

Something's Got to Give: Gender Impact in the Singapore Legal Profession

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Like other jurisdictions, Singapore has made strides toward eliminating discrimination against women and creating gender parity in the workforce. In the legal profession, Singapore also faces challenges similar to other countries, including work-life balance and attrition of mid-career women lawyers. This article explores the impact of gender on women in the Singaporean legal profession via in-depth interviews. The article investigates the experiences of women lawyers with gender generally, but following the interviewees' lead, focuses on challenges and strategies regarding maternity and caregiving. The interviews suggest that for various reasons, maternity and caretaking responsibilities fell heavily on women interviewees, and that if a legal workplace imposes a heavy workload that is delivered in the office and goes into evenings and weekends, something has to give. However, that something need not be a woman's legal career. The interviews indicate that interviewees adopted a variety of strategies to create a sustainable environment, including professional relocation from one employment environment to another and varied support systems. The degree of success experienced by interviewees suggests that women could be retained in the legal workforce if they are provided with greater flexibility and support, via clear workplace policies together with conversations between lawyers and their employers regarding their use.

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† A/P, National University of Singapore Faculty of Law. The author gratefully acknowledges the participation and support from the anonymous interviewees, without whom this research would not have been possible. The author is also grateful for the information and support provided by the Law Society of Singapore Women in Practice Committee, and for the support of Yun-chien Chang and the Clarke Program in East Asian Law and Culture, Cornell University, including feedback from participants in workshop "Gender Equality in the Legal Profession in East Asia: Empirical Perspectives", sponsored by the Cornell International Law Journal and the Clarke Program in East Asian Law & Culture, and support from the Singapore Ministry of Education Academic Research Fund Tier 1 Grant R-241-000-185-11.

“...21st-century lawyers. . . want to marry, not the law, but a human being. They, too, want to work hard. They, too, want their work to have meaning. But they also want other things that human beings want: to have children, to build a home, to have a life outside the law.”¹

Adrian Tan, former President, Law Society of Singapore

“Who cares?”²

Margaret Thornton

Introduction

Margaret Thornton’s 2020 article regarding gender equality in the Australian legal profession begins with the provocative title, “Who cares?”³ The title asks both who is concerned about women in the profession, and who undertakes the caretaker responsibilities for which women have traditionally been responsible. Both of these concerns arise in the current research regarding women in the Singapore legal profession, and in the analysis that follows, the issue of care takes on central importance.

Research in many jurisdictions corroborates the attrition of mid-career women lawyers.⁴ Statistics reported by the American Bar Association show that although “women enter the profession in equal numbers to men, a process of attrition occurs so that they make up just 23 percent of partners and 19 percent of equity partners.”⁵ In the UK, large law firms hire more female lawyers than male at the trainee level, but there is a “massive drop-off” in female retention after the three-year post-qualification point.⁶ In Singapore it has been reported that more women than men have not renewed their practice certificate; among lawyers not renewing their practice certificate in 2005, approximately 53.19% (one-hundred) women and forty-six percent (eighty-eight) men had less than seven post-qualification years of experience (PQE), and this discrepancy increased in the mid-career category (seven to twelve years), which comprised

1. Adrian Tan, *Opening of the Legal Year 2022: Speech of President of the Law Society*, THE LAW SOCIETY OF SINGAPORE, ¶54, <https://law-society-singapore-prod.s3.ap-southeast-1.amazonaws.com/2022/01/Opening-of-Legal-Year-2022-Law-Society-Presidents-Speech-FINAL-1-3.pdf> [<https://perma.cc/B7MY-KFDG>].

2. Margaret Thornton, *Who Cares? The Conundrum for Gender Equality in Legal Practice*, 43 UNSW L. J. 1473 (2020).

3. *Id.*

4. See generally, Fiona M. Kay, Stacey L. Alarie & Jones K. Adjei, *Undermining Gender Equality: Female Attrition from Private Law Practice*, 50 L. & SOC’Y REV. 767, 767 (2016).

5. *Why Women Leave the Profession*, AMERICAN BAR ASSOCIATION (Dec. 2017), <https://www.americanbar.org/news/abanews/publications/youraba/2017/december-2017/aba-summit-searches-for-solutions-to-ensure-career-longevity-for/#:~:text=Statistics%20show%20that%20although%20women,19%20percent%20of%20equity%20partners> [<https://perma.cc/4YVY-GW93>].

6. Varsha Patel, *The Gender Cliff Edge: The Point Where the Legal Industry Loses Female Talent*, LAW.COM INTERNATIONAL (May 31, 2022), <https://www.law.com/international-edition/2022/05/31/the-gender-cliff-edge-the-point-where-the-legal-industry-loses-female-talent/> [<https://perma.cc/B2S9-DQJY>]; in the U.S. see generally, Kay, *supra* note 4.

fifty-nine percent (forty-two) women as opposed to forty-one percent (twenty-nine) men.⁷ A 2001 Ministry of Law census revealed that a majority of lawyers who left practice with law firms chose to remain in law-related positions, but women accounted for twenty-five percent of those not working at all, almost twice the percentage of men not working (thirteen percent).⁸ As of 2020, the Law Society of Singapore (“Law Society”) reported that Singapore lawyers were comprised of 3,413 men and 2,542 women.⁹

Why are women leaving the legal profession? There are no doubt multiple factors at work across different jurisdictions, but a study of lawyers in California and Washington indicated that work-family conflict was the factor associated with the highest likelihood of leaving the profession among women lawyers.¹⁰ Another factor may be disparate contributions from men and women regarding home and caretaking responsibilities. In 2015, women in Canada spent an average of 1.5 hours more per day on unpaid childcare and housework than men.¹¹

This article focuses on the impact of gender on women practicing law in the Singapore legal profession. Like many countries, Singapore has made strides toward gender parity in many fields.¹² As one of Southeast Asia’s most affluent countries, it is ranked the safest place for women to live in the Asia-Pacific region.¹³ Singapore regularly scores well on major global indices that consider gender equality levels, such as the Human Development Index¹⁴ and the Global Peace Index;¹⁵ Singapore’s high safety rating is “attributed to laws protecting women from marital rape, domestic abuse and sexual harassment.”¹⁶ Singapore acceded to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”) on October 5, 1995, and the Convention came into force for Singapore on November 4, 1995.¹⁷

7. MINISTRY OF LAW (Sing.), REP. OF THE COMM. TO DEVELOP THE SING. LEGAL SECTOR: FINAL REP., ¶ 3.36 (2007) [hereinafter 2007 Report].

8. *Id.* at ¶ 3.44.

9. The Law Society of Singapore, *Annual Report 2020*, 45, <https://law-society-singapore-prod.s3.ap-southeast-1.amazonaws.com/2020%2F10%2FAnnual-Report-2020-2.pdf> [https://perma.cc/CDN4-CFF4] [hereinafter *Annual Report*].

10. Justin Anker & Patrick R. Krill, *Stress, Drink, Leave: An Examination of Gender-Specific Risk Factors for Mental Health Problems and Attrition Among Licensed Attorneys*, 16 (2021).

11. Melissa Moyser & Amanda Burlock, *Time Use: Total Work Burden, Unpaid Work, and Leisure*, in WOMEN IN CANADA: A GENDER-BASED STATISTICAL REPORT 3 (2018), <https://www150.statcan.gc.ca/n1/pub/89-503-x/2015001/article/54931-eng.htm> [https://perma.cc/KX4W-GURF].

12. *White Paper on Singapore Women’s Development*, 19, <https://www.scwo.org.sg/wp-content/uploads/2022/03/White-Paper-on-Singapore-Womens-Development.pdf> [https://perma.cc/4ZFZ-L8FJ].

13. Meg Hocking, *Southeast Asia: Gender Parity is Not Gender Equality*, THE INTERPRETER (Apr. 28, 2022), <https://www.lowyinstitute.org/the-interpreter/southeast-asia-gender-parity-not-gender-equality> [https://perma.cc/3YEP-2MUE].

14. *Human Development - Country Rankings*, THEGLOBALECONOMY.COM, https://www.theglobaleconomy.com/rankings/human_development/ [https://perma.cc/PGT2-62ED].

15. Institute for Economics and Peace, *Global Peace Index 2023*, 8, <https://www.visionofhumanity.org/wp-content/uploads/2023/06/GPI-2023-Web.pdf> [https://perma.cc/8SCZ-S8TQ].

16. Hocking, *supra* note 13.

17. Ministry of Community Development, Youth and Sports, *Singapore’s Fourth Periodic Report to the UN Committee for the Convention on the Elimination of All Forms of Discrimination*

CEDAW, Article 5(a) requires State Parties to take all appropriate measures to “modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women,” while Article 5(b) requires State Parties to “ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.”¹⁸

Like other countries, Singapore also continues to face challenges regarding gender parity, and in the legal profession, the issue has arisen in the context of long-standing concerns regarding the attrition of mid-level lawyers generally. In 2007, the Final Report of The Committee To Develop The Singapore Legal Sector (“2007 Report”) noted that the “attrition rate is much higher in young lawyers with less than seven years post-qualification experience compared with [seven to twelve years and more than twelve years in practice].”¹⁹ In his remarks at the Opening of the Legal Year 2014, the President of the Law Society observed that three out of four local lawyers will leave practice within ten years of commencement.²⁰

Why are the mid-level lawyers leaving? The mass exodus of younger lawyers has been discussed over the years in Singapore, but normally in a non-gendered manner. The 2007 Report took note of earlier research, including a 1998 survey of Law Society members which indicated the highly stressful nature of legal work, “with 71.4% working between five and a half days to seven days per week.”²¹ A 2001 survey by the Law Society indicated that seventy-one percent of respondents cited “stress due to pace of work and workload” as the most significant challenge faced in practice.²² Other factors included “lack of social life” and “difficulty in balancing work and family life.”²³ The Ministry of Law conducted a Census of the Legal Industry and Profession in November 2001, which corroborated the fact that:

significant numbers of young lawyers were leaving the profession due to discontent with long working hours, heavy workload and incommensurate remuneration. Some left the profession altogether, although the majority of lawyers stayed in the wider legal services industry as in-house legal counsel or as lawyers in offshore or overseas law firms.²⁴

Against Women, U.N. Doc. CEDAW/C/SGP/4 (Apr. 3, 2009), <https://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.SGP4.pdf> [<https://perma.cc/K8B9-2LUM>].

18. G.A. Res. 34/180, Convention on the Elimination of All Forms of Discrimination Against Women (Dec. 18, 1979), <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> [<https://perma.cc/9M6H-S6DJ>].

19. 2007 Report, *supra* note 7, at ¶ 3.38.

20. Ian Poh, 3 Out of 4 Local Lawyers Leave Practice in the First 10 Years of Practising: LawSoc President, STRAITS TIMES (Sing.), Jan. 3, 2014.

21. 2007 Report, *supra* note 7, at ¶ 3.40.

22. *Id.* at ¶ 3.41.

23. *Id.*

24. *Id.* at ¶ 3.42.

While the issue of work-life balance has occasionally been raised in the context of gender,²⁵ many articles continue to discuss the “mass resignation” in non-gendered terms.²⁶ However, in March 2005, Singaporean lawyer Malathi Das observed that at some point, most women lawyers may have “family commitments in the form of children, spouses or partners, and aging parents,” which may result in women disrupting “their participation in the labour market . . . hence reducing their years of service and experience.”²⁷ Ms. Das also observed that hourly billing requirements work against women, because women with family responsibilities have more difficulty fulfilling the long working hours required to meet billing targets, and the system does not reward efficiency.²⁸ In 2018, Ms Indranee Rajah, Senior Minister of State for Law and Finance, observed that while some of the same stressors impacted both men and women, “some challenges also fall more on women, who are the primary caregivers in most families.”²⁹ These challenges include household matters and bringing up young children, especially between the ages of one and twelve, because twelve is the age when school children in Singapore take the all-important Primary School Leaving Exams that impacts many educational opportunities.³⁰

This article investigates how gender impacts women practicing law in Singapore in a variety of legal work environments, including private practice in law firms of different sizes, in-house positions, and positions with non-governmental organizations (NGOs). In some contexts, legal practice refers only to the practice of law in a law firm, but as this research examined the different kinds of work environments in which women lawyers moved, legal practice is understood here more broadly as the use of legal knowledge and skills in the workplace by someone who is or has been admitted to practice law. In this research, the phrase “in-house” position will also be used broadly, to refer to lawyers working as internal legal counsel for a company as well as working for companies in positions that require their legal expertise. Discussion of other positions arose in the interviews but to a lesser degree, and although

25. See Malathi Das, *Gender in Justice – Women in the Law in Singapore*, SING. L. GAZETTE (Oct. 5, 2005), <https://v1.lawgazette.com.sg/2005-10/Oct05-feature3.htm> [<https://perma.cc/C9BH-4WTQ>]; Indranee Rajah, Senior Minister of State for Law and Finance, Speech at the Launch of the Law Society of Singapore’s Women In Practice Task Force, (Mar. 7, 2018) (transcript available at <https://www.mlaw.gov.sg/news/speeches/speech-by-sms-indranee-law-society-women-in-practice-launch-event> [<https://perma.cc/AH2H-AC5A>])

26. See, e.g., *Becoming A Lawyer Losing Its Lustre In Singapore*, MALAY MAIL, (Mar. 6, 2016), <https://practicesource.com/becoming-a-lawyer-losing-its-lustre-in-singapore/> [<https://perma.cc/2Z9Y-GWJK>]; Freny Patel, *Taking the Plunge*, CHINA BUS. L. J. (Jan. 20, 2023), <https://law.asia/legal-workforce-great-resignation/> [<https://perma.cc/2Q5C-4MT2>]; and Low Youjin, *The Big Read: Burnt Out and Disillusioned, Young Lawyers Head for the Exit - and the Industry is Worried*, CHANNEL NEWS ASIA (Jan. 24, 2022), <https://www.channelnewsasia.com/singapore/lawyers-singapore-burn-out-great-resignation-wave-2453276> [<https://perma.cc/PMG2-FDPQ>].

27. Das, *supra* note 25.

28. *Id.*

29. Indranee Rajah, Senior Minister of State for Law and Finance, Speech at the Launch of the Law Society of Singapore’s Women In Practice Task Force, ¶ 6(a), (Mar. 7, 2018) (transcript available at <https://www.mlaw.gov.sg/news/speeches/speech-by-sms-indranee-law-society-women-in-practice-launch-event> [<https://perma.cc/9U7Y-KPMA>])

30. *Id.* at ¶ 6(b).

the research did not target positions in the courts, one interviewee shared her experience with the Singapore courts.

Law firms in Singapore are commonly understood to be either local or international, although for the larger local law firms or those which have teamed up with international firms, the distinction is somewhat dated.³¹ Local Singapore law firms are commonly characterized as “Small,” “Medium,” and “Large.” Small refers to a firm with one to five lawyers, Medium refers to six to thirty lawyers, and Large refers to thirty-one or more lawyers.³² Small firms form the majority of law firms, over 74.8% of the firms in Singapore as of August 31, 2020 (535 out of 715 firms).³³ There were twenty law firms in the Large firm category as of 2020; four of those firms, Allen & Gledhill, Drew & Napier, WongPartnership, and Rajah & Tann, have been referred to as the “Big Four,”³⁴ and with the addition of Dentons Rodyk, they are now referred to as the “Big Five.”³⁵ These firms typically have between 300-400 lawyers.

The distinction between local law firms and international law firms is reflected in Singapore regulation via the terms Singapore Law Practice³⁶ and Foreign Law Practice.³⁷ Singapore law practices are firms which are able to provide legal services in all Singapore-law related areas.³⁸ Foreign law practices are allowed to provide foreign law advice but are restricted to certain areas of Singapore law advice³⁹ and limited to particular dispute venues, such as international commercial arbitration and the Singapore International Commercial Court.⁴⁰ Examples of international firms include Bryan Cave Leighton Paisner, Dechert, DLA Piper, Freshfields Bruckhaus Deringer, and

31. Gary Low, *A Globalised Legal Profession*, in *THE LEGAL SYSTEM OF SING.: INSTITUTIONS, PRINCIPLES AND PRACTICES* 199, ¶ 6.46 (Gary Kok Yew Chan & Jack Tsen-Ta Lee eds., 2015).

32. *Understanding the Types of Law Firms in Singapore*, LEXMATCH, (Jun. 15, 2020) [hereinafter *Law Firms*].

33. *Annual Report*, *supra* note 9, at 45.

34. *Law Firms*, *supra* note 33.

35. K.C. Vijayan, “Rising stars named among the best law firms in 2023 list” (24 November 2022) *The Straits Times*.

36. *Per the Legal Profession Act 1966*, Revised Edition 2020, s. 2(1) (Sing.) [hereinafter *Legal Profession Act*], a “Singapore law practice” means —

(a) a law firm;
(b) a limited liability law partnership; or
(c) a law corporation.”

37. *Per the Legal Profession Act*, *supra* note 37, s. 2(1), a “foreign law practice” means a law practice (including a sole proprietorship, a partnership or a body corporate, whether with or without limited liability) providing legal services in any foreign law in Singapore or elsewhere but does not include a Singapore law practice.”

38. *Types of Licence or Registration*, MINISTRY OF LAW, <https://www.mlaw.gov.sg/law-practice-entities-and-lawyers/licensing-or-registration-of-law-practice-entities/types-of-licence-or-registration/> [https://perma.cc/VZ3Q-F97R] [hereinafter *Types of Licence*].

39. *See Oral answer by Minister for Law, K Shanmugam, to Parliamentary Question on Foreign Law Firms*, MINISTRY OF LAW (Oct. 21, 2013), ¶4, <https://www.mlaw.gov.sg/news/parliamentary-speeches/oral-answer-by-minister-for-law-on-foreign-law-firm/#:~:text=Specific%20areas%20of%20domestic%20law,papers%20in%20its%20own%20name> [https://perma.cc/5VGD-BAED] (“Specific areas of domestic law work, such as litigation, criminal law, family law and conveyancing, are “ring-fenced” and can only be handled by Singapore law firms, through lawyers called to the Singapore Bar.”).

40. *Types of Licence*, *supra* note 39.

Herbert Smith Freehills.⁴¹ This article focuses on the impact of gender on women practicing law in the Singapore legal profession, and almost all of the interviewees have practiced in Singapore law practices, or held an in-house position or worked with NGOs in Singapore. However, the group of interviewees did include women with practice experience in international law firms, because international law firms fill some of their positions with Singapore lawyers, and because the shift from a Singapore law practice to an international law firm appears to have made legal practice more sustainable for women in some cases (see Section II).

Position and ranking of seniority is done somewhat differently in Singapore and international law firms. In Singapore law firms, lawyer positions start with junior associate and progress to senior associate, salary partner, and equity partner. In international law firms there are no formal distinctions among associates, and promotions after that lead to counsel, salaried partner, and equity partner (I3).⁴² In Singapore law firms, associates normally reach partner levels in 6.5 to seven years (I3).⁴³

Maternity leave, caretaking responsibilities, and flexible work arrangements or work from home schemes were a major subject of discussion among interviewees. In Singapore, working mothers are eligible for sixteen weeks of paid maternity leave if they meet the required criteria.⁴⁴ As of January 17, 2017, eligible working fathers are entitled to two weeks of paid paternity leave funded by the Government.⁴⁵ Fathers may also be able to take another four weeks of shared parental leave.⁴⁶

I. Research Focus and Interview Methodology

The literature discussed above provides corroboration for the position that in Singapore and elsewhere, women experience gender-related difficulties in legal practice. Empirical research for this article therefore focused on how women experienced the impact of gender and the strategies they used to manage those impacts. To explore women's experiences in Singapore, this research conducted anonymous, semi-structured qualitative interviews with legally trained professionals in Singapore.⁴⁷ All interviewees self-identified as women and were working in positions that required a legal background. Interviews were anonymous to protect interviewee privacy and encourage

41. *Law Firms*, *supra* note 33.

42. References to the interviews are provided in text; interviewees are identified by interview number, e.g. "I3" refers to Interviewee 3.

43. *Id.*

44. *Maternity Leave Eligibility and Entitlement*, MINISTRY OF MANPOWER, <https://www.mom.gov.sg/employment-practices/leave/maternity-leave/eligibility-and-entitlement#:~:text=You%20are%20eligible%20for%2016,the%20birth%20of%20your%20child> [https://perma.cc/DT7D-QR8N].

45. *Paternity Leave*, MINISTRY OF MANPOWER, <https://www.mom.gov.sg/employment-practices/leave/paternity-leave#:~:text=Eligibility,mother%20between%20conception%20and%20birth> [https://perma.cc/5HWB-8YKV].

46. *Id.*

47. Interviews were limited to individuals who could give legal advice, and they are referred to here as "lawyers."

candor. The topic guide for interviews was generated initially from published interviews done by others, as well as earlier studies of gender and legal practice, from Singapore and international materials. The topic guide was then refined throughout the interviews. The interviews were subject to and complied with restrictions from the author's university Internal Review Board and carried out with their approval.

Interviews were conducted from March to November 2023. The recruitment strategy was primarily snowball sampling, as the target populations would otherwise be difficult to locate.⁴⁸ Exponential non-discriminative snowball sampling was used, in which the subjects recruited to the sample group were asked to provide referrals. Each new referral was explored until additional interviewees were no longer generated. Interviews began with Singapore practitioners known to the author, and these individuals were asked for recommendations of other persons to interview.

A second source of interviewees was generated when the author contacted potential interviewees who had written articles or given interviews regarding gender and the Singapore legal profession. Lastly, a Committee of the Law Society of Singapore focused on women in legal practice allowed the author to attend several meetings, and members of that committee assisted the author in identifying persons who were amenable to an interview.

Snowball sampling methodology is non-random⁴⁹ and does not support a claim that the data is representative; also, the number of interviews was not large ($N = 16$). However, measures were taken to increase the representativeness of the interview subjects. To examine the experience of a broader spectrum of practitioners, the interviews purposively sampled different age groups, types of legal work environments, and levels of seniority. A potential problem with snowball sampling is that oversampling a particular network of peers could lead to bias, although the techniques used to identify a variety of interviewees should help to correct for any oversampling error. As the current research interviewed women who were working in legal positions, future research could target women working in non-legal positions or not working.

The qualitative interviews conducted for the article were suited to the goal of the research, which was to explore the experience of women practitioners in Singapore. The interviews were analyzed using a mixed narrative-thematic approach which sought to balance individual interviewee narratives with cross-cutting themes. The article includes short individual narratives regarding interviewee circumstances and work experience, an approach based on the assumption that for optimal insight into interviewees' encounters with the impact of gender in the legal profession, interviewees' experiences and reflections should not be taken out of the overall context of their professional experiences. The article provides interviewees' simplified background narratives in Table 1 below, which makes some of the main experiences informing interviewee perspectives, such as different work experiences, more accessible. Section II reviews and analyzes the interview

48. See Robert M. Lawless et al., *Empirical Methods in Law*, 126 (2ded. 2016).

49. *Id.*

results and identifies themes arising across interviews. The experience of some interviewees is also described in more detail in Section II to illustrate a certain pattern of experience, such as large law firm, small law firm, or NGO experience; corroborating experiences of other interviewees are incorporated by noting that Interviewee’s number. The level of detail in all narratives is calibrated to provide some background information without compromising interviewee anonymity.

Sixteen in-depth interviews were conducted for the article, as reflected in Table 1.

Table 1: Brief Interviewee Background Information

| Interview # | Age Group: 21-30, 31-40, 41-50, 51-60, 61+ Post-Qualification of Experience (PQE): 1-5, 6-10, 11-20, 20+ | Current Legal Work Environment | Current Practice Area and Level of Seniority (if available) | Short Work Experience Narrative |
|-------------|---|--------------------------------|--|--|
| 1 | Age Group: 41-50 11-20 PQE | Private Practice | Disputes Equity Director | Interviewee 1 (I1) currently practices law in one of the larger law firms in Singapore. She has been in a large firm since the late 2000’s. |
| 2 | Age Group: 31-40 6-10 PQE | In-House | Disputes In-House Senior Legal Counsel | Interviewee 2 (I2) worked as an Associate in Disputes in the Singapore office a large international law firm, and is currently In-House. |
| 3 | Age Group: 21-30 1-5 PQE | Private Practice | Corporate M&A and Capital Markets International law firm, Associate | Interviewee 3 (I3) worked in one of Singapore’s Big Five law firms for a few years, and then joined the Singapore office of an international law firm. |
| 4 | Age Group: 51-60 20+ PQE | Private Practice | Civil Litigation and Matrimonial Singapore Law Firm, Owner | Interviewee 4 (I4) did litigation in two small Singapore law firms for a few years, took some time off, and then started her own firm. |
| 5 | Age Group: 61+ 20+ PQE | Private Practice | Corporate Managing Director, her own law firm | Interviewee 5 (I5) has had a long career in legal practice. She worked in larger law firm environments doing corporate work, first in a Singapore big Five law firm, where she reached equity partner, and then and currently in her own medium size law firm. |

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| 6 | Age Group: 31-40 20+ PQE | NGO | ADR Upper Management | Interviewee 6 (I6) held a position in the Singapore courts, after which worked in an organisation. She is currently holding a management position in a Singapore NGO. |
| 7 | Age Group: 31-40 6-10 PQE | NGO | Litigation | Interviewee 7 (I7) engaged in litigation in private practice before taking on her current position doing litigation with managerial responsibilities in a Singapore NGO. |
| 8 | Age Group: 31-40 6-10 PQE | Private practice | Litigation and Probate Senior Associate | Interviewee 8 (I8) has been with the same small firm since she started, doing probate related matters and a variety of litigation including criminal matters. |
| 9 | Age Group: 21-30 1-5 PQE | Private Practice | Corporate/ M&A Senior Associate | Interview 9 (I9) worked for two Singapore Big Five firms. She did litigation at the first firm as an Associate and switched to corporate and M&A at the second firm, where she currently is. |
| 10 | Age Group: 41-50 6-10 PQE | NGO | Representation and advice | Interviewee 10 (I10) worked at two small firms and reached the level of senior associate. This was followed by an in-house role, after which she joined her current NGO. |
| 11 | Age Group: 21-30 1-5 PQE | NGO | Representation and advice | Interviewee 11 (I11) has worked for one NGO employer, doing litigation and other tasks. |
| 12 | Age Group: 31-40 11-20 PQE | NGO | Representation and advice | Interviewee 12 (I12) worked for a Singapore Big Five law firm for a few years, then moved a medium law firm, followed by a period of time off. She then took up her current position with an NGO. |
| 13 | Age Group: 41-50 11-20 PQE | Government | Representation and Advice | Interview 13 (I13) worked for a Big Five Singapore law firm and was promoted to Senior Associate; this period included a secondment. She then moved in-house for a number of years where she achieved a leadership level position, and had recently moved to a government position. |

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| 14 | Age Group: 31-40 11-20 PQE | In-House | Advice | Interviewee 14 (I14) did finance and banking for a Singapore Big Five law firm for a few years, then moved to a Singapore-foreign law firm tie up where she did M&A and finance. She then moved to her first in-house position, and then to her current position, also an in-house position. |
| 15 | Age Group: 31-40 6-10 PQE | In-House | Law Firm | Interviewee 15 (I15) had worked for 1-2 years each for two different medium Singapore law firms, followed by the Singapore office of a foreign law firm. She then moved to her first in-house position, followed a second in-house position where she currently holds an upper-level management position. |
| 16 | Age Group: 31-40 1-5 PQE | In-House | Law Firm | Interviewee 16 (I16) worked for a medium sized Singapore law firm. She then moved to different in-house positions, including her current in-house position where she has achieved an upper-level management position. |

The narrative-thematic approach to interview analysis yielded two kinds of results. First, because a constellation of background and experiential factors was retained for interviewees, it is possible to say that over a variety of different legal workplaces and levels of seniority, there was consistent reporting of particular points. For example, interviewees uniformly reported that they did not perceive gender-based differences in most areas of legal employment, such as working conditions, development and training, and formal or informal feedback. However, interviewees uniformly reported observations of mid-career female attrition, due primarily to maternity and caretaking responsibilities, as well as different strategies to stay in the workplace over time, such as changing jobs and different approaches to caretaking responsibilities.

The second kind of result was that no workplace was immune from gender-related issues, and none of the strategies that interviewees used to navigate work and life challenges worked for all interviewees. For example, many interviewees relayed that a long-term practice in Singapore law firms was less sustainable, but one interviewee maintained a law firm practice together with caretaking responsibilities by creating an extensive support network in and outside of the law firm, and by giving up or delegating some aspects of law firm work and family needs (I1). Other interviewees shifted jobs, from Singapore law firm to in-house positions or international law firms. In the Singapore

context, the ability to “hop” to another practice environment appears to have helped some women make legal practice more sustainable. The availability of hopping to a position in an international law firm is a little unusual, and it is explained by the fact that Singapore is a small city-state that has encouraged law firm development, including international firms, as a vehicle for economic growth.⁵⁰ The potential for mid-career hops has existed for some time, but the market changed after COVID, leading to a “great migration” to international firms, including direct hires out of Singapore law schools, positions which had previously been filled only through lateral hiring (I3). However, even within the article’s relatively small set of interviews, not all interviewees had a positive experience in an international law firm, and there were some very positive experiences in small and large Singapore law firms. It is therefore suggested that legal work environments be viewed as comprising different constellations of factors which support or complicate a woman’s ability to sustain a legal career over time, without characterizing one work environment as the problem and other work environments as the solution.

II. Women’s Experiences of Gender-Related Challenges and Strategies Regarding the Practice of Law in Singapore

Interviewees generally did not report what they considered to be systemic workplace discrimination based on gender, such as differences in pay, working conditions, or training and advancement opportunities. The only exception came from a senior lawyer who had experienced an environment that does not exist today (I5). There were however reports of gender stereotypes, and a number of interviewees reported instances of men using diminutives when speaking to women. For example, I2 has heard senior male lawyers say, “My girl will get that to you,” “girl” referring to an adult female associate (I2), and I12 reported that clients had said “Little girl, do you know what you’re doing?” (I12). In her position in the Singapore courts, I6 and some of her colleagues would have been more junior than some of the older lawyers coming before her, and there were one to two incidents where an older lawyer asked I6 how old she was. Within the interviewee pool, two interviewees had experienced this, and they never heard of a male colleague being asked a similar question (I6, I11). I2 encountered some disparaging remarks related to gender from opposing counsel, but they were limited because she was from a large, prestigious firm that had clout. Despite being lead counsel in a litigation matter, I7 reported that opposing counsel sometimes directed requests to her male junior, something that never occurred if her junior was a woman (I7). In this vein, I14 relayed that after advising a client, some clients asked what her male supervising partner would say. I16 also observed that while working as a younger female associate in a Singapore law firm, there were occasions where she would make a recommendation that was not taken seriously, but when a male member of the team made the recommendation, it was taken seriously. The combination of youth and relative inexperience seem to play a role in these incidents,

50. Low, *supra* note 32, at ¶6.7-6.25.

but interviewees reported that men either did not have these experiences or had them to a far lesser extent.

A few interviewees reported differential assignment of cases and perhaps subject matter practice areas based on perceptions of gender-based abilities. I1 felt that her choice of legal practice area was influenced by gender, and she declined a position with a construction law team because she was told by a partner in the firm that it was a boy's club and she would not progress (I1). I4 reported that in one law firm, a woman partner had assigned her the matrimonial cases because she was a woman with more empathy (I4), and a few interviewees noted that clients may seek out a female lawyer in matrimonial matters (I4, I8). Regarding mediation, I6 reported that in the commercial context, most mediators are men (I6), while in family mediation, women play a more dominant role (I6).

There was agreement among some interviewees that women were perceived to be more detail-oriented, and therefore better suited to a corporate practice, while men were seen as more aggressive and better suited to litigation (I1, I7, I9). I9 switched from litigation, which she could not see herself continuing, to corporate and M&A work, because litigation was more egoistic; there may be very aggressive females, but in fact there were more males in litigation (I9). I3 also observed that in general, litigation was more aggressive, and there were more men in the field (I3, I9). I4 practiced civil litigation in small firms throughout her career, which she said was more male dominated (I4), perhaps because men see themselves as fighters. This view was also at work in defense work (I7). Here, clients may look for people who will "fight" for them (I1). Male criminal defendants might also demonstrate hesitation about a woman's commitment to defending a man accused of sexual misconduct, or be embarrassed to share details of sexual encounters (I8). Some interviewees reported that women practitioners who are more assertive are seen as less womanly (I6) or unattractive (I11).

To the extent that clients, as opposed to legal supervisors, express doubt about a woman's ability or presentation of strength, I1 observed that these views can come from a different background where clients do not deal with women in their line of work. I1 noted that some people from a certain generation cannot imagine working with a woman. In the areas that generate disputes work, such as oil and gas, and construction, the top management of client companies and most of the workforce is male. I1 recalled one instance where a client objected to her, and her boss backed her up, in part because the client was not asking for a more senior lawyer, and the hearing was a preliminary hearing. I1 also recalled another important matter, where the supervising partner had I1 work on the file to make sure the client was comfortable with her, so that when the time came for a hearing, the client did not object: "It takes a lot of planning from the top to make sure that these things are put in place [so] that people get the opportunities and they get to develop relationships with the client in a certain way" (I1).

Stereotypes occasionally emerged in other interviewee experiences. I4 appeared in a matrimonial matter for a male client in a small hearing in which she was the only woman; the judge, the opposing counsel, and security officer were all male. At one point the discussion turned to the female spouse,

and the question was whether there had been a continuation of the marital relationship because I4's client, the husband, had gone to give the wife money every month. I4's client had stated that there were no sexual relations, but there was laughter about it in the hearing among the men, and crude phrases were used to describe the wife's possible activities (I4).

A. Gender Distribution among Lawyers

The main shared observation across interviews was that there were fewer women in higher positions in larger law firms, to greater and lesser degrees. Smaller law firms and NGOs had more equal gender distributions.

Interviewees in smaller firms reported fairly even gender distributions among lawyers, and while interviewees in larger law firms generally reported that lower-level lawyers were distributed in a fairly even manner along gender lines, as cohorts progressed and were promoted, it became clear that there were fewer women. A variation on this theme came from I3, who worked in one of Singapore's Big Five law firms for a few years and then joined the Singapore office of an international law firm. When she joined one of the Big Five law firms, there were three times the number of female associates compared to male associates (I3), but as the level of seniority increased, there was female attrition. Below equity partner, there was one male to two females, but for equity partners, the distribution of female and males was nearly equal (I3). This might appear to be gender parity at the equity partner level, but given the larger number of women who started out in corporate work, these numbers suggest gender disparity in promotions to equity partner. The gender distribution at I3's international law firm was pretty even (I3), although there were more females among the associates, approximately sixty-five percent. It was noted by I5, the most senior interviewee, that gender imbalance had improved over time but was still apparent, particularly in a practice group such as Disputes, and at the senior associate or junior partner level there were more males than females.

I1 considered herself lucky to be in her cohort and age group in a large Singapore law firm, because when she first started working as an associate, there was only one-woman partner in the disputes department and she did not have a family (I1). I1's view was that the firm was not denying promotion to women, but that women either stayed on with the request to not be partner, or they left the firm or left employment altogether. Other firms were similar at that time, so the image of a female disputes partner at that point was single with no children. I1 observed that the distribution of women at the top has become better, but in court it is apparent that most practitioners are still male. I1 also observed that there are many females on law firm teams, but the lead counsel is still primarily male, a point corroborated by I2, who observed that most clients had no issue with women playing a supporting role in disputes representation, but that they might expect the lead counsel to be male (I2).

Regarding gender distribution in her position with an international law firm, I2 observed an equivalent distribution of men and women in the trainee and senior associate levels, but there was never a female disputes partner during her time. Women were promoted up to the level of counsel, but the equity partners were all men. The complete lack of women at partnership level

in I2's international law firm disputes department was unusual, but I2 observed that in general, there were very few women at the top, and only "rarely" did they have children. I14's experience in a Singapore Big Five firm was also that the distribution at lower levels was equivalent, but at equity partner it was thirty percent women and seventy percent men. I14 recalled that at her Singapore law firm, all members of her batch were promoted to partner except for a female colleague; this colleague had children earlier and at that time had three children, so she was at least one year behind her peers, and when she was not promoted, she left the firm.

I4 did litigation in two small Singapore law firms for a few years, took some time off, and then started her own firm (I4). The first two law firms were small, places where everyone does most things, and there was no difference in opportunities based on gender. In the first law firm, there were seven lawyers, three women and four men; the women lawyers were married with children. The second law firm was headed by a woman. There were five lawyers, including one female partner and one male partner, and the female partner was married with children. There were three associates with a mixed gender distribution. In her own law firm, there are two women and previously one male associate, now a female associate (I4). In all the small law firms I4 worked in, there were female partners, and most women were married with children.

I5 was the most senior interviewee. She had spent long stints in law firms doing corporate work, first in a Singapore Big Five law firm, where she reached equity partner, and then and currently in her own law firm, where she is Managing Director (I5). When she started out, the legal service did not want to take women (I5), and there were no women judges until later (I5). The only option for women was legal practice. In time, more women were taken up (I5). By the time I5 left the Singapore law firm, about 1/3 of the associates were women, and three partners out of roughly twenty were women (I5).

When I5 left the law firm, she wanted to set up a boutique firm (I5). Like some other interviewees, I5 engaged in a hop from one work environment to another; she did this by leaving the Singapore law firm to start her own firm, in part because she wanted to implement improvements at the first law firm but was not able to (I5). In her own law firm, she employed approximately 1/3 women and 2/3 men (I5). The number one and number two positions were filled by women (I5). The female partners in her law firm were women who had already had children and returned to practice, but I5 observed that a lot of more senior women lawyers go in-house (I5).

In her interview, I9 relayed that in one of her placements in a Singapore Big Five law firm, the litigation department had an equivalent number of male and female salaried partners, but more males at the equity partner level, while at the other Singapore Big Five law firm where she worked, there were more males than females in corporate and M&A at the level of salaried partner and equity partner (I9). I12 also saw fewer women in partner ranks on the Singapore Big Five firm where she worked, and when she joined a medium size law firm, she became the second female partner, with ten male partners.

A number of interviewees worked at NGOs, and these interviewees did not report experiences of gender inequity. I6 held a number of different positions, including a position with the Singapore courts and management in a

Singapore NGO (I6). I6 relayed that she did not observe any gender differences in matters such as case assignments when she worked for the courts (I6). The gender distribution at her current NGO was also equivalent (I6). In I6's current NGO, there is a good mix of team members in terms of gender, age, etc. (I6). Interviewees seven and ten to twelve also worked in NGOs, and they saw equivalent levels of gender distribution in their places of employment, although I10 observed that there were more women lawyers in the NGO where she worked.

B. The Impact of Maternity and Caretaking: Perceptions, Experiences, and Strategies

The previous section has established that interviewees observed fewer women at higher levels in some legal workplaces. When asked about the causes, interviewees noted the impact of maternity and caretaking. Interviewees had different personal experiences with maternity and caregiving, and they observed different kinds of policies and reactions to maternity and caretaker responsibilities in different work environments. However, all interviewees reported either having or observing women having major challenges when balancing work demands and caretaking responsibilities.

Issues regarding maternity initially arose for interviewees in the context of communicating news of a pregnancy, to employers or other work-related actors. I1 did a trial in her second trimester. She did not tell the judge, as she was concerned that it might impact how the judge saw her and make her less impactful, based on comments that she had heard (I1). It was safer to keep this information secret. When I2 first realized she was pregnant and would be taking maternity leave, she approached her law firm boss with the news about her pregnancy with trepidation. I2 queried whether women could reach a stage when they do not have to feel this way (I2). When I12 made partner and told her employer some time later that she was pregnant, she apologized because it caused her colleagues inconvenience, but she also wondered why she should apologize.

A number of interviewees observed that women in law firms wait until they reach partner before having children. When she was a senior associate in a Big Five Singapore law firm, I13 observed that there was only one senior associate in her department who was a mother, and that while women did have children after they reached salaried partner status, the majority of women lawyers were either not married or married with no children. I13 reported that after she took a one-year sabbatical after maternity leave, she was not promoted with the following batch. A supervisor also advised I13 that if she was going to have another child, it would be in her interest to wait until she made partner. I3 did not have children, but her observation was that a lot of women did not get pregnant when they were an associate, and instead waited until after they achieved partner (I3). It was not clear to I3 exactly why this occurred. It could be a personal choice, or a fear that chances of making partner compared to men would be impacted if they had a child as an Associate (I3).

I12 had worked for a Singapore Big Five law firm for a few years. At this law firm, women were promoted, although it took longer because women took time

off for maternity leave and caretaking responsibilities. I12 left this first law firm and moved to a medium law firm to take advantage of better promotion opportunities unrelated to gender, made partner, and stayed a few years. After she made partner, she became pregnant. She did not move to the second firm primarily in order to have a child, but she observed that once a lawyer makes partner, the lawyer is more secure and in a better position to have children.

I1's experience in a large Singapore law firm was primarily positive, but her experiences also illustrate many of the challenges posed by maternity and caretaking. When asked why are there so few women at the upper levels of disputes in her law firm, I1 said it is truly hard to maintain practice and be involved in children's lives, and that "every day is a struggle." I1 had a colleague who was in the civil service, which supposedly demands fewer hours, but the colleague had difficulty when her children became teenagers because the colleague could not connect to them in the same time frame (I1). I1 could manage because she had a team of people, including helpers to assist with taking care of children and an elderly relative. I1 felt that the only way to balance work and home was to let others help, at home and at work (I1). This "army" included people in the office to help take care of work issues if she had to do other things. They accommodated her life choices, and when the time comes, she will accommodate theirs (I1).

I1 also made a conscious decision not to do even more at work in terms of extra-curricular activities, such as attending conferences or writing articles. Her approach was to do enough so that clients recognize her abilities, and then wait until the time when she can do more. When asked why some women leave employment and do not just "maintain," I1 felt that some of these decisions were personal, in that some women cannot let go and want to do everything that a mother is needed to do at home. They may also be concerned about lost relationships with family members. Per I3, in Singapore, men are still viewed as breadwinners, and women are expected to take care of the family. If women cannot cope with business demands as well as house and children, they drop out at the Senior Associate or Junior Partner level.

One strategy used by some women to balance the demands of work and home was a work from home arrangement, which allowed them to see what the children were up to, even though these women did not respond to all their requests (I1). But I1 noted that work from home does not work for everyone, especially if there are two working parents, as two working spaces are needed away from children (I1). If a lawyer is single or lives alone, the house is quiet, and the lawyer can work without disturbance. I1 observed that the people who are always in the office are the ones with children (I1).

Interviewees reported that work from home policies varied. At I1's law firm, there had been a longstanding work from home policy, although prior to COVID, it was limited to once every two weeks (I1). The take-up rate was uneven, with some people using it, and others afraid to use it so they did not stand out. Post-COVID, team leaders decided what the work from home policy was for their team, because practice areas differed in terms of whether lawyers were required to be physically present in the office. The minimum policy was one day at home a week. Some teams would determine the day worked in the office, and other teams would let the lawyer decide.

Interviewees generally reported that in-house positions were more amenable to work-life balance. I14 opined that she had an easier time of it because her position in industry entailed fewer hours, and it was expected that you would take time off for family matters, although she also used helpers to care for children. Regarding the suitability of in-house positions, I9 observed that the hours are more predictable in an in-house position as opposed to a law firm (I9).

At the time of her interview, I2 had recently left her position in an international law firm and moved to an in-house position as Senior Legal Counsel. I2 had her first and second child at the international law firm and then left. She observed that like other women, she had little confidence in the system. She had greater seniority, and she wanted to be able to progress, but with a different pace that allowed for caretaking (I2). She moved to an in-house position, which gave her more time to network and work on career development, as well as the flexibility to help care for her children. I2 observed that there are men who go into in-house positions, which enables them to take on more caretaking responsibilities, but the top leadership positions in law firms is still mostly men (I2).

I2 identified maternity and childcare as major issues that impacted women staying in a law firm. Women have to take time out to have children and take care of them, so that raises the question of how legal practice can allow for that without penalizing women (I2). A managing partner at a law firm may not put pregnant women on a bigger file because they will be taking time off. This means that they end up doing small files, which does not allow them to gain experience and build their profile (I2). I2 was not taken off matters immediately, but subsequent work was less high profile, such as ad hoc advisory work (I2). It made sense to I2 that pregnant women would not be put on major matters if they are about to leave, but when she returned from maternity leave, there was a period of about a year before her work began to approach pre-leave levels, and it never fully reached that level. Her basic pay was not adjusted, but her bonus shrank (I2). The matter was not discussed at all. She did not question her treatment, because it was subtle, and because she did not want to be perceived as a complainer. I2 had never heard of a male employee who had their work adjusted in this way after becoming a parent.

I2 also reported that after she took maternity leave, she accepted a secondment to an employer's workplace (I2). However, when she returned to the law firm after secondment, people thought she had gone on maternity leave again (I2). I2 felt like she was "branded" (I2). She was actually working full time at the secondment, but once she was branded as a working mother, that explained her activities and it was unclear to her colleagues whether she was working or just taking time off.

Some interviewees noted interactions which indicated exasperation or impatience with maternity or caretaking responsibilities. I3 knew of a salaried partner with three children, about who it was said, "Yeah, she's going on maternity leave again" (I3). I3 thought that "again" expressed something like shock, because there were no female lawyers with more than two children, and it was rare to see someone her age having children (I3). The "again" refrain in response to pregnancy was observed by a number of interviewees, including I16 and I5. In the senior I5's first law firm, mothers received only two months of maternity leave, the minimum legal requirement at the time (I5). I5 had

her second child close to her first one, and her supervising partner said, “Not again?” (I5). The remark seemed out of place to I5, because she put in so much effort making sure she could leave her child with carers at the two-month point (I5). The theme of unwanted repetition was also used regarding child illnesses, as in “your kids are always getting sick” (I16).

I3 acknowledged that she did not know for certain that maternity leave would impact her chances of advancement, but she was pretty sure taking successive maternity leaves together with unpaid leave would impact her career progression, because she would lose touch with the clients (I3). Lawyers need to generate a list of clients to make equity partner, and in addition to not being as well known by the clients, she would have less experience compared to the men or women who did not take leave.

Per I2, there is a need to manage staffing on cases sensibly, and perhaps stretch out the timeline to partnership progression. If lawyers want to take time out and come back, it should be communicated that this kind of arrangement does not pose any problems. There should not be a bias that once someone has a child, they are committed to family more and can only pick up “crumbs of work.” There needs to be discussion about the challenges, and clear firm policies. I2 acknowledged that the firm suffers a financial loss when employees take maternity leave, but international law firms with global resources could pull from that so the local practice does not take as much of a hit. This approach would create the potential for having a more sustainable practice. I2 also felt that there should be different tracks which are less demanding, with conversations about how to use them, rather than not having a clear policy which may be based in unconscious biases (I2). The track would not necessarily be part-time, but less intense.

When asked about what produced the relatively good gender distribution at her international law firm work environment, I3 thought that relevant points included generous maternity and health insurance benefits, but overall, I3 felt that the culture was more supportive of maternity and paternity. I3’s international law firm had generous flexible work arrangements, and unlike the work arrangements of other interviewees, there was no requirement that lawyers come into the office to work at all (I3). Leave was more generous than at her Singapore law firm, which had followed the mandated policy of allowing four months leave. I3’s international firm provided six months of leave (I3), and fathers received two months instead of the Singapore-mandated two weeks of paid leave. Billing targets were also reduced for women taking maternity leave, and in the months leading up to giving birth, women were allowed to take a reduced schedule (I3) of up to fifty percent. This policy also applied to men who did compulsory national military service; some men have to “re-service,” and billing targets were also reduced for that period (I3). I3 thought that the greater flexibility regarding different tracks for lawyers flowed in part from more resources, which allowed the law firm to cover a lower contribution from one lawyer by hiring others.

This approach to billable hours also meant that women taking maternity leave were meeting their expected work output, so maternity leave should not reflect negatively on their performance (I3). I3 knew of two colleagues who were promoted to counsel after maternity leave, and she didn’t think it

impacted their promotion prospects. There was also a father who took the two months paternity leave and came back to work with a reduced billing target, which was his choice (I3). However, the trend in practice is for mothers to take all the leave and not work, while fathers take the leave but then work (I3).

Within her own law firm, I5 had similarly accessed a different kind of track. She phased herself out from the top positions at one point to help take care of her spouse when he became ill (I5). As this was her law firm, she could decide what work to do and when to come in, so when her partner became ill, she stepped back, with no billing targets (I5). She took on regulatory matters, and law firm governance (I5).

If part-time arrangements were being used at a law firm, they might not be discussed that openly or be readily available. I13 observed that there was a female partner with children in her department who had a part-time arrangement, but I13's supervisor warned that I13 would not necessarily get that arrangement. However, there were mixed feelings among some interviewees about the viability of part-time positions. I15 and I14 both observed that they did not think a part time role would work for legal practice in a law firm, because it is not possible to predict when matters will blow up, and if you are needed urgently, you cannot tell the client you are not working that day. I3 also thought that it might be difficult to manage a part-time track in corporate work, because when something needs to be completed it is "all hands-on deck" for a twenty-four-hour period (I3). I3 observed that private practice is a tough business, because lawyers are essentially at their clients' beck and call (I3). If clients want things done "now," lawyers do them now, even if it is over the weekend (I3).

Another challenging issue flowing from attempts to balance a law firm legal practice with caretaking responsibilities is the need to attract new clients and generate business. I2 raised the impact of business travel on women lawyers. To make partner a woman needs to bring in work, which normally means evening entertainment (I2). Some lawyers did lunches and breakfasts to accomplish this, but there were still large-scale events like drinks and dinner which happen in the evening (I2). I2 saw no easy answer here. What is clear from I2's experience is that flexible work schedules, while needed to accommodate caretaker responsibilities, do not help working parents with these aspects of advancement in a law firm legal practice.

I3 also observed that women in the Singapore law firm were at a disadvantage when it came to generating new business and bringing in clients, (I3). She noted that business was often discussed over drinks with heads of companies, positions normally occupied by men, and they determine who to give business to. Especially in financial markets, it was all males at the top, who referred to each other as "bro" (I3). Per I3, this kind of business generation was more apparent in the Singapore law firm and less at the international law firm, as there were more females in top positions in the institutional clients that were the source of their business.

The only exception to the need to expend late hours in order to bring in business was noted by I14, who observed that if a woman can bring in business another way, such as through her own or family connections, that can form the basis for advancement as well as allow for a better work-life balance, because it

allows her to advance even though she is not billing the same hours that other lawyers are.

After sharing their views of why certain work environments present more challenges to a work-life balance, interviewees also identified the major problems flowing from mid-career attrition by women lawyers. If there are no women at the top, there are no women role models for younger women lawyers, and long-term advancement to partner does not look likely. I13 observed that there were no female role models in her department at the law firm where she worked, and therefore no examples of how to achieve a work-life balance, or “what good looks like.” Also, in I13’s law firm, the different paths to progression, such as a partner track that required generating business, were not explicitly discussed, compared to her in-house position, where expectations and paths to advancement were clearly laid out.

I2 also felt that law firms need more role models and mentoring schemes. Mentoring schemes from other industries could be consulted (I2), especially if the law firm does not have any female equity partners. This would go some way toward showing younger women lawyers that becoming partner is doable. There was a mentorship program at I2’s law firm, but it was not structured and was difficult to do given work pressures (I2). I2 also noted the possibility not just of mentors, but sponsors, senior lawyers who can support and push lawyers up, not just show lawyers the ropes. This was completely lacking for I2 (I2). In her interview, I16 observed that when she looked up at the more senior lawyers in her law firm, there were no female lives she wanted to have. I16 contrasted law firm role models with her in-house experience, where her boss had children, and I16 could see real life examples of how her boss balanced work and family life.

I1 tempered these views somewhat by observing that now, ten years after she started, ninety percent of female dispute partners at the firm are married with children, even young children, and this provides a positive role model to younger female lawyers coming up (I1).

I15 also experienced positive role models at her Singapore law firm, although she characterized her first job at a medium Singapore law firm as unusual because there were two female partners, who both took time for family. I15 was encouraged by advancement prospects in her current in-house role because many of the senior managers were women, including women who had a family. I15 characterized having women in senior positions as “100 percent important,” especially in an Asian setting where gender stereotypes regarding what kind of work is appropriate for women might be more prevalent.

I3 had a positive experience with role models at an international law firm. At one point, I3 “jumped” (I3) from her Singapore Big Five law firm to an international firm; this move entailed a substantial raise in salary as well as more onerous billing requirements, but these hours included pro bono and knowledge management, i.e. capturing and sharing knowledge within a law firm (I3). She got married after she shifted to the international law firm, but that had more to do with the additional salary (I3). In terms of the family status of lawyers at the international law firm, there was a mix of unmarried women, married women, and those with children. Per I3, women dominated the field in corporate practice, so there are examples of women who had successfully

climbed the promotional ladder, and in this environment, a woman does not have to prove her worth compared to a man (I3).

I4 worked in smaller law firms. In the second law firm, I4 was required to take leave to do something with her child (I4), and applications for leave were not happily received. She was also asked, "Why are you going home at 6?" There were no billing requirements, but even after she had done a full day's work, she was still questioned about why she was leaving (I4). I4 shared that if employees went home at 6:00pm, they were not given that much of a bonus, even if they were at work before the boss or worked through lunch (I4).

I4 left her second law firm after she gave birth (I4). Just before she gave birth, her female supervisor wanted to make her a salaried partner, which would have meant she was not entitled to maternity leave (I4). I4 rejected this arrangement, took maternity leave, and then gave notice.

I4's somewhat negative experience at small law firms can be contrasted with I8's experience. At the time of the interview, I8 had recently gotten married, and she stayed at her small firm despite a lower salary. She had a very fair Director who allowed her to balance work and the needs of her private life. She also remained at the small firm because the approach to work was more flexible and included a work from home policy, which would allow for children if she and her partner desired that.

After I4's negative experience with her second small law firm, she gave notice at her firm and took some time off, but after a few months she found that she did not have enough to do. She decided that she would go into partnership with a friend. She wanted to do locum work (temporarily taking over for another lawyer), but there were no locum jobs at that time (I4). She thought that with her own firm, she could take time off if needed.

When I4 had a daughter two years later, she brought her daughter into work (I4), and had a separate room and a caregiver for the daughter (I4). After 6 months, she put her daughter into childcare; other interviewees also used outside childcare providers (e.g. I13). I3 relayed that she could bring the child into the office when needed because it was her own office (I4). I4's clients were understanding of this arrangement, but I4 did not think that corporate clients would be understanding about similar arrangements (I4).

When the senior I5 first began working in a law firm, there were no work from home arrangements. A key person in her childcare arrangements was a family member, who took up major aspects of the childcare (I5). On weekends, I5 would take the children into the office with the father, who was also a lawyer. A reliable support system was an important part of I5's ability to work (I5), but I5 also observed that her arrangements for childcare worked because the pace of week was slower then. She could leave the office at 6pm and no one would accuse her of leaving early (I5). In today's environment, I5 thought that she would not be able to cope (I5).

I9 worked at a Singapore Big Five law firm, and her experience indicated a more flexible approach. If it was known that a lawyer has caretaking responsibilities, management will not impose such onerous deadlines, and there will not be calls between evening hours of six to nine to avoid interfering with caretaking responsibilities (I9). But even in this work environment, all lawyers

needed to meet billable hour requirements, and if lawyers were well below the requirement, they could be asked to leave the firm (I9).

I6 and other interviewees had primarily positive views regarding the ability to balance work and caretaking obligations in their public service or NGO positions, but even these environments required systems of support. I6 had her first child when she worked for the courts, and she felt that it was relatively easy to return to work after that (I6). She did not perceive any slowdown in her professional progression. When she took maternity leave, someone took over for her, and when she returned, she took the same position back (I6). There was support in the workplace, with colleagues updating her on changes (I6). At this time the legal requirement was that employees could take four months of paid maternity leave, and she took the entire four months. This was acceptable and did not provoke any remarks (I6).

Regarding caretaker responsibilities, I6 relied a lot on her in-laws, e.g. to take the child to school (I6). I6 was entitled to some childcare leave, as well as regular leave and Family Leave. Also, if it was necessary to work on the weekend, that earned time off in lieu (I6). This policy allowed I6 to build up time if she needed it (I6). I6 thought that the legal service was a very good place to have a child (I6).

In I6's current NGO position, there is a flexible work policy which includes leave. Post-COVID, employees can choose to have a different start time, as well as four days of work in the office and one day of work from home, and employees have a say regarding which day it is (I6). One employee also has a part-time arrangement, and she comes in during the morning hours (I6). This employee is not just given half pay, as the focus is on work output (I6).

Interviewees seven and ten to twelve also worked in NGOs. These interviewees felt that flexibility was well incorporated into the work environment, which allowed for different kinds of caretaking needs (I7) and made the work very sustainable. I11 reported that she does not want to move because the environment is supportive of women with caretaking needs, and she could have children if she wanted to (I11).

Conclusion

In this research on the impact of gender on women practicing law in the Singapore legal profession, a major issue raised by women interviewees was work-life balance, and in particular, the difficulty of managing caretaking responsibilities while working and pursuing a career. Among interviewees, a law firm legal practice may raise difficulties, because a law firm may lack clear policies that encourage woman to achieve a workable work-life balance (I2), and the financial model generally used by law firms of billable hours may render a woman's position as child bearer and sometimes primary caretaker as financially suspect. This point showed up in the interviews in different ways, including an attempt to avoid paying maternity benefits (I4), negative reactions to women taking maternity leave more than once ("Again?"), and regarding I2, the confusion that even when she was working in a secondment at a client's premises, she was assumed to be taking time off on maternity leave (I2).

In response to these and other problems, women demonstrated impressive creativity in devising different strategies to support a sustainable work career. Some interviewees shifted to different work environments, including some interviewees who started their own law firm. Others relied on different kinds of support systems to manage both work and family demands, e.g. relying on family members and childcare to supplement caretaking responsibilities. The interviews also suggest that so far, the majority of these arrangements have been worked out by women individually.

Margaret Thornton has argued that women bear the brunt of caregiving responsibilities, and that this has led to irreconcilable conflicts which produce large attrition rates in women lawyers.⁵¹ Because the measures taken to support women in the workplace, such as flexible work practices and work from home policies, are not able to address this inequity, she has argued that one of the ways forward is to examine fathering practices.⁵² While the research for this article did uncover some unequal division of parenting responsibilities between spouses, the interviews evidenced a number of different, successful kinds of caretaking arrangements. However, the interviews also suggest that shared caretaking alone will not be sufficient to sustain women in legal practice during child-bearing and caring years, and that the key to mid-career retention appears to be a combination of arrangements that support caretaking together with appropriate policies in the workplace. The research for this article did not survey and evaluate practices that would optimally support women in legal practice, but the interviews did suggest relevant points that merit further research. Policies on maternity leave and caretaker arrangements are needed, as are policies on the promotion and advancement of women lawyers, so that women see a sustainable path forward that does not disadvantage them as mothers and caretakers, e.g. holistic promotion criteria that include billable hours as well as other relevant criteria. Together with clear policies, there is also a need for conversations between employers and lawyers, as well as flexibility. The experience of interviewees indicated that when these features were present, lawyers felt sufficiently supported, and they were able to sustain both a career and a personal life over time.

51. Thornton, *supra* note 2, at 1479.

52. *Id.* at 1475.

Gender Effect and Gender Norms in Chinese Courts

Xiaohong Yu & Zhaoyang Sun†

The present study sets out to investigate the gender effects observed in Chinese courts by examining the radical disruption and subsequent restoration of Confucian gender norms. While previous scholars have identified gender effects in both criminal and civil cases in China, the factors contributing to these effects and their underlying logic remain unclear. By analyzing a dataset comprising 41,252 criminal cases decided between 2014 and 2020, this study reveals the existence of gender effects specifically in cases related to gender issues. Female defendants receive significantly shorter sentences than male defendants in certain cases. Additionally, in regions with a strong Confucian influence, the gender effect appears to be more pronounced in certain cases. However, the impact of gender norms on sentencing is neutralized in areas associated with China's revolutionary past. Gender norms no longer impact gender effects in revolutionary base areas. The study contributes to the literature on law and courts by providing further evidence of gender effects in China, adding nuances to the social context of judging, and providing empirical evidence of social norms and norm changes.

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† These two authors contributed equally to this Article. Please send correspondence to Xiaohong Yu, xyu@tsinghua.edu.cn. We extend our gratitude to Yun-Chien Chang, Valerie P. Hans, Sida Liu, Kristen Underhill, Eric Haixiao Wang, and Taisu Zhang, as well as to seminar attendees at the Clarke Symposium on “Gender Equality in the Legal Profession in East Asia: Empirical Perspectives” for their insightful comments and supportive encouragement. This research was made possible by the National Social Science Foundation, Grant/Award Number: 23BZZ011 and Beijing Social Science Foundation, Grant/Award Number: 19ZGB006.

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Introduction

The influence of gender on judicial decision-making has been the subject of significant scholarly attention. It has been commonly observed that female judges tend to lean toward more liberal judgments, particularly in relation to gender-specific issues.¹ While political scientists typically explain gender effects through an attitudinal account that emphasizes women’s different voices, descriptive or substantive representation, and the “unique knowledge base and expertise” female judges bring to the bench,² sociologists and criminologists emphasize how social contexts help foster distinctive substantive rationalities for judicial decisions.³ Among these social contexts, gender norms—particularly patriarchal perspectives, the chivalry hypothesis, and benevolent sexism play a substantial role.⁴

Within the context of China, researchers identified the presence of gender effects in both criminal and civil cases.⁵ Nevertheless, several questions remain

1. See, e.g., Christina L. Boyd, Lee Epstein & Andrew D. Martin, *Untangling the Causal Effects of Sex on Judging*, 54 AM. J. OF POL. SCI. 395 (2010) [Hereinafter “Untangling Causal Effects”]; David W. Allen & Diane E. Wall, *Role Orientations and Women State Supreme Court Justices*, 77 JUDICATURE 159 (1993); Jennifer L. Peresie, *Female Judges Matter: Gender and Collegial Decisionmaking in the Federal Appellate Courts Note*, 114 YALE L.J. 1761 (2004). Gerard S. Gyski, Eleanor C. Main & William J. Dixon, *Models of state high court decision making in sex discrimination cases*, 48 J. OF POL. 143 (1986).

2. See, e.g., CAROL GILLIGAN, IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN’S DEVELOPMENT 2 (1993); Suzanna Sherry, *Civic virtue and the feminine voice in constitutional adjudication*, VA. L. REV. 543 (1986); Christina L. Boyd, *Representation on the courts? The effects of trial judges’ sex and race*, 69 POL. RSCH. QUARTERLY 788 (2016) [Hereinafter “Representation”].

3. See, e.g., John H. Kramer & Jeffery T. Ulmer, *Sentencing disparity and departures from guidelines*, 13 JUSTICE QUARTERLY 81 (1996); Joachim J. Savelsberg, *Law That Does Not Fit Society: Sentencing Guidelines as a Neoclassical Reaction to the Dilemmas of Substantivized Law*, 97 AM. J. SOCIOLOGY 1346 (1992); Jeffery T. Ulmer & Brian Johnson, *Sentencing in Context: A Multilevel Analysis*, 42 CRIMINOLOGY 137 (2004).

4. See, e.g., Sergio Herzog & Shaul Oreg, *Chivalry and the Moderating Effect of Ambivalent Sexism: Individual Differences in Crime Seriousness Judgments*. LAW & SOC’Y. REV. 45, 47, 66 (2008); JOANNE BELKNAP, THE INVISIBLE WOMAN: GENDER, CRIME, AND JUSTICE 13, 14 (2020); Debra A. Curran, *Judicial discretion and defendant’s sex*, 21 CRIMINOLOGY 41 (1983); Margaret Farnworth & Raymond HC Teske, *Gender differences in felony court processing: Three hypotheses of disparity*, 6 WOMEN & CRIM. JUST. 23 (1995); Timothy Griffin & John Wooldredge, *Sex-based disparities in felony dispositions before versus after sentencing reform in Ohio*, 44 CRIMINOLOGY 893 (2006); Samantha Jeffries, Garth JO Fletcher & Greg Newbold, *Pathways to sex-based differentiation in criminal court sentencing*, 41 CRIMINOLOGY 329 (2003); Barbara A. Koons-Witt, *The Effect of Gender on the Decision to Incarcerate Before and After the Introduction of Sentencing Guidelines*, 40 CRIMINOLOGY 297 (2002); Joycelyn M. Pollock & Sareta M. Davis, *The Continuing myth of the Violent Female Offender*, 30 CRIMINAL JUST, REV, 5 (2005).

5. See, e.g., Changming Hu, *Shehui jiegou yinsu dui liangxing yingxiang de shizheng fenxi, yi daoqiezui weili de anjian shehuixue yanjiu* [Empirical Analysis of Social Structure Elements’ Influence to Sentencing: A Study of Theft from Sociology Perspective] 3 FALU SHIYONG 54,

unanswered: Does the gender effect extend beyond gender-related cases? What factors contribute to the gender effect observed in Chinese courts? And crucially, is the gender effect indicative of judicial bias, or does it reflect deeper social contexts?

This study employed the radical disruption and subsequent restoration of Confucian gender norms in China to causally examine gender effects in Chinese courts. We analyzed 41,252 criminal cases decided from 2014 to 2020 and discovered that gender effect exists in cases related to gender issues. Specifically, in cases related to organizing prostitution and obstruction of public affairs, female defendants received significantly shorter sentences than male defendants. Furthermore, in regions immersed in Confucianism, instances of gender effect seem to be more pronounced in certain cases. However, such moderation is neutralized by China's revolutionary past. Gender norms no longer impact the gender effect in revolutionary base areas.

The present study contributes to the literature on law and courts in three ways. First, it provides additional evidence of gender effect in China and adds nuances to the moderation of gender norms. Second, it provides further support for the social context of judging. Finally, the paper provides empirical evidence for the study of social norms and norm changes. Unlike much of the existing discussion on social norms, which is either static or experimental, our study uses the significant disruption and subsequent restoration of Confucianism in China as a dynamic and systematic lens to better understand social norms.

The remainder of this paper is organized as follows: Section I presents a review of relevant literature. Section II outlines the theoretical framework we used for our analysis. Section III details the data, methods, and empirical strategies employed. Section IV discusses the empirical findings of our study, with the final section serving as the conclusion.

I. Literature Review: Gender, Norms, and Judging

A. Gender and Judging

Legal scholars' extensive debate about the influence of gender on judicial decision-making has produced mixed results. Some researchers argue that female judges tend to support women's positions, vote more liberally, and support settlements in their courtrooms;⁶ others have found limited or no gender

56 (2011) [Hereinafter "Hu 2011"]; Changming Hu, *Beigaoren shenfen chayi dui liangxing de yingxiang: jiyu 1060 fen xingshi panjue de shizheng fenxi* [The Impact of Criminals' Social Status in Receiving Penalties: An Empirical Study of 1060 Criminal Case Judgments] 4 QINGHUA FAXUE 91, 98 (2018); Yiwei Xia, Tianji Cai & Hua Zhong, *Effect of judges' gender on rape sentencing*, 19 CHINA REVIEW 125 (2019); Ethan Michelson, *Decoupling: Marital Violence and the Struggle to Divorce in China*, 125 AM. J. SOCIO. 325, 328 (2019); ETHAN MICHELSON, *DECOUPLING: GENDER INJUSTICE IN CHINA'S DIVORCE COURTS* 18 (2022); Shuai Wei & Moulin Xiong, *Judges' Gender and Sentencing in China: An Empirical Inquiry*, 15 FEMINIST CRIMINOLOGY 217, 238 (2020).

6. Allen & Wall., *supra* note 1, at 161; Gryski et al., *supra* note 1, at 150; Paul M. Collins Jr., Daniel A. Norton, Kenneth L. Manning & Robert A. Carp, *International Conflicts and Decision Making on the Federal District Courts*, 29 JUST. SYS. J. 121, 121 (2008).

effect in their analyses.⁷ The disparity in findings highlights the intricacy of the relationship between gender and judicial decision-making, necessitating further scrutiny of causality and underlying mechanisms.

Several studies have uncovered noteworthy gender effects on judicial decision-making. Peresie found that female judges are more likely to support plaintiffs in cases of sexual harassment or gender discrimination and that their presence on collegial panels makes it easier for male judges to do the same.⁸ Similarly, Farhang and Wawro found that male judges tend to vote more liberally when they are seated on panels containing at least one female judge.⁹ Interestingly, even when panels are majority-male, women judges can sway their male colleagues through deliberation and bargaining because of the norm of unanimity.

Gender biases in sentencing outcomes are evident in several studies. Male judges are less likely to sentence female defendants to imprisonment, and female defendants tend to receive lighter sentences compared to similarly situated male counterparts.¹⁰ The phenomenon of gender-based leniency seems to hold true across criminal proceedings.¹¹ Butcher et al., found a significant and unexplained thirty-percent difference in sentencing between male and female defendants after taking various case factors into account.¹²

Other studies nonetheless have found limited or no gender effect on judicial decision-making, suggesting that the impact of a judge's gender may be less pronounced in certain contexts or issue areas. Additionally, ideology and partisanship may play a more critical role in shaping or predicting judicial decisions than a judge's gender.¹³ For instance, Davis examined gender and judicial behavior in the U.S. Court of Appeals for the Ninth Circuit and concluded that her results did not support the notion that the presence of women judges could transform the very nature of the law.¹⁴ Westergren similarly found no significant differences between genders in U.S. courts of appeals decision-making.¹⁵ Likewise, Walker and Barrow failed to identify hypothesized gender differences among federal district court jurists.¹⁶ Martin and

7. See Untangling Causal Effects, *supra* note 1, at 406.

8. See Peresie, *supra* note 1, at 1761.

9. See Sean Farhang & Gregory Wawro, *Institutional Dynamics on the US Court of Appeals: Minority Representation Under Panel Decision Making*, 20 J. L., ECON., ORG. 299, 325 (2004).

10. See John Gruhl, Cassia Spohn & Susan Welch, *Women as Policymakers: The Case of Trial Judges*, AM. J. POL. SCI. 308, 320 (1981); Max Schanzenbach, *Racial and Sex Disparities in Prison Sentences: The Effect of District-level Judicial Demographics*, 34 J. LEGAL STUD. 57, 57 (2005).

11. See, e.g., Sonja B. Starr, *Estimating Gender Disparities in Federal Criminal Cases*, 17 AM. L. ECON. REV. 127, 127 (2015).

12. See Kristin F. Butcher, Kyung H. Park & Anne Morrison Piehl, *Comparing Apples to Oranges: Differences in Women's and Men's Incarceration and Sentencing Outcomes*, 35 J. LAB. ECON. S201, S201 (2017).

13. See Allison P. Harris & Maya Sen, *Bias and Judging*, 22 ANN. REV. POL. SCI. 241, 242 (2019).

14. See Sue Davis, *Do Women Judges Speak in a Different Voice—Carol Gilligan, Feminist Legal Theory, and the Ninth Circuit*, 8 WIS. WOMEN'S L.J. 143, 171 (1992).

15. See Sarah Westergren, *Gender Effects in the Courts of Appeals Revisited: The Data Since 1994*, 92 GEO. L.J. 689, 690 (2003).

16. See Thomas G. Walker & Deborah J. Barrow, *The Diversification of the Federal Bench: Policy and Process Ramifications*, 47 J. POL. 596, 596 (1985).

Pyle arrived at comparable conclusions regarding decision-making on the Michigan Supreme Court.¹⁷

Issue area is key to observing differences, as many argue that gender effect is only evident in gender-related issues.¹⁸ For example, Songer, Davis, and Haire found that female judges were no more liberal than their male peers in obscenity and search and seizure cases, but were significantly more liberal in employment discrimination cases.¹⁹ Meanwhile, Songer and Crews-Meyer identified gender as a predictor of decision-making in obscenity and death penalty cases among state supreme court judges.²⁰ McCall found that gender was significant in police brutality disputes, while McCall and McCall provided evidence that gender was important in Fourth Amendment controversies.²¹ Utilizing a causal approach to examine 13 categories of offenses in federal appellate court cases, Boyd et al. discovered that the gender of judges significantly influenced outcomes only in gender discrimination cases, while it did not have a substantial effect on other highly gender-related cases including sexual harassment, equal rights, and abortion.²²

1. Gender Effect in Chinese Courts

As the judicial transparency project made new court decisions available, researchers started to investigate gender effects in Chinese courts (See Section III, Part A for more discussion on judicial transparency in China). Wei and Xiong analyzed eleven types of offenses from the cities of Handan and Defang and found that male judges were more prone to issuing harsher sentences for theft-related crimes.²³ The gender of judges also played a role in deciding rape cases, with women-led panels tending to issue more lenient sentences.²⁴

Litigants' gender matters as well. In two studies conducted by Hu, female defendants were found to face more lenient convictions than their male counterparts for theft-related charges.²⁵ Similarly, Michelson studied divorce cases in China and found that judges were more likely to reject divorce petitions

17. See generally Elaine Martin & Barry Pyle, *Gender, Race, and Partisanship on the Michigan Supreme Court*, 63 ALB. L. REV. 1205, 1236 (1999) (finding slight gender effects in divorce cases).

18. See, Untangling Causal Effects, *supra* note 1, at 390. Laura P. Moyer & Susan B. Haire, *Trailblazers and those that followed: Personal experiences, gender, and judicial empathy*, 49 LAW & SOC'Y REV. 665, 685 (2015) (finding gender-related differences among judges in sex discrimination cases).

19. Donald R. Songer, Sue Davis & Susan Haire, *A Reappraisal of Diversification in the Federal Courts: Gender Effects in the Courts of Appeals*, 56 J. OF POLS. 425, 436 (1994).

20. Donald R. Songer & Kelley A. Crews-Meyer, *Does Judge Gender Matter? Decision Making in State Supreme Courts*, 81 SOC. SCI. Q. 756 (2000).

21. Madhavi McCall, *Court Decision Making in Police Brutality Cases, 1990-2000*, 33 AM. POL. RSCH. 56, 76 (2005). Madhavi McCall & Michael A. McCall, *How Far Does the Gender Gap Extend?: Decision Making on State Supreme Courts in Fourth Amendment Cases, 1980-2000*, 44 SOC. SCI. J. 67, 77 (2007).

22. Untangling Causal Effects, *supra* note 1, at 390.

23. Wei & Xiong, *supra* note 5, at 238.

24. Xia et al., *supra* note 5, at 141.

25. Hu 2011, *supra* note 5, at 56; Hu 2018, *supra* note 5, at 98.

filed by women, pointing to the influence of patriarchy and gender stereotypes within the system.²⁶

B. Explaining Gender Effect

Scholars of political science and sociology primarily explain the gender effect either through an attitudinal or a contextual account.

1. The Attitudinal Account

The attitudinal account posits that the gender effect stems from the distinctive contributions of women, be it through their different voices, descriptive representations, or the specialized knowledge or expertise that they bring to the bench.

Many scholars note female judges possess “different voices,” or a particular moral perspective. Gilligan, for example, claims that women tend to emphasize care and relationships,²⁷ which has led subsequent scholars to suggest that female judges prioritize empathy and understanding in their judicial decision-making.²⁸

Judicial decisions are also informed by female judges’ political agendas. Acting as representatives of their cohort, women on the bench strive to protect their interests in pertinent litigation. The gender effect is typically observed in cases where the policy consequences disproportionately impact women.²⁹

In contrast, the information account suggests that gender effect surfaces in a limited number of legal domains, not because women represent a specific class, but due to their possession of unique and valuable information derived from shared professional experiences.³⁰

A related body of literature posits that gender plays a more pronounced role in judicial decision-making when there is a critical mass of women at a court point.³¹ Szmer et al., also found that in the more gender-diverse federal courts of appeal, female attorneys perform as well as their male adversaries and are even more successful than men in cases concerning women’s issues.³²

26. Michelson, *supra* note 5, at 368.

27. Gilligan, *supra* note 2, at 17, 173. (explaining that “in the different voice of women lies the truth of an ethic of care, the tie between relationship and responsibility”).

28. See Untangling Causal Effects, *supra* note 1, at 390; Sherry, *supra* note 2, at 582; Moyer & Haire, *supra* note 18, at 674; Darrell Steffensmeier & Chris Hebert, *Women and Men Policymakers: Does the Judge’s Gender Affect the Sentencing of Criminal Defendants?*, 77 SOC. FORCES 1163, 1185 (1999); Stefanie K. Johnson et al., *The strong, sensitive type: Effects of gender stereotypes and leadership prototypes on the evaluation of male and female leaders*, 106 ORG. BEHAV. AND HUM. DECISION PROCESSES 39, 55 (2008).

29. See Beverly B. Cook, *Will Women Judges Make a Difference in Women’s Legal Rights? A Prediction From Attitudes and Simulated Behaviour*, WOMEN, POWER, AND POL. SYS. 216, 217 (1981); Representation, *supra* note 2, at 793.

30. See, e.g., Gryski et al., *supra* note 1, at 150; Peresie, *supra* note 1, at 1780; Lisa Baldez, *The Pros and Cons of Gender Quota Laws: What Happens When You Kick Men Out and Let Women In?*, 2 POLS. & GENDER 102 (2006).

31. Paul M. Collins Jr., Kenneth L. Manning & Robert A. Carp, *Gender, Critical Mass, and Judicial Decision Making*, 32 L. & POL’Y 260 (2010).

32. John Szmer et al., *The Impact of Attorney Gender on Decision Making in the United States Courts of Appeals*, 34 J. WOMEN, POL. & POL’Y 72 (2013).

Likewise, female attorneys are more successful than their male colleagues in Canada, where there are more female law clerks and attorneys.³³

2. Contextual Explanation

Sociologists and criminologists underscore the role of social contexts in shaping unique substantive rationalities behind judicial decisions.³⁴ One of the most salient social contexts in explaining gender effect is the gender norm, especially the patriarchal perspective and the chivalry hypothesis.³⁵ Patriarchy refers to a societal structure in which men reign supreme and prizes masculinity above femininity. The Chivalry thesis, sometimes dubbed paternalism, aligns with conventional gender roles that paint women as the weaker sex, their actions perceived as less valid and bordering on infantile. As a result, women find themselves shielded from the full weight of accountability within the criminal justice system, given that they are not deemed wholly responsible for their actions.³⁶

A wealth of studies highlight the tendency for women to experience favorable outcomes within the criminal justice system compared with men. Women are more likely to see their charges dismissed,³⁷ benefit from pretrial release,³⁸ and evade imprisonment.³⁹ Moreover, women often receive shorter

33. Erin B. Kaheny, John J. Szmer & Tammy A. Sarver, *Women lawyers before the Supreme Court of Canada*, 44 CANADIAN J. POL. SCI./REVUE CANADIENNE DE SCIENCE POLITIQUE 83 (2011).

34. Kramer & Ulmer, *supra* note 3; JAMES EISENSTEIN, ROY B. FLEMMING & PETER F. NARDULLI, *THE CONTOURS OF JUSTICE: COMMUNITIES AND THEIR COURTS* (1988); Chester L. Britt, *Social context and racial disparities in punishment decisions*, 17 JUST. Q. 707 (2000); Ronald Helms & David Jacobs, *The Political Context of Sentencing: An Analysis of Community and Individual Determinants*, 81 SOC. FORCES 577 (2002); Noelle E. Fearn, *A Multilevel Analysis of Community Effects on Criminal Sentencing*, 22 JUST. Q. 452 (2005); Xia Wang & Daniel P. Mears, *A multilevel test of minority threat effects on sentencing*, 26 J. QUANTITATIVE CRIMINOLOGY 191 (2010); Ben Feldmeyer et al., *Racial, ethnic, and immigrant threat: Is there a new criminal threat on state sentencing?*, 52 J. RSCH. CRIME AND DELINQ. 62 (2015); Daniel P. Mears et al., *Culture and formal social control: The effect of the code of the street on police and court decision-making*, 34 JUST. Q. 217 (2017).

35. Curran, *supra* note 4, at 42.

36. See, e.g., Farnworth & Teske, *supra* note 4; B. Keith Crew, *Sex Differences in Criminal Sentencing: Chivalry or Patriarchy?*, 8 JUST. Q. 59, (1991); Stephanie Bontrager, Kelle Barrick & Elizabeth Stupi, *Gender and Sentencing: A Meta-Analysis of Contemporary Research*, 16 J. GENDER, RACE & JUST. 349 (2013); Steven F. Shatz & Naomi R. Shatz, *Chivalry is Not Dead: Murder, Gender, and the Death Penalty*, 27 BERKELEY J. GENDER L. & JUST. 64 (2012); Cassia Spohn, *Gender and Sentencing of Drug Offenders: Is Chivalry Dead?*, 9 CRIM. JUST. POL'Y, REV. 365 (1999) [Hereinafter "Gender and Sentencing"].

37. See, e.g., John Gruhl, Susan Welch & Cassia Spohn, *Women as Criminal Defendants: A Test for Paternalism*, 37 W. POL. Q. 456 (1984); Cassia C. Spohn & Jeffrey W. Spears, *Gender and Case Processing Decisions: A Comparison of Case Outcomes for Male and Female Defendants Charged with Violent Felonies*, 8 WOMEN & CRIM. JUST. 29 (1997).

38. See, e.g., Gillian M. Pinchevsky & Benjamin Steiner, *Sex-Based Disparities in Pretrial Release Decisions and Outcomes*, 62 CRIM. & DELINQ. 308 (2016).

39. See, e.g., Gender and Sentencing, *supra* note 36, at 392; Michael P. Harrington & Cassia Spohn, *Defining Sentence Type: Further Evidence Against Use of the Total Incarceration Variable*, 44 J. RSCH. CRIME AND DELINQ. 36, 39 (2007); Darrell Steffensmeier, John Kramer & Cathy Streifel, *Gender and Imprisonment Decisions*, 31 CRIMINOLOGY 411, 411–12 (1993); Tina L. Freiburger, *The Effects of Gender, Family Status, and Race on Sentencing Decisions*, 28 BEHAV. SCIS. & LAW 378, 378 (2010).

prison sentences⁴⁰ and are more likely to enjoy downward departures in sentencing,⁴¹ albeit with some exceptions.⁴²

Selective chivalry and backlash theories contest the idea that leniency towards women is a blanket policy in the criminal justice system. These theories propose that women adhering to traditional gender roles may be treated favorably, whereas those who deviate may face harsher penalties or societal backlash.⁴³ This proposition aligns with social psychology theories on the backlash against women defying gender norms.⁴⁴ Similarly, theories on “benevolent” or “hostile sexism” posit that judicial leniency towards women can be seen as a social exchange—more lenient sentences for adherence to traditional gender roles.⁴⁵ Judges may perceive noncompliance as a dual violation, potentially resulting in harsher punishments.⁴⁶ This challenge extends to female attorneys who balance professional and gender norms. Success often depends on conforming to gender-appropriate behavior—less emotional language for males and the opposite for females.⁴⁷

The attitudinal and contextual accounts provide valuable insights into the gender effect on judicial decision-making. However, the existing literature has its limits. First, political scientists have yet to unravel the underpinnings of the attitudinal account. The key question that persists is whether these extra-legal

40. See, e.g., Gruhl et al., *supra* note 10, at 318; Randa Embry & Phillip M. Lyons, *Sex-Based Sentencing: Sentencing Discrepancies Between Male and Female Sex Offenders*, 7 FEMINIST CRIMINOLOGY 146, 146–47 (2012); Barbara A. Koons-Witt et al., *Gender and sentencing outcomes in South Carolina: Examining the interactions with race, age, and offense type*, 25 CRIM. JUST. POL’Y REV. 299, 313 (2014); Kathleen Daly, *Rethinking Judicial Paternalism: Gender, Work-family Relations, and Sentencing*, 3 GENDER & SOC’Y 9, 28 (1989).

41. Bontrager, *supra* note 36, at 365.

42. See, e.g., Maria D.H. Koeppl, *Gender Sentencing of Rural Property Offenders in Iowa*, 25 CRIM. JUST. POL’Y REV. 208, 220 (2014); Darrell J. Steffensmeier, *Assessing the Impact of the Women’s Movement on Sex-based Differences in the Handling of Adult Criminal Defendants*, 26 CRIME & DELINQ. 344, 356 (1980).

43. See, e.g., Farnworth & Teske, *supra* note 4, at 26; S. Fernando Rodriguez, Theodore R. Curry & Gang Lee, *Gender Differences in Criminal Sentencing: Do Effects Vary Across Violent, Property, and Drug Offenses?*, 87 SOC. SCI. Q. 318, 321–22 (2006); Rob Tillyer, Richard D. Hartley & Jeffrey T. Ward, *Differential Treatment of Female Defendants: Does Criminal History Moderate the Effect of Gender on Sentence Length in Federal Narcotics Cases?*, 42 CRIM. JUST. AND BEHAV. 703, 706 (2015); Danielle M. Romain & Tina L. Freiburger, *Chivalry Revisited: Gender, Race/Ethnicity, and Offense Type on Domestic Violence Charge Reduction*, 11 FEMINIST CRIMINOLOGY 191, 194 (2016).

44. See Laurie A. Rudman & Peter Glick, *Prescriptive Gender Stereotypes and Backlash Toward Agentic Women*, 57 J. SOC. ISSUES 743, 744 (2001); Laurie A. Rudman & Peter Glick, *Feminized Management and Backlash Toward Agentic Women: The Hidden Costs to Women of a Kinder, Gentler Image of Middle Managers*, 77 J. OF PERSONALITY AND SOC. PSYCH. 1004, 1005 (1999); Madeline E. Heilman et al., *Penalties for Success: Reactions to Women who Succeed at Male Gender-typed Tasks.*, 89 J. APPLIED PSYCH. 416, 416 (2004).

45. See Ellen Hochstedler Steury & Nancy Frank, *Gender Bias and Pretrial Release: More Pieces of the Puzzle*, 18 J. CRIM. JUST. 417, 418 (1990).

46. Sergio Herzog & Shaul Oreg, *Chivalry and the Moderating Effect of Ambivalent Sexism: Individual Differences in Crime Seriousness Judgments*, 42 LAW & SOC’Y REV. 45, 49 (2008). See also Samantha Bielen & Peter Grajzl, *Gender-based Judicial Ingroup Bias in Sex Crime Sentencing: Evidence from Belgium*, 62 INT’L J. LAW, CRIME AND JUST. 100394, 100405 (2020); Peter Glick & Susan T. Fiske, *The Ambivalent Sexism Inventory: Differentiating Hostile and Benevolent Sexism*, 70 J. PERSONALITY AND SOC. PSYCH. 491, 494 (1996).

47. Shane A. Gleason, *Beyond Mere Presence: Gender Norms in Oral Arguments at the U.S. Supreme Court*, 73 POL. RSCH. Q. 596, 596 (2020).

effects arise from inherent bias or are they intricately woven into the social fabric that guides individual and collective behavior.⁴⁸ Do female judges, through their “attitudes,” introduce a bias that favors women? Or are the gender effects we observe determined by the social environment—the backdrop against which judges interpret the law and make decisions?

Second, although illuminating, the social norm remains a latent variable in the contextual account, supported by only indirect empirical evidence, such as survey or experimental data.⁴⁹ But social norms are dynamic—they evolve over time in response to changes in societal values, legal advancements, and broader cultural shifts. As such, an important question arises: How do changes in societal expectations and attitudes toward gender roles influence judicial decisions? Further exploration of this aspect can provide a more nuanced understanding of the relationship between evolving social norms and the gender effect in legal proceedings.

Lastly, in the nascent study of gender effects in China, efforts to explain this phenomenon have been scant. Due to limited data, Michelson’s analysis of the patriarchal culture in China remains rather cursory.⁵⁰ There’s a need for more comprehensive research that delves deeper into the nuances of gender dynamics within the Chinese judicial system.

Taking advantage of the radical transformations in social norms resulting from revolutions and culture shifts, the present study endeavors to examine the gender effect and gender norms in China.

II. Theoretical Framework: Gender Effect and Gender Norms

A. Gender Effect in Chinese Courts

Considering the gender effects frequently observed in comparative cases, to what extent should we anticipate its presence in Chinese courts? Since the late 1970s, China has made significant strides and achieved remarkable accomplishments in legal reforms, encompassing improved judicial profession-alism, the battle against local protectionism, enhanced judicial transparency, and more.⁵¹

48. Harris & Sen, *supra* note 13, at 244; Lee Epstein & Jack Knight, *Reconsidering Judicial Preferences*, 16 ANN. REV. OF POL. SCI. 11, 25-26 (2013).

49. See, e.g., Herzog & Oreg, *supra* note 46 at 46; Luisa Saavedra et al., *Gender Norms in Portuguese College Students’ Judgments in Familial Homicides: Bad Men and Mad Women*, 32 J. OF INTERPERSONAL VIOLENCE 249 (2017); Ayşe E. Tuncer et al., *The Association of Gender Role Attitudes and Offense Type with Public Punitiveness Toward Male and Female Offenders*, 55 INT’L J. OF L., CRIME AND JUST. 70, 71 (2018).

50. Michelson, *supra* note 5 at 96.

51. See, e.g., Björn Ahl, *Retaining Judicial Professionalism: The New Guiding Cases Mechanism of the Supreme People’s Court*, 217 THE CHINA Q. 121, 122-26 (2014); Benjamin L. Liebman, *China’s Courts: Restricted Reform*, 191 THE CHINA Q. 620, 622 (2007); Benjamin L. Liebman et al., *Mass Digitization of Chinese Court Decisions: How to Use Text as Data in the Field of Chinese Law*, 8 J. OF L. AND CT. 177, 177-78 (2020); Stanley Lubman, *Bind in a Cage: Chinese Law Reform after Twenty Years*, 20 NW. J. INT’L L. & BUS. 383, 384-89 (2000); Taisu Zhang & Tom Ginsburg, *China’s Turn Toward Law*, 59 VA. J. INT’L L. 306, 308-13 (2019); Xiaohong Yu, *The Meandering Path of Judicial Reform with Chinese Characteristics* 29-30 (Björn Ahl ed., 2021).

Nevertheless, scholars remain divided on the essence of these achievements. The legal dualism account emphasizes that the Chinese legal system harbors both prerogative and normative components, serving a dual function. On the one hand, the prerogative state persists in resolving politically sensitive matters through extralegal means; on the other, a less politicalized, reform-oriented legal system increasingly institutionalizes and provides rule-based solutions to a broad array of social conflicts.⁵² Conversely, optimists argue that political cases are more the exception than the norm, suggesting that “the party-state is moving toward legality in which the letter of the law is enforced more rigorously and afforded greater political respect.”⁵³

Viewed through either lens, it is reasonable to conclude that China’s court system is deeply embedded in the political, administrative, and social structure, making Chinese courts more susceptible to extralegal factors, including gender.

H1: Significant gender effects exist in Chinese courts. The gender of judges or defendants significantly impact judicial decisions.

B. Explaining Gender Effect: Gender Norms in Transition

Due to the significant embeddedness of Chinese courts in the local context, the present study sets out to investigate how gender norms influence the gender effect in judicial decision-making. It is widely recognized that Confucian patriarchal ideology governs gender practices and plays a crucial role in shaping contemporary Chinese gender norms. Confucianism has traditionally favored masculinity and upheld female subordination as part of its core ethical and value system. Within Confucianism, women often find themselves relegated to a lower status in both family and society, subject to stringent expectations concerning their behavior and roles. The “Three Obediences” and the “Four Virtues” outline the anticipated conduct of women, who should be “obedient, quiet, self-effacing, ignorant, and devoting herself only to the service of the family.”⁵⁴ Consequently, we hypothesize that gender effects in Chinese courts are predominantly patriarchal.

52. See, e.g., Fu Hualing, *Duality and China’s Struggle for Legal Autonomy*, CHINA PERSPECTIVES 3, 3 (2019); Jonathan Kinkel & William Hurst, *Review Essay—Access to Justice in Post-Mao China: Assessing the Politics of Criminal and Administrative Law*, 11 J. OF E. ASIAN STUD. 467, 468 (2011); Xin He, *The Party’s Leadership as a Living Constitution in China*, 42 HONG KONG L.J. 1, 12 (2012); Xin He, *Enforcing Commercial Judgments in the Pearl River Delta of China*, 57 AM. J. COMP. L. 419 (2009); Yang Su & Xin He, *Street as Courtroom: State Accommodation of Labor Protest in South China*, 44 LAW & SOC’Y ASS’N 157, 159 (2010).

53. See, Zhang and Ginsburg, *supra* note 51, at 306; See also Kathryn Hendley, *Legal Dualism as a Framework for Analyzing the Role of Law under Authoritarianism*, 18 ANNUAL REVIEW OF LAW AND SOCIAL SCIENCE 211, 219 (2022). Cf. Benjamin L. Liebman, *Leniency in Chinese criminal law: everyday justice in Henan*, 33 BERKELEY J. INT’L L. 153, 162 (2015). But see, Carl F. Minzner, *China’s Turn against Law*, 59 AM. J. COMP. L. 935 (2011); But see, KWAI HANG NG & XIN HE, *EMBEDDED COURTS: JUDICIAL DECISION-MAKING IN CHINA* 200 (Cambridge University Press, 2017).

54. See YU-NING LI, *CHINESE WOMEN THROUGH CHINESE EYES* 26 (Routledge Taylor & Francis Group, 2015). See also, PAO-SUN TSENG, *The Chinese woman past and present*, in CHINESE WOMEN 112 (Routledge Taylor & Francis Group, 2015); Ip, *Is Confucianism good for business ethics in China?*, 88 J. BUS. ETHICS 463, 470 (2009); Xu et al., *Confucian Culture, Gender Stereotype and Female Entrepreneur: Evidence from China*, 30 APPLIED ECON. LETTERS 2565, 2570 (2022).

H2: Gender effects interact with gender norms. Judges are more lenient towards female defendants.

The Chinese case is particularly fascinating due to the intriguing shifts in gender norms and substantial regional variations under the influence of Confucian tradition, the modern communist revolution, and the more recent reform and opening up policies. For instance, since the reform and opening up, particularly with the recent official endorsement under Xi's leadership, there has been a revival of Confucianism and its accompanying patriarchal gender norms.⁵⁵

Scholars have documented deteriorating gender inequality, as evidenced by the persistent decline of the gender gap index in China,⁵⁶ gender discrimination against women in the labor market,⁵⁷ and the depreciation of women's social status.⁵⁸ Feng et al., therefore notes that "the influence of Confucianism is no longer historical in nature, but instead very much part of modern-day Chinese political influence."⁵⁹

Building on existing scholarship, the present study investigates the impact of Confucian patriarchal norms on judicial decisions in contemporary China.⁶⁰

H3: Gender norms moderate the gender effect, with the gender effect being more pronounced in regions more immersed in Confucianism.

On the other hand, the communist revolution has considerably shaken up Confucian culture and its gender norm. The revolution has brought about a marked shift in women's social status, as they transformed from "family persons" to "social persons".⁶¹ The early 20th-century New Culture Movement highlighted gender hierarchy and differentiation as the epitome of feudalism, and feminism was enthusiastically embraced as a potent weapon to combat

55. Ford, *The Party and the Sage: Communist China's use of quasi-Confucian rationalizations for one-party dictatorship and imperial ambition*, 24 JOURNAL OF CONTEMPORARY CHINA 1032, 1033 (2015); Kai, *The Chinese Communist Party's Confucian Revival: Xi Jinping's emphasis on Confucius has a modern-day political purpose*, THE DIPLOMAT 2000 (2014), <https://thediplomat.com/2014/09/the-chinese-communist-partys-confucian-revival/> [<https://perma.cc/L59Z-9C69>].

56. See e.g., WORLD ECON. F., THE GLOBAL GENDER GAP REPORT 1010 (2022).

57. Summerfield, *Economic reform and the employment of Chinese women*, 28 JOURNAL OF ECONOMIC ISSUES 715, 726 (1994).

58. See, e.g., JOSEPH B. TAMNEY & LINDA HSUEH-LING CHIANG, MODERNIZATION, GLOBALIZATION, AND CONFUCIANISM IN CHINESE SOCIETIES (Westport, Conn.: Praeger, 2002); DOUGDOUG GUTHRIE, CHINA AND GLOBALIZATION: THE SOCIAL, ECONOMIC, AND POLITICAL TRANSFORMATION OF CHINESE SOCIETY 197 (Routledge Taylor & Francis Group, 2006); Teng, *The construction of the "traditional Chinese woman" in the Western academy: A critical review*, 22 SIGNS: J. WOMEN IN CULTURE & SOC'Y 115, 137 (1996).

59. Feng et al., *How beliefs influence behaviour: Confucianism and innovation in China*, 29 ECON. OF TRANSITION AND INST. CHANGE 501, 505 (2021).

60. See Xu et al., *supra* note 54 at 2566; Chen et al., *Banking on the Confucian Clan: Why China Developed Financial Markets so Late*, 132 ECON J 1378, 1406 (2022); Du, *Does Confucianism reduce minority shareholder expropriation? Evidence from China*, 132 J. BUS. ETHICS 661, 664 (2015); Du, *Does Confucianism reduce board gender diversity? Firm-level evidence from China*, 136 J. BUS. ETHICS 399, 402 (2016); Liang, *Confucianism and the East Asian Miracle*, 2 AME. ECON. J.: MACROECONOMICS 206, 210 (2010); Liu et al., *Confucianism and preferences: evidence from lab experiments in Taiwan and China*, 104 J. OF ECON. BEHAV. & ORG. 106, 120 (2014).

61. JIEYU LIU, GENDER AND WORK IN URBAN CHINA: WOMEN WORKERS OF THE UNLUCKY GENERATION (2007).

“feudalism.” Moreover, since its inception in 1921, the Chinese Communist Party (CCP) has championed “equality between men and women” in its platform, mobilizing women for the communist revolution and institutionalizing “women-work” since the early 1920s.⁶² Zheng remarked that “the numbers of powers of Chinese socialist state feminists of the early People’s Republic of China (PRC) were arguably unprecedented in feminist histories of the world.” After the foundation of the PRC, the CCP undertook a combination of legal reforms and propaganda campaigns to establish the equality of women in family and society, as evidenced by the radical feminist Marriage Law in 1950 and the resounding slogan of “women can hold up half the sky.”⁶³ As a result, we anticipate that the disruption of Confucian norms will be most pronounced in regions more entrenched within the communist revolution.

H4: The influence of gender norms and the gender effect is neutralized in regions where revolutionary disruption was more prevalent.

III. Data and Methods

To explore gender effect and gender norms in Chinese courts, we choose to examine crimes under the first, second, and eighth subsections of Chapter Six of Chinese Criminal Law. That includes crimes of disturbing public order (COD), crimes of obstructing justice (COJ), and crimes of organizing, forcing, enticing, tolerating, and introducing prostitution (COP).

Our rationale for choosing these offenses is two-fold. First, extant research on gender effect has not extended to these particular offenses, allowing our study to broaden the understanding of gender effect. Second, the crimes in these three subsections reside within the same chapter of Criminal Law, and share similarities in sentencing range, case factors, and trial procedure. Moreover, they provide a contrasting reference: COP carries high gender relevance, whereas COJ and COD do not. Also, COJ offenses might provoke more judicial ire compared to COD. In essence, we postulate that these cases will facilitate a clearer identification of contexts where gender and its concomitant social norms exert influence.

To scrutinize the potential influence of gender norms on judicial decisions, we draw from multiple data sources. Documents of adjudication decisions (DADs) are obtained from the Chinese Judicial Political Database (CJPD). Confucianism-related data is harvested from the Confucian Culture Database and Chinese City Statistics Database, both part of the Chinese Research Data Services (CNRDS) Platform. Additionally, we manually collected data on the geographic distribution of former revolutionary base areas in China from the

62. See, e.g., Wang Zheng, *Communism and Gender in China*, in THE WILEY BLACKWELL ENCYCLOPEDIA OF GENDER AND SEXUALITY STUDIES 1 (2016).

63. See, e.g., Michelson, *supra* note 5; Zheng, *supra* note 62; Alison Booth et al., *Gender Differences in Willingness to Compete: The Role of Culture and Institutions*, n/a THE ECONOMIC JOURNAL (2018); Noboru Niida, *Land reform and new marriage law in China*, 2 THE DEV. ECON. 3 (1964); ELISABETH CROLL, *CHANGING IDENTITIES OF CHINESE WOMEN: RHETORIC, EXPERIENCE, AND SELF-PERCEPTION IN TWENTIETH-CENTURY CHINA* (1995); Yang Yao & Wuyue You, *Women’s political participation and gender gaps of education in China: 1950–1990*, 106 WORLD DEV. 220 (2018).

official website of the China Association for Promoting the Development of Old Revolutionary Base Areas (CAPDO).

A. DADs from the CJPD

1. Judicial Transparency and CJPD Data

In 2014, the Supreme People's Court in China required courts at all levels to upload Documents of Adjudication Decisions (DADs) to a centralized website—China Judgment Online (CJO).⁶⁴ This milestone facilitated the process of judicial transparency. By 2023, over 100 million DADs have been assembled in this invaluable resource, despite intermittent doubts regarding the completeness and timeliness of the disclosures.⁶⁵

The present study harnesses a national database, the CJPD. Due to the intractable anti-scraping techniques employed by the CJO, the CJPD contains about seventy-percent of all published cases but remains one of the most comprehensive databases on Chinese judicial decisions.⁶⁶ Applying computer-assisted sequential sentence classification,⁶⁷ we compile a dataset of 41,252 cases heard by Basic People's Courts between January 2014 and June 2020.

An essential consideration in empirical analysis using DADs is the issue of missing data and the potential selection bias it introduces. Previous studies suggest a variable disclosure rate across time and location, ranging between fifty-percent and eighty-percent.⁶⁸ Despite this variability, the potential for distortion in our analysis should be mitigated for three reasons. First, scholarship indicates that criminal cases suffer less from the missingness issue. In a recent study, Wu et al. estimated that the average disclosure rate for criminal first-instance cases was 66.7%, superior to the rates for administrative cases (55.8%) and civil cases (41.3%).⁶⁹ Second, both prior research and our interviews examined a multitude of factors such as technical problems, resource bias, and court leaders' motivations. Importantly, these considerations are unrelated to cultural concerns or Confucian norms, suggesting that any selection bias arising from missing data should exert a random, rather than systematic, impact on our project. Lastly, assuming gender norms do directly influence judicial transparency, any analysis bias attributable to missing data would bias our results downwards. Courts are more likely to publish cases which were decided impartially, so if our model still reveals significant results, even under such

64. See Provisions of the Supreme People's Court on the issuance of judgments on the internet by the people's courts (2013).

65. See Liebman et al., *supra* note 51; Björn Ahl, Lidong Cai & Chao Xi, *Data-driven approaches to studying chinese judicial practice*, 19 CHINA REV. 1 (2019); Chao Ma, Xiaohong Yu & Haibo He, *Dashuju fenxi: zhongguo sifa caipan wenshu shangwang gongkai baogao* [BIG DATA ANALYSIS: REPORT ON THE PUBLICATION OF CHINESE JUDICIAL DECISIONS ON THE INTERNET], ZHONGGUO FALÜ PINGLUN 208 (2016).

66. Liebman et al., *supra* note 51; Ahl, *supra* note 65; Ma & Yu, *supra* note 65.

67. Huajie Chen et al., *Charge-based prison term prediction with deep gating network*, ARXIV PREPRINT ARXIV:1908.11521 (2019).

68. Liebman et al., *supra* note 51; Ahl, *supra* note 65; Ma & Yu, *supra* note 65.

69. Xiaohan Wu et al., *Augmenting Serialized Bureaucratic Data: The Case of Chinese Courts*, (2022), <https://papers.ssrn.com/abstract=4124433> [<https://perma.cc/CT8Y-AKZE>] (last visited Oct 6, 2022).

potential downward bias, the true effect is likely stronger. As such, we remain cautiously optimistic about the reliability of our findings.

2. Variables Extracted from DADs

We glean several case or court characteristics from the DADs, encompassing parties involved in litigation, the trial court, and trial procedures, among others. Refer to Table A1 in Appendix 1 for basic DAD information. Based on our manual review of over 5,000 cases, our methodology yields a precision rate exceeding 99.8%, a recall rate of 100%, and an F1 value greater than 99.9%, indicative of high recognition accuracy.

The dependent variable in our study is the sentence length for defendants, measured in months. In instances with multiple defendants, we retained data for the principal defendant. To enhance the robustness of our analysis, we also adopted methodologies from preceding studies and normalized sentence length utilizing minimum and maximum imprisonment terms delineated by legal regulations.⁷⁰

Our independent variables encompass the gender of judges and laypersons when relevant (*gender_trial*), and defendants (*gender_def*). Consistent with extant research, we extracted the names of judges, laypersons, and defendants from DADs and estimated their gender using the open-source software *ngender*.⁷¹ To simplify data interpretation, we coded females as 1 and males as 0. For cases adjudicated by a collegial panel, we calculated the average gender of all trial members.

We also introduced controls for case attributes that could influence judicial decisions. Defendants may incur harsher penalties if they are recidivists (*recidivism*), joint offenders (*joint_crime*), have a prior criminal record (*criminal_record*), or received cumulative punishment for multiple crimes (*comb_punish*). Conversely, defendants who surrender (*surrender*), demonstrate merits (*merit*), reconcile with the victim (*reconcile*), confess in court (*confess*), plead guilty (*plea*), or are recognized by the judge for a positive plea attitude (*good_plea_attitude*) may receive milder sentencing. We established all these circumstances as dummy variables, with additional controls for the number of parties involved in the case and attorney involvement.

To account for unobserved heterogeneity across regions and times and facilitate the interpretation of the coefficients of variables of interest, we employed the Least Square Dummy Variable (LSDV) model to examine the effects of these variables on sentencing outcomes. Both region and year fixed effects are controlled.

70. See Claire S.H. Lim, *Preferences and incentives of appointed and elected public officials: Evidence from state trial court judges*, 103 AMERICAN ECONOMIC REVIEW 1360 (2013) [Hereinafter “Preferences and Incentives”]; Claire S.H. Lim, James M. Snyder Jr & David Strömberg, *The judge, the politician, and the press: newspaper coverage and criminal sentencing across electoral systems*, 7 AM. ECON. J.: APPLIED ECON. 103 (2015) [Hereinafter “The Judge”].

71. See Xia et al., *supra* note 5; Michelson, *supra* note 5; Jingchao Hu, *NGender*, (2023), <https://github.com/observerss/ngender> [https://perma.cc/LA7S-W9T9] (last visited Jun 22, 2023).

B. Measuring Confucian Norms

To estimate regional gender norms, we build upon the foundation laid by previous research by utilizing regional information and historical data to discern the influence of Confucian norms.⁷² In our baseline model, we leverage the count of Confucian temples within a city's confines as a surrogate for Confucian norms (represented as *confu_temp*). Traditionally, Confucian temples have been explicit symbols of the exclusive state endorsement of Confucianism since the Han Dynasty.⁷³ These structures, which are embedded with moral values, continue to exert contemporary influence on the regional atmosphere of Confucianism.⁷⁴

Our data, which we derive from the CNRDS platform, counts 491 Confucian temple sites dispersed over 28 provinces. Figure 1 represents the geographical distribution of the Confucian temples encapsulated within our data. The most antiquated temple, situated in Qufu, Shandong Province—the birthplace of Confucius—dates back to the pre-Qin era. The most recent temple, Zijin Academy in Heyuan City, Guangdong Province, was erected in 1929. Given that these Confucian temples were constructed long before 2014, concerns of reverse causality are effectively allayed. Predominantly, Confucian temples are found in traditional Han Chinese settlements, particularly in Shanxi, Shaanxi, Henan, and the densely inhabited coastal territories of southeastern China. Notably, these regions have frequently drawn criticism within China due to their underperformance in matters of gender equality.⁷⁵

72. See Feng et al., *supra* note 59; Du, *supra* note 60; James Kai-sing Kung & Chicheng Ma, *Can cultural norms reduce conflicts? Confucianism and peasant rebellions in Qing China*, 111 J. OF DEV. ECON. 132, 139 (2014).

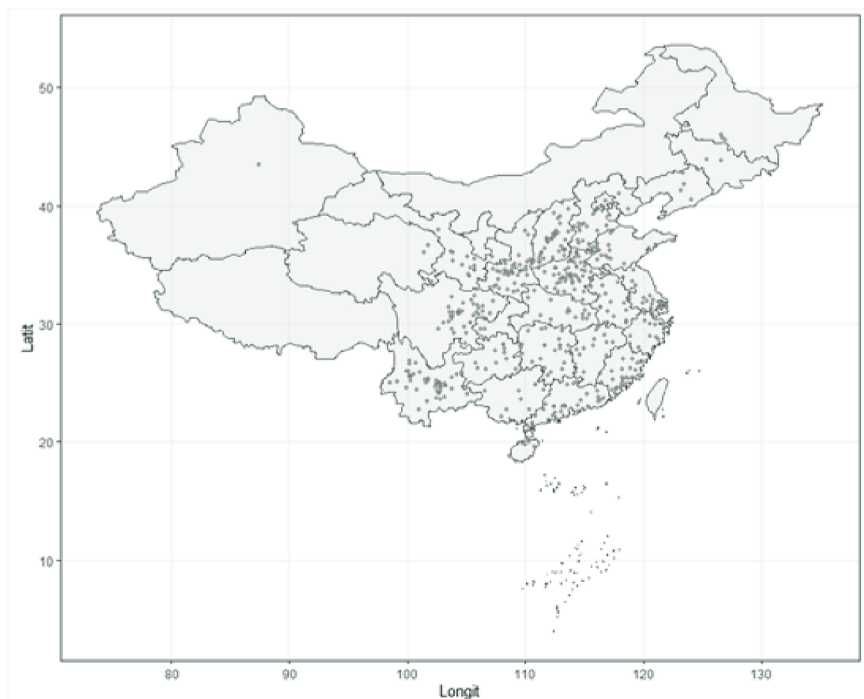
73. *Id.*, see also, Jiyu Ren, *Lun rujiao de xingcheng [On the Formation of Confucianism]*, ZHONGGUO SHEHUI KEXUE 61, 62, 63 (1980). Haiyan Fu & Shuang Zheng, *From Sacred to Secular: A Study of the Transformation in Spatial Functions of Modern Confucian Temples (1906–1937)*, 56 CHINESE STUDIES IN HISTORY 362, 363 (2023).

74. See Du, *supra* note 60. See also, Ting Chen, James Kai-sing Kung & Chicheng Ma, *Long live Keju! The persistent effects of China's civil examination system*, 130 THE ECON. J. 2030, 2036 (2020); Yiran Xia & Ming Lu, *Kuayue shiji de chengshi renli ziben zuji—lishi yichan, zhengce zhongji he laodongli liudong [The footprint of human capital across cities over centuries: historical inheritance, policy shock and contemporary migration in China]*, 54 JINGJI. YANJIU 132, 133, (2019). Chen Feng, Shu Chen & Caiquan Bai, *Changqi renli ziben jilei de lishi genyuan: zhidu chayi, rujia wenhua chuanbo yu guojia nengli suzao [The Historical Roots of Long-term Human Capital Accumulation: Institutional Differences, Confucian Culture Communication and State Capacity Building]*, 54 JINGJI YANJIU 5 (2019); Baomin Dong, *Capitalism and Confucianism: Was Weber Right?* JOURNAL OF ECONOMIC ISSUES 103, 107, 108 (2023).

75. See, e.g., Erwin Bulte, Nico Heerink & Xiaobo Zhang, *China's One-Child Policy and 'the Mystery of Missing Women': Ethnic Minorities and Male-Biased Sex Ratios*, 73 OXFORD BULL. ECON. & STATS. 21, 27 (2011); Huasheng Gao, Yaheng Lin & Yujing Ma, *Sex Discrimination and Female Top Managers: Evidence from China*, 138 J BUS ETHICS 683, 688 (2016).

Beyond the count of Confucian temples, we also employ other traditionally utilized proxies for Confucian norms in Section IV, Part D. These include the count of Confucian academies, successful candidates in the imperial examination during the Ming and Qing dynasties, and arches dedicated to chaste women.

FIGURE 1 Geographical distribution of Confucian temples in China



Note: The gray dots in the figure mark the locations of the Confucian temples. Data are collected from the CNRDS Platform

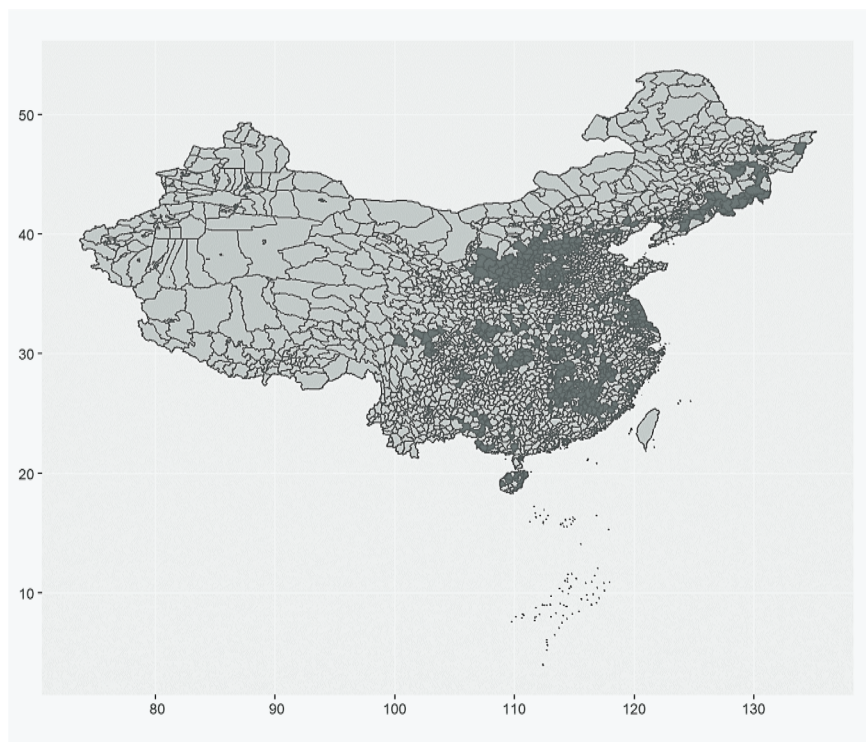
C. Measuring Revolutionary Past

To examine our hypothesis concerning the disruption of Confucian norms by the communist revolution, we delve into the past. During the 1920-1940s, the CCP established an array of revolutionary base areas across China, often in economically underprivileged, mountainous regions. These bases witnessed ambitious and occasionally radical social reforms, many of which specifically aimed at liberating women and undermining Confucianism to rally locals to the revolutionary cause.⁷⁶ As we have previously hypothesized, one can surmise that Confucian culture may be subdued in areas with heightened communist activity.

76. See, e.g., Xiaoyan Liu, *Zhongyang suqu nongmin zhengzhi dongyuan zhongde xingbie yu quanli* [The Gender and Power in Peasant Political Mobilization in the Central Soviet Area Period], 2 *SHIJIE SHEHUIZHUYI WENTI*, 44, 47, 50 (2014); Daoxuan Huang, *Zhonggong kangri genjudi de richang shenghuo* [Daily Life in the Base Areas of the Communist Party of China during the Total War of Resistance against Japanese Aggression]. 1 *KANGRI ZHANZHENG YANJIU*

To test our hypothesis, we began by collecting data on the distribution of old revolutionary base areas. If more than ninety-percent of a county-level area's townships were identified as old revolutionary base areas, we designate the county as a Type I old revolutionary base area. For counties with changed names, we identified them by their latest names published by the Ministry of Civil Affairs in addition to their historical name. As we depict in Figure 2, our data from the official website encompasses over 400 county-level units across twenty-seven provinces and cities. The distribution of revolutionary base areas does not completely overlap or misalign with the distribution of Confucian temples, indicating that the heterogeneous analysis based on revolutionary bases will not introduce serious sample selection bias, which eases any concerns about sample selection biases in section IV, part D.

FIGURE 2 Geographical distribution of Type I Old Revolutionary Base Areas



Note: The gray areas of the map mark the location of the old revolutionary base areas. Data are collected from the official website of the CAPDO.

5, 18 (2020); Xiaoguang Li & Guoqing Wu, *Lun minzhu geming shiqi zhonggong dui nüxing canzheng zhidu de goujian yu shishi—jiyu duowei shijiao de kaocha* Chinese [Communist Party's Praxis with Women's Political Participation during the Democratic Revolutionary Era: A Multidimensional Assessment]. 1 *FUNÜ YANJIU LUNCONG* 52, 54, 55 (2011); Yao & You, *supra* note 63, at 221; Niida, *supra* note 63, at 5, 6.

IV. Empirical Results

A. Gender and Judging in China

In our baseline model, we analyze the impact of gender in criminal cases. We designate the dependent variable as the length of the defendant's sentence, measured in months. The independent variables comprise the genders of the defendant and the judicial panelists. Additionally, we account for *confu_temp*, a variety of previously mentioned case characteristics, as well as provincial and annual fixed effects.

Models 2-1, 2-2, and 2-3 in Figure 3 correspond to the regression outcomes of COD, COJ, and COP cases, respectively. Detailed regression results are available in Appendix 2, Table A2, Models 2-1, 2-2, and 2-3. Across all three types of cases, the gender of trial members does not significantly influence the defendant's sentence length. Nevertheless, the gender of the defendant markedly impacts the sentencing length in both COD and COP cases. Accounting for the myriad case characteristics, sentence lengths for female defendants remain considerably shorter than those received by male defendants, by 1.78 and 0.46 months for COD and COP cases, respectively. We also observe female defendants receive shorter sentences in obstruction of justice cases, albeit to a lesser degree than with COD or COP cases. Consequently, we observe the defendant's gender has an influence on the length of sentence they receive, but cannot observe any relationship between a judge's gender and the sentences they prescribe. The data appears to confirm our Hypotheses H1 and H2.

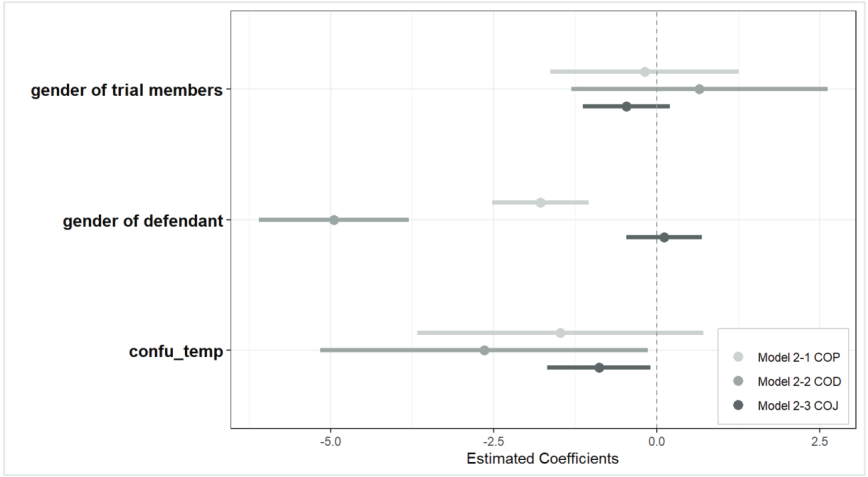
Moreover, it is worth noting that the coefficients of *confu_temp* are negative across all models and attain statistical significance in COP and COD cases. This can be attributed to the Confucian culture's emphasis on forgiveness and rehabilitation. Confucian teachings emphasize the importance of compassion and empathy, extending even towards those who have committed transgressions. Rather than solely imposing penalties on offenders, Confucian scholars highlight the importance of reform and reintegration of these individuals back into society as contributing members.⁷⁷

Furthermore, our control variables provide valuable insights into China's criminal justice system. As expected, defendants who surrender, confess, plead guilty, and exhibit a positive attitude when pleading guilty generally receive shorter sentences. Conversely, joint offenders and those with prior convictions or those sentenced for multiple crimes are subjected to harsher penalties. Additionally, the presence of legal representation is positively correlated with a longer sentence. This is likely because defendants facing graver charges are more inclined to engage legal counsel, a finding that aligns with previous research.⁷⁸

77. See, e.g., Jianhong Liu & George Palermo, *Restorative Justice and Chinese Traditional Legal Culture in the Context of Contemporary Chinese Criminal Justice Reform*, 7 ASIA PAC. J. OF POLICE AND CRIM. JUST. 49, 50 (2009); Louis W. Y. Mok & Dennis S. W. Wong, *Restorative Justice and Mediation: Diverged or Converged?*, 8 ASIAN CRIMINOLOGY 335, 335 (2013).

78. See, e.g., Yali Peng & Jinhua Cheng, *Ethnic Disparity in Chinese Theft Sentencing: A Modified Focal Concerns Perspective*, 22 CHINA REV. 47, 63 (2022); Hong Lu & Terance D. Miethe, *Legal Representation and Criminal Processing in China*, 42 THE BRITISH J. CRIMINOLOGY 267, 274 (2002).

FIGURE 3 Baseline Regressions



Note: The line represents 95% confidential intervals. For detailed regression results, see Appendix 2, Table A2, Model 2-1 to 2-3.

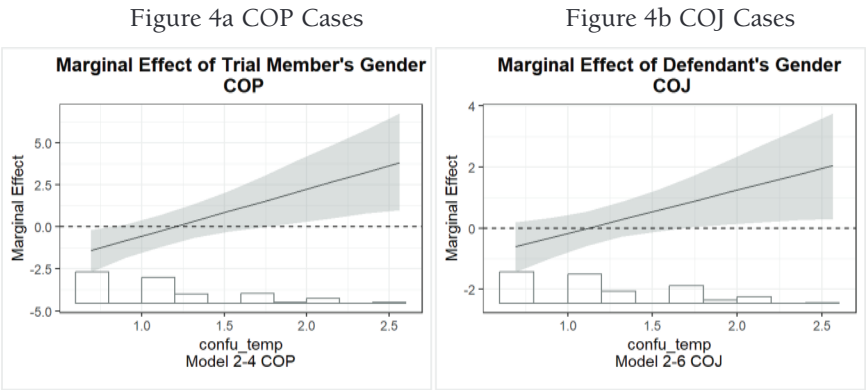
B. Gender Effect and Gender Norms

Moving forward, we apply the interplay between Confucian culture and gender to the model to examine the connection between gender norms and disparate sentencing outcomes. As illustrated in Figure 4a, in COP cases, the number of Confucian temples in the city housing the court directly correlates with the severity of sentences, particularly when female representation on trial panels is high. Figure 4b reveals a noteworthy interactive effect in COJ cases between *confu_temp* and the defendant’s gender: an increase in the number of Confucian temples is associated with more stringent punishment for female defendants. However, our study did not identify a significant interaction effect between Confucian culture and either the gender of trial members or defendants in COD cases (for further details, see Appendix 2).

This partially significant result intimates the existence of an interaction effect between Confucian culture and gender, albeit in certain limited circumstances. Generally, Confucian culture emphasizes tolerance and compassion,⁷⁹ but simultaneously it may encourage more stringent judgments by female judges in certain situations or trigger harsher penalties for women who transgress societal norms. Our analysis suggests that female judges influenced by Confucian culture may administer more severe penalties in cases of serious sexual offenses such as COP. Similarly, judges may mete out harsher sentences for female defendants who commit COD, a significant violation of societal norms. Nonetheless, the non-significant regression results in COJ cases suggest that this phenomenon might not be universally pronounced. Thus, our Hypothesis H3 is partially validated.

79. Liu & Palermo, *supra* note 77.

FIGURE 4 The Moderation Effects of Norms



Note: The gray region represents 95% confidential intervals. For detailed regression results, see Appendix 2, Table A2, Model 2-4 and 2-6.

C. The Neutralizing Effect of Revolutionary Past

To analyze the effect revolutionary camps had on social norms, we employ heterogeneity analysis and bifurcate our data. Figure 5a displays the regression results derived from former revolutionary base areas, and Figure 5b displays the results from other areas.

When comparing the two results, we observe Confucian culture's decreased influence, especially as it relates to gender norms, in former revolutionary base areas. Highlighting this trend, we observe that our previous findings maintain their validity in other areas. This implies that the impact of Confucian culture may have been neutralized by the force of the communist revolution in the preceding decades. Accordingly, our Hypothesis H4 is corroborated.

FIGURE 5 Heterogeneous Analysis of Old Revolution Base Areas



Note: The line represents 95% confidential intervals. For detailed regression results, see Appendix 2, Table A3.

D. Robustness Check

Before we accept our findings as conclusive, we must check to ensure our findings are robust. First, we employ alternative measurements of our key variables and further control for lurking variables. We opt for the number of Confucian temples within a fifty-kilometer radius of the trial court as an alternative measurement (see Appendix 4), use a log-transformed and a standardized measurement of the length of sentence (see Appendix 5),⁸⁰ and utilize the average gender of trial judges to replace the average gender of all panelists (see Appendix 6). Further, we follow previous studies and utilize the number of successful candidates in the imperial examination during the Ming and Qing dynasties, the number of Confucian academies during the same period (see Appendix 7),⁸¹ and the number of chaste women arches in a city to gauge the influence of Confucianism (see Appendix 8).⁸² Next, to control for the possible influence of family clans, we drew on existing studies and use the number of genealogies in a city as a proxy for the strength of local family clans (see Appendix 9).⁸³ Second, we carry out subsample analyses in two fashions: one excludes all cases tried in the five ethnic minority autonomous regions, while the other retains samples from the “Eighteen provinces of Han territory” (see Appendix 10).

Lastly, although our models have controlled province-level fixed effects, there may still exist unobservable geographic characteristics that interfere with our findings. Therefore, we use a placebo test method to indirectly verify whether these potentially omitted geographic characteristics have an impact on our estimation results (see Appendix 11).

Generally speaking, our results remain robust and consistent, with a notable exception concerning the alternative measures of successful candidates and Confucian academies. A potential explanation for this discrepancy may lie in the understanding that Confucianism is a multifaceted and layered ideology.⁸⁴ Confucianism, with its focus on hierarchical relationships such as “sovereign and subject” and “father and son,” emphasizes societal and familial structures and responsibilities. Successful candidates and Confucian academies better encapsulate societal hierarchy,⁸⁵ whereas measures such as Chaste

80. Preferences & Incentives, *supra* note 70; The Judge, *supra* note 70.

81. See, e.g., Xu et al., *supra* note 54; Kung & Ma, *supra* note 74; Yunqi Fan & Zijing Xu, *Audit firm's Confucianism and stock price crash risk: Evidence from China*, 79 INT'L REV. OF FIN. ANALYSIS 101995, 1, 4 (2022); Youliang Yan, Xixiong Xu & Jieji Lai, *Does Confucian culture influence corporate R&D investment? Evidence from Chinese private firms*, 40 FINANCE RESEARCH LETTERS 101719, 1, 3 (2021).

82. Xu et al., *supra* note 54; Kung & Ma, *supra* note 74.

83. See, e.g., Jiarui Cao, Yiqing Xu & Chuanchuan Zhang, *Clans and calamity: How social capital saved lives during China's Great Famine*, 157 JOURNAL OF DEVELOPMENT ECONOMICS 102865 (2022); Chuanchuan Zhang, *Clans, entrepreneurship, and development of the private sector in China*, 48 J. OF COMP. ECON. 100 (2020).

84. See, e.g., Chenglie Luo, *Confucius Temple, the spiritual home of Confucian culture* [Rujia wenhua de jingshen jiayuan—kongmiao]. 2 KONGZI YANJIU, 106 (2007); Huiying Chang, *The Formation and Historical Value of Confucian Educational Regulation of “Integration of Temple and Learning”* [Rujia “miaoxue heyi” jiaoyu guizhi de xingcheng ji lishi jiazhi]. 2 SHIJIE ZONGJIAO WENHUA, 128, 33, 38 (2021).

85. Chen, *supra* note 74.

Women Arches better reflect the familial facet which more directly informs gender norms.⁸⁶ Consequently, these former measures may not as effectively capture the influence of Confucianism on gender norms, which are the primary focus of our study.

Conclusion

In essence, this article lends further empirical credence to gender effects and gender norms in Chinese courts. We discover that, broadly speaking, female defendants enjoy a certain favoritism within the judicial system in cases of organizing prostitution and obstructing official duties, while the gender of judges bears no significant impact. Social norms do play a substantial role in judicial decisions. Generally, Confucian culture, which extols empathy and restorative justice, tempers the harshness of penalties. Nevertheless, when examining the interplay between Confucian culture and gender, we observe that female trial members in city areas with a higher concentration of Confucian temples tend to mete out sterner punishments for criminals organizing prostitution. In cases of obstructing justice, female criminals face harsher penalties than their male counterparts. Moreover, the communist revolutionary past neutralizes the effects of Confucian culture. After scrutinizing cases tried in old revolutionary base areas, we found that the interactive impact of Confucian culture and gender is not significant.

Our exploration has the potential to contribute to the literature of law and courts in three notable ways. First, it furnishes additional evidence for the gender effects in China. Specifically, the present study substantiates the contextual account of the gender effect. In regions steeped in Confucian culture, we witness significant patriarchal behaviors. Female judges are more inclined to impose harsher punishments on female defendants when they transgress gender roles. Intriguingly, in revolutionary base areas, where Confucianism was more thoroughly uprooted, we fail to observe a systematic gender effect.

Second, our study lends credence to the social context of judging. Courts are embedded in social contexts, even in jurisdictions boasting fully-fledged rule of law.⁸⁷ Given that Chinese courts face considerable political constraint and even occasional popular backlash, their deep embedment in the social context is hardly surprising.⁸⁸ Conversely, at the opposite end of an imaginary continuum, courts can exercise effective social control or social engineering to steer social changes by implementing the law. This necessitates either a society with an established rule of law or another intellectual inquiry to fully comprehend when courts lead and when they follow, even in transitive societies.

86. Xu et al., *supra* note 54; Kung & Ma, *supra* note 74; Cao, *supra* note 83; Zhang, *supra* note 83.

87. See, e.g., Farnworth & Teske, *supra* note 4; Fearn, *supra* note 34; Helms & Jacobs, *supra* note 34; Jeffery T. Ulmer, *Recent Developments and New Directions in Sentencing Research*, 29 JUST. Q. 1 (2012); Jeffery T. Ulmer, Christopher Bader & Martha Gault, *Do Moral Communities Play A Role In Criminal Sentencing? Evidence from Pennsylvania*, 49 THE SOCIOLOGICAL Q. 737 (2008).

88. See Ng & He, *supra* note 53; Xiaohong Yu & Xiang Wang, *Caught between Professionalism and Populism*, 22 CHINA REV. 167 (2022).

Lastly, the current study offers empirical evidence to the examination of social norms and their disruption. Social norms, behavioral rules underpinned by a blend of empirical and normative expectations, can be tenacious or even inert.⁸⁹ Most discussions on social norms, whether static or evolutionary accounts, tend to be theoretical but descriptive. By employing the disruption of the communist revolution and the subsequent state-sponsored restoration of Confucianism in China, we present a novel case to empirically investigate the enduring experience of Confucian gender norms and the disruption caused by the communist revolution.

We believe much important research remains to be done to fully comprehend gender effects and social context in judging. Future inquiries may delve into how these effects evolve over time, particularly as comparative contexts that have experienced gender inequality and cultural shifts. Another avenue for investigation might involve examining the attitudinal account in greater detail when more information about Chinese bench becomes available. In that case, we will be able to understand how other personal characteristics of the judgeship can mitigate or exacerbate gender and social biases in judicial decision-making. Further, the present study focuses on three crimes from the same chapter of the criminal law to achieve comparability of the results. Future studies could explore the influence of gender norms on different types of cases, such as crimes with explicit victims and those without, aiming to further refine our findings. Finally, a comparative analysis of the effects of culture or religious beliefs on gender and social norms in judging could shed light on the intricacies of these relationships. By addressing these questions and expanding our knowledge on this subject, scholars and practitioners alike can better understand the dynamics of gender and social context in judging, ultimately enabling the development of more equitable and just legal systems worldwide.

89. See, e.g., CRISTINA BICCHIERI, *THE GRAMMAR OF SOCIETY: THE NATURE AND DYNAMICS OF SOCIAL NORMS* (2005); Florian Grisel, *How migrations affect private orders: Norms and practices in the fishery of marseille*, 55 L. & SOC'Y REV. 177 (2021).

Appendix

Appendix 1 Descriptive Statistics of Variables

Table A1 Descriptive Statistics of Variables

| | COP Cases | | | | | COD Cases | | | | | COJ Cases | | | | |
|--------------------------|-----------|--------|-------|------|------|-----------|--------|------|------|------|-----------|--------|-------|------|------|
| | n | mean | sd | min | max | n | mean | sd | min | max | n | mean | sd | min | max |
| lawyer | 12174 | 0.59 | 0.49 | 0 | 1 | 14579 | 0.35 | 0.48 | 0 | 1 | 14501 | 0.42 | 0.49 | 0 | 1 |
| num_of_litigants | 12174 | 0.97 | 0.43 | 0 | 3.78 | 14579 | 0.81 | 0.27 | 0 | 2.89 | 14501 | 0.81 | 0.27 | 0 | 4.08 |
| recidivism | 12174 | 0.08 | 0.26 | 0 | 1 | 14579 | 0.08 | 0.28 | 0 | 1 | 14501 | 0.11 | 0.31 | 0 | 1 |
| surrender | 12174 | 0.14 | 0.35 | 0 | 1 | 14579 | 0.11 | 0.31 | 0 | 1 | 14501 | 0.17 | 0.37 | 0 | 1 |
| reconcile | 12174 | 0.00 | 0.01 | 0 | 1 | 14579 | 0.02 | 0.13 | 0 | 1 | 14501 | 0.09 | 0.29 | 0 | 1 |
| confess | 12174 | 0.48 | 0.50 | 0 | 1 | 14579 | 0.55 | 0.5 | 0 | 1 | 14501 | 0.48 | 0.5 | 0 | 1 |
| comb_punish | 12174 | 0.62 | 0.49 | 0 | 1 | 14579 | 0.82 | 0.39 | 0 | 1 | 14501 | 0.81 | 0.39 | 0 | 1 |
| joint_crime | 12174 | 0.21 | 0.41 | 0 | 1 | 14579 | 0.06 | 0.23 | 0 | 1 | 14501 | 0.07 | 0.26 | 0 | 1 |
| criminal_record | 12174 | 0.16 | 0.37 | 0 | 1 | 14579 | 0.17 | 0.38 | 0 | 1 | 14501 | 0.23 | 0.42 | 0 | 1 |
| plea | 12174 | 0.14 | 0.34 | 0 | 1 | 14579 | 0.18 | 0.38 | 0 | 1 | 14501 | 0.14 | 0.35 | 0 | 1 |
| good_plea_attitude | 12174 | 0.13 | 0.34 | 0 | 1 | 14579 | 0.14 | 0.35 | 0 | 1 | 14501 | 0.14 | 0.34 | 0 | 1 |
| merit | 12174 | 0.03 | 0.16 | 0 | 1 | 14579 | 0.00 | 0.05 | 0 | 1 | 14501 | 0.02 | 0.13 | 0 | 1 |
| gender_def | 12174 | 0.31 | 0.46 | 0 | 1 | 14579 | 0.17 | 0.37 | 0 | 1 | 14501 | 0.13 | 0.34 | 0 | 1 |
| gender_trial | 12174 | 0.35 | 0.35 | 0 | 1 | 14579 | 0.34 | 0.39 | 0 | 1 | 14501 | 0.33 | 0.35 | 0 | 1 |
| year | 12174 | 2017.7 | 1.55 | 2014 | 2020 | 14579 | 2017.9 | 1.40 | 2014 | 2020 | 14501 | 2017.7 | 1.53 | 2014 | 2020 |
| length of sentences | 12174 | 31.08 | 30.69 | 0 | 180 | 14579 | 9.04 | 3.88 | 0 | 36 | 14501 | 16.04 | 12.86 | 0 | 96 |
| confu_temp | 12174 | 1.14 | 0.45 | 0.69 | 2.56 | 14579 | 1.23 | 0.50 | 0.69 | 2.56 | 14501 | 1.21 | 0.46 | 0.69 | 2.56 |
| old revolution base area | 12174 | 0.09 | 0.28 | 0 | 1 | 14579 | 0.10 | 0.30 | 0 | 1 | 14501 | 0.13 | 0.34 | 0 | 1 |

Appendix 2 Detailed Regression Results of Figure 3 and 4

Models 2-1 to 2-3 show the detailed regression results of Figure 3. Models 2-4 to 2-6 show the detailed regression results of Figure 4.

Table A2 Regression Results of Figure 3 and 4

| | Model2-1 | Model2-2 | Model2-3 | Model2-4 | Model2-5 | Model2-6 |
|---------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ | COP | COD | COJ |
| gender_trial | −0.189 (0.737) | 0.063 (0.089) | −0.465 (0.341) | −3.309* (1.537) | 0.257 (0.215) | 0.327 (0.886) |
| gender_def | −1.784*** (0.375) | −0.456*** (0.069) | 0.109 (0.295) | −2.616** (0.922) | −0.291 (0.177) | −1.958* (0.826) |
| confu_temp | −1.476 (1.120) | −0.444** (0.177) | −0.886* (0.403) | −2.629* (1.197) | −0.367 (0.193) | −0.588 (0.518) |
| gender_def × confu_temp | | | | 0.740 (0.797) | −0.132 (0.124) | 1.193* (0.606) |
| gender_trial × confu_temp | | | | 2.782* (1.320) | −0.157 (0.142) | −0.434 (0.682) |
| recidivism | −0.815 (0.875) | 2.008*** (0.175) | −1.155* (0.486) | −0.851 (0.875) | 2.010*** (0.175) | −0.678 (0.472) |
| joint_crime | 3.531*** (0.966) | 1.089*** (0.233) | 4.585*** (0.619) | 3.502*** (0.965) | 1.091*** (0.233) | 5.551*** (0.669) |
| surrender | −6.864*** (0.748) | −0.457*** (0.121) | −3.381*** (0.307) | −6.861*** (0.750) | −0.458*** (0.121) | −3.115*** (0.310) |
| reconcile | 3.442 (15.661) | 0.136 (0.187) | −0.457* (0.276) | 3.866 (15.960) | 0.136 (0.187) | −3.692*** (0.383) |
| confess | −4.163*** (0.538) | −0.578*** (0.095) | −1.860*** (0.283) | −4.135*** (0.545) | −0.578*** (0.094) | −1.397*** (0.292) |
| comb_punish | 5.467*** (0.901) | 0.732*** (0.184) | 2.877*** (0.645) | 5.471*** (0.898) | 0.729*** (0.184) | 3.366*** (0.696) |
| criminal_record | 0.494 (0.744) | 0.574*** (0.113) | −1.408*** (0.310) | 0.526 (0.744) | 0.573*** (0.113) | −0.090 (0.326) |
| plea | −4.519*** (0.704) | −0.661*** (0.094) | −1.904*** (0.324) | −4.507*** (0.708) | −0.659*** (0.094) | −1.912*** (0.354) |
| good_plea_attitude | −0.744 (0.610) | −0.313** (0.104) | −0.734* (0.308) | −0.765 (0.616) | −0.314** (0.104) | −0.477 (0.329) |
| merit | 3.064 (2.259) | 0.405 (0.900) | 1.046 (0.883) | 3.092 (2.254) | 0.402 (0.899) | 2.052* (0.942) |
| lawyer | 4.468*** (0.525) | 0.031 (0.080) | 5.453*** (0.263) | 4.463*** (0.524) | 0.032 (0.080) | 4.920*** (0.271) |
| num_of_litigants | 12.109*** (1.422) | 1.997*** (0.268) | 10.302*** (1.123) | 12.130*** (1.416) | 1.992*** (0.268) | 11.661*** (1.180) |

| | Model2-1 | Model2-2 | Model2-3 | Model2-4 | Model2-5 | Model2-6 |
|-------------|----------|----------|----------|-----------|----------|----------|
| | COP | COD | COJ | COP | COD | COJ |
| case_causes | Yes | Yes | Yes | Yes | Yes | Yes |
| province | Yes | Yes | Yes | Yes | Yes | Yes |
| year | Yes | Yes | Yes | Yes | Yes | Yes |
| Intercept | 71.977** | 7.669*** | -1.630 | 73.243*** | 7.574*** | 2.897 |
| | (3.630) | (0.603) | (1.940) | (3.636) | (0.615) | (1.886) |
| Num.Obs. | 12174 | 14579 | 14501 | 12174 | 14579 | 14501 |
| AIC | 129434.0 | 107853.5 | 140447.8 | 129422.0 | 107847.6 | 141887.8 |
| BIC | 219222.4 | 218097.5 | 249931.5 | 219195.5 | 218076.5 | 251447.3 |

Note: Models 2-1 to 2-3 show the detailed regression results of Figure 3. Models 2-4 to 2-6 further add the interaction term between the gender of the trial member and defendant and the proxy of Confucianism and show the detailed regression results of Figure 4. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$. AIC=Akaike information criterion, BIC= Bayesian Information Criterion.

Appendix 3 Detailed Regression Results of Figure 5

Models 3-1 to 3-6 show the detailed regression results of Figure 5. Models 3-1 to 3-3 use data from old revolutionary base areas. Models 3-4 to 3-6 use the rest of the data.

Table A3 Heterogeneous Analysis of Old Revolution Base Areas

| | Model 3-1 | Model 3-2 | Model 3-3 | Model 3-4 | Model 3-5 | Model 3-6 |
|---------------------------|---------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| | Old Revolution Base Areas | | | Other Areas | | |
| | COP | COD | COJ | COP | COD | COJ |
| gender_trial | -5.817 (4.619) | 0.223 (0.744) | 2.403 (2.232) | -3.671* (1.553) | 0.315 (0.215) | 0.598 (0.965) |
| gender_def | -0.792 (2.969) | -1.049 (0.690) | -2.106 (2.843) | -2.636** (0.928) | -0.255 (0.191) | -1.879* (0.823) |
| confu_temp | 0.925 (3.041) | -0.791 (0.423) | -0.125 (1.240) | -2.822* (1.260) | -0.314 (0.203) | -0.827 (0.545) |
| gender_def × confu_temp | 0.342 (2.787) | 0.562 (0.599) | 1.220 (2.419) | 0.669 (0.774) | -0.165 (0.129) | 1.144 (0.594) |
| gender_trial × confu_temp | 6.843 (5.670) | -0.315 (0.613) | -4.020 (2.062) | 3.078* (1.278) | -0.182 (0.138) | -0.397 (0.715) |
| recidivism | 0.527 (2.970) | 0.622 (0.486) | -1.600 (1.200) | -0.891 (0.876) | 2.179*** (0.191) | -0.543 (0.510) |
| joint_crime | 1.409 (1.709) | 0.219 (0.454) | 2.418 (1.398) | 3.781*** (1.015) | 1.160*** (0.247) | 6.083*** (0.759) |
| surrender | -13.230*** (1.610) | -0.994** (0.326) | -4.289*** (1.107) | -6.109*** (0.788) | -0.400** (0.127) | -2.911*** (0.313) |
| reconcile | -5.689*** (1.508) | -0.618* (0.308) | -1.733* (0.794) | 4.062 (16.127) | 0.134 (0.204) | -3.561*** (0.371) |
| confess | 5.176* (2.491) | 0.389 (0.468) | 4.849** (1.834) | -4.005*** (0.555) | -0.577*** (0.100) | -1.390*** (0.328) |
| comb_punish | 4.360* (1.709) | 1.232** (0.389) | -0.019 (1.098) | 5.556*** (0.951) | 0.766*** (0.199) | 3.227*** (0.757) |
| criminal_record | -4.344** (1.552) | -0.250 (0.278) | -1.566 (0.951) | 0.121 (0.697) | 0.493*** (0.128) | -0.112 (0.341) |
| plea | 1.130 (1.722) | -0.530 (0.347) | -1.411 (1.074) | -4.587*** (0.775) | -0.721*** (0.099) | -2.000*** (0.391) |
| good_plea_attitude | 9.821 (6.439) | -3.102*** (0.476) | -1.477 (3.107) | -0.930 (0.644) | -0.323** (0.112) | -0.292 (0.370) |
| merit | 3.707** (1.274) | 0.659** (0.215) | 5.443*** (0.776) | 2.071 (2.007) | 0.563 (0.906) | 2.449* (0.973) |
| lawyer | 13.327** (4.324) | 1.462* (0.725) | 12.681*** (2.941) | 4.568*** (0.539) | -0.028 (0.083) | 4.857*** (0.281) |
| num_of_litigants | 0.527 (2.970) | 0.622 (0.486) | -1.600 (1.200) | 12.048*** (1.470) | 2.065*** (0.299) | 11.491*** (1.339) |

| | Model 3-1 | Model 3-2 | Model 3-3 | Model 3-4 | Model 3-5 | Model 3-6 |
|-------------|---------------------------|---------------------|----------------------|----------------------|---------------------|------------------|
| | Old Revolution Base Areas | | | Other Areas | | |
| | COP | COD | COJ | COP | COD | COJ |
| case_causes | Yes | Yes | Yes | Yes | Yes | Yes |
| province | Yes | Yes | Yes | Yes | Yes | Yes |
| year | Yes | Yes | Yes | Yes | Yes | Yes |
| Intercept | 53.206*** (12.165) | 8.332*** (1.936) | 15.244*** (3.932) | 73.686*** (3.789) | 7.496*** (0.642) | 2.989 (2.060) |
| Num.Obs. | 1064 | 1498 | 1929 | 11061 | 13059 | 12513 |
| AIC | 10853.2 | 10889.3 | 18957.5 | 117801.4 | 96545.4 | 122135.5 |
| BIC | 15902.5 | 18602.2 | 29430.4 | 198275.6 | 193809.3 | 214784.5 |

Note: Models 3-1 to 3-6 show the detailed regression results of Figure 5. Models 3-1 to 3-3 use data from Type I old revolutionary base areas. Models 3-4 to 3-6 use the rest of the data. Standard errors clustered at the city level are listed in parentheses. * p < 0.05, ** p < 0.01, *** p < 0.001.

Appendix 4 Applying Alternative Measurement of Confucianism

Table A4 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We opt for the number of Confucian temples within a 50-kilometer radius of the trial court as an alternative to the quantity of Confucian temples in the city area. The same set of control variables are added as Table A2. The coefficient of the interaction term between the gender of trial members and *confu_temp* is consistently positive and statistically significant at 0.1% level in Model 4-1. The coefficient of the interaction term between the defendant's gender and *confu_temp* is consistently positive and statistically significant at 5% level in Model 4-3. Our findings thus generally remain robust.

Table A4 Robustness Analysis: Alternative Measurement of Confucianism

| | Model 4-1 | Model 4-2 | Model 4-3 |
|--------------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -2.942** (0.935) | 0.360* (0.170) | -0.287 (0.582) |
| gender_def | -1.710* (0.683) | -0.323* (0.145) | -0.720 (0.511) |
| confu_temp 50km | -1.763* (0.823) | -0.141 (0.109) | -0.186 (0.347) |
| gender_def × confu_temp 50km | -0.106 (0.597) | -0.126 (0.107) | 0.856* (0.430) |
| gender_trial × confu_temp 50km | 2.899*** (0.874) | -0.267* (0.135) | -0.160 (0.537) |
| recidivism | -0.809 (0.957) | 2.009*** (0.180) | -1.163* (0.468) |
| joint_crime | 3.492*** (0.790) | 1.078*** (0.218) | 4.585*** (0.576) |
| surrender | -6.851*** (0.643) | -0.469*** (0.115) | -3.372*** (0.300) |
| reconcile | 3.533 (15.702) | 0.120 (0.244) | -0.449 (0.280) |
| confess | -4.079*** (0.511) | -0.576*** (0.089) | -1.844*** (0.275) |
| comb_punish | 5.442*** (0.815) | 0.729*** (0.192) | 2.854*** (0.656) |
| criminal_record | 0.469 (0.716) | 0.580*** (0.113) | -1.410*** (0.326) |
| plea | -4.475*** (0.621) | -0.646*** (0.089) | -1.867*** (0.345) |
| good_plea_attitude | -0.720 (0.657) | -0.317** (0.103) | -0.742* (0.324) |
| merit | 3.048 (2.032) | 0.419 (0.876) | 1.047 (0.866) |
| lawyer | 4.475*** (0.464) | 0.039 (0.070) | 5.456*** (0.242) |
| num_of_litigants | 12.113*** (1.277) | 1.980*** (0.292) | 10.301*** (1.159) |

| | Model 4-1 | Model 4-2 | Model 4-3 |
|-------------|----------------------|---------------------|-------------------|
| | COP | COD | COJ |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 12174 | 14579 | 14501 |
| AIC | 129419.3 | 107850.9 | 140451.1 |
| BIC | 219192.9 | 218079.7 | 249919.6 |
| (Intercept) | 72.479*** (3.610) | 7.369*** (0.541) | -2.218 (1.828) |

Note: Models 4-1, 4-2, and 4-3 show the regression results of COP, COD, and COJ, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 5 Applying Alternative Measurement of the Dependent Variable

Table A5-1 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We opt for a log-transformed measurement of length of sentence as an alternative measurement of the dependent variable. The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and *confu_temp* is consistently positive in Model 5-1 (p=0.057). The coefficient of the interaction term between defendant’s gender and *confu_temp* is consistently positive in Model 5-3 (p=0.073). Our findings thus generally remain robust.

Table A5-1 Alternative Measurement of Length of Sentence (Log-Transformed)

| | Model 5-1 | Model 5-2 | Model 5-3 |
|---------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | −0.114 (0.059) | 0.024 (0.018) | −0.036 (0.042) |
| gender_def | −0.077** (0.029) | −0.025 (0.015) | −0.056 (0.040) |
| confu_temp | −0.107** (0.040) | −0.027 (0.017) | −0.038 (0.025) |
| gender_def × confu_temp | 0.010 (0.025) | −0.009 (0.011) | 0.051 (0.028) |
| gender_trial × confu_temp | 0.088 (0.046) | −0.014 (0.012) | 0.001 (0.036) |
| recidivism | 0.039 (0.027) | 0.165*** (0.013) | −0.036 (0.024) |
| joint_crime | 0.149*** (0.026) | 0.081*** (0.017) | 0.215*** (0.024) |
| surrender | −0.138*** (0.020) | −0.032** (0.010) | −0.150*** (0.016) |
| reconcile | 0.363 (0.343) | 0.012 (0.017) | −0.036* (0.017) |
| confess | −0.112*** (0.019) | −0.043*** (0.008) | −0.098*** (0.015) |
| comb_punish | 0.023 (0.017) | 0.055*** (0.014) | 0.088*** (0.026) |
| criminal_record | 0.007 (0.021) | 0.056*** (0.009) | −0.073*** (0.015) |
| plea | −0.145*** (0.020) | −0.058*** (0.008) | −0.092*** (0.016) |
| good_plea_attitude | 0.011 (0.021) | −0.024** (0.009) | −0.031* (0.015) |
| merit | 0.127** (0.047) | −0.001 (0.064) | 0.062 (0.039) |
| lawyer | 0.189*** (0.019) | 0.001 (0.007) | 0.268*** (0.012) |
| num_of_litigants | 0.179*** (0.020) | 0.168*** (0.020) | 0.393*** (0.042) |

| | Model 5-1 | Model 5-2 | Model 5-3 |
|-------------|---------------------|---------------------|---------------------|
| | COP | COD | COJ |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 12174 | 14579 | 14501 |
| AIC | 43703.1 | 34551.4 | 52446.4 |
| BIC | 133476.6 | 144780.3 | 161914.9 |
| (Intercept) | 4.413*** (0.077) | 2.119*** (0.051) | 1.933*** (0.090) |

Note: Models 5-1, 5-2, and 5-3 show the regression results of COP, COD, and COJ, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table A5-2 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We opt for a standardized measurement of length of sentence as an alternative measurement of the dependent variable. The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and *confu_temp* is consistently positive in Model 5-4 ($p=0.247$). The coefficient of the interaction term between the defendant's gender and *confu_temp* is consistently positive in Model 5-6 ($p=0.221$). Our findings thus generally remain robust.

Table A5-2 Alternative Measurement of Length of Sentence (Standardized)

| | Model 5-4 | Model 5-5 | Model 5-6 |
|---------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -0.023 (0.020) | 0.007 (0.006) | -0.014 (0.016) |
| gender_def | -0.011 (0.010) | -0.008 (0.005) | -0.011 (0.017) |
| confu_temp | -0.022 (0.012) | -0.010 (0.005) | -0.012 (0.011) |
| gender_def × confu_temp | -0.005 (0.009) | -0.004 (0.003) | 0.015 (0.012) |
| gender_trial × confu_temp | 0.018 (0.016) | -0.004 (0.004) | 0.000 (0.014) |
| recidivism | -0.010 (0.009) | 0.056*** (0.005) | -0.029** (0.009) |
| joint_crime | 0.052*** (0.010) | 0.030*** (0.006) | 0.060*** (0.009) |
| surrender | -0.029*** (0.007) | -0.013*** (0.003) | -0.040*** (0.006) |
| reconcile | 0.319* (0.143) | 0.004 (0.005) | -0.015* (0.006) |
| confess | -0.022*** (0.007) | -0.016*** (0.003) | -0.029*** (0.006) |
| comb_punish | -0.008 (0.006) | 0.020*** (0.005) | 0.028** (0.010) |
| criminal_record | -0.013 (0.007) | 0.016*** (0.003) | -0.037*** (0.006) |
| plea | -0.034*** (0.006) | -0.018*** (0.003) | -0.020** (0.006) |
| good_plea_attitude | 0.005 (0.008) | -0.009** (0.003) | -0.008 (0.006) |
| merit | 0.039** (0.014) | 0.011 (0.025) | 0.044** (0.016) |
| lawyer | 0.063*** (0.006) | 0.001 (0.002) | 0.096*** (0.005) |
| num_of_litigants | 0.012 (0.008) | 0.055*** (0.007) | 0.106*** (0.018) |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |

| | Model 5-4 | Model 5-5 | Model 5-6 |
|-------------|---------------------|---------------------|---------------------|
| | COP | COD | COJ |
| year | Yes | Yes | Yes |
| Num.Obs. | 12174 | 14579 | 14501 |
| AIC | 18997.0 | 3359.4 | 26033.7 |
| BIC | 108770.5 | 113588.2 | 135502.3 |
| (Intercept) | 0.866*** (0.031) | 0.210*** (0.017) | 0.183*** (0.037) |

Note: Models 5-4, 5-5, and 5-6 show the regression results of COP, COD, and COJ, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 6 Applying Alternative Measurement of Trial Member’s Gender

Table A6 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We use the average gender of trial judges as a replacement for the average gender of all panel members. The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and *confu_temp* is consistently positive in Model 6-1. The coefficient of the interaction term between the defendant’s gender and *confu_temp* is consistently positive and statistically significant at 5% level in Model 6-3. Our findings thus generally remain robust.

Table A6 Robustness Analysis: Alternative Measurement Trial Member’s gender

| | Model 6-1 | Model 6-2 | Model 6-3 |
|---------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -1.593 (1.286) | -0.004 (0.200) | -0.656 (0.677) |
| gender_def | -2.605** (0.926) | -0.292 (0.177) | -1.553* (0.767) |
| confu_temp | -2.028 (1.174) | -0.404* (0.189) | -1.027* (0.487) |
| gender_def × confu_temp | 0.724 (0.799) | -0.132 (0.124) | 1.391* (0.579) |
| gender_trial × confu_temp | 1.004 (1.052) | -0.057 (0.130) | -0.125 (0.541) |
| recidivism | -0.833 (0.873) | 2.006*** (0.175) | -1.177* (0.484) |
| joint_crime | 3.544*** (0.966) | 1.089*** (0.233) | 4.581*** (0.618) |
| surrender | -6.844*** (0.751) | -0.458*** (0.121) | -3.372*** (0.307) |
| reconcile | 3.699 (15.728) | 0.135 (0.187) | -0.434 (0.276) |
| confess | -4.142*** (0.539) | -0.579*** (0.095) | -1.862*** (0.283) |
| comb_punish | 5.464*** (0.905) | 0.728*** (0.184) | 2.871*** (0.645) |
| criminal_record | 0.514 (0.741) | 0.574*** (0.114) | -1.406*** (0.308) |
| plea | -4.494*** (0.703) | -0.660*** (0.094) | -1.904*** (0.326) |
| good_plea_attitude | -0.749 (0.610) | -0.311** (0.104) | -0.743* (0.309) |
| merit | 3.085 (2.262) | 0.401 (0.899) | 1.025 (0.883) |
| lawyer | 4.459*** (0.524) | 0.033 (0.080) | 5.466*** (0.263) |
| num_of_litigants | 12.089*** (1.422) | 1.989*** (0.268) | 10.301*** (1.121) |
| case_causes | Yes | Yes | Yes |

| | Model 6-1 | Model 6-2 | Model 6-3 |
|-------------|----------------------|---------------------|-------------------|
| | COP | COD | COJ |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 12170 | 14578 | 14498 |
| AIC | 129375.4 | 107840.3 | 140401.3 |
| BIC | 219115.4 | 218060.6 | 249844.1 |
| (Intercept) | 72.665*** (3.646) | 8.675*** (0.609) | -0.320 (1.952) |

Note: Models 6-1, 6-2, and 6-3 show the regression results of COP, COD, and COJ cases, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 7 Applying Alternative Proxy of Confucianism

Table A7 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We use the number of successful candidates in the imperial examination during the Ming and Qing dynasties, as well as the number of Confucian academies during that period in the city where the court is located, as a proxy for Confucian culture. The same set of control variables are added.

However, Both the coefficient of the interaction term between the gender of trial members and Confucianism in Model 7-1 and the coefficient of the interaction term between the defendant's gender and Confucianism in Model 7-3 are not statistically significant at 5% level.

Table A7 Robustness Analysis: Alternative Proxy of Confucianism

| | Model 7-1 | Model 7-2 | Model 7-3 |
|--------------------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -3.263* (1.592) | 0.563 (0.398) | -1.324 (1.347) |
| gender_def | -0.541 (1.039) | -0.657* (0.278) | 1.502 (1.240) |
| Confucian Academies | -0.652 (0.832) | -0.011 (0.137) | -0.787* (0.380) |
| Successful Candidates | -0.241 (0.545) | -0.191** (0.061) | 0.306 (0.219) |
| gender_def × Confucian Academies | -0.265 (0.350) | 0.073 (0.065) | -0.230 (0.289) |
| gender_trial × Confucian Academies | 0.420 (0.623) | -0.128 (0.084) | -0.180 (0.284) |
| gender_def × Successful Candidates | 0.035 (0.528) | -0.052 (0.102) | -0.064 (0.476) |
| gender_trial × Successful Candidates | 0.271 (1.146) | 0.056 (0.138) | 0.521 (0.483) |
| recidivism | -0.757 (0.873) | 2.024*** (0.176) | -1.183* (0.486) |
| joint_crime | 3.465*** (0.981) | 1.059*** (0.231) | 4.583*** (0.613) |
| surrender | -6.867*** (0.746) | -0.471*** (0.121) | -3.361*** (0.307) |
| reconcile | 2.853 (15.569) | 0.071 (0.191) | -0.458 (0.279) |
| confess | -4.142*** (0.539) | -0.580*** (0.094) | -1.852*** (0.281) |
| comb_punish | 5.474*** (0.900) | 0.737*** (0.185) | 2.851*** (0.643) |
| criminal_record | 0.431 (0.741) | 0.565*** (0.112) | -1.387*** (0.310) |
| plea | -4.478*** (0.704) | -0.622*** (0.089) | -1.880*** (0.327) |
| good_plea_attitude | -0.821 (0.623) | -0.312** (0.104) | -0.737* (0.304) |

| | Model 7-1 | Model 7-2 | Model 7-3 |
|------------------|----------------------|---------------------|----------------------|
| | COP | COD | COJ |
| merit | 3.004 (2.237) | 0.368 (0.903) | 1.072 (0.882) |
| lawyer | 4.477*** (0.513) | 0.034 (0.079) | 5.447*** (0.267) |
| num_of_litigants | 12.154*** (1.414) | 2.001*** (0.269) | 10.278*** (1.125) |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 12174 | 14579 | 14501 |
| AIC | 129421.4 | 107815.6 | 140437.1 |
| BIC | 219172.8 | 218021.7 | 249882.8 |
| (Intercept) | 73.807*** (4.598) | 8.134*** (0.719) | -1.422 (2.231) |

Note: Models 7-1, 7-2, and 7-3 show the regression results of COP, COD, and COJ cases, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 8 Chaste Women Arches

Table A8 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We use the number of extant chaste women arches in a city as a proxy for Confucian culture. Chaste women arches are archway built in ancient China to honor women who were considered to have pure and noble moral values. In a narrow sense, it refers to those built to honor women who remained widowed or did not remarry for a long time after their husband’s death, or committed suicide for burial, etc.¹ The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and Confucianism is consistently positive and statistically significant at 1% level in Model 8-1, with p=0.068. The coefficient of the interaction term between the defendant’s gender and Confucianism is consistently positive in Model 8-3. Our findings thus generally remain robust.

Table A8 Robustness Analysis: Chaste Women Arches

| | Model 8-1 | Model 8-2 | Model 8-3 |
|------------------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -0.556 (0.796) | 0.063 (0.093) | -0.500 (0.364) |
| gender_def | -1.692*** (0.406) | -0.447*** (0.073) | 0.082 (0.309) |
| Chaste Women Arches | -1.903** (0.736) | -0.059 (0.143) | -0.754* (0.360) |
| gender_def × Chaste Women Arches | -0.574 (0.653) | -0.097 (0.095) | 0.218 (0.464) |
| gender_trial × Chaste Women Arches | 1.877** (0.598) | 0.018 (0.167) | 0.440 (0.398) |
| recidivism | -0.783 (0.868) | 2.006*** (0.175) | -1.166* (0.488) |
| joint_crime | 3.442*** (0.977) | 1.080*** (0.236) | 4.576*** (0.618) |
| surrender | -6.842*** (0.745) | -0.459*** (0.121) | -3.380*** (0.307) |
| reconcile | 3.183 (15.327) | 0.111 (0.187) | -0.456 (0.275) |
| confess | -4.103*** (0.548) | -0.563*** (0.095) | -1.853*** (0.281) |
| comb_punish | 5.501*** (0.903) | 0.728*** (0.185) | 2.858*** (0.648) |
| criminal_record | 0.465 (0.739) | 0.584*** (0.113) | -1.395*** (0.311) |
| plea | -4.527*** (0.709) | -0.653*** (0.093) | -1.857*** (0.324) |
| good_plea_attitude | -0.623 (0.582) | -0.308** (0.105) | -0.734* (0.308) |

1. Chia-Lin Pao Tao, *Chaste Widows and Institutions to Support Them in Late-Ch'ing China*, ASIA MAJOR 101 (1991).

| | Model 8-1 | Model 8-2 | Model 8-3 |
|------------------|----------------------|---------------------|----------------------|
| | COP | COD | COJ |
| merit | 2.876 (2.239) | 0.404 (0.907) | 1.053 (0.881) |
| lawyer | 4.448*** (0.515) | 0.030 (0.080) | 5.460*** (0.268) |
| num_of_litigants | 12.170*** (1.431) | 1.992*** (0.272) | 10.312*** (1.129) |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 12174 | 14579 | 14501 |
| AIC | 129415.1 | 107874.8 | 140446.8 |
| BIC | 219188.6 | 218103.6 | 249915.4 |
| (Intercept) | 71.196*** (3.614) | 8.322*** (0.604) | -1.078 (1.938) |

Note: Models 8-1, 8-2, and 8-3 show the regression results of COP, COD, and COJ cases, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 9 Subsample Analysis

Table A9-1 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We exclude all cases tried in the five ethnic minority autonomous regions. The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and *confu_temp* is consistently positive and statistically significant at 5% level in Model 9-1. The coefficient of the interaction term between the defendant's gender and *confu_temp* is consistently positive and statistically significant at 1% level in Model 9-3. Our findings thus generally remain robust.

Upon restricting the samples, the magnitude of the interaction effect between Confucian culture and gender escalates as anticipated, as subsamples are generally considered to hail from regions with a more profound influence of Confucian culture.

Table A9-1 Robustness Analysis: Excluding cases from five ethnic minority autonomous regions

| | Model 9-1 | Model 9-2 | Model 9-3 |
|---------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -3.192* (1.579) | 0.276 (0.220) | -0.195 (0.930) |
| gender_def | -2.702** (0.947) | -0.290 (0.177) | -1.953* (0.791) |
| confu_temp | -2.610* (1.203) | -0.357 (0.193) | -1.012* (0.495) |
| gender_def × confu_temp | 0.772 (0.808) | -0.137 (0.124) | 1.639** (0.593) |
| gender_trial × confu_temp | 2.711* (1.334) | -0.169 (0.144) | -0.228 (0.714) |
| recidivism | -1.172 (0.873) | 2.019*** (0.178) | -1.256* (0.502) |
| joint_crime | 3.519*** (0.990) | 0.940*** (0.241) | 4.345*** (0.608) |
| surrender | -6.878*** (0.765) | -0.412*** (0.118) | -3.379*** (0.312) |
| reconcile | 3.793 (15.884) | 0.141 (0.188) | -0.426 (0.277) |
| confess | -4.269*** (0.548) | -0.546*** (0.093) | -1.834*** (0.289) |
| comb_punish | 5.449*** (0.913) | 0.651*** (0.190) | 2.819*** (0.649) |
| criminal_record | 0.607 (0.754) | 0.579*** (0.114) | -1.369*** (0.311) |
| plea | -4.503*** (0.725) | -0.667*** (0.094) | -1.868*** (0.331) |
| good_plea_attitude | -0.778 (0.635) | -0.300** (0.104) | -0.736* (0.310) |
| merit | 3.008 | -0.516 | 0.972 |

| | Model 9-1 | Model 9-2 | Model 9-3 |
|------------------|--------------------------------|-----------------------------|--------------------------------|
| | COP | COD | COJ |
| lawyer | (2.291) 4.550*** (0.537) | (0.700) 0.062 (0.081) | (0.899) 5.413*** (0.268) |
| num_of_litigants | 12.210*** (1.436) | 1.977*** (0.283) | 10.264*** (1.128) |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 11807 | 14283 | 14098 |
| AIC | 125665.6 | 105397.7 | 136504.9 |
| BIC | 212375.7 | 213103.9 | 242537.5 |
| (Intercept) | 74.175*** (3.663) | 8.504*** (0.630) | 0.342 (1.939) |

Note: Models 9-1, 9-2, and 9-3 show the regression results of COP, COD, and COJ cases, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table A9-2 provides a robustness check for the results presented in Table A2 (Models 2-4 to 2-6). We retain samples from the “Eighteen provinces of Han territory.” The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and Confucianism is consistently positive and statistically significant at 5% level in Model 9-4. The *confu_temp* of the interaction term between the defendant’s gender and *confu_temp* is consistently positive and statistically significant at 5% level in Model 9-6. Our findings thus generally remain robust.

Upon restricting the samples, the magnitude of the interaction effect between Confucian culture and gender escalates as anticipated, as subsamples are generally considered to hail from regions with a more profound influence of Confucian culture.

Table A9-2 Robustness Analysis: Samples from the “Eighteen provinces of Han territory”

| | Model 9-4 | Model 9-5 | Model 9-6 |
|---------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | −3.553* (1.560) | 0.178 (0.197) | −0.365 (0.893) |
| gender_def | −2.732** (0.930) | −0.239 (0.186) | −1.579* (0.786) |
| confu_temp | −2.692* (1.200) | −0.357 (0.195) | −1.019* (0.493) |
| gender_def × confu_temp | 0.786 (0.799) | −0.177 (0.128) | 1.398* (0.592) |
| gender_trial × confu_temp | 2.935* (1.332) | −0.136 (0.132) | −0.143 (0.695) |
| recidivism | −0.658 (0.891) | 2.000*** (0.182) | −1.285** (0.488) |
| joint_crime | 3.630*** (0.967) | 1.072*** (0.236) | 4.499*** (0.635) |
| surrender | −6.875*** (0.761) | −0.450*** (0.119) | −3.397*** (0.314) |
| reconcile | 3.718 (15.975) | 0.131 (0.219) | −0.407 (0.278) |
| confess | −4.082*** (0.552) | −0.572*** (0.098) | −1.921*** (0.288) |
| comb_punish | 5.145*** (0.880) | 0.767*** (0.188) | 2.888*** (0.645) |
| criminal_record | 0.347 (0.732) | 0.555*** (0.116) | −1.449*** (0.312) |
| plea | −4.565*** (0.720) | −0.645*** (0.095) | −1.921*** (0.329) |
| good_plea_attitude | −0.805 (0.629) | −0.331** (0.106) | −0.686* (0.313) |
| merit | 3.173 (2.278) | 0.409 (0.898) | 0.910 (0.894) |
| lawyer | 4.498*** | 0.041 | 5.424*** |

| | Model 9-4 | Model 9-5 | Model 9-6 |
|------------------|---------------------------------|--------------------------------|---------------------------------|
| | COP | COD | COJ |
| num_of_litigants | (0.531) 11.569*** (1.374) | (0.083) 2.028*** (0.277) | (0.270) 10.475*** (1.130) |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 11936 | 13743 | 14091 |
| AIC | 126924.7 | 101232.3 | 136387.8 |
| BIC | 214737.7 | 204347.3 | 242383.2 |
| (Intercept) | 73.794*** (3.597) | 8.586*** (0.623) | -0.562 (1.932) |

Note: Models 9-4, 9-5, and 9-6 show the regression results of COP, COD, and COJ cases, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 10 Further Controlling the Family Clans

To control for the possible influence of clan, we use genealogy data obtained from the CNRDS platform and use the number of genealogies as a proxy for the strength of local family clans. The same set of control variables are added. The coefficient of the interaction term between the gender of trial members and *confu_temp* is consistently positive and statistically significant at 5% level in Model 10-1. The coefficient of the interaction term between the defendant's gender and *confu_temp* is consistently positive and statistically significant at 5% level in Model 10-3. After controlling for the city-level clans, our findings remain robust.

Table A10 Robustness Analysis: Controlling for Family Clans

| | Model 10-1 | Model 10-2 | Model 10-3 |
|---------------------------|----------------------|----------------------|----------------------|
| | COP | COD | COJ |
| gender_trial | -3.248* (1.508) | 0.271 (0.216) | -0.280 (0.877) |
| gender_def | -2.608** (0.923) | -0.287 (0.176) | -1.572* (0.771) |
| confu_temp | -2.040 (1.101) | -0.275 (0.181) | -1.021* (0.500) |
| gender_def × confu_temp | 0.695 (0.797) | -0.136 (0.123) | 1.401* (0.584) |
| gender_trial × confu_temp | 2.687* (1.310) | -0.160 (0.142) | -0.162 (0.688) |
| Family Clan | -0.817*** (0.158) | -0.110** (0.037) | 0.009 (0.088) |
| recidivism | -0.863 (0.869) | 2.021*** (0.175) | -1.158* (0.486) |
| joint_crime | 3.359*** (0.917) | 1.073*** (0.234) | 4.598*** (0.618) |
| surrender | -6.807*** (0.737) | -0.466*** (0.121) | -3.382*** (0.307) |
| reconcile | 4.423 (15.763) | 0.121 (0.188) | -0.442 (0.276) |
| confess | -4.061*** (0.540) | -0.577*** (0.094) | -1.860*** (0.283) |
| comb_punish | 5.390*** (0.915) | 0.734*** (0.185) | 2.873*** (0.645) |
| criminal_record | 0.579 (0.743) | 0.568*** (0.113) | -1.408*** (0.310) |
| plea | -4.595*** (0.679) | -0.652*** (0.093) | -1.901*** (0.326) |
| good_plea_attitude | -0.746 (0.608) | -0.314** (0.104) | -0.737* (0.307) |
| merit | 2.782 (2.200) | 0.357 (0.900) | 1.027 (0.884) |
| lawyer | 4.437*** (0.526) | 0.031 (0.080) | 5.454*** (0.264) |

| | Model 10-1 | Model 10-2 | Model 10-3 |
|------------------|----------------------|---------------------|----------------------|
| | COP | COD | COJ |
| num_of_litigants | 12.238*** (1.416) | 1.994*** (0.268) | 10.294*** (1.123) |
| case_causes | Yes | Yes | Yes |
| province | Yes | Yes | Yes |
| year | Yes | Yes | Yes |
| Num.Obs. | 12174 | 14579 | 14501 |
| AIC | 129350.4 | 107823.1 | 140436.5 |
| BIC | 219116.6 | 218044.4 | 249897.4 |
| (Intercept) | 75.577*** (3.680) | 8.818*** (0.624) | -0.472 (1.951) |

Note: Models 10-1, 10-2, and 10-3 show the regression results of COP, COD, and COJ cases, respectively. Standard errors clustered at the city level are listed in parentheses. * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Appendix 11 Placebo Test

When carrying out the placebo test, we randomly disrupted the independent variable, *confu_temp*, at the city level 500 times to regenerate a randomized variable for regression. We then use the Shapiro-Wilk normality test and the Two-sided student's t-test to examine whether the estimated coefficients conform to a normal distribution with a mean of 0. As is shown in Table A11, every p-value of the Shapiro-Wilk normality test and two-sided student's t-test listed is greater than 0.05, proving that the coefficients of the randomized variable and its interaction with gender conform to a normal distribution with a mean of 0. Our findings thus remain robust.

Table A11 Robustness Analysis: Placebo Test

| | Variable | COP cases | COD cases | COJ cases |
|-----------------------------|---------------------------|-----------------------------------|------------------------------------|-----------------------------------|
| Shapiro-Wilk normality test | confu_temp | W = 0.9965 p-value = 0.3523 | W = 0.99685 p-value = 0.4437 | W = 0.99824 p-value = 0.8972 |
| | gender_def × confu_temp | W = 0.9956 p-value = 0.1786 | W = 0.99704 p-value = 0.5046 | W = 0.9965 p-value = 0.3474 |
| | gender_trial × confu_temp | W = 0.9972 p-value = 0.5724 | W = 0.99526 p-value = 0.1313 | W = 0.9979 p-value = 0.7984 |
| Two-sided student's t test | confu_temp | Mean = 0.0100 p-value = 0.8700 | Mean = 0.0069 p-value = 0.4048 | Mean = 0.0012 p-value = 0.9625 |
| | gender_def × confu_temp | Mean = 0.0091 p-value = 0.8299 | Mean = -0.0024 p-value = 0.7538 | Mean = 0.0167 p-value = 0.5972 |
| | gender_trial × confu_temp | Mean = 0.0449 p-value = 0.5777 | Mean = -0.0165 p-value = 0.0943 | Mean = 0.0236 p-value = 0.5164 |

Note: We use randomized *confu_temp* for regression and repeated it 500 times. The same set of control variables are added as Table A2 (Model 2-4 to 2-6). Shapiro-Wilk normality test and two-sided student's t test ($H_0 = 0$) were then carried on the coefficients of each variable so formed. A p-value greater than 0.05 in Shapiro-Wilk normality test means the distribution of the coefficients conform to normal distribution. A p-value greater than 0.05 in two-sided student's t test means the value of the coefficients is not statistically different from 0.

Appendix 12 Abbreviations of Terms

| | |
|-------|---|
| AIC | Akaike Information Criterion |
| BIC | Bayesian Information Criterion |
| CAPDO | China Association for Promoting the Development of Old Revolutionary Base Areas |
| CCP | Chinese Communist Party |
| CJO | China Judgement Online |
| CJPD | Chinese Judicial Political Database |
| CNRDS | Chinese Research Data Services Platform |
| COD | Crimes of Disturbing Public Order |
| COJ | Crimes of Obstructing Justice |
| COP | Crimes of Organizing, Forcing, Enticing, Tolerating, and Introducing Prostitution |
| DAD | Documents of Adjudication Decision |
| LSDV | Least Square Dummy Variable |
| PRC | People's Republic of China |