

Under Oath: A Content Analysis of Controlled Images of Women in Elkhart, Indiana Courtrooms



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Introduction

- The patriarchal structure of Western culture has influenced gender roles and expectations for both men and women. Traditional female gender roles limit social advancement and opportunity for women by failing to address the gendered inequality of these roles.
- Women suffer the social consequences of these negative stereotypical beliefs and expectations regarding their role in society.
- Stereotypical beliefs of women as being “dependent on men” and “needing male guidance” support biased societal messages that normalize female inequality. Gender biases are more subtle than they once were, gender discrimination is more difficult to detect during social interactions.
- As the number of female offenders entering the criminal justice system increases, traditional criminology theoretical frameworks neglect to identify gender differences (or biases) of criminal processing in the legal system.

Thesis

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- By implementing Rafter and Stanko's (1982) six images of women portrayed in the criminal justice system to social interactions between legal actors within the courtroom, implicit messages will be identified as traditional female gender roles influence the way women are perceived.

Previous Literature

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- Judicial Discretion in Sentencing
 - ▣ Spohn (2002)
 - Female offenders receive more lenient sentences
 - ▣ Sporer and Goodman-Delahunty (2009)
 - Sentencing outcomes attributed to stereotypical beliefs of women
 - Potential determinants that influence judicial sentencing behavior
 - Judges reluctant to have to decisions examined by others
 - ▣ Finkel, Burke, Chavez (2000)
 - Female offenders punished more severely if crime violates traditional gender roles

Previous Literature

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- Gender Bias in the Criminal Justice System
 - ▣ The North Dakota Commission on Gender Fairness (1996)
 - Concluded that attorneys still believed there were biases against women (60 percent) and against men (49 percent), but that it is a more “subtle” kind of bias. The Commission identified how interactions in the courtroom are important exchanges that often encompass and portray implicit messages regarding gender bias.
 - ▣ The Indiana Commission on Gender Fairness (2002)
 - Discrimination appeared to be centered on gender as opposed to race, with much of it aimed towards women.
 - Gender and race “influence” various types of judicial proceedings within Indiana courtrooms. It also identified that little data has been collected that would allow tracking the role of gender, race and ethnicity within the courtroom and judicial proceedings throughout Indiana

Societal Images of Women

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- Rafter and Stanko (1982) identified six images commonly associated with women in the criminal justice system.
 - Pawn of biology
 - Passive and weak
 - Impulsive and nonanalytical
 - Impressionable and in need of protection
 - Active woman as masculine
 - Purely evil

Methodology

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- Content Analysis
 - Data was coded for both male and female offenders determined by the frequency of operationalized examples and references (attributes) based on Rafter and Stanko's (1982) the six images of women identified in judicial, attorney and defendant interactions.
- Sample- 44 criminal cases observed
 - 32 male offenders and 12 female offenders
 - Sex, Age and Race

Race	Male	Female	Total
White	21 (65.6%)	8 (66.7%)	29 (66.9%)
Black	7 (21.9%)	2 (16.7%)	9 (20.5%)
Hispanic	4 (12.5%)	1 (8.3%)	5 (11.4%)
Unknown	0 (0%)	1 (8.3%)	1 (2.2%)
Total	32	12	44

Methodology

- A coding sheet was developed after initial observations of judicial and defendant interactions in several criminal cases in Elkhart, Indiana courtrooms.
- For each of the six images, attributes were developed based on how Rafter and Stanko (1982) defined each image. The attributes identified for each image were determined by common behaviors and references made about the defendants by judges, attorneys, or the defendant themselves within the courtroom setting.
- In some cases multiple images and multiple attributes were coded if referenced.

Strengths and Weaknesses

- Limited sample size
- Number of male offenders vs. female offenders- important to note that tables were converted to percentages for comparison purposes.
- Study is not representative of gender images that may be portrayed in other courtroom settings.
- While based on Rafter and Stanko's (1982) theoretical framework of stereotypical female gender images the attributes were constructed based on courtroom observations in Elkhart, Indiana.
- First study to implement a systematic method to identify implicit gender differences in the treatment of offenders. Provides statistical support for social concerns of gender disparity within the criminal justice system
- Easily replicated and further attributes could be developed.

Findings

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- Table 2 indicates the percentages of both male and female offenders that were portrayed or characterized by these images. The percentage indicates the proportion of the sub-sample (male or female) who were characterized by each image.
- Male offenders were found to have higher percentages in the biological, masculine and purely evil images than female offenders.

Images	32 Male Offenders	12 Female Offenders
Biological	24 (75%)	8 (66.7%)
Passive and Weak	9 (28.1%)	7 (58.3%)
Impulsive and Nonanalytical	18 (56.3%)	11 (91.7%)
Impressionable and Need of Protection	13 (40.6%)	7 (58.3%)
Masculine	17 (53.1%)	3 (25%)
Purely Evil	3 (9.4%)	1 (8.3%)
Total:	n= 32	n=12

Findings

- Biological Image- Of the 32 male offenders that were sampled, 24 (75 percent) were referenced as having attributes of Rafter and Stanko’s (1982) biological image, compared to only 8 (66.7 percent) of the 12 female offenders.
- Table 3 indicates the percentage of attributes coded for male and female offenders. The most significant statistical differences in the biological attributes surrounded drug related offenses.

Table 3: Biological Image Attributes

Attributes	Male Offenders	Female Offender
1) Mental illness/disorder	3 (4%)	2 (10.5%)
2) Hormone level	0 (0%)	1 (5.2%)
3) Parental responsibilities	10 (13.4%)	3 (15.8%)
4) Age	3 (4%)	2 (10.5%)
5) New medical diagnosis	0 (0%)	1 (5.2%)
6) Substance/drug abuse	21 (28%)	3 (15.8%)
7) DUI	11 (14.7%)	3 (15.8%)
8) Psychotic prescriptions	0 (0%)	0 (0%)
9) Prior drug/alcohol convictions	15 (20%)	2 (10.5%)
10) Addiction	12 (16%)	2 (10.5%)
Total	75	19

Findings

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- Masculine image- Of the 32 male offenders that were sampled, 17 (53.1 percent) were referenced as having attributes of Rafter and Stanko's (1982) masculine image, compared to only 3 (25 percent) of the 12 female offenders (as indicated in Table 2). Table 4 displays masculine attributes that were coded for both male and female offenders.

Attributes	Male Offenders	Female Offenders
1) Masculine appearance	1 (2.9%)	0 (0%)
2) Violent offenses	4 (11.8%)	0 (0%)
3) Aggressive demeanor	5 (14.7%)	1 (25%)
4) Confrontational	9 (26.5%)	1 (25%)
5) Questioning authority	7 (20.6%)	0 (0%)
6) Financial provider for children	8 (23.5%)	2 (50%)
Total	34	4

Findings

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- Purely evil image- Of the 32 male offenders that were sampled, three (9.4 percent) were referenced as having attributes of Rafter and Stanko's (1982) purely evil, compared to only 1 (8.3 percent) of the 12 female offenders (as indicated in Table 2).
- For male offenders characterized with a purely evil image, courtroom references to their prior battery convictions were made. All three of the male offenders coded for the moral implications of their crime were facing charges that involved violent offenses (battery) against women.

Attributes	Male Offenders	Female Offenders
1) Morality Issues	3 (60%)	0 (0%)
2) "Bad" person	2 (40%)	1 (100%)

Discussion

- The findings indicated that female offenders are consistently characterized by controlled biased images of women in the criminal justice system.
 - These images hold implicit messages regarding a woman's value in society. Women suffer the social consequences of these negative stereotypical beliefs and expectations regarding their role in society.
- Surprisingly, the male offenders in this study had higher percentages in three of the six images Rafter and Stanko (1982) identified for women in the criminal justice system.
 - The images that male offenders were characterized as generally was referenced in a tackle way to use to their advantage in hopes of receiving a lesser sentence.

Thank you!
Questions?

