 | 40003 | 12 |
| Guizhou | 2982 | 33246 | 27 |
| Yunnan | 1186 | 31093 | 30 |
| Tibet | 26 | 35184 | 31 |
| Shaanxi | 1743 | 51015 | 9 |
| Gansu | 752 | 27643 | 23 |
| Qinghai | 271 | 43531 | 29 |
| Ningxia | 618 | 47194 | 24 |
| Xinjiang | 707 | 40564 | 25 |

***Sources:***

1. The number of ALCs data was retrieved from China Judgments Online (<https://wenshu.court.gov.cn>). We chose administrative litigation case as the case type and judgments as the document type.
2. GDP per capita data are from China Statistical Yearbook 2017.
3. Legal environment rank data are from the 2017 Report of NERI Index of Marketization of China’s Provinces.

**Appendix B**

**Table B1** The Number of ALCs and Plaintiff Winning Rate in China and Beijing (1988-2018)

|  |  |  |
| --- | --- | --- |
|  | **Number of ALCs** | **Plaintiff Winning Rate** |
|  | **Nationwide** | **Beijing** | **Nationwide** | **Beijing** |
| 1988 | 10697 | -- | 16.7% | -- |
| 1989 | 13181 | -- | 20.0% | -- |
| 1990 | 15903 | -- | 20.0% | -- |
| 1991 | 32941 | -- | 21.2% | -- |
| 1992 | 36303 | -- | 23.1% | -- |
| 1993 | 36704 | -- | 20.4% | -- |
| 1994 | 43571 | -- | 20.0% | -- |
| 1995 | 62418 | -- | 15.8% | -- |
| 1996 | 92812 | -- | 16.4% | -- |
| 1997 | 103410 | -- | 14.7% | -- |
| 1998 | 114949 | -- | 15.5% | -- |
| 1999 | 119832 | -- | 15.4% | -- |
| 2000 | 108936 | -- | 15.7% | -- |
| 2001 | 121008 | -- | 13.5% | -- |
| 2002 | 114459 | -- | 17.3% | -- |
| 2003 | 114896 | -- | 16.0% | -- |
| 2004 | 121317 | -- | 15.9% | -- |
| 2005 | 126663 | -- | 17.3% | -- |
| 2006 | 125976 | -- | 14.0% | -- |
| 2007 | 132682 | -- | 11.5% | -- |
| 2008 | 141972 | 5520 | 10.9% | -- |
| 2009 | 154916 | 7321 | 9.0% | -- |
| 2010 | 166572 | 9116 | 7.8% | -- |
| 2011 | 171320 | -- | 7.9% | -- |
| 2012 | 162496 | -- | 7.7% | -- |
| 2013 | 156538 | 10264 | 8.4% | 12.1% |
| 2014 | 180163 | 15930 | 12.4% | 12.7% |
| 2015 | 272882 | 13893 | 12.9% | 12.1% |
| 2016 | 327429 | 19187 | 12.9% | 10.7% |
| 2017 | 337100 | 21639 | -- | -- |
| 2018 | 378285 | 22894 | -- | -- |
| **Average**(all recorded years) |  |  | **14.8%** | **11.9%** |
| **Average** (2013-2016) |  |  | **11.7%** | **11.9%** |

***Notes:***

1. The national ALC data are from *Zhongguo falü nianjian* (Law Yearbook of China) for various years.
2. The national plaintiff win rate is calculated by [the number of (RAA+AAR+RPC+CIAA)/ the number of tried ALCs]\*100%. *Please See* Table 6 for the specific data.
3. For Beijing data, the number of ALCs and plaintiff win rate are from The Construction of Local Rule of Law Section of *Zhongguo falü nianjian* (Law Yearbook of China) for various years. These data are confirmed by the annual report on the work of the Higher People’s Court of Beijing Municipality.
4. The number of ALCs in Beijing in 2017 are estimated based on data from 2018. According to the Law Yearbook, the number of ALCs in 2018 was 1.058 times that in 2017.

**Table B2** Time Series Data about First-Instance ALCs in China (1988-2018)

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Judgments (*panjue shu*)** | **Rulings (*caiding shu*)** |  |
|  | **Tried ALCs** | **UAA** | **RAA** | **AAR** | **RPC** | **CIAA** | **SWP** | **CPWR** |
| 1988 | 8029 | 3929 | 916 | 422 | -- | -- | 2171 | 16.7% |
| 1989 | 9742 | 4135 | 1364 | 587 | -- | -- | 2956 | 20.0% |
| 1990 | 12040 | 4337 | 2012 | 398 | -- | -- | 4346 | 20.0% |
| 1991 | 25202 | 7969 | 4762 | 592 | -- | -- | 9317 | 21.2% |
| 1992 | 27116 | 7628 | 5780 | 480 | -- | -- | 10261 | 23.1% |
| 1993 | 27958 | 6587 | 5270 | 430 | -- | -- | 11550 | 20.4% |
| 1994 | 34567 | 7128 | 6547 | 369 | -- | -- | 15317 | 20.0% |
| 1995 | 51370 | 8903 | 7733 | 395 | -- | -- | 25990 | 15.8% |
| 1996 | 79537 | 11549 | 11831 | 1214 | -- | -- | 42915 | 16.4% |
| 1997 | 88542 | 11230 | 12279 | 717 | -- | -- |  | 14.7% |
| 1998 | 98390 | 13036 | 15214 | -- | -- | -- | 47817 | 15.5% |
| 1999 | 98759 | 14672 | 15251 | -- | -- | -- | 44395 | 15.4% |
| 2000 | 86614 | 13431 | 13635 | -- | -- | -- | 31822 | 15.7% |
| 2001 | 95984 | 15941 | 12943 | -- | -- | -- | 31083 | 13.5% |
| 2002 | 84943 | 15520 | 11042 | -- | 2595 | -- | 26052 | 17.3% |
| 2003 | 88050 | 16356 | 10337 | -- | 2292 | -- | 27811 | 16.0% |
| 2004 | 92192 | 16393 | 11636 | -- | 2988 | -- | 28246 | 15.9% |
| 2005 | 95707 | 15769 | 11764 | -- | 2511 | 2237 | 28539 | 17.3% |
| 2006 | 95052 | 16779 | 9595 | -- | 1457 | 2280 | 31801 | 14.0% |
| 2007 | 100683 | 16832 | 8600 | -- | 1377 | 1612 | 37210 | 11.5% |
| 2008 | 109085 | 20236 | 8564 | -- | 1341 | 1977 | 39169 | 10.9% |
| 2009 | 120530 | 16010 | 8241 | -- | 1140 | 1485 | 46327 | 9.0% |
| 2010 | 129806 | 15184 | 7340 | 137 | 1142 | 1454 | 57745 | 7.8% |
| 2011 | 136361 | 13384 | 6944 | 123 | 2135 | 1567 | 65389 | 7.9% |
| 2012 | 128625 | 12072 | 6980 | 114 | 1569 | 1296 | 64104 | 7.7% |
| 2013 | 120675 | 12800 | 7258 | 59 | 1332 | 1444 | 50521 | 8.4% |
| 2014 | 130964 | 14424 | 10452 | 83 | 1882 | 3805 | 39592 | 12.4% |
| 2015 | 198772 | 9359 | 14581 | 182 | 4556 | 6307 | 42925 | 12.9% |
| 2016 | 225020 | 7099 | 15505 | 326 | 5477 | 7684 | 44303 | 12.9% |
| 2017 | 229112 | -- | -- | -- | -- | -- | 47880 | -- |
| 2018 | 251355 | -- | -- | -- | -- | -- | 50967 | -- |

***Notes:***

UAA (*weichi*): administrative litigation upheld.

RAA (*chexiao*): administrative litigation revoked.

AAR (*biangeng*): administrative actions revised by the court.

RPC (*lüxing*): required to perform obligations by the court.

CIAA (*queren weifa*): confirming the illegality of administrative action.

SWP (*chesu*): suits withdrawn by plaintiff.

CPWR: plaintiff win rate calculated from judgements. CPWR= [the number of (RAA+AAR+RPC+CIAA)/ the number of tried ALCs]\*100%.

***Sources:***

*Zhongguo falü nianjian* (Law Yearbook of China), in various years.

**Appendix C: Model Specification, Variable Measurement, and Descriptive Statistics**

For H1 and H3, we use logistic models to assess the effects of the COAS on *dispute resolution* and *case outcome* in Models 1–3 and 4–6. We also control the fixed effects for time and/or place in different models. The regression models are as follows:

 (1)

 (2)

 (3)

 (4)

 (5)

 (6)

Our independent variable was whether the chief officials appeared in court (*Appeared*). We coded this variable as 1 when the relevant principal or deputy chief did appear and 0 otherwise. In our dataset, we found 62 relevant cases, which was less than four per cent of the total.

Our dependent variables are *Dispute Resolution* and *Case Outcome*. We code *Dispute Resolution* as 1 when the plaintiff did not appeal or file a new suit over the same issue and 0 otherwise.[[1]](#footnote-1) As shown in Table 1, the overall dispute resolution rate is only 32.1 per cent in the first instance; however, it decreases to 27.4 per cent when the chief officials appeared in court. Additionally,, we code *Case Outcome* as 1 when the court decided in favour of the plaintiff and 0 otherwise. Interestingly, the plaintiff win rate increases significantly from 16.1 per cent to 25.8 per cent when chief officials appeared in court. These figures are notably above the average win rate of plaintiffs in ALCs nationwide and in Beijing, as mentioned in Section III, as well as the national data for ALCs where chief officials appeared in courts reported by the State Council in 2018 (14.7 per cent).[[2]](#footnote-2) This may be due to the jurisdictional reform in Beijing, which designated the jurisdiction of all ALCs against district-level governments to the court we studied in December 2014. Scholars have long noted that jurisdictional reforms have helped limit local protectionism[[3]](#footnote-3).

**Table C1** Descriptive Statistics for Dependent Variables

|  |  |  |
| --- | --- | --- |
|  | **Dispute Resolved** | **Plaintiff Wins** |
|  | **Freq.** | **Percent** | **Freq.** | **Percent** |
| **All Samples (1,551)** | 498 | 32.1% | 255 | 16.4% |
| **Appeared (62)** | 17 | 27.4% | 16 | 25.8% |

Moreover, we examine four sets of control variables: the characteristics of the plaintiffs, the defendants, the judges, and case facts. For plaintiffs, we use three indicator variables: whether the plaintiff was an *individual* or organization, *Number of Plaintiffs*, and *Plaintiff Representative* (whether the plaintiff hired lawyers). For defendants, we set *Co-Defendant* as a dummy equal to 1 if the higher-level government participated in the trial as a co-defendant, and *Government Representative* as a dummy equal to 1 if the government hires private lawyers from law firms. For judges, we set *Court/Division Head* as a dummy equal to 1 if the president of the court or the division chief participates in the trial. For case facts, we control for the *Number of Laws Cited* and *Case Type.* Following the official White Paper on Administrative Trials, we classify all cases into eight categories: Government Disclosure, Demolition, and Relocation on State-owned Land and Collective-owned Land, Land Adjudication, Public Housing Management, Supervision of Village Affairs, Illegal Construction and Other.

**Table C2** Descriptive Statistics for Control Variables

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Variable** | **N** | **Mean** | **Sd** | **Min** | **Max** |
| **Appeared** | 1551 | 0.040 | 0.196 | 0 | 1 |
| **Dispute Resolution** | 1551 | 0.321 | 0.467 | 0 | 1 |
| **Case Outcome (Plaintiff Wins)** | 1551 | 0.164 | 0.371 | 0 | 1 |
| **Plaintiff Characteristics** |  |  |  |  |  |
| Individual | 1551 | 0.949 | 0.220 | 0 | 1 |
| Number of Plaintiffs | 1551 | 1.269 | 1.517 | 1 | 28 |
| Plaintiff Representative (PR) | 1551 | 0.456 | 0.498 | 0 | 1 |
| **Defendant Characteristics** |  |  |  |  |  |
| Co-defendant | 1551 | 0.160 | 0.367 | 0 | 1 |
| Government Representative (GR) | 1551 | 0.620 | 0.485 | 0 | 1 |
| **Judge Characteristics** |  |  |  |  |  |
| Court/Division Head | 1551 | 0.270 | 0.444 | 0 | 1 |
| **Case Characteristics** |  |  |  |  |  |
| Number of Laws Cited | 1551 | 5.289 | 3.879 | 1 | 25 |
| Case Type |  |  |  |  |  |
| Government Disclosure | 1551 | 0.318 | 0.466 | 0 | 1 |
| Demolition and Relocation (State-owned land) | 1551 | 0.380 | 0.486 | 0 | 1 |
| Demolition and Relocation (Collective-owned Land) | 1551 | 0.057 | 0.233 | 0 | 1 |
| Land Adjudication | 1551 | 0.035 | 0.185 | 0 | 1 |
| Public Housing Management | 1551 | 0.057 | 0.231 | 0 | 1 |
| Supervision of Village Affairs | 1551 | 0.012 | 0.107 | 0 | 1 |
| Illegal Construction | 1551 | 0.064 | 0.245 | 0 | 1 |
| Others | 1551 | 0.077 | 0.266 | 0 | 1 |

**Appendix D**

**Table D1** Details of Regression Results

|  |  |  |
| --- | --- | --- |
|  | **Assessing the Impact on Dispute Resolution** | **Assessing the Impact on Case Outcome** |
|  | **Model 1** | **Model 2** | **Model 3** | **Model 4** | **Model 5** | **Model 6** |
| **Appeared** | -0.895\*\*(0.383) | -1.102\*\*(0.473) | -1.626\*\*\*(0.539) | 0.902\*\*(0.456) | 0.287(0.534) | -0.171(0.667) |
| **Plaintiff Characteristics** |  |  |  |  |  |  |
| Individual | -0.156(0.288) | -0.068(0.291) | -0.162(0.317) | -0.082(0.322) | -0.422(0.312) | -0.302(0.348) |
| Number of Plaintiffs | -0.032(0.035) | -0.051(0.038) | -0.040(0.037) | 0.110\*\*(0.043) | 0.109\*\*(0.047) | 0.114\*\*\*(0.043) |
| PR | 0.406\*\*\*(0.156) | 0.552\*\*\*(0.151) | 0.589\*\*\*(0.167) | 0.580\*\*\*(0.185) | 0.639\*\*\*(0.194) | 0.513\*\*(0.204) |
| **Defendant Characteristics** |  |  |  |  |  |  |
| Co-Defendant | -0.334\*(0.190) | -0.627\*\*\*(0.205) | -0.551\*\*\*(0.210) | 0.231(0.260) | 0.153(0.283) | 0.368(0.319) |
| GR | 0.028(0.172) | -0.025(0.154) | -0.026(0.197) | 0.208(0.238) | 0.006(0.203) | 0.331(0.269) |
| **Judge Characteristics** |  |  |  |  |  |  |
| Court/Division Head | 0.647\*\*\*(0.194) | 0.587\*\*\*(0.191) | 0.736\*\*\*(0.213) | -0.672\*\*(0.326) | -0.774\*\*(0.371) | -0.640\*(0.381) |
| **Case Characteristics** |  |  |  |  |  |  |
| Number of Laws Cited | 0.009(0.022) | -0.029(0.022) | -0.016(0.027) | -0.151\*\*\*(0.046) | -0.098\*\*(0.048) | -0.127\*\*(0.053) |
| Case Type |  |  |  |  |  |  |
| GD | 1.398\*\*\*(0.197) | 1.622\*\*\*(2.202) | 1.635\*\*\*(0.223) | 0.661\*\*(0.328) | 0.474(0.307) | 0.316(0.370) |
| DR (collective-owned) | 0.657\*\*(0.298) | 0.414(0.312) | 0.436(0.341) | 1.413\*\*\*(0.390) | 1.247\*\*\*(0.413) | 1.126\*\*(0.495) |
| LA | 1.509\*\*\*(0.361) | 1.480\*\*\*(0.310) | 1.565\*\*\*(0.369) | 0.985\*\*(0.464) | 1.638\*\*\*(0.397) | 1.050\*\*(0.492) |
| PHM | -0.192(0.340) | -0.501(0.438) | -0.342(0.360) | 2.452\*\*\*(0.386) | 2.447\*\*\*(0.433) | 2.542\*\*\*(0.437) |
| SVA | 2.088\*\*\*(0.599) | 1.958\*\*\*(0.674) | 2.221\*\*\*(0.690) | 3.092\*\*\*(0.727) | 3.231\*\*\*(0.681) | 3.448\*\*\*(0.811) |
| IC | 0.110(0.339) | 0.018(0.330) | 0.024(0.377) | 1.021\*\*(0.442) | 1.319\*\*\*(0.425) | 1.136\*\*(0.491) |
| Others | 0.881\*\*\*(0.300) | 0.714\*\*(0.300) | 0.780\*\*(0.338) | 1.507\*\*\*(0.393) | 1.413\*\*\*(0.391) | 1.486\*\*\*(0.446) |
| **Case Outcome** | 1.496\*\*\*(0.184) | 1.613\*\*\*(0.198) | 1.518\*\*\*(0.204) | -- | -- | -- |
| **Constant** | -1.675\*\*\*(0.387) | -2.321\*\*\*(0.483) | -2.277\*\*\*(0.525) | -2.258\*\*\*(0.529) | -1.886\*\*\*(0.595) | -1.851\*\*\*(0.608) |
| **Observations** | 1551 | 1468 | 1468 | 1551 | 1468 | 1468 |
| **Time FE** | No | Yes | Yes | No | Yes | Yes |
| **District FE** | Yes | No | Yes | Yes | No | Yes |
| **Pseudo R2** | 0.123 | 0.134 | 0.146 | 0.224 | 0.203 | 0.262 |

***Notes:*** Robust standard errors are in parentheses. \*, \*\*, and \*\*\* represent significance at the 10%, 5%, and 1% nominal levels, respectively.

For benchmarking, we used Demolition and Relocation on State-Owned Land.

**Appendix E**

**Table E1** Overview of Interview Work

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **ID** | **Date** | **Region** | **Type of interviewee** | **Number of interviewees** |
| IN19101-03 | 2019.11.1 | Beijing | Judge | 3 |
| IN19104-05 | 2019.11.8 | Beijing | Judge | 2 |
| IN19201 | 2019.12.5 | Liaoning | Government official | 1 |
| IN19106 | 2019.12.12 | Beijing | Judge | 1 |
| IN19107 | 2019.12.12 | Beijing | Judge | 1 |
| IN19108 | 2019.12.12 | Beijing | Judge | 1 |
| IN20201 | 2020.1 | Beijing | Government official | 1 |
| IN20202 | 2020.1 | Beijing | Government official | 1 |
| IN20203 | 2020.1 | Beijing | Government official | 1 |
| IN20204 | 2020.1 | Central | Government official | 1 |
| IN20205-07 | 2020.1 | Zhejiang | Government official | 3 |
| IN20208 | 2020.1 | Sichuan | Government official | 1 |
| IN20209 | 2020.1 | Tianjin | Government official | 1 |
| IN20210 | 2020.1 | Xinjiang | Government official | 1 |
| IN20101 | 2020.7.2 | Beijing | Judge | 1 |
| IN20211 | 2020.8.4 | Shaanxi | Government official | 1 |
| IN22101 | 2022.3.4 | Beijing | Judge | 1 |
| IN22401-03 | 2022.3.6 | Beijing | Lawyer | 3 |
| IN22102-05 | 2022.3.9 | Beijing | Judge | 4 |
| IN22301 | 2022.3.24 | Hebei | Plaintiff | 1 |
| IN22106 | 2022.4.1 | Zhejiang | Judge | 1 |
| IN22302 | 2022.4.7 | Beijing | Plaintiff | 1 |
| IN22107 | 2022.4.14 | Henan | Judge | 1 |
| IN22108 | 2022.4.15 | Jiangsu | Judge | 1 |
| IN22109 | 2022.4.21 | Liaoning | Judge | 1 |
| IN22110 | 2022.5.18 | Guizhou | Judge | 1 |
| IN22111 | 2022.6.8 | Guangdong | Judge | 1 |
| IN22404-05 | 2022.6.9 | Beijing | Lawyer | 2 |
| IN22112 | 2022.8.16 | Qinghai | Judge | 1 |

1. There is no legal doctrine of *res judicate* (or double jeopardy) in China. Re-litigation was largely tolerated in administrative litigation until the 2018 Interpretation. The interpretation specifically defines repeat litigation when (1) the parties in another complaint are the same as those in a former complaint. (2) The subject matter of another complaint is the same as that of the former complaint. (3) The claims in another complaint are the same as those in the former complaint, or the claims in another complaint are contained in the judgment concerning the former complaint. *See* Article 106, the 2018 interpretation. However, in practice, a plaintiff can file a new suit by changing the parties, the subject matter of the complaint, or the claims. If a case number is quoted in a first-instance judgment, we treat it as a relitigated case. [↑](#footnote-ref-1)
2. “2018 nian quanguo xingzheng fuyi xingzheng yingsu zongti qingkuang” (The General Report of Administrative Reconsideration and the Work on Response to Administrative Litigation in 2018) of 26 March 2019. It is available at: http://www.gov.cn/xinwen/2019-03/26/content\_5376998.htm. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)