

**THE EFFECTS OF GENDER OF A JURY MEMBER ON
VERDICTS AND PUNISHMENT**

An Undergraduate Research Scholars Thesis

by

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ABSTRACT

The Effects of Gender of a Jury Member on Verdicts and Punishment

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This research addresses the understudied question of how the sex of a jury member, as well as the sex of the offender and victim, affects the decision-making process in the sentencing phase of a crime. I employ an experimental design on a convenience sample of U.S. adults and assess the impact of the sex of the offender, the sex of the victim, and the sex of the subject on the propensity to select the death penalty in a hypothetical murder scenario. Although the sex of those involved influences sentencing choices and preferences, the results suggest that the life sentence is preferred over the death penalty in most of the scenarios. The results are discussed in the context of two basic pertinent theories on the subject: “Chivalry Theory” and the “Evil Woman Theory”.

DEDICATION

This work is dedicated to my parents and my mentors, Mr. Ed Stapleton III and Mr. Michael Gonzalez.

ACKNOWLEDGMENTS

I would like to thank the Texas A&M University Department of Political Science. Specifically, I would like to thank my research advisors, Dr. Nehemia Geva and Dr. Sarah Fulton. I would also like to thank Dr. Michael Koch for funding the MTurk subjects, Rotem Dvir, and Maisie McCormack for their support in the design of the experimental tools. I would also like to thank the LAUNCH: Undergraduate Research staff for their support through the Undergraduate Research Scholars program.

CHAPTER I

INTRODUCTION

My goal is to investigate whether juror sex affects their propensity to apply the death penalty in a homicide case, varying the sex of victim and perpetrator. I employ a controlled experimental methodology to provide additional insight into this domain of criminal law, and to improve our understanding of gender effects in legal matters.

My research applies an experimental method to explore whether female “jurors” are more lenient than males in their sentencing involving cases where the death penalty is asked/required. I test whether this difference among female and male jurors is a function of the sex of the victim and the sex of the perpetrator.

In order to test my question, I conduct a controlled experiment wherein I expose potential male and female jurors to a hypothetical criminal case that requires the death penalty (homicide) and assess their propensity to vote for it. I vary the sex of the victim and the perpetrator to assess the impact of these treatments on jurors’ decisions. Do jurors employ a harsher sentence when the victim is female or male? Is their propensity to punish dependent upon whether the perpetrator is male or female? My study was conducted as an experiment embedded in an online survey. It involves a convenience sample of a diverse population of US adults (I used the MTurk platform). I test for the effects of the sex of the jurors, victims and perpetrators in the experimental case using ANOVA models.

CHAPTER II

LITERATURE REVIEW

History of Executed Women in the United States

According to Victor L. Streib (1990), “Gender-bias probably has two major sources—the express provisions of the law and the implicit attitudes, either conscious or subconscious, of key actors involved in the criminal justice process. Exploring the former, all current death penalty statutes list specific aggravating and mitigating factors that tend to increase or decrease the seriousness of the crime and the culpability of the offender. Also, the statutes provide express guidance for the sentencing decision. None expressly mention the gender of the defendant as a factor to be considered, but they do include considerations which may tend to apply with different weight to male and female offenders.” (874). Streib’s research suggests that there are two major reasons why gender bias exists in cases involving the death penalty as a punishment. Those two reasons are the specific legal requirements and the implicit attitudes that these jurors may have. Streib mentions that jurors can consider the gender of the defendant as much or as little as they want when making a decision on the death penalty.

While Streib’s research concerns an overarching look at females being the minority when it comes to receiving the death penalty, Elizabeth Rapaport has two explanations as to why women are rarely sentenced to death.

Elizabeth Rapaport (2000) writes, “The first is the sheer unusualness of being a woman on death row. To be unusual makes for closer attention, perhaps greater care in reviewing a case, whether judicially or in an executive clemency determination...A second possible explanation of the removal of more women from death row than men—especially by executive clemency but also

by action of elected judges and even life tenure judges-is the impact on a governor or judge of his belief that the public would regard the execution of a woman as inhumane.” (584/585).

Rapaport is stating that because women are the minority of people on death row, their cases are more likely to be scrutinized. The other explanation is that those in elected positions will steer away from executing women because they see it as a threat to their political popularity.

In regards to the gender gap in death penalty cases, Melinda E. O’Neil (1999) talks about steps being taken to mitigate that gap, writing that “On February 3, 1998, this nation took one small step at attempting to close the gap between the way women and men are treated in the criminal justice system. This very small step also brings this country closer to becoming less sensitive to execution and capital punishment. Up until Tucker's execution, the nation had an uneasiness about the execution of a woman. Now, it seems as if the next one will not invoke the same emotions. This Note has not been about the rightness or wrongness of the death penalty. Capital punishment is a reality in this country, and because it is, the argument has to be made that it should apply equally to all, regardless of gender. If the death penalty is to be applied in a non-arbitrary and capricious manner, then women who have been sentenced to death must be executed. Otherwise, there remains nothing but sexual discrimination and, indeed, a gender gap.”(243-244). O’Neil is referencing the execution of Karla Faye Tucker, a Texas woman who murdered two people with a pickaxe in an attempted burglary. Her execution was controversial because of the stigma behind executing a woman, especially one who had converted to Christianity while in prison. O’Neil’s use of Tucker’s execution as an example to call attention to the gender gap comes to show that it is possible to mitigate this gap in death penalty cases.

Jessica Salvucci argues that there is a problem with how the procedure is handled in Texas' death penalty laws.

Salvucci (2011) states, "Tucker's case is especially interesting because she was sentenced to death when she failed to fit into a feminine role, yet given public sympathy when she conformed. At the time of her trial, Tucker was a violent and over-sexualized prostitute and thus lost the protection of femininity. By the time of her execution, however, she had transformed into the loving Christian wife society expected her to be, thus sparking public outrage and disapproval at her fate...With a few rare exceptions, the death penalty effectively applies only to men. Women are condemned to death in American society only if they blatantly defy feminine stereotypes and thus forfeit the protection that being a woman otherwise affords. The Texas capital punishment statute, in particular, is constructed in a way that permits and even encourages unconstitutional gender discrimination, thereby depriving male defendants of their equal rights to life." (422/436-437). Salvucci suggests that the problem with the legitimacy of Texas' death penalty statutes is rooted with a stigma that women have a feminine role and are culturally exonerated from being put to death. Using the example of Karla Faye Tucker, Salvucci proves her point by stating that Tucker received the death penalty, but there was public outrage after it was discovered that Tucker's lifestyle changed before she was executed. Salvucci's challenge is for the Texas death penalty statute to be revised in order to eliminate gender discrimination against men when it comes to receiving the death penalty.

Similarly, Janice L. Kopec discusses statistical differences between men and women who have received the death penalty.

According to Kopec (2003), "However, statistics indicate a more severe gender disparity than racial disparity. As of the year 2000, African-Americans made up 12.3 % of the total

population and yet they made up 35 % of the modern era executions, 288 out of 838. In terms of gender though, men make up only 49.1 % of the population, yet they account for more than 99 % of modern day executions. This amounts to a racial discrepancy of about 24 %, but a gender discrepancy of about 68 %...Female offenders are granted benefits and protections that men are denied. Prosecutorial discretion results in fewer women being charged with capital murder than could be and more women receiving plea arrangements for capital crimes. Even when women are tried for capital offenses, they appear to benefit from mitigators that stereotypically apply to them and to be protected from statutory aggravators that stereotypically do not... Death penalty jurisdictions must reconcile the fact that they are cavalier with the lives of offending males, while they are appalled by the notion of taking the lives of offending females. American society has progressed to a level of decency that practically prohibits the execution of women.” (376-377/ 382). Kopec examines demographic differences in those who have been sentenced to death versus those who have not, and finds that the defendant’s gender plays a greater role than the defendant’s race. She concludes that it is problematic for American society to believe that a woman is ineligible for the death penalty just because she is a woman.

Reaffirming these findings, Victor L. Streib offers statistical evidence on likelihood of receiving the death penalty.

Streib (2002) posits that “Female offenders are unlikely to be arrested for murder, only very rarely sentenced to death, and almost never executed. Males who commit homicide are nearly seven times as likely to be sentenced to death as are females who commit homicide. This aggressive diversion of females who commit murder away from actual execution is nothing new. Of the over 8,000 persons lawfully executed in United States since 1900, only forty-six (0.6%) were female offenders...As detailed in this article, about five to ten female offenders receive

death sentences annually, compared to almost 300 men, and actual executions of female offenders have been extremely rare over the past century, even if more common since 1998.”(434/469). Streib is talking about how men are more likely to be executed than women. There is a pool that gets smaller in population as the process of the death penalty gets closer to the execution phase with women not even making a full percentage of the population of criminals who are going to be executed.

Streib (2006) continues to discuss numerical differences between men and women on death row, stating: “The data presented and explored in this article reveal the instances where the death penalty has been imposed on female offenders during at least the past century and in some cases for several centuries. The most obvious empirical conclusion to be drawn from these data is that this practice has been rare and inconsistent, with little suggestion of it being grounded in a rational process. Perhaps the most striking example comes from Oklahoma. That state has executed only four women in its history: one in 1903 and three in 2001. Nothing about the murder rate by women or the general use of the death penalty in Oklahoma explains why no such executions occurred prior to 1903 or in the near-century between 1903 and 2001. Texas, the clear leader in current executions, has executed well over 1,000 people in its history. Only six of these executions have been of women, however.”(627). Using Oklahoma and Texas as examples, Streib is explaining that there is not necessarily a logical reason to explain why states have executed so few women.

Similarly, Streib (2001) suggests that there is sexism in the death penalty, writing: “Men are eight times as likely as women to be arrested for murder, 72 times as likely to be sentenced to death, and 140 times as likely to be executed. Assumptions from such raw data are abetted by the informal comments of judges, jurors, and prosecutors over many decades, revealing their

reluctance to execute women, at least as compared to executing men of the same culpability... It still can be said that women are unlikely to be arrested for murder, extremely unlikely to be sentenced to death, and almost never executed. About five to 10 women receive death sentences annually, compared to almost 300 men, and actual executions remain extremely rare.”(26). Streib is putting statistics to his claim that there is sexism against men when it comes to the death penalty.

Elizabeth Rapaport (1990) applies a feminist theory in order to explain the sex bias in death penalty cases, positing that “Wherever and to the extent that criminologists see an advantage to female gender, they proffer the same explanatory hypothesis, the chivalry or paternalism hypothesis: women are treated as less responsible for their actions, hence less culpable, and perhaps also as posing less continuing danger to society. Researchers who find that women receive sentences as severe as comparable males hypothesize that when a woman is perceived as guilty of a severe or "male" offense she loses the advantage of her gender and is more harshly punished because of her violation of gender stereotypical expectations. There is some tendency to conflate two distinct hypotheses, either one of which is confusingly termed the "evil woman" hypothesis. The first hypothesis, which would more appropriately be called the "gender equality" theory, is that women who, perhaps contrary to gender norm expectations, commit high severity offenses, are treated no differently than men. The second, the true "evil woman" theory, is that women who commit high severity offenses are treated more harshly than similarly situated men: they are punished for violating sex role expectations in addition to being punished for their crimes.”(512-513). Rapaport applies those theories to explain why there is sex bias in death penalty cases. The first one is the belief that women do not pose the same threat to society that a man would. The other theory can be interpreted two ways. The first is that women

who commit heinous crimes are treated no differently than men; the other interpretation is that women who commit heinous crimes are being punished more severely than men because they broke a social norm. In other words, the women are being punished for their crime and they receive an additional punishment for breaking a norm. These theories can also be applied when taking the victim into consideration. In other words, if the women is the target of the crime, we want to impose a harsher sentence on the offender.

Rapaport (1991) explains why women are a minority in death penalty cases, stating that “Although women are indeed sent to death row for crimes that lead men to the same fate, a strikingly high percentage of the women on death row, unlike the men, killed family or intimates. The question of the death penalty and gender discrimination, then, appears to be fundamentally a question of social ideology. Women are doubly disserved by the current climate of belief and policy. First, women are disserved by the misleading or false belief that we are spared the most extreme criminal sanction because of our sex. Second, the criminal law is not being mobilized to sufficiently discredit, discourage, and sanction crimes of domestic oppression from which women and children suffer disproportionately.”(382). Rapaport is saying that a high percentage of women who are on death row share the commonality of a family member or an intimate partner being a victim and because of this, there is not necessarily a high amount of sanction for this type of crime because of public attention. In other words, the victims being either family or intimates does not help with the sex stereotype and it perpetuates the idea that women are spared on the basis of sex.

Similarly, Amy E. Pope (2002) discusses how the gender gap can be mitigated on a systematic level, positing that “Given the failings of the current system to embrace a more universal and gender-equitable structure, it is evident that a massive overhaul of the criminal

justice system is in order-particularly with respect to capital cases...To create a truly equitable system would require a massive overhaul not only of the current law, but also of the political and social conceptions of those who make, execute, and encounter the law. Simply accommodating women's voices by inserting them into a male system is insufficient and cannot address the deep-seated inequities in the system...From a practical point of view, achieving true gender equity is nearly overwhelming. The task is not impossible, however. For example, feminist theory has already led to new ways of using the law, for example, leading to the creation of rape-shield laws, recognizing marital rape, and identifying sexual harassment. Such a task is equally important here in the context of capital punishment.”(281/282). Pope is talking about a change on the higher levels of politics in order for the problem of women and the death penalty to be alleviated. Pope also adds that it is inadequate to just insert women into the decision-making process. Pope concludes by saying that change in this context has already happened, so it won't be impossible to continue making changes.

Steven F. Shatz and Naomi R. Shatz (2012) provide detail in regards to the idea that chivalry plays a role in deciding whether women receive the death penalty or not, stating that “The data in the current study confirms the most well-known aspect of the relationship of gender to the death penalty-that women murderers are sentenced to death at a significantly lower rate than men. In the cases examined, fifty-one women were convicted of capital murder (5.1% of the 1000 defendants convicted of capital murder), and only one, Angelina Rodriguez, was sentenced to death. She was convicted of killing her husband by poisoning him, plainly violating chivalric norms by her choice of victim (a lady should not be killing her "lord and master") and her choice of means (killing by stealth is dishonorable because it denies the victim the opportunity to defend himself), thus making her a likely candidate for a death sentence... Two explanations, both

consistent with chivalric norms, suggest why death-eligible women convicted of first-degree murder are so infrequently sentenced to death. The simple explanation is that women are sentenced to death at a lower rate than men because of chivalric attitudes on the part of prosecutors and juries. Because women are stereotyped as weak, passive, and in need of male protection, prosecutors and juries may be reluctant to impose the death penalty upon them...The second reason relates to the role that "future dangerousness" plays in death penalty decisions. Studies of decision-making by capital juries indicate that a major factor in their sentence choice is whether they believe the defendant, if allowed to live, will pose a danger to others."(105-106). Shatz and Shatz are saying that while the concept of chivalry applies to women in death penalty cases, there is a disqualification of that theory when certain aspects of it are broken. Shatz and Shatz used the example of Angelina Rodriguez who murdered via poisoning. However, there is still a chivalric protection when the woman in question is viewed as needing a male's protection and does not pose a threat to others.

Female Jurors and the Death Penalty

Crystal M. Beckham, Beverly J. Spray, and Christina A. Pietz (2010) state that men between the ages of 40 and 60 were more likely to vote for the death penalty. Women between the ages of 20 and 30 had a higher likelihood of choosing the death penalty as opposed to older women (294). Beckham, Spray, and Pietz are saying that as the age of a woman increased, the likelihood of a vote for the death penalty decreased. The data from this research also shows that with the exception of those who were younger than 30, men had a higher likelihood to vote for the death penalty. While my research does not necessarily concern age, it does concern the sex of the subject.

Mona Lynch and Craig Haney (2009) conducted an experiment to analyze how demographics influence the vote for the death penalty among their respondents. They state: “We also found some differences in verdict preference as a function of participant demographics. Thus, women were significantly less inclined to sentence the defendant to death than were men in their pre-deliberation straw votes: only 50% of the women chose death, as compared to 60% of the men who did (Chi-square = 4.57; d.f. = 1; $p < .05$; Cramer’s V = .09). However, the gender difference largely disappeared after deliberation; 65% of the women and 68% of the men selected death as their final verdict choice” (486). Their research shows that the women who participated in their study initially voted against the death penalty before going into deliberation. This can suggest that women tend to be more lenient than men in death penalty cases.

Hypotheses

Based on the literature I can derive the following hypotheses that address the effects of sex on sentencing:

H1. A female defendant will have a lower likelihood of receiving the death penalty than a male.

H2. An offender will be more likely to receive the death penalty if his/her victim is female as opposed to male.

H3. Male jurors are more likely than female jurors to apply the death penalty, although this difference may be conditional on the sex of defendant and sex of victim.

CHAPTER III

METHODOLOGY

To identify the causal paths between the independent variables (the sex of the offender/accused, sex of the victim, and sex of the respondent/juror) and the selection of the death sentence, I designed an experiment that manipulated the two independent variables (sex of the offender and sex of the victim) in a hypothetical case that described a homicide within the workplace, wherein the offender was found guilty.¹ I recruited 200 American adults using MTurk.

The experiment was structured as a 2x2 between groups design. This design is illustrated in **Table 1**. The research material used in this study is detailed in Appendix A.

Table 1. Research Design

		Male Offender	Female Offender
Male Respondents	Male Victim		
Female Respondents	Female Victim		

The respondents were given one of four possible scenarios. The sex of the offender and the sex of the victim were different in each scenario. The main dependent variables are the sentence choice presented in the form of a dichotomy (death penalty or life sentence), and the support for each sentence (a continuous scale ranging from 0 to 10). In the scenarios I held constant the circumstances surrounding the murder to avoid potential contamination. In the

¹ We used this scenario to control for issues associated with homicide.

literature review it was mentioned that males and females are associated with different murders that may affect the sentencing. Hence, it becomes necessary to have a scenario that would be suitable for both males and females.

Once presented with the scenario, the respondents could choose either the death penalty or the life sentence. After choosing the sentence, respondents are asked on a scale from 0 to 10 how much they support their decision. This is asked in order to assess how much support someone has for their decision.

After that, respondents were asked how justified the murder was and then the respondents were asked how much of a danger the offender poses to society as well as how aggressive the offender is. This is asked in order to see what the respondent thinks of the offender as far as their threat to society is concerned.

Once these questions are answered, the experiment moves to the manipulation check questions. These are asked in order to see if the respondent was paying attention to the scenario. The questions ask what the motive for the murder was and asks what the sex of the accused is. If the respondents are paying attention, then the questions will be easy to answer. Respondents will also be asked what the age of the accused and the victim is. The age is not specified for either person in the scenario, so respondents should answer with a "0" which is the "I don't know" choice.

The final part of the questionnaire concerns demographics. The first question that respondents are asked is what their sex is which is one of the independent variables in this study. Then they are asked what their age is. After that, they are asked with what their education level is. After that, they are asked to identify which state they live in. The reason this question is being asked is because there are states that have the death penalty and there are states that do not have

the death penalty. This question aims to investigate what the impact is on votes based on a death penalty state vs. a non-death penalty state. The respondents are then asked with what religion they identify with and then they are asked on a scale from 0 to 10 how religious they identify themselves. Then they are asked what their race is, what their partisanship is, and if they served in a jury. If they did serve in a jury, they are asked what kind of case they served as juror, and then there are asked what their stance on the death penalty is.

Amazon's Mechanical Turk (MTurk) was used to recruit 200 respondents. The demographics from those 200 respondents consisted of the following: race, age, religion, and political affiliation.

In terms of the racial composition of the sample 80.1% are White, 11.4% are Black; 1.5% are Hispanic-Latino and 7% chose to answer "other" on this category. The average age of the respondent is 35.9 years (the median is 32 years). When we look at the religion they represent, we see that the majority are Christians (51.2%), 38.8% are not affiliated with a religion, 6.0% said that they belong to another religion that was not listed, 2.5% are Jewish, and 1.5% are Muslim. In terms of political affiliation, we see that the majority of the respondents are Democrats (63.5%), 28.0% are Republicans, and 8.5% affiliate with another party. Regarding gender, 60% of my respondents identified as male and 40% of my respondents identified as female. These numbers suggest that our sample is quite diverse.

CHAPTER IV

RESULTS

The main findings from this study imply that most of the participants are unlikely to apply and/or support the death penalty on offenders guilty of a homicide. Yet, the findings suggest, along the hypotheses presented earlier, that the potential “jurors” are somewhat leaning to use the death penalty when the offender is a male, the victim is a woman. In addition, there is a slight tendency that male respondents are more likely to favor the death penalty (compared to women). These trends are refined by contingencies that are found among the independent variable.

Internal Validity

Before describing the results that pertain to my hypotheses, I address in this section the findings that support the internal validity of the experiment. I demonstrate that the participants in the experiment were vigilant to the experimental treatment they were exposed to. First, the participants were highly accurate when they were asked to identify the sex of the offender as 84% identified it correctly. Second, 90% of the participants correctly answered that the age of the victim was not mentioned, and thirdly, 89% identified the context of the crime as a work environment. These responses imply that the treatments worked as intended for the majority of the participants.

Sentencing Choices

Across all experimental conditions and across the variety of participants the majority of respondents chose the life sentence (72.3%) in comparison to the death sentence (27.7%). This is graphically represented in **Figure 1**.

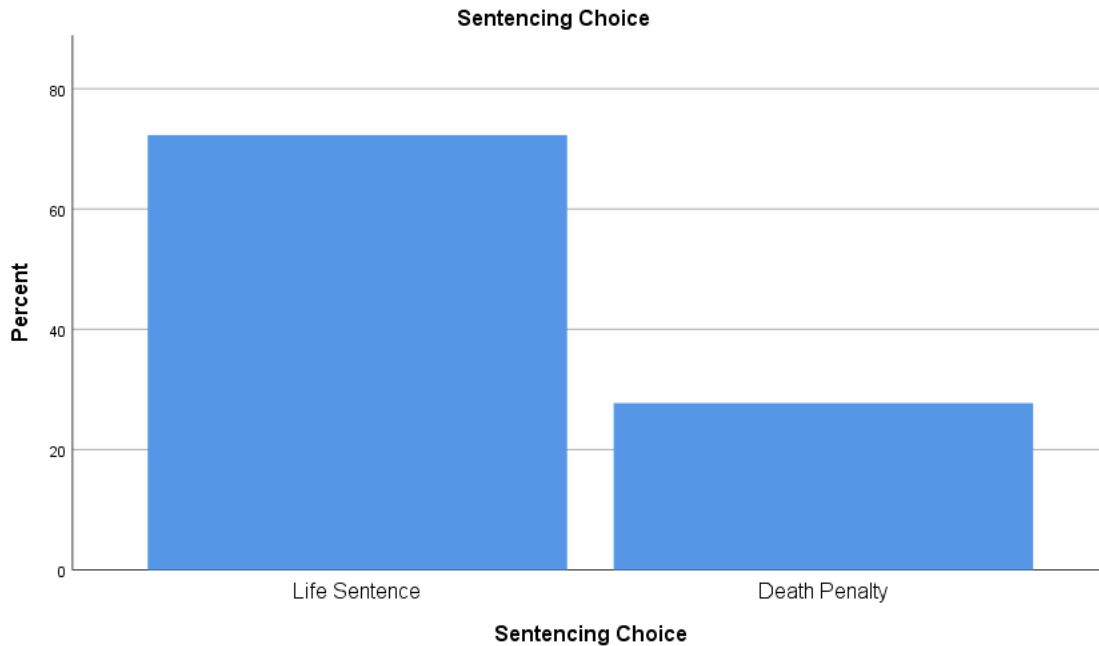


Figure 1. Comparing Support for the Life Sentence and Death Penalty Votes

As mentioned in the methodology section, the support of the participants for sentencing was assessed on two preference scales one for each sentence (ranging from 0 to 10 when a higher number implies higher preference). The mean preference associated with each sentence is depicted in **Figure 2**. Once again, it is clear that in our sample there is a higher preference for the life sentence ($M=7.45$) than for the death penalty ($M=4.11$). The difference between the two preferences is statistically significant by a t-test for paired comparison [$t_{(199)}=40.50$ $p<.0001$].

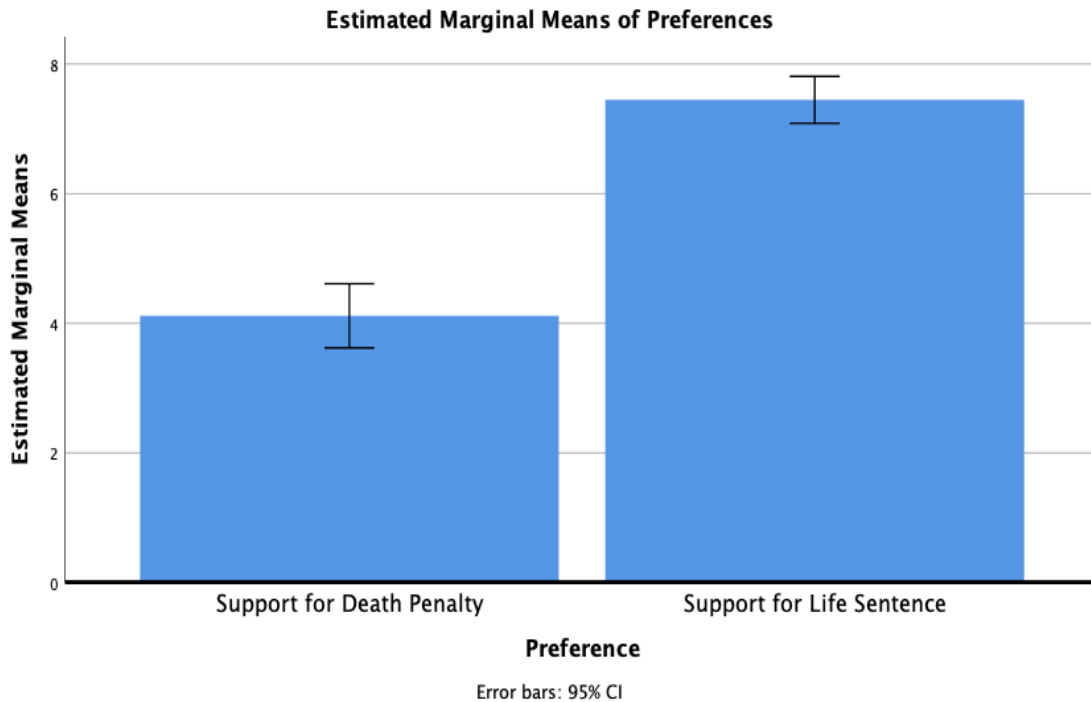


Figure 2. Estimated Marginal Means of Preferences

Effects of the Sex of Offender on the Sentencing Choice and Preferences

According to the first hypothesis, we expect that based on Chivalry Theory proposition, the respondents will select the death penalty more often when the offender is male than a female. **Figure 3** implies that this is the case as the probability to choose the death penalty is higher when the offender is a male ($M=.31$) than a woman ($M=.24$). Though, this trend is not statistically significant ($p=.15$ one tailed).

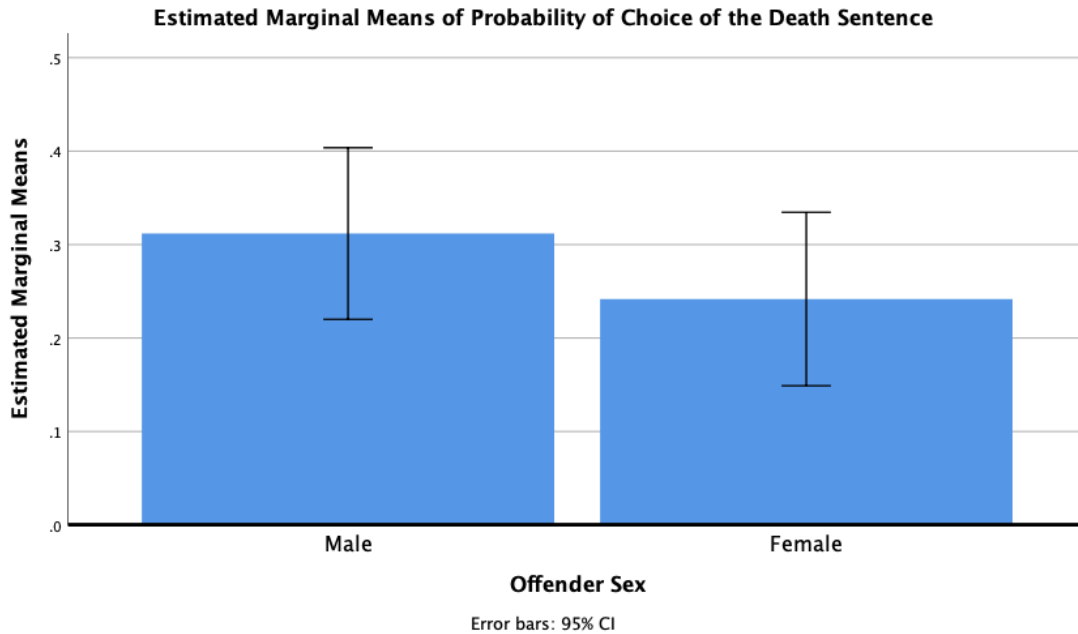


Figure 3. Estimated Marginal Means of Probability of Choice of the Death Sentence

When I compared the preference for the life sentence given to the offender, I find that there is a higher preference for the preference for a life sentence when the offender is a woman (M=7.80) than for a man (M=7.09), and in this case, the contrast is statistically significant [$t_{(198)}=1.95$ p.<05 two tailed].

Effects of the Sex of the Victim on the Sentencing Choice and Preferences

Here we concentrate on the second hypothesis targeting the effects of the sex of the victim on the sentencing. The expectation of the second hypothesis is that the sentence will be harsher when the victim is a woman. The trend depicted in **Figure 4** is compatible with this expectation, though the contrast is not statistically significant. The probability of a choice of the death sentence is higher (M=.32) when the victim is the female than if the victim is a male (M=.24).

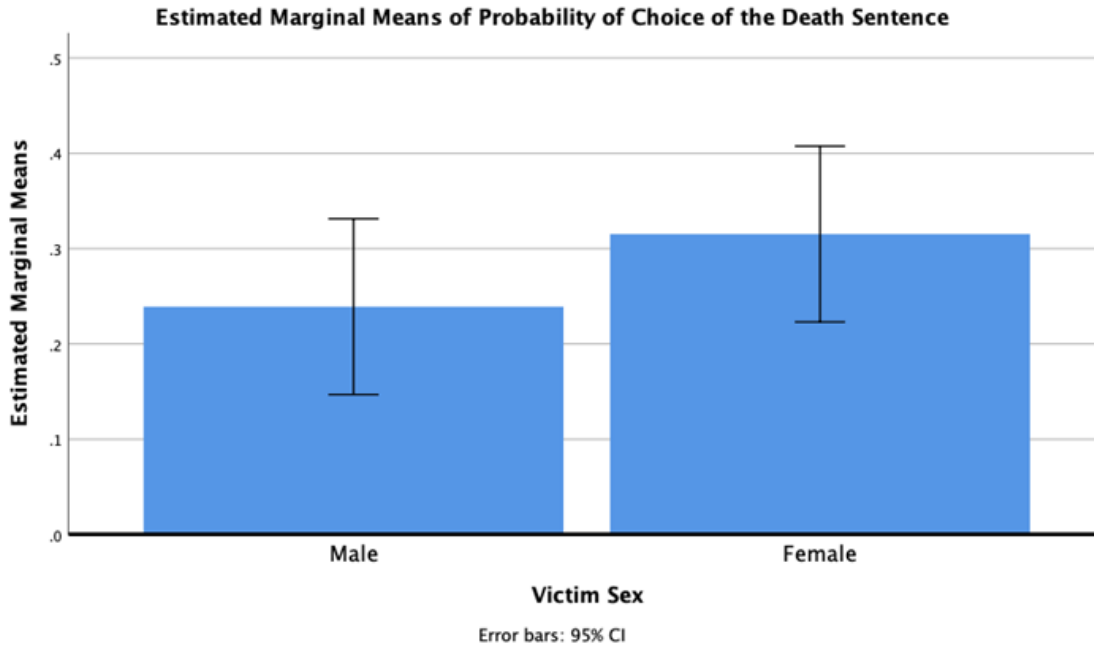


Figure 4. Estimated Marginal Means of Probability of Choice of the Death Sentence

The results are more definitive when we look at the preference of the death penalty (0 -10) as a function of the sex of the victim. Here, as depicted in Figure 6, we see that preference of the death penalty for the offender is higher when the victim is a female (M=4.71) than when the victim is a male (M=3.47). This difference is statistically significant [$t_{(199)}=2.49$ $p<.02$ two tailed].

Effects of the Sex of the Respondent on the Sentencing Choice and Preferences

The comparison of male and female participants in the study suggests that males are more likely to prefer the death penalty (31%) than the females (24%). While this conforms to the expectation of hypothesis 3 – the difference in the choices is not significant.

When I assess the extent of support for the two sentences – I find that males exhibit more support to the death penalty (M=4.35) than female participants (M=3.71), though this contrast is not statistically significant. On the other hand, the females have a higher support for the life

sentence ($M=7.93$) than the males have for this sentence ($M=7.15$). This difference is statistically significant [$t_{(197)}=2.09$ $p<.05$]. This significant contrast is reflected in **Figure 5**. These findings do suggest that the females in our sample were more lenient than males in their sentencing of the offender.

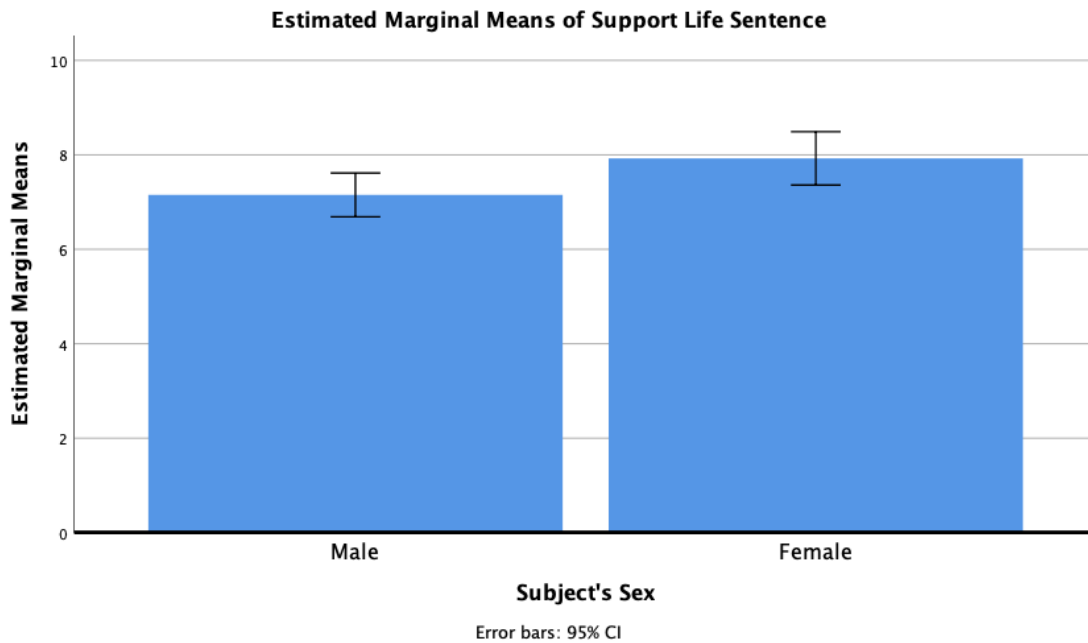


Figure 5. Estimated Marginal Means of Support Life Sentence

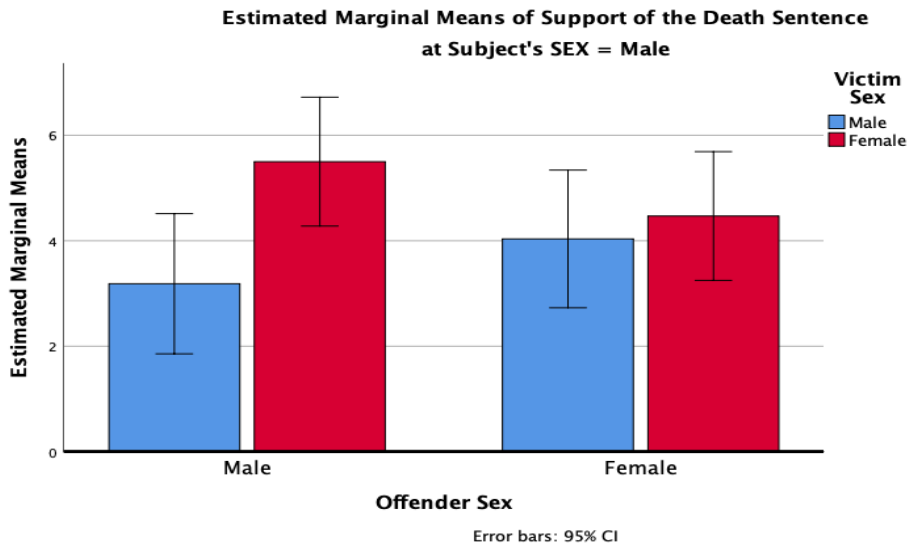
Combined Effects of the Sex of Participant, Offender and Victim

In the previous univariate analyses the focus was on the effects of a particular independent variable (across all other independent variables) on the sentencing. At this stage it is prudent to look at the potential interactions among the variables in their effect on the sentencing. For example, are female “jurors” always more lenient than males or their lenience is dedicated to female offenders? Along these lines additional contingencies are probable. To assess this, I employ a 2 x 2 x 2 ANOVA with a focus on the interaction among the independent variables. I

conducted the analysis on both the choice (the dichotomous variable) as well as their support measures for each policy.

The 2 x 2 x 2 ANOVA on the dichotomous variable did not yield any significant interactions. However, when I analyzed the extent of support for the death sentence I obtained a significant three way interaction [$F(1,191)=5.22$ $p<.05$]. This interaction is displayed in the two panels of **Figure 6**. The Upper panel displays the responses of male “jurors” and the lower panel illustrates the responses of the females.

a)



b)

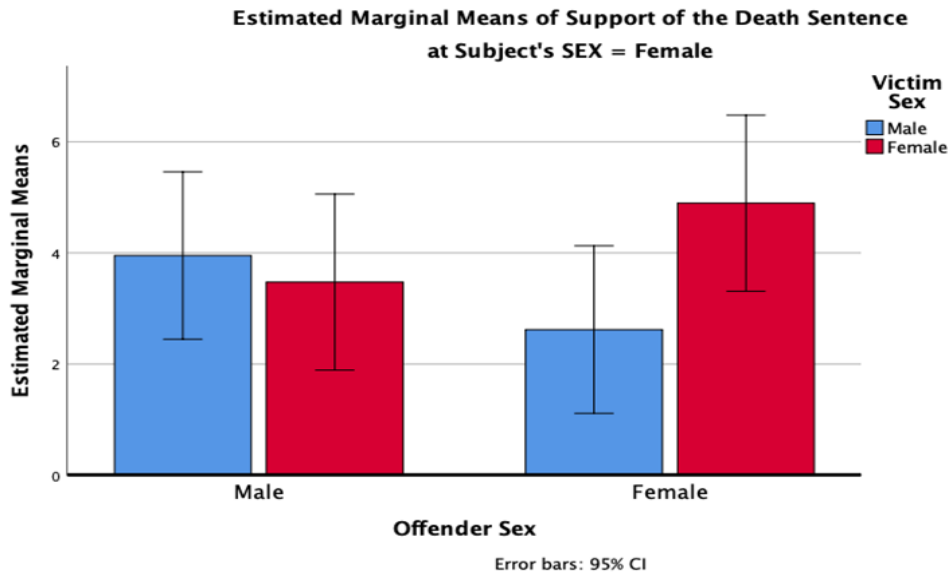


Figure 6. Estimated Marginal Means of Support of the Death Sentence as a function is subject's sex as well as the sex of victim and offender. The upper panel (a) displays the support for the death sentence of male respondents. The lower panel displays (b) the support for the death sentence of female respondents

The upper panel displays the support for the death sentence of male respondents. It shows that the potential male jurors when confronted with a male offender are more supportive of a

harsher punishment when this male killed a female than a male. However, they were not sensitive to the sex of the victim when the offender is a female. It seems that these results represent “benevolent sexism”. Men are especially protective of female victims of male perpetrators.

The lower panel illustrates the reactions to the death penalty of female “jurors”. In this case the pairing is reversed – the female respondent was not sensitive to the target (victim) of a male offender, but when they are confronted with a female offender, they take a more punitive stance when she killed a female than a male. In other words, the female juror is more “permissive” to a female killing a male than a woman. Men, on the other hand are more permissive if the target of the male offender are males – but less permissive if the offender killed a woman. It seems that jurors are more punitive towards defendants who kill women. But are even more punitive towards defendants of their own sex who kill women, and are more forgiving of the opposite sex who kill women.

Auxiliary Findings

The study yielded additional findings that pertain to the investigation of factors that affect the sentencing choices.

- (1) **Location:** Since the participants in this study reside in different states of the US – some which do not have the death penalty and some that do have – I coded each participant to whether she or he is associated with these two categories of states. 41.7% of my respondents identified as living in a state that has the death penalty and 58.3% identified as living in a state that does not have the death penalty. This categorization was done to test whether this categorization influences the sentencing choice. The analysis (t-test) indicated that the respondent’s association with one of the categories of states is not

related to their choice propensity². Naturally, it is plausible that participants are not aware of the legal status of the death penalty in their state.

(2) **Religion:** Another potential factor that could have affected the sentencing is the religious affiliation of the respondents. I divided the participants to those who are affiliated with a religion and those who defined themselves with no-religion. In this case we find that those who define themselves affiliated with a religion have a statistically significant higher propensity to select the death penalty (.37) than those who are not affiliated with religion (.13), [$t_{(181)}=3.68$ $p<.01$]³.

(3) **Age:** In the sample of this study, I found no significant correlations between the age of the respondent and the sentencing choice or the support for each of the two policies. (all correlations smaller than .03).

² I obtained the same null effects when I compared the participants of these two categories of states using their preference (support) of each sentencing category (support for life sentence and support for the death penalty).

³ The same significant difference between the two groups (based on religion) is obtained when I analyzed the support for the death penalty. More support is found among the religion members than the no-religion. Though the two groups did not differ with respect to support for the life sentence.

CHAPTER V

DISCUSSION AND CONCLUSIONS

The experiment was conducted to investigate the effects of gender of a jury member, gender of the victim and offender on sentencing in a homicide case.

The experiment was structured as a 2x2 between group design where we manipulated the sex of the offender and the sex of the victim into four possible scenarios where 200 MTurk respondents voted on whether the offender in the scenario should receive the death penalty or a life sentence.

The main findings from this study were that the majority of the respondents support the life sentence (72.3%) over the death penalty (27.7%). The first hypothesis of the study was supported as male offenders having a higher probability to receive the death penalty ($M=.31$) than the female offenders ($M=.24$), the second hypothesis was supported with the death penalty having a higher probability to be chosen when the victim is female ($M=.32$) than if the victim is male ($M=.24$), the third hypothesis was supported with males have a higher likelihood to prefer the death penalty (31%) than females (24%). However, these results are not statistically significant. Yet, when I looked at the comparisons using the preference ratings of the two sentences the contrasts were significant and in the hypothesized direction.

Implication for Theory

The Chivalry Theory and Evil Woman Theory were the two theories that this experiment was based on and they can be applied to other experiments concerning the criminal justice field. These theories can also be the subject of debate for someone who may be interested

in exploring criminal psychology. It seems that this experiment has provided support for the Chivalry Theory. In no comparison was a woman punished higher than male.

It is of interest to note that when we analyzed the responses of the participants to the questions of how aggressive is the offender and how dangerous (he/she) are to the society, the only experimental factor that impacted these questions was the sex of the victim. In two ANOVAs (2 x 2 x 2) that were conducted, the only significant factor was the sex of the victim. The offender was perceived to be more aggressive when the victim was a female (M=7.20) than when it was a male (M=6.25), [F(1,192)=6.07 p<.02]. A similar pattern is expressed with the item of how dangerous is the offender to society. The offender is perceived as more dangerous when the victim is a female (M=7.03) than when the victim is a male (M=6.06), F(1,192)=6.61 p<.02). Both results support the chivalry proposition.

Implications for the Methodology

For a future study, it may be prudent to address other demographics as independent variables such as race, religion, age, etc. The circumstances of the crime should be investigated thoroughly and it would be necessary to apply other variations that address the context of the murder such as “hate crimes”, love related murder etc. In doing so, the research can present the opportunity to address specific societal issues with empirical data. For example, if a “hate crime” is being researched, then the source of the hate can be investigated. A researcher can examine the source of the hatred from the crime such as the victim’s race or religion and then explain how it tied into the offender’s lifestyle in order for the hate crime to be better understood so that future hate crimes of that nature can be prevented with education. With regards to the Lynch and Haney (2009) experiment. My subjects made a decision without deliberation and the data from the Lynch and Haney experiment changed after deliberation was involved. A deliberation phase can

be included in a future experiment to examine what kinds of effects occur and possibly present new angles of research such as peer mimicry. Finally, larger samples (500 or more) of respondents should be used for a future study for data analysis purposes.

Implication for Policy

This study does have a practical aspect to it. The United States of America's legal system contains the theory that Americans are all equal under the law. Unfortunately, that is not the case from what we have seen in the criminal justice system. Discrimination exists in many different forms and sexism is the area of discrimination that this research can help address and mitigate. When it comes to selecting a jury, it becomes necessary for the attorneys in the case to choose the jurors that they think would benefit them in the case that is going to trial. In the legal field, there is a relatively new technique called Scientific Jury Selection (SJS) where attorneys implement social sciences to how they select jurors for their trials. As opposed to choosing jurors based on what the attorneys see, SJS calls for a deeper analysis of who those potential jurors are. Scholars such as Jeffrey T. Frederick, Len Lecci, Jessica Snowden, Dustin Morris, Michael J. Saks, Richard Seltzer, Gary Moran, John C. Comfort, R. Scott Tindale, Dennis H. Nagao, Collin P. Wedell, Joel D. Liberman, and Bill Winter have written articles concerning SJS, This study as well as the methodology I introduced would be beneficial to those concerned with SJS.

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APPENDIX

RESEARCH MATERIAL

Research Design

This experiment will follow a 2X2 experimental design

	Male Offender	Female Offender
Male Victim		
Female Victim		

Table 2. 2X2 experimental design

The Flow of the Experiment

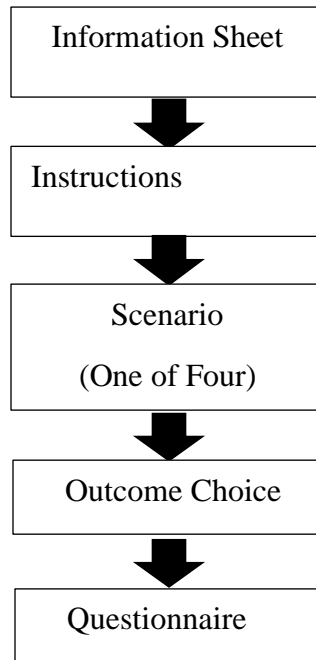


Figure 7. Flow chart of the experiment

Research Material

Screen 1

Instructions

This experiment explores decision making on whether or not a person found guilty should receive the death penalty.

In this study, you will be asked to read a hypothetical murder case in which the verdict of the case was “guilty” and now the jury has to deliberate the sentencing. You have two options to consider: life sentence without parole or the death sentence.

Read the case and provide your decision of what should be the sentence.

Screen 2

Scenario (1 of 4)

Murder in the Workplace

James was found guilty for murdering his coworker, John. The prosecutors proved that his motive for murdering his coworker was retaliation for workplace harassment. According to the prosecution, James was suffering from harassment in his workplace by John. When asked why James did not report this harassment to human resources, he responded by saying that his cries for help were ignored, so he took the matter into his own hands. James stalked John to his house and murdered him. James' attorney argued that he should not receive the death penalty on the grounds of him being the victim of harassment from the workplace. In lieu of the death penalty, James' attorney argues that he should receive life without parole. This way, James' mental health could be examined more closely by professionals in a controlled environment and their findings could help with training on how to detect warning signs for this type of behavior. The prosecutors disagree; they argue that the death penalty is the only appropriate punishment because James knew that his actions had consequences, he thought about this murder and he followed through with his plans.

Screen 2

Scenario (2 of 4)

Murder in the Workplace

James was found guilty for murdering his coworker, Mary. The prosecutors proved that his motive for murdering his coworker was retaliation for workplace harassment. According to the prosecution, James was suffering from harassment in his workplace by Mary. When asked why James did not report this harassment to human resources, he responded by saying that his cries for help were ignored, so he took the matter into his own hands. James stalked Mary to her house and murdered her. James' attorney argued that he should not receive the death penalty on the grounds of him being the victim of harassment from the workplace. In lieu of the death penalty, James' attorney argues that he should receive life without parole. This way, James' mental health could be better examined by professionals in a controlled environment and their findings could help with training on how to detect warning signs for this type of behavior. The prosecutors disagree; they argue that the death penalty is the only appropriate punishment because James knew that his actions had consequences, he thought about this murder and he followed through with his plans.

Screen 2

Scenario (3 of 4)

Murder in the Workplace

Mary was found guilty for murdering her coworker, John. The prosecutors proved that her motive for murdering her coworker was retaliation for workplace harassment. According to the prosecution, Mary was suffering from harassment in her workplace by John. When asked why Mary did not report this harassment to human resources, she responded by saying that her cries for help were ignored, so she took the matter into her own hands. Mary stalked John to his house and murdered him. Mary's attorney argued that she should not receive the death penalty on the grounds of her being the victim of harassment from the workplace. In lieu of the death penalty, Mary's attorney argues that she should receive life without parole. This way, Mary's mental health could be examined more closely by professionals in a controlled environment and their findings could help with training on how to detect warning signs for this type of behavior. The prosecutors disagree; they argue that the death penalty is the only appropriate punishment because Mary knew that her actions had consequences, she thought about this murder and she followed through with her plans.

Murder in the Workplace

Mary was found guilty for murdering her coworker, Patricia. The prosecutors proved that her motive for murdering her coworker was retaliation for workplace harassment. According to the prosecution, Mary was suffering from harassment in her workplace by John. When asked why Mary did not report this harassment to human resources, she responded by saying that her cries for help were ignored, so she took the matter into her own hands. Mary stalked Patricia to her house and murdered her. Mary's attorney argued that she should not receive the death penalty on the grounds of her being the victim of harassment from the workplace. In lieu of the death penalty, Mary's attorney argues that she should receive life without parole. This way, Mary's mental health could be examined more closely by professionals in a controlled environment and their findings could help with training on how to detect warning signs for this type of behavior. The prosecutors disagree; they argue that the death penalty is the only appropriate punishment because Mary knew that her actions had consequences, she thought about this murder and she followed through with her plans.

Screen 3

Questionnaire (the questionnaire is structured in 3 parts)

Part 1

1. As a jury member in this trial I would vote for the following sentence:
 - a. Life sentence without parole
 - b. Death penalty
 - c. Don't know

How strongly do you feel about each of these options?

2. Life sentence without parole
No support at all 0 1 2 3 4 5 6 7 8 9 10 very supportive
3. Death penalty
No support at all 0 1 2 3 4 5 6 7 8 9 10 very supportive
4. How justified was the accused in murdering the victim? (select one)
 - a. Extremely Justified
 - b. Somewhat Justified
 - c. Neither justified nor unjustified
 - d. Somewhat unjustified
 - e. Extremely unjustified
5. How much danger does the accused pose for society?
Minimal danger 0 1 2 3 4 5 6 7 8 9 10 Much danger
6. Given the details of the story – How generally aggressive is the accused?
Not aggressive 0 1 2 3 4 5 6 7 8 9 10 Very aggressive

Screen 4

Part 2

7. According to the prosecutors, why did the accused murder the victim? (select one)
 - a. Revenge for harassment
 - b. To steal money
 - c. To make a political statement

8. What is the sex of the accused?
 - a. Male
 - b. Female
 - c. I don't know

9. What is the age of the accused?: _____ (put 0 if you don't know)

10. What is the age of the victim?: _____ (put 0 if you don't know)

Screen 5

Part 3

11. What is your sex?

- a. Male
- b. Female
- c. Prefer Not to Answer

12. What is your age? (type in)_____

13. What is your education level? (current undergraduate students please select “Bachelor Degree”)

- a. High school diploma/GED
- b. Associate Degree
- c. Graduate/Professional Degree

14. Please type in the name of state in which you currently live _____

15. With what religion do you identify?

- a. Christianity
- b. Judaism
- c. Islam
- d. Other
- e. None

16. How religious would you consider yourself?

Not religious 0 1 2 3 4 5 6 7 8 8 10 Very religious

17. What is your race?

- a. White
- b. African American
- c. Hispanic/Latino
- d. Other
- e. Don't want to answer

18. What is your preferred political party?
- Democrat
 - Republican
 - Other
19. Have you ever served on a jury?
- Yes
 - No
20. If so, what type of case did you serve as a juror?
- Civil
 - Criminal
 - Both
 - Did not serve
21. Which of the following best describes your stance on the death penalty?
- I support the death penalty in all circumstances involving a premeditated and intentional murder.
 - I support the death penalty only if there is undeniable evidence surrounding the case.
 - I do not support the death penalty, but I would still remain objective in a trial where the death penalty is a possible punishment.
 - I do not support the death penalty in all circumstances involving a premeditated and intentional murder