



1992

## The Effects of Attributions About Male and Female Criminals on Sentencing in Murder Trials

Joseph W. Filkins  
*Loyola University Chicago*

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THE EFFECTS OF ATTRIBUTIONS ABOUT MALE  
AND FEMALE CRIMINALS ON SENTENCING IN MURDER TRIALS

by

Joseph W. Filkins

A Thesis Submitted to the Faculty of the Graduate School  
of Loyola University of Chicago in Partial Fulfillment  
of the Requirements for the Degree of  
Master of Arts

May

1992

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### ACKNOWLEDGEMENTS

I would first like to thank my committee (R. Scott Tindale and Linda Heath) for their helpful criticisms throughout this project. I would also like to thank Margaret Filkins and Kim Jarozewski for their help in the coding of the data. Finally, I would like to rxxpress my gratitude to Christine Smith and Linda Thomas for their understanding during the data collection phase of this project.

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## INTRODUCTION

Women have always been assumed to be much less prone to violence than men (Heilbrun, 1982; Naffin, 1985). However a rapid rise in the female crime rate has instigated a renewed interest in the study of the female criminal. One of the earliest investigations of female was reported by Lombroso (1920). He focused on the physiological attributes which make up the female offender. This work was the guiding force in this area of research through the early years. The next important work was that of Pollak (1950) whose work was based on Freudian theory. Although this work is not considered relevant today, one factor introduced by Pollak is relevant to this study: the chivalrous treatment of women by the criminal justice system. Pollak posits that women are differentially treated by the law, because of a general cultural tendency in men to feel that they must protect women. This feeling has been culturally reinforced by the roles in society of men as the breadwinners and women as the family caretakers. More recent work has attempted to define the characteristics of the female offender and explain the different types of female offenders. Based on data gathered from 1969-1975, Wolfe, Cullen & Cullen (1984) were able to put together a profile of the typical female offender. She



is young, black, poorly educated, occupationally unskilled or unemployed, unmarried, and often free of dependents. Although this work does not discuss in great detail how or why a female would turn to crime, it does provide us with some characteristics needed to identify the social parameters of the female criminal.

Anderson (1976) discussed a number of different propositions concerning why females would be subject to differential treatment by the criminal justice system. Anderson focused mainly on the idea that the female offender is subject to chivalrous treatment by the system. She writes that such an idea is not new. Citing Pollak's (1950) work on men's protective attitude towards women:

"Men hate to accuse women and thus indirectly send them to their punishment, police officers dislike to arrest them, district attorneys to prosecute them, judges and juries to find them guilty" (p.150).

According to Anderson (1976), the most frequently voiced reason for the chivalrous treatment of women by the criminal justice system is that women need to be protected. Sometimes this includes the women who are being protected from themselves. These are the ones (typically adolescent girls) who supposedly receive longer prison sentences than their male counterparts. In this way the idea of chivalrous treatment has perpetuated itself against any contradictory evidence. It is Anderson's belief that the chivalry proposition is a myth. She thinks that there is not any

significant differential treatment by the criminal justice system towards female offenders when compared to their male counterparts. It is only one of the many myths concerning the nature of female crime.

Weisheit (1984) took a different approach to the study of the female offender. He broke down the basic theories of female crime into three different levels of explanation: explanations at the macro-, individual, and micro-levels. Many researchers who study female criminality at the macro-level argue that even if female and male crimes differ in form or frequency, such crimes may still arise from similar processes. Weisheit quoting Nettler (1978) writes that most macro-level research revolves around the "convergence hypothesis" which assumes that "as the social roles of the sexes are equalized, the differences between the sexes in terms of crime rates is diminished" (p. 568). From this assumption, two dominant theories of explanation have arisen. Opportunity theory assumes that crime is directly linked to one's position in the occupational structure. Since females are less likely to be in the work force than males, female crime is less frequent. In other words, women do not have the same opportunity as males to commit crimes.

The second theory at the macro-level revolves around the issue of socialization. Some researchers have suggested that female criminality is better explained by the differing

role orientations of males and females. As females begin to adopt more masculine oriented roles in society, they will begin to approach males in the quality and the quantity of the crimes committed.

The individual level of explanation revolves around biological or psychological processes. Arguments on both sides of this issue have been raised (Lombroso, 1920; Pollak, 1950; Klein, 1973; Anderson, 1976). Since this work has already been presented, there is no need to further elaborate upon it. Suffice it to say that much of this early work, according to Weisheit, has come into question.

According to Weisheit (1984), explanations at the micro-levels involve studying criminal behavior through the interactions of the criminal with his/her environment. This is a relatively recent development for three reasons: (1) In recent years, theories of deviance have downplayed the roles of group processes; (2) Many crimes for which females are arrested are individualistic in nature (e.g. running away); (3) The relative infrequency of female criminality contributes to its individualistic image. Weisheit writes, "The female offender is an aberration," (p. 575). The research suggests that female delinquency is most likely to occur in mixed set peer groups with males representing the delinquent role models (Giordano, 1978; Giordano & Cernkovich, 1979). According to this theory, female delinquency is not as individualistic as once

thought.

Heilbrun (1982) considered the issue of differential treatment of males and females within the criminal justice system. When he compared 678 male and 618 female criminals, he found that women were generally treated more leniently than men, spending less time in prison and less time on parole, even when they were convicted of the same crime. For felony cases, Zingraff & Thomsen (1984) found support for a leniency hypothesis. Their findings indicated that females received significantly different sentence lengths from males in every felony offense investigated. Anderson (1976) wrote in her argument against the position of the chivalrous treatment of women that female criminals are often given longer sentences to afford them "protection from themselves" (p. 354-355). However, except for adolescents, she provided no evidence to support this statement. It seems that there is more evidence to support the claim that females are treated more leniently, especially in felony cases.

If one were to look at these theories of female crime using attribution theory, one would conclude that many researchers see female crime as resulting from some dispositional factor within the female offender. The works of Pollak (1950) and Anderson (1976) support this assumption. When a female commits a crime, she intended to commit the crime and there were no situational constraints

driving her to act. Research has shown that when subjects make dispositional attributions about a criminal's behavior, that criminal tends to receive a stiffer sentence (Carroll & Coates, 1980; Carroll & Payne, 1977; Heilbrun, 1982; Kumar, 1984; Phillips, 1985; Sinha & Kumar, 1985). However, this seems to create a contradiction since female criminals tend to be treated more leniently by the criminal justice system (Krohn, Curry, & Nelson-Kilger, 1983; Heilbrun, 1982; Visher, 1983).

On the other hand, Opportunity Theory focuses primarily on the situational constraints which leads to action. Since females are less likely to be in the work force than males, their situation places constraints on their behavior, making them less likely to commit crimes. Weisheit's (1984) approach looks at both dispositional and situational factors in female crime. The micro-level processes, with their concern on the interaction between female criminal with her environment, focus on the situational constraints. The individual-level processes consider the internal workings of the female criminal. Since the theories which focus on the dispositional factors involved in female crime contradict the empirical findings regarding sentencing decisions, perhaps more efforts should be focused on the effects of situational constraints on sentence length.

As Heilbrun (1982) showed, the length of sentence is usually the key factor which would indicate the chivalrous

treatment of women by the criminal justice system. One sentence in particular which has not received much attention by researchers has been the death penalty. Many researchers have found that there is widespread support among the general population for the death penalty (Vidmar & Ellsworth, 1974; Tyler & Weber, 1982; Ellsworth & Ross, 1983; Neapolitan, 1983; Warr & Stafford, 1984; Bohm, 1987). While surveys have shown that many feel that the death penalty has a deterrent effect on crime (Ellsworth & Ross, 1983; Bohm, 1987), research has shown that this is not necessarily the case (Ehrlich, 1975; Warr & Stafford, 1984). Others have indicated the motive of retribution behind the sentence of death (Vidmar, 1974). Whatever the reasons, the main motive seems to be that people feel threatened by criminal behavior.

Foley (1987) reports that of the 3859 persons executed in the United States between 1930 and 1975, only 32 (.8%) were women. However, women committed approximately 15% of the homicides in that same period. From the information that Foley gathered concerning 829 persons who were indicted for murder in Florida, among other things, males were more likely to be sentenced to death than females. If the death sentence is mainly used for criminals feared by society, it could be that female criminals are feared less than male criminals. Looking at the perceived causes of male vs. female crime may help explain why such differences might

occur.

From its early days, Attribution Theory (Heider, 1958; Jones & Davis, 1965; Kelley, 1967) has attempted to define the factors involved in perceived causation. Studies looking at politics (Jones & Harris, 1967), the criminal justice system (Phillips, 1985; Sinha & Kumar, 1984), and other areas (Lau & Russell, 1980; Harvey & Weary, 1984) have all tried to ascertain to what subjects attribute behaviors they have read about, heard or seen. The basic findings suggest that people attribute behavior to either internal (i.e., dispositional) or external (i.e., situational) factors.

Jones & Davis (1965) noted that people have a strong tendency to infer that others' intentions and dispositions correspond to their actions. In their review, they specified the conditions under which such attributions are likely. For example, behavior that is normal or expected tells us less about a person than does behavior that is out of the ordinary or unexpected for a particular situation. However, Kelley (1973) noted that people use information about the consistency, distinctiveness and consensus surrounding a behavior when trying to attribute causality to characteristics of the actor, entity, or circumstances (see also Harvey & Weary, 1984).

Thus Kelley and others have also recognized the importance of situational causes. McArthur (1972) found

that sets of sentences embodying high distinctiveness, high consistency, and low consensus led subjects to infer strong attributions to the actor, while low distinctiveness, high consensus, and low consistency led to situational attributions. However, subjects in this study and others (Napolitan & Goethals, 1979; Ross, Amabile & Steinmeltz, 1977) tended to discount the situational constraints and attribute others' behavior to dispositional factors.

Kelley (1972) discussed what he called the discounting principle in attribution theory which refers to the attributor giving less weight to a particular cause in producing an effect if other plausible causes are present. Hull & West (1982) proposed that discounting is more adequately represented by a model based on the proportion of total variance associated with the alternative effects of a given act than it is by a model based on the sheer number of these effects. Hull & West had subjects read about game show contestants deciding between two prize packages. One prize package contained items of moderate value along with an expensive trip. The other package contained items of high value along with the same trip. Subjects were asked to rate the likelihood that the contestant chose a particular prize package in order to get the trip. The package containing the high value prize was associated with greater attributional discounting of the likelihood that the contestant chose that package in order to get the trip.



Adding a balanced effect tends to increase the probability of the act, thus decreasing the extremity of attributional judgements.

When discussing attributions about a criminal's behavior, attributions of responsibility are typically made. Fincham and his colleagues (Fincham & Jaspars, 1980; Fincham, 1983) wrote extensively on the attribution of responsibility. Fincham & Jaspars (1980) quote Heider (1944) as parenthetically defining responsibility as the "attribution of a crime to a person." Heider frequently referred to responsibility in terms of cause and effect. Heider's brief remarks on responsibility have come to dominate the literature partly because neither Jones & Davis (1965) nor Kelley (1967) specifically address this issue.

Similar to Kelley's discounting principle, Fincham & Jaspars (1980) also consider the effects of alternative possible causes on attributions. Suppose David puts pressure on Peter, who consequently lies to the disadvantage of a third party. As the perceiver seeks to find a sufficient reason for the action, he/she establishes the causal nature of David's actions. To the extent that David's pressure constitutes a plausible reason for the lie, the discounting principle hypothesizes that its effect is less likely to be attributed to Peter. However, the mere presence of such an alternative cause is insufficient to alter perceived responsibility. Should Peter have been able

to resist David's influence? Clearly, the exact nature of the plausible cause becomes important in deciding whether it constitutes an excusing condition which relieves Peter of responsibility.

Hart (1968) wrote that responsibility exists when a person is answerable for loss or damage, or for his/her actions. This notion is extended to the infliction of harm by action or omission, the person causing the harm, and the possession of normal capacities to conform to the requirements of the law. Fincham & Jaspars (1980) point out that Hart does not appear to use causation as the sole criterion for the assignment of responsibility. A causal connection between actor and outcome is apparently neither necessary nor sufficient for the attribution of responsibility, according to Hart.

Fincham & Jaspars believe that people look for causes of behavior when trying to make attributions of responsibility about such behavior. This thinking will be applied to criminal behavior in this study. Subjects will look for causes of a criminal's behavior. Based on the causes found, they will make attributions of responsibility which will affect sentencing decisions. This should be the case regardless of the gender of the offender. However, as shown by Heilbrun (1982), males and females convicted of the same crime (even murder) do not always get the same sentence. This runs contrary to the ideas on attributions

put forth by Jones & Davis (1965) who would tend to predict that dispositional attributions for females would be greater due to the unexpected nature of female crime. Thus, sentencing would be more severe. However, if the literature is accurate and females do get more lenient sentences (Heilbrun, 1982; Visher, 1983), then this could either be due to the notion of chivalry or that attributions about female crime are more situationally driven.

The same reasoning can be applied to the findings that females are less likely to be sentenced to death. Perhaps the reason why females are less likely than males to be sentenced to death is because people feel less threatened by females than males, because they see female crime as being more situationally driven. Therefore, the female would tend to be treated more leniently than the male. Among other things, this proposal will address the sentencing of male and female offenders in a capital trial. Subjects will be asked to indicate what they feel is an appropriate sentence for the criminal with the death sentence being one possible option. Their attitudes concerning the death penalty will also be assessed.

The purpose of the present study was first, to assess the assumption that females will be treated more leniently than males accused of the same crime, and second, to assess why this difference might exist. To do this, subjects were provided with one of six crime descriptions. These

descriptions consisted of either a male or female criminal who killed a police officer. The focus of the description was also considered. One description focused on the disposition of the criminal; another focused on the situational constraints placed on the criminal. The third had a mixed focus comprised of both dispositional and situational components. Subjects were asked to suggest what they felt was an appropriate sentence based on the material presented. Included among these sentences was the death sentence since the killing of a police officer is a capital offense.

I hypothesized that more lenient sentences would be given for both male and female criminals when the situational case was presented than when the dispositional case was presented. Also, females would be given more lenient sentences than males. In the mixed condition, though, I expected that female criminals would be given more lenient sentences and more situational based attributions will be used to explain their behavior as compared to male criminals.

Gender of the subject was also considered as a possible factor influencing sentencing decisions. Gender-based differences in sentencing have been investigated by a number of researchers. However, the findings have been inconsistent with some researchers finding no differences between males and females (Farrington & Morris, 1983; Rai &

Angira, 1982), and others noting gender differences, with males tending to give harsher sentences (Davis, Bray, & Holt, 1977; Lyons & Regina, 1986). For the purposes of this study, gender of subject was considered as an important factor in sentencing decisions with males expected to make more dispositionally-based attributions and thus give longer sentences. Thus this study employed a 2 (sex of subject) X 2 (sex of offender) X 3 (dispositional vs. situational vs mixed crime description) between subjects' factorial design.

## METHOD

### Subjects

Two hundred and fifty-nine undergraduate introductory psychology students (111 males and 148 females) at Loyola University of Chicago served as subjects. All subjects received course credit for participating. Subjects were obtained through the use of sign-up sheets placed outside the psychology department's office. Since the gender of the subject was important to this study, separate sheets for males and females were used. Therefore, subjects were either run in groups of males or groups of females.

### Materials and Procedures

On arrival, subjects were seated and told that the purpose of this experiment was to assess sentencing decisions for various crimes. Then packets containing the crime description and the attribution measures were distributed. Subjects were given up to one hour to answer the questions, although the average time for completion was under thirty minutes.

The packet contained two separate sections (see Appendices A and B for complete transcriptions of the cases and the questionnaires). The first section was a brief (less than two pages) description of a crime. For this

experiment, the crime was the murder of a police officer. The murder supposedly took place during the robbery of a liquor store when the police officer happened on the scene and tried to apprehend the criminal. The criminal drew his/her gun and fired one shot killing the police officer. I used this crime since it is considered a capital offense and thus the death penalty is a possible sentence.

There were six different descriptions of essentially the same crime which were used. Three involved a male offender and the other three involved a female offender. Also each description emphasized different aspects in the life of the criminal. The dispositional description emphasized the negative characteristics of the criminal and his/her crime. The situational description emphasized the situational factors that could be seen as leading to criminal behavior. The mixed description involved a mix of both dispositional and situational factors.

The second section of the packet contained a set of questions regarding what penalty or sentence the subject felt was appropriate based on the information in the case description and also a series of items regarding the subject's attributions of causality. These items about attribution consisted of open-ended questions, bipolar rating scales, and statements about the offender which will be rated. Finally, subjects were asked to indicate their attitudes towards the death penalty in general and also in

regards to this particular case. After the subjects completed the items in the packet, they were debriefed and dismissed (see Appendix C for a copy of the debriefing form).

Subjects' sentencing judgements were obtained through the use of a four-point categorical scale consisting of: 1 = < 20 years; 2 = 20 years to life; 3 = life in prison without parole; and 4 = death. After indicating their sentence, they were asked to describe, in writing, what led to that sentencing decision.

Subjects were then asked a number of questions regarding the perceived threat of the criminal, criminal responsibility, dispositional and situational attributions about the crime, and attitudes towards the death penalty. Two questions were asked regarding the perceived threat of the criminal. Subjects were asked to rate on a seven point scale, with 1 = strongly disagree and 7 = strongly agree, the degree to which they felt the criminal was first a threat to society and second a threat to him/herself. After these questions, the perceived responsibility of the criminal was assessed. Subjects were asked to indicate on a seven point scale, with 1 = not at all responsible and 7 = totally responsible, the degree to which they felt the criminal was responsible for the crime.

Subjects' attributions were then assessed. The agreement scales asked subjects to indicate on a scale from



1 (strongly disagree) to 7 (strongly agree) their agreement with two statements: one about the situational causes of the crime ("Something about Patrick's (Patricia's) environment caused him (her) to commit the crime"); and the other about the dispositional causes of the crime ("Something about Patrick's (Patricia's) personality caused him (her) to commit the crime").

The bipolar scales consisted of a series of adjective pairs separated by a 1 to 7 scale. Although the order of the positive vs negative adjective first varied, the scores were coded so that 1 = strongly positive and 7 = strongly negative. There were five adjective pairs used to describe the criminal's disposition: good-bad, honest-dishonest, happy-sad, calm-angry, and passive-violent. There were four adjective pairs used to describe the criminal's environment: good-bad, healthy-debilitating, helpful-detrimental, and supportive-nonsupportive.

The likelihood scales asked subjects to answer on a scale from 1 (extremely likely) to 7 (extremely unlikely) the following two questions. First, "How likely is it that Patrick's (Patricia's) environment led to the crime." Secondly, "How likely is it that Patrick's (Patricia's) personality led to the crime." These questions, along with the bipolar scales and the agreement scales provided an indication of the attributions, both situational and dispositional, made by subjects with regards to the crime.

Subjects were then asked to indicate their feelings about the death penalty on a seven point scale with 1 = strongly opposed and 7 = strongly supportive. On another seven point scale (1 = definitely not and 7 = definitely), subjects were asked to rate how justifiable the death penalty was in this case.

The final two questions were rated on a seven point scale with 1 = extremely likely and 7 = extremely unlikely. They asked subjects to indicate the likelihood that, if they were serving on the jury in this case, someone on the jury would mention the death penalty as an appropriate sentence. Finally, they were to imagine that someone did mention the death penalty as an appropriate sentence. They were then asked to estimate the likelihood that the jury would come to a decision in favor of the death penalty.

## RESULTS

### Sentencing Judgements

Subjects' sentencing judgements were analyzed via a 3 (case description) X 2 (gender of criminal) X 2 (gender of subject) analysis of variance<sup>1</sup>. Table 1 shows the sentencing judgement means for each of the experimental conditions. The analysis revealed a significant main effect for the case descriptions,  $F(2,245) = 18.926, p < .001$ . Post-hoc analyses<sup>2</sup> revealed that the means for the situational case ( $M = 2.44$ ), the dispositional case ( $M = 2.94$ ), and the mixed case ( $M = 2.15$ ) all differed significantly from each other. Although, as expected, the dispositional case led to the most severe sentences, the situational case actually led to more severe sentences than the mixed (dispositional-situational) case.

As predicted, the analyses on sentence also revealed a significant main effect for subject gender,  $F(1,245) = 5.892, p < .02$ . Males ( $M = 2.66$ ) tended to give higher sentences than females ( $M = 2.40$ ) across all cases. The predicted main effect for gender of the criminal was not found,  $F(1,245) = 1.078, p > .05$ . There were no significant differences in the sentencing of male ( $M = 2.57$ ) versus female ( $M = 2.46$ ) criminals. Finally, no

TABLE 1

Sentence Means, Standard Deviations and Cell SizesSubject Gender

	<u>Criminal Gender</u>	<u>Case Description</u>		
		<u>Situational</u>	<u>Dispositional</u>	<u>Mixed</u>
	Male	2.63	3.21	2.56
		1.10	0.79	0.62
	Male	19	19	18
	Female	2.47	3.00	2.06
		0.91	0.84	0.87
		19	18	18
	Male	2.36	2.80	2.00
		0.91	0.65	0.87
	Female	25	25	25
	Female	2.33	2.84	2.08
		0.87	0.90	0.72
		24	25	24
	Total	2.44	2.94	2.15
		0.92	0.80	0.79
		87	87	85

Note: The first number is the sentencing judgement means, the second number is the standard deviations, and the third number is the cell size.

significant interactions were found.

### Attribution Judgements

Three different attribution measures (an agreement scale, bipolar scales, and a likelihood scale) assessed the degree to which subjects attributed the crime to dispositional and situational factors. Several different adjective pairs were used for each bipolar scale (five pairs to measure dispositional attributions and four to measure situational attributions). Subjects' ratings of each bipolar pair were summed and divided by the appropriate number of pairs. These averaged scores were then entered into the analyses as the scores for the bipolar scales. The correlations between the different measures of dispositional and situational attributions are shown in Table 2.

Because of the strong correlations between the dispositional measures, these scores were analyzed via multivariate analysis of variance. The analyses revealed a significant main effect for the case descriptions,  $F(6,482) = 27.20, p < .01$ . The univariate tests were also significant for each measure. Post-hoc analyses on the univariate tests revealed the same pattern across all three question types with the means all significantly differing from each other (see Table 3).

The MANOVA on the dispositional attribution scores also revealed a significant main effect for subject gender,

TABLE 2

Correlations Between the Attribution Measures

## 2a Dispositional Attribution Measures

	Agreement Scale	Bipolar Scale	Likelihood Scale
Agreement Scale	1.00		
Bipolar Scale	0.40	1.00	
Likelihood Scale	0.63	0.47	1.00

all correlations:  $p < .01$ 

## 2b Situational Attribution Measures

	Agreement Scale	Bipolar Scale	Likelihood Scale
Agreement Scale	1.00		
Bipolar Scale	0.43	1.00	
Likelihood Scale	0.57	0.46	1.00

all correlations:  $p < .01$

TABLE 3

Dispositional Attribution Score Means, Standard Deviations,  
and F- values by Case

	Disp	Mixed	Sit	F	p
Agreement Scale	5.67 (1.18)	4.60 (1.36)	4.01 (1.69)	29.73	<.001
Bipolar Scale	6.13 (0.67)	5.40 (0.74)	4.73 (0.86)	77.33	<.001
Likelihood Scale	5.60 (1.51)	4.60 (1.47)	3.78 (1.55)	33.53	<.001

Note: Disp = Dispositional Case; Sit. = Situational Case

$F(3,241) = 5.48, p < .01$ . The univariate tests revealed only a significant effect for the bipolar scales,  $F(1,243) = 16.43, p < .001$ , indicating that females tended to make stronger bipolar-dispositional attributions than males (see Table 4). Although the univariate tests for the other attribution measures did not reach significance, the patterns of the means are generally the same. The MANOVA did not reveal a significant main effect for criminal gender ( $F(3,241) = 0.54, p > .05$ ), indicating that there were no differences in the dispositional attributions made for male versus female criminals. Finally, no significant interactions were revealed.

The situational attribution scores were also analyzed via MANOVA. The analyses revealed a significant main effect for the case descriptions,  $F(6,484) = 16.80, p < .001$ . The univariate tests were also significant for each attribution measure. Post-hoc analyses revealed that, as shown in Table 5, the situational and mixed cases led to stronger situational attributions when compared to the dispositional case. However, the strength of situational attributions made did not differ for the situational and mixed cases.

The MANOVA did not reveal a significant effect for subject gender ( $F(3,242) = 1.90, p > .05$ ) or criminal gender ( $F(3,242) = 0.21, p > .05$ ). However, there were two significant interactions. The MANOVA revealed a significant case X subject gender interaction,  $F(6,484) =$



TABLE 4

Dispositional Attribution Score Means, Standard Deviations,  
and F- values by Subject

	<u>Gender</u>		F	p
	Male	Female		
Agreement Scale	4.62 (1.60)	4.87 (1.56)	1.20	n.s.
Bipolar Scale	5.20 (0.96)	5.59 (0.92)	16.43	<.001
Likelihood Scale	4.54 (1.68)	4.75 (1.67)	1.30	n.s.

TABLE 5

Situational Attribution Score Means and F- values by Case

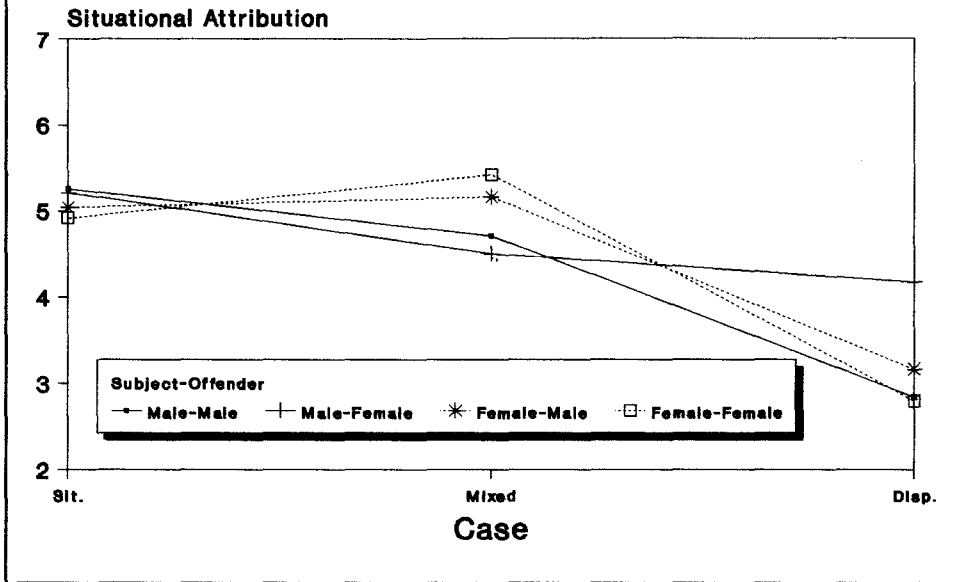
	Disp	Mixed	Sit	F	p
Agreement Scale	3.20 (1.64)	5.02 (1.51)	5.09 (1.46)	40.12	<.001
Bipolar Scale	4.96 (1.38)	6.04 (0.92)	5.74 (0.87)	21.48	<.001
Likelihood Scale	3.75 (1.75)	5.46 (1.44)	5.32 (1.51)	29.28	<.001

Note: Disp. = Dispositional Case; Sit. = Situational Case

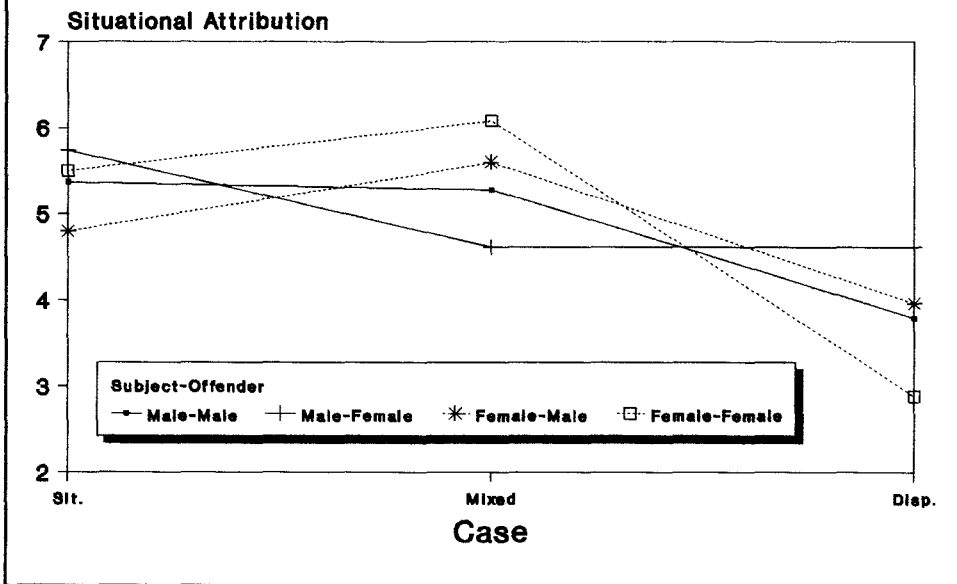
2.36,  $p < .05$ . The univariate tests reached significance for the agreement scale,  $F(2,244) = 3.16$ ,  $p < .05$ , and the likelihood scale  $F(2,244) = 6.41$ ,  $p < .01$ . While the univariate tests for the bipolar scales did not reach significance, the patterns of the means were similar across the cases with males making stronger situational attributions for the situational and dispositional cases than females. However, for the mixed case, females made stronger situational attributions than males (see Figure 1 a,b,and c).

The MANOVA also revealed a significant case X subject gender X criminal gender interaction,  $F(6,482) = 2.13$ ,  $p < .05$ . The univariate tests once again showed a significant effect for the agreement scales  $F(2,244) = 3.28$ ,  $p < .05$ , and the likelihood scales  $F(2,244) = 5.43$ ,  $p < .01$ . Figure 1 (a,b and c) display the interaction effects for the measures of situational attributions. Analysis of simple effects revealed that, for the agreement scale, males tended to make stronger situational attributions for female criminals than male criminals in the dispositional case ( $F(1,245) = 7.07$ ,  $p < .05$ ) while this difference was not found for female subjects. For the likelihood scale, females tended to make stronger situational attributions for male criminals than female criminals in the dispositional case,  $F(1,245) = 6.32$ ,  $p < .05$ .

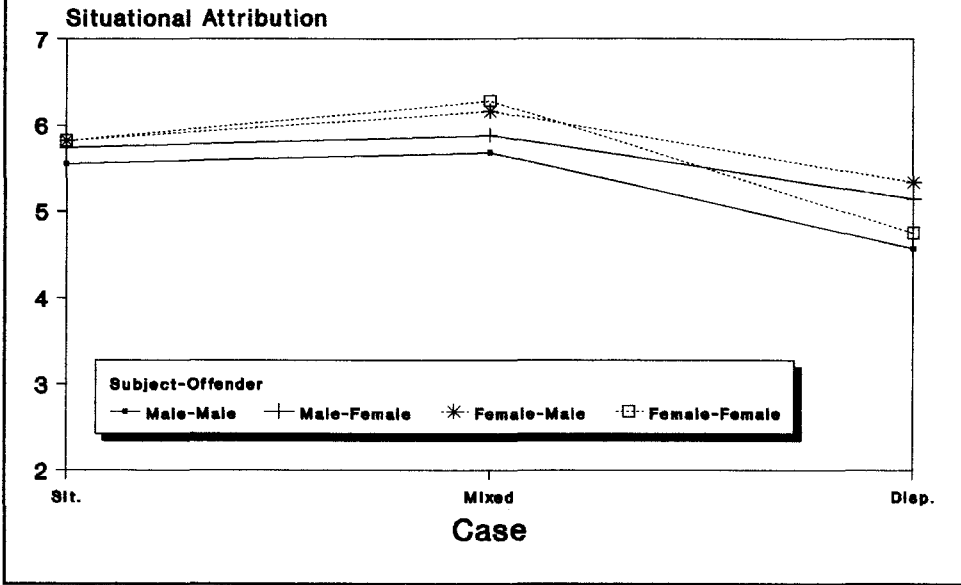
**Figure 1 (a)**  
**Situational Attributions (Agreement)**



**Figure 1 (b)**  
**Situational Attributions (Likelihood)**



### Figure 1 (c) Situational Attributions (Bipolar)



### Ancillary Questions

Subjects' impressions regarding the criminals' demeanor were also assessed. For the question regarding the criminal being a threat to him/herself, a three-way analysis of variance revealed a significant main effect for case descriptions,  $F(2,245) = 7.37, p < .01$ . Post-hoc analyses revealed that while the situational ( $M = 4.07$ ) and dispositional case ( $M = 4.33$ ) led to ratings which did not significantly differ from each other, they both significantly differed from the mixed case ( $M = 4.99$ ). Thus subjects reading the mixed case were more inclined to think that the criminal was a threat to him/herself.

The ANOVA on this question also revealed a significant main effect for criminal gender,  $F(1,245) = 12.77, p < .001$ . Female criminals ( $M = 4.82$ ) tended to be seen as needing more protection from themselves than male criminals ( $M = 4.10$ ). No other effects or interactions reached significance.

Subjects were also asked to rate the degree to which they felt society needed to be protected from the criminal. Analysis on this question only revealed a significant main effect for the case descriptions,  $F(2,245) = 19.18, p < .001$ . Post-hoc analyses revealed that subjects who read the dispositional case agreed significantly more with this statement ( $M = 6.35$ ) than those who read either the situational ( $M = 5.22$ ) or mixed ( $M = 5.38$ ) cases. No other

main effects or interactions were found for this question.

Subjects' impressions of criminal responsibility were also assessed. Analysis revealed a significant main effect for case description,  $F(2,245) = 9.92$ ,  $p < .001$ . Post-hoc analyses revealed that the dispositional case yielded the strongest degree of responsibility ( $M = 6.31$ ) which was significantly greater than either the situational ( $M = 5.92$ ) or mixed ( $M = 5.63$ ) case.

Subjects' death penalty attitudes were also assessed. Although there were no differences in the numbers of subjects who supported versus those who opposed the death penalty across the cells of the design, there were some differences regarding the justifiability of the death penalty in these cases. Analyses revealed a significant main effect for case description,  $F(2,247) = 12.44$ ,  $p < .001$ . The death penalty was seen a significantly more justified for the dispositional case ( $M = 3.95$ ) than for either the situational ( $M = 3.02$ ) or mixed ( $M = 2.56$ ) case.

Finally, this analysis also revealed a significant main effect for subject gender,  $F(1,247) = 3.94$ ,  $p < .05$ . Males ( $M = 3.45$ ) found the death penalty more justifiable across all conditions than females ( $M = 2.99$ ). No other main effects or interactions were found.

#### Open-ended Statements

Subjects' statements regarding their reasons behind their sentence judgements were coded into eight categories:



situational and dispositional statements; positive and negative statements about the death penalty; statements regarding the degree to which the criminal was or was not responsible; statements regarding any psychological help which the criminal might need; and statements regarding prison. Two independent coders, blind to the conditions of the study, achieved a reliability score of .83.

The frequencies obtained across the eight categories were analyzed via log-linear analysis. Three design factors (3 (case descriptions) X 2 (criminal gender) X 2 (subject gender)) and one response factor (presence vs. absence of any statement falling into each category) were entered into the analysis. The best fitting model included all of the main effects and two-way interactions,  $G^2(14) = 11.35, p = .66$ ). The factors that added significantly to the fit of the model were a main effect for case descriptions,  $\chi^2(14) = 82.35, p < .001$ , and a case description X criminal gender interaction,  $\chi^2(14) = 33.49, p < .05$ .

The frequencies and proportions of responses across the eight categories are shown in Tables 6<sup>3</sup>. A study of Table 6 shows that subjects made more statements about the criminal's environment when they read the situational or mixed cases as opposed to the dispositional case. More dispositional statements were made when the dispositional case was read. Also, the mixed case seems to have led to

TABLE 6

Proportions and Frequencies Across Categories- Main Effect

Category	Sit.	Disp.	Mixed
Environ.	.15 (27)	.04 (09)	.18 (40)
Dispo.	.07 (13)	.19 (42)	.08 (18)
DP Pos.	.09 (15)	.10 (21)	.02 (04)
DP Neg.	.10 (17)	.13 (27)	.12 (26)
Resp.	.27 (48)	.22 (47)	.18 (39)
No Resp.	.06 (11)	.01 (03)	.11 (25)
Psych.	.08 (14)	.09 (19)	.19 (41)
Prison	.17 (30)	.22 (47)	.13 (28)
Total	1.00 (175)	1.00 (215)	1.00 (221)

Note: Enviro. = Environmental Statements,  
 Dispo = Dispositional Statements, DP Pos. = Death Penalty  
 Positive, DP Neg. = Death Penalty Negative,  
 Resp. = Responsibility, No Resp. = No Responsibility,  
 Psych. = Psychological Help, Sit. = Situational Case,  
 Disp. = Dispositional Case.

fewer statements indicating the criminal's responsibility for his/her actions, and more statements implying that the criminal was not responsible for his/her behavior.

A study of Table 7 shows that more environmental and dispositional statements were made regarding the female criminal when the situational case was presented. However, the opposite effect was found when the mixed case was presented with male criminals receiving more environmental and dispositional statements. When the dispositional case was presented, there were no differences between the genders on the number of environmental statements made. However, more dispositional statements were made for male than female criminals. Also, prison was seen as more beneficial for female criminals when either the dispositional or mixed case was presented. When the situational case was presented, more of these statements were made for male over female criminals.

TABLE 7

Proportions and Frequencies Across Categories- Interaction

Category	Sit.		Disp.		Mixed	
	M	F	M	F	M	F
Environ.	.12 (12)	.19 (15)	.04 (05)	.04 (04)	.20 (23)	.16 (17)
Dispo.	.03 (03)	.13 (10)	.22 (26)	.16 (16)	.12 (14)	.04 (04)
DP Pos.	.09 (09)	.08 (06)	.09 (10)	.11 (11)	.02 (02)	.02 (02)
DP Neg.	.12 (12)	.06 (05)	.13 (15)	.12 (12)	.13 (15)	.10 (11)
Resp.	.25 (24)	.30 (24)	.25 (30)	.17 (17)	.18 (21)	.17 (18)
No Resp.	.05 (05)	.08 (06)	.01 (01)	.02 (02)	.12 (14)	.10 (11)
Psych.	.05 (05)	.11 (09)	.09 (11)	.08 (08)	.14 (16)	.23 (25)
Prison	.26 (25)	.06 (05)	.16 (19)	.29 (28)	.09 (10)	.17 (18)
Total	1.00 (95)	1.00 (80)	1.00 (117)	1.00 (98)	1.00 (115)	1.00 (106)

Note: Enviro. = Environmental Statements,  
 Dispo = Dispositional Statements, DP Pos. = Death Penalty  
 Positive, DP Neg. = Death Penalty Negative,  
 Resp. = Responsibility, No Resp. = No Responsibility,  
 Psych. = Psychological Help, Sit. = Situational Case,  
 Disp. = Dispositional Case, M = Male Criminal, F = Female  
 Criminal.

## DISCUSSION

The present results display a somewhat puzzling picture concerning the effects of criminal gender and case on sentencing judgements in capital trials. First, our results showed virtually no evidence for the assertion that female criminals are treated more leniently (or more strictly) than male criminals. We found neither the predicted main effect for criminal gender, nor the predicted interaction between criminal gender and background scenario. Although we did find that female criminals, as compared to male criminals, were seen as more likely to need protection from themselves, this did not lead to subjects' suggesting longer or more severe sentences for females.

The more puzzling finding, however, concerns the effects of the case on sentencing. Although the dispositional scenario produced the harshest sentences, the mixed scenario produced more lenient sentences than did the situational scenario. This is surprising since, in legal terms, the situational scenario contained a greater number of "mitigating circumstances" (factors that could be seen as lessening the culpability of the defendant, Luginbuhl & Middendorf, 1988) and fewer "aggravating circumstances" (factors which make a particular crime even worse than what

is "typical" for that crime) as compared to the mixed scenario.

It was expected that the presence of predominantly dispositional factors in the dispositional case would lead subjects to make stronger dispositional attributions regarding the criminal's behavior. This would in turn lead to harsher sentences. The opposite was also expected, regarding the presence of predominantly situational factors in the situational case. Subjects, in this case, would make stronger situational attributions regarding the criminal's behavior and thus give more lenient sentences.

Kelley's (1972) discounting principle stated that the attributor would give less weight to a particular cause in producing an effect if other plausible causes are present. Thus the presence of both dispositional and situational factors within a single scenario would give an attributor a number of plausible causes to which the criminal behavior could be attributed. The effects of the dispositional and situational factors should then discount each other leading to a lessening of the strength of both dispositional and situational attributions made. Therefore, the sentences for the mixed case should have been somewhat more lenient than the dispositional case, yet somewhat more harsh than the situational case.

As expected, the dispositional case led to the harshest sentence. However, the mixed case led to a more lenient

sentence than the situational case. Apparently, the discounting effects of the presence of both dispositional and situational factors did not occur.

To explain this finding, an examination of the attributions made by subjects is necessary.

Analyses of subjects' dispositional attribution scores indicates that a discounting effect does occur. The dispositional case led to the highest dispositional attribution scores, while the situational case led to the lowest scores. In the mixed case, the presence of situational factors seemed to discount the effects of the dispositional factors leading to dispositional attribution scores which fell between the scores for the situational and dispositional cases. However, this discounting did not seem to influence sentencing judgements in the expected fashion.

Analyses of the situational attributions presents a somewhat different pattern. As expected, the dispositional case led to the lowest situational attribution scores, much lower than the scores resulting from the situational case. However, the discounting effect that was apparent for the mixed case regarding the dispositional attributions made was not found for the situational attribution scores. The mixed case led to situational attribution scores which were as high as the scores which resulted from the situational case. Instead of the discounting of the impact of situational factors by the presence of dispositional factors, it appears

that the situational factors were made more salient when placed in contrast with the dispositional factors. This contrast effect led to higher situational attribution scores for the mixed case.

This pattern of results was also found for the question regarding criminal responsibility. The dispositional case led to stronger degrees of perceived criminal responsibility than either the situational or mixed cases. These results were consistent with the analysis of the open-ended statements made by subjects, with the mixed case leading to the fewest statements regarding criminal responsibility and the most statements regarding the criminal as not responsible for his/her actions.

The results from the analyses of the open-ended statements provide supporting evidence for the findings discussed above. The situational factors seem to have become more salient when dispositional factors were also present. Thus subjects made more environmental statements in both the situational and mixed cases than the dispositional case. However, criminals were seen as less responsible for their actions when the mixed case was presented than when either the situational or dispositional case was presented. It would appear that the presence of the dispositional factors along with the situational factors made the situational factors more salient since the number of responsibility statements was much lower for the mixed



case than the situational case where the situational factors appeared alone.

The pattern across cases of the situational attribution scores and the criminal responsibility scores is almost identical to the pattern across cases of the sentencing judgements. This pattern potentially indicates that situational factors were perceived as more important for sentencing when contrasted against dispositional factors. The contrast effect which apparently affected subjects' situational attribution and responsibility scores seems to have manifested itself in their sentencing decisions. Apparently, the situational factors were made more salient by the presence of dispositional factors. Thus, the impact of the situational factors was increased, leading to sentencing judgements which were somewhat shorter than the case where the situational factors appeared alone.

The results also indicate that male subjects tend to make more severe sentencing judgements than female subjects. Females had much higher situational attribution scores for the mixed case than males and this tended to bring female sentencing judgements down. The only time males made significantly more situational attributions was when they were presented with the dispositional case about the female criminal.

The results of this study lead to a number of important questions regarding the effects of attributions about male

and female crime on sentencing judgements. First the results as presented here are inconsistent with the findings of other researchers (Heilbrun, 1982; Visher, 1983; Zingraff & Thomsen, 1984) who found criminal gender differences in sentencing upon the examination of criminal records. Why could their results not be confirmed by this study? Our results would tend to indicate that previous findings concerning gender differences may not be attributable to gender directly. Thus, a search for other factors related to crimes committed by males and females may be a more useful endeavor.

Another issue of interest regards the apparent contrast effect that results from the presence of both aggravating and mitigating circumstances in a criminal trial. This contrast effect results in less severe sentencing judgements than when either aggravating or mitigating circumstances appear alone. Although the findings of this study would seem to indicate that an attorney arguing for leniency on behalf of his/her client should consider both the aggravating and the mitigating circumstances when making his/her arguments, a replication in a more realistic setting is strongly recommended.

## APPENDIX A<sup>4</sup>

### The Case of Patricia Clark-Dispositional

Patricia Clark came from a middle class suburban family. All of her life, she had been in trouble because of her temper. She participated in, and many time instigated, a number of fights in school. When her fighting with other children led to her dismissal from public school, her father decided to send her to a harsh private academy to "teach her some discipline." It was not long before she was dismissed from the academy as well. She was, in the eyes of the head of the academy, "an unruly child who was a problem for all involved." Patricia was enrolled into another school, and finally went to high school.

Patricia was a bully to other kids and soon earned a reputation for being tough and mean. She graduated high school after five years and went to the City college. Her family hoped that she was finally taking some initiative in her life. However, Patricia continued to fight excessively and eventually left school all together.

Patricia then got a job at a local supermarket stocking shelves. It was there she met her husband who was a cashier. Sometime after the birth of their second child, Patricia was

fired from her job. She had been on probation numerous times. She went out, got drunk, came home, and physically abused her children. Her husband blamed it on the alcohol and did not do anything. But when she came home a week later and abused the children again, he had had enough. He took the children and left Patricia.

It was about this time that Patricia turned to crime. At first, the crimes she committed were petty. Generally she did some shoplifting and she did not carry a weapon. With no job, she had no money, so she attempted to rob a gas station. However, she was caught and spent a few months in jail. In jail, she met a number of people with whom she started to associate. After she was released, she and her new friends started to commit larger crimes, often carrying guns with them. She continued to drink heavily and get into fights in bars. She even got into a fight with one of her friends and almost killed her with a broken beer bottle. However, no charges were brought against Patricia.

One night, Patricia went out to rob a liquor store. That night a police officer happened upon the scene and tried to intervene. When he ordered her to lay down her weapon, she turned and fired one shot into the chest of the officer, killing him instantly. Although Patricia later claimed that the officer fired at her first, a forensics evaluation revealed that only one shot had been fired. Also, several people reported only hearing one shot. Patricia was

tried and found guilty of murder in the first degree.

### The Case of Patricia Clark-Situational

Patricia Clark came from an economically disadvantaged family. Her father, a gas station attendant, was prone to beating her and her brothers and sisters. Her mother, whom Patricia loved dearly, could do nothing to stop her husband. Although a good student, Patricia never received much encouragement from her parents to excel in school.

Patricia's dream had always been to go to college to become a doctor. Her dream started to come true when she started her classes. However when her father took seriously ill, Patricia was forced to leave college to take care of her family. She landed a job at a local supermarket stocking shelves. It was there that she met her future husband, who was a cashier. After three years of dating, they were married. They had a happy marriage, and she bore him two children. Although she did not make much money, and most of what she made went to taking care of her parents, Patricia was beginning to feel that her life was finally coming together.

However, the supermarket began to experience financial difficulties and had to lay off a number of workers. Patricia was one of those people. Financial difficulties ensued as Patricia looked for a job, and this placed a strain on the marriage. Some of Patricia's friends from her old neighborhood tried to convince her that the only way out of this situation was crime. Most of her early criminal

behavior involved committing a number of small crimes, usually just shoplifting. She never carried a weapon. However, the financial problems did not go away. Her friends talked her into robbing a gas station with them. They were caught and sent to jail. While in jail, she met a number of other people with whom she started to associate.

When Patricia got out of jail, she and her new friends committed new robberies. Now Patricia was carrying a gun, although she never used it. However, the problems she had at home did not go away. The guilt she had felt about lying to her husband and the crimes she committed had placed a terrible strain on the marriage. She decided to confess everything to her husband. He was shocked at the news and for a time was speechless. He eventually decided that it would be best for them if they separated for awhile, because he did not want his children to be raised by a criminal. Although Patricia vowed that she would never steal again, he took the children and left her.

One night, Patricia went out to rob a liquor store. A police officer happened on the scene and tried to intervene. When he ordered her to lay down her weapon, Patricia turned and fired one shot into the chest of the officer, killing him instantly. Patricia, shocked by what she had done, ran from the scene. She was later apprehended by the police. She was tried and found guilty of first-degree murder.

### The Case of Patricia Clark-Mixed

Patricia Clark came from an economically disadvantaged family. Her father, a gas station attendant, was prone to drunken fits during which he beat his children; Patricia getting the worst of it because she was the oldest. It seemed that Patricia inherited her father's temper, and she got into a lot of fights at school. Patricia earned the reputation of being the bully of the school. Eventually she was dismissed from a number of schools for fighting excessively, although she was a fairly good student. She excelled at sports in an attempt to please her father, but this was to no avail. There was nothing that anyone could do.

When Patricia graduated high school, she went to college. She had always had the dream of becoming a doctor. However temper got her into a lot of trouble at school. She was placed on probation a number of times by the dean. Eventually Patricia had to give up her dream of becoming a doctor when her father took seriously ill. She left school to take care of her family.

Patricia went to work at a local supermarket stocking shelves. It was there that she met her future husband who was a cashier. They had a happy marriage and she bore him two children. One night she came home drunk from work and she abused her children. Her husband was shocked by what she had done, but he blamed it on the alcohol and thought that



it would never happen again. Patricia's drinking and fighting got her fired from her job and the financial difficulties which ensued put a tremendous strain on the marriage.

These problems led Patricia to commit crimes. At first she shoplifted different things. However, the type of crimes escalated so that she was robbing gas stations and convenience stores. She started to carry a gun with her, but she felt guilty about what she was doing. Every time she had to lie to her husband about where the money was coming from added to that guilt. She finally confessed everything to her husband. At first he was speechless, but later said that he thought it best that they separate for awhile, because he did not want his children to be raised by a criminal. He left Patricia in a state of shock since her marriage was one of the only things that she felt had gone well in her life.

Her husband leaving and the economic strains led Patricia to commit more frequent robberies. One night, Patricia went out to rob a liquor store. A police officer happened on the scene and tried to intervene. When he ordered her to lay down her weapon, Patricia turned and fired one shot into the chest of the officer, killing him instantly. Stunned by what she had done, Patricia fled from the scene. She was later arrested, tried, and found guilty of first degree murder.

APPENDIX B

Code # \_\_\_\_\_

Since a police officer was the victim, the death penalty is a potential sentence. Assume that you are a member of the jury chosen to decide on the appropriate sentence. Please answer the questions below.

What do you think an appropriate sentence would be?

less than	20 years to	life without	
20 years	life	parole	death
1	2	3	4

In the space below, please provide the reasons behind your sentencing response.

Please indicate your opinions towards to following statements by circling the appropriate number.

Patricia needs to be protected from herself.

Strongly						Strongly
Disagree			Neutral			Agree
1	2	3	4	5	6	7

Society needs to be protected from Patricia

Strongly						Strongly
Disagree			Neutral			Agree
1	2	3	4	5	6	7

To what degree should Patricia be held responsible for her actions

Not at all			Partially			Totally
Responsible			Responsible			Responsible
1	2	3	4	5	6	7

It was mainly Patricia's environment that caused her to commit the crime

Strongly						Strongly
Disagree			Neutral			Agree
1	2	3	4	5	6	7

It was mainly Patricia's personal characteristics that caused her to commit the crime

Strongly						Strongly
Disagree			Neutral			Agree
1	2	3	4	5	6	7

How would you describe Patricia as a person? (Circle the numbers that best represent your opinion)

good	1	2	3	4	5	6	7	bad
dishonest	1	2	3	4	5	6	7	honest
happy	1	2	3	4	5	6	7	sad
angry	1	2	3	4	5	6	7	calm
passive	1	2	3	4	5	6	7	violent

How would you describe Patricia's situation/environment?

(Circle the numbers that best represent your opinion)

bad	1	2	3	4	5	6	7	good
Healthy	1	2	3	4	5	6	7	debilitating
detrimental	1	2	3	4	5	6	7	helpful
supportive	1	2	3	4	5	6	7	nonsupportive

How likely is it that Patricia's environment led her to commit the crime?

Extremely							Extremely
Unlikely			Neutral				Likely
1	2	3	4	5	6	7	

How likely is it that Patricia's personality led her to commit the crime?

Extremely							Extremely
Unlikely			Neutral				Likely
1	2	3	4	5	6	7	

Rate your feelings towards the death penalty remaining a legal form of punishment in this country on the following scale:

Strongly						Strongly
Opposed			Neutral			Supportive
1	2	3	4	5	6	7

Do you think that the death penalty is justifiable in this case?

Definitely not			Possibly			Definitely
Justified			Justified			Justified
1	2	3	4	5	6	7

How likely do you think it is that someone on your jury will suggest the death penalty as an appropriate sentence?

Extremely						Extremely
Likely			Neutral			Unlikely
1	2	3	4	5	6	7

If someone on your jury suggested the death penalty as an appropriate sentence, how likely do you think it would be that the jury, as a group, would decide upon death as the appropriate sentence?

Extremely

Extremely

Likely

Neutral

Unlikely

1

2

3

4

5

6

7

## APPENDIX C

### SOME INFORMATION ABOUT THE STUDY

Studies about male and female crime have repeatedly shown that females tend to be given more lenient sentences than their male counterparts convicted of the same crime. The reasons for this are unclear. We are hypothesizing that people make more situationally based attributions of responsibility when considering female criminals and thus will give more lenient sentences. This means that people do not feel that female criminals are all inherently bad people and that the reasons for their crimes are driven by their environment. Male criminal behavior, on the other hand, is seen as dispositionally based, and thus males are given harsher sentences.

Our reasons for this assumption comes from the literature on the attribution of responsibility. This literature suggests that when people are trying to explain criminal behavior, they will first look for possible causes of the behavior. Based upon these causes, they will make attributions regarding the responsibility of the criminal, which will affect the sentencing decisions made.

This research is an attempt to get some information about people's attributions of criminal behavior. The cases used in this study differed in terms of: a) the gender of the criminal, and b) the focus of the case description (dispositionally based vs. situationally based vs. mixed, or neutral). We hope to gain some insight as to what people attribute male and female crime and if these attributions affect sentencing decisions.

If you have any further questions about the study, feel free to stop by rm. 667 DH or call 508-3072 and ask for Joe Filkins. If you would like some more information about this area of research, the references listed below would be a good place to start.

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#### FOOTNOTES

<sup>1</sup>Sentencing judgements were also analyzed via log-linear analyses. Similar results were obtained.

<sup>2</sup>Unless otherwise indicated, all post-hoc analyses utilized the Student Neumann-Keuls procedure with  $p = .05$ .

<sup>3</sup>Interpretations of Tables 6 and 7 were aided by calculating the standardized log-linear model parameters. Although these values are not provided, they are available from the author upon request.

<sup>4</sup>Appendices A and B present the materials for the female criminal only. The materials for the male criminal are identical except for the appropriate gender-based adjustments.



## VITA

### Biographical Information

**Joseph W. Filkins** Birthdate: 5/10/67  
Department of Psychology Marital Status: Single  
Loyola University of Chicago Office Phone: (312) 508-3072  
6525 N. Sheridan Road Home Phone: (708) 696-0464  
Chicago, IL 60626

### Education and Experience

B.A. 1989 Loyola University, Chicago, Illinois  
Major: Psychology

### Professional Affiliations

American Psychological Society  
American Psychological Association  
Midwestern Psychological Association  
Society for Personality and Social Psychology

### Conference Presentations

- Tindale, R. S., Sheffey, S., & Filkins, J. (1990).  
Conjunction errors by individuals and groups. Paper  
presented at the Annual Meeting of the Society for  
Judgement and Decision Making, New Orleans, LA.
- Filkins, J., Tindale, R. S., Sheffey, S. (1991).  
Perceptions of group decision processes. Paper  
presented at the Midwestern Psychological Association  
Annual Convention, Chicago, IL.
- Tindale, R. S., Filkins, J., Smith, C., Sheffey, S., &  
Thomas, L. (1992). Use of "proportional liability"  
information by mock juries in tort litigation. Paper  
to be presented at the Midwestern Psychological  
Association Annual Convention, Chicago, IL.

APPROVAL SHEET

The thesis submitted by Joseph W. Filkins has been read and approved by the following committee:

Dr. R. Scott Tindale, Director  
Associate Professor, Psychology  
Loyola University Chicago

Dr. Linda Heath  
Professor, Psychology  
Loyola University Chicago

The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the thesis is now given final approval by the Committee with reference to content and form.

The thesis is therefore accepted in partial fulfillment of the requirements for the degree of Master of Arts.

4/4/92  
Date

  
Director's Signature