

### Authors

David Abrams

Marianne Bertrand  
The University of Chicago

Sendhil Mullainathan  
Harvard University



The University of Chicago  
The University of Chicago Law School

---

Do Judges Vary in Their Treatment of Race?  
Author(s): David S. Abrams, Marianne Bertrand, and Sendhil Mullainathan  
Source: *The Journal of Legal Studies*, Vol. 41, No. 2 (June 2013), pp. 347-383  
Published by: The University of Chicago Press for The University of Chicago Law School  
Stable URL: <http://www.jstor.org/stable/10866608>  
Accessed: 28/05/2013 20:53

---

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at  
<http://www.jstor.org/page/info/about/policies/terms.jsp>

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.



The University of Chicago Press, The University of Chicago, The University of Chicago Law School are  
collaborating with JSTOR to digitize, preserve and extend access to *The Journal of Legal Studies*.

<http://www.jstor.org>

This content downloaded from 130.132.144.171 on Tue, 28 May 2013 20:53:02 PM  
All use subject to [JSTOR Terms and Conditions](#)

# Do Judges Vary in Their Treatment of Race?

Are minorities treated differently by the legal system? Systematic racial differences in case characteristics, many unobservable, make this a difficult question to answer directly. In this paper, we estimate whether judges differ from each other in how they sentence minorities, avoiding potential bias from unobservable case characteristics by exploiting the random assignment of cases to judges. We measure the between-judge variation in the difference in incarceration rates and sentence lengths between African-American and White defendants. We perform a Monte Carlo simulation in order to explicitly construct the appropriate counterfactual, where race does not influence judicial sentencing. In our data set, which

includes felony cases from Cook County, Illinois, we find statistically significant between-judge variation in incarceration rates, although not in sentence lengths.

June 01, 2012