**Chapter 3**

**Gender Solidarity and Judicial Ruling in Israeli Courts**

Yaakov Ben Moshe

**Abstract**

Many studies have found that judges’ decisions are influenced by biases stemming from their social affiliation. This study examines specifically whether there is a bias stemming from the gender affiliation of judges in the Israeli court system.
In dealing with group affiliation based on the gender of individuals, we find that there are two main theories regarding the bias stemming from this affiliation: the theory of punishment and the theory of solidarity. The first, the theory of punishment, which is the less popular theory, posits that in some cases an individual is inclined to harm another individual belonging to his own group, as for example, in cases where another person is wronged, or when anger, jealousy, competition and desire to educate occupy a central place. In contrast, the second, more common theory is the theory of social solidarity, which argues that the individual tends to favor those individuals belonging to his own group out of empathy with one’s own group members and less out of feelings of hatred or rejection toward a person who is different.

The results of this study support both of the above theories and provide a plausible explanation for each: When it comes to emotional cases involving physical or verbal violence between two people, we find that judges tend to punish and rule against their gender peers more harshly. Indeed, the magnitude of the bias ranges from 6.7% to 13.3%, and the tendency is stronger in cases where the judges are native-born, young and serving in Israel’s peripheral regions. However, when the case under consideration is not a dispute between two people, but rather a case such as a citizen requesting compensation from the state, the tendency is the opposite: Judges tend to rule in favor of their gender peers, with the magnitude of the bias ranging from 23.9% to 34.6%. The tendency is highest among young judges.

**Introduction**

Many studies address social solidarity and its impact on individual behavior. Durkheim (1858-1917), one of the founders of modern sociology, first analyzed social solidarity and its various types in his book *The Division of Labor in Society* (Durkheim, 1893). Durkheim distinguished between two different types of social solidarity: mechanical solidarity and organic solidarity.

According to Durkheim, mechanical solidarity exists in societies that are more homogenous in terms of their beliefs, dress, social norms, and the like, and such societies are usually more traditional. In a society characterized by mechanical solidarity there is a tendency to be accepting of that which is known and less so of that which is different. Whatever is different is viewed as posing a threat to the individual and to the group. One explanation for this is the natural tendency of human beings to be more tolerant of the familiar and less so of the unfamiliar. Organic solidarity, on the other hand, is the result of a strong affinity for the group to which one belongs, as well as to its common purpose, regardless of one’s individual characteristics, beliefs, and lifestyle. Modern Western society is characterized by organic solidarity, where the desire for cooperation and the recognition of difference stem largely from common membership and collective awareness, rather than from the ethnic similarity of the group’s members. An interesting question arises in the context of social solidarity: Does the mechanical solidarity that characterizes more conservative or traditional cultures also exist in liberal societies? In other words, does the similarity between certain people or their very belonging to the same group constitute a consideration (whether conscious or not) in individual decision-making? This article will examine mechanical solidarity by investigating the question of gender in the Israeli judicial system.

The issue of social solidarity immediately directs us to our key question: How does it affect the decision-making of the individual? In the literature on individuals’ deliberations and their benefits in relation to social solidarity, there are various theories about the guiding principle for individuals in when it comes to decision-making. A more traditional approach argues that an individual is interested only in their own personal gains and in maximizing their own benefits, without consideration for the good of society as a whole (Bernoulli, 1738). The second theory, which was developed later, posits that the individual is not necessarily driven solely by selfish consideration, and that additional variables that do not necessarily directly benefit him or her personally might also be part of the considerations. For example, improving the status or wealth of the group to which the individual belongs may indirectly benefit him or her personally in the long run (Becker, 1993; Manceil, 1986).

According to this understanding, the considerations of the individual also include an interest in improving the status of the group to which one is affiliated, and there is a constant tension between personal gains and the benefit of the whole group one feels part of. Indeed, social solidarity plays a very dominant role in individual decisions, and may also find expression in undesired contexts, such as in hiring decisions of employers in job interviews, decisions of government officials, and even in decisions of judges in the court system.

Numerous studies have shown that an individual’s social identity is an important component in every aspect of decision-making (Brown, 1969; Hall, Schneider & Nygren, 1970; Rotondi, 1975; O’Reilly & Chatman, 1986). According to social identity theory, people tend to classify themselves according to various categories, such as religion, age, origin, gender, and the like (Tajfel & Turner, 1986). This association is natural and creates a kind of cognitive order that helps individuals define their position in society. Furthermore, it also enables one to classify other people into clear categories. When social identification is particularly strong, it may to some extent help the individual define his or her self-identity (Styker & Serpe, 1982), or support the search for meaning in one’s life (Abrams & Hogg, 1988). In many cases, social identity is so powerful that it persists even when it causes considerable loss or suffering to the individual (Brown, 1986). In certain respects, social identity serves as a model or example, similar to the desire and/or need to identify with an Individual (such as an authority figure or celebrity) (Kelman, 1961).

It is worth noting in this context that a distinction must be made between the concept of social identity and the concept of internalization. While social identity is a powerful, binding association that may in many cases link one’s fate to that of the group, internalization is a condition in which one identifies with the values, attitudes, and opinions of the group, but these do not bind him to the group strongly (Hogg & turner, 1987).

It appears, then, that social solidarity is very powerful. Belonging to a particular group is a sort of fundamental need of individuals; it exists naturally and, sometimes, without the individual being aware of it. Hence the question arises: How powerful is this phenomenon in places where values ​​such as equality, justice, and the pursuit of truth are expected to occupy a central place? Could the phenomenon of social solidarity lead people to ultimately prefer members of their own group over other people in society, merely because they belong to the same group?

This interesting question was examined by Tajfel, Bundy and Flament (1971) through an experiment in which they created two groups (an in-group and an out-group), with one additional participant, designated as a judge, who was similar in characteristics to the in-group and had the power to reward the experiment’s participants. The results of the experiment revealed that the judge favored members of the in-group, while members of the out-group, who differed in their characteristics from the judge, were rewarded significantly less. This study, in fact, demonstrated that the phenomenon of social solidarity has significant implications, with individuals preferring members of their own group over individuals who do not belong to that group. In another study of this issue, Jetten, Spears and Manstead (1996) conducted an experiment involving students from the University of Amsterdam who were required to share resources (money) between two people. The results of the study showed that the higher the identification with a particular group, the greater the tendency was to reward its members more significantly.

**Bias**

As we have seen above, social solidarity may lead individuals to prefer other members of their own group and to reward them significantly more than others. Individuals belonging to another group receive less preference and fewer rewards and, thus, this constitutes an instance of discrimination. Discrimination may be based on ethnicity, age, gender, or other characteristics. It is customary in the literature to distinguish between three different types of discrimination: statistical discrimination, cognitive stereotyping, and affective bias.

The notion of statistical discrimination was developed by Arrow (1973), who argues that in the absence of information about a particular individual, decision makers tend to attribute to this information the average among the group to which the individual belongs. Cognitive stereotyping, in contrast, holds that ordinary cognitive processes by individuals in society apply to the perception of the other, based on memory, imagery, and the like (Fiske, 1987). Affective bias refers to the idea that emotions dominate the decisions of individuals and that this might lead to discrimination (Hugenburt & Bodenhausen, 2004; Hinson et al., 2006). Most discussions assume that the discriminating individual is conscious of the act of discrimination, but others maintain that, in many cases, one tends to favor individuals who are similar to oneself in at least some of their traits, in a way that one is not fully conscious of (Bertrand et al., 2005).

The literature dealing with discrimination suggests that this is a very wide-ranging phenomenon, which overshadows many aspects of life. Racial discrimination has been identified in the U.S. labor market, for example: blacks are discriminated against more than whites (Becker, 1959), and Hispanics are also similarly disadvantaged in comparison to white workers when controlling for background variables (Reimers, 1983). A study in Israel found discrimination between Jewish and Arab workers (Bar & Zussman, 2017a), and other studies of the labor market have identified statistical discrimination on the basis of age: older workers are perceived as more expensive and less efficient regardless of their personal abilities (Posner, 1999; Roscigno et al, 2007). Similarly, in the field of medicine, statistically significant ethnic bias (cognitive stereotyping) was found in physicians’ diagnoses of diseases such as high blood pressure, diabetes and depression: In cases where the medical information was not clear enough, physicians tended to make diagnoses based on the patient’s group affiliation (Balsa, McGuire & Meredith, 2005). Additional studies of biases rooted in social identity have examined a range of interesting fields: Zussman (2013), for example, looked at ethnic discrimination in the sale of used cars in Israel. His research revealed that Jewish sellers discriminated against Arab buyers by quoting a price that was 5% to 10% higher than the price they would suggest to a Jewish a buyer in order to secure the transaction. Another thought-provoking study from the field of vehicle licensing tests (Bar & Zussman, 2017b) found that the chance of passing the test is 15% higher when the examinee and the examiner are of the same ethnicity.

**Gender Bias**

As we have seen, many studies have found that bias in its broadest sense occupies a central place in individual considerations. In this article we focus specifically on gender bias. There is extensive literature dealing with gender bias, with most of the studies examining the phenomenon’s manifestations in the labor market.

Studies of gender bias in the labor market have found that at the same level of human capital and when the other personal characteristics of individuals are identical, the status of women in the labor market is lower than that of men (Becker, 1985; Dolton & Makepeace, 1985; Miller, 1987; Siebert & Sloane 1981). Furthermore, in cases where men and women fill the same position, women are discriminated against (Bielby & Baron, 1986). Discrimination is reflected in the level of pay, as well as in promotions to more senior positions and management roles. It is important to note in this context that, although there is clear evidence of discrimination in the labor market, recent studies have shown that awareness of the need for gender equality, and of gender discrimination in the labor market, has lessened over the years (Jarell, 2004). Gender bias is also found in education: Studies have identified gender bias in medical schools based on student reporting (Carr et al., 2003; Nora et al., 2002). A study by Fidell (1970) showed that the advancement of women in institutions of higher education is poorer than that of men (Fidell, 1970). However, this study was conducted many years ago and awareness of gender equality has since grown; it is possible that this phenomenon has diminished or disappeared.

Gender-based discrimination was also found in commerce and consumerism. Studies conducted in the U.S. on prices offered by car dealerships have found that the quotes given to women were consistently higher than those offered to men (Ayres, 1991; Ayres & Siegelman, 1995). In the housing sector, research found that rental prices quoted to women were higher than those quoted to men (Galster, 1991).

These studies have focused on the gender of the individual being discriminated against and ignore the characteristics of the discriminating person. In this context, the relationship between the gender of the discriminating individual and the gender of the discriminated individual raises many questions: Does the gender of the discriminator affect the bias? For example, is the bias against women stronger when the discriminator is a man? Or perhaps it is the opposite? Do women tend to be more stringent towards other women than towards men? Maybe the gender of the discriminator has no bearing on the actual existence of gender bias. All these questions are directly related to the issue of gender solidarity: If such solidarity exists and has a significant role in society and in individual decisions, we can expect to find that individuals tend to favor their peers, and vice versa: if the phenomenon of gender solidarity is less dominant, we should expect its effects to be negligible or even non-existent.

## **In-Group Gender Bias**

The studies described above looked at gender bias regardless of the gender of the discriminating individual or the gender of the person discriminated against. Those articles have mainly shown that the female gender is discriminated against in a range of areas, although this bias has been shrinking over the years. Beyond this critical finding, the question is: can we identify bias that stems from gender solidarity? That is, does the individual discriminate in favor of his or her gender peers out of a sense of social identification? According to the classical approach, gender solidarity occupies a central place in the individuals’ considerations and it results in individual bias in favor of their peers (Eckel & Grossman, 2001; Schiller, Baumgartner & Knoch, 2014; Rudman & Goodwin, 2004; Greenwald et al., 2002). This phenomenon, furthermore, is more intense in women than in men (Lorenzi-Cioldi, 1991; Rudman & Goodwin, 2004), meaning that women are more likely to discriminate in favor of their peers than men.

The opposite approach contends that there is a tendency to discriminate in favor of those who do not belong to one’s own group (Dutton & Lake, 1973; Kryger & Shikiar, 1978). This contention is revolutionary in a sense and sheds new light on the tendency of people in society to do good for others who do not belong to the same social group. It gives rise to an additional hypothesis, whereby it is possible that people will actually discriminate against their group members. However, why would people want to harm their group members? One explanation for this hypothesis, in the context of gender solidarity, is the desire to perform “affirmative action”: The desire to bolster the weak or weaken the strong may lead us to discriminate against someone who is a member of our own group (Boeckmann & Feather, 2007). In this context, it is usually the female gender that is perceived as weaker relative to the male gender. Another explanation is that awareness of equality among people has increased over the years, and as a result, people may be overly cautious in this matter so as not to be perceived as biased, and consequently they may actually be guilty of reverse discrimination – that is, of preferring members of the other group over their own.

Furthermore, competitiveness and the pursuit of achievements are stronger in relation to members of the groups to which the individual belongs, and consequently, in order to succeed in the “competition,” individuals could act against people who belong to their own group. Jealousy may also be a factor that can explain why people specifically do harm those who are similar to them in age, gender, social affiliation, and the like (Gastorf, 1978; Mussweiler 2003; Smith & Kim, 2007).

Another important theoretical explanation for the phenomenon of reverse discrimination is the tendency to punish someone out of a desire to educate them, and in cases where that individual belongs to one’s own group, this tendency is stronger than in cases where he or she does not (Shinada, Yamagishi & Ohmura, 2004; Balliet & Van Lange, 2013).

Yet another explanation of this phenomenon is related to social norms. When an individual who is similar or belongs to one’s own group violates a social norm, one tends to take it much more seriously than when that person is from another group; naturally, the inclination to punish in this case is stronger (Valenzuela, A. & Srivastava, 2012).

In conclusion, it appears that the professional literature contains two main approaches that differ, and even contradict one another, with regards to gender-based discrimination stemming from gender identification. (There is also a theory that rejects the existence of discrimination on the basis of gender, though it is less popular. See Fajak & Haslem, 1998). The first, which we will call the “gender solidarity approach,” argues that the individual tends to act in support of one’s peers and to bolster their status out of social identification. More specifically, due to social identification, men tend to favor men, and women tend to favor women. The second approach, which we shall call the “punishment approach,” contends that actions such as punishment, affirmative action, jealousy, and the desire to educate the other, may be more dominant in individual decision-making and lead to reverse discrimination.

The present study focuses on the issue of gender solidarity in the judicial system. When these two issues – law and discrimination on the basis of social solidarity – come together, the question then is which approach is more dominant in the judges’ rulings: the gender solidarity approach or the punishment approach? Do judges tend to rule in favor of their gender peers (the “social solidarity approach”) or against them (the “punishment approach”)? Do these two phenomena even exist in the judicial system, or do they perhaps offset each other? This study will attempt to answer this key question, which can illuminate the decision-making process of judges in the court system.

**Bias in the Judicial System**

The first studies of bias in the courts date to as early as the 1930s and 1940s (Sellin, 1935; Johnson, 1941). These studies were interested in differences in the severity of sentences given to black defendants and white defendants, and revealed that there indeed were such differences, to the detriment of black defendants. These studies were the first to distinguish between bias and discrepancies resulting from the characteristics of defendants, such as age, severity of the offense, percentage of women who commit offenses, and more. Many subsequent studies have supported these results and shown that, indeed, black defendants are discriminated against in many aspects of sentencing. Blacks are more likely to be imprisoned (Smith & Visher, 1981; Visher, 1983; Miller, Rossi & Simpson, 1986), brought to court more often (Hagan, 1974), and are convicted of more serious crimes than whites and with less evidence (Perry, 1977; Hawkins, 1986).

Such discrimination is not a thing of the past. Recent studies have similarly found racial discrimination between blacks and whites. For example, Bushway & Piehl (2001) examined ethnic/racial bias in U.S. courts and found clear evidence that sentencing in criminal cases against African-American defendants is more severe than in the case of white American defendants (regardless of the judge’s race). A study examining discrimination in the courts caused by the judge’s social identification found that there is a tendency for judges to rule in favor of defendants belonging to their own ethnicity (Abram, Bertrand & Mullainathan, 2012).

In Israel, Gazal-Ayal and Sulitzeanu-Kenan (2011) examined the rulings of judges in the preliminary detention hearings of Arab and Jewish suspects and found that Arab judges tend to be about 10% more lenient with Arab suspects as compared to Jewish suspects. Shayo and Zussman (2011) have shown that there is a bias in judges’ rulings in favor of the ethnic group to which they belong: Jewish judges tend to rule more in favor of Jewish litigants and Arab judges to rule in favor of Arab litigants. Grossman et al. (2016) reported similar findings from a study examining the effect of including an Arab judge in the panel of judges. Their research found that, in cases where one of the panel judges was Arab and the defendant was likewise Arab, the sentence was 14% -20% less severe than other in cases.

These studies support the theory of social solidarity and demonstrate that there is a tendency for judges to rule in favor of a defendant belonging to their own social group. Other recent studies, however, might support the punishment approach. A study by Depew, Eren and Mocan (2016) conducted in U.S. juvenile courts found that black judges tend to be stricter with black defendants. A study conducted on criminal cases in the state of Texas between 2004 and 2013 showed that judges’ rulings were consistent regardless of the ethnicity of the defendant and that there was no ethnic or racial bias in their judgments (Lim, Silveira & Snyder, 2016). Given that numerous studies have found this type bias, it may be a reflection of the punishment approach.

**Gender in Court: Solidarity vs. Punishment**

Studies dealing with the effect of judges’ gender on their decisions reveal that female judges are usually more liberal and accepting of claims than male judges (Songer & Davis, 1994; Peresie, 2005). This finding is consistent with other theories in sociology, which posit that women are not as exacting as men, and are more considerate and aware of the needs of others (Broverman et al., 1972). As such, and especially when it comes to judicial ruling, women tend to be more lenient and more empathetic (Johnson & Powell, 1994). However, we should note that in the area of criminal justice, women actually tend to sentence defendants more strictly (Steffensmeier & Hebert, 1999). The question that arises in this context is whether the judge’s gender in relation to the gender of the parties in court affects gender bias. As noted above, there are two main theories about this: The first claims that social solidarity has a central and mitigating effect, thus judges are more likely to support defendants of their own gender. The second theory claims the centrality of the punishment effect, namely that individuals wish to punish or educate those who are similar to them or belong to their own group.

Each of these theories is supported by research. For example, Terpstra, Honorée, and Friedl (2013) examined whether there is gender discrimination in U.S. District Courts and found that male judges are more likely than female judges to rule in favor of women in lawsuits where there is a claim of gender discrimination in the workplace. This finding is consistent with the punishment theory. Another study of the relationship between the gender of the judge and the gender of the defendant found that in most stages of trial and sentencing there are no differences between male and female judges in their rulings on criminal cases. However, when the judge had to decide whether to impose actual imprisonment, it was found that female judges tended to be stricter than male judges with female defendants (Gruhl, Spohn & Welch, 1981). It should be noted, however, that this study employed conditional averages only and did not apply advanced statistical methods in order to overcome the bias problems of the estimates.

In contrast to the above studies supporting the theory of punishment, other studies support the theory of gender solidarity: A parallel study to that by Terpstra, Honorée and Friedl (2013), carried out in the same country (U.S.) and using the same types of court cases (gender discrimination in the labor market) showed opposite results: It found that female judges are more likely than male judges to accept an application in cases where the petitioner is a woman (Moyer & Haire, 2015). One explanation for the conflicting results of these two studies is that both examined the very specific field of ​​gender discrimination in the labor market, which has a significant limitation in that the vast majority of plaintiffs in these cases are women; almost no men complain of gender discrimination. This does not allow for econometric analysis using the differences in differences method and, as a result, it is not possible to compare the judges’ decisions to cases where the plaintiff is a man.

Beyond the two theories described above (solidarity approach and punishment approach), additional variables influence judges’ rulings towards gender solidarity and/or punishment. For example, it has been found that the presence of a woman on a panel of judges influences men’s decisions such that they are more liberal and more likely to accept the claim in cases where women are the plaintiffs (Boyd, Epstein & Martin, 2010). Likewise, the gender of a judge’s children was also found to influence his decisions on gender-related issues. The rulings of male judges who have only daughters are more liberal in cases dealing with gender-related issues, such as women’s rights, and in cases where the plaintiff is a woman, relative to male judges who have only sons (Glynn & Sen, 2015).

The present study asks the question: which approach is more dominant in gender-related issues in the courts? Gender solidarity or punishment? In other words, do judges tends to favor litigants of the same gender, or is it the reverse: do judges tend to punish those who share the same gender?

**When Do We Punish and When Do We Reward?**

As noted, there is a tendency to punish those who are akin to us (Kuběna et al., 2014). This is crucial to understanding the decision-making process of judges facing two litigants, one of whom is similar to the judge in characteristics or social definition while the other is different. Furthermore, there is a powerful tendency to punish people who are perceived by society as having wronged someone else socially (Carlsmith, Darley & Robinson, 2002). Anger/outrage is also a key factor in punishment; the more angered someone is by an action or case, the greater the tendency to punish (Fiske & Tetlock, 1997).

In contrast to the above, however, other research examining social solidarity revealed that the incentive to reward members of one’s in-group is a consequence primarily of one’s social affiliation rather than of a negative perception of the group one is not affiliated with (out-group) (Brewer, 1999). In other words, the inclination to reward members of one’s own group exists regardless of the existence or presence of an out-group, and is the result of identification with or empathy towards members of the in-group. De Drue (2010), who examined this question using an experiment with groups of participants, similarly found that the effect of social solidarity on rewarding the members of one’s own group is a consequence of love for the in-group rather than hate for the out-group. Numerous other studies have shown that the tendency to reward members of the in-group stems primarily from empathy for the in-group rather than antipathy for the out-group (Brown, 2000; Hudson, Dovidio & Esses, 2003; Halevy, Bornstein & Sagiv, 2008; Halevy, Weisel & Bornstein 2012).

**Research Hypotheses and Purpose**

As stated above, there are two main approaches to reward and punishment in the field of social solidarity. One argues that people tend to punish those who are similar to them or belong to their group (Kuběna et al., 2014) and the other posits in contrast, that people tend to reward their group members out of social identification (Eckel & Grossman, 2001). In looking at the rulings of judges in the courts, the question then is which theory is more dominant: the theory of punishment or the theory solidarity? Perhaps neither plays a role in the judges’ decision-making (or, alternately, perhaps they offset one another)?

To answer this question, it is important to recognize when people tend to punish and when they tend to reward. As seen above, one theory is that people tend towards punishment in cases where injustice is done to someone else, or in cases where one is angered by or jealous of one of the parties. In contrast, when focussing on the issue of reward, we see that there is a tendency to reward out of “love for the group” one is affiliated with rather than out of “hatred” for the other. If we were to hypothetically test the existence of the above two theories in the court system, we would find that neither theory prevails at all times. For example, judges are more likely to “punish” members of their own group in cases involving violent disputes that include injustice towards the petitioner. In such cases, it is also likely that the judge will want to “educate” the violent party who is a member of his own group. However, in claims against a government or public institution, in contrast, cases that do not involve a conflict between two people and where the element of outrage and punishment is less pertinent, it is likely that social solidarity will be more dominant. In such cases we would expect judges to act out of “love for the group” and less out of “hatred of the other,” and therefore, we can expect that the judge will in fact reward members of his or her group. This paper focuses on gender solidarity in the courts. It aims to identify the cases in which judges reward members of their own group, that is members of the same gender, and to determine in which cases they punish them in accordance with the above hypotheses.

In order to address this question, we will look at two types of claims filed in the courts: 1. Orders to restrain a person from physically or verbally harassing another person, 2. Claims for compensation for a work accident. The first type represents situations in which there is physical or verbal violence between two people who are not family members. In such cases, the theory of punishment is expected to dominate, i.e., the tendency of judges will be to rule against those of their same gender, while in the second case it is expected that social solidarity will be more dominant and judges will rule more in favor those of the same gender.

**The Dataset**

The dataset contains information about court proceedings of cases from 2010 to 2017. The data covers two types of court claims: 1. Petitions for prevention of threatening harassment orders against a person physically or verbally harassing another person, in cases heard in the magistrates’ courts (4,507 observations). 2. Claims for compensation for work-related injuries heard in the regional labor courts (737 observations). The number of judges is 360 in the dataset of threatening harassment orders and 70 in the dataset of work-related injuries.

For each of these datasets, there is information about the verdict outcome, as well as information about the characteristics of the cases, such as judicial district, date of opening of the case, closing date of the case and lifespan of the case. In addition, there is information about the characteristics of the parties to the case: gender and place of residence, as well as information about the judges’ characteristics: gender, age and country of birth. Only cases in which there was no legal representation were selected, in order to neutralize the lawyers’ influence over the verdict. The selected cases accounted for about 87% of the threatening harassment order cases and about 23% of the work-related injuries cases.

**Orders to Prevent Threatening Harassment / Restraining Orders**

Threatening harassment restraining orders are requested from the Magistrates’ Courts under the Prevention of Threatening Harassment Law,[[1]](#footnote-1) against a third party who harms, harasses or threatens the petitioner physically or verbally. The purpose of the law is to protect a person from harm to his peace of mind, privacy, liberty, or body by another person who has engaged in threatening harassment or bodily harm against him. Threatening harassment is the harassment or threatening of another person by any means, under circumstances that provide a reasonable basis to believe that the person harassing or threatening may again infringe upon the peace of mind, privacy or liberty of the person or cause him bodily harm.[[2]](#footnote-2)

In accordance with the provisions of the Law, the courts have the power to prohibit the respondent from doing the following:

1. Harass the victim, in any way and anywhere.

2. Threaten the victim.

3. Spy on the victim, stake out the victim, trace his movements or actions, or infringe on his privacy in any other way.

4. Make any contact with the victim, be it orally, in writing, or by any other means.

5. Be present a certain distance from the residence, vehicle, place of work, or place of study of the victim, or another place where the victim is regularly present.

6. Carry or possess a weapon, including a weapon provided by a security force or any other authority of the state.

The court may issue the said restraining order for a period not exceeding six months, but it may extend its validity for a period of up to one year. Such cases primarily involve conflicts between neighbors, co-workers, and the like. In these cases, the rate of legal representation is very low: most of the petitions for these restraining orders are submitted without the aid of legal representation. This information is important because we do not want to include in the analysis the influence that lawyers might have on the verdicts. In addition, the responses in these cases are relatively quick, on average within 15 days from the date of submission of the application. Indeed, in most cases a verdict is given already in the first hearing attended by both parties. This figure suggests that the judge does not have much time to consider his or her decisions, in effect indicating that the judge is relying on considerations that are more matter-of-fact and professionally related to the application.

This dataset will allow us to test the existence of the theory of punishment in the courts. These cases should be consistent with the theory of punishment because they are usually cases in which another person is wronged, as well as cases where there is a dominant element of anger factor, or a more pronounced desire to educate the other.

**Work Injuries**

Applications for recognition of a work accident are submitted to the regional labor courts scattered across five geographical districts in Israel: the Southern, Jerusalem, Central, Haifa, and Nazareth districts. The application is effectively an appeal against the decision of the claims clerk at the National Insurance Institute who rejected the application for recognition of a work accident. In these cases, the court must determine whether to accept the claim – that is, to overturn the decision of the claims clerk and determine that the accident did occur in the course of work – or to dismiss the claim – that is, to uphold the decision of the claims clerk and determine that the accident should not be recognized as a work accident. In the first case, where the court approves the application, the case is returned to the Social Security committees, which determine the recognized percentage of disability.

This dataset allows us to question the effect of social solidarity, whose existence stems mainly from the love of the group rather than from of hatred of the other (Brown, 2000). The judge in these cases is not in a situation where he or she must rule in favor of one person over another or resolve a conflict between two individuals. Moreover, the element of outrage and the desire to educate on the part of the judge are not dominant in these claims, since the issue is not an injustice done by one person towards another, nor is it about violence of one kind or another.

**Descriptive Statistics**

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|  | **Table 1: Distribution of cases by jurisdictional districts and years** |
|  |  |
|  | **Threatening harassment** | **Work injuries** |
| No. of cases | Percentage | No. of cases | Percentage |
| **Jurisdictional district** | Jerusalem | 241 | 5.3% | 100 | 13.6% |
| Central[[3]](#footnote-3) | 1,688 | 37.5% | - | - |
| South | 899 | 19.9% | 256 | 34.7% |
| Tel Aviv | 389 | 8.6% | 193 | 26.2% |
| Haifa | 801 | 17.8% | 127 | 17.2% |
| North | 489 | 10.8% | 61 | 8.3% |
|  | **Total** | **4,507** | **100%** | **737** | **100%** |
| **Year** | 2010 | 793 | 17.6% | 31 | 4.2% |
| 2011 | 834 | 18.5% | 114 | 15.5% |
| 2012 | 668 | 14.8% | 112 | 15.2% |
| 2013 | 534 | 11.9% | 114 | 15.5% |
| 2014 | 486 | 10.8% | 101 | 13.7% |
| 2015 | 442 | 9.8% | 123 | 16.7% |
| 2016 | 420 | 9.3% | 80 | 10.8% |
| 2017 | 330 | 7.3% | 62 | 8.4% |
|  | **Total** | **4,507** | **100%** | **737** | **100%** |

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| --- | --- |
|  | **Table 2: Characteristics of the judges** |
|  |  |
| **Dataset** | **Threatening harassment** | **Work injuries** |
| No. of judges | percentage | No. of judges | percentage |
| **Country of birth** | Israel | 322 | 89.4% | 56 | 80% |
| other | 38 | 10.6% | 14 | 20% |
|  | **Total** | **360** | **100%** | **70** | **100%** |
| **Age**  | Up to 54 | 171 | 47% | 40 | 57% |
| Over 54 | 189 | 53% | 30 | 43% |
|  | **Total** | **360** | **100%** | **70** | **100%** |
| **Gender** | male | 198 | 55% | 23 | 33% |
| female | 162 | 45% | 47 | 67% |
| **Total** | **360** | **100%** | **70** | **100%** |

|  |
| --- |
| **Table 3: Percentage of petitions accepted** |
|  | **Threatening harassment restraining order** | **Work injury** |
| **Dataset** | **No. of observations****(1)** | **Percentage accepted****(2)** | **No. of observations****(3)** | **Percentage accepted****(4)** |
| **Male judge** | 1,897 | 84.6% | 307 | 49.5% |
| **Female judge** | 2,610 | 86.1% | 430 | 44.9% |
| **Difference** |  | **1.5%** |  | **4.6%-** |
| **Male petitioner** | 814 | 76.5% | 527 | 45.0% |
| **Female petitioner** | 3,693 | 87.4% | 210 | 51.4% |
| **Difference** |  | **10.9%\*\*\*** |  | **6.4%** |
| **Male judge / male petitioner** | 349 | 74.2% | 204 | 50.5% |
| **Male judge / female petitioner** | 1,548 | 86.9% | 103 | 47.6% |
| **Difference** |  | **12.7%\*\*\*** |  | **2.9%-** |
| **Female judge / male petitioner** | 465 | 78.3% | 323 | 41.5% |
| **Female judge / female petitioner** | 2,145 | 87.7% | 107 | 55.1% |
| **Difference** |  | **9.4%\*\*\*** |  | **13.6%\*\*\*** |
| **Total** | **4,507** | **85.4%** | **737** | **46.8%** |

Notes: \*, \*\*, \*\*\* Representing a level of significance of 10%, 5%, and 1%, respectively.

The data in Table 3 shows that there are no differences in the judges’ rulings in the two types of cases examined (prevention of threatening harassment and work-related injuries) when the gender of the petitioner is not taken into account. However, in contrast, and not surprisingly, there is a higher tendency to accept a petition for the prevention of threatening harassment when the petitioner is a woman as compared to cases where the petitioner is a man. In cases of work-related injuries, there is no statistical difference in the percentage of petitions accepted when comparing male petitioners and female petitioners.

An examination of the gender bias in Table 3 reveals that, in the case of threatening harassment prevention, the difference in the percentage of petitions accepted between women and men is higher among male judges than among female judges (12.7% for male judges compared to 9.4% for female judges). In other words, male judges tend to accept more petitions from female petitioners in relation to male petitioners than female judges.

In cases of work-related injuries, the situation is completely different: on average, there is no statistical difference between male and female petitioners in the percentage of petitions accepted by male judges. For female judges, in contrast, there is a significant difference in the percentage of petitions accepted when comparing male petitioners to female petitioners: a difference of 13.6% in favor of women petitioners. It is important to note that Table 3 provides averages only, and does not take into account many other characteristics that may influence the judges’ rulings, such as the judge’s personality and skills, the element of time, case characteristics and more. For some of the results, we will present an econometric analysis using the fixed effect method, in order to calculate the effect, if any, of gender bias in the judges’ rulings.

**Methodology**

In order to examine the effect, if any, of gender on judges’ rulings, we have selected cases in which a judgment was rendered and the judge ruled whether the petition was accepted, partially accepted, or denied.[[4]](#footnote-4) For the threatening harassment prevention dataset, we selected cases in which the gender of the plaintiff and the defendant is different. For the work injuries dataset, we selected cases where the claim was against a government institution (the National Insurance Institute) and therefore the gender of the respondent is irrelevant.

The method used for calculating the effect of gender bias is difference in differences, using linear regression that allows monitoring of variables that may influence the judges’ decisions.

The model for testing gender bias is as follows:

$$ \left(a\right) Decision\_{ijt}=α\_{0}+α\_{1}MalePlaintiff\_{i}+α\_{2}MaleJudge+α\_{3}MalePlaintiff\_{i}×MaleJudge+∂\_{j}+X\_{i}^{'}β+η\_{t}+e\_{ijct}$$

Where:

|  |  |
| --- | --- |
| $$Decision\_{ijt}$$ | Semi-variable: result of ruling for case *i* Judge *j* and time *t*. Receives the value 1-accepted[[5]](#footnote-5) or 0-rejected |
| $$MalePlaintiff$$ | Semi-variable for male plaintiff |
| $$MaleJudge$$ | Semi-variable for male judge |
| $$MalePlaintiff\_{i}×MaleJudge$$ | Interaction variable: impact estimate (more below) |
| $$∂\_{j}$$ | Fixed characteristics of the judge |
| $$X\_{i}^{'}$$ | Vector of control variables that characterize the case |
| $$η\_{t}$$ | Time variable, in months |
| $$e\_{ijt}$$ | Error variable |

$\hat{α\_{3}}$ is the estimator that interests us, because it estimates the gender bias, as we shall see below:
The verdict result for a male judge and a male petitioner (male-male) is:

$$ \left(1\right) y\_{ijt}=\hat{α\_{0}}+\hat{α\_{1}}+\hat{α\_{2}}+\hat{α\_{3}}+\hat{∂\_{j}}+\hat{β}+\hat{η\_{t}}$$

The verdict result for a male judge and a female petitioner (male-female) is:

$$ \left(2\right) y\_{ijt}=\hat{α\_{0}}+\hat{α\_{2}}+\hat{∂\_{j}}+\hat{β}+\hat{η\_{t}}$$

The difference in verdict results between cases of male petitioners and female petitions when the judge is male is (1) minus (2):

$$ \left(3\right) \hat{α\_{1}}+ \hat{α}\_{3}$$

The verdict result for a female judge and male petitioner (female-male) is:

$$ \left(4\right) y\_{ijt}=\hat{α\_{0}}+\hat{α\_{1}}+\hat{∂\_{j}}+\hat{β}+\hat{η\_{t}}$$

The verdict result for a female judge and female petitioner (female-female) is:

$$ \left(5\right) y\_{ijct}=\hat{α\_{0}}+\hat{∂\_{j}}+\hat{β}+\hat{η\_{t}}$$

The difference in verdict results between cases of female petitioners and male petitioners when the judge is female is (4) minus (5):

$$ \left(6\right) \hat{α}\_{1}$$

The difference between the difference between the two groups (the male judges group and the female judges group) is (6) minus (3):

$$ \left(3\right) \hat{α\_{1}}+ \hat{α}\_{3}- \hat{α\_{1}}= $$

In other words, $\hat{α}\_{3}$ expresses the effect of gender bias on judges’ rulings.

**Results**

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| **Table 4: Analysis of the impact of gender bias on judges’ rulings (Explained variable: The decision to accept the harassment prevention petition[[6]](#footnote-6))** |
|  | All cases | Israeli-born judges | Periphery[[7]](#footnote-7) | Center[[8]](#footnote-8) | Young judges[[9]](#footnote-9) | Older judges[[10]](#footnote-10) | Israeli-born young judges in periphery |
|  | (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| **MalePlaintiff** | 0.094-\*\*\* | 0.091-\*\*\* | \*0.043- | 0.121-\*\*\* | 0.072-\*\*\* | 0.141-\*\*\* | 0.038- |
| **MalePlaintiff \*MaleJudge** | **0.048-** | **0.067- \*** | **0.073-\*\*** | **0.073-** | **0.089 -\*\*** | **0.03** | **\*\*\*0.133-** |
| **LifeSpan** | 0.001 | 0.001 | 0.008 | 0.005- | 0.002 | 0.003- | \*\*\*0.017 |
| **Time** | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| **FE** | Yes | Yes | Yes | Yes | Yes | Yes | Yes |
| **R2** | 0.015 | 0.017 | 0.01 | 0.05 | 0.015 | 0.027 | 0.019 |
| **N** | 4,507 | 4,054 | 2,189 | 2,318 | 3,014 | 1,493 | 1,443 |

Table 4 shows that, in general, there is a higher tendency to reject petitions for the prevention of threatening harassment in cases where the petitioner is a man, as compared to cases where the petitioner is a woman, regardless of the gender of the judge. The effect is about 9.4% for the analysis of all cases. This finding is consistent with the results of other studies showing that there is a tendency to be more forgiving towards women (Bickle & Peterson, 1991; Daly & Bordt, 1995; Steffensmeier, Ulmer & Kramer, 1998). In addition, the results of the estimation of the impact of the interaction between the gender of the judge and the gender of the petitioner on the judges’ rulings, support the theory of punishment presented above (Kuběna et al., 2014). The results show that judges have a tendency to “punish” their peers more severely in cases where the submitted petition is related to severe physical or verbal violence. This finding is consistent with the fact that the tendency to punish is greater in cases where one person has harmed or wronged another person (Carlsmith, Darley & Robinson, 2002). The magnitude of the impact ranges from 6.7% to 8.9%, depending on the population of judges selected, as shall be detailed below.

 Another interesting statistic that emerges from Table 4 is that the impact of gender on judges’ rulings is greater and more pronounced in Israel’s peripheral regions.[[11]](#footnote-11) Judges tend to punish their peers more severely in the peripheral areas: the chance of the petition being accepted in these regions when the gender of the judge and the petitioner is the same is 7.3% lower than in cases where the gender of the judge and the petitioner is different. In the country’s central regions, in contrast, the chances of the petition being accepted or rejected do not depend on the interaction between the gender of the judge and the gender of the petitioner. That is, there is no tendency to punish or favor a member of one’s own gender in the cases that were heard in Israel’s central regions.

 Another interesting finding emerging from Table 4 suggests that the tendency to punish members of one’s own gender exists only in younger judges. The magnitude of the impact is about 9% in cases where the judges are young. That is, the chance of the petition being accepted in cases where the gender of the judge and the gender of the petitioner is the same is 9% lower than in cases where the gender of the judge and the gender of the petitioner are different, among the young judge population. Among the population of older judges, in contrast, the effect does not exist at all, and the chances of a petition being accepted or rejected do not depend on the gender interaction of the judge and the petitioner. This finding is consistent with a study by Finkelstein, Burke & Raju (1995) about discrimination in the labor market, which showed that younger people have a higher tendency to discriminate against older people; according to this study, one reason for this tendency is the fact that older people have experienced more vulnerability in their lives and therefore are more likely to be considerate of others and less likely to be vengeful or punishing.

As we have seen above, gender bias exists among specific population groups: native-born judges, petitions submitted in the periphery, and young judges. An interesting question that deserves examination is what is the magnitude of the effect is in cases where all three of these conditions exist, i.e., young judges, Israeli-born, in peripheral areas. The results are presented in column (7) of Table 4 and show that the magnitude of the effect in such a case is highly statistically significant, at 13.3%. This means that in cases where the judges are young, native-born and the petition is submitted in the periphery, the chance of a petition being accepted when the judge’s gender is the same as the gender of the petitioner is 13.3% lower than in other cases.
It is important to note that in most cases the application for a restraining order is submitted by a woman against a man (3,693 observations), as compared to 814 cases where the petition was submitted by a man against a woman. This discrepancy does not pose a problem as long as there are enough minority cases (about 18%) and a sufficient number of observations in each of the four different sub-groups of combinations of the judges’ gender and petitioners’ gender. Table 3 above shows that the smallest of the four possible groups is that where the judge is male and the petitioner is male, 349 observations. This number is sufficient to allow for statistical calculations of the relevant estimates. The percentage of petitions accepted in each of the four groups as derived from the DID regression analysis actually solves the problem of the high rate of women petitioners, thereby providing valid estimates of gender bias.

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| **Table 5: Analysis of the impact of gender bias on judges’ rulings (Explained variable: The decision to accept a petition for recognition as a work accident)**[[12]](#footnote-12) |
|  | All cases | Israeli-born judges | Periphery[[13]](#footnote-13) | Center[[14]](#footnote-14) | Young judges[[15]](#footnote-15) | Older judges[[16]](#footnote-16) |
|  | (1) | (2) | (3) | (4) | (5) | (6) |
| **MalePlaintiff** | 0.149- \*\* | 0.149- \*\* | 0.115-  | 0.210- \*\* | 0.253- \*\*\* | 0.172-  |
| **MalePlaintiff \* MaleJudge** | **0.239 \*\*\*** | **0.242 \*\*** | **0.255 \*** | **0.222\*\*\*** | **0.346\*\*\*** | **0.219** |
| **LifeSpan** | 0.001- | 0.001- | 0.001- | 0.001- | 0.001- | 0.001- |
| **Time** | Yes | Yes | Yes | Yes | Yes | Yes |
| **FE** | Yes | Yes | Yes | Yes | Yes | Yes |
| **R2** | 0.071 | 0.156 | 0.219 | 0.161 | 0.155 | 0.174 |
| **N** | 737 | 569 | 444 | 293 | 362 | 375 |

In order to test the theory of gender solidarity, i.e., whether there is a tendency to favor members of the same gender in cases where the conditions for the punishment theory are not met, we selected cases in which an application was made to recognize an incident in which an employee was injured as a work accident. The results are presented in Table 5 above, and similar to the results shown in Table 4, it is clear that generally, there is a tendency to reject the application when the petitioner is a man, regardless of the gender of the judge. Conversely, and in line with the research hypothesis, an examination of gender bias suggests that, in these cases, gender solidarity is very clearly expressed in accordance with the theory of social solidarity (Brewer, 1999). The results show that there is a greater tendency to accept the application, i.e., to recognize the incident as a work accident, in cases where the judge’s gender is the same as the gender of the petitioner, as compared with cases in which their gender is different. The chance of the petition being accepted in cases where the gender of the judge and the petitioner is the same is 23.9% higher than in cases where their gender is different. Since female judges are highly represented in comparison to male judges, the results of the regression analysis as run under the entropy balancing reweighting method (developed by Hainmueller) were very similar to those shown in Table 5.

The results of the analysis as presented above in the cases of prevention of threatening harassment demonstrate that gender bias is stronger for native-born judges and in the peripheral regions, as well as for young judges. In cases of petitions for recognition of a work accident, we indeed find that the magnitude of the bias’s affect increases among the population of judges who are native-born and reaches about 24.2%. In contrast, when examining the cases in question in Israel’s periphery as compared to the central regions, no significant difference was found between these two populations as manifested in cases where the petition is to prevent threatening harassment. The significance of these results is that there is a greater tendency among judges in the peripheral regions to punish in cases where the petition is regarding cases of violence, as compared to judges in central regions. However, in cases where the petition is for recognition of a work accident, there is no higher tendency in the peripheral areas to favor gender peers. In other words, the theory of punishment is more dominant in the peripheral regions, whereas the theory of gender solidarity does not dominate differently in the peripheral regions and the central regions.
An examination of gender bias in the population of young judges shows that here too, the effect is higher relative to the rest of the population, similar to the dataset of threatening harassment prevention. Regression analysis reveals that, for young judges, the chances of petitions being accepted in cases where the gender of the judge and of the petitioner is the same is 34.6% higher than in cases where their gender is different.

**Placebo Tests**

In order to confirm the results of this study, a number of placebo test were carried out. The results are present below in Table 6.

|  |
| --- |
| **Table 6: Placebo Tests** |
|  | **Threatening harassment prevention** | **Work injuries recognition** |
|  | **Placebo1** | **Placebo2** | **Placebo3** | **Placebo1** | **Placebo2** | **Placebo3** |
| **MalePlaintiff** | 0.022- | 0.012 | 0.011 | 0.042- | 0.021 | 0.035- |
| **MalePlaintiff \* MaleJudge** | **0.021-** | **0.002** | **0.022-** | **0.108** | **0.087-** | **0.004-** |
| **LifeSpan** | 0.005- | 0.001- | 0.001- | 0.001- | 0.0005 | 0.001- |
| **Time** | Yes | Yes | Yes | Yes | Yes | Yes |
| **FE** | Yes | Yes | Yes | Yes | Yes | Yes |
| **R2** | 0.16 | 0.03 | 0.01 | 0.19 | 0.044 | 0.054 |
| **N** | 4507 | 4507 | 4507 | 737 | 737 | 737 |

The Placebo1 test presents test results from a regression analysis in which the explanatory variable (judge’s gender) and the effect variable (judge’s decision) were exchanged. The Placebo2 test presents regression test results in which the effect variable (judge’s decision) was replaced with another random variable with similar distribution. The Placebo3 test presents regression test results in which the explanatory variable (judge’s gender) was replaced by another random variable with similar distribution. These tests were performed on both datasets: the prevention of threatening harassment dataset and the work-related injuries dataset. For the Placebo1 test, it can be seen that the estimator of the interaction variable, which we are interested in estimating, is not significant at all in both cases: prevention of threatening harassment and work-related injuries. Likewise, when we ran the Placebo2 and Placebo3 tests, which substituted random variables that are distributed with the same mean and the same standard deviation for the real variables, we found no statistically significant effect on either of the two datasets.

**Conclusions**

Most studies of bias in the judiciary system have identified discrimination based on social solidarity. Judges tend to rule in favor of litigants affiliated with the same social groups, such as religious affiliation, ethnicity and the like. On the other hand, a few studies have shown that bias in fact operates in the opposite direction: judges tend be stricter precisely with those who share their social affiliations. These studies suggest that there are two main theories in this field: the “theory of social solidarity” and “punishment theory”. When we examine gender bias in the judiciary, it is not clear which theory dominates judges’ rulings, but theories from the fields of psychology and sociology can help us assess the inclination depending on the circumstances of the case. These theories, which deal with the social affiliation of the individual, hold that the tendency to punish or educate one’s peer is stronger in cases where injustice has been done to someone or in cases where outrage and jealousy are factors. In contrast, the impact of social solidarity is more pronounced where there is empathy towards a person who belongs to the in-group, regardless of or without comparison to another person who does not belong to the in-group. According to these theories, it is likely that punishment theory will have a greater effect in cases of physical or verbal violence between two people. On the other hand, in cases where the judge does not have to rule on a violent dispute, but rather on a citizen’s request for compensation from state institutions or the like, it is more likely that the theory of social solidarity will be more pronounced.

The present study confirms the above hypotheses: in cases where an order to prevent threatening harassment between two people is required, we see that the punishment theory is more dominant, that judges tend to be stricter with their peers, and that the chance of having the petition accepted is 6.7%-13.3% greater when the case of an petitioner is the same gender as the judge, whereas, in cases where the relief sought is recognition of a particular event, such as a work accident, the theory of social solidarity dominates and the probability of the petition being accepted is 34.6% -23.9% higher when the petitioner is of the same gender as the judge.

It is not clear whether a single theory alone holds true in each of the cases examined for this paper. It is possible that both theories exist simultaneously in such a way that one of them is stronger than the other, and the effect of the bias obtained in the results is in the offset of one from the other. For example, it is quite possible that the theory of social solidarity finds expression even in cases of threatening harassment, but in a way that is weaker than the theory of punishment, so that, on average, judges ultimately tend to punish their peers more and vice versa. In the case of petitions for recognition of work-related injuries it is possible that the theory of punishment is likewise reflected in the judges’ rulings, but more weakly than the theory of social solidarity, such that on average judges tend to benefit their peers.

**Limitations of the Study**

This study examines gender-based bias in judges’ rulings on real cases, where the judge is professionally obligated as a judge to rule according to the rules of justice, judicial ethics and the like. Under these circumstances, the flexibility judges have to rule in contravention to such rules and laws so as to benefit someone with whom they identify, or alternately to punish such a person, is limited. Nonetheless, bias is found. It is likely that the effect of bias could be even higher if the judge were to be released from these obligations. It follows, then, that the magnitude of the bias measured in this study could be lower than in situations where the judge did not have a professional and ethical obligations regarding his rulings and as a part of properly fulfilling his role.

1. Rather than under the framework of the Prevention of Family Violence Law. [↑](#footnote-ref-1)
2. As stated in the law. [↑](#footnote-ref-2)
3. The labor courts of the Tel Aviv and Central districts are combined. [↑](#footnote-ref-3)
4. In contrast with cases where the parties reached a compromise, or cases in which the parties arrived at an agreement through a third party, such as mediation or reconciliation, or the claim was dismissed when the plaintiff failed to attend the hearing, and the like. [↑](#footnote-ref-4)
5. An additional category of “partially accepted”, constituting about 6% of all cases, were included under the “accepted” category. [↑](#footnote-ref-5)
6. Semi-variable: 0=petition accepted, 1= petition rejected [↑](#footnote-ref-6)
7. Courts in the north and south of the country [↑](#footnote-ref-7)
8. Courts in the Jerusalem, Tel Aviv and Central districts [↑](#footnote-ref-8)
9. Under the age of 54 (determined by the average age of the judges, which is about 54). [↑](#footnote-ref-9)
10. Above the age of 54 (determined by the average age of the judges, which is about 54). [↑](#footnote-ref-10)
11. Haifa, Northern and Southern Districts. [↑](#footnote-ref-11)
12. Semi-variable: 0=petition accepted, 1= petition rejected. [↑](#footnote-ref-12)
13. Courts in the north and south of the country [↑](#footnote-ref-13)
14. Courts in the Jerusalem, Tel Aviv and Central districts [↑](#footnote-ref-14)
15. Under the age of 54 (determined by the average age of the judges, which is about 54). [↑](#footnote-ref-15)
16. Above the age of 54 (determined by the average age of the judges, which is about 54). [↑](#footnote-ref-16)