

Apr 15th, 1:00 PM - 2:30 PM

Blameworthiness and dangerousness: An analysis of violent female capital offenders in the United States and China

Courtney LaHaie
University of Nevada, Las Vegas

Follow this and additional works at: https://digitalscholarship.unlv.edu/grad_symposium



Part of the [Criminal Law Commons](#), [Criminology and Criminal Justice Commons](#), [Law Enforcement and Corrections Commons](#), and the [Women's Studies Commons](#)

Repository Citation

LaHaie, Courtney, "Blameworthiness and dangerousness: An analysis of violent female capital offenders in the United States and China" (2010). *Graduate Research Symposium (GCUA) (2010 - 2017)*. 4.
https://digitalscholarship.unlv.edu/grad_symposium/2010/april15/4

This Event is protected by copyright and/or related rights. It has been brought to you by Digital Scholarship@UNLV with permission from the rights-holder(s). You are free to use this Event in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself.

This Event has been accepted for inclusion in Graduate Research Symposium (GCUA) (2010 - 2017) by an authorized administrator of Digital Scholarship@UNLV. For more information, please contact digitalscholarship@unlv.edu.

Blameworthiness and Dangerousness: An Analysis of Violent Female Capital Offenders in the United States and China

Courtney B. LaHaie



Introduction

The United States and China represent two of the leading nations that retain the death penalty in both law and practice. In 2008, a total of 8,864 death sentences and 2,390 executions worldwide have been documented by Amnesty International (2009). Nearly 93% of all known executions took place within five countries, among them, the United States and China. During 2008, the United States sentenced at least 111 people to death and executed 37 offenders. In China, at least 1,700 people were executed and about 7,000 were sentenced to death in 2008 (Amnesty International, 2009).

Focal Concerns of Sentencing

The Focal Concerns of Sentencing perspective (Steffensmeier & Demuth, 2001; Steffensmeier et al., 1998) posits that judges base sentencing on three primary components: offender blameworthiness, offender dangerousness or protection of the community, and the practical constraints and implications. Blameworthiness is legally defined; an offender's culpability and the degree of injury will cause punishment to escalate accordingly. Dangerousness, or protection of the community, is conceptually ascertained based on offense and offender characteristics.

Gender and Sentencing

Gender disparity is prevalent throughout the criminal justice process, but is most clearly identified during sentencing. Research suggests that lenient treatment is evident across most offense categories, but gender differences are slight, with the exception of incarceration rates and women more often receive preferential treatment during sentencing, but not in the determination of guilt (Steffensmeier, 1980). Women tend to receive fewer incarceration sentences and shorter terms for most offenses, excluding violent crimes.

Research Questions

- Are there country differences in the prevalence of particular types of factors in capital convictions for female violent offenders in the United States and China?
- Is the prevalence of particular measures of blameworthiness and dangerousness similar or context-specific among these capital crimes for women in the United States and China?

Methodology

Sample and Data Sources

- 101 court case narratives
- United States Sample (n=64) collected from Lexis Nexis, Death Penalty Information Center, and Clark County, Indiana Prosecutor
 - 11 executed female offenders
 - 53 female offenders currently on death row
- China Sample (n=37) collected from published court case documents and official judicial websites
 - 23 executed females offenders
 - 14 female offenders with a suspended death sentence

Variables

Dependent Variable

- Country (China, 0; United States, 1)

Independent Variables

- Measures of Blameworthiness
 - Offense Severity (Minor, 0; Major, 1)
 - Offender Criminal History (No prior record, 0; Prior Record, 1)
 - Level of Planning (No planning, 0; Planned Offense, 1)
 - Co-offender (Single offender, 0; Multiple offenders, 1)
- Measures of Dangerousness
 - Weapon Use (No weapon, 0; Weapon, 1)
 - Additional Felony (Without additional felony, 0; with additional felony, 1)
 - Number of Victims (Single victim, 0; Multiple victims, 1)
 - Offender-Victim Relationship (Stranger, 0; Known offender, 1)
- Additional Variables
 - Aggravating Factors (No aggravating factors, 0; One aggravating factor, 1; Two or more aggravating factors, 2)
 - Mitigating Factors (No mitigating factors, 0; One mitigating factor, 1; Two or more mitigating factors, 2)
 - Offender Age (at time of crime commission)
 - Offender Race (White/Han, 0; Other, 1)
 - Execution Status (Death Row/Suspended Sentence, 0; Executed, 1)

Results

Univariate (frequencies) and bivariate (Pearson's Correlation Coefficient; Chi-Square) analyses provided some preliminary evidence that the degree of blameworthiness for a capital conviction (partially measured by offense severity in the current study) is significantly lower in China than in the United States. Differences in the legal processes of the two countries are evident in the presence and absence of aggravating and mitigating factors, but also in the execution status of the offenders.

Conjunctive Analysis

Conjunctive analysis is used in this study to examine whether the relative prevalence of measures of blameworthiness and dangerousness is similar or distinct in capital convictions for female violent offenders in the United States and China. Blameworthiness is determined by the joint impact of offense severity, presence of a co-offender, offender prior record, and level of planning, whereas dangerousness is assessed by the combined interaction of weapon use, conviction of an additional felony, number of victims and offender-victim relationship.

The results of table 1 suggest that some elements of blameworthiness are more prevalent in the U.S. (i.e. major severity, prior record), some elements are more prevalent in China's cases (i.e. planning), and other element are equally prevalent in both countries (i.e. multiple offenders). Considered as a group, however, measures of blameworthiness are more commonly found in capital cases in the United States than China.

The results of table 2 suggest that some elements of dangerousness are more prevalent in China (i.e. multiple victims, weapon use, stranger) and some elements are more prevalent in the United States (i.e. conviction of an additional felony). The results suggest that particular measures of dangerousness are context specific in terms of their prevalence across countries, indicating that perceived dangerousness is assessed differently in the United States and China.

Table 1							
Qualitative Comparative Analysis of Country Differences in Blameworthiness							
Panel A: Configurations and Cases (Absolute or Deterministic Rule)							
				Configurations		Cases	
				N	%	N	%
Number of Profiles Observed				15		101	
Profiles Unique to United States				8	53.4%	26	25.8%
Profiles Unique to China				1	6.6%	1	0.9%
Contradictions (CommonProfiles/Cases) for both Countries				6	40.0%	74	73.3%
Panel B: Configurations and Cases (using Relative Rule of 10% Difference)							
				Configurations		Cases	
				N	%	N	%
Number of Profiles Observed				15		101	
Profiles Unique to United States				9	60.0%	46	45.0%
Profiles Unique to China				5	33.3%	42	42.5%
Contradictions (Common Profiles/Cases) for both Countries				1	6.7%	13	12.5%
Panel C: Profiles of Blameworthiness							
					QCA Classification		
United States					Total N	% U.S.	
							Absolute Rule
							Relative Rule
1. Minor Severity	Single Offender	Prior Record	No Planning	1	100%	U.S.	U.S.
2. Minor Severity	Multiple Offenders	No Prior Record	No Planning	3	100%	U.S.	U.S.
3. Minor Severity	Multiple Offenders	Prior Record	No Planning	2	100%	U.S.	U.S.
4. Major Severity	Single Offender	No Prior Record	No Planning	5	100%	U.S.	U.S.
5. Major Severity	Single Offender	Prior Record	No Planning	2	100%	U.S.	U.S.
6. Major Severity	Single Offender	Prior Record	Planned	4	100%	U.S.	U.S.
7. Major Severity	Multiple Offenders	No Prior Record	No Planning	4	100%	U.S.	U.S.
8. Major Severity	Multiple Offenders	Prior Record	Planned	5	100%	U.S.	U.S.
9. Major Severity	Multiple Offenders	No Prior Record	Planned	20	90%	Common	U.S.
China					Total N	% U.S.	
							Absolute Rule
							Relative Rule
1. Minor Severity	Single Offender	Prior Record	Planned	2	50%	Common	China
2. Minor Severity	Single Offender	No Prior Record	Planned	17	29%	Common	China
3. Minor Severity	Multiple Offenders	No Prior Record	Planned	18	28%	Common	China
4. Minor Severity	Multiple Offenders	Prior Record	Planned	4	25%	Common	China
5. Minor Severity	Single Offender	No Prior Record	No Planning	1	0%	China	China
Panel D: Common Profiles of Blameworthiness for Each Country							
					QCA Classification		
Both United States and China					Total N	% U.S.	
1. Major Severity	Single Offender	No Prior Record	Planned	13	62%	Common	Common

Table 2							
Qualitative Comparative Analysis of Country Differences in Dangerousness							
Panel A: Configurations and Cases (Absolute or Deterministic Rule)							
				Configurations		Cases	
				N	%	N	%
Number of Profiles Observed				15		101	
Profiles Unique to United States				9	60.0%	47	46.5%
Profiles Unique to China				2	13.3%	3	3.0%
Contradictions (Common Profiles/Cases) for both Countries				4	26.7%	51	50.5%
Panel B: Configurations and Cases (using Relative Rule of 10% Difference)							
				Configurations		Cases	
				N	%	N	%
Number of Profiles Observed				15		101	
Profiles Unique to United States				9	60.0%	47	46.5%
Profiles Unique to China				5	33.3%	43	43.0%
Contradictions (Common Profiles/Cases) for both Countries				1	6.7%	11	10.5%
Panel C: Profiles of Dangerousness							
					QCA Classification		
United States					Total N	% U.S.	
							Absolute Rule
							Relative Rule
1. No Weapon	No Additional Felony	Single Victim	Stranger	1	100%	U.S.	U.S.
2. No Weapon	No Additional Felony	Single Victim	Known Offender	4	100%	U.S.	U.S.
3. No Weapon	Additional Felony	Single Victim	Stranger	2	100%	U.S.	U.S.
4. No Weapon	Additional Felony	Single Victim	Known Offender	2	100%	U.S.	U.S.
5. No Weapon	Additional Felony	Multiple Victims	Known Offender	4	100%	U.S.	U.S.
6. Weapon	No Additional Felony	Single Victim	Stranger	3	100%	U.S.	U.S.
7. Weapon	No Additional Felony	Single Victim	Known Offender	18	100%	U.S.	U.S.
8. Weapon	Additional Felony	Single Victim	Stranger	5	100%	U.S.	U.S.
9. Weapon	Additional Felony	Single Victim	Known Offender	8	100%	U.S.	U.S.
China					Total N	% U.S.	
							Absolute Rule
							Relative Rule
1. Weapon	Additional Felony	Multiple Victims	Stranger	10	50%	Common	China
2. Weapon	No Additional Felony	Multiple Victims	Known Offender	23	17%	Common	China
3. No Weapon	No Additional Felony	Multiple Victims	Stranger	7	14%	Common	China
4. No Weapon	No Additional Felony	Multiple Victims	Known Offender	2	0%	China	China
5. Weapon	No Additional Felony	Multiple Victims	Stranger	1	0%	China	China
Panel D: Common Profiles of Dangerousness for Each Country							
					QCA Classification		
Both United States and China					Total N	% U.S.	
1. Weapon	Additional Felony	Multiple Victims	Known Offender	11	64%	Common	Common

References

Amnesty International. (1982 – 2009). *Death penalty statistics*. Retrieved March 1, 2010, from Amnesty International USA: <http://www.amenstytusa.org/death-penalty>.

Steffensmeier, D. (1980). Assessing the impact of the women's movement on sex-based differences in the handling of adult criminal defendants. *Crime Delinquency*, 26, 344-357.

Steffensmeier, D. & Demuth, S. (2001). Ethnicity and judges sentencing decisions: Hispanic-Black-White comparisons. *Criminology*, 39, 145-178.

Steffensmeier, D., Ulmer, J. & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36 (4), 763-797.