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BEYOND THE VERDICT: THE IMPACT OF JURIES ON JUDICIAL SUPPORT

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Abstract

Citizen participation has been considered as a main channel for political legitimacy, but does this logic apply to a more technical legal context like the judiciary? This paper explores the relationship between perceived citizen participation in the form of jury and its subsequent impact on judicial support. We theorize jury as a mechanism to strengthen judicial support in two ways: it elevates the perceived procedural fairness in individual adjudications, and the popular participation aspect of it can legitimize the broader judicial system. Employing a mixed-methods approach that integrates fieldwork with a survey experiment, this study investigates how the jury-like system in China (the lay assessor system) has yielded popular support for the judiciary. Our findings reveal that lay participation in judicial decision-making not only improves perceptions of procedural fairness but also increases demand for lay participation. As a mechanism of due process, lay assessors can enhance fairness perceptions of case outcomes. Furthermore, voting as the defining feature of the jury system substantively augments the perceived judicial legitimacy. These results affirm our theoretical framework concerning the jury's role in garnering judicial support. The dual function of the jury, as both an instrument of due process and a facilitator of popular participation, demonstrates its potential to strengthen judicial support across various regime and legal system types.

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1 Introduction

In *Democracy in America*, Alexis de Tocqueville applauded American juries as one of the most important political institutions. To Tocqueville, the jury system represents the sovereignty of the people, embodies democratic values, promotes civic and political virtue, and consolidates judicial power in the long run (Tocqueville, 1835). What Tocqueville did not expect, however, is that, almost two centuries post his writing, the jury system found itself proliferating in many countries that had no common law traditions or democratic systems.¹ 125 countries in the world now have some form of lay participation in judicial processes, including countries like Germany, Japan, Korea, and Spain that have strong civil law roots and authoritarian regimes with socialist legacies like Russia and Cuba (Ivković and Hans, 2021).

Most recently, China joined the long list of countries that institutionalized the jury system. In 2018, the National People’s Congress, the highest legislative body in China, passed the Law of the People’s Assessors (hereinafter the “LPA”), which formalizes lay participation in court proceedings. According to the LPA, jurors, called “lay assessors” in China, would join a judge when adjudicating cases, and their votes on the case would carry the same weight as the judge’s.² While the stated purpose of the LPA is to “promote democratic participation

¹We recognize that there are different terms for lay participation in judicial decision-making: some countries use the term “jury” or “juror,” some countries use the term “assessor,” and some use “lay judge.” There is also variation regarding the level and forms of lay participation in judicial decision-making. Finally, the selection process of ordinary citizens for judicial decision-making also varies across jurisdictions. In this paper, we use the term “jury” or “juror” to characterize lay participation in judicial decision-making. According to Black Law’s Dictionary, jury is defined as “[a] certain number of men, selected according to law, and sworn (jurati) to inquire of certain matters of fact, and declare the truth upon evidence to be laid before them.” We believe that this definition captures the essence of lay participation in judicial proceedings. We appreciate the terminology differences and understand that such differences are reflective of different legal traditions (common v.s. civil law, socialist legal traditions, etc.) (Jackson and Kovalev, 2006; Hans, 2008). That said, because we think that the most fundamental characteristic of jury, which is lay participation in judicial decision-making, is already well captured by the term “jury”, we use the term “juror” throughout this paper unless we are referencing the Chinese jurors (where we would use the term “lay assessors”, the official name of jurors in China).

²A typical Chinese trial is heard and decided by a three-person panel: one judge and two jurors. A

in judicial decision-making, enhance justice, and improve judicial legitimacy,” one must not forget that China remains a consolidated authoritarian regime with a robust civil law system based primarily on statutory laws. These features of the Chinese government and legal system have put Chinese juries in direct juxtaposition with Tocqueville’s vision of the jury system, yet the Chinese government and the judiciary have poured significant investment into the use of the jury system: up to mid-2022, there were more than 332,000 jurors in China; in four years’ time (2018-2022); jurors have participated in the deliberation of more than 2.1 million criminal cases, 8.7 million civil cases, and 780,000 administrative cases, representing 45%, 15%, and 69% of total trial cases respectively.³

Despite the growing participation of jurors, the empirical evidence of whether and how the jury system might impact the public perception of the judiciary remains scant. We theorize that lay participation enhances perceived judicial legitimacy via two mechanisms: elevating the perceived procedural fairness by incorporating the lay participation for individual adjudications and incorporating popular participation to further legitimizing the overall judicial system. Using a mixed-method approach, we seek to empirically test and assess whether the exposure to the lay assessor system can boost judicial support in China. We conducted semi-structured interviews with judges and experienced jurors and participated in juror training sessions to gather information on the actual practice of the jury system on the ground. Specifically, our research findings first provide a baseline understanding of public opinion towards the lay assessor system and then use a survey experiment with three different treatment conditions that resemble the real-world participation of lay assessors in judicial decision-making: 1) a window-dressing jury where lay assessors merely show up in trials without participation in the post-trial deliberation or ruling on the case outcome, 2)

seven-person panel (3 judges and 4 jurors) would be used in highly salient cases, but such cases are very rare.

³See details: http://paper.people.com.cn/rmrb/html/2022-10/12/nw.D110000renmrb_20221012_3-06.htm

a participatory jury where lay assessors present in trials and participate in the post-trial deliberation yet do not vote on the case outcome, and 3) a voting jury that is present at trials, participate in the post-trial deliberation, and vote on the case outcome.⁴

The empirical evidence from the survey experiment demonstrates that lay participation institutions like jury can increase judicial support. First, jury presence can increase the perceived judicial fairness (more fairly decided) at the individual case level. In this respect, jury functions as a due process mechanism: jury’s ability to observe trials and listen to judges’ explanation of the law and their decision-making rationale, each improves respondents’ perception of judicial fairness. In addition, respondents in all treatment conditions also manifested a greater interest in requesting a jury trial themselves when anticipating lawsuits. This indicates that the increased judicial fairness perception might have elevated an individual’s propensity to opt for lay participation in trial when given the chance.

Secondly, jury can legitimize the judicial system at an aggregate level only if jurors have substantive voting power on case outcomes. In the treatment condition where jury can vote on case outcomes, respondents have a higher evaluation of judicial transparency and judicial legitimacy at a statistically significant level, regardless of whether respondents themselves agree with court decisions or not. In other words, substantive participation like juries’ voting on case outcome can increase judicial support by elevating the perceived transparency and legitimacy of the court system.

We seek to make several contributions to the law, politics, and society literature. First, we seek to shed light on the concept of judicial support through an empirical assessment of its

⁴While the LPA stipulates that lay assessors’ vote would carry the same weight as the judge’s (which resembles our treatment condition 3, jury participation often falls short of that requirement. In our interviews, judges and lay assessors revealed that, in most cases, jury participation was sometimes limited to either mere presence at trials (mirroring treatment condition 1) or trial presence and post-trial deliberation (mirroring treatment condition 2), and lay assessors very occasionally would vote on the case outcome. A detailed explanation of our survey experiment setup can be found in the Methods section.

source. Traditionally, scholarship identifies two primary sources of judicial support: diffuse support, which is grounded in the court's professional expertise, and specific support, which arises from public opinions about specific case outcomes. Our research formalizes lay participation such as jury as a third source of judicial support. A jury-like institution can improve the perceived fairness, transparency, and legitimacy of the broader judicial system. In this regard, we challenge the prevailing view that judicial support is derived solely from legal professionalism or the public sentiment and endorsement of case decisions. Instead, we suggest that judicial support can also stem from the presence of external lay participation such as jury.

Second, we empirically assess the Tocquevillian hypothesis that jury can bolster support for the judiciary. By leveraging the recently institutionalized lay assessor system in China, we are able to test this Tocquevillian thesis and the mechanism by which juries can improve judicial support. Our findings affirm that the presence of juries can indeed enhance judicial support, even in the short run. This supports the notion that lay participation in the judiciary plays a significant role in shaping public perception and acceptance of judicial decisions. More intriguingly, our empirical results show that, different from Tocqueville's original proposition, which attributed the increased judicial support to the enhancement of civic virtue in the long run,⁵ the increased judicial support can be garnered in the short term based on a different mechanism. Specifically, we find that the heightened judicial support originates from jury's role as a due-process safeguard and its direct participation in voting on case outcomes.

⁵In Tocqueville's words, the jury "invests each citizen with a kind of magistracy; it makes them all feel the duties which they are bound to discharge towards society; and the part which they take in the Government. By obliging men to turn their attention to affairs which are not exclusively their own, it rubs off that individual egotism which is the rust of society. ... It may be regarded as a gratuitous public school ever open, in which every juror learns to exercise his rights, enters into daily communication with the most learned and enlightened members of the upper classes, and becomes practically acquainted with the laws of his country...and I look upon it as one of the most efficacious means for the education of the people which society can employ." (Tocqueville, 1835)

Thirdly, our study addresses the methodological challenges of empirically testing the Tocquevillian hypothesis that juries can enhance judicial support. Testing this hypothesis is complex because, in common law countries, juries are deeply integrated into the legal system, making it difficult to isolate their specific effects. Similarly, in jurisdictions that have recently introduced jury systems, jurors often possess significant decision-making powers, such as the ability to vote on case outcomes, which renders it difficult to separate the procedural fairness effect from the voting effect on judicial support. To navigate these challenges, our research leverages the unique context in China, where lay assessors were only recently institutionalized and their mode of participation varies widely. This setup thus allows us to dissect the different mechanisms through which juries could affect judicial support by isolating the impact of jury presence from their decision-making involvement.

Our findings underscore the critical importance of enhancing public participation in government decision-making processes. This study demonstrates that juries, by incorporating ordinary citizens in judicial decision-making processes, not only bring diverse perspectives into case deliberations but also solidify judicial legitimacy and procedural justice. This insight extends beyond the legal domain and applies more broadly to governance in general: active public engagement ensures that diverse viewpoints are considered, fostering policies that are more inclusive, equitable, and accountable. Such participatory approaches in policy-making processes can lead to more robust governance, ultimately enhancing public trust and policy effectiveness. Especially in authoritarian regimes like China, where the government has traditionally relied on various co-optation strategies to garner citizenry support, the government might be facing a critical juncture where only meaningful participatory opportunities could bolster the citizenry's support for the regime.

The rest of this paper is organized as follows: The following section outlines the theory of how the jury system can enhance judicial support. Section 3 provides an overview of the

lay assessors system, the jury-like institution, in China. Section 4 describes the empirical methods including fieldwork efforts and survey experiment design. Section 5 presents the empirical findings. Section 6 concludes.

2 Theory

2.1 Role of the Jury - Open Questions

The jury system, as a legal institution, has been adopted by many countries, but its institutional history varies across countries. Some have a long history with the jury system, especially those with common law traditions such as Britain and the United States. In these countries, jury was originally introduced as a fact-finding mechanism to ascertain guilt, and history of colonization resulted in the institutional diffusion of the jury system in many parts of the world. While the jury system was often tied to the common law traditions, many countries with either civil law roots have started establishing jury systems in recent decades (Hans, 2008; He, 2016). The appeal of the jury system in these countries might be attributed to several factors: juries may increase fact-finding accuracy (Lempert, 2001), vindicate community values in judicial decision-making (Langbein, 1981), or promote civic virtue within the polity in the long run (Gastil et al., 2008).

While scholars have alluded to the role of juries in promoting procedural justice and legitimizing the overall legal system (Tyler, 2006), there has been no systematic empirical assessment of these two claims. The scholarship’s seeming underplay of whether direct lay participation in judicial decision-making could potentially promote perceived procedural justice or judicial legitimacy is primarily attributed to the methodological challenge of dissecting the impact of juries from the legal system as a whole (Hans, 2008). After all, most jury systems are found in common law systems where juries were integrated into the legal system for a long time. In Great Britain, the history of juries dates all the way back to the

12th Century (Jury of Presentments); in America, the right to jury trial is enshrined in the Bill of Rights. In these countries, the general public is already well acquainted with the jury system and its uses, leaving the counterfactual scenario where the jury system is absent almost non-existent to evaluate whether juries have indeed solidified judicial authority.

While some non-common law countries have recently introduced the jury institution into its legal system and judicial decision-making, significant methodological challenges persist. These countries typically grant lay citizens an extraordinary degree of authority, including the authority to vote on case outcomes. Furthermore, jury-related reforms are often implemented nationwide, leaving little room for variation in local implementation. This institutional setup complicates the task of distinguishing the effects of lay participants merely observing judicial proceedings from their active involvement in voting on case outcomes. Consequently, it becomes challenging to identify and test the mechanisms through which lay participation might enhance judicial support.

The recent lay assessor reform in China thus presents a unique opportunity to investigate the impact of juries on judicial support for several reasons. First, given its novelty, the public has limited prior knowledge about the lay assessor system, including its functions, interactions with the broader court system, selection procedures, and many more. The empirical evidence from our survey experiment also corroborates the finding that only a very small percentage of the respondents have a comprehensive understanding of the lay assessor system. Furthermore, only a very small percentage of the Chinese population has actual experience as a lay assessor.⁶ Finally, the level of lay assessor involvement in court proceedings varies significantly, from merely observing trials, to participating in post-trial deliberation, to voting on case outcomes. Overall, the limited knowledge and the scarcity of firsthand experience suggest that the Chinese public has few prior expectations or attached

⁶The current ratio between active lay assessors and the population is about 1 to 5000.

certain understanding of the lay assessor system, therefore allowing researchers to study the mechanisms and effects of lay assessors on the public opinion of the judicial system.

2.2 Dual Functionality of the Jury

2.2.1 Sources of judicial support: legal, popular approval, and more?

The conventional wisdom has categorized two types of judicial support: diffuse support and specific support. Diffuse support refers to the public’s “broad institutional support for the court as an institution”, regardless of the specific outcomes of its decisions. (Clark, 2009; Caldeira and Gibson, 1992). Diffuse support is often driven by professional or elitist recognition by the public. In essence, It embodies a general trust and confidence in the judiciary as a neutral arbiter, grounded in its legal expertise and professionalism, akin to Max Weber’s “legal-rational” authority. (Weber, 2013; Dahl, 1957; Fiss, 1982; Gibson and Caldeira, 2011; Bassok, 2013; Appleby and Delaney, 2023).⁷

Specific support, on the other hand, pertains to the public’s approval or endorsement of a particular decision made by the court in specific cases (Clark, 2009; Calabresi and Bobbitt, 1978a). This aspect of judicial support focuses on whether the court’s rulings align with public’s ideological orientation (Durr, Martin and Wolbrecht, 2000) and social values (Ding and Javed, 2021) in individual cases. Therefore, the more people who agree with the court’s judgment, the more specific support the court can generate from the public.⁸

⁷There is a vast literature on the justification of judicial review based on the court’s expertise and professionalism. For example, many argue that judges are institutionally better situated to advance impartial and consistent judgments (Eisgruber, 2001) which, in the long run, would boost the public’s acceptance and confidence in the court’s judicial review authority, despite the court’s seeming “counter-majoritarian” tendency (Bickel, 1962).

⁸It is worth noting that diffuse support and specific support of the judicial institution are not independent of each other. First, diffuse support might be eroded if the judiciary has been losing specific support from the public over time (Clark, 2009). Secondly, the public’s *ex ante* perception of the court affects their evaluation of the court. If the public perceives the court as adhering to legal principles and impartiality, it is more likely to garner support regardless of the specific court decision that it makes (Woodson, 2018). Finally, the alignment (or the lack thereof) between the public’s political stance and that of the court can also impact specific support. When the public and the court share similar political positions, it is more likely to result in stronger support. Conversely, if there is a substantial divergence in political beliefs, it

While various scholars have identified citizen participation as a mechanism to enhance bureaucratic legitimacy (Verba, 1987; Verba, Scholzman and Brady, 1995; Rose-Ackerman, 2021), the exploration of participation’s potential in bolstering judicial support remains understudied. This is possibly attributed to the court’s professional nature, despite many renowned constitutional law scholars’ hint at the prospect of participation as a source of judicial legitimacy. For instance, Ely (1981) argued that judicial review is justified if it strengthens democratic processes. Fiss also observed that participation in court proceedings could offer an alternative avenue for judicial legitimacy (Fiss, 2003). Going way back in time, Justice Stone’s famous footnote 4 in *Carolene Products* already hinted at how judicial review should be enhancing democratic processes.⁹

Despite these long-standing hypotheses, empirical research exploring how the jury system influences judicial support through various channels remains limited. We theorize that the jury system could independently bolster judicial support because of its participatory nature. For one, jury can enhance the perceived fairness of judicial decision-making, therefore functioning as a form of due process to increase judicial support. For another, by providing ordinary citizens with an opportunity to participate in judicial decision-making, jury can consolidate judicial legitimacy because it allows citizens to meaningfully and actively engage in and influence judicial decision-making.

Participation, as a form of judicial support, is different from specific and diffuse support. First, while the emphasis of diffuse support is on courts’ professional expertise and their ability to deliver consistent decisions, lay participation in the direct juxtaposition of dif-

can lead to a loss of specific support as individuals may question the court’s decisions based on perceived ideological biases (Strother and Gadarian, 2022).

⁹“There may be narrower scope for operation of the presumption of constitutionality” [in the case of] “statutes directed at particular religious, or national, or racial minorities,” and “prejudice against discrete and insular minorities. . . tends seriously to curtail the operation of those political processes ordinarily thought to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.” *United States v. Carolene Products Co.*, 304 U.S. 144 (1938).

fuse support: citizens who participate in trials most often do not possess legal expertise, and they do not frequently sit in trials enough to be able to handle down consistent judicial opinions. Secondly, the concept of specific support focuses on the court’s alignment with public values and sentiments; however, jury participation in judicial decision-making would not necessarily render the case decided in the way that is preferred by the broader citizenry. Overall, to complement the current conceptualization of judicial support, where the scholarly emphasis is on the nature of courts and judges, we emphasize that judicial support can have an origin that is not found within itself but in the broader public and citizenry. By theorizing lay participation in judicial decision-making as a form of judicial support, this paper seeks to uncover the more “grassroot” and “democratic” aspects of judicial support and evaluate its efficacy in consolidating judicial authority.

2.2.2 Jury as a mechanism to improve perceived judicial fairness

Jury, by permitting ordinary citizens to participate in judicial decision-making processes, can enhance judicial support by increasing the perceived procedural fairness of case outcomes. People who experience fairer procedures during the authority’s decision-making process are more likely to accept the decision made by the authority, regardless of whether the decision is in alignment with their own preferences (Lind and Tyler, 1988). In particular, citizens often perceive government decision-making and policy-making processes that incorporate participatory elements such as observation and reason-giving as fairer (Tyler, 2006; Lauber and Knuth, 1997; Webler and Tuler, 2000), which in turn increases their likelihood of accepting the decision-making outcomes (Germann, Marien and Muradova, 2022; Jäske, 2019).

While there has been many studies on procedural fairness in the context of government policy-making and police-citizen interactions, its applicability to the judicial context remains unexplored due to the methodological challenges mentioned earlier. In this regard,

we leverage the recently instituted lay assessor system in China to evaluate the plausibility of procedural fairness theory in the judicial decision-making context. Specifically, we hypothesize that juries function like a “due process” mechanism, and juries’ participatory nature may enhance the perceived fairness of case outcomes when they are present at trials. Furthermore, similar to deliberative groups such as “mini-publics” that can increase fairness perceptions (Germann, Marien and Muradova, 2022), a jury-like institution might also be seen as a deliberative group by the public, which means that the presence of juries would improve respondents’ perception of judicial fairness in individual adjudication processes. Finally, we posit that the increased fairness perception would in turn lead to a greater demand for the jury system; individuals, when having a case pending at court, would prefer having lay assessors present at their trials because they perceive trials with juror presence to be fairer. This leads to the following hypotheses:

H1: The presence of lay assessors will increase citizens’ fairness perception of judicial decisions.

H2: The presence of lay assessors will increase citizens’ demand for lay assessors if they have a case pending before the court.

2.2.3 Jury as a mechanism to improve judicial legitimacy

Furthermore, juries can bolster judicial support when providing citizens the opportunity to vote on case outcome. Our hypothesis posits that, akin to its impact on institutional legitimacy (Verba, 1987; Verba, Schlozman and Brady, 1995; Rose-Ackerman, 2021), lay participation can enhance judicial legitimacy. The underlying mechanism lies in the jury institution’s ability to hold the judiciary accountable and serve as a check-and-balance mechanism. Similar to how elections allow the democratic polity to exercise influence over the government (Lipset, 1960; Rose and Mossawir, 1967; Gibson, 2012), juries with voting

power can act as a check on unrestrained judicial authority, thereby promoting legitimacy by demonstrating that the court system is accountable to the public. In particular, because a voting jury has the ability to check and counterbalance the judge's decision on the spot (while the trial is ongoing), it could effectively monitor the judge's conduct and introduce community value into judicial decision-making, thereby holding the court more accountable to the public. Hence, we argue that the juries' voting power can legitimize the judicial institution, which in turn, bolsters judicial support. Only a jury with genuine decision-making authority over case outcomes can effectively legitimize the judicial system in its entirety. This concept has been commonly observed in studies of authoritarian politics, where authoritarian regimes often leverage participatory institutions as information mechanisms that assist the regime in self-evaluating their performance. Participatory institutions render authoritarian governments more responsive to public needs and opinions by providing valuable feedback and insights into public sentiment and grievances, allowing the regime to make necessary adjustments and maintain stability (Lorentzen, 2014; Magaloni, 2006; Nathan, 2003). However, when unable to incorporate citizens' demand, states can engage in performative governance to foster responsiveness rather than substantive changes (Ding, 2020). This narrative allows authoritarian leaders to present themselves as responsive and receptive to the needs and opinions of the population without substantive democratic participation, even if their primary goal remains the consolidation of power (He and Warren, 2011; Truex, 2017; Chapman, 2021). Whether such performative or window-dressing institutions are able to continue sustaining public support is worthy of further examination. In addition, beyond authoritarian contexts, political scientists and legal scholars also have highlighted how judicial accountability mechanisms can potentially enhance judicial legitimacy, while the absence of such mechanisms might undermine it (Urbinati and Warren, 2008; Delaney, 2022).

Given the lack of other judicial accountability mechanisms like judicial elections, we hypothesize that a voting jury could offer a venue to enhance judicial legitimacy. A voting jury’s ability to check unrestrained judicial power could promote judicial legitimacy by conveying the idea that the court system is held accountable by the public. We hypothesize that citizens living under authoritarian regimes are able to distinguish between window-dressing participation and substantive participatory channels. For this reason, lay participation in judicial decision-making might not be able to gender judicial legitimacy unless citizens have voting authorities. Therefore, we hypothesize the legitimizing effects primarily stem from the substantive ability to oversee judicial power; therefore, only a voting jury, one with actual decision-making authority over case outcomes, can legitimize the judicial institution as a whole.

This leads to the following hypotheses:

H3: The presence of voting lay assessors will improve the respondents’ perception of judicial legitimacy and judicial transparency.

H4: The presence of non-voting lay assessors will not improve the respondents’ perception of judicial legitimacy and judicial transparency.

3 Overview of the lay assessor system in China

3.1 The history of the lay assessor system

Lay participation found its historical roots dating all the way back to the early days of the Chinese Communist Party (hereinafter the “CCP” or the “Party”). During the Party’s early revolutionary period (1930s), the CCP used lay participation in trial-like procedures to broaden “democratic participation”: in ordinary cases, a panel composed of two lay assessors and a judge would collectively determine the case’s outcome. Notably, these

proceedings adhered to the principle of majority rule, therefore allowing the lay assessors to potentially outweigh the judge's influence in deciding the case's resolution.¹⁰ Not everyone, however, was eligible to become a lay assessor. Aligned with the Party's social revolutionary agenda, only those who belonged to socio-economically marginalized groups (*e.g.*, workers and peasants) had political rights, rendering them the sole qualified candidates for the position of lay assessors.¹¹

While the implementation of the lay assessor system was rolled back during the World War II and the Chinese Civil War, it saw its revival after the establishment of the People's Republic of China (PRC), presumably under the influence of the Soviet Union (Kovalev and Nasonov, 2021). In 1950s, the Party reinforced its commitment to the notion of "participatory justice" (of Communist style), believing that lay participation would not only improve the public confidence in the legal system but also achieve "substantive justice" in legal proceedings. Such commitment is evidenced in the first Constitution of the PRC, as Article 75 states that "[t]he People's Court shall adjudicates cases in accordance with the law by implementing the system of people's lay assessors." Pursuant to this constitutional mandate, the Ministry of Justice issued *Opinions on quotas, terms, and selection of people's lay assessors*.¹² According to this document, the composition of trial panels would typically consist of one judge and two lay assessors, maintaining a similar structure to previous implementations. The institutionalization of the lay assessor system soon led to a significant surge in lay participation in court proceedings, with the government appointing over 200,000 lay assessors by 1956.¹³ However, the subsequent decades brought about disruptive political mobilizations like the Four Cleanups and the Cultural Revolution, and the lay assessor system did not withstand the challenges posed by these political upheavals.

¹⁰http://rmfyb.chinacourt.org/paper/images/2015-02/13/07/2015021307_pdf.pdf

¹¹*Id.*

¹²<https://m.055110.com/law/1/24427.html>

¹³<https://www.dps.tsinghua.edu.cn/info/1114/2416.htm>

Following the passing of Mao and the initiation of market reforms, the party-state shifted its focus towards the reconstruction of legal institutions. During this transformative period, the once-prominent lay assessor system faded into obscurity. The party-state's primary emphasis on legal reforms had shifted away from popular participation to the professionalization of the judicial system. Moreover, both scholars and legal practitioners displayed a profound skepticism toward the concept of lay participation, leading to a further marginalization of lay assessors in court proceedings. In fact, on the rare occasions when courts did invite lay assessors to participate in trials, these assessors were often individuals from social, political, or intellectual elite backgrounds.¹⁴

At the onset of the twenty-first century, the central government initiated efforts to rejuvenate the institution of lay assessors. Such an initiative diverged significantly from its earlier objective of epitomizing "socialist democracy", as the "social strata" criterion (i.e., that lay assessors had to come from certain socio-economic groups) was no longer required for lay assessors. This time, the market reforms not only brought about economic prosperity but also pervasive corruption, including within the judiciary. The appointment of a reform-oriented Chief Justice, Xiao Yang, marked a pivotal moment for judicial reform. Under his leadership, the Supreme People's Court (SPC) advocated for the restoration of the lay assessor system, envisaged as a crucial mechanism for supervising judicial authority. Chief Justice Xiao Yang considered the lay assessor system as "a reflection of citizen's direct engagement in state administration and the judiciary's openness to public oversight," underscoring its foundational significance in participatory governance and judicial accountability.¹⁵

In response to this advocacy, the SPC introduced a draft legislative proposal concerning

¹⁴ *Id.*

¹⁵ <https://news.sina.com.cn/o/2010-11-18/000018378987s.shtml>

lay assessors. This proposal delineated the roles of lay assessors as agents of accountability, tasked with “monitoring and restraining” judicial officers to “ensure adherence to procedural norms and lawful adjudication.” Furthermore, it highlighted the potential of lay assessors to offer multifaceted analyses of cases, thereby enriching judicial deliberations with diverse perspectives from beyond the legal profession.¹⁶ Subsequently, the National People’s Congress (NPC) ratified the proposal, culminating in the *Decision to Improve the People’s Lay Assessors System* (hereinafter the “2004 Decision”), thereby providing the legal justification for the deployment of lay assessors in court proceedings.

3.2 The 2018 LPA

The lay assessor system grappled with two major challenges in the decade following the 2004 Decision. First, the system’s public credibility was severely questioned, with criticisms labeling it merely as superficial or symbolic. Scholars particularly spotlighted the emergence of “professional lay assessors,” a term denoting individuals who participated in an exorbitantly high number of trials annually, far beyond the casual civic engagement initially envisioned.¹⁷ Another challenge concerns the “elitist” character of lay assessors and the system’s relatively “closed” nature. The 2004 Decision almost completely diminished the “popular” attribute of the lay assessor system when it set the stringent educational requirement to associate’s degree or above.¹⁸ Furthermore, many citizens were reluctant to serve as lay assessors due to the lack of financial incentives. Many courts did not have a budget for lay assessor expenses and relied on their relational networks to draft lay as-

¹⁶Supreme People’s Court, *The Explanation of the Draft Bill of “The Decision to Improve the People’s Lay Assessors System”*, 2004.

¹⁷The professional lay assessors do not refer to lay assessors endowed with specialized skills. The reliance on such assessors was primarily attributed to the courts’ escalating caseloads. Until the 2010s, the Chinese judiciary conventionally employed a three-person panel for adjudicating all first-instance cases. However, the expansion in the number of judges failed to keep pace with the burgeoning caseload. Consequently, the deployment of “professional lay assessors” emerged as a pragmatic, albeit controversial, expedient to mitigate the caseload crisis. Their inclusion in the panel, counting as voting members, ostensibly alleviated the judicial burden.

¹⁸Only 10% of the Chinese population had such level of education at that time.

sessors. Finally, the types of cases available to lay assessor participation are confined to a limit set of cases. Concerned with the political and social ramification of lay assessor participation, many local courts forbid lay assessors from participation in high-profile cases.

In an effort to popularize the judicial system and the broader “law-based governance,” the party-state revamped the lay assessor system in 2018 with the enactment of the Law of the People’s Assessors (LPA).¹⁹ This new law made several important changes to reinstate the “populist” and “representative” character of the lay assessor system. First, the majority of lay assessors shall be randomly selected from local residents.²⁰ According to the selection procedure, local justice bureaus (*sifa xingzheng bumen*) shall coordinate with local police and court institutions to randomly select from residents who are over 28 years old, with the initial cut five times of the juror quota. After the first cut, these government authorities shall conduct eligibility review of these candidates and ask for their consent to serve as lay assessors. If the number of eligible candidates still exceeds the lay assessor nomination quota, a second-round random selection shall be conducted to finalize the selection process.²¹ Secondly, a cap is imposed on the number of cases that an individual can attend as a lay assessor to eradicate the phenomenon of “professional lay assessors” to restore the tarnished reputation of lay assessors as mere “headcounts” to rubber-stamp court decisions. Thirdly, the 2018 LPA lowered the educational requirement for prospective lay assessors, reducing the previously mandated associate’s degree qualification to a high school degree. This adjustment effectively more than doubled the potential pool of individuals eligible to serve as lay assessors. Finally, lay assessors were now mandated to participate in a broader spectrum of court hearings, particularly those that involve “collective or public

¹⁹The English translation of the Law of People’s Assessors can be found at <https://www.chinalawtranslate.com/en/peoples-assessors-law-of-the-peoples-republic-of-china/>.

²⁰Methods for Selection and Appointment of People’s Lay Assessors, available at https://www.gov.cn/gongbao/content/2019/content_5361802.htm.

²¹*Id.*

interests” and have “strong social implications.” This expanded scope aimed to enhance the involvement of lay assessors in cases of significant societal relevance.

While the 2018 LPA seemed like technical adjustments to the lay assessor system upon its first look, the motivating purpose was deeply political. Contrary to the 2004 Decision, which primarily aimed at bolstering internal accountability within the judiciary, the 2018 LPA was propelled by objectives oriented towards enhancing the judiciary’s legitimacy, fostering public trust, and promoting the concept of “judicial democracy.”²² These themes, prominently featured in the legislative history of the 2018 LPA, resonate with the party-state’s increased growing emphasis on legality; emerged as a cornerstone of the state’s governance strategy, there was a pressing need to bolster the societal standing of legal institutions. In this context, the lay assessor system was identified as an effective vehicle for cultivating popular support for the judiciary. As the Supreme People’s Court suggested when introducing the initial draft of the LPA, “[d]rafting a specialized law on the lay assessor’s system can enhance democratic participation in the judicial realm ... promote socialist core values and legal spirits to encourage adherence to the law by the whole nation ... and establish a communication channel between courts and the people ... so that people can feel justice and fairness in every single case.”²³ To some extent, the Supreme People’s Court appeared to embrace a Tocquevillian understanding of the lay assessor system: the integration of lay assessors into the judiciary is seen as a means to enhance its legitimacy and trustworthiness, as public participation in legal decision-making processes is believed to contribute significantly to the perceived integrity of the judicial system.

²²In the legislative documents of LPA, judicial supervision was mentioned mentioned once, and nowhere in the documents were terms like accountability mentioned. In contrast, terms like “judicial legitimacy”, “trust in the judiciary”, and “judicial democracy” were frequently brought up in the 2018 LPA’s legislative history. See http://www.npc.gov.cn/zgrdw/npc/lfzt/rlyw/node_33474.htm

²³http://www.npc.gov.cn/zgrdw/npc/lfzt/rlyw/2018-04/27/content_2054204.htm

3.3 Lay assessor participation: on paper and in practice

Lay participation in the judiciary is a widespread practice, transcending differences in regime types and legal systems. Yet, the Chinese lay assessor system sets itself apart from the typical use of jurors in several legal traditions on two significant counts. Firstly, the extent of authority differs markedly. In many legal systems, especially those following common law traditions, jurors are tasked solely with resolving factual disputes. In contrast, Chinese lay assessors are empowered to deliberate on both factual issues and legal interpretations, presenting a more comprehensive role in the adjudicative process.²⁴ Secondly, the range of cases open to lay participation in China is notably broader. Unlike the restrictive practices in many countries where lay jurors are limited to criminal cases, Chinese lay assessors can preside over criminal, civil, and administrative cases. This expansive jurisdiction sets the Chinese model apart, allowing for lay involvement in a much wider array of legal disputes.

On paper, Chinese lay assessors may appear to have more authority than many juries elsewhere in the world, with the potential to outweigh judges on both questions of fact and law in a typical trial and the ability to hear a wide array of cases. Yet, the reality in practice is quite a mixed-bag. On one hand, some fieldwork studies highlight the Chinese lay assessors' deference to judges: they rarely challenge the authority of judges, and their impact on case outcomes is often minimal (Miao, 2021). To some extent, the lack of confidence in lay assessors within the legal system undermines their ability to participate effectively. Lay assessors are frequently denied access to case dossiers, as granting such access is perceived as complicating case administration procedures. Lay assessors may also be asked to sign

²⁴The only exception is a seven-person panel composed of three judges and four lay assessors. In cases involving the seven-person panel, the lay assessors' role is primarily focused on questions of fact, with the entire panel jointly deliberating and deciding on factual matters. However, cases adjudicated by a seven-person panel are exceptionally rare, typically reserved for matters of significant political and social importance.

their names on a blank paper before a case is decided, and they are often not allowed to voice their opinions because judges consider their views irrelevant or incoherent.²⁵ On the other hand, lay assessors are found to be helpful in leveraging their specialized expertise in certain case types such as cases involving minors (lay assessor being former schoolmaster) and financial disputes (lay assessor being insurance personnel), thus improving the court’s decision-making and enhancing the dispute resolution process overall (Yu and Wang, 2022).

All known empirical works on Chinese lay assessors, however, conducted their examinations before the promulgation of the 2018 LPA (Landsman and Zhang, 2007; Wang and Fukurai, 2010; He, 2016; Miao, 2021; Yu and Wang, 2022). Given the transformative nature of the 2018 LPA, which not only institutionalized the lay assessor system through legislation but also made it within the reach of the broader citizenry, it is important to empirically assess the lay assessor system’s impact on the broader judicial system, given that there has been a lack of representative and comprehensive evaluation of the Chinese lay assessor system since its official promulgation in 2018. More importantly, considering that there has been no systematic examination of how lay participation affects the public’s perception and views of the judiciary in China, the institutionalization of the jury system in China provides a valuable opportunity to empirically assess the relationship between jury and judicial support in China.

4 Methods

4.1 Qualitative Methods

This paper uses a mixed-method approach to investigate the relationship between jury and judicial support. We first use qualitative methods to understand the functioning and the actual practice of the lay assessor system in China. During a half year period in 2023, we

²⁵Interviews with judges and lay assessors.

conducted semi-structured interviews with 10 judges, lay assessors, and relevant government officials. We reached our interviewees through snowball sampling. The interviewees were from two cities located in different parts of China. All interviews were conducted in Chinese in private settings.

In addition to the interviews, one author had the opportunity to observe lay assessor training and sworn-in sessions that lasted for two days. We also collected relevant training materials, including curriculum and case studies, from these sessions.

Drawing upon the fieldwork interviews and observational studies, we were able to ascertain key facts about the implementation of the lay assessor system in China, including but not limited to the selection of lay assessors, lay assessors' involvement in court cases, and the relationship between court and lay assessors, as well as variations across jurisdictions. Such information then informed our design of the subsequent survey experiment in ways that best reflect the functioning of the lay assessor system on the ground.

4.2 Experimental Design

We then conducted an online survey experiment to understand the impact of the introduction and exposure of the lay assessor system on citizens' evaluation of judicial and regime legitimacy among Chinese nationals.²⁶ All survey questions were presented in Chinese (only) to consenting respondents. A total of 1176 respondents completed the survey. To generate a nationally representative sample, we implemented specific quotas in terms of gender, age, educational level, and geographic distribution²⁷.

This survey experiment consists of four key components: pre-treatment, treatment, case-based evaluation, and post-treatment evaluation (see detailed survey flow in Figure S1). We

²⁶We distributed the survey via Qualtrics and its local vendors.

²⁷see Appendix subsection A.1.3

aim to establish an empirical baseline concerning individuals’ expectations of lay assessors, their willingness to serve as such, and, more broadly, the potential impact of lay assessors on enhancing judicial fairness, legitimacy, and transparency.

4.2.1 Pre-treatment variables

We included four groups of pre-treatment variables, encompassing basic demographic information, media consumption patterns, trust in government, and political ideologies. These pre-treatment variables aim to serve two main purposes. First, the pre-treatment covariates provide a check on the validity of the random treatment assignment, ensuring that participants from different groups are distributed randomly and evenly among the experimental conditions. Second, we explore potential heterogeneous effects using pre-treatment variables, allowing us to analyze how different subgroups respond to the treatment differently based on their pre-existing characteristics.

For the demographic information section, we collected the following information including age, gender, household registration status, education level, individual disposable income, occupation, English language proficiency, government affiliation, and the Party (Chinese Communist Party) membership status.²⁸ Afterwards, we measured respondents’ media consumption, which involves assessing whether individuals read news from social media, whether they engage in commenting or forwarding comments related to current affairs, and whether they frequently rely on official news channels. We then gauged the level of trust individuals place in different government agencies, encompassing the central, provincial, and municipal levels, as well as the Supreme Court, provincial courts, and local courts. By examining existing levels of trust in these institutions, we can effectively evaluate the heterogeneous effects of the jury system on participants.

²⁸Respondent characteristics, including gender, age, living areas, marital status, ethnicity, and CCP membership, are balanced across treatment groups (see Table S2).

Last, we measured respondents’ political ideologies, focusing on four crucial aspects: traditionalism, free market orientation, legalism, and political liberalism. Traditionalism provides a baseline measure of respondents’ standing on social issues. Legalism allows us to gauge respondents’ legal preferences, including aspects such as due process and the right to an attorney, among others. Understanding the extent to which individuals prioritize these legal principles is essential in comprehending their attitudes toward the jury system. The second dimension we explored is individuals’ orientation toward the free market, which enables us to assess the level of support or endorsement they hold for a free market system versus a planned economy with state-owned enterprises. Concerning specific cases in which state-owned enterprises have overreached and profited unfairly in our vignettes, we need to gain valuable insights into respondents’ stances on free market principles beforehand. Finally, we addressed the dimension of political liberalism, which centers around aspects related to individual freedom and the right to vote, among others. These factors are vital in comprehending respondents’ predispositions when they are tasked with adjudicating cases that concern personal freedom.

4.2.2 Treatment

After completing all the pre-treatment questions and passing the data validation and attention filters integrated within these questions, respondents were randomly assigned to one of the four treatment groups. Subsequently, respondents were presented with information detailing the composition of the court panel, specific to their assigned treatment group. We then asked respondents to answer questions on the composition of their court panel to confirm they received the treatment properly and have accepted the scenario presented by the specific treatment group.

Based on the fieldwork interviews and observational studies, we had designed four distinct treatment conditions based on two dimensions: presence and participation of lay asses-

Treatment Group	Jury Presence	Deliberation	Voting
T - Control			
T - Min (Window-dressing)	✓		
T - Mid (Deliberation)	✓	✓	
T - Max (Voting)	✓	✓	✓

Table 1: Treatment Conditions

sors. These two dimensions would disentangle the due process mechanism and the popular participation mechanism in garnering judicial support. In all treatment conditions, except for the control condition, there will be the presence of lay assessors. The participation dimension refers to whether or not lay assessors express their opinions during the deliberation process and actively vote during the ruling. We presented the four conditions to operationalize different degree of lay assessor involvement: no presence, window-dressing, deliberation, and voting. Our interviews with experienced lay assessors and judges, who collectively represent a diverse range of actual practices within China’s lay assessor system, confirm that these conditions are not only realistic but are also actively practiced in real-life court decisions.²⁹ Table 1 summarizes the treatment condition.

T-Control: In the control condition (T-Control), we presented the most commonly known situation, where cases are solely adjudicated by judges. Respondents assigned to T-Control read the following prompt:

²⁹While the LPA stipulates that lay assessors should not only be present at trial but also participate in post-trial deliberation and voting, there has not been uniform adoption of the LPA. The resistance has two sources. For one, some judges often consider lay assessor involvement in judicial decision-making to be cumbersome and time-consuming. Some judges also worry that lay assessors’ lack of legal expertise could render the case wrongly decided. For another, some lay assessors also expressed concerns regarding more substantive involvement in trials such as deliberation and voting; some worry about making the wrong decisions, whereas others cite time commitment concerns. The Supreme People’s Court has acquiesced to such resistance; while courts and judges are evaluated by the number of trials with lay assessors’ presence, the highest judicial authority in China has not so far mandated or monitored substantive lay assessor involvement in court cases. That said, some cases did have substantive lay assessor involvement for various expediency, fact-finding, and political/social reasons.

“Below, you will read several court cases adapted from real court cases. These court judgments are all adjudicated by a single judge from the People’s Court. You will carefully read the following cases and provide your opinion on each of them.”

T-Min (Window-Dressing): For the minimal dosage of the treatment (T-Min), we introduced the presence of lay assessors. In this treatment, we test whether the mere presence of lay assessors may increase respondents’ acceptance of court decisions. This treatment represents the window-dressing function, where the institutional framework of lay assessor is present, but the actual functionality of the institution is for window-dressing purpose rather than its actual functionality. The following prompt was presented to respondents in this treatment group.

“Below, you will read several court cases adapted from real court cases. Please pay attention to the composition of the adjudicating panel and the judicial process, including deliberation and voting.

These court judgments all involve **one judge and two lay assessors** present at the trial. The lay assessors were randomly selected from the local lay assessors pool. **The lay assessors did not participate in the case deliberation and voting.**

You will carefully read the following cases and provide your opinion on each of them.”

T-Medium (Deliberation): For the medium dosage of the treatment (T-Medium), we introduced a certain level of participation for lay assessors in the court proceedings, allowing them to voice their opinions during deliberation. However, these lay assessors do not possess actual voting power during the ruling phase. With this treatment, we investigate whether the judge’s openness and responsiveness to lay assessor comments may enhance

participants' acceptance of court opinions. Respondents were presented with the following prompt:

“Below, you will read several court cases adapted from real court cases. Please pay attention to the composition of the adjudicating panel and the judicial process, including deliberation and voting.

These court judgments all involve **one judge and two lay assessors** present at the trial. The lay assessors were randomly selected from the local lay assessors pool. **During the deliberation of the case with the judge, the two lay assessors expressed their viewpoints, and the judge also addressed any questions the lay assessors had concerning the case. However, the lay assessors did not participate in the voting process.**

You will carefully read the following cases and provide your opinion on each of them.”

T-Max (Voting): For the maximum dosage of the treatment (T-Max), we introduced the actual voting power during the ruling phase, which is mandated by the LPA (the governing law over lay assessors) in China. With this treatment, we investigate whether the lay assessor's voting power might increase the fairness perception of court opinions and the broader judicial legitimacy measures.

“Below, you will read several court cases adapted from real court cases. Please pay attention to the composition of the adjudicating panel and the judicial process, including deliberation and voting.

These court judgments all involve **one judge and two lay assessors** present at the trial. The lay assessors were randomly selected from the local lay assessors pool. During the deliberation of the case with the judge, the two lay assessors expressed their viewpoints, and the judge also addressed any questions the lay assessors had concerning the case. **During the final deliberation and vot-**

ing process, the two lay assessors and the judge each have one vote to cast their judgment on the case.

You will carefully read the following cases and provide your opinion on each of them.”

To verify whether respondents have a clear understanding of the treatment, we have multiple manipulation checks throughout the survey. After being exposed to the treatment, respondents were asked to evaluate the presence and participation of lay assessors. If respondents fail to pass the manipulation check immediately after the treatment, the treatment prompt will be presented to them again as a reminder of the court panel’s composition and the lay assessors’ level of participation in judicial decision-making. We added additional manipulation checks at the end of the survey to ensure that respondents grasped the treatment conditions correctly and to enhance the reliability of our research findings.

After passing the first manipulation check, each respondent was tasked with evaluating four court cases, randomly selected from four sets of cases, each set comprising three cases. These cases have been anonymized and modified from real-life cases. Each case evaluation consists of four components: the parties involved, a concise summary of the case, the ruling, and the legal reasoning of the ruling. Respondents were asked to evaluate each case before and after we disclosed the ruling and its justification.

Once they have completed the evaluation of the four cases, respondents will proceed to the post-treatment evaluation. This evaluation will encompass gauging their trust in government agencies and obtaining their opinions on the jury system in China.

4.2.3 Case Selection

To enhance the generalizability of our study’s outcomes, we have selected twelve case studies, each inspired by actual court cases. These cases have been systematically categorized into four distinct groups: Baseline, Big Corporate Power, Conflicting Social Values, and Check on Government. These four categories of cases are selected for two broad reasons. On one hand, these scenarios correspond to distinct political controversies or critical public issues where the regime assumes a pivotal role as a decision-maker, arbitrator, or mediator. These issues include economic policies, government transparency, corruption, collective action, and women’s rights, all of which are crucial in comprehending citizens’ support for the regime. Numerous studies have utilized these issues to gauge regime approval (see e.g. (Pan and Xu, 2018) where the authors use these issues to map China’s ideological spectrum). Our study specifically focuses on these issues to determine whether an increase in perceived jury participation will lead to enhanced judicial legitimacy and popular support for the judiciary/government.

We also selected primarily civil cases (the absolute majority of cases (11/12) are civil cases). In most countries that adopted lay participation in the judicial contexts, jury participation is limited to criminal trials. This is because in criminal trials, the government or the judiciary might deprive an individual’s freedom and liberty, therefore it is more instrumental to have a mechanism that represents the popular and “democratic” will to check on the exercise of this unencumbered judicial authority. Thus, we believe the justification for jury presence is stronger in criminal cases, thus potentially magnifying the treatment effect of jury presence on judicial support if we solely select criminal cases in our experiment.

Currently, only a few countries in the world such as the U.S. and Canada still have civil juries (Vidmar, 2000). Here, we seek to investigate whether the justification for contem-

porary civil juries transcends the common law context.³⁰ The literature’s justification for civil juries references most often to juries’ ability to (1) resolve questions implicating societal social values (Kalven, 1964; Calabresi and Bobbitt, 1978*b*; Priest, 2015), (2) serve as a democratic counterforce to governmental power (Amar, 1995; Landsman, 1999; Priest, 2015), and (3) check big corporations’ power (Bogus, 2001; Solomon, 2012). We want to leverage our case vignettes to test whether these propositions hold in comparative contexts. Each respondent was presented with one case randomly selected from each category, totaling four cases. The order of the categories was also randomized.³¹

Baseline: We use these baseline cases to measure heterogeneous effects across case types. We believe that these cases are not socially, economically, morally, or politically controversial to the general public; therefore, we use these cases as a baseline to test whether the perceived participation of juries would have any impact on judicial legitimacy for cases involving big corporations or government organs or entailing conflicting social values.

Big Corporate Power: In this set of cases, we seek to test whether the Chinese public conceptualizes the jury system as a potential check over big corporate power. As discussed above, one strong justification for civil juries in the United States is that civil juries can act as a strong counter-force to big corporate power. Considering the popularity of big-tech crackdowns as well as the unpopularity of many state-owned enterprises in China, we are interested in exploring whether the perceived participation of juries would have any impact on judicial legitimacy for cases involving big corporations.

Social Values: In this set of cases, we seek to test whether the Chinese public thinks the

³⁰Again, we recognize the different roles of civil and criminal juries. For this reason, The only criminal case that we selected does not implicate any heinous crime. Rather, it touches upon an socially contested issue - bullying among teenagers - to gauge the influence of jury on public perception of issues implicating conflicting social values.

³¹In total, we have 4704 case-level responses at case-levels.

jury system should be in charge of resolving controversies entailing conflicting social values. As discussed above, civil juries should resolve such difficult cases because the jury’s decision would reflect the community’s preference for societal values. In the Chinese context, the public has a higher acceptance of case decisions that is in alignment with widely accepted moral values (Ding and Javed, 2021). Hence, we are interested in exploring whether the perceived participation of juries would have any impact on judicial legitimacy for cases involving conflicting societal values.

Government: Finally, we seek to test whether the Chinese public considers the jury system as a popular counter-force to governmental power, especially implicating governmental abuses. We use these cases for two reasons. For one, the “democratic counter-force” argument is one of the strongest justifications for juries in America, and we are interested in exploring whether such reasoning transcends the American context. For another, public participation has always been seen as an important mechanism to boost support in authoritarian regimes like China, and we investigate whether participation in legal proceedings has such effects. For these reasons, we would like to explore whether the perceived participation of lay assessors would have any impact on judicial legitimacy for cases involving other governmental branches.

4.3 Case-based Evaluation

We assess respondents’ reactions and behaviors after each vignette. Each respondent was required to provide three sets of case-based evaluations: fairness, their own preferred disposition of the case, and agreement with the official ruling.

- **Fairness:** We operationalize fairness in terms of whether respondents consider the case will receive a fair and lawful trial. For each case, participants are asked to first evaluate whether this case will receive a fair ruling and provide their own ruling before reading

the actual decision and its legal reasoning.

- **Respondent’s ruling:** After the fairness question, we asked our respondents how they would rule the case if given the choice. Respondents still did not know how the case was actually decided.
- **Agreement with official decision:** We then disclosed the actual ruling of the case and the court’s reasoning. Afterwards, respondents were asked whether or not they agree with the court’s ruling.

Moreover, we constructed indexes for all cases combined to understand the composite effect of the lay assessor system across different types of cases. The case-level evaluation of judicial fairness thus provides empirical tests on whether and to what extent the judicial participatory institution like lay assessors can improve perceived judicial fairness at the case level.

4.4 Post-Treatment Evaluations

After the case-level evaluations, we proceeded with a set of post-treatment evaluations focusing on individual demand for such a judicial participatory institution like lay assessors, individual willingness to become a lay assessor, and the reasoning behind our respondents’ preference. First, we asked respondents to share their opinion on the lay assessor system in China, which includes their prior knowledge about the system, their expected role of lay assessors in court cases, their personal preferences regarding lay assessor involvement and participation, and their perceptions of the connection between the lay assessor system and a multitude of judicial support measures.

We first assessed whether individuals possessed any prior knowledge of the lay assessor system in China. As the lay assessor system is a relatively recent introduction, it is not widely known among the general public. This understanding is further confirmed by our

fieldwork interviews and observational studies, where we observed that most citizens were unfamiliar with the lay assessor system. Thus, understanding the average level of knowledge of the lay assessor system can provide valuable insights into people’s unfiltered perspectives on the issue of lay participation in judicial decision-making.

Since there is no standardized expectation for lay assessors, we asked respondents to assess what the ideal role for lay assessors to assume. Based on relevant official documents³² and training materials for lay assessors, we extrapolated six commonly cited roles of lay assessors in facilitating judicial decision-making: 1) using their professional knowledge to assist the judge in understanding the case, 2) helping the judge with mediation, 3) participating in the trial process, 4) reviewing case files before the trial, 5) participating in deliberations for the judgment, and 6) exercising the right to vote during the case verdict.

To evaluate the demand for and desirability of the lay assessor system, respondents were presented with a hypothetical scenario where they had a pending case in front of the court and asked to indicate their preference of inviting lay assessor participation in their own cases. If they opt for lay assessor participation, it signifies that they believe involving lay assessors can serve as an effective check on judicial power.

In addition to evaluating the effectiveness of lay participation, we are also interested in ascertaining respondents’ willingness to serve as lay assessors as a way to ascertain the potential determinants of lay assessors supply. We see this as a reflection of their interest in participatory and judicial involvement. It is commonly believed that Chinese nationals’ willingness to participate in participatory processes is generally low due to concerns like safety and censorship (Meng, Pan and Yang, 2017), and it is empirically difficult to evaluate

³²Official documents promulgated by Supreme People’s Court. See e.g., Renmin Peishenyuan Zhidu de Zhongguo Shijian (The Chinese Practice of the Lay Assessor System), available at <https://www.court.gov.cn/zixun/xiangqing/374801.html>.

such a statement since any further discussions on this topic are heavily censored (King, Pan and Roberts, 2013; Lorentzen, 2014). This question thus allows us to explore people’s willingness to participate in the legal (and the political) system more generally and the implication of the jury system on civic virtue in relatively non-sensitive legal and political contexts.

Lastly, we estimated whether and to what extent a judicial participatory institution like lay assessors can enhance the public evaluation of judicial transparency, legitimacy, and trust among Chinese nationals as a whole. The same set of questions used to gauge the level of trust individuals place in different government agencies, spanning from the central, provincial, and municipal levels, as well as the Supreme Court, provincial courts, and local courts, is reused for the post-treatment evaluation on trust in governmental and judicial branches.

5 Empirical Findings

The empirical findings provide a baseline understanding of Chinese citizens’ expectations for lay assessors. The findings further demonstrate the effectiveness of lay participation in improving fairness perception at the case level and generating enthusiasm toward the use of lay assessors. Moving beyond case-level analysis, we also find that voting power is considered as critical to increase judicial support. Judicial legitimacy is only enhanced at a statistically significant level where lay assessors have the power to vote on case decisions. This study also reveals the positive impact of the lay assessor system on judicial transparency and legitimacy, provided that lay assessors have the authority to vote on case outcomes.

5.1 Baseline Understanding and Expectations for Lay Assessors

We first seek to establish the foundational baselines to gauge the citizens' understanding and expectations of lay assessors. To our knowledge, this is the first survey aiming at understand public evaluation on the lay assessor system in China, so these baseline metrics are critical for contextualizing public perception and understanding of the lay assessor system in China. Furthermore, they serve as a foundational reference for interpreting the treatment effects discussed in subsequent sections.

Specifically, we have four measurements for these baseline understandings: 1) respondents' prior knowledge of the lay assessor system, 2) their anticipation of lay assessors' roles in judicial proceedings; 3) whether they are interested in requesting lay assessors themselves if they have lawsuits themselves; and 4) their personal willingness to serve as a lay assessor.

First, regarding our respondents' prior knowledge of the lay assessor system. Overall, our respondents are not very familiar with the lay assessor system. 6.9% of respondents in the control groups indicate that they are very familiar with the lay assessor system. Less than half of our respondents consider that they have at least some understanding of this system. This survey result aligns with our findings from our field interviews, confirming that the lay assessor system is a relatively new judicial participatory institution, about which the public does not yet have a well-formed understanding or opinion.

Secondly, respondents have a diverse understanding of the function of lay assessors in a legal proceeding, possibly due to the limited knowledge that our respondents have about the lay assessor system. Here, we provide six roles that lay assessors could play in a legal proceeding.³³, and we ask our respondents how they think lay assessors should be involved

³³These roles are referenced in either laws or judicial policies as possible expectations for lay assessors, see *supra* footnote 31 and Section 4.4. for a detailed explanation

in the process. Figure 1 illustrates how important respondents evaluate each function of lay assessors in the control group. Respondents consider the most important function of lay assessors is to utilize their professional expertise to assist judges in understanding cases. Lay assessors are expected to review case files before trials (69.07%), participate in deliberations for the judgment (60.48%), participate during trials (59.79%), and assist judges with mediation (56.01%). In terms of whether lay assessors should exercise voting rights in case adjudication, only 49.14% of respondents consider this as a necessary function. Again, although the LPA and other judicial documents expect lay assessors to serve all the roles above, respondents have diverse expectations for lay assessors' involvement in court proceedings.

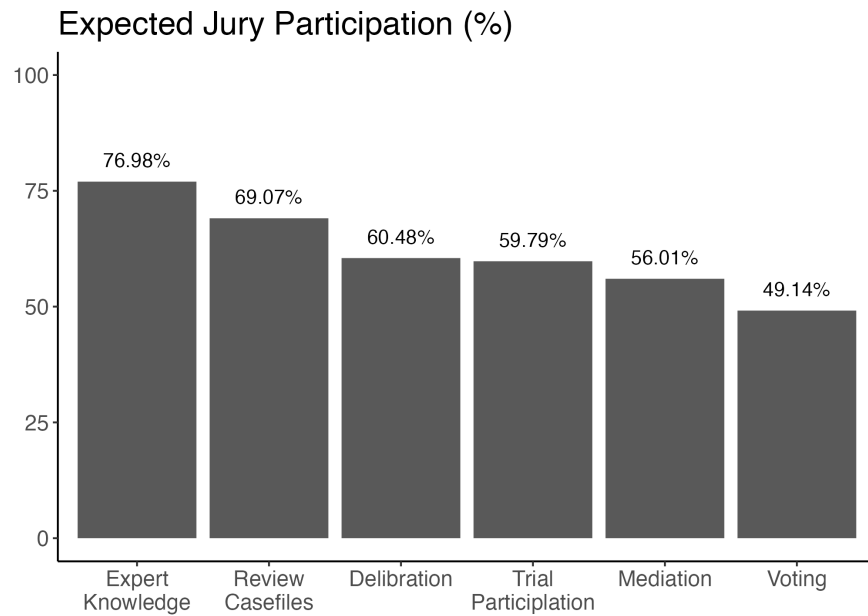


Figure 1: Expectations for Lay Assessors

The subsequent open-ended questions regarding the pros and cons of having average citizens participate in court proceedings reveal similar findings. 67.1% of respondents consider

having a jury as positive, 12.9% view it negatively, and 20% remain neutral.³⁴ The most prominent advantages of having a jury in court proceedings are: 1) increasing judicial legitimacy and accountability (30.78%), 2) enhancing monitoring and transparency (20.49%), and 3) manifesting democratic participation (18.62%). Additional benefits include increasing legal awareness as civic education (15.48%), bringing functional or instrumental value to participants or the court (5.78%), incorporating more humanized perspectives (4.68%), gaining trust among citizens (4.42%), cultivating civic virtue (0.77%), and reducing costs or increasing the efficiency of courts (3.40%).

The biggest concern is the lack of comprehensive professionalism (21.85%). Other minor concerns include: 1) personal bias or bribery of lay assessors (2.64%), 2) disruption of social or court order (1.96%), 3) waste of time due to performative governance and lack of substantive participation (0.60%), and 4) privacy and personal safety concerns (0.85%).

Finally, there is a strong demand for lay assessors in court proceedings and a manifested willingness to become lay assessors in China. Regarding the demand, 92.1% respondents in the control group would consider having lay assessor participation if they were involved in a court case. Of these, 78.7% would demand lay assessor participation unconditionally, while 13.4% believe that such a demand should depend on the specifics of the case. 83.5% respondents in the control group expressed willingness to serve as a lay assessor if given the opportunity.³⁵

We further explored why people might be interested in serving as lay assessors through open-ended questions.³⁶ Based on their responses, we identified seven benefits of jury ser-

³⁴Among 1176 respondents, 1155 responses were deemed eligible. The remaining 21 responses were either empty or irrelevant.

³⁵Although there are no comparable statistics in the U.S., a study that drew a sample from federal court's cases from 1981-87 found that jury trial was demanded in approximately 26% of civil cases, a much lower number than the displayed interest in lay assessors manifested in the current survey. See (Hersch, 2006)

³⁶We designed the hand-coding rules after reviewing 10% random sample of the open-ended responses.

vice, ranked in order of importance: upholding justice (30.87%), promoting democratic participation and accountability (21.17%), fostering personal growth by acquiring legal knowledge (20.07%), assisting parties involved (plaintiffs or defendants) (12.16%), aiding judges in investigation or mediation (10.37%), fulfilling civic duties (8.08%), and fulfilling expressive needs (6.29%) .³⁷ Regarding potential concerns, we identified several reasons. The leading concern is the lack of professional or legal knowledge among lay assessors (7.65%). Others are the lack of interest (1.53%), personal constraints such as time commitment and payment (1.62%), performative governance (0.85%), fear of retribution (1.45%), cognitive dissonance (0.09%), and emotional investment (0.85%). Despite some concerns and reservations, the open-ended responses generally show respondents’ overall enthusiasm toward becoming lay assessors.

5.2 The Presence of Lay Assessors Improves Case-Level Judicial Fairness

We first assess whether lay assessors could improve the perception of judicial fairness by testing our **H1**: The presence of lay assessors will increase citizens’ fairness perception of judicial decisions.

We find that the presence of lay assessors can improve perceived judicial fairness at case levels. We define “judicial fairness” as the extent to which individuals believe that the case they read will receive a fair trial. To this end, among the four groups of cases we presented, each embodying distinct concerns where judges might possess ulterior motives and potentially deviate from strict adherence to legal standards. Table 2 evaluates the treatment effect of different levels of judicial participation on perceived judicial fairness at case levels.³⁸ On average, respondents rated their perception of fairness at 7.74 on

Two human coders annotated the responses independently. The inter-coder reliability is 97%.

³⁷This list comprehensively encompasses elements derived from the open-ended responses.

³⁸We include three different model specification in our regression analysis. Model (1) directly evaluates the treatment effect on the case-level judicial fairness perception. Model (2) incorporates the case group fixed effect. In addition, model (3) incorporates the individual fixed effects.

a 10-point scale, suggesting a relatively high degree of judicial fairness perception. The evaluation of judicial fairness is equally high across all four categories of cases.

The presence of lay assessors, regardless of their degree of involvement, appears to have enhanced the public’s perception of judicial fairness by about 2% on the scale from 0 to 100%. Given the high baseline of judicial fairness among respondents, the potential ceiling effect should be taken into account when interpreting the magnitude of the effect. Therefore, this increase, though seemingly modest, is statistically significant, which underscores the profound influence of lay participation on public perception of judicial fairness.

In addition, the enhanced fairness perception is not attributable to any particular case category, indicating that lay participation has a positive effect on judicial fairness across different types of cases, rather than only affecting certain category of cases with specific issues or distinct concerns. Due to power limitations, our study does not explore the heterogeneous effects of lay participation across various case types. Future research should investigate the potential differential impacts of lay involvement by case group to enhance our understanding of its efficacy in the judicial process.³⁹ Overall, lay participation can contribute to an improved perception of judicial fairness.

5.3 Enthusiasm towards the Lay Assessor System

We next investigate how varying degrees of lay participation can influence individuals’ willingness to become lay assessors or have lay assessors present when they anticipate trials themselves. Here we test **H2**: The presence of lay assessors will increase citizens’ demand for lay assessors if they have a case pending before the court.

Figure 2 shows that individuals’ demand for lay assessors’ participation is higher in all

³⁹Taking into account the modest overall treatment effect, we interpret the lack of significant effects in individual case categories as indicative of limited power.

Table 2: Treatment Effect on Case-level Judicial Fairness

	<i>Dependent variable:</i>		
	Fairness		
	(1)	(2)	(3)
Treatment: Windowdressing	0.19** (0.08)	0.19** (0.08)	0.19** (0.08)
Treatment: Deliberation	0.23*** (0.08)	0.23*** (0.08)	0.23*** (0.08)
Treatment: Voting	0.22*** (0.08)	0.22*** (0.08)	0.22*** (0.08)
Constant	7.74*** (0.06)		
Case Group Fixed Effects	No	Yes	Yes
Individual Fixed Effects	No	No	Yes
Observations	4,704	4,704	4,704
Residual Std. Error	1.99 (df = 4700)		
F Statistic	3.43** (df = 3; 4700)	3.47** (df = 3; 4697)	3.47** (df = 3; 4697)

Note:

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

treatment arms compared to the judge-only control group, on average 4% increase (see details in Table S4), and this effect is statistically significant. Given that such treatment effects are present regardless of the degree of lay participation, the empirical results may suggest that individuals consider lay assessors a potential mechanism to safeguard procedural justice and a possible check on judicial power. These results also corroborate the above finding on lay assessors' impact on the perceived judicial fairness at case levels, indicating that the fairness perception might have driven the increased demand for lay assessors.

Our study fails to reject the null hypothesis that the presence of lay assessors does not respondents' willingness to serve as lay assessors themselves at a statistically significant level. These null results suggest that lay participation, regardless of their level of involvement in judicial decision-making, would not necessarily increase people's civic virtue or commitment to civic duties beyond the high baseline level of willingness to serve as lay assessors. In summary, the demand for lay assessors is substantially high, and the demand is further augmented by the exposure to lay assessor presence. This finding can shed light on the sustainability of such a participatory institution in China.

5.4 Substantial Participation Enhances Judicial Legitimacy and Transparency

Although the fairness evaluation of case outcome seems to suggest that all degrees of lay participation in judicial decision-making can enhance judicial fairness at the case level confirming the importance of jury as due process, we are interested in exploring whether such fairness perception necessarily translates into an enhanced perception of judicial legitimacy, and if so, the degree of lay participation required to boost the overall judicial legitimacy and transparency collectively. We conduct this assessment by testing our hypotheses 3 and 4:

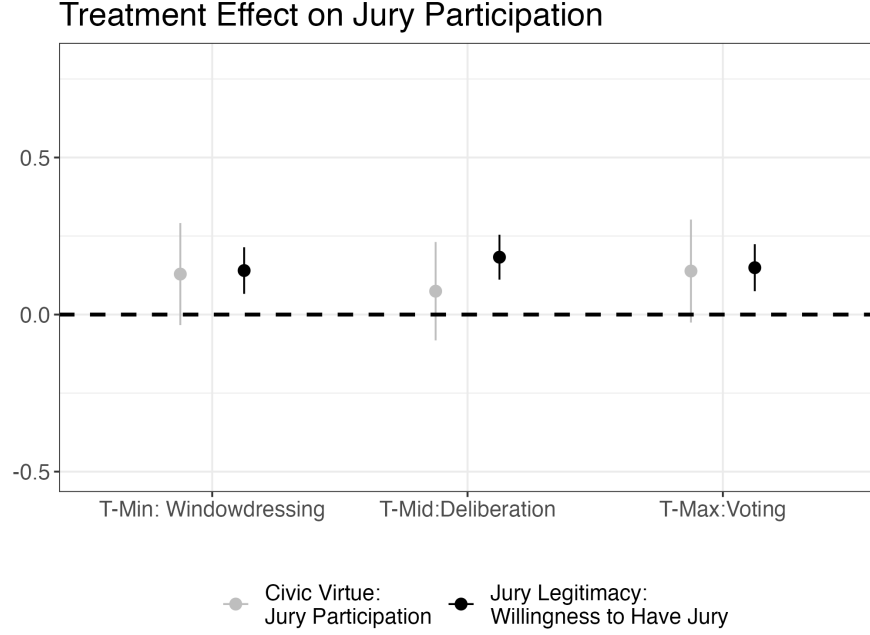


Figure 2: Demand and Supply for the Jury System

H3: A voting jury will improve the respondents' perception of judicial legitimacy and judicial transparency.

H4: A non-voting jury will not improve the respondents' perception of judicial legitimacy and judicial transparency.

Table 3 presents the treatment effect of lay participation on the public perception of the overall judicial system. The result indicates that the introduction of the lay assessor system with actual voting power (i.e., T-Max: Voting) significantly enhances respondents' assessments of judicial legitimacy and judicial transparency. This improvement is evident at a statistically significant level, with an observed increase in evaluations of judicial legitimacy and judicial transparency by 3.5% and 2.6%, respectively, when compared to the control group. Taking into account the existing high confidence in judicial legitimacy and

transparency among the public, the magnitude of the treatment effect shows that a voting jury can significantly strengthen judicial legitimacy and transparency.⁴⁰ Conversely, when lay assessors are present only as a symbolic gesture without any voting rights (T-min: window-dressing; T-medium: deliberation), such judicial participation fails to yield any notable increase in any of these three evaluations. This finding underscores the importance of actual participation in the judicial process for bolstering public perception of judicial legitimacy.

Table 3: Treatment Effect on Public Evaluation on Judicial Legitimacy and Transparency

	<i>Dependent variable:</i>		
	Judicial Legitimacy	Judicial Transparency	Socialist Democracy
	(1)	(2)	(3)
Treatment: Windowdressing	0.16 (0.13)	0.16 (0.13)	0.10 (0.13)
Treatment: Deliberation	0.12 (0.12)	0.14 (0.12)	0.06 (0.13)
Treatment: Voting	0.35*** (0.13)	0.26** (0.13)	0.24* (0.13)
Constant	8.24*** (0.09)	8.28*** (0.09)	8.21*** (0.09)
Observations	1,103	1,103	1,176
R ²	0.01	0.004	0.003
Adjusted R ²	0.004	0.001	0.0004
Residual Std. Error	1.45 (df = 1099)	1.46 (df = 1099)	1.57 (df = 1172)
F Statistic	2.54* (df = 3; 1099)	1.39 (df = 3; 1099)	1.15 (df = 3; 1172)

Note:

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

Moreover, these results highlight the importance of substantive participation of lay assessors in court proceedings. The treatment isolates the substantive participation from window-dressing participation and demonstrates that merely symbolic gestures of perfor-

⁴⁰For Socialist Democracy, the voting treatment arm generates a 2.4% increase, but it is only statistically significant at the 10% significance level.

mative participation do not generate a statistically significant impact on enhancing public evaluations of judicial legitimacy. This finding suggests that in order to elicit a higher evaluation of judicial legitimacy and judicial transparency from popular participation, lay participation must extend beyond mere performance to include authentic and meaningful opportunities for citizens such as voting on case outcomes.

This discovery holds profound implications for authoritarian regimes, where explicit checks and balances on government power are frequently non-existent. In such systems, where citizens' exposure to democratic-like processes is typically restricted or controlled, our findings reveal a remarkable insight: citizens living under authoritarian rule still possess the ability to discern and value genuine democratic practices. This suggests that even in environments where democratic norms are not regularly practiced or visibly upheld, there is an inherent understanding and appreciation among the populace for authentic participation. It also indicates a latent potential for democratic aspirations, which can surface when given the opportunity. More specifically, if citizens are empowered with voting rights, they are likely to appreciate and reflect positively on perceptions of judicial legitimacy and transparency. Without such empowerment, the jury system may not produce any significant aggregate effect. Voting power is essential for attributing credit to the judiciary, facilitating an easier assignment of responsibility and acknowledgment of judicial actions.

5.5 Going Forward: Fluid Expectation for Lay Assessors

As the baseline results reveal, individuals have diverse expectations for lay assessors in terms of latter's function and roles in adjudications. The treatment effects suggest that these expectations can be influenced by priming. As depicted in Table 4, the manner by which lay assessor functions in the treatment can shape individuals' expectations of lay assessors. Notably, the first two outcomes in Table 4 — expert knowledge and case file review — retain their significance regardless of the primed expectations, indicating these

are perceived as inherent functions of lay assessors.

Table 4: Fluid Expectation of Lay Assessors

	<i>Dependent variable:</i>					
	Expert Knowledge	Review Casefiles	Delibration	Trial Participation	Mediation	Voting
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment: Windowdressing	-0.01 (0.04)	-0.01 (0.04)	-0.18*** (0.04)	0.02 (0.04)	-0.01 (0.04)	-0.16*** (0.04)
Treatment: Deliberation	-0.01 (0.03)	0.02 (0.04)	0.03 (0.04)	0.07* (0.04)	0.10*** (0.04)	-0.25*** (0.04)
Treatment: Voting	0.03 (0.04)	0.04 (0.04)	0.15*** (0.04)	0.13*** (0.04)	0.13*** (0.04)	0.27*** (0.04)
Constant	0.77*** (0.02)	0.69*** (0.03)	0.60*** (0.03)	0.60*** (0.03)	0.56*** (0.03)	0.49*** (0.03)
Observations	1,176	1,176	1,176	1,176	1,176	1,176
R ²	0.001	0.002	0.06	0.01	0.02	0.16
Adjusted R ²	-0.001	-0.001	0.06	0.01	0.01	0.16
Residual Std. Error (df = 1172)	0.42	0.46	0.48	0.47	0.48	0.46
F Statistic (df = 3; 1172)	0.48	0.64	24.24***	4.66***	6.28***	74.46***

Note:

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

Conversely, for the other four outcomes, we observe an increased demand for lay assessors when these functions are emphasized in the treatment. In scenarios where the treatment does not highlight specific expectations for lay assessors, there is a notable decrease in demand for the corresponding responsibilities. This is particularly evident in treatments where voting is not included (T-Min for Window-dressing and T-Mid for Deliberation), where we see a treatment effect of -16% and -25% respectively in the demand for lay assessors to vote, compared to a 27% increase when voting is included in the treatment.

These findings of such priming effect underscore that actual experiences with, or the common practices of, the Lay Assessor System can significantly shape individuals' expectations during this early stage of such institutional practice. Such results have significant implications for the practical application of the Lay Assessor System in China. The fluidity in expectations is crucial, especially considering the nascent nature of this judicial participatory institution. Since public expectations for lay assessors are not yet well-established,

and the credibility of such judicial channels is still in the process of being solidified, understanding and addressing these changing perceptions is critical for the lay assessor system's development and effectiveness.

6 Discussion

While the use of jury trials has been in steady decline in the U.S., jury trials are still viewed as a fairer mechanism by many legal practitioners.⁴¹ The increasing adoption of the jury institution across the globe also shows that such an appeal transcends the American context. The appreciation of the jury system stems from a variety of reasons, including its participatory nature, its ability to enhance procedural justice, and its potential of checking on the judicial power.

First, this paper theorizes the dual function of the jury system: as a mechanism of due process to ensure judicial fairness and a mechanism of citizenry participation to boost popular support for the judiciary. Employing a mixed-method approach, our finding illustrates that even in an authoritarian country with strong civil law traditions, a jury-like institution can function as an institution of procedural justice and judicial accountability to the general public. Jurors' mere presence in the courtroom, or coupled with their ability to influence case outcomes through voting, can reassure the public about the procedural integrity of judicial proceedings. Moreover, the ability of lay persons to vote on case outcomes can further bolster judicial legitimacy. These aspects, which have received limited attention in existing scholarship, are crucial in supporting and elaborating the Tocquevillian thesis on the importance of the jury system. Through this study, we aim to enrich the understanding of how juries can contribute to strengthening the judiciary within various political contexts.

This study pioneers the empirical examination of public evaluations concerning the recently

⁴¹<https://www.abajournal.com/news/article/aba-study-examines-decline-in-civil-and-criminal-jury-trials-and-h>

established lay assessor system in China. The empirical evidence brings to light the palpable enthusiasm for lay participation in judicial proceedings, shedding light on the efficacy of such a participatory institution in enhancing perceived judicial fairness. Furthermore, the study identifies a positive correlation between attributing substantive decision-making power to the judiciary and bolstering perceptions of judicial legitimacy and transparency.

Secondly, this study highlights the pivotal role of the public's initial interactions with the jury system. In contrast to the well-established perceptions in the American context, where preconceived notions about jury duties prevail, the Chinese populace lacks antecedent expectations concerning the functions of jurors in legal proceedings, and as such, has not yet formulated a definitive opinion on the jury institution. The findings of this research unveil that the nature of experiences within the jury system, specifically discerning whether juries operate merely as symbolic entities or function as substantive decision-making bodies, exerts a profound influence on citizens' perceptions and expectations of the judiciary and overall judicial legitimacy. Positive experiences, exemplified by empowering jurors to actively participate in voting on case outcomes, serve to validate not only the jury system but also the judiciary as a whole. Conversely, negative experiences, where jurors are relegated to mere figureheads, have the potential to solidify the belief among citizens that participatory institutions are superficial endeavors aimed at simulating governmental popularity.

Finally, the findings of this research underscore a notable demand for checks and balances within the judiciary. As this research shows, rather than a lack of interest in participating in democratic institutions, many individuals exhibit a significant willingness and demand for lay participation in legal proceedings, especially when positive experiences are involved. The findings also reveal the importance of popular participation for judicial support, where even in authoritarian contexts, citizens would very much appreciate substantive democratic

participation. Such findings have far-reaching policy implications. They suggest that reforms aimed at increasing public involvement, including but not limited to judicial proceedings, could enhance the perceived integrity and legitimacy of the bureaucracy/judiciary. In Habermas' term, it may cultivate a public sphere where rational and critical discourse on political and social matters (Habermas, 1991). This lesson is applicable not only within the context of China but also across different societies, indicating that enhancing public engagement can strengthen democratic governance and judicial efficacy globally.

And the citizen's "political awareness" as such highlights the paradox that authoritarian regimes face when it comes to their legitimation efforts. For authoritarian regimes like the Chinese party-state, legitimation efforts would succeed only if they provide meaningful participation opportunities for citizens, yet giving citizens a chance to participate means the regime has to relinquish some degree of control over political processes. However, as many existing literature points out "once given a taste of participation, Chinese citizens wanted more." (Ang, 2022). The Chinese government now might have to confront the trade-off between legitimation and control, and whether they can successfully manage such a challenge would bear consequences for the regime's solidarity.

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A Online Supplementary Appendix

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A.1 Experiment Logistics and Design Details

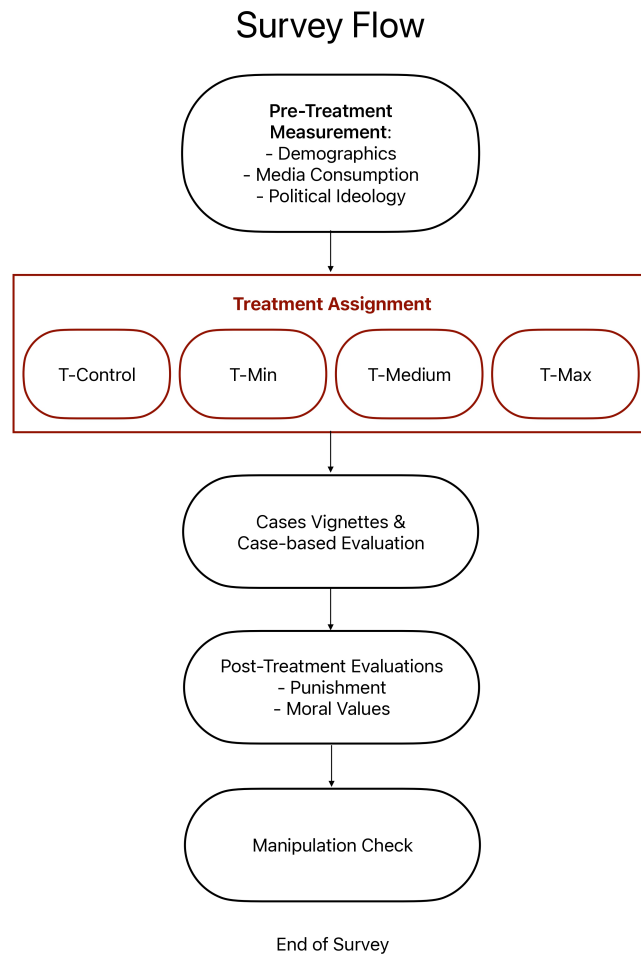
A.1.1 Pre-Registration and IRB

We have pre-registered the pre-analysis plan including all the survey designs and hypotheses tested above. We obtained the IRB approval from Princeton University for conducting this survey experiment. We seek consent from all respondents, compensate them for their participation, and we do not collect any personally identifying information. We avoid conflicts of interest and ensure that our experiment does not violate local laws. We also abide by EGAP principles on research transparency, and protect the privacy of all respondents. In addition, we have taken all necessary precautions, including anonymizing all individuals of interest from each incident and comments, to safeguard against any real-life consequences resulting from our study.

A.1.2 Survey Flow

Figure S1 presents the detailed survey flow.

Figure S1: Survey Flow



A.1.3 Quotas

We registered the survey experiment and intended to generate a nationally representative sample of 1050 Chinese nationals, we have specific quotas in terms of gender, age, educational level, and geographic distribution. However, given the limitation of internet access within certain regions or age groups, we relaxed the proposed quota gradually to accommodate such circumstances.

Gender	Education Level	Age	Province
• Male: 525	• Middle School or Below: 158	• 18-20: 70	• Beijing: 27
• Female: 525	• Vocational School: 210	• 21-25: 124	• Tianjin: 13
	• High School: 210	• 26-30: 129	• Hebei: 51
	• Junior College: 210	• 31-35: 116	• Shanxi: 28
	• College and above: 263	• 36-40: 135	• Inner Mongolia: 22
		• 41-45: 146	• Liaoning: 44
		• 46-50: 139	• Jilin: 24
		• 51-55: 91	• Heilongjiang: 34
		• 55-60: 101	• Shanghai: 33
			• Jiangsu: 77
			• Zhejiang: 54
			• Anhui: 41
			• Fujian: 34
			• Jiangxi: 32
			• Shandong: 77
			• Henan: 58
			• Hubei: 46
			• Hunan: 46
			• Guangdong: 109
			• Guangxi: 30
			• Hainan: 7
			• Chongqing: 25
			• Sichuan: 52
			• Guizhou: 19
			• Yunnan: 26
			• Shaanxi: 28
			• Gansu: 15

A.2 Validity of Survey Responses

Concerns regarding the use and quality of survey questions for measuring political opinions in China have been escalating (Carter, Carter and Schick, 2023; Nicholson and Huang, 2023). We acknowledge these potential concerns and have taken the following measures to guard our results from preference falsification and ensure the validity of the response.

A.2.1 Quality Control Measures

- We incorporate two open-ended questions regarding participants' willingness to serve as lay assessors and their perceptions of the advantages and disadvantages associated with the introduction of a jury system in court proceedings. All open-ended responses were meticulously reviewed to exclude those that were illegible, irrelevant, or indicative of inattentiveness or the influence of automated responses. The average number of characters in response to these two questions are 13 and 18 characters. The quality of the response are at least equivalent to the level of social media posts often used as observational data to evaluate public opinion. This screening process ensured the integrity and relevance of the data collected, allowing for a nuanced analysis of public attitudes towards lay participation in the judiciary.
- We employed one attention check and one validity check to ensure the reliability and integrity of our data. The attention check was strategically placed immediately prior to the treatment to verify that respondents were fully engaged and attentive to the treatment and the primary outcome variables of interest. This method aimed to enhance the accuracy of our findings by confirming participant attentiveness. Additionally, we operationalized a validity check through a question regarding the respondent's year of birth, asked both at the beginning and the end of the survey. Respondents providing inconsistent answers to their birth year were subsequently screened out. This approach was designed to further ensure the credibility of our data by eliminating responses from individuals who may not have been providing consistent or reliable information.

A.2.2 Preference Falsification and Experimenter Demand Effect Concerns

We acknowledge the concerns out of preference falsification and experimenter demand effect. Although we include direct questions on different levels of government and judicial branches, we mainly focus on the treatment effect on the changes on institutional trust. The level of preference falsification pre and post treatment should be constant, so the average treatment effect should not be affected by preference falsification.

In addition, our survey methodology emphasizes anonymity, explicitly avoiding the collection of any personally identifiable information from participants. To address potential concerns related to political apprehension, the consent form includes a comprehensive con-

confidentiality clause, which states: “All records of this study will be treated confidentially. Your responses will be kept confidential, and in any reports we may publish, we will not include any information that could identify you. Research records will be securely stored in locked filing cabinets and/or on password-protected computers. Only the research team will have access to your data.” This measure is intended to mitigate fears associated with political repercussions.

Based on the fieldwork, we did not find any evidence that this topic is politically sensitive. In fact, our empirical findings suggest that there is little public knowledge on this matter. We failed to identify any self-censorship out of fear.

In the appendix of our study (Figure S2), we present baseline levels of trust towards various tiers of courts and government. The findings illustrate that trust levels in central, provincial, and local courts and governments exhibit a descending order, with respective scores of 8.6, 8.1, and 7.6 on the scale of 10. Our measure is between the conservative measures by Carter, Carter and Schick (2023) and the conventional wisdom of 90% level trust of government.

In addition, Table S1 shows that treatment effect of institutional trust. We do not find any statistically significant effect of any treatment on institutional trust in all levels of courts and governments. If experimenter effect is at place, we would find statistically significant effect of our treatment for institutional trust. The null effect strengthen our confidence that we do not consider preference falsification as a critical threat to the validity of the empirical findings.

Table S1: Treatment Effect on Institutional Trust

	<i>Dependent variable: Treatment Effect on Institutional Trust</i>					
	Supreme Court	Provincial Court	Local Court	Central Govt	Provincial Govt	Local Govt
	(1)	(2)	(3)	(4)	(5)	(6)
Trust in Supreme Court	0.80*** (0.01)					
Trust in Provincial Court		0.80*** (0.02)				
Trust in Municipal Court			0.82*** (0.02)			
Trust in Central Government				0.76*** (0.02)		
Trust in Provincial Government					0.76*** (0.02)	
Trust in Municipal Government						0.81*** (0.02)
Treatment: Min	0.01 (0.07)	0.05 (0.09)	−0.002 (0.10)	−0.04 (0.10)	0.04 (0.09)	−0.003 (0.11)
Treatment: Mid	−0.14* (0.07)	−0.13 (0.09)	0.09 (0.10)	−0.04 (0.09)	−0.04 (0.09)	0.03 (0.10)
Treatment: Max	0.03 (0.07)	0.01 (0.09)	0.16 (0.10)	0.02 (0.10)	0.06 (0.09)	0.05 (0.11)
Constant	1.88*** (0.14)	1.73*** (0.15)	1.42*** (0.14)	1.68*** (0.17)	2.00*** (0.15)	1.41*** (0.16)
Observations	1,176	1,176	1,176	1,176	1,176	1,176
R ²	0.71	0.66	0.67	0.58	0.65	0.63
Adjusted R ²	0.71	0.66	0.67	0.58	0.65	0.63
Residual Std. Error (df = 1171)	0.89	1.06	1.20	1.16	1.06	1.30
F Statistic (df = 4; 1171)	714.22***	558.86***	595.09***	402.24***	544.47***	508.39***

Note:

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

A.3 Additional Empirical Analysis

Table S2: Covariate Balance Table

treat	Control			Min			Mid			Max			Test
Variable	N	Mean	SD	N	Mean	SD	N	Mean	SD	N	Mean	SD	
Birth Year	291	1983	13	283	1985	13	329	1986	11	273	1985	11	F= 4.531***
Female	291	47%	50%	283	47%	50%	329	53%	50%	273	48%	50%	F= 1.308
Live in Urban Areas	291	87%	34%	283	87%	34%	329	88%	32%	273	87%	34%	F= 0.138
Class (1~10)	291	5.2	2.2	283	4.9	2	329	5.3	2	273	5.4	2.1	F= 2.713**
Married	291	75%	44%	283	67%	47%	329	76%	43%	273	74%	44%	F= 2.067
Urban Hukou	291	76%	43%	283	73%	44%	329	82%	38%	273	80%	40%	F= 2.947**
Ethnicity: Han	291	95%	21%	283	96%	19%	329	97%	16%	273	93%	25%	F= 2.181*
CCP Membership	291	17%	37%	283	13%	34%	329	9.7%	30%	273	15%	36%	F= 2.506*

Statistical significance markers: * p<0.1; ** p<0.05; *** p<0.01

Table S3: Treatment Effect on Public Evaluation on Judicial Legitimacy and Transparency

	<i>Dependent variable:</i>		
	Judicial Legitimacy	Judicial Transparency	Socialist Democracy
	(1)	(2)	(3)
Treatment: Windowdressing	0.16 (0.13)	0.15 (0.13)	0.11 (0.13)
Treatment: Deliberation	0.12 (0.12)	0.13 (0.12)	0.07 (0.13)
Treatment: Voting	0.35*** (0.13)	0.26** (0.13)	0.24* (0.13)
Ruling	0.01 (0.04)	0.05 (0.04)	-0.01 (0.05)
Constant	8.21*** (0.14)	8.18*** (0.14)	8.23*** (0.14)
Observations	1,103	1,103	1,176
R ²	0.01	0.005	0.003
Adjusted R ²	0.003	0.001	-0.0004
Residual Std. Error	1.45 (df = 1098)	1.46 (df = 1098)	1.57 (df = 1171)
F Statistic	1.92 (df = 4; 1098)	1.30 (df = 4; 1098)	0.87 (df = 4; 1171)

Note:

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

Table S4: Treatment Effect on the Demand and Supply of Lay Assessors

	<i>Dependent variable:</i>	
	Civic Virtue: Jury Participation	Jury Legitimacy: Willingness to Have Jury
	(1)	(2)
Treatment: Windowdressing	0.13 (0.08)	0.14*** (0.04)
Treatment: Deliberation	0.07 (0.08)	0.18*** (0.04)
Treatment: Voting	0.14* (0.08)	0.15*** (0.04)
Constant	0.93*** (0.06)	0.71*** (0.03)
Observations	1,176	1,176
R ²	0.003	0.02
Adjusted R ²	0.0004	0.02
Residual Std. Error (df = 1172)	0.99	0.45
F Statistic (df = 3; 1172)	1.18	9.49***

Note:

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

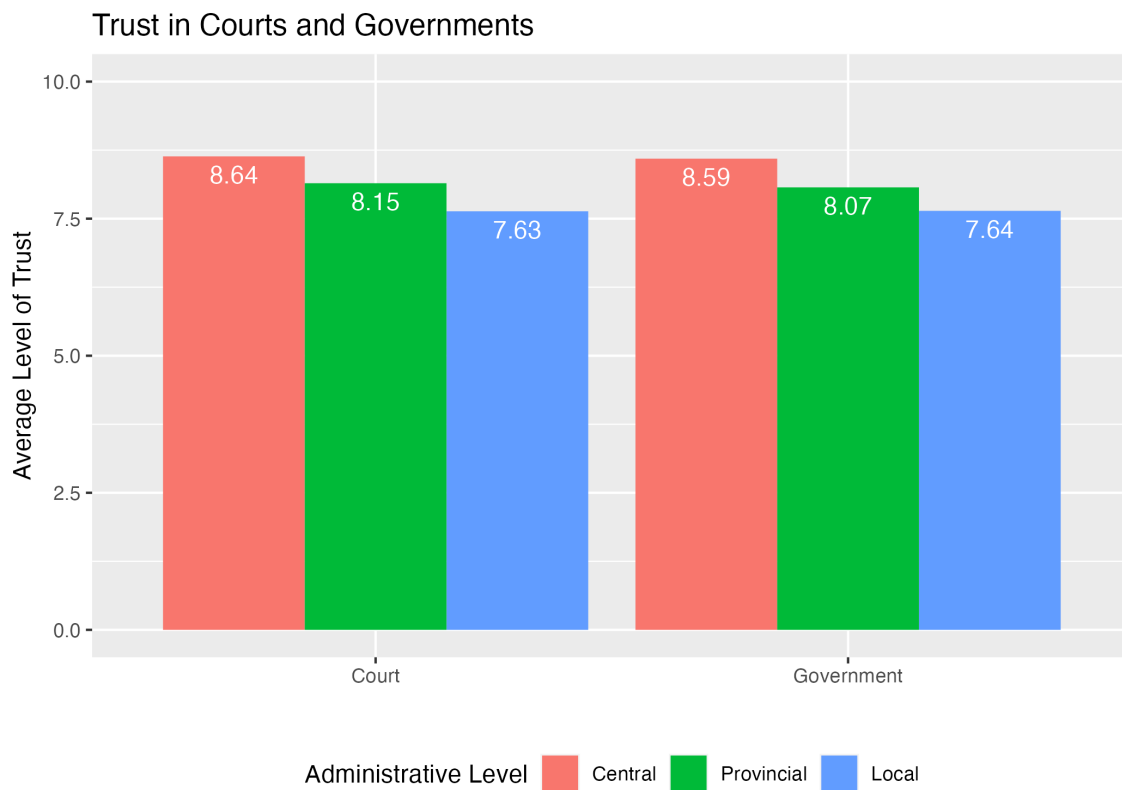


Figure S2: High Level of Trust in Courts and Governments