

Stereotypes in High Stake Decisions: Evidence from United States Circuit Courts

Daniel Chen
Toulouse School of Economics

Abstract: Attitudes towards social groups such as women and racial minorities have been shown to be important determinants of individual's decisions, but are hard to measure for those in policy-making roles. In this paper, we study attitudes towards gender in the United States judiciary. We propose a way to address the challenge that exploits a unique feature of our setting – the large corpus of written text that is available for appellate judges. Using the universe of published opinions in U.S. Circuit Courts 1890-2013, we construct a judge-specific measure of language slant by looking at the relative co-occurrence of words identifying gender (male versus female) and words identifying gender stereotypes (career versus family). We find that female and younger judges display a lesser degree of lexical gender slant. Lexical gender slant matters for judicial decisions: judges with higher lexical slant vote more conservatively on women rights' issues. In addition, lexically slanted judges influence workplace outcomes for female judges: more slanted judges are less likely to assign opinions to female judges, cite fewer female-authored opinions and are more likely to reverse lower-court decisions if the district court judge is a woman. Our results expose a possible use of lexical slant to detect decision-makers' stereotypes that predict behavior and disparate outcomes.