

A JUSTICE RENDERED BY WOMEN FOR WOMEN? EVIDENCE FROM MARITAL SEPARATIONS

Nicolas FRÉMEAUX* Sibylle GOLLAC†

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Abstract

In order to understand the role of law and justice in the gender wealth gap in contemporary France, we study the influence of the judges' sex on decisions related to marital separations. We use a unique dataset of 3,000 judicial cases with detailed information about both the judges and the cases. We do not find any systematic effect of the judges' sex category. The latter does not affect the decisions related to child physical custody and child support. However, female judges tend to grant a lower share of spousal compensatory benefits but when a benefit is granted, its value is larger than those granted by male judges. Information used and organizational constraints faced by judges can explain these results, which question the hypothesis of a feminist justice or a justice “rendered by women for women”.

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*Corresponding author: LEMMA - Université Paris 2, 4, rue Blaise Desgoffe - 75006 Paris (France); nicolas.fremeaux [at] u-paris2.fr

†CNRS, CRESPPA-CSU. sibylle.gollac [at] cnrs.fr

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1 Introduction

Wealth inequalities between women and men are less understood and less well explored than income inequalities. Most analyses of the gendered distribution of wealth emphasize the weight of the gendered division of labor (domestic and paid) and the legal framework (regulation of marriage, divorce, inheritance) (Deere and Doss (2006)). In France, the massive entry of women into the labor market and the existence of a formally egalitarian legal system would suggest there has been a reduction in the gender wealth gap. However, between 1998 and 2015, this gap increased from 9 to 16% (Frémeaux and Leturcq (2020), p. 4).

This increase is related to the individualization of wealth (Frémeaux and Leturcq (2020)). In France, all assets accumulated during the marriage become the joint property of the spouses, held equally by the husband and the wife. This default marital regime thus organizes a redistribution of the fruits of the gendered division of labor in different-sex couples characterized by the specialization of men in paid professional work and of women in unpaid domestic work. It strongly attenuates the inequalities of wealth between spouses arising from income inequalities accumulated throughout their careers. Yet in France, fewer and fewer couples are marrying and, among those who do, more and more are signing a prenuptial agreement to choose the separation of property regime.

The growing number of marital separations¹ has also increased the visibility of wealth inequalities between women and men and their effects in terms of living standards. Women’s living standards (Bonnet et al. (2021)) and their probability of owning property (Bessière and Gollac (2020), pp. 84-86) are more dependent on their marital trajectory than those of men. However, several legal mechanisms would make it possible to compensate for these inequalities, which are largely the result of the gendered division of labor during marital life: allocating a significant amount of child support, the payment of compensatory benefits², or setting up a childcare arrangement that does not rely solely on the availability of mothers. However, in France, child physical custody is still entrusted mainly to mothers: in 2012, 71% of court decisions awarded custody to the mother (Guillonnet and Moreau (2013)) and in 2020, 84% of children of separated parents still lived mostly or exclusively with their mother (Bloch (2021)). Child support payments are relatively low, compared, for example, to North America (Biland (2019)). Compensatory benefits - reserved for married couples and intended

¹Throughout the article, “marital separations” will refer to divorces as well as separations of unmarried parents for whom a judicial decision is necessary, unless otherwise noted.

²In French law, a capital sum paid to the spouse who is impoverished by the divorce. See section 3 for more information.

to compensate for inequalities in the economic situation of former spouses arising from married life - in practice are awarded in only 20% of divorces. Judicial decisions thus do not seem give much recognition to the gendered division of labor and its unequal effects, and they lead to partial compensation. Only in exceptional cases do they question the perpetuation of this gendered division of labor after separation.

In line with these observations, this article examines the role of law and justice in the contemporary gender wealth gap. In France, the law of marriage, divorce, and succession has been formally gender neutral since the 1970s-1980s. The justice system, in particular the family court system, has been strongly feminized: at least three-quarters of the judges who handle divorces or conflicts between separated parents are women³. The presence of female judges in the family court system has increased to such an extent that associations defending fathers' rights denounce a "justice rendered by women for women" (Fillod-Chabaud (2016)) and the feminization of justice has become a political issue (Bessiere et al. (2016)), while the neutrality of male judges' decisions is never questioned. Yet, as we have just seen, judicial decisions do not seem to mitigate the economic inequalities between men and women. By taking the approach introduced by Sally J. Kenney, this article questions the assumption that there is a feminine way of judging and that it is, moreover, feminist (Kenney (2008)).

By examining the decisions made by male and female judges about issues involving the family, our work pursues a twofold goal: on the one hand, we seek to understand the weight of law and justice in the persistence of gendered economic inequalities in societies characterized by a law that is formally egalitarian. On the other hand, we contribute to the extensive literature regarding the influence of judges' characteristics on judicial decisions. Marital separations are a type of judicial decision that have been rarely studied in this literature so far. This litigation is diverse: it concerns married couples as well as unmarried parents; it relates to child physical custody, but also to child support; and it involves the division of assets between formerly married spouses. More importantly, the law deals with these different aspects of disputes between former spouses and unmarried parents in various ways, for which the judge's discretion varies widely. There are, for example, indicative child support guidelines, whereas the physical custody of children is supposed to be determined on the basis of the "interests of the child," which is left to the judge's discretion. For compensatory benefits, there are

³The share of female judges in France is 66% (Demoli and Willemez (2018)). The feminization of judges is more pronounced in family courts than in other fields (Boigeol (2013)), but this is difficult to measure because, in the administrative sources, the judges who work in family courts do not occupy a position separate from other trial court judges.

no strict guidelines but rather, a list of criteria to be taken into account. This diversity allows us to test the influence of the judge’s characteristics. Finally, the considerable weight of the litigation of marital separations in the French judicial system makes it easier to provide comparability across cases.

Our empirical analysis is based on a unique dataset. We built a representative sample using 3,000 marital separations registered in France in 2013, coming from 7 different trial courts, as part of a broad collective study⁴. Three different types of cases are represented: divorces by mutual consent (i.e., divorces in which the ex-spouses have agreed on the principle of divorce and all its consequences); contested divorces; and separations of unmarried parents. Our survey displays information about the characteristics of the cases (socio-economic characteristics of ex-partners, procedural variables, claims made by each partner, etc.) and it describes all the decisions made by the judges. Specifically, all the final decisions about child physical custody, child support, and compensatory benefits are detailed. In addition, the survey provides information about procedural decisions like the investigations requested by the judge during the legal proceeding. We match our survey with public information about judges. Specifically, we know the judges’ sex category⁵ and experience as well as other positions held by judges (e.g., presidency or vice-presidency of the court). We also have information about the recruitment process for a subsample of judges. To complete the analysis, we also use the results of an ethnographic survey conducted in several French courts, among judges, court clerks, and lawyers.

Our results show that there is no systematic effect of the judges’ sex category on judicial decisions related to marital separations. More specifically, it does not influence decisions about child physical custody or child support. However, it slightly affects decisions regarding compensatory benefits. Female judges are less likely to grant compensatory benefits but when a compensatory benefit is granted, its value is significantly larger than the ones granted by male judges. The effect is heterogeneous across judges’ experience as the effect is largely driven by female judges with less than 15 years of experience.

What do we learn from these results? The variety of decisions allows us to study the mechanisms

⁴This collective research and the team that built our database are presented here: <https://justines.cnrs.fr/en/homepage/>

⁵The information is based on their first name or, when it is epicene, like ”Dominique,” the use of the title “Monsieur” or “Madame” in the judgement. Judges can thus be situated in the binary categorization system that opposes men and women. This is why, in this article, we refer to the “sex category” of judges, and sometimes, for the sake of simplicity, to “sex,” to designate the variable we use in the statistical analyses. Therefore, “sex” will not designate biological data here, but a socially constructed binary category. We will use the term “gender” to designate the social relations that lead to the construction of this binary categorization, support it, and rely on it. The “gender of judges” can be evoked when it does not refer to a binary variable but to their position in the gender system.

explaining the (non)effect of judges' gender. The absence of decisions specifically favorable to women tends to invalidate the models and the empirical evidence in which female judges act in a homogeneous way as representative of other women and, moreover, as feminists: their decisions do not systematically reflect a recognition of women's domestic work or a challenge to the gendered division of labor any more than those of male judges. On a related literature, our results also contradicts evidence that female politicians are more likely to take decisions that are more relevant to the needs of women than male politicians⁶

Instead, we suggest that two competing and complementary hypotheses could explain our results. First, the absence of any systematic effect of sex category comes mainly from the limited discretion of French judges to make some decisions (especially for child support decisions) and from the fact that all judges receive the same training. The differences coming from career paths as well as the recruitment process affect decisions slightly, but they do not compensate for organizational constraints, and this introduces differentiations among both female and male judges. Second, the information male and female judges use tends to differ. Specifically, women judges not only more frequently request home investigations⁷ but they may also use this information differently than male judges. This informational channel, confirmed by ethnographic data, reveals that men and women have differing perceptions of their roles, linked to different professional and primary socializations (in their families and at school). But, in the end, these differentiated practices of the judicial profession do not affect significantly their decisions and do not challenge economic inequalities between ex-spouses.

The remainder of the article unfolds as follows. Section 2 presents the literature review. Section 3 describes the features of the legal context of divorce in France. Section 4 presents the dataset and descriptive statistics. Then we investigate how judges' characteristics influence judicial decisions (Section 5) and we discuss the underlying mechanisms which explain this influence (Section 6). Section 7 presents our conclusions.

2 Related literature

This research is the first part of a body of work that explores the gender wealth gap and its relationship to the family life cycle and its legal framework. As early as 2006, on the basis of multiple studies,

⁶See [Chattopadhyay and Duflo \(2004\)](#); [Miller \(2008\)](#); [Clots-Figueras \(2011, 2012\)](#) among others

⁷Home investigations are social investigations made by social workers in order to have more specific information about the living conditions of the litigants and the way they take care of their children.

Deere and Doss emphasized the importance of this legal framework, which defines married women's property rights and women's right to inheritance and affects the fallback position of separated women and widows (Deere and Doss (2006)). In France, the relationship between the increase in wealth inequalities between women and men and the evolution of the legal status of couples confirms this importance (Frémeaux and Leturcq (2020)). However, the relationship between the gender wealth gap and judicial intervention is rarely explored.

Most of the existing studies focus on the effects of child support or compensatory benefits on the differences in living standards of former spouses, or even solely on the living standards of single mothers, and more rarely on those of debtor fathers (Bonnet et al. (2021)). Overall, these studies show the variability of the effects of the private transfers framed by law, depending on the country in which they occur but also on social class. In France, according to a study of a sample of 5,000 divorce cases decided in 2013, in cases where a compensatory benefit was granted, the gap in the couple's standard of living just after separation drops from 52% to 40% thanks to the compensatory allowance (Bourreau-Dubois et al. (2018)). Child support payments have a smaller effect than public transfers: they mitigate the decrease in women's living standards after divorce by about 6 percentage points and reduce the increase for men by about 9 points (women's total living standards decrease after divorce by 19% on average, whereas men's living standards remain stable overall). And the importance of mothers having sole physical custody of course plays a role in the relative impoverishment of women (Bonnet et al. (2021)).

The various data available therefore make it possible to evaluate either the expected effects of judicial decisions on economic inequalities between ex-spouses or the effects of actual transfers on inequalities in living standards. But there is no data on the effects of these transfers, whether they were decided by the judges or actually carried out, on the wealth of ex-spouses. Our data, based on court files, does not allow us to refine these results or to measure the effects of these transfers on the wealth of ex-spouses. But it allows us to try to understand how the courts make decisions about child physical custody and the amounts of compensation for economic inequalities between ex-spouses provided for by the law. More specifically, the aim is to understand how these compensations fail to significantly reduce the gender gap despite the framework of a formally egalitarian law and an implementation of this law ensured in significant part by women.

This article also contributes to the existing literature on the influence of judges' characteristics

on judicial decisions⁸. In all of this literature, the same questions are asked: Do some judges' characteristics affect their decisions? If so, what are these characteristics, and how can we explain their influence? So far, several characteristics have been analyzed in empirical studies. Age ([Manning et al. \(2004\)](#); [Anwar et al. \(2014\)](#)) and race ([Anwar et al. \(2012\)](#); [Boyd \(2016\)](#)) have been studied extensively, but we also find empirical studies of characteristics such as family status ([Glynn and Sen \(2015\)](#)) and, more recently, political ideology ([Anwar et al. \(2018\)](#); [Cohen and Yang \(2019\)](#)). In most cases, the characteristics studied do influence the decisions of the judge or jury.

In common-law countries, numerous legal and social science studies since the 1970s have explored the effects of the judge's sex category on judicial rulings ([Feenan \(2009\)](#)). The evidence about the effect of the judge's sex is mixed and largely depends on the type of case. On the one hand, [Ashenfelter et al. \(1995\)](#) found no evidence of differences between male and female judges about civil rights and prisoner cases. [Cohen and Yang \(2019\)](#) noticed no influence of the judge's sex on sentence length for several kinds of offenses. The conclusion is similar for [Lim et al. \(2016\)](#) for sexual assaults, property crimes, and drug offenses but it is not the case for violent offenses. However, for sex discrimination cases, [Boyd et al. \(2010\)](#), [Boyd \(2016\)](#) and [Knepper \(2018\)](#) found that female judges are more likely to rule in favor of the plaintiff when the plaintiff is a woman. In addition, [Anwar et al. \(2019\)](#) showed that the inclusion of women in English juries starting in 1921 only affected conviction rates for specific cases like sex offenses.

In common-law countries, the issue is even more essential because jurisprudence forms the basis of judicial activity. The relationships between the characteristics of judges and their decisions are interpreted in various ways. For some, they are seen as evidence of arbitrary judicial decisions: judicial decisions depend on what judges had for breakfast, a formulation attributed to the legal realist Jerome Frank. Such decisions would be a sign of a lack of consistency in implementing the law. For others, the relationship between the characteristics of judges and their decisions shows that judges belong to classes of individuals with specific interests, shared with some litigants but contrary to the interests of others. In this case, the impartiality of judicial decisions are questionable. But from this perspective, the representation of gender or racial minorities, for example, among the judges would also be a guarantee of a justice system that represents the interests of the entire population and is better able to fight inequalities.

⁸Some papers also studied the effect of the environment of judicial decisions. See for instance: [Danziger et al. \(2011\)](#), [Marinescu \(2011\)](#) and [Ichino et al. \(2003\)](#).

The effect of the judge's gender on the resolution of different types of cases is often interpreted in this way. In common-law countries, the effect of the judge's sex on decisions on gender discrimination or sexual violence, where the plaintiffs are women, is particularly well studied. In these countries, judges seem to enjoy a discretion that does not exist in legislated-law countries, where the judge is supposed to be an "anonymous interpreter of the law" (Schultz and Shaw (2013)). There is thus relatively less evidence in the French data, but most of the evidence is related to marital separations. Bourreau-Dubois et al. (2014) used experimental data (i.e., existing cases presented to 80 judges) and noted that female judges are likely to provide slightly more generous child support than male judges. This generosity depends on the parents' offers and on the different offers made by each parent (if they disagree). Using 2,000 child support decisions from French courts of appeal, Bourreau-Dubois et al. (2020) provided evidence of slightly larger allocations of child support and more pro-mother decisions (i.e., decisions closer to the claims of mothers than to those of fathers) when comparing all-female juries to all-male or mixed juries.

Several mechanisms have been identified by Boyd et al. (2010) to explain the influence of the judges' characteristics. First, male and female judges might have different worldviews (the different voice approach), according to Gilligan's theory (Gilligan (1982)), and therefore we should observe different decisions across all issues. Second, judges can serve as representative of their class and can work towards protecting it (the representational approach). Consequently, the differences would only relate to some decisions concerning women, broadly speaking. Third, men and women possess unique information because of their personal or professional experiences (the informational approach). If so, controlling for these variables would lead to no differences between men and women or only small ones. Fourth, the recruitment process, professional training, and the constraints of court organization can differ across genders (the organizational approach). This approach implies that all decisions should be affected.

The empirical literature is less conclusive in identifying the mechanisms at stake than in estimating the influence of a given characteristic. The fact that most significant differences between male and female judges (or juries) are related to gender issues (sex discrimination, sex offenses, or violent crimes in which a woman is the victim/plaintiff, etc.) suggests that the representational channel may be relevant. However, these findings do not lead to the dismissal of the informational aspect. Indeed, these differences may be driven by the sensitivity to some evidence (as noted by Anwar et al. (2019)) or by a better knowledge of some issues (e.g., the cost of a child in the case of child support

decisions, as suggested by [Bourreau-Dubois et al. \(2020\)](#)). Using qualitative data, [Bessiere and Mille \(2014\)](#) explore the issue of gender in judges' practices and they show the extent to which family socialization (in childhood, but also in adult life, as spouses and parents), the recruitment process, and the types of judges' career and working conditions are gendered and linked. This work also shows that the practices of judges are not independent of existing representations of female and male judges. In France, [Boigeol \(1996\)](#) has analyzed the resistance of the judiciary to its feminization. The neutrality of women judges has never ceased to be questioned. [Paillet and Serre \(2014\)](#) thus show how female juvenile judges feel obliged to distance themselves from stereotypes by avoiding being "maternal."

All of this work highlights the fact that there are gendered ways of exercising the profession of judge, linked, in particular, to the different career paths and socializations of men and women. But it also shows that female judges, in particular, are concerned about the neutrality of their decisions. This concern, linked to the room for maneuver left by procedural rules and working conditions to take innovative decisions, results in small variations in decisions according to the judge's sex category. This work also shows that there are several ways of being a female or a male judge. The gender of judicial practices is constructed in articulation of other social relations linked to age, class, and race. Therefore, sex does not always appear to be the most decisive variable for understanding certain judicial decisions. [Bessiere and Mille \(2014\)](#) thus brought to light the working conditions and representations of judges that lead to the absence of effect of their sex category on decisions about child physical custody in France, using a sample of 400 cases.

These papers open avenues for research that we are going to test in this article, on the basis of more complete and broader data. Existing empirical studies also demonstrate that it is crucial to have at least two kinds of information to analyze the gender of judicial decisions. First, the failure to control for other characteristics of judges can lead to inconclusive interpretations, including the impossibility of understanding the relationship between judges' sex, careers, and working conditions. Second, it is crucial to test the influence of judges' characteristics on several types of decisions, including those that are more (or less) exceptional and those decisions that are framed more (or less) by the law and differing professional standards, which operate in the daily practice of judges and the image they have of their profession. The survey we built satisfies these two conditions and it also provides detailed information about the characteristics of litigants that is often missing in existing datasets.

3 Context

In France, the role of judges in post-marital wealth arrangements is limited. As Deere and Doss point out, in civil-law countries, although community property was managed solely by the husband during the marriage (until 1965 in France), women had a theoretically much stronger fallback position than they did in countries with a common-law tradition: when the marriage ended for any reason, women retained their own individual property as well as half of the community property, i.e., all the assets acquired by the couple during marriage through the earnings of either spouse (Deere and Doss (2006), p. 15). However, as mentioned above, French couples are increasingly choosing the separation of property regime, when they still choose to get married: in 2010, 44% of couples formed less than 12 years ago were married and of these, 15% had opted for the marital regime of separation of property while in 1992, 69% were married and 10% of them had opted for the separation of property regime (Frémeaux and Leturcq (2013)).

Regardless of the marital regime chosen, the court does not intervene in the division of wealth at the time of the divorce: the *notaire* is supposed to simply apply the principles of the marital regime in order to define the separate assets of each spouse and each one's rights to the joint assets. When the partners are married with the separation of property regime or when they are not married at all (which is very common in France: since 2005, more than half of all children have been born out of wedlock), the family court has no right to look at the wealth arrangements between the former partners. The divorce judgment may, however, grant "compensatory benefits." This is a lump sum payment which may be spread over a maximum of 8 years, intended "to compensate, as far as possible, for the disparity that the breakdown of the marriage creates in the respective living conditions" of the spouses (art. 270 of the Civil Code). This system is restricted to married couples, which limits its scope considerably in the French context. In other countries, such as the United States, the United Kingdom, or Austria, judges have more power to decide on the redistribution of wealth between former partners. Regardless of the marital regime that may have been signed, or even in cases of non-marriage, certain assets may be considered as joint (notably home ownership). This is not the case in France.

In the French system, judicial decisions about marital separations vary according to the status of couples. Unmarried ex-partners may resort to the courts to resolve their disputes over child custody, including disputes about physical custody and child support. Parents who are already divorced can

also appeal to the judge if their situation has changed since their divorce (relocation, decrease or increase in income, etc.). These disputes between unmarried (or no longer married) parents account for around half of family trial judges' activity. Divorces, on the other hand, involve all the decisions concerning children (physical custody and child support) and also decisions about the assets of former spouses, such as compensatory benefits. But compensatory benefits are granted in only 19% of divorces ([Belmokhtar and Mansuy \(2016\)](#))⁹, while 68% of judgments concerning the children of married or unmarried parents provide for child support ([Belmokhtar \(2014\)](#)). Child support decisions are therefore extremely common. They are facilitated by the existence of an indicative scale which takes into account the income of the debtor, the number and ages of the children, and the type of physical custody (given solely to the mother, solely to the father, or joint custody). Granting compensatory benefits and fixing the amount remains a more exceptional decision that is more complex for judges. Specifically, there are no strict guidelines but instead, several criteria to be taken into account¹⁰ and the law does not establish a hierarchy among them.

Even if some decisions are more unusual than others, marital separations constitute a mass litigation in France. Unlike appellate court judges, who officially sit in panels of three, trial family judges sit alone. They handle 800 cases per year on average, following hearings that last on average for 18 minutes ([CollectifOnze \(2013\)](#), p.16). Comparing France and Canada, [Biland et al. \(2015\)](#) summarize as follows: “the former still involves the judiciary in any and every case, while streamlining the proceedings to make them quicker and less intrusive; the latter focuses the judges' intervention on a smaller number of more complex, and more contentious, cases, while involving both legal and non-legal professionals to bargain out of court agreements.” Since 2017, in France divorces by mutual consent are no longer validated by the court. This was not yet the case when we collected our data. In 2013, mutual consent divorces accounted for 25% of the family cases handled by judges.

The magistrates who face this mass litigation are civil servants recruited through a competitive examination. All judges have the same 31 months of training at the French National School for the Judiciary (Ecole Nationale de la Magistrature (ENM)). Most of the judges enter the school directly after graduating with a master's degree in law (72% of all admitted applicants in 2017) but there

⁹In our dataset, our estimates are close to administrative data: the share of divorces with compensatory benefits is 17%. Moreover, we find a similar share of capital lump sum payments (86%).

¹⁰According to article 271 of the Civil Code these are: the duration of the marriage, the age and state of health of the spouses, their professional qualifications and situation, the professional sacrifices made by one of the spouses during the marriage for the education of the children or in order to promote the career of his or her spouse, the assets of the spouses after the division of the joint assets, their pension rights, etc.

are three other ways to enter ENM. The competition to enter ENM is open to civil servants with at least 4 years of experience (5% of all students) and to private sector workers with at least 8 years of experience (2%). People can also enter ENM directly (without any competition) if they are recruited on the basis of their credentials (21%)¹¹. At the end of the 31 months of training, the judge is appointed to a position; the particular position depends on his or her ranking on the final exam, with those ranking higher able to choose from a wider field of appointments. Around 75% of students graduating from ENM are women. This percentage has been stable since 2000.

Unless it is combined with the role of vice-president of the court, the position of trial family judge is more of an entry-level or mid-career position. While French judges are generally younger, more often women, and earn less than their Canadian counterparts in common-law jurisdictions, for example (Biland and Steinmetz (2017)), this is particularly true of judges dealing with marital separations. The working conditions of these judges, the devaluation, and the feminization of their position are important in understanding the gender of their decisions.

France is a country of legislated law where judges are civil servants. Judicial decisions are supposed to be independent of the person of the judge. The judicial treatment of marital separations in France is, however, relevant for testing the influence of the judge's sex category on judicial decisions. As mentioned above, the gender of judicial decisions is a question that is politically and publicly discussed there. The gap between this perceived partiality and the theoretical impartiality of judges alone makes the empirical analysis of judicial decisions necessary. In addition, this litigation is diverse: the law deals with these different aspects of disputes between former married or unmarried partners in various ways for which the judges discretion varies widely. While some aspects, such as child support, are the subject of frequent disputes, disagreements over child physical custody are relatively rare and account for barely 10% of the cases submitted by separated parents (Guillonnet and Moreau (2013)). This diversity allows us to test the influence of the judge's characteristics. Finally, the considerable weight of the litigation of marital separations in the French judicial system makes it easier to provide comparability across cases. More specifically, 301,926 referrals to family court, including 101,992 divorces, were registered in 2017 in France and these represented 40% of all civil cases in that year.

¹¹This large inflow is, however, recent and the share of judges recruited on the basis of their credentials is limited when we consider the stock of judges. In our dataset, it only represents 2% of all judges.

4 Data

4.1 Description of the dataset

The files compiled in our database come from 7 French trial courts selected for the diversity of their size and the socio-demographic characteristics of the population in their jurisdiction. Our database was built from an ethnographic survey conducted in 4 trial courts and 2 appeal courts. 20 trial court judges and 10 appeal court judges were interviewed and observed in hearings (our research team has observed over 300 hearings). We consulted the files they were working on and discussed these cases and their decisions with them. This fieldwork and the prior creation of a test database of 400 files are the origin of the choices made in building our database. The French Department of Justice provided us with a complete list of divorce judgments and judgments involving unmarried parents rendered in these 7 courts in 2013. We randomly selected 10% of these judgments to form a random sample of 3,012 cases closed in 2013 (around 1,000 other cases correspond to appeal judgements that will be studied in future research). We consider 3 types of cases: divorces by mutual consent, contested divorces, and litigations between unmarried (or already divorced) parents.

The number of available variables about litigants depends on the type of case. More specifically, contested divorces contain more variables than divorces by mutual consent (for the latter, we do not have each spouse's claims if the former spouses come to an agreement) or litigations between unmarried parents (because fewer decisions are made). First, for all cases, we have socio-demographic information about each spouse (age, occupation, employment status, and income¹², etc.) and information at the case level (year of marriage, number of children and age, the assets of the household, and the owner of each asset, etc.)¹³. Second, if ex-partners disagree on one or more issues, we know what each spouse claims for each issue (compensatory benefit, child support, child physical custody). Third, all relevant information about the judges is also included in the files (e.g., if one of the parties mentions intra-household violence, drug use, the type of divorce requested, such as a fault divorce, etc.). Fourth, the survey provides information about the final decisions made by the judge as well as procedural decisions (e.g., requested home or psychological investigations).

¹²This variable is missing for a significant part of the sample (37.3% of men and 35.4% of women) so we use income only as a robustness test but it is not included in our main specifications. Income is sometimes unavailable because the information is not considered relevant (because there are no children involved in the divorce, for example, and/or because no spouse is claiming support or compensatory benefits). In cases involving unmarried parents, legal counsel is not mandatory, and sometimes one of the former spouses may not even be present at the hearing. In these cases, little or no information is available about the parent, including information about income.

¹³Because of potential measurement errors, we winzorized the top 1% for several continuous variables: income, child support, compensatory benefits.

Data about judges is public information¹⁴. Specifically, we have information about all their appointments (past and current), the type of court (trial court or appeal court), and the position held (judge, president, or vice-president of the court, etc.). We collected information about the judge’s sex category¹⁵, experience (based on the year of their first appointment after they graduated), and year of arrival in the court. However, we cannot know if the judge has been directly appointed as a family judge or if he or she became family judge later, because judges of family court do not occupy a position that is formally separate from other trial court judges. We also know about the recruitment process they went through (i.e., the competition they opted for in order to enter ENM) before becoming a judge. The information is not available for judges who graduated from ENM before 1990.

4.2 Descriptive statistics

Table 1 presents descriptive statistics about the judges’ characteristics¹⁶. There are 126 judges in our dataset¹⁷. Given the organization of work that our research team observed in different courts, most judges probably work full time in family courts, but a few were involved only on an ad hoc basis to handle a few divorce or unmarried parents cases, in addition to performing other duties. The share of women judges is 81%. This share is even larger at the case level (85% as opposed to 15%). The increasing share of women judges has a direct impact on the distribution of experience across sex category but the effect is not linear. More specifically, among the 437 cases for which the judge is a man, the judge has less than 5 years of experience in 45% of cases (as opposed to 14% when the judge is a woman). However, there are more female judges at intermediate experience levels (between 5 and 20 years). This distribution comes from recent changes in the recruitment process (see below) but also from gender differences in the specialization of judges. Judges can also be president or vice-president of the court and this position can affect both the way they judge and the number of cases they settle each year. Indeed, 36% of judges are currently president or vice-president of the court among cases with a female judge (as opposed to 22% when the judge is male). The recruitment process is more diversified for male judges than for females. Specifically, more male judges graduated from ENM after a career in the public or private sector (track 2 or 3). However,

¹⁴The website *Legifrance.fr* provides information about appointments of all civil servants, including judges.

¹⁵The information is based on their first name or, when it is epicene, like “Dominique,” the use of the title “Monsieur” or “Madame” in the judgement.

¹⁶In appendix A, Table A.1 presents similar statistics at the judge’s level.

¹⁷In France, there are approximately 420 full-time equivalent family court judges (HCF (2014))

there is a significant share of missing values for this variable¹⁸ so we only use it as a robustness test. Finally, the distribution across types of procedures is similar across sex category.

In Table 2, we compare the characteristics of the cases across the judges' sex. This analysis allows us to determine whether the sex category of the judges is exogenous along the characteristics of the cases. The gross comparison of cases across sex category (column 4) leads to significant differences for several variables: age of the litigants, number of children, labor market status, occupation, and income. In column 5, we present the same differences after controlling for courts. When we take the geographical location of cases into account, all previous dissimilarities (except the husband's/male partner's age) are not significantly different from 0. Therefore, it is necessary to control for the court to avoid biases¹⁹.

In appendix A, we also provide descriptive statistics by type of case (Table A.2). The ex-partners' characteristics vary significantly from one type of case to another. Specifically, spouses opting for contested divorces are older and more frequently are retired. They experienced longer marriages and they have lower incomes than spouses involved in divorces by mutual consent. Separated parents are significantly younger and therefore more frequently in employment but they have lower incomes. The differences in individual characteristics between divorced and separated people are closely related to recent findings about selection into marriage (Frémeaux and Leturcq (2020)).

These descriptive statistics confirm the need to control not only for other characteristics of judges besides sex category but also for the type of case, for the court, and for the ex-partners' characteristics in order to avoid an omitted variable bias.

5 Results

From what we know, what results might be expected? On the one hand, the context of the judiciary in France is likely to lead to a limited effect of the judge's sex on judicial decisions. The fact that judges are supposed to be "anonymous interpreters of the law" and they all have the same training is likely to limit the influence of the judges' characteristics. On the other hand, the judge's discretion can be large for some decisions like compensatory benefits, for which only a list of parameters is supposed to be taken into account, but also for child physical custody, where the "interests of the

¹⁸The information about the category of competition is not available for judges who graduated from ENM before 1990.

¹⁹The socio-demographic characteristics of litigants and the organization of the 7 courts surveyed vary greatly. For more precise information, see Biland et al. (2020).

child” are supposed to be taken into consideration without any explicit definition of these interests.

However, the bias, if any, is a priori unknown. Indeed, for part of the public, the feminization of the judiciary leads to a justice rendered “by women and for women” (Fillod-Chabaud (2016)). But what is a justice “for women”? A justice whose decisions are close to women’s claims or a justice whose decisions would recognize and question the gendered division of labor? There is little overlap between these two conceptions of justice “for women”: mothers ask for sole physical custody of their child in 74% of the cases (Guillonnet and Moreau (2013)) and only 25% of divorced women claim compensatory benefits (Sayn and Bourreau-Dubois (2017)). Yet, in France, women continue to take on two-thirds of the domestic work (Roy (2012)), which reinforces income inequalities between spouses of different sexes (in 2011, they amounted to 42%, compared to 9% between single men and women, Morin, 2014) and contributes significantly to income inequalities between women and men after separations (Bonnet et al. (2021)).

Furthermore, Paillet and Serre (2014) note that female judges place a particular value on the gender neutrality of their practices. Consequently, female judges might be especially careful not to make decisions that are obviously close to the demands of litigants of their sex. Concerns about impartiality affect the way male judges work much less.

To estimate the effect of the judge’s gender on judicial decisions, we regress the judge’s gender on three outcomes: 1) child physical custody; 2) child support; 3) compensatory benefits (eq. 1).

$$y_i = \beta_0 + \beta_1 FemaleJudge_i + \beta_2 J_i + \beta_3 X_i + u_i \quad (1)$$

where subscript i denotes cases.

Given that the same judge can appear in more than one case, leading to potential correlated errors among these cases, we provide clustered robust standard errors.

In section 4.2, we showed that the judge’s sex is correlated with both the judge’s other characteristics and the characteristics of cases. Consequently, we add two sets of control variables. First, J_i includes individual characteristics of judges: court, seniority (0-4 years, 5-9 years, 10-14 years, 15-19 years, 20 or more years since their first appointment), other position (dummy for president or vice-president of courts), and recruitment process (only available for a subsample). Second, we control for the characteristics of cases X_i . Specifically, we include the following variables: type of case (mutual consent, contested divorce, or separation of unmarried couples), age, occupation, em-

ployment status, number of children, age of the children, fault divorce, identity of the spouse who initiated the judicial process, reported violence against the children, reported violence against the partner, and a dummy if the individual is represented by a lawyer. For compensatory benefits, we add supplementary variables to the initial set of control variables (because the law explicitly mentions them in the parameters that judges are supposed to consider): duration of marriage, assets (main residence, other real estate assets, savings, financial assets, and business assets), and liabilities of the male partner, the female partner, and/or those held jointly. We show only the coefficients for what we consider the most relevant variables.

For all decisions, we provide estimates for the whole sample and then we distinguish marital separations with agreement between former spouses or partners from marital separations without agreement. This makes it possible to test, on the one hand, whether women judges are more or less likely than men to ratify agreements that challenge the economic inequalities between former spouses. On the other hand, this makes it possible to test whether, in the event of disagreement, the judges' decisions are more or less in line with the demands of litigants belonging to the same gender category. We consider that the spouses agreed in case of divorces by mutual consent or separations by mutual request. For the other cases, we examine the spouses' claims for each decision (child physical custody, child support, and compensatory benefits)²⁰. For child physical custody, an agreement is reached if both spouses propose the same type of custody (given solely to the mother, solely to the father, or joint custody). For child support, we consider that couples agree if the difference between each parent's claim is less than 10%²¹. For compensatory benefits, there is an agreement if both spouses made the same claim²².

For child physical custody and child support, the missing claims are open to interpretation²³. We know that when one of the parents does not make a claim about child physical custody, the other usually proposes that the child physical custody be fixed at his or her home - in 84% of these cases at her home ([Guillonneau and Moreau \(2013\)](#)). Judges generally interpret the absence of a claim as parental disengagement and tacit agreement for the other parent to have custody of the children ([CollectifOnze \(2013\)](#), pp.169-173). The opposite is true in the case of child support: when the

²⁰The former spouses can disagree on all decisions or only on some of them (compensatory benefits for instance).

²¹The results remain unchanged when we apply larger thresholds.

²²For contested divorces, only 8 couples have similar claims. In all the other cases, either only one of the spouses asked for compensatory benefits or the benefits claimed are too different. Specifically, on average the ratio between the wife's claim and the husband's claim equals 4.

²³There are no missing values for compensatory benefits

custodial parent, most often the mother, asks for child support and the noncustodial parent, most often the father, does not propose anything, sometimes because he is absent from the hearing, the judges consider that he does not wish to pay child support a priori ([CollectifOnze \(2013\)](#), pp.216-217). However, to be consistent, we consider missing claims from one of the spouses an agreement between spouses in the main specification of this article. In Appendix B, we provide an alternative definition in which we interpret the missing claims as signalling disagreement. The results are not affected by the choice of the definition. When the claim is missing for both spouses, there is neither agreement nor disagreement but we still keep these observations to have estimates on the full sample of marital separations. For decisions related to child physical custody or child support, we also add as a control variable a dummy if the individual did not express any claim.

In the end, for our main definition, the share of couples who do not reach an agreement is 14% for child physical custody and 27% for child support. For compensatory benefits, only 18% of couples disagreed on the principle of the compensation but 45% disagreed on its value²⁴. The alternative definition (available in appendix) leads to a share of disagreement equal to 30% for child physical custody and to 39% for child support.

The first category of outcome we analyze is the decisions related to children: child physical custody²⁵ and child support. In almost all cases of marital separations involving children, physical custody is granted to the parents: either solely to the mother (75% of all cases), solely to the father (11%), or it is shared between the two parents (14%)²⁶. For all cases (including joint custody), the judges can grant child support. In our dataset, child support is provided for around 70% of children. This share is 80% when physical custody is granted to the mother, 41% when it is granted to the father, and 8% in the case of joint custody. The average amount of child support is around 200 euros per child, the median value is 150 euros²⁷.

5.1 Child physical custody

To analyze the effect of judges' sex category on decisions related to child custody, we use a multinomial logit model. Table 3 presents the results. Using the cases in which the mother gets full custody as a

²⁴These shares are estimated from the subsample of couples for which we have at least one claim.

²⁵We dropped the observation if the decision made by the judge was not the same for all the children of the household. This is the case for 45 observations (i.e. 3% of cases with a decision about child custody).

²⁶In our dataset, child custody is not granted to the parents in only 0.82% of all files. We dropped these cases.

²⁷These estimates are close to statistics based on administrative data. For more details, see [Carrasco and Dufour \(2015\)](#).

reference, we note that women grant joint custody slightly less frequently but there is no statistically significant effect of the judge’s sex between the two types of full custody. In cases of disagreement, the data are particularly clear: women judges are neither more likely than men to grant child physical custody to the mother nor are they more reluctant to order joint physical custody or child physical custody to the father. In appendix B, we provide an alternative definition where the missing claims are considered a sign of disagreement. We still do not find any significant effect of the judge’s sex category for the subsample of couples who did not reach an agreement (Table B.1).

The effects of the control variables mostly reflect the parents’ claims. Specifically, male executives are more likely to claim joint custody. Similarly, the fact that the likelihood of granting custody solely to the mother for children under the age of 5 is partially driven by parental claims. Some variables, like the age of the parents or the number of children, do not affect the judge’s decisions.

Next, we assess the assumption of the independence of irrelevant alternatives (IIA) using the Hausman test and the Small-Hsiao test. These tests are rather inconclusive as the Hausman test accepts the IIA assumption while the Small-Hsiao test rejects this assumption. In order to address this issue, we estimated two nested logit models²⁸. First, we consider the decision to opt for shared physical custody and then, if the judge opts for non-shared custody, the parent chosen for full custody. Second, we consider the decision to grant physical custody solely to the mother and then, if the judge decides to include the father in the custody, we estimate whether the custody is shared or if it is granted solely to the father. Whatever the model, we do not detect any influence of the judge’s sex.

When it comes to child custody, women judges do not favor egalitarian custody arrangements more than their male colleagues do. Nor do they make decisions that are more favorable to mothers’ requests in cases of disagreement. For both male and female judges, agreements between the parents prevail and, in the event of disagreement, decisions seem to be made according to shared principles. As regards child physical custody, our results are in line with [Bessiere and Mille \(2014\)](#), who do not detect any effect of the judge’s gender, using 400 cases of marital separations. These statistical findings also confirm the previous results of field surveys [CollectifOnze \(2013\)](#): judges, regardless of their sex category, are reluctant to question parental agreements on child custody. Although parents reach an agreement on this subject in the vast majority of cases, the issue is considered particularly sensitive and, in the rare cases of disagreement, women judges are particularly careful to preserve their “neutrality,” i.e., in this case, not to make decisions that are particularly close to the mothers’

²⁸These results are not shown but they are available on request.

claims.

5.2 Child support

In Table 4, we look at decisions about child support. In columns 1 to 3, the dependent variable is a dummy variable equal to 1 if child support has been granted. Then, we analyze the influence of judges on the average amount of child support per child (in euros per month). In columns 4 to 6, we consider all cases where a decision about child support has been made. In columns 7 to 9, we focus on the subsample of cases in which child physical custody is granted to the mother²⁹.

The judge’s sex does not affect the likelihood of granting child support, even among couples who disagree about this decision (column 3). Then, the OLS estimates indicate that male and female judges provide similar child support. The effect is slightly positive among couples who disagree (column 6) but the coefficient is small and not statistically significant. The estimates are similar when considering the cases in which the mother is the creditor of the child support (columns 7, 8, and 9).

The age of both parents and children has a limited effect on the outcome. However, the father’s occupation matters because the likelihood of granting child support and its value is larger for executives and self-employed people. This effect may reflect fathers’ claims concerning child physical custody but it is also a proxy for their income. The number of children has a negative effect at both the extensive and the intensive margins. This is consistent with the indicative scale provided to judges. Finally, the provisions for child support settled in divorces by mutual consent are larger but we do not find any difference between contested divorces and separations of unmarried couples.

Another way to investigate decisions about child support is to compare the judge’s decision with the parents’ claims, to find out whether the judge’s sex category leads to more “pro-mother” or “pro-father” decisions³⁰. We consider the decision “pro-mother” (or “pro-father,” respectively) if the amount of the child support ordered by the judge is closer to the amount claimed by the mother (or the father). Table 5 shows that women tend to rule slightly less frequently in favor of mothers (column 1). This effect is however not statistically significant. Moreover, we also find that the amount claimed varies across judge’s sex. Specifically, among the couples who disagree on the amount of child

²⁹The number of observations is not sufficient to replicate the same test for the other types of physical custody, especially when we focus on disagreements between parents.

³⁰The judges opt for the average of the parental claims for only 6% of cases in which the parents disagree. The difference between male and female judges is not significant.

support, mothers claim larger amounts of child support when the judge is a woman. It is noteworthy that the coefficient is similar (but still not significant) when we examine only the cases where the mother is represented by a lawyer. The coefficient is also positive, but lower for fathers. This result helps to explain why we find slightly more pro-father decisions. But our field survey does not explain why the amounts of support requested by litigants are higher when the judge is a woman. On the one hand, the litigants, even if accompanied by a lawyer, are not supposed to know which judge they are going to meet. On the other hand, the lawyers we interviewed did not express the view that female judges are more likely to award high amounts of support, and that they would therefore tailor their clients' claims to the sex of the judge - which they are unlikely to know in advance.

In appendix B, we provide several robustness tests (Table B.2). First, as we did for child physical custody, we provide an alternative definition of agreement between spouses. Specifically, we consider that parents disagree when the father's or mother's claim is missing. Even though the number of couples who disagree increases significantly, the estimates remain unchanged. Second, we replicate the analysis on total child support and not on the average support per child. Once we control for the judges' and the cases' characteristics, we do not find any influence from judges' sex. Third, when we use logarithms instead of levels, we still do not find any effect. Fourth, we add the spouses' income as a control variable. The results are not affected even though the sample is significantly reduced because of missing values.

Are these results consistent with the literature? For child support, existing evidence points out a significant sex category effect. Using experimental data, [Bourreau-Dubois et al. \(2014\)](#) show that female judges are likely to be slightly more generous than male judges. [Bourreau-Dubois et al. \(2020\)](#) use appeal court data and also find evidence of more generous amounts of child support and more "pro-mother" decisions when the panel is composed of three female judges (in comparison with mixed or all-male panels). The reason for this difference is not straightforward since the contexts widely vary across papers. While experimental data (like mock trials) are somewhat difficult to generalize, part of the difference between trial courts and appeal courts can come from selection issues into appeal courts. According to our team's field observations, decisions made on appeal, which are officially collegial, are also in reality generally made by a single judge: only one judge is present at the hearing, and he or she works alone on the file, while the other judges composing the court only validate his/her decision. Furthermore, Kenney has already pointed out the contradictory effects of the gendered composition of courts and the difficulties of interpreting them ([Kenney \(2008\)](#)),

pp.99-100).

The lack of a clear effect of judges' sex category on child support amounts once again confirms the field observations ([CollectifOnze \(2013\)](#)). To manage mass litigation, French judges either ratify agreements or apply routine methods of calculation (such as the guideline scale). Their working conditions therefore leave little room for women judges in particular to recognize and pay special attention to the economic cost of women being responsible for childcare and thus they leave little room for revaluing child support.

5.3 Compensatory benefits

In contrast to child support, there are no clear guidelines for compensatory benefits. Instead, there is a list of parameters to consider (duration of marriage, age, health status, occupation, wealth, labor market decisions made during marriage, etc.). The judge's discretion is therefore larger, especially when spouses disagree. Ethnographic data indicate that judges themselves sometimes have the impression that they are making arbitrary decisions about compensatory benefits ([CollectifOnze \(2013\)](#), pp.238-239). The decisions about compensatory benefits may be also seen as less gender neutral than child physical custody or child support, for which the interests of both parents and children are taken into consideration. Judges, and especially women judges, also express a certain reluctance with regard to the principle of financial compensation for housewives because compensatory benefits may maintain dependency between spouses ([Bessière and Gollac \(2020\)](#)). Consequently, we can expect the judge's gender to have an influence but the bias is a priori unknown.

We analyze the effect of the judge's gender on compensatory benefits using both the extensive (likelihood of granting compensatory benefits estimated with a logit model) and the intensive (value of the benefits with OLS) margins³¹. There are two main changes from sections 5.1 and 5.2. First, we exclude unmarried couples because they are not eligible for compensatory benefits. Second, we include supplementary control variables (duration of marriage and assets held by the household) to our initial specification. These two variables are explicitly mentioned in the guidelines for estimating compensatory benefits but the way the judges should use the information is not specified³².

The results are presented in Table 6. The judge's sex leads to opposite effects at the extensive and intensive margins. More specifically, women judges grant a lower share of compensatory benefits,

³¹We restrict the sample to the cases for which the wife is the creditor of the benefit because there are only 14 cases where the husband is the creditor.

³²See section 3 for more details.

but when one is granted, its value is significantly larger (both in levels and in logarithms). The negative coefficients at the extensive margin and the positive coefficients at the intensive margin are both driven mostly by the cases in which spouses disagree (columns 3, 6, and 9 respectively). The coefficients are statistically significant at the 95% confi

dence level for column 6 and at the 90% confi

dence level for columns 3 and 9. The size of the effect at the intensive margin is particularly large because the median compensatory benefit in our survey equals 30,000 euros.

The effect of the control variables is globally consistent with the guidelines provided for the judges. Specifically, at the extensive margin, the wife’s age, which can be seen as a proxy for the duration of the marriage, whose effect is not significant, as well as the number of children, increases the likelihood of the judge granting a compensatory benefit. The husband’s occupation also affects this likelihood as we note positive coefficients for executives but negative coefficients for men of lower occupational status. The results at the intensive margin are rather similar. The effect of the separation of property regime is only positive (and significant) for logarithms. This is consistent with the fact that this matrimonial property regime leads to a large and increasing gender wealth gap³³. However, our field observation of judges’ work shows that, since the division of assets takes place at the *notaire*’s office after the divorce is granted in contentious cases, judges have trouble taking the marital regime and its consequences into account in deciding on the amount of the compensatory benefits (Bessière and Gollac (2020), pp. 220-225).

In Table B.3, we use the interaction between the judges’ sex and experience as a sensitivity test. This test is motivated by the fact that the feminization of the judiciary is rather recent so we may observe differences across the meaning of judges’ sex category depending on their seniority. At the extensive margin, we find large differences among female judges. Specifically, decisions made by female judges with less than 15 years of experience are closer to those of male judges with more than 15 years of experience than they are to those of other female judges. At the intensive margin, the effect is clearer. The larger compensatory benefits granted by female judges are driven by judges with less than 15 years of experience. There is also a significant gap between male and female judges. In Appendix B, we also replicate the analysis and we add the spouses’ income as control variables (Table B.3). The influence of judge’s sex category on decisions is confirmed. The effects at both the extensive and the intensive margin are negative and significant (at the 95% confi

³³On this issue, see Frémeaux and Leturcq (2020).

dence level).

Unlike child support, we cannot estimate whether the decision is closer to one spouse's claim because, for most couples who disagree on this issue, the husband does not express any claim. Instead, we can only know if the husband agrees to the principle of a compensatory benefit. When we control for this information and for the wife's claim, the coefficient at the extensive margin is still positive but not significantly different from 0.

How can we explain these differences between male and female judges' decisions? First, we cannot dismiss the standard omitted variable bias. Indeed, some parameters that are explicitly listed in the Civil Code (such as future pensions) are missing, not only from our dataset but also from the case itself, and they may be correlated with the judge's sex. However, such correlation is a priori limited because the judges' sex category is exogenous along the characteristics of the cases (see Table 2). Second, these results confirm those of the ethnographic analysis (Bessière and Gollac (2020), pp. 216-220). Female judges generally hold a negative view of the principle of compensatory benefits: for them, as women invested in their professional careers, compensatory benefits encourage women to stay at home. The appellate court judges, who are older than those in the trial courts, are particularly contemptuous of women who claim compensatory benefits because they have set aside their working lives during their marriages. Younger women, on the other hand, consider it legitimate for older women to apply for this type of benefit after a long marriage in which they may have sacrificed their working life. For these young trial judges, these litigants belong to a different generation, and they may have considered it normal to stop working at that time. These young judges, who are sometimes mothers and are aware of the burden of bringing up children, may then be particularly generous to a limited proportion of the women claiming compensation.

Once again, the statistical results confirm the field observations. In the French context of legislated law that treats married and unmarried couples differently and leaves little room for justice in settling the wealth consequences of separations, the compensatory benefit is the main legal tool that judges can mobilize to reduce wealth inequalities between former spouses. However, judges rarely use it, and female judges use it even less often than male judges. However, these women are probably more able than men to measure the weight of the burden of domestic work on a woman's financial situation and, when they award compensatory benefits, they set higher amounts. Our qualitative work shows that their negative perception of this legal tool is related to their professional and family trajectories - they have been able to juggle their professional careers with domestic work, thanks to

income levels that allow them to delegate some of this work.

6 Discussion

One of the main challenges of the literature about the influence of the judges' characteristics is the identification of mechanisms explaining this influence. This kind of analysis is complex for two important reasons. First, data limitations, due either to sample size or unavailable information, may prevent the authors from providing the relevant empirical analyses. Second, a variable can have multiple effects and it can affect the interpretation of the results. For instance, if we had been able to study the effect of judges' family status like [Glynn and Sen \(2015\)](#), its influence could have been interpreted as a sign of empathy but maybe also as a source of information about the cost of a child, which female and male judges might estimate differently. Moreover, even though the research questions are well identified, it is difficult to compare existing papers (and thus the mechanisms) because they rely on different datasets (experimental *vs.* trial), different types of judges (single judge *vs.* jury), different cases (discrimination, crime, divorce, etc.), and different legal systems (common law *vs.* civil law).

The fact that gender does influence decisions for sex discrimination or violent crimes, especially when the plaintiff is a woman ([Boyd \(2016\)](#), [Knepper \(2018\)](#) and [Anwar et al. \(2019\)](#)), could be interpreted as a validation of the representational approach identified by [Boyd et al. \(2010\)](#). The strict application of this approach to marital separations should have led to gendered decisions. However, we have shown that the judges' sex category does not influence decisions about child support or child physical custody. For compensation mechanisms like compensatory benefits, the effects are mixed.

6.1 Organizational issues and career paths

Among the channels identified, organizational constraints are a potential candidate for explaining the influence (or the absence of influence) of the judge's characteristics. Even if the training is the same for all judges, the constraints they face after they have been appointed to a position may differ.

Specifically, the career paths may be different across sex category as the share of female presidents or vice-presidents of court is larger than that of males (which does not mean that women's careers are more favorable overall, but that they are more involved in family courts or involved for a longer

time, with male judges becoming presidents or vice-presidents in other courts). We can first look at the number of cases by sex in order to see that it impacts the judges' activity. Using Table 1, we find that the number of cases settled does not significantly vary across sex category. Specifically, in our dataset, female judges appear 13.2 times on average. The number of cases per judge is 15.6 for men. Then, we can test this mechanism by controlling for other characteristics of judges. For each outcome, we can provide the gross effect of sex (without any control variables) and the net effect of courts, experience, and other positions in courts, namely as president or vice-president. For child custody, the results remain unchanged. However, the larger child support provided by female judges in cases where there is disagreement between the spouses is not significantly different from 0 in the gross estimates once the other characteristics of judges are included. For compensatory benefits, the negative effect of female judges on the share of benefits and the positive effect on their value are reinforced once experience and position are controlled for. The estimates about the value of the benefits are not affected.

If all judges have the same training, the competition to enter ENM, however, varies across gender (Tables 1 and A.1 in appendix). More specifically, a larger share of female judges passes the competition to enter ENM right after graduating from law school (Track 1). In Appendix C, we provide estimates of the effect of gender when the competition is controlled for (in the sample for which the information about competition is available). For child custody and child support, the results remain unchanged. For compensatory benefits, we do not detect any significant effect on the likelihood of granting benefits. At the intensive margin, the interaction between competition and gender is positive. However, the coefficient is difficult to interpret given the relationship between the judges' seniority and the missing values for the competition variable. Consequently, part of the (absence of) differences across gender can be imputed to career issues but this effect remains limited.

The organization of family justice in France, which is characterized by pressure to deal quickly and cheaply with mass litigation, probably explains to a large extent the lack of variation in judges' decisions according to their gender. Qualitative data shows that the rapid homologation of divorces by mutual consent, even when judges felt that the agreements between former spouses were at the limit of what the law permits, allowed them to save time for more conflictual cases. More generally, judges thus tend to approve agreements between former spouses. In cases of disagreement between spouses, judges generally set child support and compensatory benefits between the limits defined by the offer of one ex-spouse and the claim of the other. They consider that their decisions are more likely

to be enforced and former spouses are less likely to take legal action again. Because of budgetary constraints, judges use the possibility of asking for investigations only in the most conflictual cases. The working conditions involved in mass litigations thus have an important impact on the decisions made (CollectifOnze (2013)). The data used here show that the decisions made are more correlated with the court where they are made than with the sex category of the judge. And, in fact, the working conditions (the degree of specialization of judges, financial and human resources, etc.) vary from one court to another. Organizational constraints are thus a good potential candidate to explain the (absence) of influence of the judge’s gender on decisions that impact wealth inequalities between former partners.

6.2 The role of information

Information could be a competing assumption to explain the influence of judges’ gender on some decisions in the French context. The role of information can be investigated either through the procedural decisions made by judges to obtain more information or through sensitivity to specific information included in the files.

To test the relevance of this channel, first we study the likelihood of requesting home investigations³⁴ during the judicial process (Table 7). When all control variables are included, in contested divorces women tend to request home investigations more frequently than men. However, there is no effect of judge’s sex for marital separations of unmarried parents. For all types of cases, intra-household reported violence significantly increases the likelihood of home investigations.

Then, we test whether these home investigations affect the decisions (Appendix D). Home investigations reduce the likelihood of granting custody solely to the mother and they tend to decrease the value of child support (Table D.1). This effect may be explained by cases of reported violence towards the children perpetrated by the mother, which are more likely to lead to home investigations (Table 7). Overall, judges more often request home investigations in situations in which they will more frequently waive child support or the mother’s physical custody: extreme poverty; a mother who is considered to be failing to take care of the children for socio-economic, administrative, or health reasons; or violence. For compensatory benefits, the effect of home investigations on the share of compensatory benefits granted, as well as their value, is positive but not significant. The effect

³⁴Judges can also request psychological/psychiatric or financial investigations but these requests are rarely made. We only find 62 and 31 cases, respectively, in our dataset.

of home investigations can be explained by selection issues as cases for which a home investigation is requested are likely to be more conflictual. However, for all outcomes, we do not detect any statistically significant difference when we interact judges' sex and investigations.

We also test the sensitivity of judges to some information. More specifically, following [Lim et al. \(2016\)](#), [Knepper \(2018\)](#) and [Anwar et al. \(2019\)](#), who find that the influence of gender is more prominent in violent crimes (especially when the plaintiff is a woman), we can expect that reported violence in the household affects the judges' decisions. Our dataset contains a dummy variable about reported violence either between spouses or directed towards children, if any³⁵. As there are too few cases of violence perpetrated by women, we focus on reported violence perpetrated by men. [Table 8](#) presents the results. We find a positive and significant effect of violence on the likelihood of granting physical custody solely to the mother. This effect is larger but not statistically significant for female judges (column 2). Reported violence does not significantly affect decisions about either the likelihood of granting child support (columns 3 and 4) or the value of child support (columns 5 and 6). Finally, reported violence does not affect the likelihood of granted compensatory benefits. However, we note a positive effect on the value of benefits that is mostly driven by female judges. Again, the coefficient is particularly large even though it is not statistically significant.

It is noteworthy that we must be careful when analyzing these results. First, there are not many cases so the estimates are imprecise, and even more so when we interact variables³⁶. Second, reported violence only reflects one part of violent cases, because some are not reported, and we do not know which type of violence is reported. Reported violence can therefore be the signal of very conflictual cases, so it seems hazardous to draw a general conclusion about these results.

Even though we do not know exactly how judges use all the information included in the files, these results show that requesting information differs across gender. [Bessiere and Mille \(2014\)](#) also note that these investigations, along with other procedural instruments (child hearings, adjournment, etc.), are a way for women to track the cases over time, a practice related to their previous professional trajectory (e.g., working as a juvenile judge). This result reveals that male and female judges have a different perception of their roles in marital separations, a difference related to differentiated modalities of becoming a trial family judge.

³⁵We decided to merge these two types of violence in order to have more observations. We ended up with around 212 cases with reported violence for decisions about child physical custody, 186 for child support decisions, and 42 for decisions about compensatory benefits. The decomposition between violence directed towards the children or the spouse does not lead to clearer results.

³⁶Male judges had only 31 cases of reported violence compared with 187 cases for female judges.

7 Conclusion

The absence of a systematic effect of the judge's sex category highlights the limitations of the representational approach in understanding the decisions made in family cases and the role of justice in offsetting economic inequalities between former partners. In these man vs. woman cases³⁷, the sex of the judge is not so important for the decisions involving children. In France, in the context of mass litigation, male and female judges seem to apply the same legislation, to use the same scales, and to homologate agreements to save time. Their decisions about child physical custody or child support are, all other things being equal, rather comparable.

In some cases, however, the decisions made by women differ from those of men. Specifically, female judges are more reluctant to grant a compensatory benefit but the value of these benefits, when granted, is significantly larger. Furthermore, there are different conceptions of what a trial family judge's job entails. Women more often feel that it is part of their job to go into the concrete details of family configurations and to follow families over a long period of time. This has an impact on the information available to them to make their decisions, in particular because they more often request home investigations. Their personal investment in the sphere of the family may also give them more precise information about the cost of domestic work, which may explain why they grant larger compensatory benefits. But the practices of judges also vary according to their generation or the time frame of their career. Their practices and, to an even greater extent, their decisions are far from being determined by their sex category alone.

In the end, our statistical results confirm the results of the qualitative approaches. The practices of women judges are above all caught up in the same organizational constraints as those of men. These judges are also concerned with making what they perceive to be an impartial decision: they do not favor the requests of female litigants any more than their male counterparts do. Although they sometimes have a more complete view of the cost of taking on domestic work, they do not make feminist decisions, which would aim to compensate for the inequalities of wealth resulting from the gendered division of labor, nor do they aim to challenge the gendered division of labor after separations. In France, therefore, taking into account the legal framework and the way the judiciary

³⁷Our data predate the law of May 17, 2013, which allowed same-sex couples to marry in France and paved the way for the adoption of children by their parent's same-sex spouse. We do not know the proportion of same-sex couples among ex-spouses who are currently before the French justice system. All we know is that same-sex marriages account for 3% of marriages celebrated in France in 2017. We can make the hypothesis that same-sex cases are still in the minority.

functions, the feminization of justice does not compensate for the effects of the individualization of wealth on the gender wealth gap.

This article opens avenues for future research. Our database, combined with the exploitation of the French wealth survey “Patrimoine,” which now includes a section on marital separations, will also make it possible to better understand the processes of wealth distribution after marital separations and their legal framework. Our dataset will also allow us to look at appellate decisions to better understand the gendered effects of judicial careers and court organizational patterns on the role of law and justice in the gender wealth gap.

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Table 1: Characteristics of judges

	All (1)	Female judge (2)	Male judge (3)	Difference (4) = (2) - (3)
Number of judges	146 100%	118 81 %	28 19%	
Number of cases	2,922 100%	2,485 85%	437 15%	
Seniority:				
0-4 years	0.18	0.14	0.45	-0.31***
5-9 years	0.37	0.40	0.27	0.13***
10-14 years	0.13	0.15	0.04	0.11***
15-19 years	0.07	0.08	0.00	0.08***
> 20 years	0.24	0.22	0.22	0
President or vice-pres.	0.33	0.36	0.22	0.14***
Recruitment process:				
Directly after graduation (track 1)	0.57	0.61	0.45	0.16***
Civil servants (track 2)	0.08	0.09	0.02	0.07***
Workers in the private sector (track 3)	0.07	0.04	0.26	-0.22***
Based on credentials	0.02	0.02	0.02	0
Missing information	0.26	0.24	0.24	0
Type of marital separations:				
Mutual consent	0.29	0.27	0.26	0.01
Contested divorces	0.25	0.25	0.28	-0.03
Unmarried couples	0.46	0.48	0.46	0.02

Note: the unit of observation is the case level (except the first line); * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table 2: Characteristics of cases

	All	Female judge	Male judge	Difference	Difference after controlling for courts
	(1)	(2)	(3)	(4) = (2) - (3)	(5)
Duration of marriage (in years)	14	14	15	-.68	.56
Age _m	44	44	44	-.28	-1.08*
Age _f	41	41	41	-.27	-.59
Number of children	1.5	1.5	1.7	-.13**	.03
Active _m	.74	.73	.77	-.04	.01
In employment _m	.61	.61	.63	-.02	.02
Active _f	.69	.69	.7	-.01	.03
In employment _f	.57	.57	.56	.01	.01
Self-employed _m	.085	.086	.076	.01	.01
Executive _m	.22	.23	.17	.06***	.00
Intermediate prof _m	.12	.12	.13	-.00	.02
Employee _m	.17	.17	.17	.00	-.01
Worker _m	.27	.26	.32	-.05**	-.00
Unknown _m	.13	.13	.12	.00	.03
Self-employed _f	.021	.02	.02	.00	.00
Executive _f	.16	.16	.13	.03	-.01
Intermediate prof _f	.16	.17	.14	.03*	.02
Employee _f	.35	.36	.36	.00	-.01
Worker _f	.057	.053	.076	-.02*	.00
Unknown _f	.24	.24	.28	-.04*	-.00
Yearly income _m	31,196	31,997	25,486	6,511***	3,024
Yearly income _f	22,937	23,284	20,308	2,976**	34
N	2 922	2 485	437		

Note: the unit of observation is the case level; *m* refers to the male partner, *f* to the female partner; the yearly income is expressed in Euros; * p<0.10, ** p<0.05, *** p<0.01

Table 3: Effect of gender on child physical custody

	(1) All	(2) Agree	(3) Disagree
Sole mother	Ref.	Ref.	Ref.
Sole father			
Female judge	0.283 (0.186)	0.425 (0.360)	-0.281 (0.654)
<i>Controls:</i>			
Age _m	-0.00833 (0.014)	0.0148 (0.018)	-0.00952 (0.036)
Age _f	0.00433 (0.021)	-0.0293 (0.027)	0.103*** (0.037)
Self-employed _m	-0.259 (0.423)	-0.839 (0.554)	-0.113 (1.102)
Executive _m	0.525 (0.333)	0.426 (0.469)	0.490 (1.139)
Interm. prof. _m	0.201 (0.343)	0.200 (0.533)	1.189 (1.357)
Employee _m	-0.553* (0.330)	-0.932* (0.478)	0.125 (1.084)
Worker _m	-0.464* (0.248)	-0.659* (0.377)	0.131 (0.960)
Missing occ. _m	Ref.	Ref.	Ref.
Self-employed _f	-0.360 (0.593)	-0.0550 (0.659)	-2.070 (1.347)
Executive _f	-1.862*** (0.382)	-2.600*** (0.685)	-2.025** (0.967)
Interm. prof. _f	-0.743** (0.293)	-0.923** (0.449)	-1.709** (0.718)
Employee _f	-0.178 (0.256)	-0.374 (0.315)	-0.606 (0.653)
Worker _f	-0.133 (0.356)	-0.0450 (0.415)	-2.280** (1.138)
Missing occ. _f	Ref.	Ref.	Ref.
Nb children	-0.0812 (0.131)	-0.227 (0.179)	0.433 (0.386)
Child < 5 y.o.	-1.178*** (0.405)	-1.368*** (0.516)	-0.778 (0.896)
Child 6-11 y.o.	-0.311 (0.306)	-0.179 (0.393)	-0.901 (0.781)
Child 12-17 y.o.	0.282 (0.321)	0.605 (0.445)	-0.405 (0.659)
Child > 18 y.o.	0.0765 (0.399)	0.00892 (0.517)	-0.379 (0.941)
Mutual consent	-0.966** (0.413)	-0.943** (0.411)	na
Contested div.	-0.709** (0.288)	-0.759 (0.502)	-0.934* (0.529)
Unmarried	Ref.	Ref.	Ref.
Joint custody			
Female judge	-0.239 (0.218)	-0.360 (0.220)	0.938 (1.105)
<i>Controls:</i>			
Age _m	0.00254 (0.012)	0.0123 (0.014)	-0.0345 (0.049)
Age _f	0.000560 (0.015)	-0.00700 (0.018)	0.0799 (0.057)

	(1) All	(2) Agree	(3) Disagree
Self-employed _m	0.682 (0.427)	0.524 (0.505)	15.77*** (0.942)
Executive _m	1.047** (0.471)	0.718 (0.489)	17.45*** (0.975)
Interm. prof. _m	0.542 (0.480)	0.163 (0.501)	16.89*** (1.323)
Employee _m	0.0111 (0.402)	-0.193 (0.418)	15.73*** (1.123)
Worker _m	-0.0988 (0.415)	-0.163 (0.436)	14.12*** (1.041)
Missing occ. _m	Ref.	Ref.	Ref.
Self-employed _f	0.877 (0.555)	0.623 (0.600)	1.114 (1.455)
Executive _f	0.132 (0.321)	0.303 (0.408)	-1.178 (1.334)
Interm. prof. _f	0.476 (0.358)	0.593 (0.425)	-0.359 (1.277)
Employee _f	-0.0787 (0.334)	0.0348 (0.373)	-1.572 (1.227)
Worker _f	-0.469 (0.426)	-0.649 (0.579)	0.0523 (1.835)
Missing occ. _f	Ref.	Ref.	Ref.
Nb children	-0.0773 (0.144)	-0.135 (0.155)	0.119 (0.500)
Child < 5 y.o.	-0.366 (0.241)	-0.261 (0.266)	-1.033 (0.944)
Child 6-11 y.o.	0.251 (0.233)	0.258 (0.248)	0.303 (0.919)
Child 12-17 y.o.	-0.0247 (0.258)	0.199 (0.277)	-1.703* (0.902)
Child > 18 y.o.	-1.402*** (0.396)	-1.496*** (0.465)	-1.363 (1.617)
Mutual consent	-0.198 (0.334)	-0.268 (0.327)	na
Contested div.	0.0963 (0.273)	0.214 (0.326)	-0.124 (0.677)
Unmarried	Ref.	Ref.	Ref.
<i>N</i>	1,790	1,393	220
Spec	Multinomial logit	Multinomial logit	Multinomial logit

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: we consider there to be agreement between spouses in the following cases: divorce by mutual consent, separation with mutual request, or contested divorce/separation with similar claims. If the claim is missing for one spouse, then we consider that the spouses still agree. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience, and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases also include: labor market status, divorce by fault, reported violence against the children, reported violence against the partner, a dummy if the individual is represented by a lawyer, and a dummy if the individual did not express any claim.

Table 4: Effect of gender on child support

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	All cases			All cases			Cases in which the mother is the creditor		
	Granted All	Granted Agree	Granted Disagree	Value All	Value Agree	Value Disagree	Value All	Value Agree	Value Disagree
Female judge	0.0520 (0.141)	-0.0847 (0.163)	0.333 (0.726)	1.005 (8.020)	-4.951 (11.182)	13.40 (18.904)	-2.617 (8.537)	-5.470 (12.095)	12.66 (23.453)
<i>Controls:</i>									
Age _m	-0.00254 (0.010)	-0.0179* (0.011)	0.249*** (0.070)	0.142 (0.659)	-0.525 (0.634)	0.719 (1.283)	0.0460 (0.665)	-0.681 (0.598)	0.446 (1.314)
Age _f	0.00373 (0.014)	0.0105 (0.016)	-0.0710** (0.031)	1.799* (1.024)	2.458** (1.012)	0.809 (1.737)	1.765* (1.058)	2.450** (1.012)	0.595 (1.881)
Self-employed _m	0.114 (0.298)	0.432 (0.310)	0 (.)	50.37** (23.201)	40.10 (25.325)	99.69* (56.821)	52.16** (26.233)	38.37 (27.781)	105.5* (62.969)
Executive _m	-0.0940 (0.235)	0.000736 (0.241)	2.453** (1.121)	119.8*** (17.938)	126.0*** (22.569)	126.7*** (37.858)	136.8*** (20.199)	148.8*** (26.795)	148.6*** (42.205)
Interm. prof. _m	0.206 (0.286)	0.383 (0.312)	2.299** (1.161)	-5.702 (14.114)	-15.99 (19.550)	24.35 (30.331)	-2.507 (15.366)	-10.26 (20.974)	23.36 (33.381)
Employee _m	0.345 (0.271)	0.566** (0.285)	1.842* (1.111)	-18.60 (12.790)	-31.14** (13.764)	18.13 (26.726)	-17.92 (13.465)	-27.30* (14.143)	17.17 (29.699)
Worker _m	0.221 (0.238)	0.278 (0.242)	1.980* (1.036)	-17.76 (10.787)	-26.26** (12.591)	14.59 (30.306)	-20.65* (11.724)	-27.41** (13.735)	18.18 (33.502)
Missing occ. _m	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
Self-employed _f	-0.0601 (0.463)	0.0564 (0.559)	na	46.20 (34.895)	106.9** (47.130)	-79.62** (35.062)	46.04 (41.633)	121.9** (55.659)	-96.23** (41.502)
Executive _f	0.279 (0.277)	0.297 (0.324)	0.863 (1.882)	84.60*** (20.008)	68.78** (28.894)	84.09*** (31.241)	78.13*** (22.092)	67.55** (32.134)	76.17** (32.828)
Interm. prof. _f	-0.149 (0.245)	-0.130 (0.320)	-0.0549 (1.750)	20.21 (13.551)	9.498 (18.521)	28.13 (22.190)	29.29* (16.237)	21.64 (21.855)	29.07 (24.250)
Employee _f	0.0237 (0.226)	0.0320 (0.243)	-0.558 (0.936)	-17.08* (10.271)	-26.91** (13.553)	-20.05 (16.815)	-8.906 (11.257)	-12.36 (15.066)	-20.76 (17.441)
Worker _f	0.143 (0.268)	0.107 (0.297)	na	-22.73 (14.155)	-18.00 (18.955)	-52.91** (21.342)	-14.94 (15.647)	-3.455 (20.386)	-64.30** (25.635)
Missing occ. _f	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
Nb children	-0.0756 (0.104)	-0.0440 (0.118)	-0.964** (0.446)	-27.77*** (5.987)	-19.89** (8.670)	-31.22*** (8.125)	-26.70*** (6.509)	-18.89** (8.992)	-25.59** (10.528)
Child <5 y.o.	-0.0563 (0.176)	-0.0211 (0.205)	2.900* (1.495)	-13.41 (15.605)	-35.38** (17.423)	20.54 (31.024)	-21.23 (17.070)	-45.62** (18.811)	12.84 (33.969)
Child 6-11 y.o.	0.0801 (0.132)	0.0253 (0.165)	0.255 (1.541)	-9.643 (11.257)	-18.29 (15.257)	-4.122 (19.929)	-17.82 (12.865)	-22.52 (17.794)	-18.20 (22.611)
Child 12-17 y.o.	0.145 (0.207)	0.184 (0.254)	0.468 (1.144)	15.88 (13.495)	9.395 (18.580)	16.47 (23.656)	14.44 (14.615)	8.792 (19.686)	20.96 (27.076)
Child >18 y.o.	0.314 (0.255)	0.423 (0.267)	-1.165 (1.619)	31.26** (14.807)	18.64 (20.351)	46.59 (29.980)	23.74 (16.696)	7.730 (21.362)	33.94 (34.870)
Mutual consent	0.155 (0.281)	0.0670 (0.298)	na	38.78** (17.739)	30.72 (18.614)	na	41.38* (21.103)	31.61 (22.992)	na
Contested div.	-0.0312 (0.231)	0.239 (0.274)	0.462 (1.121)	12.36 (12.944)	26.21* (13.412)	1.235 (21.601)	-0.767 (13.292)	13.95 (14.150)	-4.808 (24.645)
Unmarried	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
N	1,836	1,135	306	1,271	783	423	1,108	681	374
Spec	Logit	Logit	Logit	OLS	OLS	OLS	OLS	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: na = not applicable; there is an agreement between spouses in case of divorces by mutual consent, separations with mutual request or contested divorces/separations for whom the parents' claims differ by less than 10%. If the claim is missing for one spouse then we consider that spouses still agree. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases also include: labor market status, divorce by fault, declared violence against the children, declared violence against the partner, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim.

Table 5: Effect of gender on child support - Pro-mother decisions and claims

	(1) Pro-mother decision	(2) Mothers' claim	(3) Fathers' claim
Female judge	-0.376 (0.355)	89.85 (55.006)	35.15* (18.543)
<i>Controls:</i>			
Age _m	-0.00346 (0.017)	-0.892 (2.248)	-0.405 (0.782)
Age _f	-0.0172 (0.022)	-0.162 (3.280)	0.231 (1.165)
Self-employed _m	-1.383* (0.784)	408.6* (222.631)	77.63* (42.931)
Executive _m	-0.485 (0.634)	146.9 (93.381)	87.66** (36.750)
Interm. prof. _m	-0.732 (0.682)	77.85 (67.453)	29.16 (27.541)
Employee _m	-0.627 (0.538)	76.86 (82.945)	39.70 (25.249)
Worker _m	-0.291 (0.521)	33.58 (75.798)	11.52 (26.548)
Missing occ. _m	Ref.	Ref.	Ref.
Self-employed _f	-0.0600 (0.754)	54.24 (187.260)	4.226 (29.168)
Executive _f	-0.800 (0.541)	-162.0 (167.116)	16.88 (32.869)
Interm. prof. _f	0.160 (0.493)	-68.21 (145.381)	28.78 (32.708)
Employee _f	-0.326 (0.422)	-176.3 (151.251)	-1.499 (19.375)
Worker _f	-0.296 (0.565)	-201.1 (143.713)	-12.78 (26.836)
Missing occ. _f	Ref.	Ref.	Ref.
Nb children	-0.0201 (0.207)	-49.97 (35.368)	-29.38*** (8.763)
Child<5 y.o.	0.0532 (0.473)	-94.17 (74.436)	-3.340 (20.233)
Child 6-11 y.o.	0.460 (0.369)	-88.63 (67.933)	-13.55 (21.329)
Child 12-17 y.o.	0.383 (0.397)	-82.27 (102.122)	22.42 (24.990)
Child>18 y.o.	0.451 (0.439)	104.0 (122.490)	52.26** (23.565)
Income _m	0.00399 (0.009)	2.468** (1.071)	0.857 (0.541)
Income gap	0.00272 (0.009)	0.578 (0.989)	0.260 (0.337)
Contested div.	-0.532 (0.335)	55.00 (74.744)	32.69* (16.892)
Unmarried	Ref.	Ref.	Ref.
<i>N</i>	354	228	228
<i>Spec</i>	Logit	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: we focus on the sub-sample of spouses who did not reach an agreement about child support. We focus on non-neutral decisions (i.e. cases in which the judge did not set the child support as the average of the parents claims). The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases also include: labor market status, divorce by fault, violence against the children, violence against the partner, a dummy if the individual is represented by a lawyer.

Table 6: Effect of gender on compensatory benefits

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Granted	Granted	Granted	Value	Value	Value	ln(value)	ln(value)	ln(value)
	All	Agree	Disagree	All	Agree	Disagree	All	Agree	Disagree
Female judge	-0.232 (0.223)	-0.132 (0.346)	-1.304* (0.744)	41398.9** (15763.268)	39887.4 (48490.926)	73643.0** (34327.979)	0.287 (0.177)	0.495 (0.388)	0.612* (0.332)
<i>Controls:</i>									
Age _m	0.0164 (0.014)	0.0220 (0.020)	-0.0321 (0.052)	621.7 (1773.374)	2334.2 (3271.803)	-1685.1 (1781.078)	0.00467 (0.020)	0.0178 (0.036)	-0.00776 (0.020)
Age _f	0.0551*** (0.018)	0.0357 (0.028)	0.145** (0.057)	214.1 (1804.764)	-634.7 (2964.381)	4490.4* (2308.698)	0.00466 (0.023)	-0.00120 (0.041)	0.0431* (0.024)
Self-employed _m	-0.246 (0.499)	0.225 (0.757)	-0.844 (1.294)	60701.4 (45666.344)	181631.7*** (50550.696)	-20402.0 (65389.093)	0.885** (0.437)	2.337*** (0.600)	0.275 (0.848)
Executive _m	1.059** (0.500)	1.905*** (0.648)	1.490 (1.509)	126199.5*** (44174.272)	198952.2*** (38195.467)	78284.8 (59725.374)	1.278*** (0.452)	2.209*** (0.617)	1.669** (0.725)
Interm. prof. _m	0.310 (0.532)	0.932 (0.676)	-0.704 (1.760)	75957.8* (41244.347)	103981.9** (46916.961)	-39785.0 (54979.569)	0.594 (0.465)	1.337** (0.558)	0.138 (0.817)
Employee _m	-0.456 (0.562)	-0.248 (0.783)	-1.968 (1.337)	94083.3* (50617.843)	104805.4* (52406.599)	-5081.3 (56438.148)	0.520 (0.515)	1.335 (0.928)	0.0598 (0.899)
Worker _m	-1.024** (0.499)	-1.414* (0.828)	-2.205** (1.060)	80496.6* (46275.107)	103631.0* (54067.098)	10956.0 (45531.091)	0.578 (0.512)	0.800 (0.894)	0.485 (0.742)
Missing occ. _m	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
Self-employed _f	-0.356 (0.894)	-0.294 (1.565)	-0.572 (1.552)	48109.2 (75070.518)	125757.0 (91045.073)	56388.5 (88887.330)	0.908 (0.713)	2.531*** (0.937)	0.583 (0.556)
Executive _f	-0.0202 (0.539)	0.172 (0.524)	-2.679* (1.589)	-93977.2* (52375.447)	-88819.4 (65224.010)	-36647.7 (51170.599)	-0.680* (0.381)	-0.300 (0.604)	-0.550 (0.436)
Interm. prof. _f	0.596 (0.500)	0.873 (0.619)	-1.733 (1.403)	-75222.7 (47825.421)	-56379.4 (57786.187)	-38724.1 (38574.609)	-0.215 (0.352)	0.267 (0.631)	-0.293 (0.405)
Employee _f	0.601 (0.404)	0.829* (0.491)	-1.358 (0.871)	-58522.1 (44647.566)	-39889.8 (65263.387)	5807.2 (44375.671)	-0.286 (0.342)	0.275 (0.673)	-0.107 (0.345)
Worker _f	0.297 (0.605)	0.0550 (1.043)	0.384 (1.250)	-58337.6 (47644.198)	-100175.4 (83597.771)	8138.9 (71045.534)	-0.589 (0.456)	-0.932 (0.807)	0.126 (0.611)
Missing occ. _f	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.	Ref.
Marriage dur.	0.00193 (0.015)	0.0369 (0.023)	-0.0751 (0.059)	145.2 (979.850)	841.7 (2169.739)	-2061.9 (1762.252)	0.00659 (0.013)	0.0137 (0.024)	-0.00737 (0.020)
Sep. property	0.287 (0.263)	0.127 (0.351)	0.340 (0.728)	7412.8 (14656.130)	4712.8 (19662.376)	-16857.8 (30707.800)	0.262 (0.199)	0.0391 (0.384)	0.632** (0.270)
Nb children	0.152 (0.100)	0.0864 (0.146)	0.692*** (0.259)	14558.5* (8166.338)	-4775.1 (13120.142)	23832.5** (11570.964)	0.160** (0.077)	0.132 (0.154)	0.179 (0.120)
<i>N</i>	1,008	779	172	199	110	89	199	110	89
<i>Spec</i>	Logit	Logit	Logit	OLS	OLS	OLS	OLS	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: the sample only includes divorces. There is an agreement between spouses in case of divorces by mutual consent or contested divorces with similar claims. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases also include: labor market status, type of divorce, type of assets (main residence, other real-estate assets, savings, financial assets, business assets) and liabilities of the male partner, the female partner and/or held jointly, declared violence against the partner, a dummy if the individual is represented by a lawyer.

Table 7: Effect of gender on home investigations

	(1) Home investigations All cases	(2) Home investigations Contested div.	(3) Home investigations Unmarried couples
Female judge	0.168 (0.288)	1.844* (0.973)	-0.237 (0.442)
<i>Controls:</i>			
Age _m	-0.0355** (0.017)	-0.0287 (0.029)	-0.0424* (0.025)
Age _m	-0.0242 (0.022)	-0.00668 (0.025)	-0.0216 (0.043)
Self-employed _m	0.151 (0.639)	15.46*** (1.306)	-0.400 (0.888)
Executive _m	-0.212 (0.541)	13.38*** (1.346)	-0.329 (0.647)
Interm. prof. _m	-0.108 (0.584)	14.41*** (1.191)	-0.469 (0.705)
Employee _m	-0.0281 (0.573)	14.36*** (1.199)	-0.414 (0.697)
Worker _m	0.276 (0.509)	14.65*** (0.923)	-0.0680 (0.593)
Missing occ. _m	Ref.	Ref.	Ref.
Self-employed _f	0.746 (0.705)	3.942*** (1.163)	0 (.)
Executive _f	0.758 (0.549)	1.040 (0.867)	1.290* (0.721)
Interm. prof. _f	1.051** (0.412)	1.777* (0.963)	1.124** (0.557)
Employee _f	0.757* (0.427)	1.516** (0.750)	1.052* (0.580)
Worker _f	0.590 (0.622)	0.479 (1.569)	0.978 (0.642)
Missing occ. _f	Ref.	Ref.	Ref.
Nb children	-0.0678 (0.194)	-0.389 (0.401)	0.254 (0.227)
Viol. _f - partner	-0.263 (0.562)	-0.0290 (0.757)	-0.270 (0.769)
Viol. _m - partner	1.259*** (0.348)	2.493*** (0.921)	0.966** (0.475)
Viol. _f - children	2.051*** (0.537)	1.244 (0.956)	2.028*** (0.675)
Viol. _m - children	0.968** (0.426)	0.918 (0.750)	0.919 (0.568)
Child<5 y.o.	0.125 (0.373)	0.811 (0.975)	-0.452 (0.519)
Child 6-11 y.o.	0.599 (0.379)	1.970*** (0.662)	-0.0755 (0.506)
Child 12-17 y.o.	0.923* (0.478)	2.191** (0.919)	0.325 (0.716)
Child>18 y.o.	-0.299 (0.490)	-0.498 (0.960)	0.0289 (0.740)
<i>N</i>	2,047	711	1,336
<i>Spec</i>	Logit	Logit	Logit

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: the sample only includes contested divorces and marital separations of unmarried couples. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases also include: labor market status and a dummy if the individual is represented by a lawyer.

Table 8: Effect of domestic violence against the female partner or the children

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Physical custody		Child support				Compensatory benefits			
	Sole mother	Sole mother	Child sup.	Child sup.	Value	Value	Granted	Granted	Value	Value
Female judge	-0.00524 (0.141)	-0.0298 (0.140)	-0.526 (0.385)	-0.673 (0.410)	-16.21 (12.610)	-12.56 (12.993)	-0.169 (0.200)	-0.106 (0.203)	24504.2* (12548.748)	18463.3 (14174.972)
Violence	0.716** (0.314)	0.315 (0.523)	-0.370 (0.553)	-1.099 (1.076)	3.632 (16.395)	44.37 (27.852)	-0.0428 (0.813)	0.810 (1.354)	55053.5 (40695.049)	8733.4 (31458.758)
Female judge × Violence		0.463 (0.546)		0.809 (1.018)		-43.12 (29.118)		-1.169 (1.240)		66627.5 (57023.114)
Controls:										
Characteristics of the cases	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Judges' characteristics	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>N</i>	1,711	1,711	892	892	768	768	976	976	187	187
Spec	Logit	Logit	Logit	Logit	OLS	OLS	Logit	Logit	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Note: the sample includes all cases except for compensatory benefits (columns 7 to 10) where only divorces are included. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The cases characteristics include: type of cases, age, occupation, labor market status, number of children, age of the children, divorce by fault, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim. For compensatory benefits, we also control for the duration of marriage and the type of assets (main residence, other real-estate assets, savings, financial assets, business assets) and liabilities of the male partner. We dropped the cases where reported violence is perpetrated by women because there are too few observations.

A Supplementary descriptive statistics

Table A.1: Descriptive statistics of judges - Judge level

	All (1)	Women (2)	Men (3)	Difference (4) = (2) - (3)
N	146	118	28	
Share	100%	80.8%	19.2%	
Experience				
0-4 years	.15	.14	.18	-.03
5-9 years	.31	.31	.29	.03
10-14 years	.23	.25	.18	.07
15-19 years	.05	.06	0	.06
> 20 years	.23	.20	.32	-.12
President or vice-pres.	.36	.36	.39	-.03
Type of competition				
1	.56	.61	.39	.22**
2	.09	.09	.07	.02
3	.05	.03	.14	-.11**
No competition	.04	.03	.071	-.04
NR	.25	.23	.32	-.10

Note: the unit of observation is at the judge level; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Table A.2: Descriptive statistics by type of case

	Mutual consent		Contested divorces		Separations	
	Men	Women	Men	Women	Men	Women
Nb of children	1.1		1.7		1.6	
Duration of marriage (in years)	13		16		na	
Age	45	42	48	44	42	39
French	0.81	0.87	0.75	0.8	0.76	0.80
Active	0.88	0.86	0.57	0.56	0.74	0.67
In employment	0.77	0.75	0.46	0.46	0.61	0.52
Occupation:						
Farmer	0.00	0.00	0.01	0.01	0.00	0.00
Self-employed	0.08	0.03	0.11	0.03	0.08	0.02
Executive	0.32	0.26	0.18	0.12	0.19	0.12
Intermediate prof.	0.13	0.17	0.1	0.15	0.13	0.17
Employee	0.16	0.35	0.18	0.43	0.16	0.32
Worker	0.22	0.05	0.29	0.05	0.28	0.06
Unknown	0.08	0.14	0.11	0.22	0.16	0.31
Yearly income (in Euros)	35,185	24,488	33,866	22,657	26,389	21,839
N	852		757		1374	

Note: na = not applicable.

B Robustness tests

Table B.1: Effect of gender on child physical custody - Alternative definition of agreement

	(1) All	(2) Agreement	(3) Disagreement
Sole mother	Ref.	Ref.	Ref.
Sole father			
Female judge	0.182 (0.190)	0.558 (0.373)	-0.459 (0.441)
Joint custody			
Female judge	-0.345 (0.222)	-0.336 (0.242)	-0.627 (0.693)
<i>N</i>	1,790	1,134	479
Spec	Multinomial	Multinomial	Multinomial

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Note: there is an agreement between spouses in case of divorces by mutual consent, separations with mutual request or contested divorces/separations with similar claim. If the claim is missing for one spouse then we consider that spouses disagree. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience and a dummy if the judge is president or vice-president of the court. The characteristics of cases include: type of cases, age, occupation, labor market status, number of children, age of the children, divorce by fault, violence against the children, violence against the partner, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim.

Table B.2: Effect of gender on child support - Robustness tests

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Child sup.	Child sup.	Child sup.	Av. value	Av. value	Av. value	Av. value.	Av. value	Av. value
	All	Agreement	Disagreement	All	Agreement	Disagreement	All	Agreement	Disagreement
Panel A - Alternative definition of agreement									
Female judge	0.0676 (0.143)	0.160 (0.284)	-0.138 (0.223)	0.172 (8.004)	8.182 (16.588)	-4.475 (9.455)	-3.694 (8.624)	3.221 (17.131)	-6.101 (10.095)
<i>N</i>	1,839	615	957	1,271	431	775	1,108	368	687
Panel B - Effect of gender on total child support									
Female judge				-0.706 (16.453)	-7.964 (20.138)	25.54 (31.644)	-2.497 (18.618)	-6.828 (21.983)	33.53 (43.902)
<i>N</i>				1,271	783	423	1,108	681	374
Panel C - Effect of gender on log(child support)									
Female judge				-0.00389 (0.039)	-0.0000785 (0.056)	0.00922 (0.077)	-0.0339 (0.040)	-0.0140 (0.060)	-0.0189 (0.097)
<i>N</i>				1,271	783	423	1,108	681	374
Panel D - Control for income									
Female judge	-0.0756 (0.203)	-0.216 (0.225)	0.733 (2.700)	-1.154 (10.349)	-8.814 (14.035)	9.718 (18.947)	-2.388 (10.671)	-0.941 (14.141)	3.509 (21.675)
Income _{<i>m</i>}	0.00245 (0.005)	0.000657 (0.005)	0.0202 (0.042)	2.690*** (0.420)	2.792*** (0.475)	2.659*** (0.572)	2.594*** (0.516)	2.905*** (0.716)	2.378*** (0.579)
Income gap	0.00340 (0.004)	0.00441 (0.004)	0.0195 (0.021)	-0.182 (0.334)	-0.282 (0.455)	-0.458 (0.424)	0.217 (0.357)	0.0626 (0.480)	0.181 (0.361)
<i>N</i>	1,243	783	265	945	549	372	812	467	329
Spec	Logit	Logit	Logit	OLS	OLS	OLS	OLS	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: in panel A, there is an agreement between spouses in case of divorces by mutual consent, separations with mutual request or contested divorces/separations for whom the claimed child support differs by less than 10%. If the claim is missing for one spouse then we consider that spouses disagree. When the claim is missing for both spouses, there is neither agreement nor disagreement. For all panels, the judges' characteristics include: courts, experience and a dummy if the judge is president or vice-president of the court. The characteristics of cases include: type of cases, age, occupation, labor market status, number of children, age of the children, divorce by fault, violence against the children, violence against the partner, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim.

Table B.3: Effect of gender on compensatory benefits - Robustness tests

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Granted All	Granted Agreement	Granted Disagreement	Value All	Value Agreement	Value Disagreement	ln(value) All	ln(value) Agreement	ln(value) Disagreement
Panel A - Sensitivity test									
Female × Exp>15y	0.297 (0.490)	0.707 (0.879)	3.923** (1.720)	-14227.7 (30261.031)	-25072.3 (47126.962)	23920.0 (54741.473)	-0.221 (0.363)	-0.380 (0.445)	0.0757 (0.702)
Female judge	-0.328 (0.257)	-0.448 (0.371)	-1.881** (0.896)	36062.5* (21280.136)	52169.7 (55199.567)	77915.5** (34391.314)	0.312 (0.214)	0.569 (0.447)	0.683** (0.286)
Exp > 15 years	-0.431 (0.406)	-0.978 (0.769)	-2.512* (1.370)	15580.5 (26518.147)	1691.4 (49254.987)	-12408.1 (36625.125)	0.402 (0.298)	0.694* (0.392)	-0.00647 (0.441)
<i>N</i>	1,008	779	172	199	110	89	199	110	89
Panel B - Control for income									
Female judge	-0.189 (0.264)	-0.0237 (0.442)	-3.205* (1.686)	31977.2* (18242.520)	11346.7 (42751.359)	102079.8*** (28682.156)	0.388* (0.213)	0.814** (0.334)	0.620* (0.366)
Income _{<i>m</i>}	0.00772 (0.009)	-0.0439** (0.022)	-0.00547 (0.037)	42.73 (313.260)	822.7 (547.991)	-169.7 (431.829)	0.00684** (0.003)	0.0126** (0.005)	-0.00233 (0.006)
Income gap	0.0209** (0.009)	0.102*** (0.023)	-0.0141 (0.036)	724.3** (296.982)	-107.6 (574.149)	675.1** (329.399)	-0.000281 (0.003)	-0.00760 (0.006)	0.00402 (0.005)
<i>N</i>	774	602	111	173	97	76	173	97	76
Spec	Logit	Logit	Logit	OLS	OLS	OLS	OLS	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$. Note: the sample only includes divorces. There is an agreement between spouses in case of divorces by mutual consent or contested divorces with similar claims. When the claim is missing for both spouses, there is neither agreement nor disagreement. The characteristics of cases include: courts, type of cases, age, occupation, labor market status, number of children and age of the youngest, type of divorce, duration of marriage, type of assets (main residence, other real-estate assets, savings, financial assets, business assets) and liabilities of the male partner, the female partner and/or held jointly, violence against the partner, a dummy if the individual is represented by a lawyer.

C Effect of competition

Table C.1: Effect of gender on child physical custody

	(1) All	(2) Agreement	(3) Disagreement
Panel A - Net of judges' and cases characteristics			
Sole mother	Ref.	Ref.	Ref.
Shared custody			
Female judge	0.176 (0.225)	0.341 (0.445)	-0.457 (0.928)
Sole father			
Female judge	-0.336 (0.347)	-0.283 (0.358)	-0.407 (1.708)
Panel B - Net of judges' and cases characteristics + competition			
Sole mother	Ref.	Ref.	Ref.
Shared custody			
Female judge	0.192 (0.224)	0.296 (0.391)	-0.217 (0.894)
Sole father			
Female judge	-0.365 (0.337)	-0.322 (0.347)	-0.448 (1.635)
<i>N</i>	1,378	1,077	164
Spec	Multinomial	Multinomial	Multinomial

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Note: there is an agreement between spouses in case of divorces by mutual consent, separations with mutual request or contested divorces/separations with similar claim. If the claim is missing for one spouse then we consider that spouses still agree. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases include: type of cases, age, occupation, labor market status, number of children, age of the children, divorce by fault, violence against the children, violence against the partner, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim.

Table C.2: Effect of gender on child support value

	(1)	(2)	(3)	(4)	(5)	(6)
	All cases			Cases in which the mother is the creditor		
	Child sup.	Child sup.	Child sup.	Child sup.	Child sup.	Child sup.
	All	Agreement	Disagreement	All	Agreement	Disagreement
Panel A - Net of judges' and cases characteristics						
Female judge	-2.369 (9.234)	2.292 (9.145)	-16.89 (20.166)	-6.443 (10.082)	4.184 (10.339)	-21.50 (24.459)
Panel B - Net of judges' and cases characteristics + competition						
Female × Comp. 1	3.869 (20.551)	4.787 (19.238)	5.772 (37.979)	-7.701 (21.751)	-21.88 (20.856)	-1.147 (44.044)
Female	-4.208 (18.004)	-3.516 (18.001)	-11.75 (30.452)	-0.828 (19.590)	16.17 (19.045)	-12.07 (40.112)
Competition track 1	2.217 (20.794)	-16.84 (19.417)	39.63 (46.397)	6.552 (22.692)	-12.29 (21.463)	70.35 (54.323)
<i>N</i>	980	602	324	846	518	285
Spec	OLS	OLS	OLS	OLS	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$.

Note: there is an agreement between spouses in case of divorces by mutual consent, separations with mutual request or contested divorces/separations for whom the parents' claims differ by less than 10%. If the claim is missing for one spouse then we consider that spouses still agree. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The characteristics of cases include: type of cases, age, occupation, labor market status, number of children, age of the children, divorce by fault, violence against the children, violence against the partner, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim.

Table C.3: Effect of gender on compensatory benefits

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Granted	Granted	Granted	Value	Value	Value	ln(value)	ln(value)	ln(value)
	All	Agreement	Disagreement	All	Agreement	Disagreement	All	Agreement	Disagreement
Panel A - Net of judges' and cases characteristics									
Female judge	-0.0909 (0.302)	0.118 (0.498)	-1.452 (1.385)	23007.3 (20312.505)	4426.8 (89098.614)	61300.4 (63103.714)	0.246 (0.279)	0.148 (0.798)	0.263 (0.500)
Panel B - Net of judges' and cases characteristics + competition									
Female × Comp. 1	-0.270 (0.665)	-2.146** (1.066)	3.459 (5.848)	73566.3* (38704.955)	-55598.3 (123080.234)	353217.2* (184232.688)	0.217 (0.679)	-1.172 (1.821)	0.903 (1.328)
Female judge	0.205 (0.586)	2.054** (0.929)	-1.533 (3.439)	-57476.2* (30178.734)	38767.9 (132240.471)	-272805.3 (176231.255)	-0.131 (0.677)	0.900 (1.844)	-0.673 (1.344)
Competition track 1	0.645 (0.869)	2.664** (1.272)	6.678 (7.086)	-156492.5*** (44664.841)	-721.3 (154453.037)	-359649.0* (189720.354)	-1.042 (0.853)	0.0978 (2.251)	-1.617 (1.322)
<i>N</i>	772	588	121	157	84	73	157	84	73
Spec	Logit	Logit	Logit	OLS	OLS	OLS	OLS	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Note: the sample only includes divorces. There is an agreement between spouses in case of divorces by mutual consent or contested divorces with similar claims. When the claim is missing for both spouses, there is neither agreement nor disagreement. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The cases characteristics include: courts, type of cases, age, occupation, labor market status, number of children, age of the children, type of divorce, duration of marriage, type of assets (main residence, other real-estate assets, savings, financial assets, business assets) and liabilities of the male partner, the female partner and/or held jointly, violence against the partner, a dummy if the individual is represented by a lawyer.

D Home investigations

Table D.1: Effect of home investigations

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	Physical custody		Child support				Compensatory benefits			
	Sole mother	Sole mother	Child sup.	Child sup.	Value	Value	Granted	Granted	Value	Value
Female judge	0.00191 (0.210)	0.0444 (0.199)	-0.608 (0.440)	-0.717* (0.429)	-3.521 (9.232)	-0.495 (10.008)	-0.497 (0.520)	-0.545 (0.483)	63114.0*** (22484.635)	58691.6** (22216.987)
Home investigations	-0.401** (0.204)	-0.140 (0.580)	-0.0293 (0.543)	-1.243 (1.025)	-27.83*** (8.411)	-3.011 (21.796)	3.392** (1.427)	2.243 (2.796)	27381.7 (26921.240)	-5587.5 (34707.898)
Female judge × Home inv.		-0.303 (0.609)		1.299 (1.097)		-28.15 (23.113)		1.494 (2.867)		48509.2 (61279.734)
Controls:										
Characteristics of the cases	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Judges' characteristics	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>N</i>	1440	1440	933	933	742	742	215	215	97	97
Spec	Logit	Logit	Logit	Logit	OLS	OLS	Logit	Logit	OLS	OLS

Standard errors in parentheses; * $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Note: the sample includes contested divorced and separations of unmarried couples except for compensatory benefits (columns 7 to 10) where only contested divorces are included. The judges' characteristics include: courts, experience and a dummy if the judge is currently president or vice-president of the court. The cases characteristics include: type of cases, age, occupation, labor market status, number of children, age of the children, divorce by fault, a dummy if the individual is represented by a lawyer, a dummy if the individual did not express any claim. For compensatory benefits, we also control for the duration of marriage and the type of assets (main residence, other real-estate assets, savings, financial assets, business assets) and liabilities of the male partner.