

ABSTRACT

Punitive Women?: Gender Differences in Dissatisfaction with Criminal Courts

Kyra N. Neill, M.A.

Mentor: F. Carson Mencken, Ph.D.

Past research examining punitive attitudes has largely ignored gender or relegated it to the periphery of most analysis. Prevailing assumptions posit that women should be less harsh than their male counterparts in their desire for the harsher sentencing of criminals. However, the present study finds that women are, in fact, not less punitive than men in their views of the courts. On the contrary, women are statistically more likely than men to say that criminal courts are not harsh enough. Using the 2018 General Social Survey for both bivariate crosstabulation and multinomial logistic regression, the following research examines the presence of gender differences between men and women's views of the criminal courts and attempts to explain why women report the criminal courts are "not harsh enough" through interaction models. Differences in views among women are also evaluated, and areas for future research are discussed.

Punitive Women?: Gender Differences in Dissatisfaction with Criminal Courts

by

Kyra N. Neill, B.A.

A Thesis

Approved by the Department of Sociology

F. Carson Mencken, Ph.D., Chairperson

Submitted to the Graduate Faculty of
Baylor University in Partial Fulfillment of the
Requirements for the Degree
of
Master of Arts in Sociology

Approved by the Thesis Committee

F. Carson Mencken, Ph.D., Chairperson

Jeremy Uecker, Ph.D.

E. Clay Polson, Ph.D.

Accepted by the Graduate School

May 2021

J. Larry Lyon, Ph.D., Dean

Copyright © 2021 by Kyra N. Neill

All rights reserved

TABLE OF CONTENTS

LIST OF FIGURES	v
LIST OF TABLES	vi
ACKNOWLEDGMENTS	vii
DEDICATION	viii
CHAPTER ONE	1
Introduction	1
Explanations of American Punitiveness	1
CHAPTER TWO	4
Literature Review	4
The Role of Gender on Punitive Policy Attitudes	4
Determining Which Gender is More Punitive	6
CHAPTER THREE	15
Methods	15
Overview of the Data	15
Overview of the Sample	18
CHAPTER FOUR	22
Results	22
Bivariate Differences Between Women and Men	22
Multivariate Differences Between Women and Men	23
<i>Factors Introduced in the Multivariate</i>	27
Multivariate Differences Among Women	31
CHAPTER FIVE	36
Discussion and Conclusion	36
Comparing Results to Past Literature	36
Conclusion	39
BIBLIOGRAPHY	41

LIST OF FIGURES

Figure 1. Predictive Probabilities for Gender Differences on View of Courts.....	25
--	----

LIST OF TABLES

Table A.1 <i>Measurement of Variables</i>	16
Table 1.A. <i>Descriptive Statistics of Sample</i>	20
Table 1.B. <i>Descriptive Statistics of Sample by View of Courts</i>	21
Table 2 <i>Multinomial Logistic Regression of Courts- Relative Risk Ratios</i>	26
Table 3 <i>Multinomial Logistic Regression of Courts Among Women- Relative Risk Ratios ...</i>	32

ACKNOWLEDGMENTS

The author would like to thank F. Carson Mencken for his insights, time, and mentorship with this project. She would also like to thank Jeremy Uecker for his rigorous teaching of multivariable analysis and Jerry Z. Park for his encouragement throughout early stages of writing.

DEDICATION

To Brad Frey without whom I would have never known the meaning of true scholarship
and to my dear cohort-mates and friends. God is faithful.

CHAPTER ONE

Introduction

Explanations of American Punitiveness

It is well known that the United States, while being touted as “the land of the free”, is a nation that consistently shows high levels of punitiveness as evidenced by the world’s highest rates of incarceration (Walmsley, 2009; Weiss & Mackenzie, 2010). At the end of 2018, 1,465,200 people were in a correctional institution in the United States. Alternatively stated, the United States had an incarceration rate of 431 per 100,000 people (Bureau of Justice Statistics, 2020). While these are statements and facts of an institutional nature, there are strong indications that such punitiveness is not merely the result of larger, uncontrollable social forces at work but also the result of public support for such measures.

Historically, American public opinion has revealed widespread support among Americans for punitive solutions to crime. In 1994, at the same time during which the first habitual offender laws were passed in the United States, a Gallup poll found that 74% of respondents were in favor of such laws (Schultz, 2000). Similarly, between 1973 and 1996, support for harsher local courts’ sentencing as outlined in the General Social Survey (GSS) questionnaire held consistently above 80% of all respondents. As of 2018, the percentage of those supporting harsher courts had fallen to roughly 61% of those surveyed by the GSS. While this is lower than the proportion of those in past years who thought the courts were not harsh enough, it still demonstrates that the majority of

Americans believe the criminal courts are not doing their jobs properly and therein punishing criminals appropriately.

Although it is clear that most Americans support harsher sentencing laws for criminals and hold punitive outlooks on how criminals should be dealt with, the factors which contribute to such support are not as apparent. Past research focuses largely on matters of race's effect on support for harsher court sentencings (Cohn et al., 1991; Millburn & Conrad, 2016). Other factors studied concerning punitive attitudes include religious affiliation (Grasmick et al., 1992; Grasmick & McGill, 1994; Unnever et al., 2005), political ideology (Langworthy & Whitehead, 1986; King & Maruna, 2009; Gromet & Darley, 2011), and economic instability (Johnson, 2001; Hogan et al., 2005; Costelloe et al., 2009).

One obvious factor that has gone comparatively understudied, however, is that of gender. While gender differences are documented and examined in other areas of punitive policy, gender's role on punitiveness generally, and the perception of the criminal courts specifically, is largely ignored. With an increasing focus on feminist criminology and criminology which now gives more attention to gender, it is prudent that gender be included in conversations concerning something as crucial to the field as public stances on sentencing and other punitive measures.

Using both bivariate crosstabulation and multinomial logistic regression models with the 2018 General Social Survey question, "In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?", this study seeks to examine how gender influences support for harsher sentencing and furthermore, to highlight future

areas of research to help contribute to feminist criminology as it seeks to understand women's views of crime.

CHAPTER TWO

Literature Review

The Role of Gender on Punitive Policy Attitudes

Among existing criminological literature on American punitiveness, there is not a widely held consensus on what role, if any, gender plays in explaining higher levels of punitiveness for sentencing of criminals. However, when it comes to broader matters of public policy, gender differences are commonly noted. Issues such as voting behavior and political party affiliation (Wirls, 1986; Pratto et al., 1997; Studlar et al., 1998), views on military spending and foreign aid (Smith, 1984; Conover & Sapiro, 1993; Studlar et al., 1998) as well as educational issues and support of public programs (Shapiro & Mahajan, 1986) are just a few areas where a “gender gap” is observed. More specific to matters of crime prevention and punitive measures, gender differences also consistently reveal themselves concerning support for capital punishment (Whitehead & Blankenship, 2000; King & Wheelock, 2007), use of police force (Halim & Stiles, 2001), views on parole board authority (Haghighi & Lopez, 1998) and spending for preventative policies (Sprott, 1999; Gault & Sabini, 2000). In relation to criminal court proceedings, gender differences, albeit small, have likewise been observed between men and women judges and their sentencing preferences for offenders (Steffenmeiser & Hebert, 1999) as well as among male and female jurors (Mills, 1980).

Why, then, might it not be reasonable to explore potential gender differences among the American public and their views on the functioning of their local court

systems? Studies which include gender in their analyses of punitive attitudes often return mixed results. Some find no support for a relationship between gender and punitiveness (Boydell & Grindstaff, 1974; Applegate et al., 1996a; Applegate et al., 1996b; Halim & Stiles, 2001; Applegate et al., 2002). Others similarly find no significant gender gap on support for rehabilitation, arguably the other side of the punitive coin in that those primarily driven to support rehabilitation should theoretically not be as focused on punishment (Haghighi & Lopez, 1998; Hurwitz & Smithey, 1998). And yet, some of those same studies (Haghighi & Lopez, 1998; Hurwitz & Smithey, 1998) also joined with other studies to conclude that gender differences for punitive attitudes do exist (Thomas et al., 1976; Langworthy & Whitehead, 1986; Miller et al., 1986; Samuel & Moulds, 1986; Cohn et al., 1991; Sprott, 1999).

Among those studies which conclude significant gender differences for punitive attitudes, there is a lack of consensus on the meaning of such findings or which gender displays higher levels of punitiveness. On certain policies, such as the death penalty, women appear to be less punitive than their male counterparts. When presented with alternative options of giving offenders live without the possibility of parole combined with restitution for victims, women are more likely than men to take the alternative over supporting the death penalty (Whitehead & Blankenship, 2000). Applegate and colleagues also find that women are less supportive than men of the death penalty and, furthermore, are more supportive than men for treatment of offenders (Applegate et al., 2002).

In 2000, Gault and Sabini ran a series of four studies to measure differences in men and women's preferences for preventative, reparative, and punitive policies. Their

findings show that men favored punitive policies more than women, women preferred human service policies more than men, and that anger was most commonly associated with punitive preferences whereas empathy was commonly associated with human service preferences (Gault & Sabini, 2000). Moreover, women generally tend to be less supportive of policies which involve a sense of force or violence (Shapiro & Mahajan, 1986). Men tend to be more “pro-force” in their policy preferences, while women are more likely to choose the “anti-force” option or state they have no opinion (Smith, 1984). With observed gender differences in other aspects of public policy and views of crime, it is reasonable to test for gender differences between men and women when it comes to their views of the criminal courts. Therefore, the first hypothesis to be tested is as follows:

H₁: Gender differences will be observed between men and women when it comes to determining harshness of the criminal courts.

Determining Which Gender is More Punitive

Attempting to explain and predict the nature of such gender differences is more contentious. The theoretical argument for why women might display lower levels of punitiveness than men has been rooted largely in Gilligan’s 1982 work *In a Different Voice*. In this seminal work, and proceeding studies, Gilligan posits that men operate out of an “ethic of justice” while women’s social realities are grounded in an “ethic of care” (Gilligan, 1982, p. 5). Girls are socialized from an early age to care and nurture for those around them, focusing on preventing harm and nurturing relationships around them, while boys are socialized to be more individualistic and more focused on rules and absolute fairness (Gilligan & Attanucci, 1988). Other feminist theory in the same vein argues that women’s understanding of morality means that women feel morally

responsible to think about their actions in light of their impact on others, based on the premise that “no one should be hurt” (Bender, 1998, p. 31). The social construction of gender these theorists articulate could mean that due to women’s early and consistent socialization to care for others and to harm no one, they will be less punitive as they live out the deeply ingrained “ethic of care”.

Such socialization toward compassion and caring for others does not end at childhood. Roles of motherhood and caregiver for elderly or disabled relatives reinforces such socialization over the course of a woman’s life (Brody, 1990; Hooyman & Gonyea, 1999). Further support of this rationale may be demonstrated by women’s support of more compassionate policies in other areas of life, such as programs that provide for the elderly and disadvantaged minorities as well as programs that seek to equalize wealth (Shapiro & Mahajan, 1986). Felicia Pratto and co-authors argue that women generally advocate for policies which promote social equality in contrast to men who favor policies which promote social dominance (1997). Similarly, Gault and Sabini found that empathy was a driving factor for support of human services policies, which were in turn primarily favored by women (2000). If women are driven primarily by compassion and empathy, a sense of inter-dependence, and a desire to promote social equality, then one might expect women to be less punitive as they are moved by these emotions and the ways in which they are socialized.

Alternatively, there are empirical evidence and theoretical frameworks to also support the notion that women are more punitive than men. Women are both more likely than men to say that parole should be refused to criminals and less likely than men to say that sentences of criminals should be shortened (Haghighi & Lopez, 1998). Another study

finds that in cases where judges have more say in sentencing length (such as property crimes), female judges give out sentences that are an average of five months longer than sentences given by male judges and are more likely to convict than male judges (Steffenmeiser & Hebert, 1999). Cohn, Barkhan, and Halteman find that in the 1987 General Social Survey, women were slightly more punitive than men in their views of the criminal courts with black women being the most punitive (1991). Other studies find that women are more punitive than men on certain cases or types of crimes, though the specifics of such results are widely varied (Thomas et al., 1976; Samuel & Moulds, 1986; Sprott, 1999; Dodd, 2018).

Gilligan's ethic of care and women's favoring of compassion and empathy may paradoxically have an increasing effect on women's punitiveness. As previously mentioned, women are socialized to care for those who are vulnerable or in need, and as a result, this may lead to stronger support of punitive policies that protect neighborhoods and vulnerable groups. When asked to characterize typical violent crime victims, women describe other women (usually white) who are "innocent, submissive, and unable to protect themselves" or children (Madriz, 1997, p. 352). Women also have what Miller and his colleagues refer to as "greater subjective proximity to crime" (1986, p. 317); women have a higher awareness or sense of proximity to crime even if it is not objectively accurate.

In what has been coined "the gender-fear paradox" (Ferraro, 1996), women are less likely than men to be the victims of violent crime but simultaneously have higher levels of fear of being victimized than their male counterparts (Warr & Stafford, 1983; Warr, 1984; LaGrange & Ferraro, 1989). Mark Warr argues that these gender differences

may be related to a “differential sensitivity to risk” between men and women (1984). In other words, women have a greater sense than men that they are vulnerable and likely to be victimized which, arguably, may heighten their sense of violence to themselves and those around them. Empirical support for this theory shows women are more likely to report a perceived increase in crime than men (Smith & Hill, 1991; Sprott, 1999). If women feel they and the ones around them are vulnerable, it could be that their response would be more punitive in an effort to prevent victimization.

It is important to note that some studies have found that there is not a clear association between fear of crime and levels of punitiveness (Tyler & Weber, 1982; Wanner & Caputo, 1987; Ouimet & Coyle, 1991; Warr, 1995; Johnson, 2001) while others have found an association between fear of crime and punitiveness (Langworthy & Whitehead, 1986; Sprott & Doob, 1997). Moreover, the notion of fear of crime can further support the first hypothesis that gender differences exist, because fear of crime demonstrates that gender matters for how crime is understood and perceived by the public. Elizabeth A. Stanko argues that differences in fear of crime are a reflection of women’s place in a gendered world; women’s fear of crime is largely a fear of men and sexual assault, and women primarily encounter the criminal justice system as victims (1995). Men and women, therefore, not only encounter in the criminal justice system in different ways, but also view the nature of crime itself and its potential impacts differently.

In the same framework as Gilligan’s theory of the “ethic of care” (1982), the presence of children and the status of parenthood may also impact how women perceive crime and what they believe should be done about it. While women characterize other

women as victims of serious crime, they are also likely to typify children as innocent victims (Madriz, 1997). Research has shown that punitiveness (as measured in a scale of punitiveness including making sentences longer, executing more prisoners, supporting chain gangs, taking away television and recreational privileges, and supporting “three strike laws”) toward adult offenders increases when respondents are parents as opposed to non-parents, though fathers are typically more punitive than mothers (Welch, 2011). Women’s maternal caretaker role typically characterizes fear of crime on behalf of children, elderly parents, and siblings (Snedker, 2006) showing that women have a sense of responsibility to protect their children and other family members who appear vulnerable. The status of motherhood for women means that they are no longer simply concerned for their own well-being, but also the well-being of those they feel obligated to take care of; this status of increased caretaking responsibilities could increase women’s desire for punitiveness as a means of protecting those they care for.

Another factor that may heighten women’s desire for harsher sentencing procedures may be social class and economic vulnerability. Being poor or economically insecure is commonly associated with higher levels of punitiveness (Pantazis, 2000; Costelloe et al., 2009; Millburn & Conrad, 2016; Malone & King, 2020). Hale attributes this to the idea that the poor have less ability and fewer resources to protect themselves, and furthermore, the damages resulting from being a victim of a crime are harder for those who are poor and low-income to recover from (1996). In other words, being a victim of a crime is more damaging to the poor than it is those who are economically secure. In another study, Vacha and Laughlin also find a heightened fear of crime for low-income members of families compared to their middle-income counterparts (2000).

Being low-income or working class presents an increased sense of vulnerability to crime, as demonstrated by higher levels of fear of crime, and women tend to be more economically disadvantaged than their male counterparts due to issues like the gender wage gap (Keane, 1995; Pantazis, 2000; Weeden et al., 2016). Women are more likely to be placed in jobs and occupational situations- such as late hours, extra shifts and greater dependence on public transportation- which may heighten their sense of risk of being victimized (Scott, 2003). As a result, one might expect that being lower or working class, while generally increasing punitiveness, might have an even greater association to women's punitiveness.

Closely tied to women's potentially increased sense of vulnerability as it pertains to their jobs is marital status. Women are socialized to believe they cannot ward off violent attacks or physically defend themselves against most violent crimes (Gardner, 1989). Hollander states that, "vulnerability to violence is a core component to femininity" (2001, p. 84). Therefore, there is a stronger sense of perceived vulnerability among women (Madriz, 1997). As women embrace socially prescribed definitions of what it means to be feminine, there is a large sense that they are both highly targeted by violent, and more specifically sexual, crimes (Ferraro, 1996) and that they are naturally not as able to defend themselves (Cossman & Rader, 2011). One potential way to help ensure a woman's safety, as well as the safety of her children, is to choose strong marriage or relationship partners. Studies have shown that women will indeed choose partners, even if such partners are aggressive toward the women themselves, that they feel can protect them in situations when they have high levels of fear of crime (Wilson & Mesnick, 1997; Snyder et al., 2011).

In 2008, Nicole E. Rader found that women will often take men with them into dangerous situations as a precautionary measure, and further noted that married women let their husbands primarily worry about fear of threats (Rader, 2008). Women who have partners might feel more protected from potential criminal threats, while women who are single, divorced, or widowed might be more aware of such threats to themselves and their families. As a result, having a partner might alleviate some of the concerns and senses of vulnerability among women. Women who have the mental safety net of a partner might not be as concerned with the crime around them and therefore not be as concerned with punitiveness of the criminal justice system, while single women and those without a partner living with them may have heightened senses of vulnerability and an increased desire for punitiveness.

Besides circumstantial attributes, there are ideological factors that may impact women's punitiveness. While both conservatives and liberals address crime in their policies, conservatives are more commonly associated with being focused on so-called "law and order" stances and hold to an ideologically retributive outlook on criminal justice (Langworthy & Whitehead, 1986; Grasmick et al., 1992; Payne et al., 2004). Conservatives are also more likely support death penalty policies, police use of force, and harsher sentencing laws than liberals (Moon et al., 2000; Vogel & Vogel, 2003; King & Maruna, 2009; Unnever & Cullen, 2010). One specific function that being "tough on crime" plays among conservatives is to unify the ideological group across widespread class lines (Yates & Fording, 2005).

It is important to note, not only the differences between political ideologies of conservatism and liberalism, but also how women typically align with such ideologies.

As mentioned in earlier sections of this paper, women tend to be more supportive of liberal policies and social welfare programs (Smith, 1984; Wirls, 1986; Studlar et al., 1998; Gault & Sabini, 2000; Edlund & Pande, 2002) while men tend to be more conservative and supportive of pro-force policies such as higher military spending, use of police force, and the death penalty (Shapiro & Mahajan, 1986; Pratto et al., 1997; Halim & Stiles, 2001; King & Wheelock, 2007). It is therefore essential to study how political ideology and gender potentially interact to shape punitive outlooks. With the well-noted and strong association between gender and political ideology, one might be prone to arguing that gender simply masks the effect of ideology; however, this present study will refer to Gault and Sabini's findings that gender is a better predictor of policy preferences than ideology alone (2000).

Another ideological matter that must be considered when evaluating for gender differences and punitiveness is that of religious beliefs. Past research finds strong ties between religious affiliation and punitive stances with Mainline and Conservative Protestants as well as Catholics showing the highest levels of punitiveness compared to non-religious respondents (Grasmick et al., 1992; Grasmick & McGill, 1994; Seto & Said, 2020). Women, with higher levels of religious engagement and stronger ties to denominations (De Vaus & McAllister, 1987; Ozorak, 1996; Pew Research Center, 2016), may be likewise influenced by the support for punitive measures that their religious tradition affords. As a result, it is also necessary to look for interaction between gender and religious tradition. In light of the findings of these aforementioned studies, I argue that:

H₂: Women will have higher levels of punitiveness than men.

H₃: Women's levels of punitiveness will be moderated by fear of crime parenthood, social class, marital status, as well as political ideology and religious tradition.

CHAPTER THREE

Methods

Overview of the Data

The GSS, or General Social Survey, is produced by NORC (formerly known as the National Opinion Research Center) at the University of Chicago¹. National samples are collected using a standard questionnaire now available in English and Spanish. The first General Social Survey was conducted in 1972, and as of the date of this writing, the most recent dataset available is from 2018. From 1982 to 2018, the GSS was funded by the National Science Foundation (NSF).

In the 2018 survey, the GSS sample comprised of 2,348 respondents taken from non-institutionalized American adults 18 years of age or older using full probability sampling. Each year of the GSS contains the question “In general, do you think the courts in the area deal too harshly or not harshly enough with criminals?”. Possible responses are “too harshly”, “not harshly enough”, and “about right”. 2,056 respondents answered this question in the survey. Table A.1 shows how the other variables featured in this analysis are measured.

¹ Smith, Tom W., Davern, Michael, Freese, Jeremy, and Morgan, Stephen L., General Social Surveys, 1972-2018 [machine-readable data file] /Principal Investigator, Smith, Tom W.; Co-Principal Investigators, Michael Davern, Jeremy Freese and Stephen L. Morgan; Sponsored by National Science Foundation. --NORC ed.-- Chicago: NORC, 2019.
1 data file (64,814 logical records) + 1 codebook (3,758 pp.). -- (National Data Program for the Social Sciences, no. 25)

Table A.1: *Measurements of Variables*

Variable	Measurement	Values	Recoding Notes
<i>Courts</i>	Categorical	1= "too harsh", 2="not harsh enough", 3="about right"	
<i>Female</i>	Dichotomous	0="male", 1="female"	Recoded from <i>sex</i> where 1=male, 2=female
<i>Fear of Crime*</i>	Categorical	0= not afraid, 1= afraid	Recoded from <i>fear</i> where 1=yes, 2=no
<i>Social Class</i>	Dichotomous	0=middle/upper class, 1=lower/working class,	Recoded from <i>class</i> where 1= lower class, 2=working class, 3=middle class, 4=upper class
<i>Parenthood</i>	Dichotomous	0= no children, 1=children	Recoded from <i>childs</i> which is continuous from 0 to 8+
<i>Marital Status</i>	Categorical	1=Married and Living with Spouse, 2=Not Living with Spouse, 3= Never Married	Recoded from <i>marital</i> where 1=married, 2=widowed, 3=divorced, 4=separated, 5=never married
<i>Political Ideology</i>	Categorical	1=liberal, 2=moderate, 3=conservative	Recoded from <i>polview</i> where 1= extremely liberal, 2= liberal, 3=slightly liberal, 4= moderate, 5= slightly conservative, 6= conservative, 7= extremely conservative
<i>Religious Tradition</i>	Categorical	1= Evangelical, 2= Mainline, 3=Black Protestant, 4= Catholic, 5=Jewish, 6= Other Faith, 7= Nonaffiliated	Recoded from <i>relig</i> using RELTRAD coding (Steensland et al., 2000)
<i>Race</i>	Categorical	1= white, 2=black, 3=other	
<i>Age</i>	Continuous	18 to 89	
<i>Education</i>	Continuous	0 to 20 (12 is high school or GED)	

Variable Measurements

To measure gender differences, sex was recoded as 0=male and 1=female. The measure for fear in the GSS data is the question “Are you afraid to walk alone at night through your neighborhood?”. This question is used as a proxy to measure fear of crime, and is recoded so that 1=“yes” to being afraid and 0=“no” to being afraid to walk alone at night through one’s neighborhood. Using the variable which provides respondent’s number of children, a dummy variable was created for parenthood with 0= “does not have children” and 1= “does have children”. Subjective social class was also measured as a dummy variable where lower and working class were truncated into one category and middle and upper class were likewise combined into one category. Marital status was changed into three categories: the first comprising of married respondents, the second being those who were widowed, divorced, or separated from their spouses as those whose spouse does not live with them, and those who reported never being married.

Political ideology was measured using the *polview* variable. Those who were “extremely liberal”, “liberal”, and “slightly liberal” were recoded and categorized into one category of “Liberal”, while “extremely conservative”, “conservative”, and “slightly conservative” were recoded into one category of “Conservative”. Those identifying as “moderate” were put into the “Moderate” category. Ideology was used in place of political party affiliation to directly measure specific ideology and beliefs that may shape views of policy. Religious tradition was recoded using RELTRAD (Steensland et al. 2000) so that 7 possible categories were created for religious tradition- “Evangelical”, “Mainline”, “Black Protestant”, “Catholic”, “Jewish”, “Other Faith”, and “Nonaffiliated”. Control variables included education measured as highest year of school completed, age

in years, and the 3-category GSS variable for race which includes 1= “white”, 2= “black”, and 3= “other race”.

Listwise deletion was used to remove any cases with missing observations on any of the aforementioned variables. When the fear of crime variable was featured in this analysis, the finale sample result was 1,280 respondents. Analysis further showed that fear of crime was not statistically significant in predicting outcomes for views on the criminal courts system². When removed from the analysis, the final sample size after listwise deletion for missing cases was 1,915 respondents. With such a large portion of the sample being regained by removing the statistically insignificant measurement for fear of crime, it was decided that imputation of missing data was not necessary and that fear of crime should be dropped from final analysis. This resulted in a final sample size of 1,915 from the 2,056 respondents who answered the courts question of the survey.

Overview of the Sample

Table 1.A shows the summary of the entire sample. Of the entire final sample, 21% viewed the courts as “too harsh”, 61% saw them as “not harsh enough”, and 18% felt they were “about right”. The trend wherein the majority of respondents believe the courts are not harsh enough still holds in the 2018 data as it has in the past.

When it comes to the gender breakdown of the sample, 54% of respondents were female while 46% were male. The division across classes reveal that 53% was lower/working class and thereby 47% were middle/upper class. The majority of

² Analysis for fear of crime showed a p-value of .370 for those who thought the courts were “too harsh” compared to “about right” and .654 for “not harsh enough” compared to “about right”. As such, fear of crime was not considered statistically significant and subsequently dropped from analysis for a larger sample size.

respondents reported being a parent with 72% of the finale sample reported having at least one child. Those living with their current spouse accounted for 43% of respondents, while those not living with a spouse due to divorce, separation, or widowhood accounted for 29% of the sample. 28% reported never being married.

Political ideology of the sample revealed that a slight majority identified as moderate (37%), followed by conservatives (36%), and liberals (28%). When it comes to religious tradition, Evangelicals were the largest group with 25% of the sample. Mainline Protestants were 13% of the group, Black Protestants were 8%, Catholics 23%, Jews 2%, and Other Faith as .05%. Nonaffiliated were notably the second largest group behind Evangelicals at 24%.

Control variables such as race showed that 72% of the sample was white, 16% black, and 11% another race not specified. The average age of respondents was 49.2 years. Lastly, the average level of education for the whole sample was 13.6 years, which can be considered some college. For a precise breakdown of the sample by specific view of the courts, see Table 1.B.

Table 1.A: *Descriptive Statistics of Sample*

Variable	Mean/Prop.	Freq.	SD	Min.	Max.
<i>Courts</i>					
Too Harsh	.21	402			
Not Harsh Enough	.61	1168			
About Right	.18	345			
<i>Sex</i>					
Female	.54	1034			
<i>Social Class</i>					
Lower/Working	.53	1015			
<i>Parenthood/ Has Children?</i>					
Yes	.72	1378			
<i>Current Marital Status</i>					
Living with current spouse	.43	817			
Not living with spouse	.29	555			
Never married	.28	543			
<i>Political Ideology</i>					
Liberal	.28	536			
Moderate	.37	709			
Conservative	.36	689			
<i>Religious Tradition</i>					
Evangelical	.25	479			
Mainline	.13	253			
Black Protestant	.08	151			
Catholic	.23	443			
Jewish	.02	31			
Other Faith	.05	105			
Nonaffiliated	.24	453			
<i>Race of Respondent</i>					
White	.72	1385			
Black	.16	314			
Other	.11	216			
<i>Age of respondent in years</i>	49.21		18.04	18	89
<i>Highest Year of School Completed</i>	13.62		3.02	0	20

Table 1B: Descriptive Statistics of Sample by View of Courts

Variable	Too Harsh (N=410)		Not Harsh Enough (N=1163)		About Right (N=342)	
	Mean/ Prop.	Freq.	Mean/ Prop.	Freq.	Mean/ Prop.	Freq.
<i>Sex</i>						
Female	.53	217	.57	663	.47	161
<i>Parenthood/ Has Children?</i>						
Yes	.64	262	.76	884	.69	236
<i>Social Class</i>						
Lower/Working Class	.46	189	.44	512	.57	195
<i>Current Marital Status</i>						
Currently Living w/ Spouse	.34	138	.45	518	.47	161
Spouse not Present	.24	100	.32	370	.25	85
Never Married	.42	172	.24	275	.28	96
<i>Political Ideology</i>						
Liberal	.48	197	.20	228	.31	107
Moderate	.32	130	.39	452	.35	121
Conservative	.20	83	.42	483	.33	114
<i>Religious Tradition</i>						
Evangelical	.19	77	.28	320	.24	82
Mainline	.09	36	.15	174	.13	43
Black Protestant	.13	54	.07	87	.03	10
Catholic	.17	70	.26	297	.22	76
Jewish	.02	10	.01	14	.02	7
Other Faith	.07	29	.04	51	.07	25
Nonaffiliated	.33	134	.19	220	.29	99
<i>Race of Respondent</i>						
White	.61	252	.75	871	.77	262
Black	.29	118	.13	156	.12	40
Other	.10	40	.12	136	.12	40
	43.5			17.	48.5	
<i>Age of Respondent</i>	6	17.18*	51.40	89*	6	18.08
<i>Highest Year of School Completed</i>	13.9				14.1	
	7	3.24*	13.33	2.85*	8	3.22*

NOTE: Min. Age= 18, Max Age=89; Highest Year of School Min=1, Max=20; * denotes standard deviation

CHAPTER FOUR

Results

Bivariate Differences Between Women and Men

In order to test for basic gender differences as they pertain to views of the criminal courts, bivariate analysis was conducted using crosstabulation and a Pearson chi-square test (crosstabulation not shown). The crosstabulation shows that among those who found the courts were too harsh, the majority were women (52.9%). Further, the majority of those reporting the courts were not harsh enough were also women (57.1%). Only when it came to saying the courts were function about right did men make up the majority (53.2%).

While those differences reflect this specific sample, the chi-square value reveals that gender differences are statistically significant when statistical controls are not included. The chi-square value ($\chi^2=12.56$) indicates that gender differences in views of the courts are statistically significant at $p<.01$. Relative risk ratios were calculated from the crosstabulation using the following formula (Agresti, 2018) :

$$\pi_{1|1} / \pi_{1|2}$$

They reveal that, on average, women had a 26% increase in relative risk than men to report the courts are too harsh than to say the courts are about right (relative risk=1.26). When comparing views of not harsh enough to about right, women had a 34% higher relative risk than their male counterparts to say the courts are not harsh enough (relative risk=1.34).

The results of these chi-square tests show significance in the bivariate differences for men and women's views of the courts. In other words, not accounting for other variables, women and men differ in how they describe their satisfaction with the local criminal courts. The relative risk ratios calculated for the bivariate analysis also show that, compared to men, women have higher relative risk of being on one of the poles (i.e., too harsh or not harsh enough) than saying the courts are functioning properly (about right).

Multivariate Differences Between Women and Men

Changes from the Bivariate Model

Preliminary analysis through the bivariate crosstabulation and chi-square support the hypothesis that gender differences exist between views of the criminal courts. To further explore these differences and include and control for other variables in the analysis, a multinomial logistic regression was used. Results displayed in Table 2 show that being female was not statistically significant for those who found the courts too harsh net of controls. Simply put, women were not significantly different than men to say the courts were too harsh compared to about right. The bipolar relationship between gender and the courts, the notion that women differ from men when it comes to saying the courts are either too harsh or not harsh enough compared to about right disappears in this analysis. Women are not, according to this model, "softer" than men in their views in the courts or statistically more likely to say the courts are too harsh versus about right compared to their male counterparts.

Similarities to the Bivariate Model

In regard to being dissatisfied by a lack of harshness from the courts, significant differences between men and women appeared. The differences observed in the bivariate model between men and women saying the courts are not harsh enough compared to about right still remain in the multivariate analysis. Compared to men, women had 39% increase in the relative risk of saying the courts were not harsh enough versus being content with the courts, controlling for all other variables in the model. The relative risk reported in the multivariate analysis (1.39) is notably similar to that of the crosstabulation (1.34) when comparing women to men in regard to seeing the courts as not harsh enough versus about right. Similarly, the relative risk of women seeing the courts as too harsh compared to about right when contrasted against men is nonsignificant for the multivariate analysis and 1.26 for the bivariate model.

Both the bivariate analysis (wherein no other variables are controlled for) and the multivariate analysis (where multiple variables are controlled for) reveal similar relative risk differences between men and women. This further supports the existence of gender differences as they pertain to views of the courts. Even as other variables are controlled for, gender differences persist. Moreover, predictive probabilities revealed that women were, on average, 6.9 percentage points higher than men to say the courts were not harsh enough when controlling for the other variables in the multivariate analysis (See Figure 1).

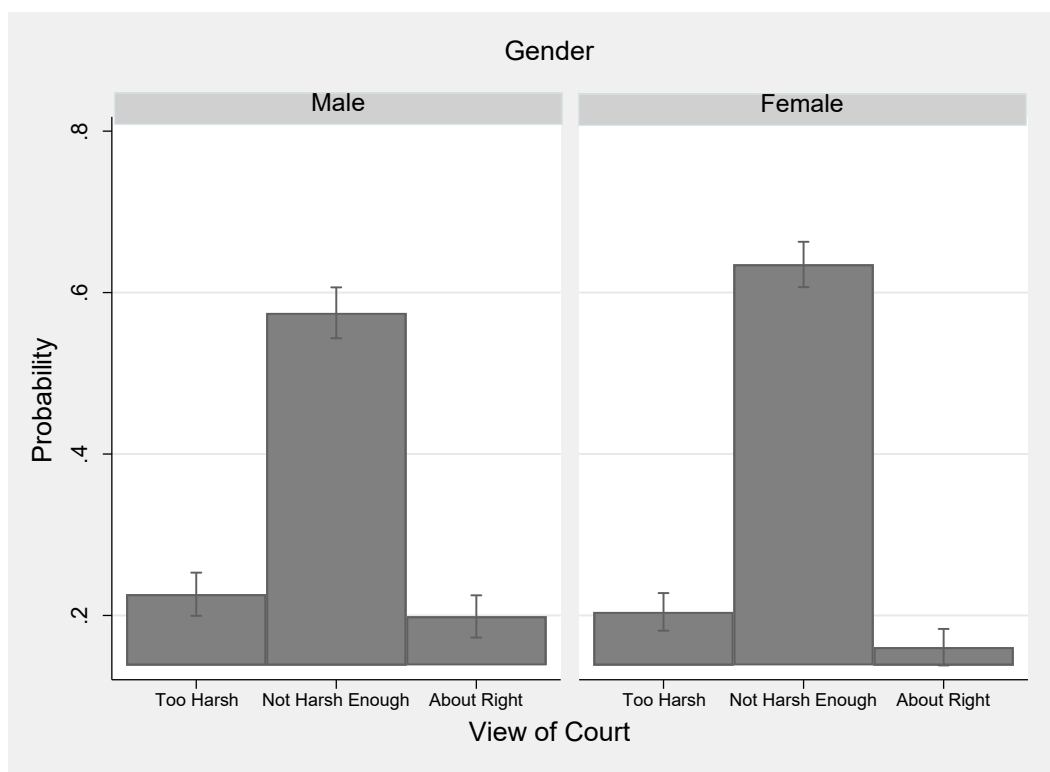


Figure 1: Predicted Probabilities for Gender Differences on Views of Courts

Table 2: Multinomial Logistic Regression of Courts- Relative Risk Ratios

Variable		Too Harsh vs About Right Relative Risk Ratio	Not Harsh Enough vs About Right Relative Risk Ratio
<i>Sex (Ref. Cat. = Male)</i>			
	Female	1.10 (.171)	1.39** (.180)
<i>Parenthood/ Has Children?</i>			
	Yes	1.058 (.209)	1.02 (.174)
<i>Social Class (Ref. Cat. = Middle/Upper)</i>			
	Lower/Working	1.378* (.225)	1.597*** .219
<i>Current Marital Status (Ref. Cat= Married)</i>			
	Spouse Not Present	1.394 (.283)	1.126 .183
	Never Married	1.432 (.310)	.987 .186
<i>Political Ideology (Ref. Cat= Liberal)</i>			
	Moderate	.559*** (.101)	1.599** .258
	Conservative	.455*** (.092)	1.729*** .291
<i>Religious Tradition (Ref. Cat= Evangelical)</i>			
	Mainline	.986 (.284)	1.231 .270
	Black Protestant	2.786 (1.215)	3.115** 1.295
	Catholic	.974 (.230)	1.046 .192
	Jewish	1.63 (.873)	.754 .371
	Other faith	1.045 (.344)	.611 .174
	Nonaffiliated	1.001 (.224)	.736 .137
<i>Race of Respondent (Ref. Cat. = White)</i>			
	Black	1.776* (.439)	.726 .172
	Other Race	.855 (.215)	.992 .204
<i>Age of respondent</i>		.988 (.005)	1.006 .004
<i>Highest year of school completed</i>		.992 (.027)	.939** .021
Observations		1,915	
Standard errors in parentheses; *** p<0.001, ** p<0.01, * p<0.05			

Factors Introduced in the Multivariate Model

Beyond gender, social class was also a significant predictor of views of the courts. Compared to middle/upper class respondents, those who identified as lower or working class had a 37.8% increase in the relative risk of saying the courts were too harsh compared to about right, net of controls. This association was significant at $p < .05$. For those who found the courts as not harsh enough compared to about right, being lower or working class compared to upper/middle was associated with a 59.7% increase in relative risk, controlling for all other variables in the model. Predictive probabilities for these differences between social class groupings reveal that lower/working class respondents were, on average, 6.5 percentage points¹ more likely than middle/upper class respondents to find the courts not harsh enough and only 0.4 percentage points less likely to say the courts were too harsh.

While differences exist in their relative risk of seeing the courts are not harsh enough instead of about right, there is only a substantively small difference between the two groups when it comes for favoring harsher sentencing. Lower/working class respondents were more likely to say the courts were not harsh enough but only slightly less likely than middle/upper class respondents to say the courts were too harsh in how they dealt with criminals.

Other factors that were expected to impact punitiveness such as parenthood and marital status were found not to be statistically significant. Those who had children compared to those who had none were not significantly different in viewing the courts as too harsh or not harsh enough compared to about right. Similarly, being married and

¹ All predicted probabilities presented within this paper represent a difference in probability when all other variables within the model are held at their means.

living with a spouse was no different than being unmarried or not living with a spouse when it came to predicting views of the courts. Therefore, marital status and being a parent had no effect on how one perceived the courts.

Another significant predictor of how respondents view the courts lies, not surprisingly, in political ideology. Political ideology was significant for both groups of dissatisfied respondents- both those who saw the courts as too harsh and those who saw it as not harsh enough. Holding to a moderate political ideology compared to a liberal one was associated with a 44.1% decrease in the relative risk of seeing the courts as too harsh compared to being satisfied with the courts, net of controls. Conservatives as opposed to liberals had an even greater decrease in the relative risk of saying the courts were too harsh with 54.5% decrease, controlling for other variables ($p < .001$ for both moderates and conservatives compared to liberals).

For those who felt the courts were not harsh enough compared to about right, being moderate as opposed to liberal led to a 59.9% increase ($p < .01$) in the relative risk of this form of dissatisfaction with the courts while being conservative compared to liberal resulted in a 72.9% increase in relative risk ($p < .001$). Such political ideology differences translated to predicted probabilities of moderates being 16.2 percentage points less likely than liberals to say the courts are too harsh on average. Conservatives were 19.5 percentage points less likely than liberals to say the courts were too harsh. Alternatively, moderates were 18.1 percentage points more likely than liberals to say the courts were not harsh enough, and conservatives were 21.8 percentage points more likely than liberals to view the courts as not harsh enough.

In both cases, the differences between outcomes for liberals and conservatives were highly statistically significant, while the significance of differences between moderates and liberals was greater when it came to comparing those who saw the courts as too harsh and those who were satisfied with the courts. The difference in likelihood for the three possible views of the courts was also greater between conservatives and liberals, with moderates adhering to views similar to those of conservatives.

A respondent's religious tradition did not help to explain views of the courts, aside from the views of Black Protestants as contrasted with Evangelicals. Compared to Evangelicals, Black Protestants had a 211.5% increase in relative risk of saying that courts are not harsh enough compared to about right, net of controls. This relationship was statistically significant at $p < .01$. Notably, the differences in views of Catholics and Mainline Protestants were not significant when compared to Evangelicals.

Finally, among the control variables included in this analysis, being black² compared to white was associated with a 77.6% increase in the relative risk of saying the courts were too harsh compared to about right; this was significant only at $p < .05$ net of other variables. This equates to blacks being 13.7 percentage points more likely to say the courts are too harsh than whites. When examining education, a one-year increase in education was associated with a 7.1% decrease in the relative risk of saying the courts do not operate harshly enough ($p < .01$). This translates to a 1.3 percentage point decrease in the predicted probability a person will say the courts are not harsh enough. The

² Separate models were run using only the *reltrad* variable and only the *race* variable to check for multicollinearity between the effect of Black Protestants and blacks. In both additional models (not shown), black and Black Protestant continued to be statistically significant, indicating that both have separate effects in predicting punitiveness. VIFs (Variance Inflation Factors) found in tests for multicollinearity were smaller than 1.5. For this reason, *reltrad* and *race* were both included in this model as well as the model determining differences among women.

substantive effect of age is inconsequential; a one-year increase in age associated with a 0.8% increase in the relative risk of saying the courts are too harsh versus about right, or a 0.3 percentage point increase in the overall likelihood of saying the courts operate too harshly.

Explanations for Gender Differences

While the observed gender differences in seeing the courts as not harsh enough on criminals are small, it is still of interest to explore some explanations for the occurrence of these differences. Interaction models were produced to determine if statistically significant relationships- such as the ones between social class or political ideology and views of the courts- might help explain the gender differences between men and women when it comes to saying the courts are not operating harshly enough.

Social class was extremely statistically significant at $p=.001$ in explaining why lower/working class respondents would say the courts are not harsh enough compared to middle/upper class respondents. However, when an interaction model focusing on the interaction between gender and social class was utilized, results revealed the interaction effect between gender and social class was not statistically significant. Moreover, the interaction between social class and gender does not explain differences in views of the courts nor does social class help to explain the effect gender has on views of the courts.

As mentioned in earlier sections of this paper, gender and political ideology are often associated with one another (Smith, 1984; Shapiro & Mahajan, 1986; Wirls, 1986; Pratto et al., 1997; Studlar et al., 1998; Gault & Sabini, 2000; Halim & Stiles, 2001; Edlund & Pande, 2002; King & Wheelock, 2007). Contrary to what might be expected, the interaction terms for the relationship between gender and political ideology were not

statistically significant ($p=.108$ for moderates vs. liberals, $p=.835$ for conservatives vs. liberals) in predicting differences in outcomes between the courts not being harsh enough and being satisfied with how the courts are functioning. Similar to Gault and Sabini's 2000 findings, ideology could not account for the effect gender had on views of the courts and a desire for harsher punishment; however, the relationship observed here is opposite of their study in that women were more desiring of harsher sentencing than men. While gender differences were observed and females have a higher likelihood than men of wanting harsher court sentencing (thus supporting the first and second proposed hypotheses), none of the other statistically significant variables in the model such as political ideology and social class helped to explain or account for these gender differences.

Multivariate Differences Among Women

To determine what influences differences in women's views, another multinomial logistic regression model was conducted exclusively on women in the sample. In this model, the view of not harsh enough was used as the base category to compare those who found the courts as not harsh enough to those who felt they were too harsh or about right. (See Table 3). 1,041 women were included in this sample.

Table 3: Multinomial Logistic Regression of Courts Among Women- Relative Risk Ratios

VARIABLES	Too Harsh vs. Not Harsh Enough Relative Risk Ratios	About Right vs. Not Harsh Enough Relative Risk Ratios
<i>Parenthood- Yes</i>	1.194 (.277)	.894 (.218)
<i>Social Class- Lower/Working (Ref. Cat= Middle/Upper)</i>	.989 (.185)	.716 (.140)
<i>Current Marital Status (Ref. Cat= Married)</i>		
Spouse Not Present	1.117 (.249)	.889 (.203)
Never Married	1.539 (.369)	.798 (.217)
<i>Political Ideology (Ref. Cat= Liberal)</i>		
Moderate	.249*** (.051)	.492** (.113)
Conservative	.214*** (.049)	.563* (.137)
<i>Religious Tradition (Ref. Cat= Evangelical)</i>		
Mainline	.646 (.215)	.918 (.281)
Black Protestant	.563 (.205)	.281* (.155)
Catholic	1.012 (.257)	.941 (.246)
Jewish	1.294 (.870)	.905 (.648)
Other faith	.884 (.358)	1.0739 (.442)
Nonaffiliated	.870 (.226)	1.150 (.314)
<i>Race of Respondent (Ref. Cat. = White)</i>		
Black	4.005*** (1.113)	1.994* (.671)
Other Race	1.122 (.333)	1.319 (.38)7
<i>Age of respondent</i>	.995 (.006)	.994 (.007)
<i>Highest year of school completed</i>	1.08* (.034)	1.125*** (.0389)
Observations	1,041	

Standard errors in parentheses
 *** p<0.001, ** p<0.01, * p<0.05

Once again, political ideology was a statistically significant predictor for determining which views respondents took concerning the criminal courts. Compared to liberals, moderates had a 75.1% decrease in the relative risk of saying the courts were too harsh compared to not harsh enough among women. Conservatives, when compared to liberals, had a 78.6% decrease in the relative risk of saying the courts were too harsh versus not harsh enough among women. Both relationships were statistically significant at $p < .001$.

For those women who said the courts were about right compared to not harsh enough, holding a moderate political ideology instead of a liberal one meant a 50.8% decrease in the relative risk of being satisfied with the courts as opposed to seeing them as too soft on crime ($p < .01$). Conservative women compared to liberal women had a 43.7% decrease in the relative risk of saying the courts were about right as opposed to saying they were not harsh enough, though this was only statistically significant at a level of $p < .05$.

In terms of probability, conservative women were 25 percentage points more likely than women who identified as liberal to say the courts were not harsh enough. Similarly, moderate women were 24 percentage points more likely than liberal women to say the courts were not harsh enough. Liberal women were 23.2 percentage points more likely than conservatives and 21.2 percentage points more likely than moderates to say the courts were too harsh.

Once again, religious tradition was not statistically significant save for those women who were Black Protestant as opposed to Evangelical and who saw the courts as about right when compared to not harsh enough. Being Black Protestant decreased

women's relative risk of seeing the courts as about right compared to not harsh enough by 71.9%. This was also only statistically significant at a p-level of .05.

An interesting difference occurred among women when comparing black women to white women on the relative risk of saying the courts were too harsh versus not harsh enough. Black women, compared to white women, had an increase of over 300% in the relative risk of seeing the courts as too harsh versus not harsh enough. This was highly statistically significant at $p < .001$. When it came to those who see the courts as about right compared to not harsh enough, black women had a 99.4% increase in relative risk compared to white women ($p < .05$).

Clear racial differences exist among women's views of the courts. The probability that black women saw the courts as too harsh was 21 percentage points higher than that of white women. When it came to seeing the courts as about right, black women had a 2.9 percentage point increase in probability of saying the courts were about right compared to white women. On the other hand, white women were, on average, 23.5 percentage points more likely than black women to say the courts were not harsh enough.

Lastly, education was significant both among those who saw the courts as too harsh and about right when contrasted against those who said the courts were not harsh enough. A one-year increase in education was associated with an 8% increase in the relative risk of seeing the courts as too harsh compared to not harsh enough ($p < .05$). Moreover, the relative risk of being satisfied with courts compared to saying they were too soft increased by 12.5% with every additional year of school completed ($p < .001$). The marginal effect of education on saying the courts were too harsh was not statistically significant but every additional year of education decreased the likelihood of saying the

courts were not harsh enough by 1.9 percentage points and increased the likelihood of saying they were about right by 1.2 percentage points. The substantive effect of education on women's different views of the courts is extremely small.

CHAPTER FIVE

Discussion and Conclusion

Comparing Results to Past Literature

Contrary to much of the prevailing literature that gender differences in punitiveness do not exist (Boydell & Grindstaff, 1974; Applegate et al., 1996a; Applegate et al., 1996b; Halim & Stiles, 2001; Applegate et al., 2002), there were significant observed gender differences among those who supported harsher sentencing practices for the local courts. As observed in both the chi-square test and the multinomial logit models, women and men had differences in how likely they were to say the courts were too harsh or not harsh enough when compared to saying the courts were satisfactory.

Women were not more likely than men to say that the courts were too harsh, in fact, the opposite is true. Women had a higher relative risk than men to say the courts were not harsh enough, indicating a desire for higher levels of punitiveness. Cohn, Barkhan, and Halteman's findings from the 1987 General Social Survey indicated women displayed more punitive views toward the courts than men (1991). This present study shows that the same still holds almost 20 years later while using gender as a focal point for analysis instead of a simple control.

The findings in the second multinomial logit model show that white women were 23.5 percentage points more likely than black women to find the courts were not harsh enough, and black women were 21 percentage points more likely than white women to say the courts were too harsh, contradicting past claims that black women are the harshest

(Miller et al., 1986). This highlights important race differences among women and their views of the criminal courts that should be given further attention in later studies, especially when weighing black women's views of the criminal courts and their views of punitive policies.

As expected, social class and political ideology were significantly associated with higher levels of punitiveness and saying the courts were not harsh enough. Those who identified as lower or working class were more likely than upper/middle class to say that the courts were not harsh enough; however, the difference in the likelihood that they are harsher overall is very small. Gault and Sabini (2000) found that including gender with measures of ideology was a better predictor of policy stances than ideology alone, and in this case, the same holds true. Real gender differences are observed among those who say the courts are not harsh enough compared to being satisfied with them, and ideological differences also determine differences among women generally.

Compared to liberals, conservatives were more likely to say the courts were not harsh enough and less likely to say the courts were too harsh. Moderates, when also compared to liberals were more likely to say the courts were not harsh enough and less likely to say the courts were too harsh but did not differ from liberals to the same extent as conservatives. Political ideology not only had a strong impact on views for the courts generally, but also exclusively among women. Being conservative or moderate decreases the likelihood of a woman saying the courts are too harsh compared to if she is liberal and increases the likelihood of saying the courts are not harsh enough. Liberal women are more likely than conservative women or moderate women to say the courts are too harsh.

In attempt to explain gender differences, variables such parenthood and marital status were also used to measure a perceived sense of vulnerability among women that might drive them to be more punitive in an effort to protect themselves or their families. Neither parenthood nor marital status helped to explain views of the courts generally, not to mention gender differences. While fear of crime was dropped from the models in an effort to maintain a larger sample size, this was possible because fear of crime, as measured in the GSS questionnaire, was also not significant for explaining views of the courts.

The fact that fear of crime was insignificant in all models it was included in is worthy of specific attention. The purpose of the criminal courts is to process and determine sentencing of offenders. They are responsible for ensuring that criminals are punished appropriately for their behavior. Women have a well-documented and notably higher fear of crime compared to men (Warr & Stafford, 1983; Warr 1984; LaGrange & Ferraro, 1989; Ferraro, 1996), but the results of this analysis reveal that fear of crime was not a significant predictor of views of the courts for men or women. Warr and Stafford (1983) argue that global measures of fear of crime, such as the GSS question “are you afraid to walk alone after dark through your neighborhood?” are not as useful as using multiple local measures of fear of crime. Further analysis may seek to re-evaluate the relationship between gender and fear of crime on punitiveness using a series of measures instead of the proxy of fear of crime represented in the GSS questionnaire.

While the gender differences between men and women and their views of the courts is admittedly small, there is still no clear explanation for why women might be more punitive than their male counterparts. Theories that women would be softer on

crime due to their socialization to care for others are not supported in this analysis, but neither is the paradoxical notion that they would be harsher in order to protect and care for others. A perceived sense of vulnerability as the result of their social status or place in society is also not seen in this analysis. What then might drive women to be more punitive? What drives these gender differences in views of the courts?

Further analysis may also need to examine the view of the courts over time. Perhaps women are more attentive to changes in violent crime rates which, while generally decreasing, have seen a decrease in gender gap between men and women's violent crime victimization (Lauritsen & Heimer, 2008). Other areas of exploration may seek to compare men and women's media consumption as it pertains to news and crime reporting. If women are continually portrayed by the media as helpless victims and see themselves as inherently vulnerable (Madriz, 1997) then perhaps women feel more dependent upon social institutions like the criminal courts to protect them. It is important for future feminist criminology to continue to explore these topics in an effort to understand more of women's subjective positions in the greater society around them.

Conclusion

Much research has yet to be done when it comes to understanding women's views of punitiveness, particularly toward the criminal courts system. While some past research has claimed that gender differences do not exist when it comes to views on the courts, the research presented in this paper raises some questions about whether women truly do not differ from men when it comes to dealing with criminals. Notable, though small, gender differences exist among those who advocate for harsher punishment, and this highlights

that gender shapes how strongly women advocate with harsher courts and find their local courts as ineffective. Women have higher relative risk and higher likelihood of seeing the courts as not harsh enough compared to men, and this warrants further investigation into what could potentially drive women to be more punitive than their male counterparts.

While fear of crime, parenthood, and marital status do not help to explain why women are more likely to say the courts are not harsh enough compared to men, there is not a clear explanation for what does explain the differences. Ideology and social class explain higher levels of punitiveness on their own, but do not help to explain the gender differences observed. There is something unique to women, something not captured in this analysis, which might help to explain why women are more likely to want harsher sentencing than what currently exists. Past criminological views operated from misconceptions that women were softer on crime than men, that women only ever want non-punitive measures to deal with crime, but such claims are not supported here. Women's reasons for evaluating the criminal courts as less than effective may also shape how women interact with the criminal court system as judges, jurors and political constituents. Further research in this area might yield important insight into women's behaviors in other areas of the judicial system.

It is important that future research on women's views of issues of legal proceedings against criminals and the structure of the justice system not operate on the basic assumption that women will always take a softer approach to crime than men or that they strictly operate out of a passive view of crime. This not only furthers stereotypical views of women's perceptions of the criminal justice system, but it fails to accurately represent the empirical evidence demonstrating women's more punitive views.

BIBLIOGRAPHY

- Agresti, A. (2018). *An introduction to categorical data analysis*. John Wiley & Sons.
- Applegate, B. K., Cullen, F. T., & Fisher, B. S. (2002). Public views toward crime and correctional policies Is there a gender gap? *Journal of Criminal Justice*, 12.
- Applegate, B. K., Cullen, F. T., Fisher, B. S., & Ven, T. V. (2000). Forgiveness and Fundamentalism: Reconsidering the Relationship Between Correctional Attitudes And Religion. *Criminology*, 36(3), 719-754.
- Applegate, B. K., Cullen, F. T., Link, B. G., Richards, P. J., & Lanza-Kaduce, L. (1996). Determinants of public punitiveness toward drunk driving: A factorial survey approach. *Justice Quarterly*, 13(1), 57-79.
- Applegate, B. K., Cullen, F. T., Turner, M. G., & Sundt, J. L. (1996). Assessing Public Support for Three-Strikes-and-You're-Out Laws: Global versus Specific Attitudes. *Crime & Delinquency*, 42(4), 517-534.
<https://doi.org/10.1177/0011128796042004002>
- Bender, L. (1988). A lawyer's primer on feminist theory and tort. *Journal of Legal Education*, 38(1/2), 3-37.
- Brody, E. M. (2003). *Women in the middle: Their parent-care years*. Springer Publishing Company.
- Bureau of Justice Statistics (BJS), US Dept of Justice, Office of Justice Programs, and United States of America. (2020). *Prisoners in 2018*.
<https://www.bjs.gov/content/pub/pdf/p18.pdf>.
- Cohn, S. F., Barkan, S. E., & Halteman, W. A. (1991). Punitive attitudes toward criminals: Racial consensus or racial conflict?. *Social Problems*, 38(2), 287-296.
- Conover, P. J., & Sapiro, V. (1993). Gender, feminist consciousness, and war. *American Journal of Political Science*, 1079-1099.
- Costelloe, M. T., Chiricos, T., & Gertz, M. (2009). Punitive attitudes toward criminals: Exploring the relevance of crime salience and economic insecurity. *Punishment & Society*, 11(1), 25-49.
- De Vaus, D., & McAllister, I. (1987). Gender differences in religion: A test of the structural location theory. *American Sociological Review*, 472-481.

- Dodd, S. (2018). The punitive woman? Gender differences in public attitudes toward parole among an Australian sample. *International journal of offender therapy and comparative criminology*, 62(10), 3006-3022.
- Edlund, L., & Pande, R. (2002). Why have women become left-wing? The political gender gap and the decline in marriage. *The Quarterly Journal of Economics*, 117(3), 917-961.
- Ferraro, K. F. (1996). Women's fear of victimization: Shadow of sexual assault?. *Social forces*, 75(2), 667-690.
- Gardner, C. B. (1989). Analyzing gender in public places: Rethinking Goffman's vision of everyday life. *The American Sociologist*, 20(1), 42.
- Gault, B. A., & Sabini, J. (2000). The roles of empathy, anger, and gender in predicting attitudes toward punitive, reparative, and preventative public policies. *Cognition & Emotion*, 14(4), 495-520.
- Gilligan, C., & Attanucci, J. (1988). Two moral orientations: Gender differences and similarities. *Merrill-Palmer Quarterly* (1982-), 223-237.
- Grasmick, H. G., & McGill, A. L. (1994). Religion, attribution style, and punitiveness toward juvenile offenders. *Criminology*, 32(1), 23-46.
- Grasmick, H. G., Davenport, E., Chamlin, M. B., & Bursik Jr, R. J. (1992). Protestant fundamentalism and the retributive doctrine of punishment. *Criminology*, 30(1), 21-46.
- Gromet, D. M., & Darley, J. M. (2011). Political ideology and reactions to crime victims: Preferences for restorative and punitive responses. *Journal of Empirical Legal Studies*, 8(4), 830-855.
- Haghighi, B., & Lopez, A. (1998). Gender and perception of prisons and prisoners. *Journal of Criminal Justice*, 26(6), 453-464.
- Hale, C. (1996). Fear of crime: A review of the literature. *International review of Victimology*, 4(2), 79-150.
- Halim, S., & Stiles, B. L. (2001). Differential support for police use of force, the death penalty, and perceived harshness of the courts: Effects of race, gender, and region. *Criminal Justice and Behavior*, 28(1), 3-23.
- Hogan, M. J., Chiricos, T., & Gertz, M. (2005). Economic insecurity, blame, and punitive attitudes. *Justice Quarterly*, 22(3), 392-412.

- Hollander, J. A. (2001). Vulnerability and dangerousness: The construction of gender through conversation about violence. *Gender & society*, 15(1), 83-109.
- Hooyman, N. R., & Gonyea, J. G. (1999). A feminist model of family care: Practice and policy directions. *Journal of Women & Aging*, 11(2-3), 149-169.
- Hurwitz, J., & Smithey, S. (1998). Gender differences on crime and punishment. *Political Research Quarterly*, 51(1), 89-115.
- Johnson, D. (2001). Punitive attitudes on crime: Economic insecurity, racial prejudice, or both?. *Sociological Focus*, 34(1), 33-54.
- Keane, C. (1995). Victimization and fear: Assessing the role of offender and offence. *Canadian Journal of Criminology*, 37(3), 431-455.
- King, A., & Maruna, S. (2009). Is a conservative just a liberal who has been mugged? Exploring the origins of punitive views. *Punishment & Society*, 11(2), 147-169.
- King, R. D., & Wheelock, D. (2007). Group threat and social control: Race, perceptions of minorities and the desire to punish. *Social Forces*, 85(3), 1255-1280.
- LaGrange, R. L., & Ferraro, K. F. (1989). Assessing age and gender differences in perceived risk and fear of crime. *Criminology*, 27(4), 697-720.
- Langworthy, R. H., & Whitehead, J. T. (1986). Liberalism and fear as explanations of punitiveness. *Criminology*, 24(3), 575-591.
- Madriz, E. I. (1997). Images of criminals and victims: A study on women's fear and social control. *Gender & Society*, 11(3), 342-356.
- Malone, C. A., & King, R. D. (2020). Stressed to the Punishing Point: Economic Insecurity and State Imprisonment Rates. *Social Currents*, 7(6), 491-507.
- Mark, W. (1984). Fear of victimization: Why are women and the elderly more afraid?. *Social science quarterly*, 65(3), 681.
- Milburn, M. A., & Conrad, S. D. (2016). *Raised to rage: The politics of anger and the roots of authoritarianism*. MIT Press.
- Miller, J. L., Rossi, P. H., & Simpson, J. E. (1986). Perceptions of justice: Race and gender differences in judgments of appropriate prison sentences. *Law and Society Review*, 313-334.
- Mills, C. J. (1980). Juror characteristics: To what extent are they related to jury verdicts. *Judicature*, 64, 22.

- Moon, M. M., Sundt, J. L., Cullen, F. T., & Wright, J. P. (2000). Is child saving dead? Public support for juvenile rehabilitation. *Crime & Delinquency*, 46(1), 38-60.
- Ouimet, M., & Coyle, E. J. (1991). Fear of crime and sentencing punitiveness: Comparing the general public and court practitioners. *Canadian J. Criminology*, 33, 149.
- Ozorak, E. W. (1996). The power, but not the glory: How women empower themselves through religion. *Journal for the Scientific Study of Religion*, 17-29.
- Pantazis, C. (2000). 'Fear of crime', vulnerability and poverty. *British journal of criminology*, 40(3), 414-436.
- Payne, B. K., Gainey, R. R., Triplett, R. A., & Danner, M. J. (2004). What drives punitive beliefs?: Demographic characteristics and justifications for sentencing. *Journal of criminal Justice*, 32(3), 195-206.
- Pew Research Center. (March 22, 2016). The Gender Gap in Religion Around the World. <https://www.pewforum.org/2016/03/22/the-gender-gap-in-religion-around-the-world/>
- Pratto, F., Stallworth, L. M., & Sidanius, J. (1997). The gender gap: Differences in political attitudes and social dominance orientation. *British journal of social psychology*, 36(1), 49-68.
- Rader, N. E. (2008). Gendered fear strategies: Intersections of doing gender and fear management strategies in married and divorced women's lives. *Sociological Focus*, 41(1), 34-52.
- Rader, N. E., & Cossman, J. S. (2011). Gender differences in US college students' fear for others. *Sex Roles*, 64(7-8), 568-581.
- Samuel, W., & Moulds, E. (1986). Effect of Crime Severity on Perceptions of Fair Punishment: A California Case Study, *The J. Crim. L. & Criminology*, 77, 931.
- Schultz, D. (1999). No joy in mudville tonight: The impact of three strike laws on state and federal corrections policy, resources, and crime Control. *Cornell JL & Pub. Pol'y*, 9, 557.
- Scott, H. (2003). Stranger Danger: Explaining Women's Fear of Crime. *Western criminology review*, 4(3).
- Seto, C. H., & Said, I. (2020). Religious perceptions of crime and implications for punitiveness. *Punishment & Society*, 1462474520960038.

- Shapiro, R. Y., & Mahajan, H. (1986). Gender Differences in Policy Preferences: A Summary of Trends from the 1960s to the 1980s. *Public Opinion Quarterly*, 50(1), 42-61.
- Smith, T. W. (1984). The polls: Gender and attitudes toward violence. *The Public Opinion Quarterly*, 48(1), 384-396.
- Smith, Tom W., Davern, Michael, Freese, Jeremy, and Morgan, Stephen, General Social Surveys, 1972-2018 [machine-readable data file] /Principal Investigator, Smith, Tom W.; Co-Principal Investigators, Michael Davern, Jeremy Freese, and Stephen Morgan; Sponsored by National Science Foundation. --NORC ed.-- Chicago: NORC, 2018: NORC at the University of Chicago [producer and distributor]. Data accessed from the GSS Data Explorer website at gssdataexplorer.norc.org.
- Snedker, K. A. (2006, June). Altruistic and vicarious fear of crime: Fear for others and gendered social roles. In *Sociological Forum* (Vol. 21, No. 2, pp. 163-195). Springer US.
- Snyder, J. K., Fessler, D. M., Tiokhin, L., Frederick, D. A., Lee, S. W., & Navarrete, C. D. (2011). Trade-offs in a dangerous world: Women's fear of crime predicts preferences for aggressive and formidable mates. *Evolution and Human Behavior*, 32(2), 127-137.
- Sprott, J. B. (1999). Are members of the public tough on crime?: The dimensions of public "punitiveness". *Journal of Criminal Justice*, 27(5), 467-474.
- Sprott, J. B., & Doob, A. N. (1997). Fear, victimization, and attitudes to sentencing, the courts, and the police. *Canadian Journal of Criminology*, 39(3), 275-291.
- Stanko, E. A. (1995). Women, crime, and fear. *The Annals of the American Academy of Political and Social Science*, 539(1), 46-58.
- Steensland, B., Robinson, L. D., Wilcox, W. B., Park, J. Z., Regnerus, M. D., & Woodberry, R. D. (2000). The measure of American religion: Toward improving the state of the art. *Social forces*, 79(1), 291-318.
- Steffensmeier, D., & Hebert, C. (1999). Women and men policymakers: Does the judge's gender affect the sentencing of criminal defendants?. *Social forces*, 77(3), 1163-1196.
- Studlar, D. T., McAllister, I., & Hayes, B. C. (1998). Explaining the gender gap in voting: A cross-national analysis. *Social Science Quarterly*, 779-798.
- Thomas, C. W., Cage, R. J., & Foster, S. C. (1976). Public opinion on criminal law and legal sanctions: An examination of two conceptual models. *J. Crim. L. & Criminology*, 67, 110.

- Thomas, C. W., Cage, R. J., & Foster, S. C. (1976). Public opinion on criminal law and legal sanctions: An examination of two conceptual models. *J. Crim. L. & Criminology*, 67, 110.
- Tyler, T. R., & Weber, R. (1982). Support for the death penalty; instrumental response to crime, or symbolic attitude?. *Law and Society Review*, 21-45.
- Unnever, J. D., & Cullen, F. T. (2010). The Social Sources of Americans' Punitiveness: A Test of Three Competing Models. *Criminology*, 48(1), 99-129.
- Unnever, J. D., Cullen, F. T., & Applegate, B. K. (2005). Turning the other cheek: Reassessing the impact of religion on punitive ideology. *Justice Quarterly*, 22(3), 304-339.
- Vacha, E. F., & McLaughlin, T. F. (2000). The impact of poverty, fear of crime, and crime victimization on keeping firearms for protection and unsafe gun-storage practices: A review and analysis with policy recommendations. *Urban education*, 35(4), 496-510.
- Vogel, B. L., & Vogel, R. E. (2003). The age of death: Appraising public opinion of juvenile capital punishment. *Journal of Criminal Justice*, 31(2), 169-183.
- Walmsley, R. (2009). *World Prison Population List*, 8 ed. International Centre of Prison Studies, King's College, London.
- Wanner, R. A., & Caputo, T. C. (1987). Punitiveness, fear of crime, and perceptions of violence. *Canadian Journal of Sociology/Cahiers canadiens de sociologie*, 331-344.
- Warr, M. (1995). Poll trends: Public opinion on crime and punishment. *The Public Opinion Quarterly*, 59(2), 296-310.
- Warr, M., & Stafford, M. (1983). Fear of victimization: A look at the proximate causes. *Social forces*, 61(4), 1033-1043.
- Weeden, K. A., Cha, Y., & Bucca, M. (2016). Long work hours, part-time work, and trends in the gender gap in pay, the motherhood wage penalty, and the fatherhood wage premium. *RSF: The Russell Sage Foundation Journal of the Social Sciences*, 2(4), 71-102.
- Weiss, D. B., & MacKenzie, D. L. (2010). A global perspective on incarceration: How an international focus can help the United States reconsider its incarceration rates. *Victims and Offenders*, 5(3), 268-282.
- Welch, K. (2011). Parental status and punitiveness: Moderating effects of gender and concern about crime. *Crime & Delinquency*, 57(6), 878-906.

- Whitehead, J. T., & Blankenship, M. B. (2000). The gender gap in capital punishment attitudes: An analysis of support and opposition. *American Journal of Criminal Justice*, 25(1), 1-13.
- Wirls, D. (1986). Reinterpreting the gender gap. *Public Opinion Quarterly*, 50(3), 316-330.
- Yates, J., & Fording, R. (2005). Politics and state punitiveness in black and white. *The Journal of Politics*, 67(4), 1099-1121.