

Gender Norms in Portuguese College Students' Judgments in Familial Homicides: Bad Men and Mad Women

Journal of Interpersonal Violence

1–19

© The Author(s) 2015

Reprints and permissions:

sagepub.com/journalsPermissions.nav

DOI: 10.1177/0886260515585542

jiv.sagepub.com



**Luísa Saavedra,¹ Miguel Cameira,²
Ana Sofia Rebelo,¹ and Cátia Sebastião¹**

Abstract

The gender of the offender has been proved to be an important factor in judicial sentencing. In this study, we analyze the judgments of College students regarding perpetrators of familial homicides to evaluate the presence of these gender norms and biases in the larger society. The sample included 303 college students (54.8% female) enrolled in several social sciences and engineering courses. Participants were asked to read 12 vignettes based on real crimes taken from Portuguese newspapers. Half were related to infanticide, and half were related to intimate partner homicide. The sex of the offender was orthogonally manipulated to the type of crime. The results show that gender had an important impact on sentences, with males being more harshly penalized by reasons of perversity and women less penalized by reason of mental disorders. In addition, filicide was more heavily penalized than was intimate partner homicide. The results also revealed a tendency toward a retributive conception of punishment. We discuss how gender norms in justice seem to be embedded in society as well as the need for intervention against the punitive tendency of this population.

¹University of Minho, Braga, Portugal

²University of Porto, Portugal

Corresponding Author:

Luísa Saavedra, School of Psychology, University of Minho, Campus de Gualtar, 4710-057 Braga, Portugal.

Email: lsaavedra@psi.uminho.pt

Keywords

homicide, family issues and mediators, child abuse, women offenders, violent offenders, legal intervention

Introduction

In recent years, there has been an improvement in studies analyzing how female offenders are judged and penalized in courtrooms (Allen, 1987; Armstrong, 1999; Daly, 1989; Freiburger, 2010; Sorensen, Sarnikar, & Oaxaca, 2012) and mass media (e.g., Carlyle, Scarduzio, & Slater, 2014; Huckerby, 2003; Jewkes, 2004; Oberman, 2003). These works have stressed that gender is an important variable in criminological issues (Armstrong, 1999; Carlyle et al., 2014), and that two fundamental gender norms are embedded in these judgments: first, that women are less dangerous than men and therefore are recipients of justice chivalry (Doerner, 2012; Jeffries & Bond, 2013; Jeffries, Fletcher, & Newbold, 2003), and second, that women are much more psychologically disturbed than men and conditioned by biological dispositions, namely their “natural” tendency to emotionally support their offspring (Armstrong, 1999; Carlen, 2002; Gelsthorpe, 2004; Smart, 1989). These two gender rules are not independent but rather interwoven, as we will discuss in more detail.

Most studies on this topic rely on court decisions and mass media, with few analyzing laypeople’s judgments (e.g., Durán, Moya, & Megías, 2014; Yourstone, Lindholm, & Svenson, 2008). Although the United States has a long tradition of public opinion on crime, these investigations generally prioritize the goals of the penal system, such as punishment, over rehabilitation, or the death penalty (e.g., Applegate, Cullen, & Fisher, 2002; Roberts, Stalans, Indermaur, & Hough, 2003). Because the Portuguese population, mainly youth, has been the subject of several campaigns on gender equity, primarily in the past 20 years, integrated into recommendations by the European Commission, and because youth’s opinions on gender issues in general and the justice system in particular might provide insight into social norms and beliefs about citizenship, this study aims to investigate how undergraduate students judge women and men who have committed the crimes of infanticide and intimate partner homicide. These two crimes were selected because filicide and intimate partner homicide are the types of homicides most often perpetrated by women, with companions, offspring, and other relatives representing 63% of the victims of homicidal women (Kirkwood, 2003). Because our aim was to evaluate the effect of the sex of the offender, it was important to present crimes to participants that could realistically be perpetrated by both men and women.

We begin with an overview of studies about judicial sentencing of men and women and briefly outline the framework for punishment of these crimes, mainly in Portugal.

Justice, Crime, and Gender

Comparisons of penalties applied to men and women date back to the 1950s, when Otto Pollak concluded that women offenders were generally less penalized than male offenders by the justice system, a phenomenon he dubbed “judicial chivalry.” The author attributed this phenomenon to the notion that women’s crimes are easily concealed, the idea that they are underreported (male victims are embarrassed to report these crimes), and the male chivalry prevailing in the justice system (e.g., Jeffries & Bond, 2013; Stangle, 2008).

The idea of judicial chivalry has been confirmed by several subsequent studies (e.g., Armstrong, 1999; Daly, 1989; Doerner, 2012; Jeffries et al., 2003). However, even if courts are generally more benevolent toward women, some authors suggest that if a woman moves away from the ideals of femininity, for example, by appearing or behaving in a more masculine way or asserting her lesbian identity, she would suffer a sentence identical to or even harsher than that imposed on an equivalent male offender (e.g., Ragatz & Russell, 2010; Seal, 2010). In this vein, Stubbs and Tolmie (2008), studying Australian indigenous women who murder their partners in the sequence of gender violence, found that, contrary to their White counterparts, these women were not assessed lenient penalties by courts. Apparently, indigenous women did not fit the traditional image of femininity in the (Western) courts’ eyes and were labeled dangerous persons. In addition, Seal (2010), who studied 12 mid-20th-century women accused of “unusual” murder (i.e., they did not kill their children or husbands), found that they were differently penalized by courts according to the following typology: the masculine woman, the muse/mastermind dichotomy, the damaged personality, the respectable woman, and the witch.

Despite the abovementioned exceptions, research has shown that, in general, women are sentenced leniently compared with men who commit equivalent crimes. Armstrong (1999) studied 15 cases of men and the same number of women who committed partner homicide and 14 cases of men and 14 cases of women who committed non-domestic homicide and found that in both cases women received lesser penalties than men. Likewise, Rodriguez, Curry, and Lee (2006) studied male and female defendants accused of violent crimes (including homicide) and concluded that women were penalized more leniently than men. Flynn, Abel, While, Mehta, and Shaw (2011) analyzed a large sample of 4,500 individuals convicted of homicide of domestic, acquainted, and completely unknown victims and found that women, compared with

men, were convicted more often of manslaughter rather than murder on the grounds of diminished responsibility. Furthermore, women were more likely to receive a non-custodial sentence if they killed their own offspring. Men also received non-custodial sentences, the authors showed, but mostly when they were older or presented with a history of mental illness. Other studies confirm that women have generally received more lenient sentences than men for similar crimes (e.g., Doerner, 2012; Jeffries et al., 2003).

The tendency to penalize women more leniently than men, the widespread justice chivalry described above, may be framed under a more general predisposition prevailing in Western societies that Glick and Fiske (1996) named “benevolent sexism.” These authors argue that benevolent sexism is in fact a manifestation of traditional gender norms—a positive behavior toward women because they are considered fragile and needing protection. This form of sexism—the opposite of hostile sexism, in which women are viewed negatively—has also been used to explain decisions made by juries in a chivalrous manner (e.g., Herzog & Oreg, 2008; Ragatz & Russell, 2010), and to explain how women react to hypothetical acts of sexual assault perpetrated by male intimate partners (women are forgiving when perpetrator is high in benevolent sexism; cf. Durán et al., 2014).

Two main reasons seem to explain justice chivalry, or benevolent sexism, toward female offenders: Women are more often judged as being mentally ill (e.g., Carlen, 2002; Gelsthorpe, 2004; Smart, 1976; Walklate, 2004; Yourstone et al., 2008), and they are more often considered the main caretakers of the family, especially in matters concerning children (Carlen & Worrall, 2004; Daly, 1989; Freiburger, 2010; Jeffries, 2002). In her pioneering work on this issue, Daly (1989) concluded that in the case of women offenders, judges generally considered their role of caring for children more important than their financial contributions to the household. Therefore, according to this author, families and children, not women, were the main concern of judges. Confirming this idea, Freiburger (2010) showed that the likelihood of incarceration was reduced when defendants provided emotional and financial support, or emotional support only, to their households. However, judges treated men and women differently: While there was a significant reduction in the likelihood of incarceration when men had children, even if they were not providing any care for those children, women received harsher sentences if they did not provide emotional support to their children.

Regarding attribution of mental illness to defendants, research has shown that women defendants are considered “naturally” more affected than men by biological factors. Women’s hormonal changes and higher susceptibility to all types of mental pathologies are often used to explain female defendants’ unstable behavior (Gelsthorpe, 2004; Smart, 1976; Walklate, 2004).

According to Worrall (2002), "Psychiatric reports which comfortingly reassure magistrates that 'normal' women do not commit crimes, and which conveniently reduce criminal activity to female biology are welcomed" (p. 58). As the same author asserts, "The mood and behavior of even the 'normal' woman is likely to be so adversely affected by her biology that any subsequent criminal activity may be regarded as, at least partially, consequent of it and excused by it" (p. 64).

Moreover, research has found that not only is the likelihood of building a case of mental illness much higher with women offenders but also this kind of argument reduces the severity of judicial outcomes to a greater extent for female than for male offenders (Allen, 1987; Armstrong, 1999; Flynn et al., 2011; Yourstone et al., 2008).

The tendency to attribute women's criminality to biological conditions is notorious in cases of neonaticide and filicide. Indeed, research on sentences for these types of crimes has often found explicit associations between offender behavior and a psychiatric postpartum disorder, which considerably mitigates the penalties applied (Gelsthorpe, 2004; Kauppi, Kumpulainen, Vanamo, Merikanto, & Karkola, 2008; Langer, 2012; Spinelli, 2004). In many cases, penal laws reference infanticide as a special type of homicide (Friedman, Cavney, & Resnick, 2012), as occurs in Portugal.

The Penalization of Familial Homicides

Justice genderization is present not only in sentencing but also in legal frameworks and in the types of crimes perpetrated by both men and women. Infanticide is an example of a law applied only to women. It is defined as the murder of a child immediately after birth or while he or she is under 1-year old, depending on the country, when perpetrated by the child's mother. "With the notable exceptions of the United States and Scotland, two dozen modern societies have a version of the infanticide laws, usually derived from the British Infanticide Act of 1922" (Friedman et al., 2012, p. 586).

In Portugal, this crime is punished with penalties ranging from 1 to 5 years of imprisonment (Article 132; Portuguese Penal Code, 1995), although it may be framed as privileged homicide, that is, committed under violent emotion or despair, which carries the same punishment of 1 to 5 years of imprisonment (Article 133; Portuguese Penal Code, 1995). The reason for the special framework for infanticide is apparently based on a postpartum psychiatric condition that only applies to women (e.g., Friedman et al., 2012), as stated in Article 136 of the Portuguese Penal Code (1995): "The woman who kills her child during or shortly after childbirth and being under its disturbing influence is punished with one to five years of imprisonment."

Intimate partner homicide is a crime mainly perpetrated by men around the world. In Portugal, it is framed as simple homicide punishable with 8 to 16 years of imprisonment (Article 131; Portuguese Penal Code, 1995) and more frequently as qualified homicide (12-25 years of imprisonment, Article 132; Portuguese Penal Code, 1995). In 2012, 44.5% of all intimate partner homicides were framed as qualified homicide (General Directorate for Justice Policy, 2013). The explanation for this penalty is based on the fact that the killing of a current or former partner is considered an aggravating condition, contrary to infanticide for the reasons explained above. In Portugal, the percentage of men convicted of this type of crime was 96.3% in 2012 (the highest since 2007). The percentage of convicted women was 13.9% in 2008, 11.6% in 2009, 10.8% in 2010, 13.5% in 2011, and 3.7% in 2012. The differences in these numbers show the gender differences in this crime.

The Portuguese Penal Code does not contemplate life in prison nor the death penalty. The maximum penalty for homicide is 25 years of imprisonment in cases of qualified homicide with extreme perversity and reprehensibility (Article 132; Portuguese Penal Code, 1995).

The Present Study

In the present study, a sample of undergraduates not learned in the Penal Code was asked to apply one of a series of penalties to each of 12 briefly described cases of infanticide or intimate partner homicide perpetrated by a man or a woman and to attribute a motive to the perpetrator, including mental illness and/or evilness/perversity.

As noted above, female aggressors tend to benefit from greater leniency in the judicial system than male perpetrators (Jeffries & Bond, 2013; Stangle, 2008), and typical women's crimes, such as infanticide, are often justified with mental disorders (e.g., Spinelli, 2004). These biases seem to derive from a more general gender norm according to which men and women are observed from a dichotomous point of view, with men more apt to display violence and malice than women (e.g., Glick & Fiske, 2001). In this vein, we predict that respondents will tend to give lighter sentences to women offenders than to men offenders, and that the penalties for crimes committed by women will more often be justified by mental disorders than those for men at the same time that the penalties for crimes committed by men will more often be justified by perversity than those by women. We also predict, according to the literature on public opinion in justice, which stresses that the public tends toward retribution, especially in the face of violent crimes (Cullen, Fisher, & Applegate, 2000), that the respondents will levy harsher penalties than those stipulated by the Portuguese Penal Code (1995).

Method

Sample

The sample included 303 college students, of which 54.8% were female and 45.2% were male. Participants were enrolled in several social sciences courses (66.6%) and engineering courses (33.3%).

Instrument

To assess the sample's view on the appropriate penalties for the crimes of infanticide and intimate partner homicide, we created a questionnaire that included 12 vignettes based on real events taken from Portuguese newspapers. Six vignettes referred to infanticide (the killing of a child below 1 year of age) and the other six referred to intimate partner homicide. Sex of the offender was manipulated orthogonally to the type of crime; that is, of the six filicide vignettes, half depicted a male offender and half a female offender, with the same process for intimate partner homicide vignettes, resulting in a total of six vignettes depicting female and six depicting male offenders. This experimental manipulation was aimed at assessing gender influences on the penalties assigned. All the ethnic and personal characteristics of the offenders were omitted from the vignettes (cf. Appendix).

The participants were asked to read each vignette carefully and then to recommend a penalty for each case and state a reason for this recommendation. The penalties available included (a) "no punishment," (b) "punishment in the community," (c) "up to 5 years of imprisonment," (d) "5 to 15 years of imprisonment," (e) "15 to 25 years of imprisonment," (f) "life in prison," and (g) "death penalty." Although "life in prison" and "death penalty" are not specified in the Portuguese Penal Code (1995), we wanted to analyze to what extent these penalties were favored by our participants. The responses would also allow for the evaluation of whether the respondents would penalize offenders more harshly than stipulated in the Portuguese Penal Code (Falco & Martin, 2012; Jacobs & Carmichael, 2004) and highlight the respondents' position on human rights as advocated by United Nations (n.d.) and Council of the European Union (2013), which support the abolition of the death penalty.

Regarding the reasons for the penalty, the respondents could choose among (a) "all have misfortunes in life that cause us to make mistakes," (b) "the perpetrator is mentally ill," or (c) "the perpetrator is a malicious person," and (d) a blank space in which to write a different reason. As noted above, categories (b) and (c) derive from the very discourse of the criminal code, which provides that mental disease or emotional disturbance will decrease penalties and perversity will aggravate them (Portuguese Penal

Code, 1995), and from several studies in this area that highlight the polarity “bad” versus “mad” (e.g., Armstrong, 1999; Gelsthorpe, 2004; Seal, 2010; Walklate, 2004).

Procedure

The questionnaire was administered to the participants in their classrooms with prior authorization from their teachers. At the beginning of each session, it was explicitly stated that participation was voluntary; however, all the students chose to participate.

Preparing the Data for Analysis

We began by averaging the penalties assigned to the cases/vignettes, thus converting the various ordinal variables into “more or less” continuous variables that might be analyzed using parametric tests (Knoke, Bohrnstedt, & Mee, 2002). The goal was to obtain a general index of punitivity that would aggregate all the cases and four partial indices for type of crime and sex of the offender, adding the cases of filicide and intimate partner homicide, and the cases of male offender and female offender, respectively. To this aim, we began by examining the set of inter-correlations of responses to all the cases regarding the penalties assigned. We factorized the 12 variables using the method of principal components analysis (PCA) and applying Varimax rotation to the extracted components.

The analysis (Kaiser–Meyer–Olkin [KMO] = .90) revealed that the majority of variables (9) loaded onto one factor, explaining 50% of the total variance (loadings ≤ 0.68), and the remaining three variables loaded onto a second factor (loadings ≤ 0.42), explaining 12% of the total variance. The analysis also indicated that the second factor aggregated responses to vignettes that described situations that were considerably different from the other situations (e.g., murder by negligence) and, therefore, should be excluded from analysis. Cases 1, 2, and 7 were thus discarded from the analysis.

To check whether the construction of the punitivity indexes was legitimate, we examined the levels of internal consistency using Cronbach’s α . As shown in Table 1, the nine cases retained presented high correlations with the scales. The exclusion of more cases did not improve the scales’ internal consistency. Thus, for the overall index, we averaged the penalties assigned to the nine cases, for the filicide index, four cases, for the intimate partner homicide index, five cases, for the male offender index, five cases, and for the female offender index we averaged the penalties assigned to four cases.

Table 1. Corrected Item-Total Correlations and Cronbach's Alpha of the Total Scale and Partial Scales of Penalties.

Offender/Victim (# Vignette)	Total Scale	Partial Scales			
		Male Offender	Female Offender	Child Victim	Partner Victim
Female/Child (4)	.73		.66	.72	
Female/Child (9)	.74		.68	.78	
Female/Partner (8)	.83		.71		.81
Female/Partner (10)	.61		.56		.63
Male/Partner (5)	.71	.69			.71
Male/Partner (6)	.79	.78			.77
Male/Partner (12)	.71	.66			.72
Male/Child (3)	.72	.68		.78	
Male/Child (11)	.71	.76		.79	
Cronbach's α	.93	.88	.83	.90	.89

Regarding the justification for the punishments, we were only interested in perversity and mental disorders, the aggravating and mitigating factors that are most frequently invoked in the penal system (Portuguese Penal Code, 1995). We thus created new variables representing how often respondents assigned perversity and malice to the offenders. We computed these new variables for all the cases considered and separately for the cases of filicide and intimate partner homicide; we then computed variables for the cases involving male offenders and female offenders. Because the numbers of cases varied between nine in all cases and four in the subsets considered, these frequencies were converted to percentages to obtain comparable values.

Results

Penalties by Sex of Offender and Type of Crime

As shown in Table 2, the overall mean of the penalties falls between 5 and 6. These values correspond to 15 to 25 years of imprisonment and life imprisonment, which clearly exceed the maximum penalty established for the crime of infanticide but are close to the penalty for intimate partner murder specified in the Penal Code. This result is consistent with those of previous studies suggesting that laypeople tend to be mostly retributive in their opinions about justice (Cullen et al., 2000; Falco & Martin, 2012; Mathews, 2005). Although

Table 2. Descriptive Statistics and Tests of Differences in Penalties Assigned.

	<i>M</i>	<i>SD</i>	<i>F</i> (1, 302)
Total	5.58	0.76	
Filicide	5.72	0.83	60.81***
Intimate partner homicide	5.46	0.79	
Male offender	5.67	0.75	115.13***
Female offender	5.46	0.81	

* $p < .05$. ** $p < .01$. *** $p < .001$.

some studies have found that with non-violent crimes, especially with young offenders, rehabilitation is a consideration for laypeople (Cullen, Fisher, Applegate, & Santana, 2011), the adult criminals in the present study were generally severely punished by the subjects.

We tested the differences between penalties by offender sex and type of crime using repeated-measures ANOVAs (cf. Table 2). The results reveal that crimes of filicide were also more severely punished than intimate partner homicide, suggesting that, for this undergraduate population but contrary to the law, killing an infant deserves harsher penalties than killing an intimate partner. More importantly, the penalties assigned to men are significantly longer than those given to women. As shown by other studies examining court decisions in other countries (e.g., Armstrong, 1999; Doerner, 2012; Flynn et al., 2011; Jeffries, et al., 2003), gender norms appear to influence both judges and legislators, as well as members of the general public with no special knowledge of the law.

Finally, we aggregated the penalties assigned in four variables: Filicide/Male, Filicide/Female, Intimate Partner Homicide/Male, and Intimate Partner Homicide/Female, to conduct a repeated-measures ANOVA simultaneously considering both factors: type of crime and sex of offender. The analysis showed that the harsher punishment of men than of women did not vary as a function of crime, $F(1, 302) = 1.63$, *ns*.

Justifications by Sex of Offender and Type of Crime

The analyses of the justifications for the penalties (i.e., mental disorder or perversity) show that, on average, mental disturbance was reported in half of the nine cases (50%) and perversity in many of the other cases (40%) (cf. Table 3). The remaining 10% of cases were justified with other reasons.

The ANOVAs for repeated measures on the justifications for penalties show that there are only significant differences by the sex of the perpetrator

Table 3. Descriptive Statistics and Tests of Differences in Justification for Penalties.

	<i>M</i>	<i>SD</i>	<i>F</i> (1, 302)
Mental disorder (total)	50	32	
Perversity (total)	40	32	
Mental disorder			
Filicide	50	35	<1
Intimate partner homicide	50	36	
Male offender	47	35	20.77***
Female offender	54	34	
Perversity			
Filicide	42	35	1.12
Intimate partner homicide	40	35	
Male offender	44	34	22.24***
Female offender	36	34	

p* < .05. *p* < .01. ****p* < .001.

with more mental disturbance being attributed to women and greater perversity to men. Confirming our predictions, the respondents appear to keep to gender norms, often implied in court sentences, according to which female offenders suffer more often from mental disorders and are less malicious than male offenders. These results are consistent with those obtained by Flynn and collaborators (2011) with court sentences for homicidal males and females in a large national cohort in England and Wales. The authors concluded that women were more often convicted of manslaughter, instead of murder, on grounds of diminished responsibility and were more likely to receive non-custodial sentences. The authors suggest that there were gender biases both in the court orders to conduct psychiatric assessments and in the evaluations that were subsequently produced by clinicians. The present study suggests that these psychological conceptions about women and men are widespread and embedded in general social norms.

We also examined interactions between sex of the offender and type of crime by means of repeated-measures ANOVAs. First, we aggregated the justifications of mental disorders (in percentages) into four variables: Filicide/Male, Filicide/Female, Intimate Partner Homicide/Male, and Intimate Partner Homicide/Female, and then repeated the procedure for justifications of perversity. The ANOVA on justifications of mental disorders yielded a non-significant interaction of the two factors, $F(1, 302) < 1$; however, the ANOVA on justifications of perversity yielded a marginally

significant interaction, $F(1, 302) = 2.94, p = .09$. The decomposition of this interaction shows that whereas women are attributed perversity the same number of times in both types of crime (both 36.30%), men are more often accused of perversity in filicide (46.70%) than in intimate partner homicide (41.91%), $F(1, 302) = 5.45, p = .02$.

Relationship Between Penalties and Justifications

We further examined whether the attribution of mental disturbance and perversity predicted the mitigation or aggravation of penalties in all the nine cases. Because the attributions of disturbance and perversity were related, we chose to perform two separate simple regressions to avoid collinearity.

The two linear regressions show that the justifications of mental disorders are generally less associated with the penalties assigned than the justifications of perversity; however, whereas the former seems to mitigate the penalties, $R^2 = .01, B = -.003, p = .05$, the second aggravates them, $R^2 = .03, B = .004, p = .002$. This result confirms the expectation that the attribution of mental disorders would mitigate penalties, while perversity would aggravate them and might be a reason for the differences between the penalties assigned to men and women.

Discussion

The most remarkable result of the present study, in our opinion, suggests that, as in the justice system, gender norms produce noticeable biases in judgments by college students regarding familial homicides. Also important, the severity of the penalties generally assigned by the participants suggests a strong retributive conception of justice in this cohort of the population.

Regarding gender issues, the study further revealed that perversity is more often attributed to men and mental disorders to women. Apparently, this dichotomous conception of the psychological traits of men and women translates into more lenient penalties given to the latter. Consistent with the results from several previous studies on court decisions (e.g., Armstrong, 1999; Carlen & Worrell, 2002; Gelsthorpe, 2004; Smart, 1976; Walklate, 2004), the present study indicates that the assignment of mental disturbance to offenders is associated with less harsh penalties, consequently benefiting women offenders.

In short, the legal chivalry bias (Armstrong, 1999; Jeffries & Bond, 2013; Stangle, 2008) seems to cross borders between nations and decades, as well as those between professionals and laypeople. This bias, prevalent in the justice system, appears to be a reflection of the gender norms deeply entrenched

in our occidental culture and is fairly independent of people's previous education in law, psychiatry, or psychology.

Although an absolutely equal society in gender issues remains distant, we cannot deny that in the last 50 years, there have been considerable changes in the representation of women in education, the workplace, and leadership roles and in the political arena, as well as in the types of functions and roles occupied by both sexes at home. Apparently, the influence of gender norms is more persistent when socially excluded people are involved. In other words, when womanhood intersects with poor social and economic conditions, women are viewed less as criminals and more as either mad or "misguided victims of a variety of malign social circumstances" (e.g., Carlen, 2002, p. 4). Without denying that women who end up in prison may have suffered from poverty (and consequently inadequate health care, education, and employment opportunities); injuries related to physical, sexual, emotional abuse during childhood (e.g., Loucks, 2004; Oberman, 2003); and mental health problems including suicidal ideations (Roe-Sepowitz, 2009), the tendency to see female perpetrators as mentally ill conveys the idea of women as non-responsible persons, thus reiterating their inferiority to men, with all the consequences that this conception has in society as a whole.

Still, one cannot forget that male and female populations in prison have important common characteristics (e.g., Daly, 1994), such as belonging to minority ethnic groups; both sexes also present high frequencies of having grown up in state institutions, and both come from more disadvantaged socioeconomic strata. In this vein, both male and female criminals are penalized for a set of disadvantages that precede their incarceration (Carlen, 2002).

The present study also revealed a disturbing predisposition of our young sample. Indeed, youth is traditionally considered to be the stage when people are more compassionate and respectful of human rights. However, the high level of punitivity showed by participants, often sentencing targets with life in prison and the death penalty, clearly runs against these expectations. Following the literature in this area (e.g., Jacobs & Carmichael, 2004), we are likely facing a cohort led by conservative values that favor deterrence and retribution over tolerance and rehabilitation. Beliefs about personal responsibility provide the basis for this retributive view of punishing criminals because conservatives view criminals as unregulated individuals and their crimes as choices, rather than the results of circumstances and social background. In fact, the High Commissioner for Human Rights has repeatedly advocated the universal abolition of the death penalty to promote and protect the enjoyment and full realization of all human rights. In addition, most of the State members of the United Nations have abolished the death penalty or introduced a moratorium, either in law or in practice (United Nations, n.d.).

In Europe, abolishing the death penalty is a precondition for candidate countries seeking admission to the European Union (Council of the European Union, 2013). The disparity between our participants' opinions and most States' directives on this matter make evident the need to reinforce the relevance of these issues in the social and political education of youth.

Since the 1980s, Portugal has made a strong effort to change the law and educate society to promote gender equality and citizenship in several areas. The country has a vast number of professional educators on gender issues and citizenship who work with teachers, students, and parents toward respecting diversity, tolerance, and equality in all areas of life. The present results stress the need to evaluate the effects of these interventions and to focus more directly on general citizenship issues and human rights. Legal issues seem to allow the consideration of an array of issues not only directly related to law but also, for example, to prejudice, discrimination, social exclusion, stalking (so common among youngsters), and violence in dating.

To conclude and to increase the significance of the present findings and make them more suitable for societal intervention, it would be useful to undertake a more extensive study of members of the Portuguese public of diverse cohorts and academic backgrounds. Furthermore, these potential studies could usefully control for less violent crimes (e.g., drug trafficking) to evaluate the extent to which these gender biases are present in the judgments of laypeople. These studies could provide important information on both the sections of the population in which intervention is more urgently needed, especially regarding education on human rights, and on whether gender biases in laypeople's judgments are found at diverse levels of criminal behavior.

Appendix

Cases Presented to Participants.

Case	Vignette
1	A woman caused the death of her 2-month-old daughter, stumbling and dropping the baby, who was in her lap.
2	A woman, a victim of 5 years of domestic violence, stabbed her companion to death with a kitchen knife after the couple had had a violent argument.
3	A man caused the death of his 5-month-old son, punching him successively in the body and head.
4	A woman caused the death of her daughter, who was only a few days old, abandoning her in a gazebo on the way to work. The baby died of hypothermia.

(continued)

Appendix (continued)

Case	Vignette
5	A man violently stabbed his companion 37 times in various parts of her body, eventually causing her death, after he discovered that she was cheating on him.
6	After an intimate partner argument, a man hit his wife several times on her head with a stick, causing her death.
7	A man caused the death of his 9-month-old son by forgetting him in the car. The child died after 3 hr of exposure to intense sun.
8	A woman caused her husband's death after he left her by striking him 44 times with an axe.
9	A woman caused the death of her 6-month-old son, putting him in the washing machine as a punishment.
10	A woman, suspecting that her husband had cheated on her, followed him into a bar, approached him, and stabbed him twice in the abdomen with a kitchen knife.
11	A man caused the death of his 8-month-old son, setting fire to his own house with the child locked inside.
12	A man waited for his former partner outside their house, chased her into the car, and attacked her with a knife, stabbing her several times in the neck. He later said that she was cheating on him and deserved to die.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

References

- Allen, H. (1987). *Justice unbalanced: Gender, psychiatry and judicial decisions*. Milton Keynes, UK: Open University Press.
- Applegate, B. K., Cullen, F. T., & Fisher, B. S. (2002). Public views toward crime and correctional policies. *Journal of Criminal Justice, 30*, 89-100. doi:10.1016/S0047-2352(01)00127-1
- Armstrong, I. (1999). Women and their "uncontrollable impulses": The medicalisation of women's crime and differential gender sentencing. *Psychiatry, Psychology and Law, 6*, 67-77. doi:10.1080/13218719909524949

- Carlen, P. (2002). Introduction: Women and punishment. In P. Carlen (Ed.), *Women and punishment: The struggle for justice* (pp. 3-20). London, England: Routledge.
- Carlen, P., & Worrall, A. (2004). *Analysing women's imprisonment*. Portland, OR: Willan.
- Carlyle, K. E., Scarduzio, J. A., & Slater, M. D. (2014). Media portrayals of female perpetrators of intimate partner violence. *Journal of Interpersonal Violence, 29*, 2394-2417. doi:10.1177/0886260513520231
- Council of the European Union. (2013). *EU guidelines on death penalty*. Brussels, Belgium: The Working Group on Human Rights.
- Cullen, F. T., Fisher, B. S., & Applegate, B. K. (2000). Public opinion about punishment and corrections. *Crime and Justice, 27*, 1-79.
- Cullen, F. T., Fisher, B. S., Applegate, B. K., & Santana, S. A. (2011). Public support for correctional rehabilitation in America: Change or consistency? In J. Roberts & M. Hough (Eds.), *Changing attitudes to punishment* (pp. 128-147). New York, NY: Routledge.
- Daly, K. (1989). Neither conflict nor labelling nor paternalism will suffice: Race, ethnicity, gender, and family in criminal court decisions. *Crime & Delinquency, 35*, 136-168.
- Daly, K. (1994). *Gender, crime, and punishment*. New Haven, CT: Yale University Press.
- Doerner, J. K. (2012). Gender disparities in sentencing departures. *Women & Criminal Justice, 22*, 176-205. doi:10.1080/08974454.2012.687953
- Durán, M., Moya, M., & Megías, J. L. (2014). Benevolent sexist ideology attributed to an abusive partner decreases women's active coping responses to acts of sexual violence. *Journal of Interpersonal Violence, 29*, 1380-1401. doi:10.1177/0886260513507134
- Falco, D. L., & Martin, J. S. (2012). Examining punitiveness: Assessing views toward the punishment of offenders among criminology and non-criminology students. *Journal of Criminal Justice Education, 23*, 205-232. doi:10.1080/10511253.2011.631931
- Flynn, S., Abel, K. M., While, D., Mehta, H., & Shaw, J. (2011). Mental illness, gender and homicide: A population-based descriptive study. *Psychiatry Research, 185*, 368-375. doi:10.1016/j.psychres.2010.07.040
- Freiburger, T. L. (2010). The effects of gender, family status, and race on sentencing decisions. *Behavioral Sciences & the Law, 28*, 378-395. doi:10.1002/bsl.901
- Friedman, S. H., Cavney, J., & Resnick, P. J. (2012). Mothers who kill: Evolutionary underpinnings and infanticide law. *Behavioral Sciences & the Law, 30*, 585-597. doi:10.1002/bsl.2034
- Gelsthorpe, L. (2004). Female offending: A theoretical overview. In G. McIvor (Ed.), *Women who offend* (pp. 13-37). London, England: Jessica Kingsley.
- General Directorate for Justice Policy. (2013). Condenações por homicídio conjugal em processos crime na fase de julgamento findos nos tribunais de 1ª instância (2007-2012) [Convictions for spousal homicide in criminal proceedings at the trial stage ended in first instance courts]. *Boletim de Informação Estatística, 22*, 1-4.

- Glick, P., & Fiske, S. T. (1996). The Ambivalent Sexism Inventory: Differentiating hostile and benevolent sexism. *Journal of Personality and Social Psychology*, *70*, 491-512.
- Glick, P., & Fiske, S. T. (2001). An ambivalent alliance: Hostile and benevolent sexism as complementary justifications for gender inequality. *American Psychologist*, *56*, 109-118.
- Herzog, S., & Oreg, S. (2008). Chivalry and the moderating effect of ambivalent sexism: Individual differences in crime seriousness judgments. *Law & Society Review*, *42*, 45-74. doi:10.1111/j.1540-5893.2008.00334.x
- Huckerby, J. (2003). Women who kill their children: Case study and conclusions concerning the differences in the fall from maternal grace by Khoua Her and Andrea Yates. *Duke Journal of Gender Law & Policy*, *10*(147), 149-172.
- Jacobs, D., & Carmichael, J. T. (2004). Ideology, social threat, and the death sentence: Capital sentences across time and space. *Social Forces*, *83*, 249-278.
- Jeffries, S. (2002). Does gender really matter? Criminal court decision making in New Zealand. *New Zealand Sociology*, *17*, 135-149.
- Jeffries, S., & Bond, C. W. (2013). Gender, indigeneity, and the criminal courts: A narrative exploration of women's sentencing in Western Australia. *Women & Criminal Justice*, *23*, 19-42. doi:10.1080/08974454.2013.743370
- Jeffries, S., Fletcher, G. O., & Newbold, G. (2003). Pathways to sex-based differentiation in criminal court sentencing. *Criminology*, *41*, 329-354.
- Jewkes, Y. (2004). *Media & crime: Key approaches in criminology*. London, England: Sage.
- Kauppi, A., Kumpulainen, K., Vanamo, T., Merikanto, J., & Karkola, K. (2008). Maternal depression and filicide: Case study of ten mothers. *Archives of Women's Mental Health*, *11*, 201-206. doi:10.1007/s00737-008-0013-x
- Kirkwood, D. (2003). Female perpetrated homicide in Victoria between 1985 and 1995. *Australian & New Zealand Journal of Criminology*, *36*, 152-172.
- Knoke, D., Bohmstedt, G. W., & Mee, A. P. (2002). *Statistics for social data analysis*. Belmont, CA: Wadsworth.
- Langer, R. (2012). "Mother of sorrows": Post-partum mental disorder and the law across five jurisdictions. *Psychiatry, Psychology and Law*, *19*, 358-388. doi:10.1080/13218719.2011.585129
- Loucks, N. (2004). Women in prison. In G. McIvor (Ed.), *Women who offend* (pp. 142-158). London, England: Jessica Kingsley.
- Mathews, R. (2005). The myth of punitiveness. *Theoretical Criminology*, *9*, 175-201. doi:10.1177/1362480605051639
- Oberman, M. (2003). Understanding infanticide in context: Mothers who kill, 1870-1930 and today. *The Journal of Criminal Law & Criminology*, *92*, 707-738.
- Portuguese Penal Code (1995). - DL no. 48/95, March 15th
- Ragatz, L., & Russell, B. (2010). Sex, sexual orientation, and sexism: What influence do these factors have on verdicts in a crime-of-passion case? *The Journal of Social Psychology*, *150*, 341-360. doi:10.1080/00224540903366677
- Roberts, J. V., Stalans, L. J., Indermaur, D., & Hough, M. (2003). *Penal populism and public opinion: Lessons from five countries*. New York, NY: Oxford University Press.

- Rodriguez, S. F., Curry, T. R., & Lee, G. (2006). Gender differences in criminal sentencing: Do effects vary across violent, property, and drug offenses? *Social Science Quarterly*, 87, 318-339. doi:10.1111/j.1540-6237.2006.00383.x
- Roe-Sepowitz, D. E. (2009). Comparing male and female juveniles charged with homicide child maltreatment, substance abuse, and crime details. *Journal of Interpersonal Violence*, 24, 601-617. doi:10.1177/0886260508317201
- Seal, L. (2010). *Women and femininity: Gender representations of women who kill*. New York, NY: Palgrave Macmillan.
- Smart, C. (1976). *Women, crime and criminology: A feminist critique*. London, England: Routledge.
- Smart, C. (1989). *Feminism and the power of law*. London, England: Routledge.
- Sorensen, T., Sarnikar, S., & Oaxaca, R. L. (2012). Race and gender differences under federal sentencing guidelines. *Crime and Terrorism*, 102, 256-260. doi:10.1257/aer.102.3.256
- Spinelli, M. (2004). Maternal infanticide associated with mental illness: Prevention and the promise of saved lives. *American Journal of Psychiatry*, 161, 1548-1557.
- Stangle, H. L. (2008). Murderous Madonna: Femininity, violence, and the myth of postpartum mental disorder in cases of maternal infanticide and filicide. *William & Mary Law Review*, 699, 699-736.
- Stubbs, J., & Tolmie, J. (2008). Battered women charged with homicide: Advancing the interests of indigenous women. *Australian & New Zealand Journal of Criminology*, 41, 138-161.
- United Nations. (n.d.). *Moving away from the death penalty: Lessons from national experience*. Human Rights Office of the High Commissioner. Retrieved from http://www.ohchr.org/Lists/MeetingsNY/Attachments/27/moving_away_from_death_penalty_web.pdf
- Walklate, S. (2004). *Gender, crime and criminal justice*. Cullompton, UK: Willan.
- Worrall, A. (2002). *Offending women: Female lawbreakers and the criminal justice system*. London, England: Routledge.
- Yourstone, J., Lindholm, T., & Svenson, O. (2008). Evidence of gender bias in legal insanity evaluations: A case vignette study of clinicians, judges and students. *Nordic Journal of Psychiatry*, 62, 273-278. doi:10.1080/08039480801963135

Author Biographies

Luísa Saavedra, PhD, is an assistant professor in School of Psychology at the University of Minho, Portugal. She has a PhD in psychology, and her research interests include gender perspectives on women offenders in law, media, and public opinion. Comparing perspectives on men and women offenders is also a main research target.

Miguel Cameira, PhD, is an assistant professor in the Faculty of Psychology and Educational Sciences at the University of Porto, Portugal. His interests include social research methodology and data analysis.

Ana Sofia Rebelo is a master's student in psychology of justice in School of Psychology at the University of Minho, Portugal. Member of the research team "Violence, Transgression, and Women Offenders: Questioning Society and Law," working mainly with incarcerated women and recidivism.

Cátia Sebastião is a master's student in psychology of justice in School of Psychology at the University of Minho, Portugal. Member of the research team "Violence, Transgression, and Women Offenders: Questioning Society and Law," working mainly with incarcerated women and recidivism.