Gender Differences in Criminal Sentencing: Do Effects Vary Across Violent, Property, and Drug Offenses?*

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Objective. Many studies find that females benefit from their gender in sentencing decisions. Few researchers, however, address whether the gender-sentencing association might be stronger for some crimes, such as minor nonviolent offending, and weaker for other offenses, such as serious violent crime. *Method.* Using a large random sample of convicted offenders in Texas drawn from a statewide project on sentencing practices mandated by the 73rd Texas Legislature, logistic regression and OLS regression analyses of likelihood of imprisonment and prison length illustrate the importance of looking at sentencing outcomes not only in terms of gender but also in terms of crime type. *Results.* Specifically, we find that the effect of gender on sentencing does vary by crime type, but not in a consistent or predicted fashion. For both property and drug offending, females are less likely to be sentenced to prison and also receive shorter sentences if they are sentenced to prison. For violent offending, however, females are no less likely than males to receive prison time, but for those who do, females receive substantially shorter sentences than males. *Conclusions.* We conclude that such variation in the gender-sentencing association across crime type is largely due to features of Texas' legal code that channel the level of discretion available to judges depending on crime type and whether incarceration likelihood or sentence length is examined.

The sentencing of criminals has been the subject of repeated exploratory inquiry by social scientists, particularly sociologists. Since the work of Nagel and Weitzman (1971) and Pope (1975), who found that women appear to receive preferential treatment in sentencing over males, efforts to explain this disparity have centered around two theories: chivalry and the more recent focal concerns. As our literature review highlights, efforts to decipher how the sentencing process may benefit females are, at times, inconsistent. We view our study as additional fuel to the sentencing dialogue and, in par-

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ticular, as an effort to address the variation across studies and gain a better understanding of the influence of gender on sentencing.

In the early 1980s, Candace Kruttschnitt and Donald E. Green (1984:541) wondered whether, compared to males, the leniency typically accorded females at sentencing might become "history." However, the potential demise of gender-based preferential treatment has not come to fruition. To the contrary, findings that women receive milder sentences than men continue, with few exceptions, to be robust. For example, extensive literature reviews by Daly and Bordt (1995) and by Steffensmeier, Kramer, and Streifel (1993) stress the strength and consistency of the association between gender and sentencing and its relevance for scholars seeking to understand sentencing outcomes. Furthermore, when compared to other extra-legal factors, such as offender age or race/ethnicity, the influence of offender gender is touted as the most powerful by both Steffensmeier, Ulmer, and Kramer (1998) and Spohn and Holleran (2000; see also Daly and Bordt, 1995).

The vast majority of research shows that adult female offenders tend to receive milder sentences than male offenders. However, certain key questions remain unanswered. For example, in spite of dozens of studies, relatively few efforts have assessed whether offender-gender effects on sentencing might vary across crime type (but see Farnworth and Teske, 1995; Koons-Witt, 2002; Mustard, 2001; Steffensmeier, Kramer, and Streifel, 1993). Of those studies that address this issue, most compare outcomes for only two different types of crime (i.e., Farnworth and Teske, 1995; Koons-Witt, 2002), and only the Farnworth and Teske (1995) study specifically considers whether offender-gender effects on sentencing might vary across crime type. The relative inattention from both theoretical and empirical research to the potential for crime type to condition the effect of gender on sentencing argues for further study of this issue.

Toward this end, we employ a large representative multijurisdictional sample of criminal dispositions in Texas during 1991 to test whether gender affects sentencing severity and whether this relationship might vary across violent, property, and drug crime.

Offender Gender and Sentencing

The prediction that females will receive milder sentencing outcomes receives such consistent support from a wide range of studies done since the 1980s, and encompassing many different jurisdictions in the United States, that it may be one of the best established facts regarding criminal justice outcomes. This research shows that the greatest disparity among the sexes occurs at the "in/out decision"—whether criminal sentences entail incarceration or some nonincarcerative sanction, such as probation. Research findings typically show that females are between 12 percent and 23 percent

less likely than males to receive prison or jail time (see Farnworth and Teske, 1995; Ghali and Chesney-Lind, 1986; Gruhl, Welch, and Spohn, 1984; Johnson, Kennedy, and Shuman, 1987; Mustard, 2001; Nobiling, Spohn, and DeLone, 1998; Spohn, 1999; Spohn and Beichner, 2000; Spohn and Holleran, 2000; Steffensmeier, Kramer, and Streifel, 1993; Steffensmeier, Ulmer, and Kramer, 1998; Ulmer, 2000; Wooldredge, 1998; but see Kruttschnitt and Green, 1984). Yet, for those men and women who do receive prison sentences, gender effects, while strong, are not as consistent. Females receive shorter or less severe sentences according to the findings of Bushway and Piehl (2001), Curran (1983), Engen and Gainey (2000), Farnworth and Teske (1995), Mustard (2001), Steffensmeier, Ulmer, and Kramer (1998), and Ulmer (2000), but no gender differences in sentence length were observed by Albonetti (1991), Crew (1991), Nobiling, Spohn, and DeLone (1998), Steffensmeier, Kramer, and Streifel (1993), or Wooldredge (1998).

A few studies show that females actually receive harsher treatment than males, but these findings pertain to juveniles (Chesney-Lind, 1977; Chesney-Lind and Shelden, 2004) or derive from historical data (Boritch, 1992). Other studies find that only married women or those with children receive milder sentences (Daly, 1987, 1989; Koons-Witt, 2002). However, research by Mustard (2001) and Spohn (1999; Spohn and Beichner, 2000) finds that "familied" women were just as likely as those without families to receive milder sentences than men. Adding to the picture, recent findings by Curry, Lee, and Rodriguez (2004) show that the gender of crime *victims* may also influence sentencing outcomes. Succinctly put, while the effect of offender gender on sentencing receives considerable support, this support is stronger and more consistent at the in/out stage than for sentence length, and this association may to some extent depend on women's family status and on the gender of crime victims.

In addition to a large body of empirical findings, theoretical research seeking to explain how and why female offenders tend to receive milder sentences is also extensive. Two main theoretical strands stand out. The chivalry thesis dates to the 1970s and is premised on cultural stereotypes about gender, while the more recent focal concerns theory looks specifically at the dynamics of judicial decision making.

The *chivalry thesis* posits that gendered stereotypes about both women and men influence sentencing outcomes according to the sex of offenders. Sometimes called paternalism, chivalry asserts that women are stereotyped as fickle and childlike, and therefore not fully responsible for their criminal behavior. Women therefore need to be protected by males who, with all due gallantry, are portrayed as wanting to minimize any pain or suffering women might experience. According to the chivalry thesis, when these stereotypes are played out in the arena of the criminal justice system, they will result in preferential treatment for female offenders from predominantly male police officers, prosecutors, and judges (Crew, 1991; Farnworth and Teske, 1995;

Parisi, 1982; Rafter and Stanko, 1982). Thus, prevailing stereotypes about men and women are predicted by the chivalry thesis to underlie outcomes showing milder criminal sentences for women.

More recent views on gender and sentencing issues stem from three somewhat related concepts: bounded rationality (Albonetti, 1991), focal concerns (Steffensmeier, Kramer, and Streifel, 1993; Steffensmeier, Ulmer, and Kramer, 1998), and blameworthiness attribution (Baumer, Messner, and Felson, 2000). These theories share a common denominator—that the relationship between gender and sentencing is the byproduct of human error expressed in judicial outcomes. Because it has been more extensively researched and developed, we will concentrate on *focal concerns theory*. According to this view, constraints on the amount of time judges can spend on their cases and other factors mean that judges generally receive incomplete information on defendants and their cases. Confronted with these restrictions, judicial decisions on sentencing outcomes are thereby infused, to some extent, with generalizations and personal bias. Judges and other court players commonly make contextual attributions about the defendant's culpability, character, and potential recidivism based on three focal concerns: blameworthiness, dangerousness (community protection), and practical constraints. They may, for example, attribute certain qualities to offenders based on their gender. Female offenders may be viewed as less of a risk to the community or to reoffend (Albonetti, 1991), while male offenders may be seen as more culpable and, hence, more responsible for their crimes (Baumer, Messner, and Felson, 2000; Steffensmeier, Ulmer, and Kramer, 1998). Males may also be portrayed as better able to do "time" in prison or jail than females (Steffensmeier, Ulmer, and Kramer, 1998). Combined, these focal concerns represent an apparatus that judges may rely on to manage ambiguity. Because of their content, such focal concerns may lead to females being less likely to receive incarceration and, if they do, shorter sentences than males (Steffensmeier, Kramer, and Streifel, 1993; Steffensmeier, Ulmer, and Kramer, 1998; Ulmer and Kramer, 1996).

Offender Gender and Sentencing Across Crime Type

A great deal of theoretical and empirical research explores whether gender influences sentencing outcomes in general; however, some researchers argue that this line of research may be too blunt, and that gender-based sentencing leniency may be more or less likely depending on other characteristics of offenders or their cases (Boritch, 1992; Crew, 1991; Farnworth and Teske, 1995; Spohn, 1999; see also Chesney-Lind, 1977; Daly, 1997). The type of crime offenders are convicted of represents one such concern. What is alternatively referred to as the *selective chivalry*, typicality, or evil woman thesis stipulates that gender-role adherence may condition chivalrous outcomes such that preferential sentencing outcomes are available only to female

offenders whose criminality does not violate gender expectations. Alternatively, women whose criminality violates these conventional norms are treated more harshly, perhaps similarly to men convicted of these crimes (see Crew, 1991; Farnworth and Teske, 1995; Spohn, 1999). This point of view contends that sentencing leniency is manifested only toward females who commit crimes that are "typical" of females and stereotypic female gender roles, such as drug use and property crimes like shoplifting and check forgery. "Evil women" who commit more masculine crimes, such as those that involve violence, will not benefit from their gender at the sentencing stage, and will not be preferentially treated compared to men, and may even receive harsher sentences, as they are not only violating the law but gender roles as well (see Boritch, 1992; Chesney-Lind, 1977). Corresponding to this view, although it has not been applied to the gender question, is the liberation thesis (Spohn and Cederblom, 1991), which stipulates that the effects of extra-legal variables will be greater for less serious crimes (see also Smith and Damphousse, 1998).

Because they are so few in number, research testing whether gender effects vary according to crime is examined in detail. Our review located two studies that disaggregated offense type and tested for gender effects in separate equations for different crime types. Mustard's (2001) analyses of convicted federal offenders found that gender differences were strongest for bank robbery and drug trafficking, with females being sentenced to, respectively, 21.59 and 11.00 fewer months in prison than males; however, gender differences were considerably smaller for larceny, fraud, and immigration violations, with differences ranging from 1.68 fewer months to 0.82 fewer months (no gender differences were observed for firearms violations). These results are the opposite of those predicted by the typicality thesis, with the largest gender differences for violent and more serious crime, and negligible differences for the more stereotypically feminine crimes of fraud and larceny. Similar findings from Steffensmeier, Kramer, and Streifel (1993) show that odds ratios for gender differences at the in/out decision were higher for violent and serious offenses such as robbery, aggregated assault, and burglary (e.g., 2.3–3.8) than for less serious offenses such as forgery, theft, and drug offenses (e.g., 1.2–1.8). Although these differences are relatively small, they nonetheless provide evidence that contradicts the typicality thesis that gender differences will be reduced for serious and violent crime. Two other relevant studies that examined only two separate types of crimes assessed interaction effects between crime type and gender. These results show that gender did not interact with offense type to affect sentencing among assault and property offenders (Farnworth and Teske, 1995) or among drug and property offenders (Koons-Witt, 2002).

All these studies either fail to support the selective chivalry thesis, or provide results that directly contradict this argument. Yet the paucity of these studies prohibits any firm conclusions at this time. Of the extant research, only Farnworth and Teske (1995) explicitly address the question as

to whether crime type could affect the relationship between gender and sentencing and explicate a theoretical rationale for why it could. However, much like the research by Koons-Witt (2002), Farnworth and Teske (1995) only employed two types of crime in their comparisons. Clearly, additional efforts are required to more adequately assess whether the effect of gender on sentencing might be conditioned by crime type, and such efforts should employ a relatively broad range of crime types to make these comparisons.

The Present Study

An examination of the empirical results dating back to the 1970s prompts the conclusion that the leniency generally accorded women at sentencing remains real and substantial. Yet, research on this question, with few exceptions, neglects to consider whether the gender-sentencing association might vary according to crime type. As such, much of the extant theoretical and empirical research may mask important differences in gender-based sentencing outcomes. The purpose of this study is to test for the presence of gender differentials in sentencing decisions in Texas using a large representative, multijurisdictional sample of convicted offenders and to assess whether such differences might vary across violent, property, and drug crime.

Data and Method

Data from this study are drawn from a statewide project on sentencing practices mandated by the 73rd Texas Legislature. These data consist of a random sample of 7,729 offenders convicted of a felony between January 1 and September 30, 1991 in what were then the seven largest Texas metro counties (i.e., Bexar, Dallas, El Paso, Harris, Nueces, Tarrant, and Travis), for 10 major felony categories[1] yielding a sample that represented 93.3 percent of all felony convictions in these counties (Fabelo, 1993). To generate this sample, closed cases of convicted offenders were randomly selected within each offense category and each county. Our analyses pertain to those offenders convicted of violent (homicide, robbery, assault, and sexual assault), property (burglary, larceny/auto theft, and forgery/fraud), and drug crime (possession, delivery, and other). A major strength of these data is that they represent convictions from a variety of counties, rather than a single court or jurisdiction where idiosyncratic effects could alter results. Additionally, since the data come from the same state, there are no potential differences in terms of legal definitions and proscribed punishments.

[1]The 10 felony offense categories are: assault, burglary, drug, DWI/DUI, fraud/forgery, homicide, larceny/auto theft, robbery, indecency, and sexual assault. The remaining 6.7 percent of felony convictions were for other offenses and were not sampled.

At the time these data were collected, Texas employed (and continues to employ today) an indeterminate sentencing structure that provides for very different levels of sentencing discretion across the in/out and sentence-length decisions (see Daudistel et al., 1999). Most notably, offenders convicted of an act statutorily defined as "aggravated" are usually not eligible to receive probation but are required to receive prison time,[2] whereas convictions for nonaggravated crimes could yield either incarceration or nonincarceration sentences. Although sentencing discretion is relatively limited for in/out decisions, for those offenders who are given incarceration, the length of these sentences is subject to vast discretion. For instance, offenders convicted of any first-degree felony could receive a life sentence or a sentence somewhere between 5 and 99 years. Second-degree felonies are punishable by sentences ranging between 2 and 20 years, and sentences for third-degree felonies range between 2 and 10 years. Because the Texas Code does not, beyond these provisions, contain any presumptive sentencing guidelines, the level of discretion regarding sentence length for individuals receiving incarceration is substantial, especially when compared with the more limited discretion that may be exercised at the in/out sentencing stage.

Dependent Variables

Consistent with most prior research, we conceptualize the sentencing process as a two-stage decision process—the decision to incarcerate or not and, for those receiving incarceration, the decision regarding sentence length (Steffensmeier, Kramer, and Streifel, 1993; Steffensmeier, Ulmer, and Kramer, 1998; for a different strategy, see Bushway and Piehl, 2001).[3] In our data there are two types of nonincarcerative sentences—deferred adjudication and probation. Because there are substantial differences between these two types of sentences, we analyze them separately and compare them to prison sentences.[4]

Among the 908 female offenders in our sample, approximately 42 percent received a deferred adjudication, 24 percent probation, and 30 percent prison. For the 5,222 males, approximately 26 percent received deferred

[2]The Community Supervision Act of the Texas Statutes Code of Criminal Procedure (Chapter 42.12 [781d], sec. 3) allows that "[a] judge, in the best interest of justice . . . may suspend the imposition of the sentence and place the defendant on community supervision." This provision thus permits judges, when they see fit, to waive the incarceration stipulation for defendants convicted of aggravated offenses. In our sample, approximately 26 percent of offenders who received an aggravated disposition were not sentenced to incarceration.

[3]Because jail and prison sentences are not comparable (see Holleran and Spohn, 2004), we opted not to combine jail and prison sentences, and since only 1.2 percent of our sample received a jail sentence, we were not able to analyze this group separately.

[4]Because deferred sentences are not necessarily less severe than probation, it was not possible to model sentencing outcomes as a linear progression of increasing severity between deferred, probation, and prison sentences as a reviewer suggested.

adjudication, 15 percent probation, and 54 percent received a prison sentence. Among those receiving prison, the average sentence for females is 6.79 years ($SD = 5.63$) and for males the average is 10.69 years ($SD = 10.23$). In the analyses that follow, we perform separate logistic regression equations comparing prison sentences to deferred adjudication and then to probation using a dummy dependent variable (1 = prison sentence, 0 = deferred adjudication or probation). Then, for those who receive a prison sentence, OLS regression is used to assess differences in sentence length along with a Heckman procedure (Berk, 1983) to correct for sample selection bias.[5]

We must also note that 29 offenders in our sample received life sentences and two offenders a death sentence. In the analyses that follow, these cases are deleted. To check whether these cases might alter results, supplementary analyses (available on request) where life sentences are recoded to 100 years and death sentences to 101 years indicate that results are substantively similar in terms of magnitude, direction, and significance of effects for the variables we use in our analyses. Additionally, a small segment of offenders (about 4.2 percent) received a "split" sentence involving both jail or prison and some nonincarcerative sanction, such as probation. Unfortunately, because the measure of sentence length in these data does not differentiate between time spent incarcerated and time spent on probation or deferred adjudication, potential analyses would equate, for example, those with one year in prison and nine years of probation with those receiving five years of prison and five years of probation, as both would score 10 total years on "sentence length." Strategies to analyze those receiving split sentences, such as those proposed by Myers and Talarico (1987:20), are thus not possible with these data, and such cases were excluded from all analyses. Because split-sentence cases represent a small proportion of our total sample, we do not view this as hampering our efforts in a substantial way.

Independent and Control Variables

The central independent variable in this research, offender gender, is a dummy variable with offender male = 1 and offender female = 0. For the sample as a whole, approximately 14.8 percent of offenders are female, with women representing about 2.7 percent of violent offenders, 6.8 percent of property offenders, and 5.5 percent of drug offenders. Other key characteristics of offenders are also included in our analyses. "Offender ethnicity" consists of a series of dummy variables for African-American, Hispanic, and white offenders, with white offenders representing the suppressed category

[5]To correct for potential problems due to the skewness in sentence length, supplementary analyses that employ the natural log of sentence length as the dependent variable are also performed. These results (available on request) are substantively similar in terms of magnitude, direction, and significance of effects to those that use the raw scores for sentence length.

in subsequent analyses. "Offender age" refers to age at the time of arrest and is measured in years—the means and standard deviations of these and the other control variables are presented in Table 1. Unfortunately, no measure of offender SES is available in these data.

Additional variables included in the analyses consist of a number of legally relevant factors or features of offenders' cases. Most important of these are measures that are stipulated by the Texas Code to guide sentencing outcomes, such as the seriousness of convictions (e.g., whether it was a first-, second-, or third-degree felony), the number of prior convictions, and whether the conviction was for an aggravated offense. "Disposition seriousness" is measured with a series of dummy variables for second- and third-degree felonies with first-degree felonies being the suppressed category. Although there are a number of potential ways to measure prior convictions using these data, we employ the total number of prior misdemeanor and felony convictions for violent, property, and drug crimes in any state or federal court to represent "prior convictions" because it has the strongest and most consistent effects on our measures of sentencing outcomes (see also Spohn and Beichner, 2000 for a similar strategy). "Aggravated disposition" is a dummy variable (1 = yes, 0 = no). However, because only a few offenders were convicted of aggravated drug or property offenses, this variable becomes essentially a constant in these cases; thus, aggravated disposition is only included in analyses of violent offenses.

A series of dummy variables (1 = yes, 0 = no) capture whether offenders were "on probation" (or parole or deferred adjudication) at the time of their arrest, whether they used a "private attorney," or "pleaded innocent." "Total current convictions" refers to the number of convictions for a given offender in the current sentencing event. Social context is measured with a series of dummy variables representing the county of conviction, with Harris (Houston) County employed as the suppressed category in our analyses. Finally, in analyses of the total sample, "offense type" is controlled with a series of dummy variables for property offenses and drug offenses, with violent offenses representing the suppressed or reference category. We were unable to control for offense type in analyses of specific crimes (i.e., violent, property, and drug) because of multicolinearity with disposition seriousness, which we opted to employ because of its more direct relevance to sentencing decisions.

These data contain a number of other, potentially useful legally relevant variables; however, these measures either contained a prohibitively large number of missing cases (e.g., whether offenders were released on bail), demonstrated unacceptably high levels of multicollinearity, based on variance inflation factor (VIF) results, with other measures in the analyses (e.g., weapon use), or did not demonstrate enough variation to warrant inclusion in our analyses (e.g., whether judges or juries meted out sentences). Thus, extensive preliminary testing was employed, along with the stipulations of the Texas Code, to develop rigorous models to test our hypotheses.

TABLE 1

Descriptive Results for Independent Variables by Gender with Means and Standard Deviations in Parentheses

	Females ($N = 908$)	Males ($N = 5{,}222$)	Total Sample ($N = 6{,}130$)
Offender African American	0.47	0.41	0.42
	(0.50)	(0.49)	(0.49)
Offender Hispanic	0.18	0.29	0.27
	(0.38)	(0.45)	(0.45)
Offender white	0.35	0.29	0.30
	(0.47)	(0.46)	(0.46)
Offender age	29.99	28.49	28.72
	(8.25)	(9.46)	(9.30)
Prior convictions	1.88	2.30	2.24
	(3.03)	(3.05)	(3.05)
First-degree felony disposition	0.19	0.30	0.28
	(0.39)	(0.46)	(0.45)
Second-degree felony disposition	0.29	0.34	0.33
	(0.45)	(0.47)	(0.47)
Third-degree felony disposition	0.53	0.36	0.38
	(0.50)	(0.48)	(0.49)
Aggravated disposition	0.07	0.18	0.17
	(0.23)	(0.38)	(0.37)
On probation	0.26	0.41	0.39
	(0.41)	(0.49)	(0.48)
Total current convictions	1.21	1.28	1.27
	(0.51)	(0.68)	(0.66)
Private attorney	0.32	0.25	0.26
	(0.45)	(0.43)	(0.43)
Pled innocent	0.04	0.06	0.06
	(0.19)	(0.25)	(0.24)
Bexar County	0.17	0.13	0.13
	(0.37)	(0.33)	(0.34)
Dallas County	0.24	0.25	0.25
	(0.43)	(0.43)	(0.43)
El Paso County	0.04	0.08	0.08
	(0.19)	(0.28)	(0.27)
Harris County	0.33	0.32	0.32
	(0.47)	(0.47)	(0.47)
Nueces County	0.04	0.05	0.05
	(0.20)	(0.23)	(0.22)
Tarrant County	0.11	0.10	0.10
	(0.31)	(0.30)	(0.30)
Travis County	0.07	0.07	0.07
	(0.26)	(0.26)	(0.26)
Violent offense	0.18	0.37	0.34
	(0.38)	(0.48)	(0.47)
Property offense	0.46	0.36	0.37
	(0.50)	(0.48)	(0.48)
Drug offense	0.37	0.27	0.29
	(0.48)	(0.45)	(0.45)

Results

Deferred Adjudication Versus Prison Sentence

To assess the effect of offender gender and other variables on the likelihood of a deferred adjudication compared to a prison sentence, a series of logistic regression equations are employed. The reader should note that for the results in Tables 2–4, due to the inclusion of aggravated disposition in analyses of violent offenders, the use of listwise deletion of missing cases will produce a slight discrepancy between the number of cases for the sample as a whole and the combined number of cases of violent, property, and drug cases.

Results in Table 2 show that offender gender affects the chances of incarceration for the sample as a whole, but that the impact of offender gender shows key differences across violent, property, and drug offending. Specifically, for the total sample, results show that the odds of prison compared to deferred adjudication are about 2.15 times higher for male offenders than for female offenders. Such results are typical of much prior research on the impact of offender gender and are supportive of the general predictions of both chivalry and focal concerns theories that females will receive milder sentences than males. However, what most prior research does not consider is whether the effect of offender gender could vary according to offense type. When we perform these analyses we find that female offenders benefit from their gender for property and drug offenses, with males being, respectively, 2.66 and 2.30 times more likely to be incarcerated. The nonsignificant result for offender gender for violent crimes, however, shows that female offenders *do not* benefit from their gender when this type of crime is analyzed. These results support the more precise prediction emanating from the selective chivalry hypothesis that females will receive milder sentences than males only for offenses that are seen as more befitting females, and that such preferential treatment will not be forthcoming for masculine crimes, such as violence. These results are also in line with the liberation thesis that less serious crimes are more likely to evince sentencing differentials due to extralegal factors like gender.

Concerning other offender characteristics, older offenders are more likely to be incarcerated for property offenses, while African-American and Hispanic offenders are more likely to receive incarceration for the total sample, and the odds of incarceration compared to deferred adjudication for Hispanics convicted of drug crime are 2.47 times higher than for white offenders. The legally relevant variables, for the most part, show significant effects in the predicted directions in all equations, save for aggravated dispositions, which has no effect in the analysis for violent offenders, and second-degree felony disposition, which shows no difference compared to first-degree disposition when property offenses are analyzed. The odds of prison compared to deferred adjudication were typically higher in Harris

TABLE 2

Logistic Regression Analyses of Prison Sentence Compared to Deferred Sentence on Gender, Age, Ethnicity, and Legal Predictors for Total Sample and by Offense Types

	Total Sample (N = 4,876)		Violent Offenses (N = 1,787)		Property Offenses (N = 1,743)		Drug Offenses (N = 1,330)	
	B	Odds Ratio	B	Odds Ratio	B	Odds Ratio	B	Odds Ratio
Offender gender	0.77	2.15***	0.48	1.61	0.98	2.66***	0.83	2.30***
Offender age	0.01	1.01	– 0.01	0.99	0.03	1.03***	0.02	1.02
Offender African American	0.27	1.32**	0.19	1.20	0.04	1.04	0.48	1.62*
Offender Hispanic	0.40	1.49***	0.32	1.37	0.02	1.02	0.91	2.47***
Prior convictions	0.36	1.43***	0.32	1.38***	0.41	1.51***	0.38	1.46***
Second-degree felony	– 0.74	0.48***	– 0.41	0.66*	– 0.39	0.68	– 0.95	0.39***
Third-degree felony	– 1.45	0.23***	– 1.54	0.21***	– 0.94	0.39***	– 1.51	0.22***
Aggravated disposition			0.09	1.09				
On probation	2.23	9.34***	1.46	4.32***	3.19	24.31***	2.21	9.14***
Total current convictions	0.51	1.66***	0.43	1.54***	0.42	1.52***	0.90	2.46***
Private attorney	– 1.18	0.31***	– 1.06	0.35***	– 1.59	0.20***	– 1.02	0.36***
Pled innocent	2.63	13.81***	2.84	17.13***	2.12	8.37**	2.22	9.24***
Bexar County	– 1.28	0.28***	0.03	1.03	– 2.49	0.08***	– 2.00	0.14***
Dallas County	– 0.95	0.39***	– 0.37	0.69*	– 1.63	0.20***	– 1.37	0.26***
El Paso County	– 0.35	0.70*	– 0.13	0.88	– 0.52	0.60	– 0.78	0.46*
Nueces County	– 0.55	0.58**	0.08	1.08	–1.10	0.33**	–0.92	0.40*
Tarrant County	– 0.19	0.83	– 0.08	0.92	– 1.03	0.36***	– 0.09	0.91
Travis County	– 0.46	0.63*	1.17	3.23**	– 0.88	0.41*	– 1.64	0.19***
Property offenses	– 0.48	0.62***						
Drug offenses	– 0.27	0.76**						
Constant	– 0.70	0.50***	– 0.15	0.86	– 1.96	0.14***	– 1.60	0.20***
Model chi-square	2603.43		724.78		1288.34		716.65	
DF	19		18		17		17	

* ≤ 0.05; ** ≤ 0.01; *** ≤ 0.001.

TABLE 3

Logistic Regression Analyses of Prison Sentence Compared to Probation Sentence on Gender, Age, Ethnicity, and Legal Predictors for Total Sample and by Offense Types

	Total Sample (N = 4,125)		Violent Offenses (N = 1,460)		Property Offenses (N = 1,424)		Drug Offenses (N = 1,233)	
	B	Odds Ratio	B	Odds Ratio	B	Odds Ratio	B	Odds Ratio
Offender gender	0.74	2.10***	0.08	1.08	1.02	2.79***	0.70	2.02***
Offender age	0.01	1.01*	0.01	1.01	0.04	1.04***	0.01	1.01
Offender African American	0.10	1.10	0.52	1.68*	−0.14	.87	0.07	1.07
Offender Hispanic	0.11	1.12	0.04	1.04	0.18	1.20	0.24	1.27
Prior convictions	0.30	1.35***	0.21	1.23***	0.32	1.38***	0.38	1.46***
Second-degree felony	−0.94	0.39***	−0.87	0.42**	−0.08	0.93	−0.59	0.56***
Third-degree felony	−1.55	0.21***	−1.82	0.16***	−0.57	0.57**	−0.93	0.40*
Aggravated disposition			2.45	11.63***				
On probation	2.19	8.93***	1.92	6.84***	2.68	14.64***	1.80	6.05***
Total current convictions	0.69	2.00***	0.60	1.82***	0.70	2.01***	0.90	2.45***
Private attorney	−0.85	0.43***	−0.94	0.39***	−1.43	0.24***	−0.67	0.51***
Pled innocent	0.32	1.38	−0.13	0.88	0.23	1.26	0.53	1.70
Bexar County	−1.24	0.29***	−0.48	0.62	−1.39	0.25***	−1.79	0.17***
Dallas County	−0.52	0.60***	−0.84	0.43***	−0.58	0.56*	−0.37	0.69
El Paso County	−0.96	0.38***	−1.11	0.33***	−1.12	0.33***	−0.61	0.54
Nueces County	−1.08	0.34***	−1.70	0.18***	−1.07	0.34***	−0.63	0.53
Tarrant County	−0.13	0.88***	−0.33	0.72	−0.55	0.58	0.24	1.27
Travis County	−1.18	0.31***	−0.61	0.54	−1.14	0.32***	−1.61	0.20***
Property offenses	−1.24	0.29***						
Drug offenses	−1.37	0.25***						
Constant	0.36	1.43	0.86	2.36	−2.49	0.08***	−1.41	0.24**
Model chi-square	1624.56		487.09		748.80		474.20	
DF	19		18		17		17	

* ≤ 0.05; ** ≤ 0.01; *** ≤ 0.001.

TABLE 4

OLS Regression Analyses of Prison Sentence Length on Gender, Age, Ethnicity, and Legal Predictors for Total Sample and by Offense Types

	Total Sample (N = 3,175)		Violent Offenses (N = 1,250)		Property Offenses (N = 1,057)		Drug Offenses (N = 860)	
	B	Beta	B	Beta	B	Beta	B	Beta
Offender gender	3.22	0.07***	4.49	0.06**	3.14	0.10***	2.35	0.08**
Offender age	0.03	0.02	−0.01	−0.01	0.08	0.06*	0.07	0.06*
Offender African American	0.26	0.01	−0.10	0.00	1.58	0.08**	−0.22	−0.01
Offender Hispanic	−0.86	−0.03	−1.78	−0.05	0.31	0.01	0.00	0.00
Prior convictions	0.66	0.17***	0.57	0.11***	0.60	0.23***	0.82	0.28***
Second-degree felony	−7.70	−0.27***	−11.35	−0.32***	−4.16	−0.16***	−4.88	−0.25***
Third-degree felony	−11.81	−0.41***	−17.82	−0.43***	−7.53	−0.37***	−8.02	−0.20***
Aggravated disposition			−0.30	−0.01				
On probation	5.37	0.20***	5.35	0.16***	5.75	0.24***	5.13	0.25***
Total current convictions	2.08	0.12***	2.26	0.12***	1.28	0.09***	2.20	0.16***
Private attorney	−0.92	−0.02	−3.04	−0.07**	−1.55	−0.04	1.60	0.07*
Pled innocent	15.75	0.34***	15.48	0.35***	19.84	0.38***	12.72	0.31***
Bexar County	0.79	0.02	1.40	0.03	1.05	0.03	−0.04	0.00
Dallas County	−1.84	−0.06***	−3.50	−0.09***	−2.02	−0.09***	0.42	0.02
El Paso County	−0.04	0.00	−1.16	−0.02	1.64	0.04	−0.61	−0.01
Nueces County	1.61	0.03	1.74	0.02	2.75	0.06*	0.62	0.01
Tarrant County	−1.15	−0.03	−2.29	−0.04	−1.74	−0.05*	0.73	0.02
Travis County	−2.27	−0.04***	−1.16	−0.02	−3.20	−0.08***	−2.22	−0.05
Property offenses	−3.51	−0.12***						
Drug offenses	−5.79	−0.19***						
Hazard function	1.49	0.08***	3.85	0.10***	0.64	0.07*	0.70	0.05
Constant	8.74***		11.04***		0.98		−0.25	
R^2	0.39		0.36		0.41		0.40	
F test	101.06		36.51		40.58		31.20	
DF	20		19		18		18	

* ≤ 0.05; ** ≤ 0.01; *** ≤ 0.001.

County (the reference category) compared to the other counties, but these differences were less likely for cases involving violent offenders and for Tarrant County. Finally, results for the sample as a whole show that the chances of prison compared to deferred adjudication were higher for offenders convicted of violent offenses (the reference category), compared to property or drug offenses.

Probation Versus Prison Sentence

Analyses comparing probation and prison sentences are very similar to those for deferred adjudications. The likelihood of a prison sentence, compared to probation, is higher for male offenders for the sample as a whole and for property and drug crime, but no gender difference is found for violent offenses. Specifically, for male offenders the odds of incarceration are about 2.10 times higher than for female offenders for the sample as a whole, for property offenders the odds of incarceration for males are 2.79 times higher, for drug offenders the incarceration odds are 2.02 times higher, and for violent crime no significant gender difference is found. Again, these results mirror those comparing deferred adjudication and prison sentences and support the contention that the effect of offender gender will vary according to crime type, with females benefiting more for crimes that, like drug and property offending, do not violate feminine norms, while benefiting less (if at all) for masculine crimes like violence.

Older offenders were more likely to receive prison sentences for the sample as a whole and for property offenses. African-American offenders were 1.68 times more likely to receive prison than white offenders for property offenses but, other than that, the offender race/ethnicity dummy variables did not affect the difference between probation and prison sentences. Prior convictions, being on probation (or parole or deferred adjudication), total current convictions, and the use of a private attorney all had sizable effects on the chances of receiving a prison sentence. The disposition seriousness dummy variable demonstrated predicted effects, save for the nonsignificant effect of second-degree felony disposition compared to first degree for property offenses, which is identical to the analyses in Table 2 for deferred adjudication compared to prison sentences. However, diverging from Table 2, receiving an aggravated disposition has a powerful effect (odds ratio = 11.63) on the chances of a prison sentence, and the effect of pleading innocent has no effect in any equation on the likelihood of prison compared to probation sentences. Outcomes for county of conviction showed that, for the most part, prison sentences were more likely in Harris County (the reference category) than in the other counties, though these relationships were most likely for property offenses and least likely for Tarrant County. Finally, results for the sample as a whole show that the chances of prison compared to probation sentences were higher for offenders convicted of

violent offenses (the reference category), compared to property and drug offenses.

Prison Sentence Length Decision

For those 3,175 offenders who did receive prison time, the length of their sentences is analyzed using a series of OLS regression equations presented in Table 4. However, because some members of the sample who were included in the prior analyses are excluded here, we correct for sample selection bias with a separate hazard function for each equation that estimates, based on model parameters, the probability of receiving a prison sentence for each relevant member of the sample and uses this probability as a control variable in the analyses that follow (e.g., Berk, 1983). Because the unstandardized regression coefficient (B) shows change in terms of years for the dependent variable, the results can be easily interpreted. Again, in supplementary analyses available on request, the natural log of sentence length was substituted as the dependent variable and produced results that were similar in terms of significance and direction of effects.

Findings for prison sentence length show some similarities as well as important differences compared to those for the deferred adjudication and probation decisions. In terms of similarities, results for the sample as a whole show that incarcerated females are treated preferentially compared to males —receiving, on average, sentences that average 3.22 years less than those of males. In addition, when offense type is disaggregated, the effect of offender gender is again found to differ substantially across crime type. However, unlike the earlier analyses, where females did not benefit at all for violent offending, the analyses of sentence length show that females benefit the *most* when violent offending is examined. Specifically, for violent crimes, males receive sentences that average 4.49 years longer than do females, while for property and drug offenses this difference shrinks to 3.14 and 2.35 years, respectively. Such results refute the prediction from the selective chivalry thesis that leniency toward women will be strongest for supposedly feminine crimes and weakest for masculine crimes, such as violence. These results also provide qualified support for the more general chivalry and focal concerns theories that women will receive milder sentences irrespective of crime type, but these theories cannot speak to the gender differences we observed for violent offenders compared to property and drug offenders. The implications of these findings will be considered more thoroughly in the discussion section.

Findings for the other offender characteristics show that older offenders received longer sentences for property and drug crime, and the African-American offenders received an additional 1.58 years on their prison sentences compared to whites, but only for property crime. The legally relevant variables tend to show significant effects in the predicted directions, save for aggravated dispositions, which did not affect sentence length when it was

included in the analysis of violent offenders, and the use of a private attorney, which affects sentencing for violent and drug offending, but not for property offending or the sample as a whole. County of conviction showed effects for the analysis of property offenses but few effects are found for the other equations. For the total sample, sentences were longer for violent crime (the suppressed category) than for either property or drug crime. Finally, the amount of variance in sentence length explained by the independent and control variables is moderately large, ranging from 36 percent for violent offenses to 41 percent for property offenses to 40 percent for drug offending (and 39 percent for the sample as a whole).

Discussion

The purpose of the present research was to build onto existing studies of the relationship between offender gender and sentencing outcomes by assessing whether this relationship could vary across crime type—a question rarely considered by other researchers. Our analyses employed a large, representative sample of convicted felony offenders in Texas in 1991 in what were then the seven largest metropolitan counties. Overall, the results provide a number of interesting, though somewhat complex, findings. On one hand, when crimes are analyzed collectively, and consistent with most prior research, we find that men are more likely to receive a prison sentence than women (odds ratios >2.00), and for individuals sentenced to prison, men receive sentences that average 3.22 years longer than do women. These results provide support for the focal concerns and chivalry theories that predict, though for somewhat different reasons, milder sentences for women irrespective of crime type. When crime type is disaggregated, however, and violent, property, and drug offenses are analyzed separately, we find that the relationship between gender and sentencing varies considerably, but in ways that are inconsistent across the in/out and sentencing-length decisions.

For the in/out decisions we analyzed, the odds of incarceration are more than two times higher for men compared to women for property and drug crimes, but no gender differences in incarceration likelihood are observed for violent offenses. These findings appear to provide support for the selective chivalry thesis, which asserts that gender-based sentencing leniency is conditioned by crime type such that women will benefit from their gender only for stereotypically feminine crimes, such as property and drug offending, and that when masculine crimes, such as violence, are considered, females will not be treated preferentially. These findings are also in line with the liberation thesis, which asserts that extra-legal effects are more likely for less serious crimes. Because the chivalry thesis, in its more general form, and focal concerns theories are silent on whether the effect of gender on sentencing might vary across crime type, these results may initially appear to challenge these theories.

Moving to the analyses of sentence length, we again find that the effect of gender on sentencing severity shows considerable variation across crime type; however, this variation is at odds with that found for the in/out decision. Specifically, whereas gender differences at the in/out decision were nonexistent for violent crime, for the sentence-length decision, gender differences are greatest for violent offenders. More specifically, male violent offenders receive, on average, an additional 4.49 years on their sentences compared to women, while gender differences for property and drug crime (3.14 and 2.35 years, respectively) are considerably lower. Because the more serious and more masculine crime of violence yields the largest benefit for women, these results are in opposition to the predictions of the selective chivalry and liberation theses, and more in line with previous findings regarding the effect of gender on sentencing for different crime types (Farnworth and Teske, 1995; Koons-Witt, 2002; Mustard, 2001; Steffensmeier, Kramer, and Streifel, 1993).

One potential explanation for our disparate findings pertains to features of the Texas legal code that channel the amount of discretion available for sentencing decisions, depending on disposition type and whether the in/out or sentence-length decision is examined. Specifically, because offenders with aggravated dispositions are much more likely to receive incarceration, and because violent offenders are, in our data, much more likely to receive the aggravated designation, this means that less sentencing discretion is available for violent offenders and may be why offender gender does not affect the in/out decision for violent offenders. Conversely, the much lower number of aggravated dispositions for property and drug offending better allows for extra-legal variables to become influential and may be why offender gender influences the odds of incarceration for these offenders. Thus, instead of the gendered stereotypes posited by selective chivalry or the liberation theses assertions that violent offenses are viewed more seriously, it appears that variation in the number of aggravated dispositions serves to explain the differential impact of gender at the in/out stage across violent, property, and drug crime. For decisions regarding sentence length, however, the large sentencing ranges afforded by the Texas Code mean that chivalrous beliefs or gendered focal concerns could come into play regardless of whether offenders engaged in violent, property, or drug crime, and this may be why offender gender influences sentence length for all three crimes. Because the effect of gender may be suppressed at the in/out decision for violent offenders, there could be something of a "rebound" in the effect of gender at sentence length, making it comparatively large at this decision-making point. For property and drug offenders, however, there is a much more consistent level of discretion across the in/out and sentencing-length decisions, thereby yielding more consistent effects for offender gender.

When viewed through the lens of focal concerns theory, the variation in how gender influences sentencing across crime type and across the in/out and sentencing-length decisions may become more understandable. For

example, conclusions from recent research indicate that constraints on the flexibility of sentencing decisions, such as less discretion, may condition the influence of focal concerns (Ulmer and Johnson, 2004) and that the effects of extra-legal variables may be situational (Engen et al., 2003). Limited discretion for violent offenders at the in/out stage means that the potential impact of focal concerns is severely constrained and may be why gender does not affect sentencing here. Conversely, large ranges for the sentence-length decision open the door for focal concerns to become operative and this may be why gender effects are observed for this group of violent offenders.

An additional issue concerns race/ethnicity. Many recent efforts include Hispanics in analyses and generally find that while whites tend to receive the mildest sentencing outcomes, in some cases Hispanics receive harsher sentences than African Americans while at other times they receive milder outcomes (Kramer and Ulmer, 2002; Spohn and Holleran, 2000; Steffensmeier and Demuth, 2000, 2001). Although we included measures of white, African-American, and Hispanic race/ethnicity in our analyses, offender race/ethnicity was not a central focus of our research. We intend to consider how offender gender, age, and race/ethnicity might interact to influence sentencing in future research.

Like all research, our effort here contains certain strengths and limitations that should be acknowledged. Because the data represent sentencing outcomes for convicted felons in the seven largest metro counties in Texas for 1991, these data represent an improvement over those from a single jurisdiction, where idiosyncratic effects could be more likely to alter results, or from nonrandom samples. However, aggregating data across counties poses its own risks in that it can mask intercounty differences. Although these data are not recent, Texas continues to use the same sentencing structure and the theoretical predictions tested in this research should hold regardless of time or place. The measures contained in these data enable analyses to control for a number of key legally relevant variables and other important features of offenders and their cases that might affect sentencing outcomes. However, while containing excellent information about sentencing, these data contain no information about other key criminal justice system decision-making points, such as arrest or prosecutorial decisions, which could influence results. Because of the coding of sentence length, it was not possible to examine sentence outcomes for those receiving split sentences. Although no measures of offender SES were present in the data, the measure of whether offenders retained the services of a private attorney or used a court-appointed attorney represents an acceptable proxy. Finally, no information on judge or jury attitudes is present in these data, which prevented an assessment of how "focal concerns" per se, such as propensity to reoffend, for example, might have influenced sentencing outcomes.

Because scientific research is additive and slow, and because sentencing encompasses a series of decisions, it is reasonable to expect various theories to fit and support different pieces of this process. As such, our work finds

partial support for some of these predictions, suggesting that different theories may provide independent but important contributions to the overall understanding of the sentencing of males and females. Thus, we suspect that the question of whether or not (and why) females receive preferential treatment will continue to be central to the discipline. Although improvement in the quality of data and statistical models will advance our understanding of sentencing disparities and, in particular, gender-based disparities, the management of ambiguity that characterizes the judicial decision-making process today, in our opinion, is best addressed by focal concerns theory.

REFERENCES

Albonetti, Celesta A. 1991. "An Integration of Theories to Explain Judicial Discretion." *Social Problems* 38:247–66.

Baumer, Eric P., Steven F. Messner, and Richard B. Felson. 2000. "The Role of Victim Characteristics in the Disposition of Murder Cases." *Justice Quarterly* 17:281–307.

Berk, Richard A. 1983. "An Introduction to Sample Selection Bias in Sociological Data." *American Sociological Review* 48:386–98.

Boritch, Helen. 1992. "Gender and Criminal Court Outcomes: An Historical Analysis." *Criminology* 30:293–325.

Bushway, Shawn D., and Anne Morrison Piehl. 2001. "Judging Judicial Discretion: Legal Factors and Racial Discrimination in Sentencing." *Law & Society Review* 35:733–64.

Chesney-Lind, Meda. 1977. "Judicial Paternalism and the Female Status Offender." *Crime and Delinquency* 23:121–30.

Chesney-Lind, Meda, and Randall G. Shelden. 2004. *Girls, Delinquency, and Juvenile Justice*, 3rd ed. Belmont, CA: Wadsworth.

Crew, Keith B. 1991. "Sex Differences in Criminal Sentencing: Chivalry or Patriarchy?" *Justice Quarterly* 8:59–83.

Curran, Debra A. 1983. "Judicial Discretion and Defendant's Sex." *Criminology* 21:41–58.

Curry, Theodore R., Gang Lee, and S. Fernando Rodriguez. 2004. "Does Victim Gender Increase Sentence Severity? Further Explorations of Gender Dynamics and Sentencing Outcomes." *Crime and Delinquency* 50:319–43.

Daly, Kathleen. 1987. "Discrimination in the Criminal Courts: Family, Gender, and the Problem of Equal Treatment." *Social Forces* 66:152–75.

———. 1989. "Neither Conflict Nor Labeling Nor Paternalism Will Suffice: Intersections of Race, Ethnicity, Gender, and Family in Criminal Court Decisions." *Crime and Delinquency* 35:136–68.

———. 1997. "Different Ways of Conceptualizing Sex/Gender in Feminist Theory and Their Implications for Criminology." *Theoretical Criminology* 1:25–51.

Daly, Kathleen, and Rebecca L. Bordt. 1995. "Sex Effects and Sentencing: An Analysis of the Statistical Literature." *Justice Quarterly* 12:141–75.

Daudistel, Howard C., Harmon M. Hosch, Malcolm D. Holmes, and Joseph B. Graves. 1999. "Effects of Defendant Ethnicity on Juries Dispositions of Felony Cases." *Journal of Applied Psychology* 29:317–36.

Engen, Rodney L., and Randy R. Gainey. 2000. "Modeling the Effects of Legally Relevant and Extralegal Factors Under Sentencing Guidelines: The Rules Have Changed." *Criminology* 38:1207–30.

Engen, Rodney L., Randy R. Gainey, Robert D. Crutchfield, and Joseph G. Weis. 2003. "Discretion and Disparity Under Sentencing Guidelines: The Role of Departures and Structured Sentencing Alternatives." *Criminology* 41:99–130.

Fabelo, Tony. 1993. *Sentencing Dynamics Study: A Sourcebook of Sentencing Practices in Urban Texas in 1991*. Criminal Justice Policy Council, State of Texas.

Farnworth, Margaret, and Raymond H. C. Teske, Jr. 1995. "Gender Differences in Filling Court Processing: Testing Three Hypotheses of Disparity." *Women and Criminal Justice* 6:23–44.

Ghali, Moheb, and Meda Chesney-Lind. 1986. "Gender Bias and the Criminal Justice System: An Empirical Investigation." *Sociology and Social Research* 70:164–71.

Gruhl, John, Susan Welch, and Cassia Spohn. 1984. "Women as Criminal Defendants: A Test for Paternalism." *Western Political Quarterly* 37:456–67.

Holleran, David, and Cassia Spohn. 2004. "On the Use of the Total Incarceration Variable in Sentencing Research." *Criminology* 42:211–40.

Johnson, Janet B., Thomas D. Kennedy, and I. Gayle Shuman. 1987. "Gender Differences in the Sentencing of Felony Offenders." *Federal Probation* 51:49–55.

Koons-Witt, B. A. 2002. "The Effect of Gender on the Decision to Incarcerate Before and After the Introduction of Sentencing Guidelines." *Criminology* 40:297–328.

Kramer, John H., and Jeffery T. Ulmer. 2002. "Downward Departures for Serious Violent Offenders: Local Court 'Corrections' to Pennsylvania's Sentencing Guidelines." *Criminology* 40:897–931.

Kruttschnitt, Candace, and Donald E. Green. 1984. "The Sex-Sanctioning Issue: Is it History?" *American Sociological Review* 49:541–51.

Mustard, David B. 2001. "Racial, Ethnic, and Gender Disparities in Sentencing: Evidence from the U.S. Federal Courts." *Journal of Law and Economics* 44:285–314.

Myers, Martha A., and Susette M. Talarico. 1987. *The Social Contexts of Criminal Sentencing*. New York: Springer-Verlag.

Nagel, Stuart S., and Leonora J. Weitzman. 1971. "Woman as Litigants." *Hastings Law Journal* 23:171–98.

Nobiling, Tracy, Cassia Spohn, and Miriam DeLone. 1998. "A Tale of Two Counties: Unemployment and Sentence Severity." *Justice Quarterly* 15:159–85.

Parisi, Nicolette. 1982. "Are Females Treated Differently? A Review of the Theories and Evidence on Sentencing and Parole Decisions." In Nicole Hahn Rafter and Elizabeth Anna Stanko, eds., *Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice*. Boston, MA: Northeastern University.

Pope, Carl E. 1975. *Sentencing California Felony Offenders*. Washington, DC: U.S. Government Printing Office.

Rafter, Nicole Hahn, and Elizabeth Anna Stanko. 1982. "Introduction." In Nicole Hahn Rafter and Elizabeth Anna Stanko, eds., *Judge, Lawyer, Victim, Thief: Women, Gender Roles, and Criminal Justice*. Boston, MA: Northeastern University.

Smith, Brent L., and Kelly R. Damphousse. 1998. "Terrorism, Politics, and Punishment: A Test of Structural-Contextual Theory and the Liberation Hypothesis." *Criminology* 36:67–92.

Spohn, Cassia. 1999. "Gender and Sentencing of Drug Offenders: Is Chivalry Dead?" *Criminal Justice Policy Review* 9:365–99.

Spohn, Cassia, and Dawn Beichner. 2000. "Is Preferential Treatment of Female Offenders a Thing of the Past? A Multisite Study of Gender, Race, and Imprisonment." *Criminal Justice Policy Review* 11:149–84.

Spohn, Cassia, and Jerry Cederblom. 1991. "Race and Disparities in Sentencing: A Test of the Liberation Hypothesis." *Justice Quarterly* 8:305–27.

Spohn, Cassia, and David Holleran. 2000. "The Imprisonment Penalty Paid by Young, Unemployed Black and Hispanic Male Offenders." *Criminology* 38:281–306.

Steffensmeier, Darrell, and Stephen Demuth. 2000. "Ethnicity and Sentencing Outcomes in U.S. Federal Courts: Who is Punished More Harshly?" *American Sociological Review* 65:705–29.

———. 2001. "Ethnicity and Judges' Sentencing Decisions: Hispanic-Black-White Comparisons." *Criminology* 39:145–78.

Steffensmeier, Darrell, John H. Kramer, and Cathy Streifel. 1993. "Gender and Imprisonment Decisions." *Criminology* 31:441–46.

Steffensmeier, Darrell, Jeffery Ulmer, and John Kramer. 1998. "The Interaction of Race, Gender, and Age in Criminal Sentencing: The Punishment Cost of Being Young, Black, and Male." *Criminology* 36:763–97.

Ulmer, Jeffery T. 2000. "The Rules Have Changed—So Proceed with Caution: A Comment on Engen and Gainey's Method for Modeling Sentencing Outcomes Under Guidelines." *Criminology* 38:1231–44.

Ulmer, Jeffery T., and Brian Johnson. 2004. "Sentencing in Context: A Multilevel Analysis." *Criminology* 42:137–77.

Ulmer, Jeffery T., and J. H. Kramer. 1996. "Court Communities Under Sentencing Guidelines: Dilemmas of Formal Rationality and Sentencing Disparity." *Criminology* 34:383–408.

Wooldredge, John D. 1998. "Analytical Rigor in Studies of Disparities in Criminal Case Processing." *Journal of Quantitative Criminology* 14:155–79.

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