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The judicial superego: Implicit egoism, internalized racism, and prejudice in three million sentencing decisions

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Abstract

I document implicit egoism across 3 million sentencing decisions. In administrative data from the U.S. New Orleans District Attorney's office for 1988–1999 and Chile for 2014–2019, sentences are 8% longer and 2% longer, respectively, when the judge and defendant's first initials match. Name letter effects measure implicit self-esteem. Faced with ego threat, high self-esteem individuals punish negatively valenced targets as self-regulation. In New Orleans, effects are larger for Black defendants labeled by police as "N" rather than "B." Consistent with recent theoretical models, Black–White sentence differences double for egoist judges, and this effect is especially pronounced among Black judges.

1 | INTRODUCTION

An individual's name is one of the most important components of self-identity (Allport, 1937). Self-esteem has become one of the most researched topics in psychology (Sedikides et al., 2004; Swann et al., 2007) and has recently entered economic models (Bénabou & Tirole, 2011; Grossman, 2015; Köszegi, 2006) and experimental economics (Schwardmann & Van der Weele, 2019). This paper uses the matching of first initials to study self-esteem. Studying matching first initials is part of an experimental paradigm (i.e., unit relation) to increase the psychological connection between a decision-maker and something being evaluated (Emmons, 1984; Heider, 2013). Since Greenwald and Banaji (1995) theorized that the name letter effect could form the basis of an indirect measure of self-esteem, the

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name letter effect has become one of the most frequently used implicit self-esteem measures (Stieger et al., 2012, 2014). Only the name letter effect and the Implicit Association Test approach are acceptable levels of test–retest reliability in psychometric properties of implicit self-esteem measures (Bosson et al., 2000). The name letter effect has also been studied in field (Anseel & Duyck, 2008; Chandler et al., 2008; Coulter & Grewal, 2014; Gallucci, 2003; Hodson & Olson, 2005; Jones et al., 2004; Pelham et al., 2002, 2003; Nuttin, 1985, 1987). While the psychologists' studies have been criticized for lacking observational controls (for summary and critique, see Simonsohn, 2011a, 2011b; Silberzahn et al., 2014), two recent studies by economists report that entrepreneurs chose to name firms after themselves and doing so is associated with higher profits, higher return on assets, and fewer ownership changes (Belenzon et al., 2017), and police officers are more lenient in issuing speeding tickets for individuals who share the police officer's name (Jena et al., 2018).

This paper departs from the recent field studies by linking more closely to the theory of self-regulation and prejudice (Bénabou & Tirole, 2003, 2016; Heidhues et al., 2019). Our findings on the influence of self-esteem in judicial decision-making complement the research by Bi et al. (2019), who analyzed CVs of economics scholars to understand the impact of self-esteem in professional settings. People are extremely reluctant to revise their self-appraisals in a downward direction. Baumeister et al. (1996) label as "ego threat" when favorable views about oneself are questioned, contradicted, impugned, mocked, challenged, or otherwise put in jeopardy. Those with inflated self-appraisals are vulnerable to experiencing ego threats (Baumeister, 2001). To self-regulate, individuals engage in motivated behaviors. Following an ego threat, they direct cognition to avoid downward revision of self-concept (Baumeister et al., 1996). A simple experiment illustrates (Jones et al., 2002): Explicit self-esteem was measured using a 10-item self-response scale. Then, when subjects were asked to write about a personal flaw, subjects with high self-esteem reported liking their own name letters quite a bit more than did low self-esteem subjects. This effect did not appear in a control treatment, where subjects were asked to write about a positive, important, stable aspect of who they are (an exercise in self-affirmation).

Directed cognition can also lead to action. Following threat, individuals aggress against the source of the perceived threat (Bushman & Baumeister, 1998). Aggression can be directed against an individual with the same identity as the threatener (e.g., the individual and the threatener are on the same athletic team) (Gaertner & Iuzzini, 2005). Individuals socially distance themselves from negatively valenced targets associated with the self (Chandler et al., 2008; Finch & Cialdini, 1989). They seek to distinguish themselves from that person or to punish for the additional emotional cost that is experienced (Baumeister et al., 1996; Boyd & Robinson, 2015; Bushman & Baumeister, 1998; Howard & Kerin, 2011).

In the policy domain, legal academic and former public defender Forman (2017) asked why so many majority-Black jurisdictions ended up incarcerating so many of its own race and argued that Black leaders feared the gains of the civil rights movement were being undermined by lawlessness. Forman, 2017) describes black officials who displayed tremendous hostility towards defendants, describing them as "cancer to be cut away from the rest of the black community", pushing for harsher penalties, necessary to protect the black community. They believed they were protecting the legacy of the civil rights movement in the face of self-immolation. Forman, (2017) quotes a Black judge famous for a Martin Luther King speech: "You might think you have it hard. But let me tell you, it was harder once. Black boys picked cotton once upon a time. Sat in the back of the bus—those who were lucky enough to even be on the bus, and not walking."

> … Now you can go to school.. it is possible. And people fought, struggled, and died for that possibility. Dr. King died for that, son. And what are you doing? Not studying! No, you are cutting class, runnin' and thuggin' … Dr. King did not march and die so that you could be a fool… that was not his dream."

In my study, I use an initial match to trigger a unit relation, a connection to the judge's self, and the fact that it is connection to criminal activity that is negatively valenced, which can lead to additional punishment. My approach to studying name letter effects uses each judge as their own control. Because judges may differ in their sentencing tendencies, I look at instances in which judges sentence a defendant whose first initial matches their own and sentences another whose first initial does not. I also account for the type of case, the month, the year, the day, and week of the decision.

In New Orleans, I find that judges assign 8% longer sentences when the first initial of their first name matches the defendant's. The effects amplify when the first and second letter match. (The second letter is usually a vowel, so this is roughly the first half of the first syllable—phoneme or formant—of the name.) The effects double when the entire name matches. The effects appear for 80% of judges in my sample, with roughly 10% displaying no effects and 10% displaying effects of the opposite sign. As replication, I also investigate the last name. Judges assign 7% longer sentences when the first initial of their last name matches.

The second part of my analysis explores whether some groups differentially bear the brunt of behavioral bias of judges. As Simonsohn (2011b)'s critique of name letter effects stipulated, settings where people are closer to indifference among options are more likely to lead to detectable effects outside of behavioral bias outside the lab. This implies that documenting behavioral bias in judges helps identify "revealed preference indifference." We can see if judges are more indifferent to certain groups of defendants. Cuenca (2017) attributes Ferguson to the violence of indifference. Conscious processing, directed by reflective thought, and thinking about reasons inhibit the name letter effect (Brendl et al., 2005; Koole et al., 2001). In contrast, in cases of legal indifference, irrelevant factors can be expected to have greater influence. A judge could be said to have weak preferences, meaning that there was a relatively low cost in departing from the legally optimal outcome. Lack of reflection or attention has also been modeled as "attention discrimination" (Bartoš et al., 2016).

Accordingly, I investigate whether African–American defendants labeled by police with the letter "N" as opposed to "B" bear the brunt of name letter effects. I find that first initial effects appear significantly only for defendants labeled as "N" (11% longer sentence lengths) and not for those labeled as "B." Note that "N" can refer to many different racial slurs. This difference-in-indifference is robust to a rich set of controls for skin color, eye color, and hair color. The difference-in-indifference is not because of time, as Black defendants are labeled by police as "N" throughout 1988–1999. My finding echoes three analyses looking at the effect of race and group labels on moral cognition: minority juveniles were particularly likely to bear the brunt of the impact of football game losses on judicial decisions (Eren & Mocan, 2016); newspaper ban on describing immigrants as "illegal" as opposed to "undocumented" affected attitudes towards immigrants (Djourelova, 2019); an experiment in the American National Election Survey asking questions using the term "homosexual" as opposed to "gay" (a more inclusive label) affected attitudes on gay and lesbian rights (Smith et al., 2018).

The third part of my analysis tests a recent theoretical proposition that individuals with high self-appraisals may discriminate more. I am able to do so because my data includes defendant race and the initial-match measures implicit self-esteem. I identify a judge-specific name letter effect and divide the sample of judges between egoist judges, defined as those whose name letter effects exceed 10% (about one-third of the sample), and non-egoist judges. Judges whose name letter effect is lower than 10% (about two-thirds of the sample) issue sentences for Black and White defendants that differ by 16%. Egoist judges issue significantly larger sentencing disparities of 33%. Finally, consistent with Forman Jr (2017)'s personal observation defending black defendants of harsh black law officials, when I analyze sentencing disparities separately for White and Black judges (Black judges comprise 28% of the sample, but comprise 40% of the egoist judges), I find that non-egoist black judges issue sentences for Black and Whites that do not significantly differ—but egoist black judges issue significantly larger sentencing disparities of 46%.

I conclude with a replication using administrative data from Chile, which provides 2.7 million sentences since 2014. Sentences are 2% longer when the judge and defendant's first initials match, and they double to 4% when the entire name match. I lack data on race to test whether individuals with high self-appraisals (Heidhues et al., 2019)

measured via self-regulation (Bénabou & Tirole, 2003, 2016) are more likely to discriminate. Section 2 describes the U.S. data and methods, Section 3 the results, Section 4 the Chilean data and results, and Section 4 concludes.

2 | METHODS

The U.S. data consist of 47,371 judicial rulings, collected from 1988–1999, by the New Orleans Parish District Attorney's Office. Its prosecuting attorneys are responsible for enforcing state criminal laws to protect and serve the citizens of New Orleans and surrounding areas. In January 1988, the Orleans Parish District Attorney established and instituted an office-wide computerized system to collect data on every case processed through the office. The data collection system was designed as an internal office management tool. The system collects data about each criminal case that enters the prosecutor's office at every step of the process, and for the purposes of this study, the names of defendants and judges, and the police categorization of race, skin, hair, and eye color.

Once the cases went to the court, they were randomly assigned to a court section by the clerk's office. These court sections are labeled as A through Q in Appendix Figure A.1. The Orleans Parish Criminal District Court is composed of Sections A through L, as well as Magistrate and Drug Sections. Each of the A through L Sections is composed of a single judge, all of whom were located in the same courthouse on multiple levels. Louisiana Supreme Court Rule 14 governs the allotment of District Court criminal cases in the state (La. Dist. Ct. R. 14.0.). This allotment is random.[1] The rules specific to the Orleans Parish stipulate:

> The Clerk will assign daily, randomly, and by allotment among the Sections having felony jurisdiction all felony indictments, bills of information charging felony offenses, and appeals from Municipal Court and Traffic Courts and other pleadings shall be allotted among Sections A through L and the Magistrate Section. This allotment shall be conducted by the Clerk and shall be open to the public. The District Attorney shall be notified of the allotment. A computer generated random allotment system be and is hereby implemented by the Clerk's Office for all cases filed with the Clerk of the Orleans Parish Criminal District Court.[2]

The random assignment occurs through a "bingo" system. When the District Attorney's office accepts cases, they send the files to the clerk of court. The clerk then constructs an "allotment sheet." First, the cases are divided into classes based on the seriousness of the crimes charged (Class 1 and Class 2 felonies, along with various classes of misdemeanors). The clerk then matches the available judges to the incoming crimes within a given class. The number of eligible judges for the week's allotment determines how many marked balls go into the bingo machine is determined by the number of eligible judges for the week's allotment. Once a judge has been assigned a case from that class, he or she will not receive another assignment until all the other judges in that week's allotment have also received one case from that class. Each class of crimes is allotted separately.

[1]Felony cases must be scheduled randomly to prevent the district attorney from choosing a specific trial judge on the trial day and violating due process requirements. *State v. Simpson*, 551 So. 2d 1303, 1989 La. LEXIS 2677 (La. 1989).

[2]The use of a computer may be unlikely for the early years of the data collection. La. Dist. Ct. R. 14.0, Appendix 14.0A, available at http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX14.0A.pdf. The 1991 version of Orleans Parish's Rule 14 was written as follows: "All cases pending in the criminal district court shall be allotted equally among Sections A, B, C, D, E, F, G, H, I, and J of the court. Except on Sundays, legal holidays, and legal half-holidays, the allotment of cases shall be made publicly by classes daily at noon by the clerk or a deputy clerk selected by him, in the presence of the district attorney. The fact the accused was committed for trial at a preliminary examination shall not be grounds for the recusation of the trial judge who held the preliminary examination." 1991 La. R.S. 13:1343.

TABLE 1 Testing for random assignment of cases.

Dependent variable	First initial match (first name)		First initial match (last name)	
Pre-determined characteristics	**Coef.**	**(s.e.)**	**Coef.**	**(s.e.)**
Judge male	0.0146	(0.0161)	0.00747	(0.0227)
Judge Republican	0.0435	(0.0310)	0.0276	(0.0314)
Judge Black	0.0224	(0.0434)	−0.0253	(0.0412)
Judge Tulane Law School	0.0224	(0.0301)	0.0271	(0.0407)
Judge Southern University Law School	0.0234	(0.0277)	−0.00355	(0.0146)
Judge LSU Law School	−0.0779	(0.0606)	−0.104	(0.0900)
Judge Loyola Law School	0.0635	(0.0568)	0.103	(0.0624)
Judge over 60	0.00515	(0.0642)	0.0632	(0.0655)
Defendant male	0.00696	(0.0172)	−0.00591	(0.00890)
Defendant has scar, mark, or tattoo	−0.00923	(0.00946)	0.0132	(0.0114)
Defendant has brown skin	−0.00724	(0.00876)	0.0145*	(0.00763)
Defendant has black hair	−0.0155	(0.0125)	−0.00349	(0.0118)
Defendant height in feet	0.0270	(0.0433)	0.0510*	(0.0291)
Defendant weight	1.254	(1.758)	2.257	(1.678)
Defendant age	0.502	(0.541)	1.018	(0.446)
Time (month by year)	0.942	(1.307)	−0.254	(1.265)
Time (week of month)	−0.134	(0.371)	0.219	(0.375)
Time (day of week)	0.0337	(0.0248)	0.00522	(0.0381)

Notes: Robust standard errors clustered at the judge level in parentheses
*p<.10,**p < .05,***p < .01.

I find no change in pre-determined judge or defendant characteristics when the first letter matches (see Table 1)[3]. The first letter match rate is 6.4%, which is roughly 1/15 or what one would expect with random shuffling of 15 letters (not all letters are evenly used, see Appendices B and C).

3 | RESULTS

3.1 | Results on first initial of first name

I find that the sentence length is longer for defendants whose first initial matches the judge's first initial. This pattern is evident on the left in Figure 1, which graphs the density of log sentence length.[4] When the first letter of a judge's and defendant's name matches, judges reduce the likelihood of assigning sentences of zero length and 1 year and increase their likelihood of assigning larger sentences. The distribution appears roughly log-normal.

To account for the possible role of covariates in the patterns depicted in Figure 1, I present a multivariate regression with log sentence length as the dependent variable and a judge fixed effect to control for the idiosyncratic tendencies for a judge, month by year fixed effect to control for the tendencies to sentence that change over time, case class fixed effect to control the fact that sentences likely differ by type of case, case class by month by year fixed effect to control for differences in case type over time, alphabetic identity of the letter to control for

[3]Appendix Tab. A.1 reports another assessment of random assignment.
[4]It is the exponential logarithm of 1+total sentence in days.

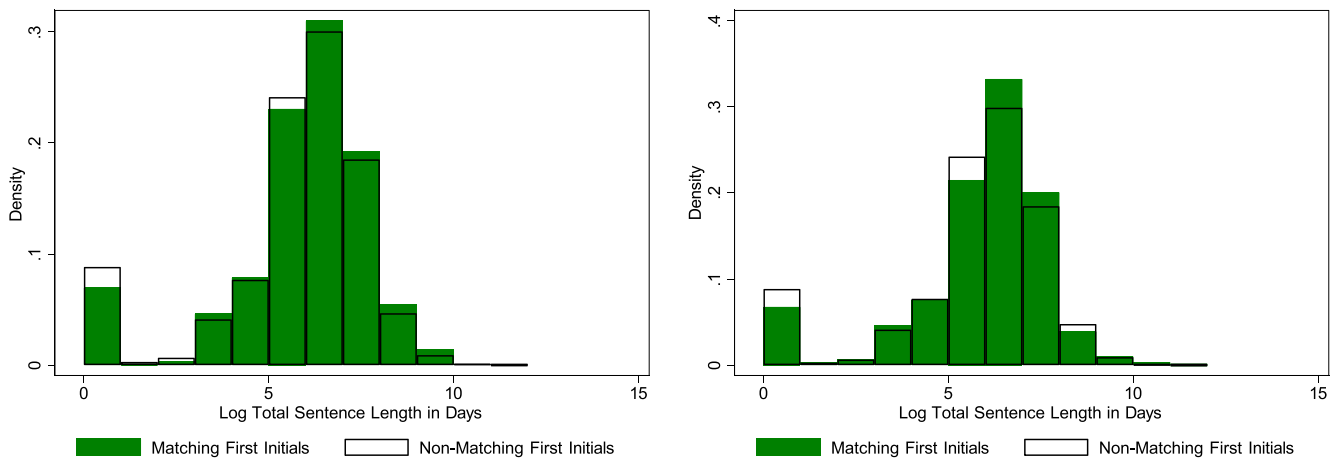

FIGURE 1 Density (name letter effect). [Colour figure can be viewed at wileyonlinelibrary.com]

TABLE 2 Name letter effect in judicial sentencing (first name).

	Log of total sentence in days						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
First letter match	0.0851**	0.0801**	0.0929**	0.0858**	0.0812**	0.0821**	0.0820**
	(0.0399)	(0.0392)	(0.0380)	(0.0374)	(0.0373)	(0.0374)	(0.0374)
N	47,371	47,363	47,235	47,190	47,190	47,190	47,190
Adj. R^2	0.307	0.319	0.461	0.473	0.473	0.475	0.475
Judge FE	X	X	X	X	X	X	X
Month × year FE		X	X	X	X	X	X
Case type FE			X	X	X	X	X
Case type × month × year FE				X	X	X	X
Letter FE					X	X	X
Week of year FE						X	X
Day of week FE							X

Notes: Robust standard errors clustered at the judge level in parentheses
*p < .10,**p < .05,***p < .01.

idiosyncratic differences in sentence length that differ by defendant's first initial, week fixed effects to control for idiosyncratic differences within month, and day of week fixed effects to control for idiosyncratic differences within week (Table 2).

The key predictor is an indicator for whether the first initials of the defendant and the judge match, which occurs 6.4% of the time (see Appendix B for frequency distributions of first initials of defendants and judges). When they match, sentence lengths are 8% longer, equivalent to roughly 70 days or 2–3 months longer on average. The coefficient is positively signed and statistically significant, confirming that the pattern in Figure 1 is robust to controlling for the attributes of the case and the judge. Adding the controls gradually renders a very stable effect, further assuaging concerns of omitted variables.

The results are extremely similar in analyses where I drop outliers (see Table 3). Results are similar whether sentence lengths are winsorized (outliers replaced by the threshold value) at the 1% or 5% level, or to sentences whose log length is less than 8. In addition, I rerun my basic specification with the first letter of a randomly reassigned name (a natural bootstrap with 200 draws). The true *t*-statistic lies to the right of all the other simulated *t*-statistics (see Figure 2).

3.2 | Results on first initial of last name

The results are similar in analyses of first initial matches of the last name, which occurs 6.2% of the time. This pattern is evident on the right of Figure 1. When the first letter of a judge's and defendant's last name matches, judges again reduce the likelihood of assigning sentences of zero length and 1 year and increase their likelihood of assigning larger sentences.

Table 4 reports that sentences are 7% longer for defendants whose first initial of their last name matches the judge's last name.[5] The coefficient is positively signed and statistically significant, and adding controls gradually

[5]Only 0.4% of observations have both the first and last name's first initials matching between the judge and defendant. Twelve percent of observations have the first letter of the first name or the first letter of the last name matching between the judge and defendant.

TABLE 3 Name letter effect robustness to outliers (first name).

	Log of total sentence in days			
	(1)	(2)	(3)	(4)
First letter match	0.0929**	0.0940**	0.0888**	0.0826**
	(0.0380)	(0.0372)	(0.0373)	(0.0404)
N	47,246	47,246	47,246	44,511
Adj. R^2	0.461	0.462	0.461	0.440
Sample	All	All	All	< 8
Winsorize	None	1%	5%	None
Judge FE	X	X	X	X
Month × year FE	X	X	X	X
Case type FE	X	X	X	X

Notes: Robust standard errors clustered at the judge level in parentheses
*p < .10,**p < .05,***p < .01.

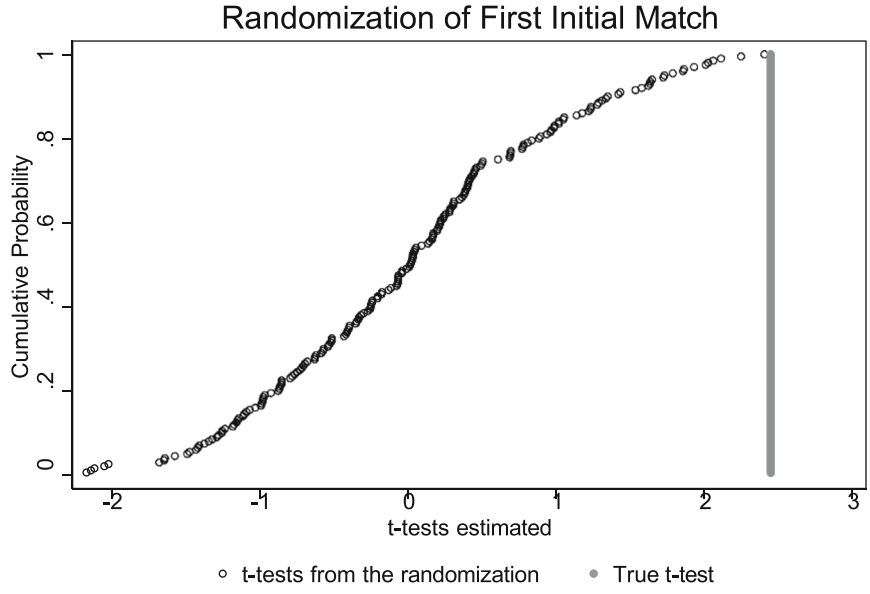

FIGURE 2 Randomization inference with randomly reassigned names.

renders a very stable effect, assuaging concerns of omitted variables. The results are again extremely similar in analyses where I drop outliers, whether sentence lengths are winsorized (outliers replaced by the threshold value) at the 1% or 5% level or restricting to sentences whose log length is less than 8 (see Table 5).

3.3 | Results on first and second letter match

The theories about first initial effects would seem to imply first and second letter matches (the formant) should amplify name letter effects. Table 6 shows the effects are larger when the first and second letter of the first name

TABLE 4 Name letter effect in judicial sentencing (last name).

	Log of total sentence in days						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
First letter of last name match	0.0706*	0.0801*	0.0676*	0.0659*	0.0637*	0.0609*	0.0614*
	(0.0416)	(0.0412)	(0.0342)	(0.0338)	(0.0332)	(0.0324)	(0.0322)
N	47,371	47,363	47,235	47,190	47,190	47,190	47,190
Adj. R^2	0.307	0.319	0.461	0.473	0.473	0.475	0.475
Judge FE	X	X	X	X	X	X	X
Month × year FE		X	X	X	X	X	X
Case type FE			X	X	X	X	X
Case type × month × year FE				X	X	X	X
Letter FE					X	X	X
Week of year FE						X	X
Day of week FE							X

Notes: Robust standard errors clustered at the judge level in parentheses
*p < .10,**p < .05,***p < .01.

TABLE 5 Name letter effect robustness to outliers (last name).

	Log of total sentence in days			
	(1)	(2)	(3)	(4)
First letter of last name match	0.0676*	0.0615*	0.0620*	0.0777**
	(0.0342)	(0.0336)	(0.0339)	(0.0360)
N	47,235	47,235	47,235	44,505
Adj. R^2	0.461	0.461	0.460	0.440
Sample	All	All	All	< 8
Winsorize	None	1%	5%	None
Judge FE	X	X	X	X
Month × year FE	X	X	X	X
Case type FE	X	X	X	X

Notes: Robust standard errors clustered at the judge level in parentheses
*p < .10,**p < .05,***p < 0.01.

match, which happens 1.7% of the time, or the first and second letter of the last name match, which happens 1.6% of the time.[6] The coefficient stabilizes with the inclusion of the main controls. Figure 3 shows the corresponding shifts in densities to assuage concerns of outliers.

[6]3.3% of the cases have first and second letter matches of the first name or the last name.

TABLE 6 Name letter effect in judicial sentencing (first and second letter).

	Log of total sentence in days						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
First and second letter match	0.225***	0.223***	0.168***	0.158**	0.155***	0.154***	0.154***
	(0.0668)	(0.0661)	(0.0578)	(0.0586)	(0.0565)	(0.0552)	(0.0550)
N	47,371	47,363	47,235	47,190	47,190	47,190	47,190
Adj. R^2	0.307	0.320	0.461	0.473	0.473	0.475	0.475
Judge FE	X	X	X	X	X	X	X
Month × year FE		X	X	X	X	X	X
Case type FE			X	X	X	X	X
Case type × month × year FE				X	X	X	X
Letter FE					X	X	X
Week of year FE						X	X
Day of week FE							X

Notes: Robust standard errors clustered at the judge level in parentheses. First and second letter match means whether the first and second letters of the first name or the first and second letters of the last name matches.
*p < .10,**p < .05,***p < .01.

3.4 | Results on full name match

The theories about first initial effects would also seem to imply a full name match should also amplify name letter effects. According to the theory of memory encoding and retrieval, specifically, Dual-Coding Theory and the Levels of Processing Framework (Craik & Lockhart, 1972; Paivio, 1991), full names (consisting of first and last names) are likely encoded more deeply than partial names or initials. This is because full, identifiable, names provide a richer set of associative cues and are processed at a deeper semantic level (Meyers-Levy, 1989). When encountering a full name, individuals are more likely to engage in elaborate encoding, linking the name to other personal information, which facilitates easier retrieval from memory. In contrast, names represented only by an initial may not evoke the same level of semantic processing and associative encoding, leading to less efficient retrieval. The Attentional Control Theory (Eysenck et al., 2007) suggests that full names are more likely to capture attention because of their specificity and familiarity. This increased attention can enhance cognitive processing and memory encoding. In contrast, first initials might not trigger the same level of attention and recognition, potentially leading to weaker memory encoding and retrieval processes (Ramey et al., 2020). Full names, being more specific and distinctive, reduce the cognitive load (Sweller, 2011) during the recognition process as they provide clear and unambiguous information. On the other hand, initials might increase cognitive load because of the uncertainty and ambiguity involved in identifying oneself, which can affect cognitive processing efficiency (Howard & Kerin, 2011).

Table 7 shows the effects are larger when the first or last name matches, which happens 0.64% of the time. Table 8 shows that, even excluding sentences with a full name match, the effect of first initial matches hold.

3.5 | Results on name letter frequency

Letter frequency might amplify name letter effects, as uncommon letters might generate more salience when the first initial matches. I use data from the U.S. census to calculate name frequency. Table 9 shows that the effects are larger for rare letters. Figure 4 shows the corresponding effects for each frequency bin of the first initial to assuage concerns of outliers.

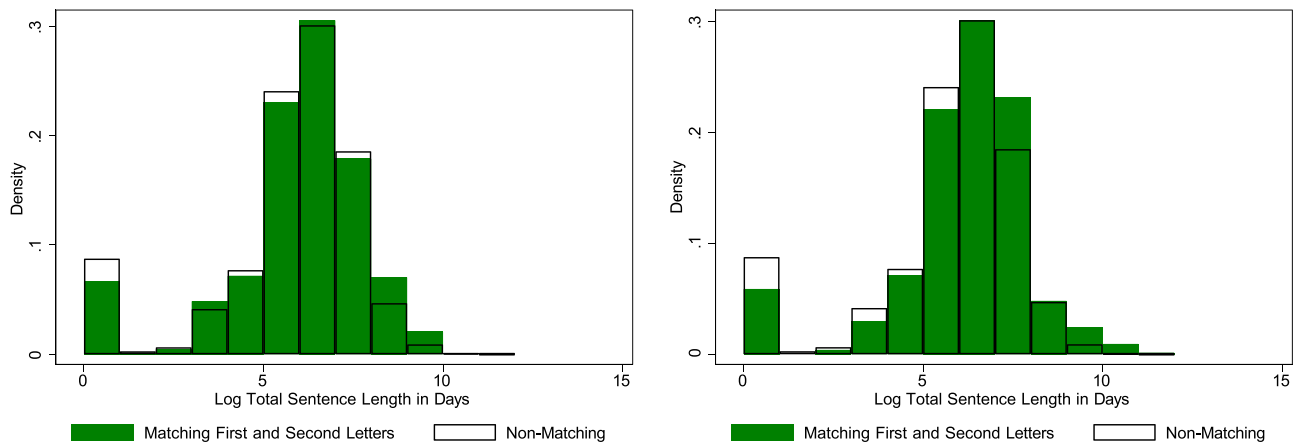

FIGURE 3 Density (first and second name letter effects). [Colour figure can be viewed at wileyonlinelibrary.com]

TABLE 7 Name effect in judicial sentencing.

	Log of total sentence in days						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
Full name match	0.191*	0.185	0.206**	0.194*	0.183*	0.180*	0.181*
	(0.112)	(0.112)	(0.0940)	(0.0970)	(0.0958)	(0.0940)	(0.0939)
N	47,371	47,363	47,235	47,190	47,190	47,190	47,190
Adj. R^2	0.307	0.319	0.461	0.473	0.473	0.475	0.475
Judge FE	X	X	X	X	X	X	X
Month × year FE		X	X	X	X	X	X
Case type FE			X	X	X	X	X
Case type × month × year FE				X	X	X	X
Letter FE					X	X	X
Week of year FE						X	X
Day of week FE							X

Notes: Robust standard errors clustered at the judge level in parentheses. Full name match means whether the first or last name matches.
*p < .10,**p < .05,***p < .01.

TABLE 8 Name letter effect in judicial sentencing (excluding full name match).

	Log of total sentence in days						
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
First letter match	0.0816**	0.0847**	0.0825***	0.0786**	0.0756**	0.0747**	0.0749**
	(0.0332)	(0.0332)	(0.0290)	(0.0294)	(0.0304)	(0.0303)	(0.0305)
N	47,068	47,060	46,932	46,887	46,887	46,887	46,887
Adj. R^2	0.307	0.320	0.461	0.473	0.474	0.475	0.475
Judge FE	X	X	X	X	X	X	X
Month × year FE		X	X	X	X	X	X
Case type FE			X	X	X	X	X
Case type × month × year FE				X	X	X	X
Letter FE					X	X	X
Week of year FE						X	X
Day of week FE							X

Notes: Robust standard errors clustered at the judge level in parentheses. First letter match means whether the first letter of the first name or the first letter of the last name matches.
*p < .10,**p < .05,***p < .01).

3.6 | Results on defendant race label

Next, I examine heterogeneity. In particular, I can examine whether the increase in sentence lengths is larger for defendants labeled as "N" (see Appendix D for frequency distribution of race labels and over time). Table 10 reports a pooled regression of name letter effects for defendants labeled as "N" vs. "B." The effects are larger for black defendants labeled by police as "N."

TABLE 9 Name letter effect by letter frequency.

	Log of total sentence in days					
	(1)	(2)	(3)	(4)	(5)	(6)
First letter match	0.0759*	0.0712*	0.0828**	0.0776**	0.0775**	0.0776**
	(0.0398)	(0.0388)	(0.0365)	(0.0367)	(0.0365)	(0.0365)
First letter match × rare letter	0.269**	0.262**	0.297**	0.240**	0.249**	0.249**
	(0.102)	(0.105)	(0.113)	(0.0948)	(0.0953)	(0.0954)
N	47,371	47,363	47,235	47,190	47,190	47,190
Adj. R^2	0.307	0.319	0.461	0.473	0.474	0.474
Judge FE	X	X	X	X	X	X
Month × year FE		X	X	X	X	X
Case type FE			X	X	X	X
Case type × month × year FE				X	X	X
Week of year FE					X	X
Day of week FE						X

Notes: Robust standard errors clustered at the judge level in parentheses. First letter match is a match on the first initial of the first name. Rare letter is calculated from the 1990 U.S. census of names (at https://www2.census.gov/topics/genealogy/1990surnames/dist.male.first and https://www2.census.gov/topics/genealogy/1990surnames/dist.female.first) and is a dummy indicator for whether the cumulative frequency is less than 2.
*p < .10,**p < .05,***p < .01.

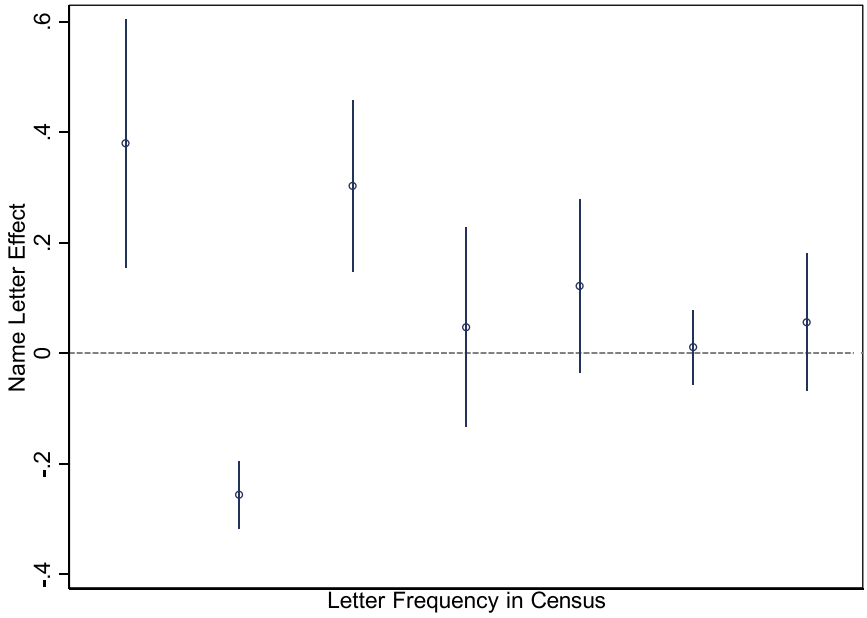

FIGURE 4 First initial name letter effects by letter frequency. (Letter frequency in census). Notes: Robust standard errors clustered at the judge level. Specification includes judge fixed effects, month by year fixed effects, and case type fixed effects. Regressor of interest is the frequency bin of the judge's first letter interacted with an indicator for whether the first letter of the first name matches. Frequency bins are 0–2, 2–4, 4–5, 5–7, 7–10, 10+. Bars indicate 95% confidence intervals. [Colour figure can be viewed at wileyonlinelibrary.com]

TABLE 10 Pooled name letter effect by racial label.

	Log of total sentence in days	
	(1)	(2)
First letter match × "N"	0.174**	0.168**
	(0.0687)	(0.0686)
N	41,793	40,011
Adj. R^2	0.475	0.442
First letter match × judge FE	X	X
First letter match × month × year FE	X	X
First letter match × case type FE	X	X
First letter match × skin color FE		X
First letter match × hair color FE		X
First letter match × eye color FE		X

Notes: Sample limited to defendants labeled as "N" or "B." First letter match means whether the first letter of the first name or the first letter of the last name matches. Robust standard errors clustered at the judge level in parentheses.
*p < .10,**p < .05,***p < .01.

TABLE 11 Name letter effect by racial label (first name).

	Log of total sentence in days			
	(1)	(2)	(3)	(4)
First letter match	0.107**	0.0349	0.106**	0.0122
	(0.0459)	(0.0951)	(0.0455)	(0.0967)
N	31,931	9,863	31,730	8,277
Adj. R^2	0.446	0.543	0.431	0.485
Defendant sample	N	B	N	B
Judge FE	X	X	X	X
Month × year FE	X	X	X	X
Case type FE	X	X	X	X
Skin color FE			X	X
Hair color FE			X	X
Eye color FE			X	X

Notes: Robust standard errors clustered at the judge level in parentheses
*p < .10,**p < .05,***p < .01.

Table 11 reports the analyses separately by racial label and shows that a large proportion of the increase in sentence lengths in Table 2 comes from those labeled as "N." For these defendants, the sentence length increases by 11% when the first initial of the defendant's name matches the judge's (Column 1). The effect is robust to including fixed effects for skin color, hair color, and eye color (Column 3) (see Appendix D for frequency distributions of skin, hair, and eye color). For those labeled as "B", first letter matches insignificantly increase the sentence length by 1% (Column 4).[7]

I replicate the analysis of heterogeneity for the first initial effect of the last name. Table 12 reports again that a large proportion of the increase in sentence lengths comes from those labeled as "N." The point estimates are similar

[7]On average, defendants labeled as "N" have 22% longer sentence lengths than those labeled as "B."

TABLE 12 Name letter effect by racial label (last name).

	Log of total sentence in days			
	(1)	(2)	(3)	(4)
First letter of last name match	0.0650	−0.0137	0.0675	0.00796
	(0.0442)	(0.0733)	(0.0454)	(0.0882)
N	31,931	9863	31,730	8277
Adj. R^2	0.446	0.543	0.431	0.485
Defendant sample	N	B	N	B
Judge FE	X	X	X	X
Month × year FE	X	X	X	X
Case type FE	X	X	X	X
Skin color FE			X	X
Hair color FE			X	X
Eye color FE			X	X

Notes: Robust standard errors clustered at the judge level in parentheses
$^{*}p < .10, ^{**}p < .05, ^{***}p < .01$.

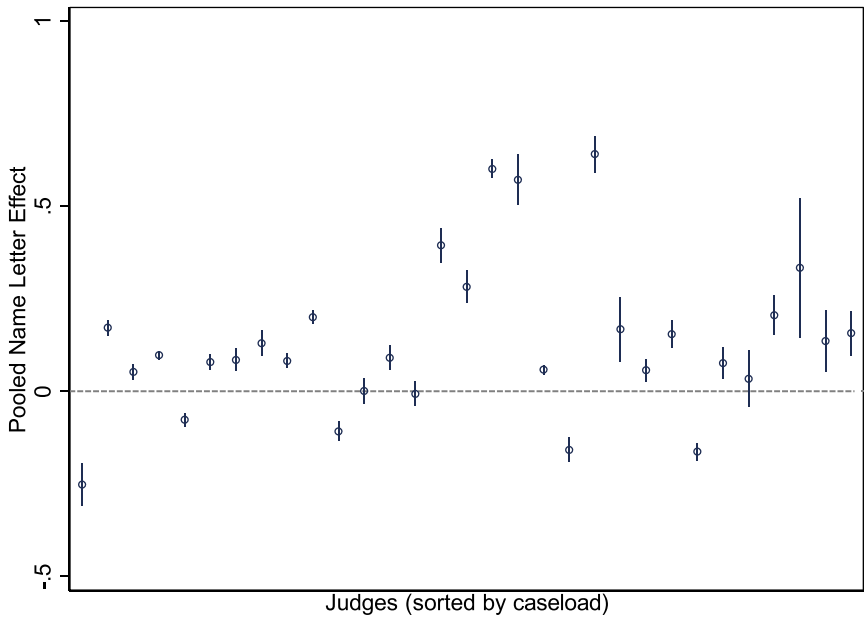

FIGURE 5 Judge-specific pooled name letter effects. Judges (sorted by caseload) Notes: Robust standard errors are clustered at the judge level. Specification includes judge fixed effects, month by year fixed effects, and case type fixed effects. Regressor of interest is the judge indicator interacted with an indicator for whether the first letter of the first name or the first letter of the last name matches. Bars indicate 95% confidence intervals. [Colour figure can be viewed at wileyonlinelibrary.com]

to that of Table 4 for those labeled as "N" (7%) but not for "B" (0.8%). The difference in indifference is also robust to including the rich set of controls for skin, hair, and eye color.

3.7 | Results on name letter effects by judge

I next present the name letter effect for each of the judges in the sample, to see if self-identity manifests itself the same way in all judges (see Appendix Figure B.5 for caseload distribution across judges). Figure 5 reports all but three judges display significant name letter effects, and nearly all in the same sign. The judges are sorted by caseload, suggesting that experience does not mitigate bias here. If decision-makers are more susceptible to behavioral biases when they are more indifferent to their decision, documenting behavioral bias may assist policymakers in detecting judicial indifference. Indeed, Supreme Court Justice Ginsburg identified this specific New Orleans District Attorney's office as "deliberately indifferent" to the rights of defendants in *Connick v. Thompson, 563 U.S. 51 (2011)*. Ginsburg cited testimony from then District Attorney, Connick, that he had stopped reading law books when he took office in 1974. If individuals experience indifference by important decision-makers, everyday indifference can be an important contributor to de-legitimization of legal authorities. If individuals experience difference-in-indifference, it may contribute to disillusionment by certain societal groups, which is hypothesized to be one factor for the events of Ferguson (Cuenca, 2017).

3.8 | Results on sentencing disparities by judge's implicit egoism

The next part of my analysis tests the hypothesis that individuals with high self-appraisals discriminate more (Heidhues et al., 2019). I group judges with judge-specific name letter effects above 10% in Figure 5 as egoist and below 10% as not. About one third of the judges (and one third by case load) are egoist. Table 13 Column 1 shows that among non-egoist judges, black defendants receive 16% longer sentence lengths than White defendants, controlling for judge fixed effects, month by year fixed effects, and case type. For egoist judges, the sentence disparities grow significantly by 18%. Column 2 examines White judges only. Non-egoist judges issue 16% longer sentences for black defendants, and the sentencing disparity grows albeit insignificantly for egoist judges. Column 3 examines black judges only. Black judges comprise 28% of the sample and 40% of the egoist judges. Here we see that non-egoist Black judges issue sentences not significantly different between Black and White defendants. However, egoist Black judges issue sentencing disparities that are 35% larger.

TABLE 13 Sentencing disparities and implicit egoism.

	Log of total sentence in days		
	(1)	(2)	(3)
Black defendant	0.159***	0.159***	0.109
	(0.0387)	(0.0445)	(0.0977)
Black defendant × egoist judge	0.180**	0.115	0.352*
	(0.0843)	(0.0986)	(0.181)
N	47,236	33,796	13,433
Adj. R^2	0.462	0.469	0.459
Judge sample	All	White	Black
Judge FE	X	X	X
Month × year FE	X	X	X
Case type FE	X	X	X

Notes: Robust standard errors clustered at the judge level in parentheses. Egoist judge is defined as a judge whose name letter effects exceed 10%.
*p < .10,**p < .05,***p < .01.

4 | REPLICATION IN CHILE

Through the Chilean Judiciary, I have administrative case-level data for criminal cases from 2014 across all criminal tribunals. The key predictor is an indicator for whether the first initials of the defendant and the judge match, which

TABLE 14 Testing for random assignment of cases (Chile).

Dependent variable:	First initial match (first name)	
Pre-determined characteristics	**Coef.**	**(s.e.)**
Presence of lawyer	0.00129	(0.00409)
Presence of private lawyer	0.000666	(0.00118)
Judge age	0.396	(0.285)
Judge salary grade	0.00480	(0.0275)
Judge male	0.00317	(0.0116)
Defendant male	0.00144	(0.00221)
Misdemeanor	0.00156	(0.00212)
Time (month by year)	0.00286	(0.0116)
Time (week of month)	0.00988	(0.0587)
Time (day of week)	−0.00801	(0.00752)

Notes: Robust standard errors clustered at the judge level in parentheses
*$p < .10$,**$p < .05$,***$p < .01$.

TABLE 15 Name letter effect in judicial sentencing (Chile).

	Log of total sentence in days					
	(1)	(2)	(3)	(4)	(5)	(6)
First letter match	0.0169***	0.0212***	0.0177***			
	(0.00584)	(0.00480)	(0.00397)			
First name match				0.0314*	0.0401***	0.0335***
				(0.0189)	(0.0153)	(0.0127)
N	2,763,242	2,762,799	2,762,799	2,763,242	2,762,799	2,762,799
Adj. R^2	0.016	0.284	0.288	0.016	0.284	0.288
Judge FE	X	X	X	X	X	X
Month × year FE		X	X		X	X
Case type FE		X	X		X	X
Case type × month × year FE		X	X		X	X
Letter FE		X	X		X	X
Week of year FE		X	X		X	X
Day of week FE		X	X		X	X
Winsorize	None	None	5%	None	None	5%

Notes: Robust standard errors clustered at the judge level in parentheses. First letter match is a match on the first initial of the first name.
*$p < .10$,**$p < .05$,***$p < .01$.

occurs 7.7% of the time. Table 14 shows no change in pre-determined judge, case, or defendant characteristics when the first letter matches.

As Table 15 shows, when first initials of the defendant and the judge match, sentence lengths are 2% longer (Columns 1–3). The coefficient is positively signed and statistically significant. Adding the controls renders a very stable effect, assuaging concerns of omitted variables. Results are similar when sentence lengths are winsorized (outliers replaced by the threshold value) at the 5% level. When the full name matches, sentence lengths are 4% longer (Column 5). Full name matches occur 0.5% of the time. (I do not investigate last names, which are more ambiguous. Chilean names themselves can comprise multiple words. In the data, names have at least four and go up to 10 words. This is in part because of the tradition of keeping maternal and paternal surnames.)

4.1 | Results by crime type

Severe crime might amplify the threat presented by a defendant who besmirches one's name. I am able to investigate this hypothesis because the Chilean data also include misdemeanors. Table 16 shows that the effects are not present for misdemeanors, which comprise 15% of the sample. Adding the level term with the interaction term indicates that the name effect is essentially zero for misdemeanors. The same exercise for the New Orleans data finds that the name letter effect is activated for Black defendants labeled as "B" who are charged for more severe crimes and not for those charged with less severe crimes (see Appendix Table E.3).

TABLE 16 Name letter effect by severity of crime.

	Log of total sentence in days	
	(1)	(2)
First letter match	0.0199***	
	(0.00667)	
First letter match × misdemeanor	−0.0195***	
	(0.00667)	
First name match		0.0473***
		(0.0176)
First name match × misdemeanor		−0.0480***
		(0.0172)
N	2,763,206	2,762,763
Adj. R^2	0.047	0.286
Judge FE × misdemeanor	X	X
Judge FE × misdemeanor	X	X
Month × year FE × misdemeanor	X	X
Case type × month × year FE × misdemeanor	X	X
Week of Year FE x Misdemeanor	X	X
Day of Week FE x Misdemeanor	X	X

Notes: Robust standard errors clustered at the judge level in parentheses. First letter match is a match on the first initial of the first name.
*p < .10,**p < .05,***p < .01.

5 | GENERAL DISCUSSION

This paper makes three contributions. First, I find field evidence of implicit egoism—unconscious associations that individuals have with others who share their first initials. When judges and defendants match on first initials, the sentence imposed is 8% longer on average (2 to 3 months) than when the judges' and defendants' first initials do not match. This finding is not because of unobservables that change across cases or over time and affect almost all judges. The effects are found for both first and last names and amplify when the first and second letter match or when the entire name matches.

Second, the effects appear when black defendants are labeled by police as "N" rather than as "B." The difference-in-indifference is consistent with some groups bearing the disproportionate burden of behavioral bias in judicial decision-making and consistent with the real-world importance of label changes by minorities attempting to redefine themselves and gain respect (Martin, 1991; Smith, 1992). The "N"-word is offensive and "Black" is the preferred term.

Third, the effects identify judges who have more ego, and consistent with recent theoretical models hypothesizing the link between overconfidence and prejudice (Heidhues et al., 2019), judges who are more prone to name letter effects render significantly larger Black–White sentencing disparities. Recent policy debates have also suggested a link between mass incarceration and ego of Black legal officials (Forman, 2017). Black judges who score highest in ego render the largest Black–White sentencing disparities.

This research highlights the power of ego and self-concept. Recent experiments in education suggest one policy to mitigate implicit egoism and their deleterious consequences: improving non-cognitive skills and social–emotional learning. As summarized in Section 1, the Jones et al. (2002) experiment found that subjects writing about a positive, important, stable aspect of who they are (an exercise in self-affirmation) as opposed to ego threat resulted in no self-regulation to compensate for that threat. Likewise, in large-scale field experiments, Cohen et al. (2009) and Miyake et al. (2010) showed that 15 min of self-affirmation can have long-term reductions in educational achievement disparities for minorities and women. Might judges self-affirmation exercises reduce the effects of ego threat?

This research, while comprehensive in its analysis of 3 million sentencing decisions, has certain limitations. The analysis is only based on administrative data from the U.S. New Orleans District Attorney's office and Chilean court records. Future research is warranted to see if the results appear in other contexts. Moreover, the study's findings, particularly those related to internalized racism and sentencing disparities, are context-specific and may not be generalizable to different judicial environments or cultures.

Based on the findings, several policy recommendations emerge. First, judicial training programs could include modules on unconscious biases, emphasizing the psychological underpinnings of decision-making. This training could help judges recognize and mitigate the influence of implicit egoism and internalized prejudices on their sentencing decisions. Second, the implementation of blind sentencing procedures, where judges are unaware of the defendant's personal details that might trigger implicit biases, could be explored. Finally, consistent monitoring and analysis of sentencing patterns at a granular level should be instituted as a standard practice to identify and address systemic biases.

Future research should aim to validate and extend these findings across different judicial contexts and explore additional implicit factors influencing judicial decision-making. Investigations into the role of other psychological phenomena, such as the impact of group dynamics or confirmation bias in legal proceedings, could further our understanding of judicial behavior. Additionally, longitudinal studies or randomized trials examining the long-term effects of policies designed to reduce sentencing disparities would yield insights into the efficacy of such interventions.

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DATA AVAILABILITY STATEMENT

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

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