

Judging Around the World:

A Lab Experiment on Country Differences and Causal Determinants

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Abstract: In our lab, 299 real judges from seven major jurisdictions (Argentina, Brazil, China, France, Germany, India, USA) spend up to 55 minutes to judge an international criminal appeals case and determine the appropriate prison sentence. The lab computer randomly assigns each judge (i) a sympathetic or an unsympathetic defendant, (ii) a precedent disfavoring, favoring, or strongly favoring the defendant, and (iii) a short, medium, or long sentence anchor, and logged their use of the materials (briefs, statement of facts, trial judgment, statute, precedent). Even extremely strong precedents barely have a detectable effect on judges' decisions, whereas the legally irrelevant defendant attributes and sentence anchors do. Document use and written reasons differ between countries but not between common and civil law; if anything, civil law judges adhere more to precedent.

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