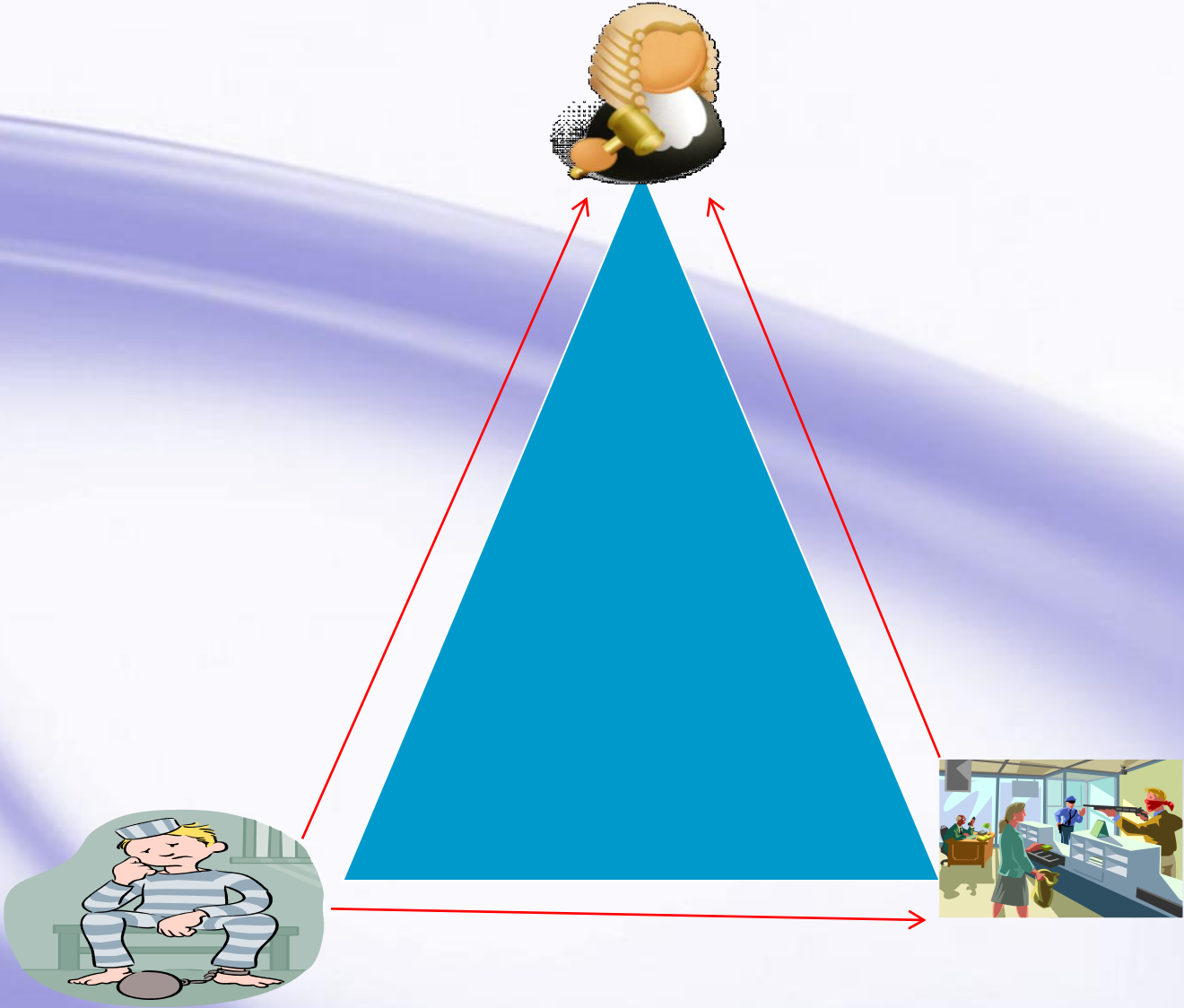


Judicial Decision Making In a Multi-Cleavage Society



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Sentencing disparities and the effect of race, ethnicity, and nationality of an alleged criminal offender, on decision-making in the criminal justice system has received considerable attention over the years.



Most research focuses either on the effect that the race or ethnic origin of the defendant has on decisions at various junctions in the justice system or on how socioeconomic status influences sentencing outcomes.

Studies show that systematic disparities and inequality exist at almost every stage of the criminal justice process, from arrest to disposition.

The traditional approach that has been examined empirically is to look at the socioeconomic, ethnicity, race and other indicators of the defendant and to understand how do they effect the outcomes of judicial and legal decision making.

Studies both in the East and the West show clearly that defendants from lower stratum, defendants from minority groups receive harsher treatment than those from majority and upper socioeconomic groups.

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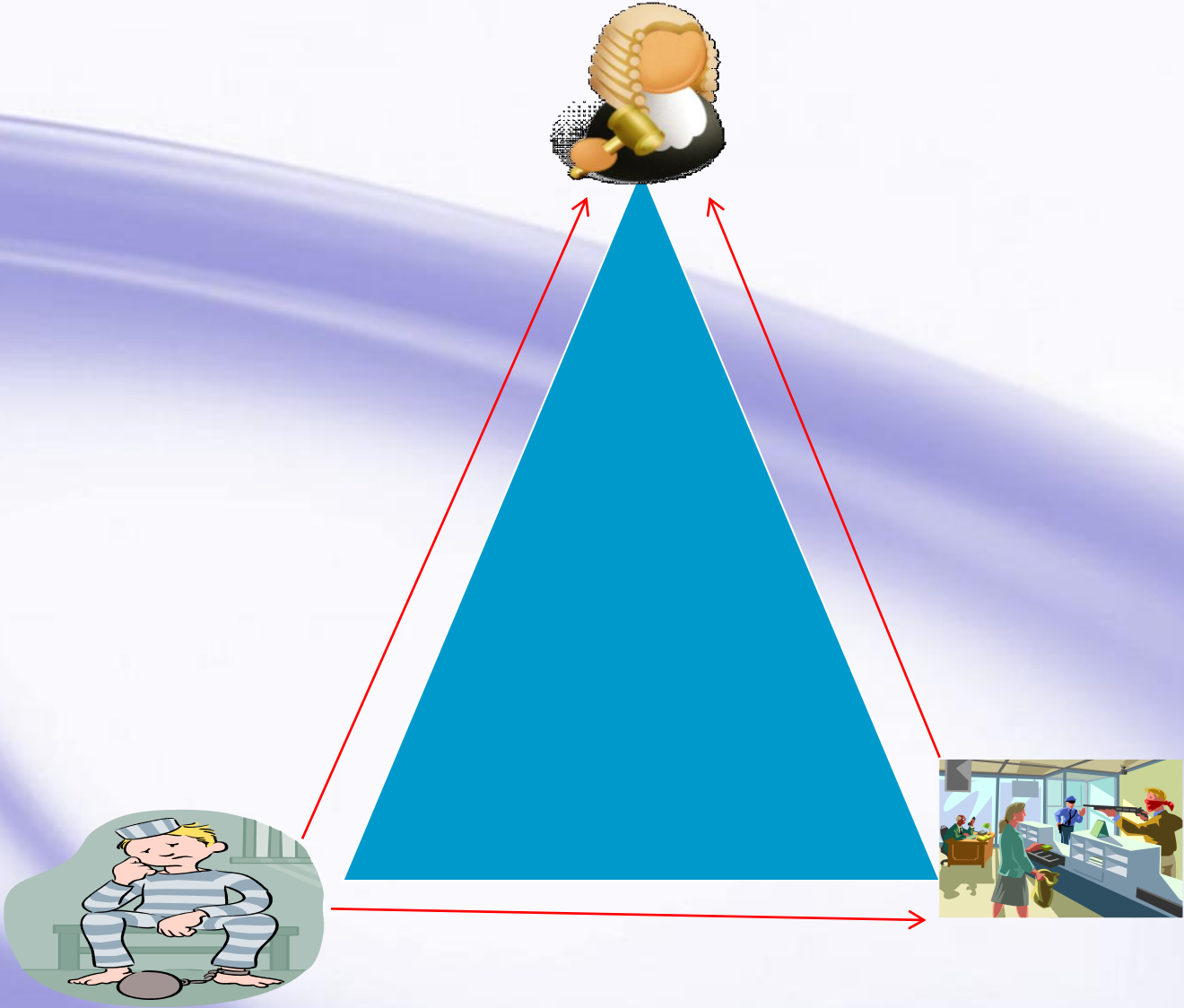


Studies show that systematic disparities and inequities exist at almost every stage of the criminal justice process, from arrest to disposition. The general pattern observed in the U.S. for example shows that white middle-class defendants – adults and juveniles alike – have a greater chance of being filtered out of the system at earlier stages than do poor defendants and defendants of color (Zatz, 1985; Fagan & Hartstone, 1987; Mann, 1993; Donziger, 1996; Walker & Gruhl 1996; Singer, 1996).

A most recent (Vadim Volkov, 2014) conducted here in Russia, involved 1.5 million individual decision making records of criminal records in the Russian Federation. The study showed clearly that: Occupational and labor market marginality has a strong and independent impact on the decision to imprison and to give more severe punishment. There are strong sentencing disparities caused by the SES of the defendant.

The presence of disparities in the Israeli criminal justice system, especially between Jews and Arabs is assumed by many and disputed by some. Empirical findings attest to disparities between Jews and Arabs in many spheres of life, but disparities in the legal system have not been thoroughly investigated

However, we believe that looking at the socioeconomic indicator related to the defendant and their impact on sentencing outcome produces a partial picture only. The legal arena is much more complex and several actors besides the defendant play normally a role in the scene that is taking place in the hall of justice. The present study examines the effect of the defendants', judges, and victims' nationality on sentencing in two regional courts in Israel.



Israel is an ideal social laboratory for testing and analyzing the relations between minority groups and the legal system. Arabs in Israel constitute a distinct national minority rather than a racial minority. Jews make up over 80% of the population of Israel and Arabs account for the remaining 20%.

Tension and hostility between Jews and Arabs, with varying degrees of intensity, have been part of the history of the region for the last hundred years. There is no doubt that that the tension resulted from the geo-political situation of the State of Israel has reflected on many spheres and circles of life

Including The Legal System

How does it work?

For example, some studies indicate that:

defendants convicted for killing white victims were 4.3 times more likely to receive a death sentence than those convicted for killing blacks (Curry et al., 2004; Baldus et al., 1983)

In a major study based on more than 2,000 murder cases in Georgia,) demonstrated that Furthermore, in cross-racial killings, if the perpetrator was a black person and the victim was white, it increased the likelihood that the offender received the death sentence.

Social identity theory (Tajfel & Turner, 1979) assumes that the social environment is organized into meaningful categories that ultimately result in inter-group discrimination. One of the manifestations of such categorization is the classification of the social world into “us” (the in-group) and “them” (the out-group), which can result in favoring behavior toward the in-group members and discriminating behavior toward members of the out-group.

Because many of the variables are nominal and the dependent variable was treated as a dichotomous one, we employed logistic regression analysis. Following the regression analysis, we constructed profiles of offenders based on the relevant variables, specifically, those that turned out to be significant in the logistic regression. All other variables that emerged as significant in the regression analysis were included in the calculation of the predicted probabilities at their mean value:

Prob.(event)=1/(1+e^{-z}) when $Z=B_0+B_1X_1+B_2X_2+\dots+B_pX_p$

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Predicted probabilities for offenders to receive a prison sentence by the nationality of judge and the offender

Profile of the offender	Jewish Judge		Arab Judge	
	Jewish Offenders	Arab Offenders	Jewish Offenders	Arab Offenders
No prior record; no prior incarceration	.58	.71	.23	.60
Prior record; no prior incarceration	.76	.85	.44	.80
Prior record; prior incarceration	.86	.92	.76	.94

Profile of the offender	Jewish Judge			
	Jewish Offender		Arab Offender	
	<i>Jewish Vic.</i>	<i>Arab Vic.</i>	<i>Jewish Vic.</i>	<i>Arab Vic.</i>
No prior record; no prior incarceration	.58		.71	
Prior record; no prior incarceration	.76		.85	
Prior record; prior incarceration	.86		.92	
	Arab Judge			
No prior record; no prior incarceration	.41	.15	.78	.47
Prior record; no prior incarceration	.65	.32	.90	.70
Prior record; prior incarceration	.88	.66	.97	.90

Our findings suggest that the own-other group behavior is at the bottom of much of the judicial conduct demonstrated here. In the Israeli society the majority-minority status may have a crucial impact on judicial conduct, as it seems to override the impact of own-other relationships. The importance of understanding these dynamics cannot be overstated, especially in multiracial and multiethnic societies where social conflicts and deep cleavages can permeate every aspect of life.

Thank You For Your Attention

Спасибо за Ваше внимание
תודה על ההקשבה!

