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Judging Under the Spotlight: Analyzing the
Effects of Public Opinion on Judicial
Decisions in Sexual Violence Cases

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Judging Under the Spotlight: Analyzing the Effects of Public Opinion on Judicial Decisions in Sexual Violence Cases

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Abstract

This paper explores the impact of public opinion on judicial decisions; unlike politicians judges do not have to be held accountable if citizens dislike their decisions. However, previous literature has found that political environments in specific moments can bring judges to make more ideological decisions triggered by the pressure of public opinion. While these studies have predominantly focused on high and politicized courts, this paper fills a gap by researching the role of public opinion in less politicized courts such as intermediate courts. I argue that judges in this setting, where their incentives are not tied to ideology or politics, still have motivations to respond to public demands. The analysis uses a newly built dataset of approximately 11,000 judicial rulings on sexual violence and theft cases from 2015 to 2020. Employing several difference-in-difference models, the findings indicate that judges respond to both the salience of the Manada case and the overturn of the Supreme Court by increasing the prosecution of sexual violence offenses.

Keywords: public opinion, judicial behavior, sexual violence cases, democratic institutions, intermediate courts

1 Introduction

Since the emergence of modern democratic states, public opinion has played a crucial role in influencing electoral outcomes and shaping the political agenda, as well as influencing public discourse. Despite extensive research on the effects of public opinion in many dimensions of the political process, there is still limited understanding of its influence on one fundamental branch of the state—the courts and judges. Do judges care about public opinion? In principle, judges are protected by the judicial independence warranty, which means they are not held accountable in the same way as politicians if citizens dislike their decisions. However, courts and their decisions, especially in polarized contexts like the recently overturned *Roe vs. Wade* ruling, have often faced public criticism. It remains unclear whether judges feel pressured to respond to these social demands when singled out by the public. This paper aims to address the incentives for judges, despite their required impartiality, to respond to public opinion and the conditions under which such responsiveness occurs.

Studying how public opinion affects judicial decision-making is highly relevant to understand better the functioning of institutions in a democracy. Judges are, in most cases, non-elected actors whose decisions affect the lives of citizens not only on individual disputes' level but also by settling precedents that will affect all similar cases (Clark 2009). To some extent, judges' decisions can affect citizens in a similar manner as politicians without the democratic mechanisms to punish them if the decisions cause social dissatisfaction. If such dissatisfaction is organized in a way that questions the legitimacy of the judicial system, judges might start to respond to it.

Furthermore, the level of responsiveness might be read in two directions. On the one hand, it can be viewed as a democratic approach to incorporating social inputs into the judicial process (Rehnquist 1986). This perspective sees judges as active participants in reflecting the concerns and values of the society they serve. On the other hand, some argue that excessive responsiveness to public opinion can undermine judges' role

as impartial referees (Reayat 2016). This viewpoint emphasizes the importance of judges maintaining their independence and impartiality, ensuring that their decisions are based on the law rather than external pressures. These opposed interpretations highlight the complex nature of judicial responsiveness and raise important questions about the balance between democratic accountability and the integrity of the judicial system.

In the fields of judicial behavior and judicial politics, literature has mostly focused on the effect of certain elements such as ideology, other identity-based factors (e.g., gender or race), and career incentives on judicial decisions. Nonetheless, modest attention has been paid to the role of public opinion on judicial behavior. When explored it has been studied in high courts such as the Supreme Court (of the United States), and its effects have been connected to the ideological or political behavior of judges (Epstein, Landes, and Posner 2010). These studies argue that public opinion affects the justices from these high courts by creating salience around an ideological topic, and forcing them to position themselves in one or another line (Pickett 2019; Spirig 2021). However, there is a lack of research on the effect of public opinion on judges' decisions in lower and less politicized courts, where judges lack political incentives to react to public demands. Additionally, some studies have shown the effect of public opinion on judges that are elected through citizens' elections in common-law systems. The mechanism seems to be similar to the ones in political elections, when elections are closer judges are more responsive to public pressures. Still, we do not know whether judges respond to public pressures despite ideological incentives and regardless of potential electoral gain. This study aims to address these research gaps by examining how judges in intermediate courts in Spain, a civil law system, respond to public opinion. By considering the incentives and conditions under which judges react to public opinion, this research seeks to provide a more comprehensive understanding of the influence of public sentiment on judicial decision-making in a less-studied institutional context.

Some studies have highlighted how salience over an issue seems to create the perfect

conditions under which judges would respond to public demands. However, in opposition to other studies, this paper theorizes that judges' responses to public opinion are not only observed in ideological behavior. And, most importantly, I argue that judges, despite having to abide by the judicial independence principle, still might have incentives to give in to public demands. These incentives stem from the need to safeguard not only their job but also their status and reputation. Furthermore, the salience of an issue can provide judges with additional information and insights, particularly in areas where legal interpretation allows for discretionary judgment. In this sense, public opinion can serve as a valuable source of knowledge, especially in highly polarized cases involving moral values or where updates are needed to align with evolving societal norms.

To test the impact of public opinion on judicial behavior, I use the context of the widely publicized case of the “Manada” (the Wolf-Pack), a gang rape that involved a group of men sexually assaulting a woman during festivities in Spain, leading to public outrage and media coverage. The societies' outrage was fueled by the controversial ruling cast by the provincial court which led to several feminist protests against the judiciary and the decision. Nonetheless, the Supreme Court eventually overturned the initial verdict delivering a harsher punishment for the aggressors. Due to the high media coverage, public salience, and the Supreme Court rectification, the case offers the perfect opportunity to study the influence of public opinion on judicial decision-making. Moreover, Figure 1 illustrates that the searches related to the Manada case and the rape during the *San Fermin* festivities in Google increased during the three pivotal events I plan to focus on: the gang rape itself, the subsequent protests, and the Supreme Court's rectification ¹. This provides further evidence of the societal impact and attention the case garnered during those significant moments.

¹I use the term “violación en San Fermines” as well as the “Manada” because it was the media who ended up giving the name of “Manada case” to the event, at the beginning the case was just known as a gang rape in the festivities.

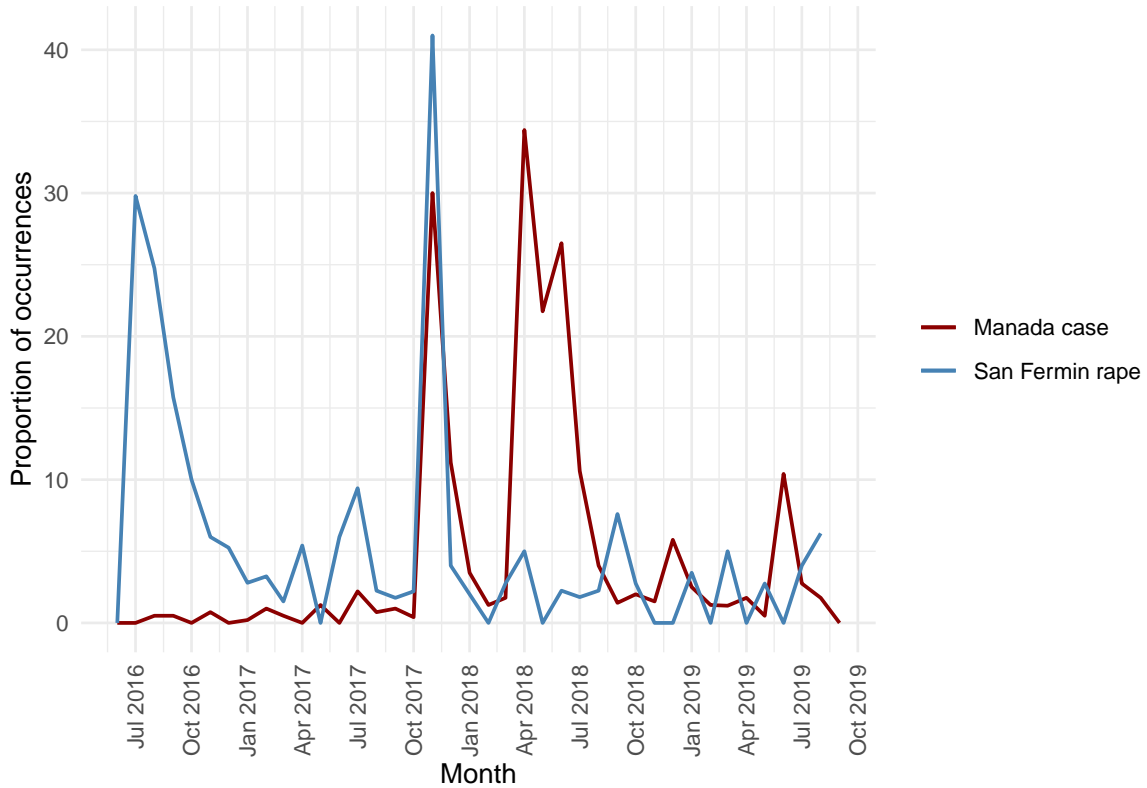


Figure 1: Popularity of ‘Caso de La Manada’ and ‘Violación San Fermines’ Searches on Google Trends (May 2016 - October 2019) in Spain.

To test whether judges felt pressure to rule more in favor of the victims of sexual violence after the Manada case took place, I built a dataset from scratch, consisting of approximately 11,000 judicial rulings related to sexual violence and theft cases in Spain from 2015 to 2020. The dataset includes information on ruling details, judges’ gender, criminal offense type, dates, and the ruling outcome. Using difference-in-difference models, I compared the prosecution level of sexual violence cases to theft cases before and after the “Manada” case took place. I argue that thefts serve as a suitable control group since they should have remained unaffected by the “Manada” case and subsequent related events, such as protests and the overturning of the Supreme Court ruling.

The main findings suggest that the “Manada” case has had a significant impact on

judges, resulting in an increase in the prosecution of sexual violence cases compared to theft cases. However, it is challenging to disentangle the specific factors driving this increase due to the occurrence of two other key events—the feminist protests following the initial ruling and the subsequent overturning of that decision by the Supreme Court. The pre-post difference-in-difference models indicate that the overall significance of the effect may be driven by the Supreme Court’s intervention, suggesting that judges reacted to the government of judges rather than solely to the case’s salience or the pressure of the protests. However, the time event analysis reveals an undeniable upward trend in the prosecution that starts after the “Manada” case and continues until the protests. Thus, it is likely that the media attention surrounding the case heightened the prosecution of sexual offenses.

Additionally, this study examined the heterogeneous effects of the “Manada” case based on gender and location. In panels where the majority of judges were male, the influence of the “Manada” event on the prosecution of sexual violence cases was more significant. This suggests that male judges may have been more responsive or felt increased pressure to address these cases. Furthermore, the location effects showed that the impact of the case and subsequent protests were particularly pronounced in Pamplona, where the rape case and the initial ruling occurred. Judges in this region were exposed to greater media coverage and public engagement, highlighting the influence of proximity and regional factors in shaping judges’ responses to public opinion pressures.

The paper is organized as follows: Section 2 provides a comprehensive literature review on judicial behavior and the influence of public opinion. Section 3 presents the theoretical framework that guides the analysis of public opinion’s impact on judicial decision-making. In Section 4, the context of the “Manada” case and the legal framework for sexual violence cases in Spain are explored. Section 5 outlines the data collection and methodology employed in the analysis. The main empirical results are presented in Section 6, followed by a detailed discussion of the findings. Finally, Section 8 includes the conclusion of the paper.

2 Literature Review

There has been extensive research in political science on how public opinion can affect political decision-making. Scholars have delved into the intricate relationship between public sentiment and politicians, examining how public opinion influences policy agendas, guides decision-making, and even affects electoral outcomes (Benjamin I. Page 1994; Lax and Phillips 2009). While the literature has provided valuable insights into the relationship between public opinion and politicians, our understanding of how public opinion affects judicial decisions remains limited. Countless studies have mostly focused on why politicians should pay attention to public opinion in the context of electoral competition, as they have incentives to secure votes and maintain popularity (Adams et al. 2004). Additionally, public opinion has been considered in the formulation of policy proposals and legislation when certain issues gain salience (Benjamin I. Page 1994; Burstein 2003). However, the dynamics surrounding public opinion and judicial decision-making differ from those of politicians. Judges are expected to maintain independence and make decisions based on legal principles, detached from external influences. Even though judges are required to remain impartial and decide cases weighing law and doctrine, literature moved on long ago from the naive legal approach that advocated that judges always judge based on the law (Posner 2010).

Since then, literature has examined the factors beyond the law that can potentially influence judicial decisions. These theories revolve around the concept of judges' discretionary power when making rulings (Clark 2009). Nonetheless, these have mostly focused on intrinsic characteristics of judges such as ideology, identity-based factors (e.g., gender or ethnic characteristics), or career incentives that can affect judges' behavior under specific circumstances (Segal and Spaeth 2002; Steffensmeier and Hebert 1999; Cox and Miles 2008; Brace and Hall 1990). Ideology (or nominating party) has been found relevant to predict judicial decisions when cases deal with polarized cases, as is typically the case of supreme courts in common-law systems (Segal and Cover 1989) and constitutional courts of civil-law systems (Hanretty 2012). Most recent ap-

proaches consider that judges as other types of professionals might be influenced by incentives and constraints of all kinds (Posner 2010; Epstein, Landes, and Posner 2012). However, only a limited number of studies have shifted their focus to extrinsic factors, such as public opinion, which may have both direct and indirect effects on judicial decisions. Thus, despite the role of public opinion being discussed in normative approaches (Kritzer 1979), its impact on judges' considerations remains less clear within empirical social sciences research.

Regarding the direct effects of public opinion on judicial behavior, some other studies have looked into whether higher and politicized courts such as Supreme Courts (specifically the U.S. Supreme Court) care about public opinion without consensus among the findings. On the one side, some authors defend that judicial independence in high courts is strong enough to deter influence from the public or the appointing political administration (Johnson and Strother 2021). On the other side, most authors have approached the question by comparing the compatibility of the *public mood* and the *Supreme Court* (Barnum 1985; Gibson 2008; Epstein, Landes, and Posner 2010). They analyze different survey sources to ascertain whether the public holds a more 'left' or 'right' opinion on particular topics and then compare this to the total number of liberal versus conservative decisions rendered by the Court.

Additionally, previous studies have explored the role of public opinion and judges in judicial elections, such as the ones that take place in common-law systems (e.g., the U.S.). These connect to a much larger ongoing debate in both political science and political economy studies that try to answer whether politicians should care about citizens' opinions (Lipset 1985; Benjamin I. Page and Shapiro 1983; Ashenfelter, Eisenberg, and Schwab 1995; Przeworski et al. 1999; Burstein 2003; Adams et al. 2004). For example, Brace and Boyea (2008) and Canes-Wrone, Clark, and Kelly (2012) compare elective to non-elective state supreme courts and find that judicial elections reduce judicial independence from public opinion. However, none of these studies have been carried out in civil law systems where most judges from the judicial ladder have been

selected based on merit rather than through elections. It is easier to conceive that judges that compete in elections are more likely to have incentives to respond to public opinion because their career advancement depends on convincing their public. However, it remains unanswered if public dissatisfaction can affect judges' decisions through other channels despite potential electoral gain, beyond electoral contexts.

On the indirect side of the effects of public opinion, some studies highlight how high courts respond to public pressure when there is salience around a topic. In particular, these find that public opinion pressure in the form of social dissatisfaction leads to more ideological rulings from judges (Cook 1977; Epstein, Landes, and Posner 2010; Epstein and Martin 2010; Harris, Mazumder, and White 2018; Spirig 2021). When an issue is politicized and there is a clear connection between the salient political issue and the legal issue, judges may be influenced by issue salience. For example, (Spirig 2021) suggests that higher levels of media coverage and public attention to asylum issues can influence the decision-making process of asylum appeals, leading to a decreased likelihood of granting appeals. These studies share the argument that public dissatisfaction and protests build a *political environment* that facilitates judges' ideology to influence their decision (Epstein and Martin 2010). Most of these studies point out how salience over an issue is the mechanism that activates the ideology of judges as opposed to routine cases (Harris, Mazumder, and White 2018; Spirig 2021).

This proposal also contributes to the judicial politics literature, particularly the branch that examines court legitimacy (Mondak 1992; Gibson, Caldeira, and Baird 1998; Epstein, Knight, and Shvetsova 2001; Cann and Yates 2008). Extensive research has emphasized the significance of court legitimacy in democratic systems, with a focus on elements such as judicial independence, judicial review, and the protection of human rights, which are essential to democratic functioning. Supreme Courts and High Courts, acting as guardians of democracy, ensure that all actors in the political arena adhere to the "rules of the game" (Prendergast 2019; Gibson, Caldeira, and Baird 1998). Additionally, research has explored how conflicting decisions and delays in de-

livering rulings can erode citizens' perception of court legitimacy Mayoral (2017). Such dissatisfaction leads to a diminished perception of courts and their decisions. While many studies have focused on one end of the relationship between citizens and courts (e.g., citizens' perception of courts' legitimacy) (Gibson, Caldeira, and Baird 1998), little attention has been paid to the other end of the relationship: the courts and how they react to a loss of legitimacy.

This study hopes to contribute by filling the stated gaps in the literature. Firstly, it aims to explore the incentives and conditions under which judges would react to public opinion, moving beyond the traditional focus on ideology and judicial electoral settings. Secondly, by examining intermediate courts in Spain, a civil law system, this study offers a unique perspective that differs from the predominant research conducted in common law systems like the United States. This focus on a civil law system allows for a deeper understanding of how judges in different institutional contexts respond to public opinion and the extent to which external pressures influence their decision-making processes. And lastly, focusing on intermediate courts instead of high courts will deliver a more holistic understanding of whether and in which manner judges respond to public opinion when the courts are not that politicized, and judges lack political incentives.

3 Theory

This research project stems from the doubt of whether elements such as issue salience, protests, social disagreement, or distrust in the judicial system may influence the way judges behave. A priori, judges should not have any incentives to react to public opinion because they are not held accountable in the same way as politicians. In this line, this research proposal will be relevant to know more about the incentives and the conditions that judges need to respond to public pressure filling the gaps in the literature.

When we think about the utility that politicians can gain from giving in to public demands, we easily connect it to potential electoral gain: to win elections political candidates or parties have to, at least, present themselves as interested in what individuals think or demand over certain issues. Some of the most famous political economic models for analyzing political competition, such as the Downs' Median Voter theory even go as far as to imply that politicians only care about the social demands of a type of voter (Downs 1957). That is so because, in the end, candidates will converge toward the policy preferences of the median voter to maximize their chances of winning elections. Other models factor in the own political or ideological position and preference of the candidate, but, regardless of their personal preferences, politicians are ultimately driven by the need to consider public opinion since their political careers rely on winning elections. However, judges' utility to listen to public demands or consider the public mood over an issue is not so obvious, and can even violate the requirement for judicial independence, thus, becoming a cost.

Nonetheless, literature has already pointed out that it is a matter of the conditions that create the environment for judges to react to public opinion (Cook 1977; Epstein and Martin 2010). Concerning the conditions, previous studies have shown that salience is a required condition for judges to react to public opinion (Spirig 2021; Brace and Boyea 2008; Canes-Wrone, Clark, and Kelly 2012). McCall (2003) brings attention to the importance of issue salience in influencing judges' behavior. She finds that female justices, before a highly covered sexual harassment case in the United States, tended to vote siding more with the victims than men in those cases. However, when the case became salient, the gender disparity became not significant (because male judges reacted to it by siding more with the victim). Thus, issue salience seems to be a necessary condition for judges, in a similar vein as politicians, to respond to social demands in the desired direction of the public.

However, a question arises: why would judges respond favorably to social demands when doing so might seemingly contradict their principle of judicial independence?

Literature has already shown that judges can be influenced by several factors (e.g., ideology, identity-based elements, and career incentives). Among these, I identify three that can drive judges to consider public opinion pressures: strategic behavior, protection of court legitimacy, and informed decision-making through updated information. Overall, there are incentives for judges to respond to public opinion and engage in vertical accountability for different reasons.

First, judges act strategically sometimes (Brace and Hall 1990; Lax and Rader 2015; Black and Owens 2016), so they could react to public opinion as a self-defensive mechanism to protect the institution and their job. In particular, they might want to protect their reputation as impartial judges, because, otherwise ruling against such salient and contested cases could make judges seem less impartial in the eyes of society and put their job at stake. This argument is not new to literature, the judiciary gives strong incentives for judges to care about reputation, and studies have found that judges tend to rely more on discrete judging when their reputation is at stake (Miceli and Coşgel Metin M. 1994; Garoupa and Ginsburg 2009).

Secondly, studies have shown there can be variation in the levels of trust of the courts (Farganis 2012), for example, delays in justice might affect court legitimacy (Wangui 2017,). However, if judges consistently disregard public opinion or act in a manner that is perceived as unresponsive to societal concerns, it could lead to a decline in public trust and legitimacy of the judiciary. Public dissatisfaction and distrust may arise, raising questions about the judiciary's role and its alignment with the values and expectations of the broader society.

And, lastly, the salience of an issue can provide judges with additional information and insights, particularly in areas where legal interpretation allows for discretionary judgment. Public opinion serves as a valuable source of knowledge, especially in highly polarized cases involving moral values or where updates are needed to align with evolving societal norms (Giles, Blackstone, and Vining Jr 2008). By considering public opinion, judges can gain a broader understanding of the prevailing sentiments, expectations,

and values of the society they serve. Supreme Court Justice Ruth Bader Ginsburg acknowledged the fact that judges are affected by public mood on salient topics, she even stated that *judges do read the newspapers and are affected, not by the weather of the day, [...] but by the climate of the era* (Ginsburg 1997). Assessing the public climate can help judges make informed decisions that are not only legally sound but also resonate with the broader public and maintain public trust in the judicial system.

Nevertheless, judges may face challenges or potential costs if they become excessively influenced by public opinion, as it could jeopardize the principles of independence, impartiality, and fairness that are integral to their role as impartial arbiters of justice. While judges may not inherently have incentives to consistently align their decisions with social demands, as it may conflict with their commitment to judicial independence, it is important to recognize that certain conditions can influence their behavior. Factors such as the salience of an issue, alignment with societal norms, and the potential benefits of credibility, legitimacy, and increased information need to be carefully considered.

In summary, this paper expects that judges will render more favorable rulings in the desired direction of public opinion when there is salience surrounding an issue. By exploring the incentives and conditions that shape judges' responses to social demands, this research aims to provide a deeper understanding of the complexities and potential trade-offs involved in judicial decision-making.

Moreover, in addition to the conditions and incentives that influence judges' responses to public opinion, it is important to consider the role of ideology and identity-based factors, such as gender, in shaping their rulings. Previous studies have consistently shown that progressive judges and female judges are more likely to exhibit favorable responses in gender-related cases (Martin and Pyle 2005; Boyd 2016; Vallbé and Ramírez-Folch 2023). Drawing from these findings, this paper recognizes the importance of considering gender dynamics within the selected case, as there is evidence suggesting that female judges and male judges may demonstrate divergent responses. Additionally,

this paper delves into the exploration of location’s potential heterogeneous effects. It is plausible that judges in closer proximity to the event, such as in the “Manada” case, may be more susceptible to the influence of public demands. The proximity to the case could subject these judges to heightened pressure or contextual factors that might significantly impact their decision-making process.

4 Background: The “Manada” Case and the Judicial Landscape of Sexual Violence in Spain

4.1 The media coverage of the “Manada” case

To explore the potential effect of public opinion on judicial behavior, the following proposal intends to use the context of feminist protests that took place in Spain following a highly media-covered rape case. As seen in Figure 2, the “Manada” case received extensive coverage in mainstream Spanish newspapers over time.

In 2016, during the renowned *San Fermín* festivities in Pamplona, Spain, a young woman was sexually assaulted by a group of five men. This appalling incident would later be referred to as the “Manada” gang rape case (The Wolf Pack). The gang rape gained extensive media coverage and ignited public outrage throughout Spain due to the nature of the crime, the number of perpetrators involved, and the circumstances in which it occurred. Overall, the media portrayed the incident as a brutal violation of the victim’s rights and drew attention to the broader issues of gender violence, consent, and the treatment of sexual assault cases within the judicial system.

The trial under the accusations of rape and sexual assault began in November 2017 and was broadly covered by the media, not without controversy. A video of the rape was leaked, and despite the trial being held privately, the final allegations were made public, revealing details of the defendants’ strategy. They claimed that it was a case



Figure 2: Coverage of the Manada case and its evolution on Mainstream Spanish newspapers.

of consensual sex later regretted by the victim. The accused's WhatsApp group name, "The Pack," became a significant aspect of the case. Moreover, the revelation during the initial legal proceedings that the defendants had hired a private detective to track and gather information about the victim exacerbated the media attention surrounding the case and further fueled social outrage. This revelation intensified the perception of victim-blaming and invasion of privacy, adding another layer of complexity to the case. This demonstrated a deliberate attempt to discredit her but also raised concerns about the power dynamics and imbalances within the judicial system.

The subsequent legal proceedings and rulings surrounding the La Manada case intensified public scrutiny and sparked widespread debates. In April 2018, the *Audiencia*

Provincial of Navarra, a provincial court, delivered its initial verdict, generating considerable controversy and drawing strong criticism. The court ruled that the defendants were guilty of sexual abuse rather than rape, which caused outrage as the charges and penalties were perceived as insufficient given the severity of the crime.

In response to the court's decision, feminist organizations and activists in Spain organized protests across several cities. Some of the slogans chanted during these protests included messages of solidarity with the victim, such as "Sister, I believe you" or "Sister, here is your pack." The massive protests held across various cities reflected a collective frustration and dissatisfaction with ongoing gender inequalities and the perceived shortcomings of the judicial system in addressing cases of sexual violence. Notably, these protests took place in the context of the significant mobilization earlier that year on the 8th of March, which marked the largest demonstration in the country's history.

Several months later, in June 2019, the Supreme Court overturned the initial decision of the provincial court and recognized the crime as rape rather than sexual abuse, acknowledging the gravity of the offense. This revised ruling not only resulted in harsher punishments for the defendants but also marked a crucial victory for the victim and the feminist movement. The decision was seen as a validation of the persistent demands for justice and a step towards addressing the concerns regarding the treatment of sexual assault cases within the judicial system. The development timeline of the case, the rulings and the protests can be better observed in Figure 3.

The significance of this case lies in the substantial social reaction it triggered toward the judicial system as a whole, raising questions about its legitimacy. Recent studies have found this case to be relevant to help draw political behavioral responses from different groups in society (Anduiza and Rico 2023; Gándara-Guerra 2022). In the matter of judicial behavior, the media coverage, the public reaction, and the rectification of the Supreme Court offer the perfect setting to explore the effect of public opinion on judicial decision-making when the legitimacy of the judicial system is at stake.

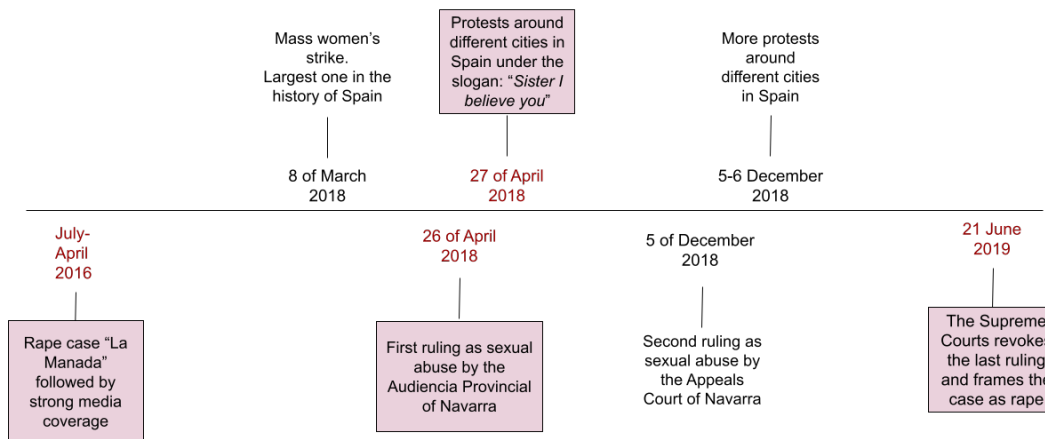


Figure 3: Timeline of the trial and protests following the "Manada" case.

4.2 Decisions on sexual violence in Spain

Before the recent creation of the Law 1/2022, the processing of sexual violence cases in Spain was regulated by the Penal Code, specifically by articles 181 and 182 (LO 10/1995, Art. 181-182). Within this legal framework, sexual assault was defined as a crime where an individual used violence or intimidation to coerce another person into engaging in sexual contact without their consent (LO 10/1995, Art.182). These acts of violence or intimidation were necessary to establish the offense, and without them, the assault was not considered rape or sexual assault (only sexual abuse). On the other hand, sexual abuse refers to actions that infringe upon someone's sexual freedom without their consent, even without the use of force or fear. However, for a sexual aggression crime, such as rape, to be established, it needs the presence of violence or intimidation.

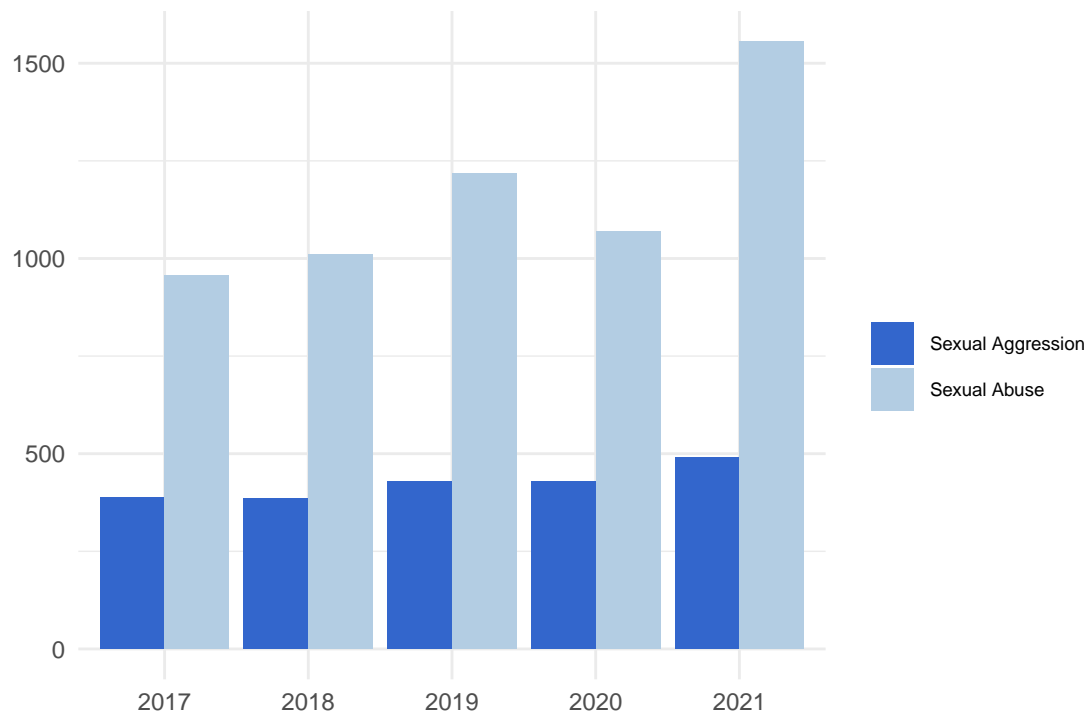


Figure 4: Absolute annual number of sexual abuse and sexual assault offenses.

Figure 4 illustrates the absolute annual number of sexual abuse and sexual assault offenses and their evolution.² This indicates that there are significantly more offenses prosecuted as sexual abuse than as sexual assault. Additionally, there is a discernible increase in the overall number of both types of crimes, with sexual abuse exhibiting a more pronounced upward trend.

After the high-profile “Manada” case, where the defendants were only accused of sexual abuse due to the lack of overt violence, society began to recognize the limitations of the existing legal framework. These criteria for processing sexual violence cases placed a significant burden on the victims, who were required to provide evidence of the aggressor’s use of violence or intimidation, even if they had expressed their opposition

²The data on sexual offenses come from the INE (National Statistics Institute), which collects information from the Ministry of Justice’s Central Registry of Convicted Persons and Central Registry of Sexual Offenders. The data specifically pertains to final convictions recorded in both registries during the reference year.

to the sexual acts. Proving non-consensual sexual acts became particularly challenging, especially when physical force was not evident; or even under situations where victims did not express explicit opposition due to intimidation and coercion. The “Manada” case served as a pivotal moment: it highlighted the need to consider the power dynamics and the impact of intimidation on victims who may not resist or express their opposition due to fear or coercion.

The enactment of the Organic Law 1/2022, commonly known as the “Only Yes Means Yes” “law or the Sexual Violence Law”, followed the public demand for reform after the “Manada” case ³. This landmark legislation aimed to address the limitations of the previous system and provide improved protection for victims of sexual violence. By emphasizing the importance of affirmative consent and actively and freely given consent in all sexual activities, the law sought to challenge societal norms and foster a culture of respect.

The “Manada” case is chosen due to its substantial social impact, widespread media coverage, and significant political repercussions. The enactment of the “Only Yes Means Yes” law in response to societal demands suggests the potential influence of public pressure on political actors. Given that judges are responsible for ruling on sexual violence cases on a regular basis, it is plausible that they may also be influenced by societal expectations, similar to how politicians responded to the case.

5 Data source and Identification strategy

The main purpose of this project is to empirically study the conditions and incentives that judges have to react to public opinion.

To fit the models, I have collected 11,000 judicial decisions made by Provincial Courts

³Although the reformed law was proposed to emphasize the importance of affirmative consent, it is important to note that the final version of the law did not include explicit provisions regarding consent. The proposed consent-based approach faced challenges and debates during the legislative process, leading to its exclusion from the final law

and Regional Courts of Appeals in Spain between 2015 and 2020. The choice for the court level (intermediate courts) is a contribution to the literature as previous studies mostly focused on high courts in common-law systems. However, I specifically decided to focus on intermediate courts due to data availability in Spain (instead of pre-trial and trial courts). Even though all court decisions are public, by law, not all decisions from all trials are easily available in the official jurisprudence database of the General Council of the Judiciary (e.g., pre-trial and trial court decisions are rarely available). Nonetheless, focusing on rulings from the above-mentioned courts allows me to have both: cases that courts hear for the first time and appellate cases on which other lower courts have previously decided (but one of the parties has appealed the judgment). In what follows I will explain the data sources as well as the challenges collecting them and the limitations of the data.

5.1 Data set

The data collection process involved building the dataset from scratch using a combination of techniques. Initially, massive downloading techniques were employed to gather rulings from the search engine provided by the General Council of the Judiciary (CGPJ). To ensure the relevance of the data, filters were applied to retrieve only rulings related to sexual violence and thefts.

In addition to the search engine, web PDF scraping techniques using Selenium in Python were utilized. This facilitated the extraction of relevant information from the rulings, resulting in a structured data frame format. The consistent format of judicial rulings allowed for the collection of important details, including the ruling ID, names of the involved judges, the judge who authored the ruling, the type of criminal offense, the date of public announcement, the date the case was filed, the location of the court, and the ruling itself (specifically the last paragraph containing the decision).

After constructing the initial dataset, rigorous data-cleaning procedures were imple-

mented to ensure that only the desired cases remained for analysis. To filter the data based on the type of crime involved, specific criteria were applied. For sexual violence cases, regular expressions (regex) were employed to extract cases explicitly mentioning terms such as “sexual abuse” or “sexual aggression”. Similarly, keywords such as “theft”, “robbery”, and “minor theft” were utilized to filter theft-related cases. This meticulous double-filtering approach guaranteed the retention of relevant cases aligned with the research focus, resulting in a refined dataset of approximately 11,000 rulings. Given that all rulings within the specified period were collected, the sample of rulings on sexual violence and thefts used in this analysis is likely to be highly representative of these types of cases. It can be considered a close approximation to a population sample.

Regarding the dependent variable, it has been coded as a dummy variable to capture whether a judicial decision favored the victim (taking the value 1) or not (taking the value 0). Due to the large number of rulings, manual revision of each ruling was not feasible. Instead, several functions in R were utilized to analyze the text of the rulings. Most rulings were straightforward to code, as the final decision commonly used the words “absolve” or “condemn” (coded as 0 for absolve and 1 for condemn). However, for appeal decisions where the court had to dismiss or reject the appeal, additional functions were employed. For example, if the “Ministerio Fiscal” (public prosecutor) was quoted in the final ruling, it was more likely that the appeal came from the plaintiff rather than the defendant, as the Ministerio Fiscal typically sides with the victims. Some manual revision was necessary, particularly for the treatment group (sexual violence cases). In the control group, which initially exceeded 20,000 observations, rulings that couldn’t be automatically coded with the mentioned functions were marked as NA.

Regarding the independent variables, as the design followed a difference-in-difference event study analysis, the sexual violence cases were coded as the treated group (taking the value 1), while theft and robbery cases formed the control group. Additionally,

binary pre-post variables were created to indicate whether a ruling took place before or after specific events of interest, such as the Manada case, the first ruling, and the revocation by the supreme court. These variables facilitated the analysis of potential changes in rulings and their outcomes over time in response to significant events. Furthermore, a “trimesters-year” variable was generated to classify rulings according to the terms in which they occurred, allowing for the exploration of temporal patterns and trends in the dataset. This variable took the value 0 in the term when the event occurred and negative values for terms before the event, with positive values for terms after the event. Moreover, the gender of judges and judge writers was derived based on their first names using the gender library in R.

A limitation of the analysis is the inability to measure the ideology of intermediate court judges. In the Spanish legal system, judges and prosecutors are constitutionally prohibited from joining labor unions or political parties. Although there are judicial associations that align with political parties to some extent, the lack of public membership information makes it challenging to assess the ideology of judges. Additionally, a significant portion of judges (around 43%) are unaffiliated (Vallbé and Ramírez-Folch 2023). Consequently, the study cannot incorporate judges’ ideology as a variable due to the unavailability of data, limiting the comprehensive understanding of the potential heterogeneous effects of public opinion on judicial decision-making concerning ideological factors.

Table 1 presents key summary statistics for the main variables at the ruling level. 56% of the cases are prosecuted, indicating a substantial number of legal proceedings. Within the dataset, 40% of the cases are categorized as belonging to the treatment group, that is, sexual violence cases. It is worth mentioning that due to the vast amount of data and time constraints, certain judicial decisions in the control group had to be omitted from the analysis, leading to a potential underrepresentation of robberies. Additionally, there are more cases for the events succeeding the Manada case, I have cases for approximately two years before the Manada case took place, and

cases for the following four years after it. Lastly, regarding the gender composition, approximately 40% of reporting judges are female, highlighting the presence of female perspectives within the judicial system. However, it is notable that in only 35% of cases, a majority of females coincide on the panel.

Table 1: Summary statistics of the main covariates judicial decisions dataset.

Statistic	N	Mean	St. Dev.	Min	Max
Prosecute	10,875	0.56	0.50	0	1
Sexual Violence rulings	10,875	0.40	0.49	0	1
Post-Manada	10,875	0.77	0.42	0	1
Female judge	10,700	0.42	0.49	0	1
Majority Females	6,690	0.36	0.48	0	1

5.2 Identification strategy

In this paper, I examine the impact of three key events, namely the “Manada” case, the protests following the first ruling, and the Supreme Court’s overturn of the initial decision, on judicial decisions regarding cases of sexual violence, specifically those involving sexual abuse and sexual aggression. These events were selected as they could offer distinct sources of variation in the judgment of sexual violence cases. First, the “Manada” event, due to its extensive media coverage, has the potential to exert public pressure on judges through increased media salience. Secondly, the protests that ensued after the first ruling represent a more direct form of pressure exerted by individuals as a means of criticizing the judiciary, which may elicit a different response from judges. Lastly, the Supreme Court’s overturn of the initial decision provides an opportunity to disentangle variations in the rulings of sexual violence cases arising from public pressure from those influenced by an informal change in legal doctrine instituted by the highest court. This event serves as a control for the possibility of judges reacting to a change in policy executed by their principal (the Supreme Court); previous studies have shown how judges react positively to doctrine changes influenced

by career advancement incentives and a tendency to adhere to superior court rulings (Kim 2010).

To estimate the effects of these events, I employ a difference-in-differences event study approach, comparing the outcomes of sexual violence cases assigned to the treated group with those of theft and robbery cases, forming the control group. I compare the treated group (sexual violence cases) with the control group (theft and robbery cases) over six years, including two years before the event and four years after. By examining the outcomes before and after each event, as well as over the entire time frame, I try to assess the causal impact of the events on judicial decisions.

Table 2: Descriptive statistics by group before the Manada event

	Thefts (N=1599)		Sexual Violence (N=916)	
	Mean	Std. Dev.	Mean	Std. Dev.
Prosecute	0.5	0.5	0.7	0.5
Female judge	0.4	0.5	0.4	0.5
Severity	0.7	0.5	0.5	0.5
Majority Females	0.3	0.5	0.3	0.5

Table 2 demonstrates that sexual violence cases have a higher rate of prosecuting the accused party, even before the occurrence of the Manada case. It is important to note that the cases being adjudicated by the provincial courts and regional appeal courts already tend to involve more severe offenses. However, since the data for both groups are sourced from the same court types, the observed trend in prosecution is likely attributable to the inherent nature of sexual violence cases, which generally face a higher likelihood of being prosecuted.

As a control group, robberies and minor thefts appear to be a suitable choice for several reasons. Firstly, these cases are also adjudicated by the same courts as the sexual violence cases, implying that the judges in the dataset have experience with both types of cases. This reduces the potential bias that may arise from differences in court procedures, judicial practices, or other factors associated with different court systems. Furthermore, robberies and thefts represent a distinct category of offenses, ensuring

that they remain relatively unaffected by factors such as the media attention on the Manada case, the protests, and the Supreme Court overturning. By selecting a control group that is less likely to be influenced by the events of interest, is possible to isolate the causal impact of these events on judicial decisions regarding sexual violence cases. Most importantly, both groups demonstrate a strikingly similar pattern of parallel trends before the occurrence of the “Manada” case, as depicted in Figure 5. This significant similarity further strengthens their comparability as control and treatment groups.

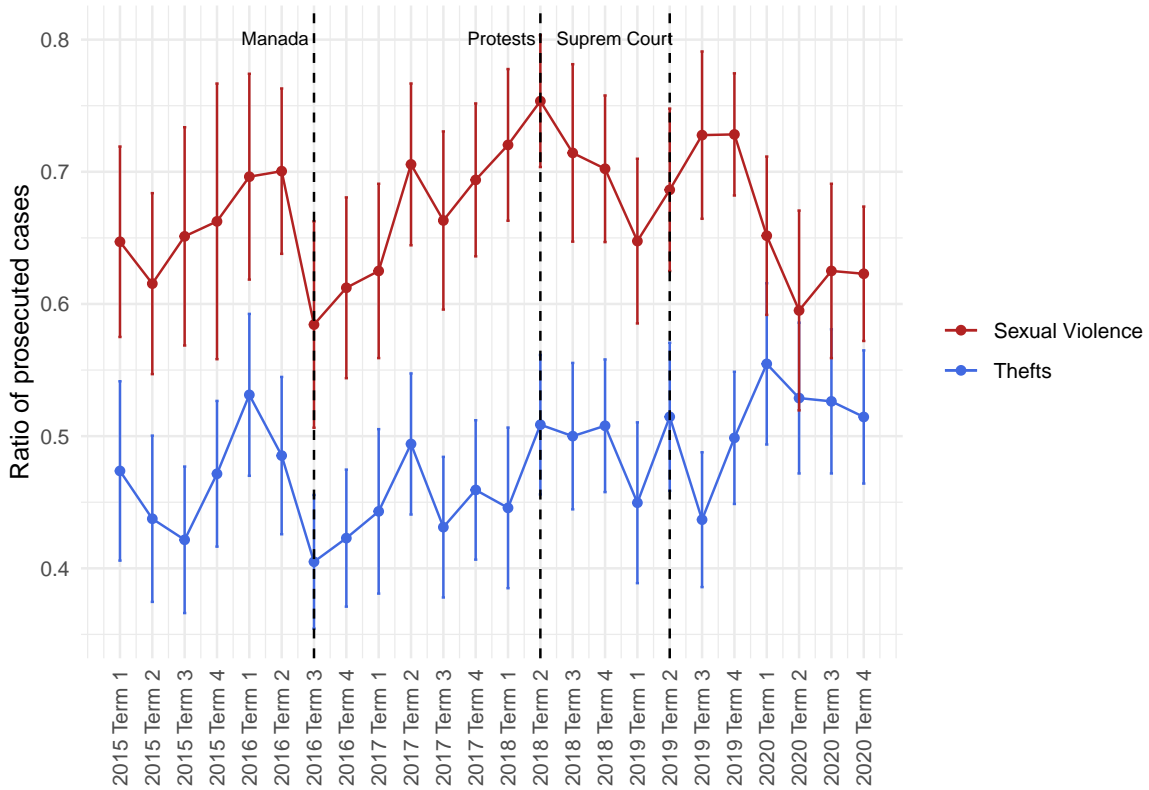


Figure 5: Analysis of parallel trends before the events of interest.

5.3 Empirical model

To test the main expectation, whether judges respond to public opinion by giving in to social demands, I have used a Difference-in-Difference strategy. First, I estimate the aggregate effect of the *Manada* and the other events using *simple* DiD with the following equation:

$$Y_{it} = \beta_0 + \beta_1 \text{Sexual Violence}_i + \beta_2 \text{Post}_t + \beta_3 (\text{Sexual Violence}_i \times \text{Post}_t) + \alpha_{it} + \gamma_{it} + \epsilon_{it}$$

In this equation, the dependent variable Y_{it} represents the ruling outcome. It serves as an indicator of whether a case is prosecuted, reflecting the judicial decision in favor of the victim ($Y_{it} = 1$) or not in favor of the victim ($Y_{it} = 0$). $\text{Sexual Violence}_{it}$ is the treated group variable that takes a value of 1 for rulings of sexual violence ($\text{Treatment}_{it} = 1$) and 0 for theft cases ($\text{Sexual Violence}_{it} = 0$). Post_{it} is a time indicator variable that takes a value of 1 for the period after the occurrence of the “Manada” case in Spain ($\text{Post}_{it} = 1$), and 0 for the period before the case ($\text{Post}_{it} = 0$). The $\text{Sexual Violence}_{it} \times \text{Post}_{it}$ term represents the interaction between the treatment variable and the post period. It captures the differential effect of the “Manada” event on the rulings of sexual violence cases after the event took place.

Then, I have two main controls, α_{it} represents the judge-fixed effects, accounting for unobserved judge-specific factors. And, γ_{it} which represents the region fixed effects, capturing unobserved location-specific factors. Lastly, ϵ_{it} represents the error term, which accounts for unobserved factors that may influence the outcome variable.

To disentangle the effects of three distinct events on the variation in judicial decisions regarding sexual violence cases, namely the Manada case, the protests following the first ruling, and the overturn of the initial ruling by the Supreme Court, I estimate the following model. The model allows me to examine which event had a more significant impact on explaining the variations in ruling outcomes. The model is specified as

follows:

$$Y_{it} = \beta_0 + \beta_1 \text{Sexual Violence}_i + \beta_2 \text{PostManada}_{it} + \beta_3 \text{PostProtests}_{it} + \beta_4 \text{PostSupreme}_{it} + \beta_5 (\text{Sexual Violence}_i \times \text{PostManada}_{it}) + \beta_6 (\text{Sexual Violence}_i \times \text{PostProtests}_{it}) + \beta_7 (\text{Sexual Violence}_i \times \text{PostSupreme}_{it}) + \alpha_{it} + \gamma_{it} + \epsilon_{it}$$

The equation above represents a modified version of the previous model. In this model, I introduce three additional variables representing specific moments that occurred after the Manada event: “Post Manada”, “Post Protests”, and “Post Supreme”. These variables indicate whether a particular observation falls within the respective post-event periods. By including $\beta_2 \text{Post Manada}$, $\beta_3 \text{Post Protests}$ and $\beta_4 \text{Post Supreme}$ it is possible to capture the cumulative effect of the post-event periods on the dependent variable. And, the introduction of these interaction terms $\beta_5 (\text{Sexual Violence} \times \text{Post Manada})$, $\beta_6 (\text{Sexual Violence} \times \text{Post Protests})$, $\beta_7 (\text{Sexual Violence} \times \text{Post Supreme})$ allow testing whether the treatment effects differ across the different post-event periods compared to the difference in the pre Manada period.

Additionally, to further analyze the impact of the main events, I aim to explore whether they exhibit a time trend. This analysis will enable me to test whether judges responded immediately to the events and determine the duration of their effect. To accomplish this, I divided the years into four terms and assigned each ruling to its corresponding term. Specifically, I identified 18 terms following the occurrence of the first event, known as the ‘Manada’ case, and 6 terms preceding the event. I coded the immediate term before the ‘Manada’ case as -1, which serves as the reference category in the models. This coding enables comparisons with the terms after the event, facilitating a comprehensive assessment of the event’s impact over time. The equation for the model is as follows:

$$Y_{it} = \beta_0 + \beta_1 \cdot \text{Sexual Violence}_i + \sum_{k=-6}^{17} \beta_{k+7} \cdot \text{Post}_{itk} + \sum_{k=-6}^{17} \beta_{k+24} \cdot (\text{Sexual Violence}_i \times \text{Post}_{itk}) + \alpha_{it} + \gamma_{it} + \epsilon_{it}$$

What is different with respect to the other two models is that $\sum_{k=-6}^{17} \beta_{k+7} \cdot \text{Post}_{itk}$ represents the cumulative effect of the trimesters before and after the “Manada” case. These terms allow us to examine how the probability of prosecution changed during these specific time periods. And the interaction term $\sum_{k=-6}^{15} \beta_{k+22} \cdot (\text{Sexual Violence}_i \times \text{Post}_{itk})$ captures the differential effect of the “Manada” case on the probability of prosecution over different time periods.

6 Results

6.1 Simple DiD: Effect after the Manada event

Figure 6 presents an analysis of the average number of cases ruled in favor of the victims in the Treatment group (sexual violence cases) and the Control group (theft cases) before and after the occurrence of the Manada case. The dataset is divided into two distinct periods: cases occurring from 2015 until the Manada case, and cases occurring after the Manada case until May 2020. Notably, the control group shows a significantly lower average of successful prosecutions compared to the treatment group, indicating that sexual violence crimes are more likely to be prosecuted than thefts. However, despite this disparity, the plot reveals a slight overall increase of approximately 3 percent of prosecutions for sexual violence cases after the Manada case took place. On the other hand, the Control group (thefts) demonstrates relatively stable numbers throughout the analyzed period, both before and after the Manada event. Nevertheless, relying solely on this plot makes it challenging to determine the significance of the effect of the Manada case in explaining the variation in sexual violence rulings. Therefore,

in the following sections, I will present the results of the models, as described in the Empirical Model section, to provide a more comprehensive analysis and understand the impact of the Manada case on sexual violence rulings.

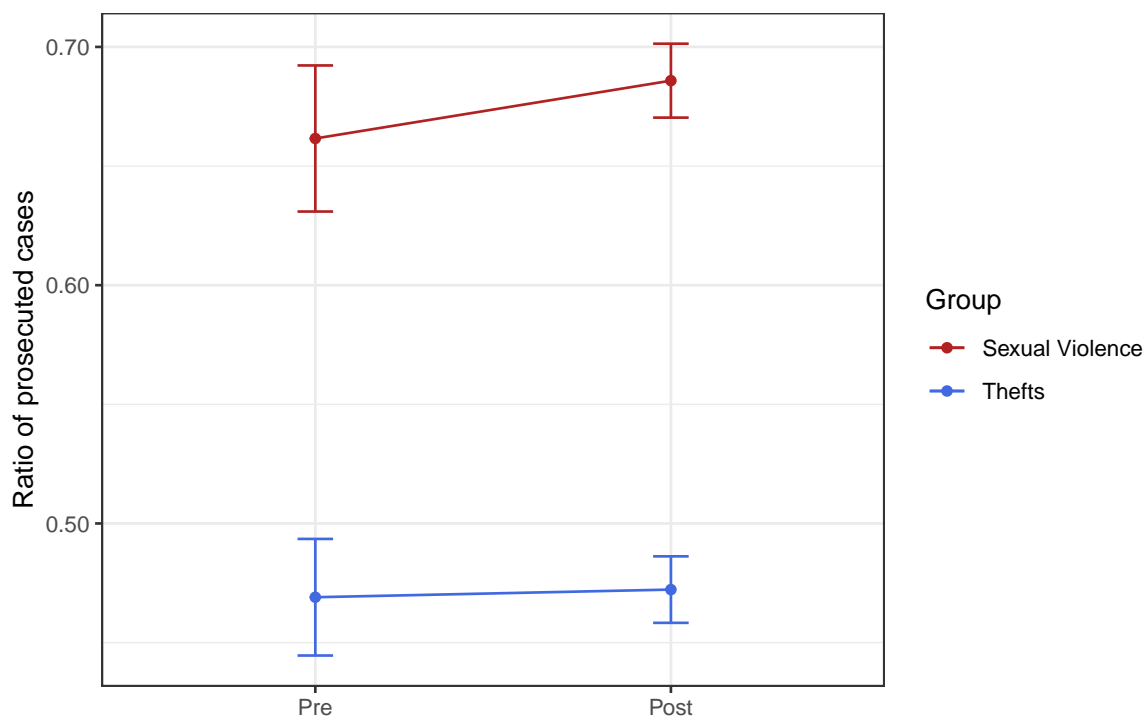


Figure 6: Average of prosecuted cases in both Treatment and Control groups before and after the Manada case.

The first difference-in-difference model in Table 3 corresponds to the first equation presented in the Empirical model section. Following a similar approach as the previous plot, the analysis divides the rulings into two periods: before and after the Manada event (up until May 2020). The relevant coefficient for the analysis in the table is the interaction term, which indicates whether there was a higher prosecution rate for sexual violence cases in the treatment group after the occurrence of the Manada event compared to the difference observed in the control group during the same period. The interaction term presents a coefficient of 0.044 and is significant at a 90% level. Overall,

Table 3: Difference-in-Difference regression models

	<i>Dependent variable:</i>	
	Prosecute	
	(1)	(2)
Post	0.005 (0.014)	
Post Manada		-0.010 (0.016)
Post Protests		0.024 (0.018)
Post Supreme		0.022 (0.018)
Sexual Violence	0.167*** (0.021)	0.167*** (0.021)
Post x Sexual Violence	0.044* (0.023)	
Post-Manada x Sexual Violence		0.034 (0.026)
Post-Protests x Sexual Violence		0.040 (0.029)
Post-Supreme x Sexual Violence		0.059** (0.029)
Constant	0.358 (0.468)	0.362 (0.468)
Judge Fixed Effects:	Yes	Yes
Region Fixed Effects:	Yes	Yes
Observations	10,875	10,875
R ²	0.243	0.244
Adjusted R ²	0.176	0.177
Residual Std. Error	0.451 (df = 9986)	0.451 (df = 9982)
F Statistic	3.616*** (df = 888; 9986)	3.618*** (df = 892; 9982)
<i>Note:</i>		*p<0.1; **p<0.05; ***p<0.01 OLS models

the coefficient indicates that the treatment group experienced a 0.044 unit increase in the prosecution of judicial decisions on sexual violence cases compared to the control group (thefts) during the aftermath of the “Manada” event.

To better understand the specific factors contributing to the observed effect, I conducted a refined analysis in the second model, as outlined in the second equation of the Empirical Model section. In this model (second column of Table 3), the post-Manada period was further subdivided into three distinct events: the period between the “Manada” event and the subsequent protests, which were sparked by the public outrage following the first judicial decision on the case, the period spanning the protests and the Supreme Court’s overturning of the initial decision, and the subsequent period thereafter. This division allows for a more careful examination of the individual impacts of these events on the observed outcomes and helps disentangle the effect of each of the events on the judicial decision variation.

The results in the table indicate that the interaction term for the Supreme Court’s overturning of the first ruling has a coefficient of 0.059 (at 95% level), suggesting a positive and statistically significant interaction effect. This indicates that the treatment, represented by the Supreme Court’s intervention, has a larger impact during the period following the overturning of the initial decision compared to the period before the “Manada” event took place. Whereas the other two events, even if they show positive coefficients, the effect seems to not be significant. These findings highlight the pivotal role of the Supreme Court’s involvement in driving the variation in judicial rulings on sexual violence cases.

6.2 Time event study analysis

The last equation of the Empirical Model section accounted for the effect of each event over trimesters in a period of time of 5 years after the first event. This model aims to capture the trend in judges’ responses to events more effectively, allowing

for a closer examination of the immediate reaction and impact over time. Rather than relying solely on a simple pre-and-post comparison, I employ a trimester-based approach. Specifically, I compare the trimester preceding the “Manada” event with the subsequent trimesters that follow it. To operationalize the analysis, I selected the trimester prior to the occurrence of the Manada event (specifically, the second term of 2016) as the reference category, which was assigned a value of -1. For the remaining trimesters, I used a numerical coding system where higher numbers correspond to trimesters further in time from the reference trimester. Notably, trimesters preceding the reference category were assigned negative values, while those succeeding it were assigned positive values.

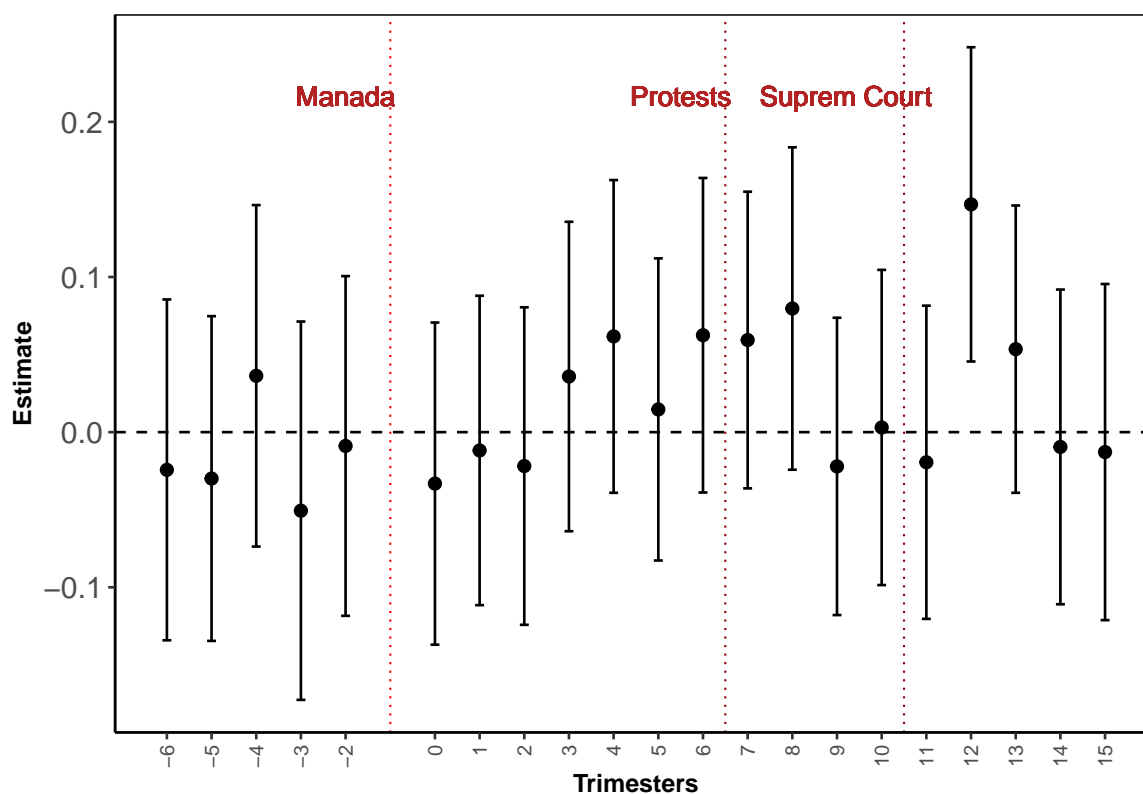


Figure 7: Event study analysis; previous trimester to the Manada as reference category.

Figure 7 presents the results of the event study model, depicting the impact of the interaction between sexual violence rulings (treatment group) and trimesters per year,

relative to the term preceding the “Manada” event. Although statistical significance is not observed across all terms, a notable increasing trend emerges for the initial eight trimesters, which becomes more pronounced starting from the third trimester and persists until the eighth trimester. This pattern suggests a potential delayed response from judges, likely influenced by the extended media coverage of the “Manada” case, resulting in an higher inclination to rule in favor of victims of sexual violence.

However, it is important to note that a subsequent decreasing pattern becomes apparent, possibly indicating a backlash effect of the protests. Moreover, when examining the terms 9, 10, and 11, the interaction effects between the treatment group and the trimesters approach zero. This suggests that the influence of the protests on the rulings of sexual violence cases diminishes during these periods. It could indicate either a backlash reaction that counteracts the previous effect of the media attention surrounding the “Manada” case or a short-term nature of the observed effects. These findings imply that the initial response to the protests was either temporary or mitigated by other factors, resulting in a return to a level of impact similar to the pre-Manada period.

Additionally, it is worth highlighting a distinct peak of a significant increase in term 12, which can be attributed to the Supreme Court’s intervention by revoking the initial ruling made by the Provincial Court of Navarra. This intervention indicates that the Supreme Court’s decision had a noticeable impact on the prosecution of sexual violence cases. However, it is important to acknowledge that this surge in prosecution may represent a short-term response, and attributing it solely to the Supreme Court’s decision is challenging. Various other factors and contextual elements may have influenced this observed trend.

6.3 Heterogeneous effects

The subsequent subsection will delve into the potential heterogeneous effects, seeking to uncover the determinants behind the variations observed in sexual violence rulings.

6.3.1 Gender

This section addresses potential heterogeneous effects by examining the gender of the judges in two ways. First, by analyzing the gender of the judge who authors the ruling ⁴ and, secondly, by exploring the gender composition of the panel. This analysis aims to uncover potential variations in the outcomes associated with the gender of the judges involved in the decision-making process in the aftermath of the “Manada” case.

The results from model 1 in Table 4 reveal that the presence of a male judge as the author, compared to a female judge, has a negative impact on the level of prosecution following the occurrence of the Manada case. However, it is important to note that this effect is not statistically significant for any of the events examined, including the Manada case, protests, and the Supreme Court overturn.

When examining the gender composition model, it is important to note that the model has fewer observations compared to the other model. This is due to the unavailability of data on the names of all judges involved in the panel, which could introduce potential bias in the results. Therefore, it is necessary to interpret the findings of this particular model with caution.

Having said that, interestingly, it is observed that the Manada event has a higher and statistically significant effect (at a 90% confidence level) on panels where the majority of judges are males compared to panels where the majority are females. Specifically, the effect size is estimated to be 0.112. Furthermore, the coefficient for the interaction between feminist protests following the initial ruling and sexual violence rulings in panels with a majority of males shows a positive effect, although it is not statistically significant. Finally, regarding the overturn of the ruling by the Supreme Court, it changes sign and is very close to 0, indicating that there are no significant differences by gender regarding the event. Figure 8 summarizes better the results for both models.

⁴In Spanish that judge is known as “ponente”.

Table 4: Difference-in-Difference regression models: heterogeneous effects by gender

	<i>Dependent variable:</i>	
	Prosecute	
	(1)	(2)
Post	−0.037 (0.024)	0.009 (0.033)
Post Manada	0.009 (0.029)	0.069* (0.040)
Post Protests	−0.008 (0.028)	0.031 (0.039)
Post Supreme	0.154*** (0.032)	0.223*** (0.044)
Sexual Violence	−0.145 (0.531)	
Judge Author Male		−0.029 (0.035)
Majority Male	−0.010 (0.052)	
Post-Manada x Sexual Violence x Male Author	−0.011 (0.059)	
Post-Protests x Sexual Violence x Male Author	−0.031 (0.058)	
Post-Suprem x Sexual Violence x Male Author		0.112* (0.067)
Post-Manada x Sexual Violence x Majority Male		0.069 (0.076)
Post-Protests x Sexual Violence x Majority Male		−0.005 (0.076)
Post-Supreme x Sexual Violence x Majority Male	0.508** (0.250)	0.389 (0.464)
Judge Fixed Effects:	Yes	Yes
Region Fixed Effects:	Yes	Yes
Observations	10,700	6,690
R ²	0.243	0.287
Adjusted R ²	0.176	0.202
Residual Std. Error	0.451 (df = 9829)	0.443 (df = 5979)
F Statistic	3.631*** (df = 870; 9829)	3.384*** (df = 710; 5979)

Note:

*p<0.1; **p<0.05; ***p<0.01
OLS models

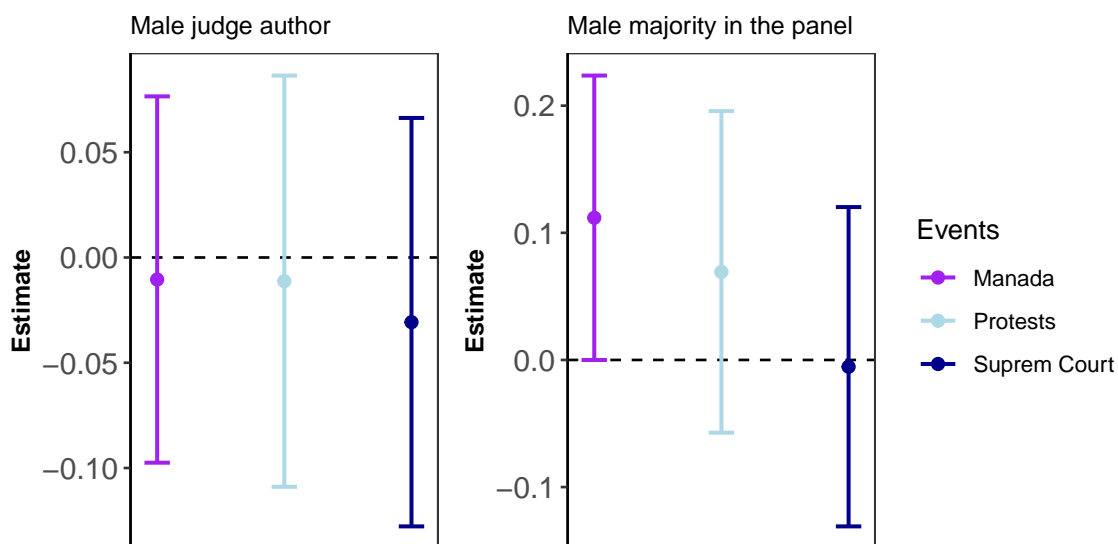


Figure 8: Heterogeneous Effects by Gender: Influence of Male Judge Author and Majority Male Panel after the Post-Manada Period.

6.3.2 Location

The next subsection delves into the heterogeneous effects by location, putting the focus on the impact of the Manada case in the region of Pamplona where the gang rape and the first ruling took place. Two distinct strategies are employed to examine these effects.

First, in order to examine the heterogeneous effects by location, I utilize a dummy variable approach where Pamplona is assigned a value of 1, while the rest of the regions are assigned a value of 0. The results of this analysis are presented in Table 5. The first model examines the aggregated effect by considering the post-Manada period as a single category, while the second model provides a more detailed analysis by separately considering the three key events: the Manada case, protests, and the Supreme Court overturn, compared to the period before the Manada case. The findings reveal a notably strong and statistically significant positive effect (at a 95% confidence level)

for the interaction with the Pamplona dummy variable. This indicates that judges in Pamplona demonstrated a higher tendency to prosecute sexual violence cases compared to the average observed in the rest of the regions in Spain after the “Manada” case took place. In addition, the second model allows us to see that the effect was mainly driven by the “Manada” event per se as well as the feminist protests that took place after the initial ruling provided by the Provincial Court of Pamplona.

Table 5: Heterogeneous Effects by Location - Comparing Pamplona to Rest of the Regions

	<i>Dependent variable:</i>	
	Prosecute	
	(1)	(2)
Post	0.010 (0.014)	
Post Manada		−0.005 (0.016)
Post Protests		0.030 (0.018)
Post Supreme		0.023 (0.019)
Sexual Violence	0.173*** (0.021)	0.173*** (0.021)
Pamplona	0.120 (0.329)	0.132 (0.329)
Post x Sexual Violence x Pamplona	0.456** (0.192)	
Post Manada x Sexual Violence x Pamplona		0.476** (0.216)
Post Protests x Sexual Violence x Pamplona		1.025*** (0.336)
Post Supreme x Sexual Violence x Pamplona		0.102 (0.240)
Constant	0.594*** (0.102)	0.594*** (0.102)
Judge Fixed Effects:	Yes	Yes
Observations	10,875	10,875
R ²	0.241	0.243
Adjusted R ²	0.175	0.176
Residual Std. Error	0.451 (df = 10005)	0.451 (df = 9997)
F Statistic	3.648*** (df = 869; 10005)	3.650*** (df = 877; 9997)

Note:

*p<0.1; **p<0.05; ***p<0.01

OLS models.

No region controls to avoid an excess of multicollinearity.

Secondly, I also directly compared the outcomes in Pamplona with those in the rest of the regions, setting Pamplona as the reference category, which allows for a more detailed examination. Figure 9 captures the effects of the three-way interaction (the “Manada” event ⁵, treatment group, and location, with Pamplona serving as the reference point). The plot highlights in red the regions in Spain where judges, in the treatment group, exhibited a statistically significant decrease (at 95% level) in the prosecution of sexual violence cases after the “Manada” event, compared to Pamplona.

Notably, the areas shaded in red, where the negative effect is observed, indicate that judges in those locations prosecuted less following the “Manada” event, relative to Pamplona. The significance of these findings across various judicial parties in Spain suggests that location plays a crucial role in shaping the response of judges to the “Manada” event.

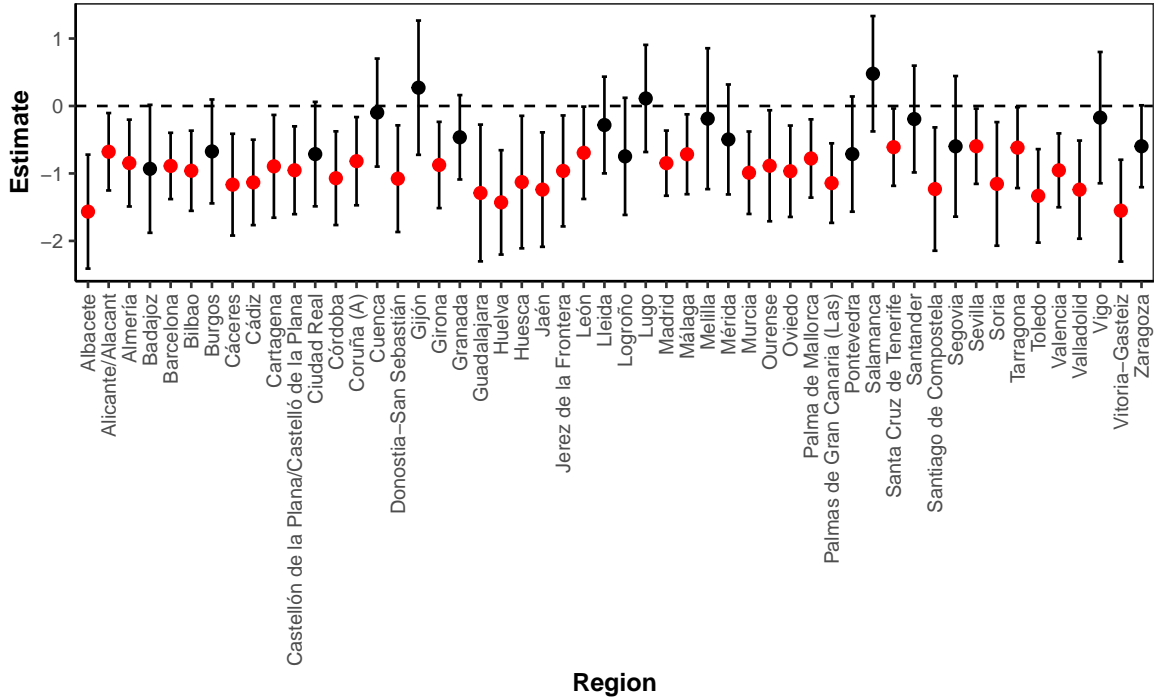


Figure 9: Effects of "La Manada" Event on Prosecution of Sexual Violence Cases conditioned by location.

⁵The post-Manada period is also treated as a single category compared solely to the pre-period.

6.4 Robustness tests

One limitation of this study is the challenge of establishing causality for the observed increase in the prosecution of sexual violence cases. This challenge stems from two factors: 1) disentangling the effects of subsequent events following the “Manada” case and 2) accounting for potential confounding factors that might pose an endogeneity problem. While the main analysis addresses the first factor, the second remains challenging. Difference-in-difference strategies do not automatically rule out external events that could influence the results. For instance, it is plausible that the increase in prosecutions is driven by a higher reporting rate of sexual violence cases, possibly influenced by the ‘Manada’ case and related protests. Gándara-Guerra (2022) reports evidence of the 8th of March protests in Spain leading to an increased likelihood of reporting gender violence assaults. This suggests that the “Manada” event and subsequent protests may have had a similar impact on sexual violence cases.

To address potential endogeneity concerns, I run the first model (the pre-post difference-in-difference) using only cases that entered into the judiciary before the “Manada” case took place ⁶. However, treatment and control groups have different time averages for solving the cases, thefts are usually solved in around 2 months and a half, and sexual violence cases take about 10 and a half months. Therefore, leaving all the post-period would pose the problem of not having enough cases in the control group in the latter years. As a result, the analysis has been limited to the period between 2015 and 2017 (2017 included) to ensure comparability between the treatment and control groups.

Table 6 shows the results for the interaction term, where the treatment group is compared to the control after the Manada event has taken place. It has a coefficient of 0.088, and is statistically significant at the 90% level. This suggests that the Manada event still affected judges despite potential overreporting. Nonetheless, it is not possible to completely rule out the effect of overreporting in the trimesters not included in

⁶There are enough cases that were judges before and after the “Manada” case took place.

the model (from 2018 onward) because it is very likely that women reported more of these crimes. However, despite the potential influence of overreporting, the results still suggest that judges exhibited a higher level of prosecution for sexual violence cases due to the “Manada” effect.

Table 6: Robustness: Difference-in-Difference regression model with cases reported before the Manada case

	<i>Dependent variable:</i>
	Prosecute
Sexual Violence	0.136*** (0.046)
Post Manada	0.030 (0.026)
Post Manada x Sexual Violence	0.088* (0.052)
Constant	0.656*** (0.178)
Judge Fixed Effects:	Yes
Region Fixed Effects:	Yes
Observations	2,751
R ²	0.310
Adjusted R ²	0.132
Residual Std. Error	0.466 (df = 2186)
F Statistic	1.743*** (df = 564; 2186)
<i>Note:</i>	*p<0.1; **p<0.05; ***p<0.01

In addition, to ensure the robustness of the findings, further analysis was conducted using logistic regression models. It is important to acknowledge that using a binary dependent variable can potentially alter the coefficients and their signs compared to the previous OLS regression models. Therefore, the main models were re-estimated using logistic regressions, and the results can be found in the appendix. Notably, the coefficients for the key variables of interest remained significant and exhibited the same direction of effect.

7 Discussion

The main goal of this study was to explore the relationship between public opinion and judicial behavior as well as the specific ways in which it manifests. For that, I used the context of the “Manada” case as it provided an ideal setting for the analysis due to the significant media attention and the profound impact on society.

The difference-in-difference analysis reveals a significant effect of the “Manada” case on the prosecution of sexual violence cases. Sexual violence rulings, exposed to the “Manada” event, exhibited a higher rate of successful prosecutions compared to the theft group. This finding suggests that the Manada event had a motivating effect on judges, leading to a more proactive stance in addressing sexual violence. On the one side, the analysis with different post periods indicates that the effect was primarily driven by the Supreme Court overturning the first ruling. It appears that judges reacted to the government of judges, particularly to their principal, the Supreme Court. This goes in line with literature that studies the effects of the Principal-Agent Theory applied to the Judicial systems (Kim 2010; Westerland et al. 2010) and strategic behavior theories (Lax and Rader 2015; Brace and Hall 1990; Hettinger, Lindquist, and Martinek 2004). Some of these find that judges might “obey” the decisions of the Supreme Court more, to avoid being overturned, and at the same time, increase their chances of promotion in the judicial ladder. However, while the majority of judges may be following directions from the Supreme Court, the Supreme Court itself likely changed its ruling due to public pressure, as high and more politicized courts are more likely to be influenced by public demands (Friedman 2009).

On the other side, it can not be completely ruled out that the salience of the “Manada” case had absolutely no effect on judges’ decisions on sexual violence cases. Taking a closer look at the event time study, we find that the “Manada” effect on its own shows a gradual increase in the prosecution of sexual violence cases. However, this effect becomes statistically significant (at a 90% level) only after a lag of seven periods from

the event. These findings suggest that judges may have responded to the increased media attention to the case, resulting in a higher number of prosecutions compared to the control group. This result is strengthened by the robustness test that showed how the decision was still significant even excluding the cases that were solved after 2018. Additionally, judges were aware of the public pressure on them because 750 judges reported to the European Council of Judges a threat against judicial independence in Spain due to public condemnation awoke by the Manada case. Nonetheless, the lack of more significant results could also be because the analysis could not control for other potential mediators such as ideology. Maybe more conservative judges were reacting more negatively to the pressures, whereas progressive judges took the opportunity to side more with the victims of sexual assaults; and these two opposed reactions could, in the end, contribute to the non-significant effects of the results, similarly to what Spirig (2021) shows in her study.

Regarding the heterogeneous effects, the results make an interesting contribution to the literature. On one hand, the “Manada” event had a greater impact on the prosecution of sexual violence cases in panels where the majority of judges were male compared to panels where the majority were female. This suggests that the occurrence of the “Manada” case had a stronger influence on the outcomes of sexual violence cases in panels predominantly composed of male judges (Martin and Pyle 2000). It could indicate that male judges were either more proactive in prosecuting these cases or felt more pressured to do so, particularly when there was at least one female judge on the panel. Literature has suggested that the presence of a female judge alone can exert enough pressure on male colleagues to lean towards female plaintiffs in cases involving women’s rights.

On the other hand, the location effects also indicate the importance of proximity to the case. Both the “Manada” event itself and the feminist protests displayed a positive and significant effect. This could be attributed to several factors. Firstly, there was greater media attention in Navarra, with more coverage of the case in newspapers and

TV news. Additionally, Google Trends data shows that Navarra had a higher number of searches related to the Manada case compared to other regions in Spain. Secondly, the protests may have been more intense in Navarra than in other regions, exerting additional pressure on judges in that area. Lastly, judges from courts in Pamplona were also influenced by personal factors, such as being known in their neighborhoods. If someone asked them about the ruling, they might have expressed a different stance, thereby distinguishing themselves from the judges involved in the original ruling.

In addition, it is also important to acknowledge the limitations of this study. Firstly, the dataset could not be manually revised, leading to the exclusion of some cases from the control group, which may introduce bias into the results. While efforts were made to minimize this bias through the selection criteria, the lack of manual revision limits the accuracy and completeness of the dataset. Secondly, disentangling the effects of the Manada case, protests, and the Supreme Court’s ruling posed a challenge in this study. The events were intertwined and influenced each other, making it difficult to isolate their individual impacts on judicial behavior. Moreover, accounting for external factors such as overreporting and other contextual influences adds further complexity to the analysis. Despite conducting robustness tests, these factors may still have influenced the outcomes and should be taken into consideration when interpreting the results.

Furthermore, this study focused solely on the number of prosecutions in sexual violence cases. While the findings suggest a significant effect of the Manada case on successful prosecutions, further research should explore additional dimensions of judicial behavior. Specifically, it would be important to investigate whether judges delivered harsher punishments in sexual violence cases after the Manada case. Considering that the initial ruling in the Manada case was a “condemn” for the defendants, examining the effects on sentencing outcomes would provide valuable insights into the broader impact of the case on judicial decision-making.

8 Conclusions

This study sheds light on the relationship between public opinion and judicial behavior, focusing on the context of the highly publicized “Manada” case in Spain. The findings suggest that public opinion does play a role in shaping judicial decision-making, particularly in cases of sexual violence. The analysis reveals a significant increase in the prosecution of sexual violence cases following the “Manada” event, indicating that judges felt motivated to respond to the public outrage and media coverage surrounding the case.

The influence of public opinion on judicial behavior appears to operate through multiple channels. Firstly, the intervention of the Supreme Court, which overturned the initial ruling, seems to have driven judges to align their decisions with the high court, potentially to avoid being overturned and enhance their chances of career advancement. Secondly, the salience and media attention generated by the “Manada” case itself contributed to a gradual increase in the prosecution of sexual violence cases. Judges may have been responsive to the heightened public awareness and scrutiny of such cases, recognizing the need to address societal concerns and protect the integrity of the judicial system. This responsiveness is even more pronounced for judges located in Pamplona, where the “Manada” case took place. Thus, proximity to the case also plays a significant role in prompting judges to respond to public opinion pressures, given the stronger public reaction. The proximity factor is intriguing and contributes to our understanding of the conditions under which judges are influenced by public opinion.

These findings contribute to a deeper understanding of the complex dynamics shaping the judicial response to high-profile events and public opinion. While judicial responsiveness to public sentiment can be seen as a positive aspect of democratic governance, as it reflects a connection between the judiciary and the concerns of the public, it also raises concerns about the potential compromise of judicial independence. It is

crucial to strike a balance between judges' impartiality and their awareness of societal demands. Further research is needed to explore the long-term consequences of judicial responsiveness to public opinion and to develop strategies for upholding the integrity and effectiveness of democratic institutions.

In conclusion, this study highlights the intricate interplay between public opinion and judicial decision-making, emphasizing the need for a comprehensive understanding of the factors that shape judges' behavior. By investigating the specific context of the "Manada" case in Spain, this research contributes to the existing literature on judicial behavior and provides valuable insights into the influence of public sentiment on the judiciary. Ultimately, a nuanced understanding of the relationship between public opinion and judicial decision-making is essential for the maintenance of a fair and effective justice system in democratic societies.

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Appendix

Logistic regressions for the main Difference-in-Difference models

This appendix provides the logistic regression results for the main Difference-in-Difference (DiD) models used in the analysis.

Table 7: Difference-in-Difference regression models

	<i>Dependent variable:</i>	
	Prosecute	
	(1)	(2)
Post	0.028 (0.070)	
Post Manada		−0.044 (0.078)
Post Protests		0.126 (0.091)
Post Supreme		0.100 (0.092)
Sexual Violence	0.828*** (0.104)	0.827*** (0.104)
Post x Sexual Violence	0.223* (0.116)	
Post-Manada x Sexual Violence		0.157 (0.129)
Post-Protests x Sexual Violence		0.211 (0.147)
Post-Supreme x Sexual Violence		0.332** (0.147)
Constant	0.382 (0.531)	0.378 (0.530)
Judge Fixed Effects:	Yes	Yes
Observations	10,875	10,875
Log Likelihood	−5,970.564	−5,963.032
Akaike Inf. Crit.	13,673.130	13,666.070

Note:

*p<0.1; **p<0.05; ***p<0.01

Logit models with cluster standard errors of type HC3