Gender Effect and Gender Norms in Chinese Courts

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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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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. Gryski, 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

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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*,q 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 Orocess 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]

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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

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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 Delnq. 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 sentences[40] 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

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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. Koeppel, *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 professionalism, the battle against local protectionism, enhanced judicial transparency, and more.[51]

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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; Luísa 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, *Bird 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.

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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, 20152015); 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

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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.

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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).

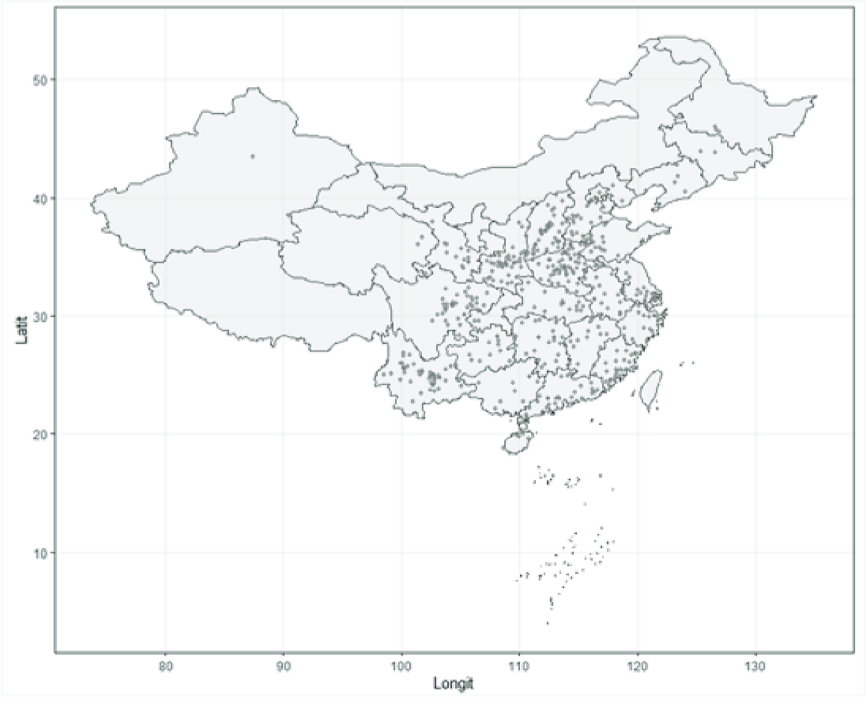
73. *Id, see* also, Jiyu Ren, Lun rujiao de xingcheng [*On the Formation of Confucianism*]. Zhongguo Shehui Kexue 61, 62, 63 (1980). Haiyan Fu & Shuang Zheng, *From Sacred to Secular: A Study of the Transformation in Spatial Functions of Modern Confucian Temples (1906–1937)*, 56 Chinese Studies in History 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

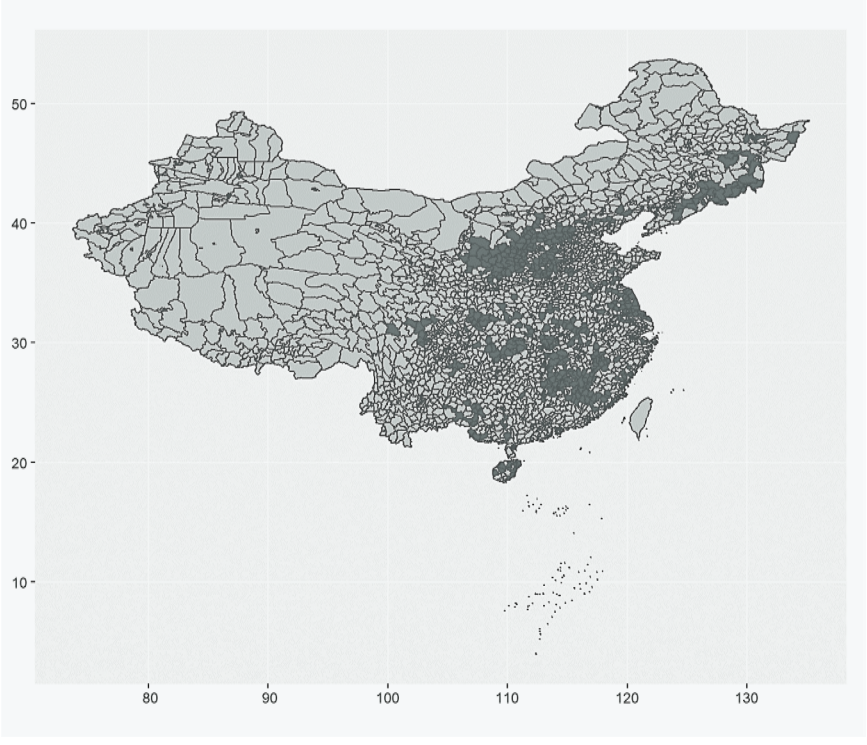
C. Measuring Revolutionary Past

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 heterogenous 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 kaochaChinese* [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]

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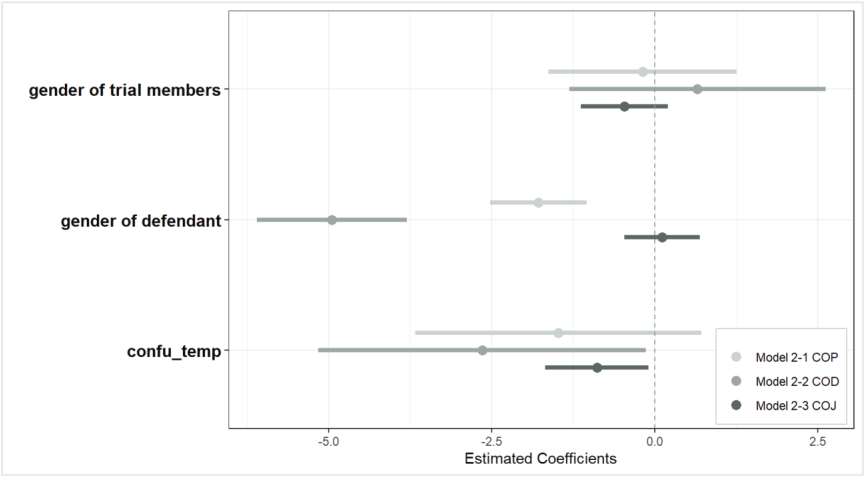
77. *See, e.g.*, Jianhong Liu & George Palermo, *Restorative Justice and Chinese Traditional Legal Culture in the Context of Contemporary Chinese Criminal Justice Reform*, 7 Asia Pac. J. of Police and Crim, Just. 49, 50 (2009); Louis W. Y. Mok & Dennis S. W. Wong, *Restorative Justice and Mediation: 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

Figure 4a COP Cases

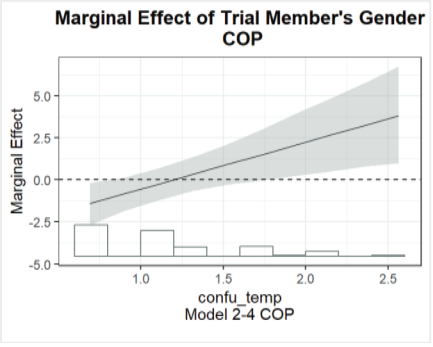
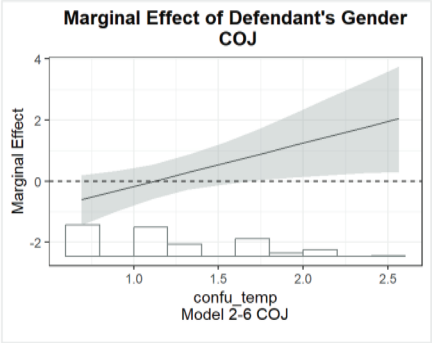


Figure 4b COJ Cases



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

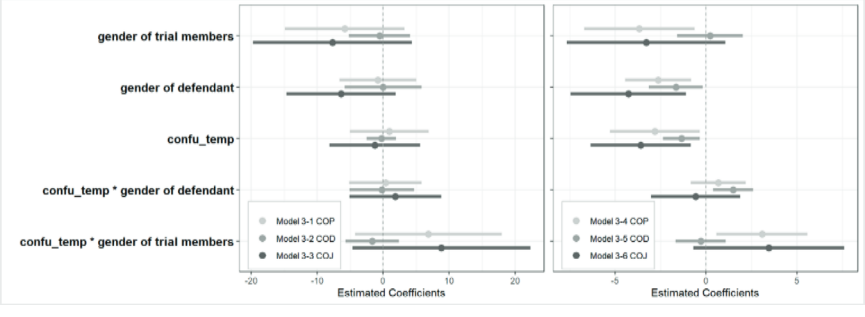
To analyze the effect revolutionary camps had on social norms, we employ heterogeneity analysis and bifurcate our data. Figure 5a displays the regression results derived from former revolutionary base areas, and Figure 5b displays the results from other areas.

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

Figure 5a
Data from the Old Revolution Base Areas

Figure 5b
Data from other 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	0.063	–0.465	–3.309*	0.257	0.327
	(0.737)	(0.089)	(0.341)	(1.537)	(0.215)	(0.886)
gender_def	–1.784***	–0.456***	0.109	–2.616**	–0.291	–1.958*
	(0.375)	(0.069)	(0.295)	(0.922)	(0.177)	(0.826)
confu_temp	–1.476	–0.444**	–0.886*	–2.629*	–0.367	–0.588
	(1.120)	(0.177)	(0.403)	(1.197)	(0.193)	(0.518)
gender_def × confu_temp				0.740	–0.132	1.193*
				(0.797)	(0.124)	(0.606)
gender_trial × confu_temp				2.782*	–0.157	–0.434
				(1.320)	(0.142)	(0.682)
recidivism	–0.815	2.008***	–1.155*	–0.851	2.010***	–0.678
	(0.875)	(0.175)	(0.486)	(0.875)	(0.175)	(0.472)
joint_crime	3.531***	1.089***	4.585***	3.502***	1.091***	5.551***
	(0.966)	(0.233)	(0.619)	(0.965)	(0.233)	(0.669)
surrender	–6.864***	–0.457***	–3.381***	–6.861***	–0.458***	–3.115***
	(0.748)	(0.121)	(0.307)	(0.750)	(0.121)	(0.310)
reconcile	3.442	0.136	–0.457*	3.866	0.136	–3.692***
	(15.661)	(0.187)	(0.276)	(15.960)	(0.187)	(0.383)
confess	–4.163***	–0.578***	–1.860***	–4.135***	–0.578***	–1.397***
	(0.538)	(0.095)	(0.283)	(0.545)	(0.094)	(0.292)
comb_punish	5.467***	0.732***	2.877***	5.471***	0.729***	3.366***
	(0.901)	(0.184)	(0.645)	(0.898)	(0.184)	(0.696)
criminal_record	0.494	0.574***	–1.408***	0.526	0.573***	–0.090
	(0.744)	(0.113)	(0.310)	(0.744)	(0.113)	(0.326)
plea	–4.519***	–0.661***	–1.904***	–4.507***	–0.659***	–1.912***
	(0.704)	(0.094)	(0.324)	(0.708)	(0.094)	(0.354)
good_plea_attitude	–0.744	–0.313**	–0.734*	–0.765	–0.314**	–0.477
	(0.610)	(0.104)	(0.308)	(0.616)	(0.104)	(0.329)
merit	3.064	0.405	1.046	3.092	0.402	2.052*
	(2.259)	(0.900)	(0.883)	(2.254)	(0.899)	(0.942)
lawyer	4.468***	0.031	5.453***	4.463***	0.032	4.920***
	(0.525)	(0.080)	(0.263)	(0.524)	(0.080)	(0.271)
num_of_litigants	12.109***	1.997***	10.302***	12.130***	1.992***	11.661***
	(1.422)	(0.268)	(1.123)	(1.416)	(0.268)	(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	0.223	2.403	–3.671*	0.315	0.598
	(4.619)	(0.744)	(2.232)	(1.553)	(0.215)	(0.965)
gender_def	–0.792	–1.049	–2.106	–2.636**	–0.255	–1.879*
	(2.969)	(0.690)	(2.843)	(0.928)	(0.191)	(0.823)
confu_temp	0.925	–0.791	–0.125	–2.822*	–0.314	–0.827
	(3.041)	(0.423)	(1.240)	(1.260)	(0.203)	(0.545)
gender_def × confu_temp	0.342	0.562	1.220	0.669	–0.165	1.144
	(2.787)	(0.599)	(2.419)	(0.774)	(0.129)	(0.594)
gender_trial × confu_temp	6.843	–0.315	–4.020	3.078*	–0.182	–0.397
	(5.670)	(0.613)	(2.062)	(1.278)	(0.138)	(0.715)
recidivism	0.527	0.622	–1.600	–0.891	2.179***	–0.543
	(2.970)	(0.486)	(1.200)	(0.876)	(0.191)	(0.510)
joint_crime	1.409	0.219	2.418	3.781***	1.160***	6.083***
	(1.709)	(0.454)	(1.398)	(1.015)	(0.247)	(0.759)
surrender	–13.230***	–0.994**	–4.289***	–6.109***	–0.400**	–2.911***
	(1.610)	(0.326)	(1.107)	(0.788)	(0.127)	(0.313)
reconcile	–5.689***	–0.618*	–1.733*	4.062	0.134	–3.561***
	(1.508)	(0.308)	(0.794)	(16.127)	(0.204)	(0.371)
confess	5.176*	0.389	4.849**	–4.005***	–0.577***	–1.390***
	(2.491)	(0.468)	(1.834)	(0.555)	(0.100)	(0.328)
comb_punish	4.360*	1.232**	–0.019	5.556***	0.766***	3.227***
	(1.709)	(0.389)	(1.098)	(0.951)	(0.199)	(0.757)
criminal_record	–4.344**	–0.250	–1.566	0.121	0.493***	–0.112
	(1.552)	(0.278)	(0.951)	(0.697)	(0.128)	(0.341)
plea	1.130	–0.530	–1.411	–4.587***	–0.721***	–2.000***
	(1.722)	(0.347)	(1.074)	(0.775)	(0.099)	(0.391)
good_plea_attitude	9.821	–3.102***	–1.477	–0.930	–0.323**	–0.292
	(6.439)	(0.476)	(3.107)	(0.644)	(0.112)	(0.370)
merit	3.707**	0.659**	5.443***	2.071	0.563	2.449*
	(1.274)	(0.215)	(0.776)	(2.007)	(0.906)	(0.973)
lawyer	13.327**	1.462*	12.681***	4.568***	–0.028	4.857***
	(4.324)	(0.725)	(2.941)	(0.539)	(0.083)	(0.281)
num_of_litigants	0.527	0.622	–1.600	12.048***	2.065***	11.491***
	(2.970)	(0.486)	(1.200)	(1.470)	(0.299)	(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***	8.332***	15.244***	73.686***	7.496***	2.989
	(12.165)	(1.936)	(3.932)	(3.789)	(0.642)	(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**	0.360*	–0.287
	(0.935)	(0.170)	(0.582)
gender_def	–1.710*	–0.323*	–0.720
	(0.683)	(0.145)	(0.511)
confu_temp 50km	–1.763*	–0.141	–0.186
	(0.823)	(0.109)	(0.347)
gender_def × confu_temp 50km	–0.106	–0.126	0.856*
	(0.597)	(0.107)	(0.430)
gender_trial × confu_temp 50km	2.899***	–0.267*	–0.160
	(0.874)	(0.135)	(0.537)
recidivism	–0.809	2.009***	–1.163*
	(0.957)	(0.180)	(0.468)
joint_crime	3.492***	1.078***	4.585***
	(0.790)	(0.218)	(0.576)
surrender	–6.851***	–0.469***	–3.372***
	(0.643)	(0.115)	(0.300)
reconcile	3.533	0.120	–0.449
	(15.702)	(0.244)	(0.280)
confess	–4.079***	–0.576***	–1.844***
	(0.511)	(0.089)	(0.275)
comb_punish	5.442***	0.729***	2.854***
	(0.815)	(0.192)	(0.656)
criminal_record	0.469	0.580***	–1.410***
	(0.716)	(0.113)	(0.326)
plea	–4.475***	–0.646***	–1.867***
	(0.621)	(0.089)	(0.345)
good_plea_attitude	–0.720	–0.317**	–0.742*
	(0.657)	(0.103)	(0.324)
merit	3.048	0.419	1.047
	(2.032)	(0.876)	(0.866)
lawyer	4.475***	0.039	5.456***
	(0.464)	(0.070)	(0.242)
num_of_litigants	12.113***	1.980***	10.301***
	(1.277)	(0.292)	(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***	7.369***	–2.218
	(3.610)	(0.541)	(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	0.024	–0.036
	(0.059)	(0.018)	(0.042)
gender_def	–0.077**	–0.025	–0.056
	(0.029)	(0.015)	(0.040)
confu_temp	–0.107**	–0.027	–0.038
	(0.040)	(0.017)	(0.025)
gender_def × confu_temp	0.010	–0.009	0.051
	(0.025)	(0.011)	(0.028)
gender_trial × confu_temp	0.088	–0.014	0.001
	(0.046)	(0.012)	(0.036)
recidivism	0.039	0.165***	–0.036
	(0.027)	(0.013)	(0.024)
joint_crime	0.149***	0.081***	0.215***
	(0.026)	(0.017)	(0.024)
surrender	–0.138***	–0.032**	–0.150***
	(0.020)	(0.010)	(0.016)
reconcile	0.363	0.012	–0.036*
	(0.343)	(0.017)	(0.017)
confess	–0.112***	–0.043***	–0.098***
	(0.019)	(0.008)	(0.015)
comb_punish	0.023	0.055***	0.088***
	(0.017)	(0.014)	(0.026)
criminal_record	0.007	0.056***	–0.073***
	(0.021)	(0.009)	(0.015)
plea	–0.145***	–0.058***	–0.092***
	(0.020)	(0.008)	(0.016)
good_plea_attitude	0.011	–0.024**	–0.031*
	(0.021)	(0.009)	(0.015)
merit	0.127**	–0.001	0.062
	(0.047)	(0.064)	(0.039)
lawyer	0.189***	0.001	0.268***
	(0.019)	(0.007)	(0.012)
num_of_litigants	0.179***	0.168***	0.393***
	(0.020)	(0.020)	(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***	2.119***	1.933***
	(0.077)	(0.051)	(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	0.007	–0.014
	(0.020)	(0.006)	(0.016)
gender_def	–0.011	–0.008	–0.011
	(0.010)	(0.005)	(0.017)
confu_temp	–0.022	–0.010	–0.012
	(0.012)	(0.005)	(0.011)
gender_def × confu_temp	–0.005	–0.004	0.015
	(0.009)	(0.003)	(0.012)
gender_trial × confu_temp	0.018	–0.004	0.000
	(0.016)	(0.004)	(0.014)
recidivism	–0.010	0.056***	–0.029**
	(0.009)	(0.005)	(0.009)
joint_crime	0.052***	0.030***	0.060***
	(0.010)	(0.006)	(0.009)
surrender	–0.029***	–0.013***	–0.040***
	(0.007)	(0.003)	(0.006)
reconcile	0.319*	0.004	–0.015*
	(0.143)	(0.005)	(0.006)
confess	–0.022***	–0.016***	–0.029***
	(0.007)	(0.003)	(0.006)
comb_punish	–0.008	0.020***	0.028**
	(0.006)	(0.005)	(0.010)
criminal_record	–0.013	0.016***	–0.037***
	(0.007)	(0.003)	(0.006)
plea	–0.034***	–0.018***	–0.020**
	(0.006)	(0.003)	(0.006)
good_plea_attitude	0.005	–0.009**	–0.008
	(0.008)	(0.003)	(0.006)
merit	0.039**	0.011	0.044**
	(0.014)	(0.025)	(0.016)
lawyer	0.063***	0.001	0.096***
	(0.006)	(0.002)	(0.005)
num_of_litigants	0.012	0.055***	0.106***
	(0.008)	(0.007)	(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***	0.210***	0.183***
	(0.031)	(0.017)	(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	–0.004	–0.656
	(1.286)	(0.200)	(0.677)
gender_def	–2.605**	–0.292	–1.553*
	(0.926)	(0.177)	(0.767)
confu_temp	–2.028	–0.404*	–1.027*
	(1.174)	(0.189)	(0.487)
gender_def × confu_temp	0.724	–0.132	1.391*
	(0.799)	(0.124)	(0.579)
gender_trial × confu_temp	1.004	–0.057	–0.125
	(1.052)	(0.130)	(0.541)
recidivism	–0.833	2.006***	–1.177*
	(0.873)	(0.175)	(0.484)
joint_crime	3.544***	1.089***	4.581***
	(0.966)	(0.233)	(0.618)
surrender	–6.844***	–0.458***	–3.372***
	(0.751)	(0.121)	(0.307)
reconcile	3.699	0.135	–0.434
	(15.728)	(0.187)	(0.276)
confess	–4.142***	–0.579***	–1.862***
	(0.539)	(0.095)	(0.283)
comb_punish	5.464***	0.728***	2.871***
	(0.905)	(0.184)	(0.645)
criminal_record	0.514	0.574***	–1.406***
	(0.741)	(0.114)	(0.308)
plea	–4.494***	–0.660***	–1.904***
	(0.703)	(0.094)	(0.326)
good_plea_attitude	–0.749	–0.311**	–0.743*
	(0.610)	(0.104)	(0.309)
merit	3.085	0.401	1.025
	(2.262)	(0.899)	(0.883)
lawyer	4.459***	0.033	5.466***
	(0.524)	(0.080)	(0.263)
num_of_litigants	12.089***	1.989***	10.301***
	(1.422)	(0.268)	(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***	8.675***	–0.320
	(3.646)	(0.609)	(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*	0.563	–1.324
	(1.592)	(0.398)	(1.347)
gender_def	–0.541	–0.657*	1.502
	(1.039)	(0.278)	(1.240)
Confucian Academies	–0.652	–0.011	–0.787*
	(0.832)	(0.137)	(0.380)
Successful Candidates	–0.241	–0.191**	0.306
	(0.545)	(0.061)	(0.219)
gender_def × Confucian Academies	–0.265	0.073	–0.230
	(0.350)	(0.065)	(0.289)
gender_trial × Confucian Academies	0.420	–0.128	–0.180
	(0.623)	(0.084)	(0.284)
gender_def × Successful Candidates	0.035	–0.052	–0.064
	(0.528)	(0.102)	(0.476)
gender_trial × Successful Candidates	0.271	0.056	0.521
	(1.146)	(0.138)	(0.483)
recidivism	–0.757	2.024***	–1.183*
	(0.873)	(0.176)	(0.486)
joint_crime	3.465***	1.059***	4.583***
	(0.981)	(0.231)	(0.613)
surrender	–6.867***	–0.471***	–3.361***
	(0.746)	(0.121)	(0.307)
reconcile	2.853	0.071	–0.458
	(15.569)	(0.191)	(0.279)
confess	–4.142***	–0.580***	–1.852***
	(0.539)	(0.094)	(0.281)
comb_punish	5.474***	0.737***	2.851***
	(0.900)	(0.185)	(0.643)
criminal_record	0.431	0.565***	–1.387***
	(0.741)	(0.112)	(0.310)
plea	–4.478***	–0.622***	–1.880***
	(0.704)	(0.089)	(0.327)
good_plea_attitude	–0.821	–0.312**	–0.737*
	(0.623)	(0.104)	(0.304)

	Model 7-1	Model 7-2	Model 7-3
	COP	COD	COJ
merit	3.004	0.368	1.072
	(2.237)	(0.903)	(0.882)
lawyer	4.477***	0.034	5.447***
	(0.513)	(0.079)	(0.267)
num_of_litigants	12.154***	2.001***	10.278***
	(1.414)	(0.269)	(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***	8.134***	–1.422
	(4.598)	(0.719)	(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	0.063	–0.500
	(0.796)	(0.093)	(0.364)
gender_def	–1.692***	–0.447***	0.082
	(0.406)	(0.073)	(0.309)
Chaste Women Arches	–1.903**	–0.059	–0.754*
	(0.736)	(0.143)	(0.360)
gender_def × Chaste Women Arches	–0.574	–0.097	0.218
	(0.653)	(0.095)	(0.464)
gender_trial × Chaste Women Arches	1.877**	0.018	0.440
	(0.598)	(0.167)	(0.398)
recidivism	–0.783	2.006***	–1.166*
	(0.868)	(0.175)	(0.488)
joint_crime	3.442***	1.080***	4.576***
	(0.977)	(0.236)	(0.618)
surrender	–6.842***	–0.459***	–3.380***
	(0.745)	(0.121)	(0.307)
reconcile	3.183	0.111	–0.456
	(15.327)	(0.187)	(0.275)
confess	–4.103***	–0.563***	–1.853***
	(0.548)	(0.095)	(0.281)
comb_punish	5.501***	0.728***	2.858***
	(0.903)	(0.185)	(0.648)
criminal_record	0.465	0.584***	–1.395***
	(0.739)	(0.113)	(0.311)
plea	–4.527***	–0.653***	–1.857***
	(0.709)	(0.093)	(0.324)
good_plea_attitude	–0.623	–0.308**	–0.734*
	(0.582)	(0.105)	(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	0.404	1.053
	(2.239)	(0.907)	(0.881)
lawyer	4.448***	0.030	5.460***
	(0.515)	(0.080)	(0.268)
num_of_litigants	12.170***	1.992***	10.312***
	(1.431)	(0.272)	(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***	8.322***	–1.078
	(3.614)	(0.604)	(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*	0.276	–0.195
	(1.579)	(0.220)	(0.930)
gender_def	–2.702**	–0.290	–1.953*
	(0.947)	(0.177)	(0.791)
confu_temp	–2.610*	–0.357	–1.012*
	(1.203)	(0.193)	(0.495)
gender_def × confu_temp	0.772	–0.137	1.639**
	(0.808)	(0.124)	(0.593)
gender_trial × confu_temp	2.711*	–0.169	–0.228
	(1.334)	(0.144)	(0.714)
recidivism	–1.172	2.019***	–1.256*
	(0.873)	(0.178)	(0.502)
joint_crime	3.519***	0.940***	4.345***
	(0.990)	(0.241)	(0.608)
surrender	–6.878***	–0.412***	–3.379***
	(0.765)	(0.118)	(0.312)
reconcile	3.793	0.141	–0.426
	(15.884)	(0.188)	(0.277)
confess	–4.269***	–0.546***	–1.834***
	(0.548)	(0.093)	(0.289)
comb_punish	5.449***	0.651***	2.819***
	(0.913)	(0.190)	(0.649)
criminal_record	0.607	0.579***	–1.369***
	(0.754)	(0.114)	(0.311)
plea	–4.503***	–0.667***	–1.868***
	(0.725)	(0.094)	(0.331)
good_plea_attitude	–0.778	–0.300**	–0.736*
	(0.635)	(0.104)	(0.310)
merit	3.008	–0.516	0.972

	Model 9-1	Model 9-2	Model 9-3
	COP	COD	COJ
	(2.291)	(0.700)	(0.899)
lawyer	4.550***	0.062	5.413***
	(0.537)	(0.081)	(0.268)
num_of_litigants	12.210***	1.977***	10.264***
	(1.436)	(0.283)	(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***	8.504***	0.342
	(3.663)	(0.630)	(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*	0.178	–0.365
	(1.560)	(0.197)	(0.893)
gender_def	–2.732**	–0.239	–1.579*
	(0.930)	(0.186)	(0.786)
confu_temp	–2.692*	–0.357	–1.019*
	(1.200)	(0.195)	(0.493)
gender_def × confu_temp	0.786	–0.177	1.398*
	(0.799)	(0.128)	(0.592)
gender_trial × confu_temp	2.935*	–0.136	–0.143
	(1.332)	(0.132)	(0.695)
recidivism	–0.658	2.000***	–1.285**
	(0.891)	(0.182)	(0.488)
joint_crime	3.630***	1.072***	4.499***
	(0.967)	(0.236)	(0.635)
surrender	–6.875***	–0.450***	–3.397***
	(0.761)	(0.119)	(0.314)
reconcile	3.718	0.131	–0.407
	(15.975)	(0.219)	(0.278)
confess	–4.082***	–0.572***	–1.921***
	(0.552)	(0.098)	(0.288)
comb_punish	5.145***	0.767***	2.888***
	(0.880)	(0.188)	(0.645)
criminal_record	0.347	0.555***	–1.449***
	(0.732)	(0.116)	(0.312)
plea	–4.565***	–0.645***	–1.921***
	(0.720)	(0.095)	(0.329)
good_plea_attitude	–0.805	–0.331**	–0.686*
	(0.629)	(0.106)	(0.313)
merit	3.173	0.409	0.910
	(2.278)	(0.898)	(0.894)
lawyer	4.498***	0.041	5.424***

	Model 9-4	Model 9-5	Model 9-6
	COP	COD	COJ
	(0.531)	(0.083)	(0.270)
num_of_litigants	11.569***	2.028***	10.475***
	(1.374)	(0.277)	(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***	8.586***	–0.562
	(3.597)	(0.623)	(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*	0.271	–0.280
	(1.508)	(0.216)	(0.877)
gender_def	–2.608**	–0.287	–1.572*
	(0.923)	(0.176)	(0.771)
confu_temp	–2.040	–0.275	–1.021*
	(1.101)	(0.181)	(0.500)
gender_def × confu_temp	0.695	–0.136	1.401*
	(0.797)	(0.123)	(0.584)
gender_trial × confu_temp	2.687*	–0.160	–0.162
	(1.310)	(0.142)	(0.688)
Family Clan	–0.817***	–0.110**	0.009
	(0.158)	(0.037)	(0.088)
recidivism	–0.863	2.021***	–1.158*
	(0.869)	(0.175)	(0.486)
joint_crime	3.359***	1.073***	4.598***
	(0.917)	(0.234)	(0.618)
surrender	–6.807***	–0.466***	–3.382***
	(0.737)	(0.121)	(0.307)
reconcile	4.423	0.121	–0.442
	(15.763)	(0.188)	(0.276)
confess	–4.061***	–0.577***	–1.860***
	(0.540)	(0.094)	(0.283)
comb_punish	5.390***	0.734***	2.873***
	(0.915)	(0.185)	(0.645)
criminal_record	0.579	0.568***	–1.408***
	(0.743)	(0.113)	(0.310)
plea	–4.595***	–0.652***	–1.901***
	(0.679)	(0.093)	(0.326)
good_plea_attitude	–0.746	–0.314**	–0.737*
	(0.608)	(0.104)	(0.307)
merit	2.782	0.357	1.027
	(2.200)	(0.900)	(0.884)
lawyer	4.437***	0.031	5.454***
	(0.526)	(0.080)	(0.264)

	Model 10-1	Model 10-2	Model 10-3
	COP	COD	COJ
num_of_litigants	12.238***	1.994***	10.294***
	(1.416)	(0.268)	(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***	8.818***	–0.472
	(3.680)	(0.624)	(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