Introduction
In 1950, Otto Pollak claimed in his book, *The Criminality of Women*, that female offenders were preferentially treated in a criminal justice system dominated by men and thus characterised by male notions of chivalry. Pollak presumed that offending women were placed on pedestals, treated gallantly and protected from punishment, with the result that their criminal activity was less likely to be detected, reported, prosecuted, or sentenced harshly.

Since Pollak, the question of gender difference in judicial processing has undergone extensive international scrutiny. After more than five decades of research, discussion and debate, what can we now say about Pollak’s claim? Do women, in comparison to men, receive different judicial outcomes and, if so, is this ‘fair’, ‘just’ or ‘legitimate’? To answer these questions, this paper begins by briefly summarising both international and national research that has considered the issue of gender difference in criminal court outcomes, particularly sentencing and remand. The ramifications of these research findings are then considered with reference to ongoing feminist debates surrounding issues of gender equality, equity and difference.

Official Criminal Statistics
Official crime statistics, both international and Australasian, suggest that women and men are treated differently in the criminal courts. In Great Britain, women are more likely than men to be cautioned and less likely to be remanded into custody or sentenced to imprisonment. In the United States, women constitute only a small proportion of offenders arrested, convicted, and imprisoned. Similar findings are noted in Australia where the raw statistics suggest leniency is afforded to women. For example, a recent Australian study on ‘homicides between sexual intimates’ found that women are more likely to be released on bail, less likely to be convicted of murder and generally received lighter sentences than men. In New Zealand, national statistics show that women are less likely than men to be convicted of an offence or sentenced to imprisonment, but are more likely to have their cases discharged. Once imprisoned, New Zealand women receive shorter terms than men and are more likely to be granted early release on parole. In summary, as Harvey, Burnham, Kendall and Pease note, men are ‘disproportionately suspected, apprehended, prosecuted, convicted, and imprisoned throughout the world.’

Based on these official statistics, we might conclude that our courts are ‘sexist’, ‘biased’ or ‘chivalrous’ because men appear to be treated more harshly than women. However, in terms of getting the ‘bigger picture’, official crime statistics are notoriously problematic. For example, it is possible that sex differences in other key sentencing determinants might explain why men’s judicial outcomes are harsher than women’s. In particular, sex differences in legal variables, such as criminal history or current crime seriousness, may account for these disparate outcomes.

The nature and extent of women’s law breaking is different from men’s. Women generally offend less often than men do and their crimes tend to be less serious. Men are more likely to commit crimes of serious violence while women offend most in the areas of small-time fraud, theft, forgery and embezzlement, and in crimes like vagrancy, disorderly conduct and prostitution. The courts do not consider the latter ‘female’ crimes to be particularly serious. Thus, any investigation seeking to establish whether men and women are actually being treated disparately by the criminal courts would have to control for these differences. It would also be important to consider more than one judicial decision-making point because sex differences may vary or cumulate across different stages of the process. For example, it is highly likely that Probation Officers’ pre-sentencing recommendations impact on the Judges’ sentencing decisions.

Moving Beyond Official Criminal Statistics
International research, which has systematically considered the question of gender and criminal justice outcomes, has tended to find that the relationship between sex and judicial processing varies from stage to stage. Nevertheless, women still tend to receive preferential treatment at the point of sentencing and pre-trial release even when legal factors, such as seriousness of criminal history, are held constant. In a recent analysis of statistical sentencing studies world-
wide, Daly and Bordt found that the majority of high quality analyses tended to find gender differences that ‘favoured’ women over men. Differences between men and women were found to range from eight to twenty-five per cent, with women’s sentences being less severe than men’s. Incarceration periods also varied, with men being sentenced to an average of about twelve months longer than women when appearing before the court under supposedly similar circumstances.

Extra-legal factors, especially familial ties, histories of victimisation and mental health have also been highlighted as possible explanations for sex differences in judicial outcomes. Shifting the focus to these extra-legal or social factors has moved international scholars toward a more social structural understanding of sex differences in judicial sanctioning.

For offending women, domesticity and dependence appear in the research as traits which often mitigate punishment. Economic dependency within the confines of the family is often the reality for many women, and it is also the case that women will have others who are dependent on them for their care-giving labour. Less severe judicial sanctions may therefore be extended to women because, in comparison to men, they are more dependent on their family and more dependent upon by their family. For example, an analysis of pre-trial release decisions, sentencing and dismissals, conducted by Daly found that ‘net of case severity, charge severity, the type of offence charged, prior record, and other defendant characteristics, male and female defendants are treated differently on the basis of their ties to and responsibilities for others’. Offenders with strong familial ties, the majority of whom were women, spent shorter periods in pre-trial custody and were sentenced less severely than non-familied offenders.

Allen’s research found that women were more often presented as ‘mad’, as victims of personal misfortune and thus not altogether responsible for their criminality. In contrast, men were more likely to be presented as ‘bad’, and as active, intentional creatures, who were inherently responsible for their actions. These gendered constructions resulted in the women in Allen’s research being seen as weak, troubled, unable to control their behaviour and as less culpable than men. Under these circumstances, the ‘disordered’ female offender was more likely to be judged as needing help rather than punishment.

Compared with the rest of the world, little systematic research on gender and criminal court sanctioning has been conducted in New Zealand. Deane undertook the first academic consideration of gender and sentencing in New Zealand. Using both a statistical and case study approach Deane examined whether or not New Zealand men and women received different sentencing outcomes. She concludes that no gender bias exists in New Zealand’s criminal courts. However, Deane’s work is at times contradictory and there are some sample and statistical problems, which do, in my opinion, make her research questionable. Her finding that gender is not important in criminal court outcomes also seems strange given that gender is a central feature of New Zealand society at large. New Zealand’s criminal justice system operates in, and thus one would expect, is logically affected by, this wider gendered context. Deane’s work also conflicts with the international research where, as already noted, high-quality analyses consistently identify gender as an important sentencing determinant.

As is the case internationally, high-quality New Zealand research that has controlled for numerous legal factors does find that women receive less severe judicial outcomes than men. For example, Triggs undertook a rigorous statistical investigation of sentencing in New Zealand and found substantial differences in the treatment of men and women. Triggs statistically controlled for a large number of legal variables but still found that men were more likely than women to be imprisoned, to receive periodic detention or a monetary penalty. In contrast, women were more likely to receive community service, community programme or no sentence. Essentially, this meant that men were sentenced more harshly than women, even when they appeared for sentencing under seemingly similar legal circumstances.

A statistical study of sentencing and remand in Christchurch’s District and High Courts conducted by Jeffries further supports and builds on Triggs’ findings. Like Triggs, Jeffries finds evidence that in comparison to men, women receive less severe judicial outcomes. Sex is noted to have a direct impact on length of imprisonment term, remand status, length of custodial remand and bail conditions. In other words, sex differences in legal variables (e.g., seriousness of criminal history) do not explain why women’s judicial outcomes are generally less severe than men’s. With numerous factors statistically controlled, women’s imprisonment terms were found to
be substantially shorter than men's. For combined offences (drug, violent and property) Jeffries28 found that women's imprisonment terms were approximately 8.5 months shorter than were men's. Female violent offenders received imprisonment terms approximately twelve months shorter than men, and female drug offenders' terms were around five months shorter. Women were fourteen per cent less likely than men to be remanded in custody for combined offences and twenty-four per cent less likely for property offences. Of those offenders remanded into custody, men remained there for forty-two days longer than women (on average) for combined offences and twenty-six days longer for drug offences. Finally, for those offenders remanded on bail, Jeffries29 notes that male property offenders were forty per cent more likely than women to be given special bail conditions, and men were eight per cent more likely than women to be given special bail conditions overall (combined offences).

Jeffries30 also found that sex-based disparity at the point of sentencing is affected by gendered decision-making earlier in the judicial process which, at least to some degree, impacts on final sentence. Results show that men's remand outcomes were more severe than women's regardless of sex differences in other key factors (e.g. seriousness of criminal history), and this often increased the severity of men's sentences. Severe remand outcomes also increased the likelihood of Probation Officers recommending men for a sentence of imprisonment which in turn aggravated final sentence severity.

A further case-study analysis by Jeffries31 of Probation Officers' pre-sentence reports and Judges' sentencing remarks revealed the process by which men and women came to receive different judicial outcomes. What emerged were two gendered ways of viewing, understanding and judging offenders, and this explained how men and women came to receive different judicial outcomes. In line with the international research, family and mental health are identified as key sites of gendered variance.

For example, women were presented as nurturers, dependants, pathological and victims of circumstance. This neutralised their dangerousness, blameworthiness and responsibility, making punitive sanctions seem less appropriate. Male offenders, on the other hand, were more likely construed as bad, disruptive, and dangerous. Unless men were in paid public work, judicial sympathy was rarely given because men were seen as a threat to the social order and in need of state-controlled regulation. Employment was beneficial to men, especially if they had families to support financially. Being seen as a 'hard worker' and controlled by 'breadwinning' commitments often decreased men's chances of imprisonment.

Acceptable ideals of masculinity require men to be providers rather than carers of families so, unlike women, men's childcare responsibilities were rarely discussed or used to legitimate sentencing leniency. Similarly, constructions of acceptable femininity presented women as carers rather than providers, so women's employment was rarely discussed or used to mitigate sentence severity. Dominant discourses of femininity also ensured that pathology, emotionality; inner turmoil and trauma were discussed and used to excuse women's criminality, while detracting from their potential to be dangerous. These constructions helped to rationalise rehabilitation over punishment. Judicial presentations of men, on the other hand, supported a masculine ideology, denying men of feeling, vulnerability, weakness and the general right to experience mental unwellness. Men were instead placed in the domain of human action, being presented as actively adopting an offending lifestyle or at fault for not ridding themselves of their criminality. Constructing men as powerful actors by presenting them as definers of their own destiny meant that criminal men were more likely to be held responsible for their actions and to be seen as dangerous. Primacy could therefore be given to punitive sanctioning over rehabilitative measures.

Debates Within Feminism – Equality vs Difference?
Showing that courts treat men and women differently ultimately leads to the question of so what? Do we interpret these gender-based differences as warranted or unwarranted? Such questions have divided feminist scholars whom, until recently, have continued to debate whether or not gender equality is necessarily a good thing.

On one hand, it is argued that since fundamental differences between the sexes actually do exist, treating men and women the same may be problematic because it will further disadvantage an already disadvantaged group. This viewpoint calls for recognition that men's and women's societal positioning is different; that there are 'genuine physical and social differences' between the sexes which tend to disadvantage women over men.22 For example, women's lives are more likely to be characterised by poverty, domesticity, victimisation
and dependency. Thus, in recognising the differential needs of men and women, it is proposed that women should receive differential treatment ‘so long as women are not placed in a more negative position’ as a result, that is as long as it does not disadvantage them.33

On the other hand, some feminist scholars consider differential treatment problematic in that it reaffirms men’s dominance over women. This view posits the judicial protection of women as an ideological front for patriarchy in that traditional ideals about women as ‘naturally’ domestic, dependent, weak and emotional are perpetuated. Ultimately, this may result in extensive personal, psychological, social, economic and political damage to women’s fight for self-determination and equality. For example, MacKinnon34 argues that for ‘women to affirm difference, when difference means dominance, as it does with gender, means to affirm the qualities and characteristics of powerlessness.’ Equalisation with men is subsequently proposed because to accept difference may result in women being seen as ‘different from’ and thus ‘less than’ men.35

More recently, there has been a call from feminist writers to transcend the old equality/difference debate because both approaches present men as the standard against which ‘both actions by and treatment of females are measured’.36 Men are presented as the ‘norm, as the human standard’, while women appear as nothing more than the ‘interlopers into a world organised by others’.37

In the style of Catch-22, the male-centred equality/difference debate is now considered problematic because, whether they are treated differently or similarly to men, women are ultimately disadvantaged.38 The difference stance ‘nourishes a crude socio-biology’ whereas the equal treatment stance can and has been used to the detriment of women.39 For instance, in parts of the United States, recent sentencing reforms based on male models of justice have been implemented to eliminate ‘disparate’ sentencing outcomes. Mandatory sentencing minimums, ‘get tough attitudes’ and Draconian sentencing guidelines which seldom allow consideration of offenders’ social situations (such as age, education, vocational skills, mental and emotional condition, physical condition, previous employment record, family or community ties and family or community responsibilities) have virtually eliminated sex differences in sentencing. As a result, there has been a dramatic increase in women’s imprisonment and incarceration terms. Raeder40 notes that ‘both the number and percentage of sentenced women offenders’ are ‘growing at a faster rate than that of males’ and this cannot be explained by increases in women’s crime or arrests.41

Furthermore, it may be the case that prison is a ‘harsher and more unusual punishment for women than it is for men.’42 If this is the case, then the lighter sentencing of women in comparison to men, for example, may be warranted.

First, it is said that educational, vocational and recreational programmes and facilities available to males far exceed those available to females. Prison programmes and the everyday regime of the prison further tend to emphasise a form of repressive refeminisation where conformity to ‘conventional femininity’ is enforced.43 Second, the location of many women’s prisons has also been identified as a problem, with the majority of women, compared to men, serving their sentences in prisons many kilometres from home and away from their family and friends. In New Zealand, Phillips44 notes that the ‘inevitable consequence is that they [women] are unable to maintain links with the people who could offer them support or to have regular visits from partners or children.’ On release it is thus more difficult for the women to re-establish these links. Efforts are made to hold male inmates close to family and friends and women need to be extended the same option. Third, rules and regulations within women’s prisons are notably stricter, and cover more petty details than for men (see for example, Pollock-Byrne,45 Hamilton46). Fourth, histories of abuse, particularly sexual abuse amongst the female prison population are said to make certain prison regimes particularly harmful. For example, strip searches are claimed to be especially traumatic for women.47 Finally, the sexual abuse of female prisoners by male wardens is raising concerns internationally,48 but most of the research conducted into this area is from the United States. As far as I am aware, the treatment of female prisoners by male correctional officers has not been researched in New Zealand, and it is possible that the situation may well differ from that found in the United States. Concerns in New Zealand have recently been raised about ‘consensual’ sexual relations between female inmates and male prison officers,49 but to my knowledge the issue of sexual abuse per se has not been identified as a major problem in New Zealand’s women’s prisons.

Feminist criminal justice commentators have called for a reconceptualisation of criminal justice to transcend the old equality/
It is argued that feminist focus should now be directed at disadvantage rather than difference; that equity rather than equality should be sought through developing a social-based rather than a justice-based approach to criminal justice processing. Instead of a ‘male version’ of justice which emphasises ‘fairness, equal treatment, and rationality’ in deciding judicial outcomes, a ‘female version’ of justice is proposed, which emphasises ‘needs, motives, and relationships’. For example, Daly suggests that criminal justice processing needs to move towards an ‘ethic of care’ as opposed to a ‘logic of justice’, and Heidensohn proposed that a ‘Persephone’, rather than a ‘Portia’ approach to justice is required (see Figure 1).

Aspects of these ‘female’ justice models are already present in New Zealand’s criminal justice system. For example, New Zealand’s treatment of youth offenders stresses the involvement of whanau, hapu and iwi as well as victims and the community in the decision-making process. Care-based sentencing options, such as supervision and community programmes, are also available to Judges when sentencing adult offenders. Furthermore, as Jeffries has shown, courts already apply ‘female’ versions of justice when sentencing women. For example, familial commitments, responsibilities, poor health and histories of victimisation were found to mitigate women’s sentence severity.

Ideally, some feminist writers envisage a ‘separate, gentler, more sympathetic justice system exclusively reserved for women’, but this is problematic for a number of reasons, all of which relate to the fact that criminal justice cannot work in isolation from the broader social context. First, continuing power over women by some groups of men in society at large makes this proposition unworkable. It is unlikely that men would agree to such an arrangement, and the potential for women to be ‘infantilised’ by it is great. Second, a climate of ‘just desserts’ or ‘getting tough’ on crime has more recently emerged in New Zealand (e.g. a presumption of imprisonment for serious violent offenders). Although policy measures reflecting this are not as extreme or rigid as those in the United States (e.g. mandatory sentencing minimums, ‘three strikes and you’re out’ policies and truth in sentencing), notions of retribution and punishment now dominate public and political sentiment. Concern for care and rehabilitation appears to be evading many, and there is an increasing desire to see offenders (especially men) ‘locked up’ and the ‘key thrown away’. Ironically, in New Zealand, this stance of ‘getting tough’ and ‘making

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Figure 1. Daly’s and Heidensohn’s Models of Justice.

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<tr>
<td>Ethic of Care</td>
<td>Logic of Justice</td>
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<tr>
<td>Aims of punishment: rehabilitation, special deterrence</td>
<td>Aims of punishment: retribution, general deterrence</td>
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<tr>
<td>Decision criteria: forward-looking (based on a prediction of future behaviour)</td>
<td>Decision criteria: backward-looking (based on the offence committed)</td>
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<tr>
<td>Ideological elements: equity, fairness, rationality (formal and substantive equality)</td>
<td>Ideological elements: equality, fairness, rationality (formal equality)</td>
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<tr>
<td>Perspective practices: tailor the sentence to the crime and to offender characteristics; personalise sentencing</td>
<td>Perspective practices: equal treatment for those convicted of the same offence; depersonalise sentencing</td>
</tr>
<tr>
<td>Social unit of punishment: family based; a person in relation to others</td>
<td>Individual based: a person not connected to others</td>
</tr>
<tr>
<td>Concept of justice: procedural and substantive equality, through greater emphasis on the latter</td>
<td>Concept of justice: emphasis on procedural equality</td>
</tr>
<tr>
<td>Sentencing scheme: individualised</td>
<td>Sentencing scheme: Just desserts</td>
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</tbody>
</table>

| Portia | Persephone |
| Values and characteristics: masculine, rationality, individualism | Values and characteristics: feminine, caring and personal |
| System: civic rights, rule of law | System: networks, informal |
| Concept of justice: legal, equality, procedural | Concept of justice: responsibility, co-operation |
| Features: norm is male | Features: norm is female |
offenders pay' has evolved (in part) from feminist-based movements, such as the Women's Refuge and Rape Crisis, who are concerned with raising public awareness about and punishing more harshly, the violent and sexual victimisation of women by men. Thus, while we must 'get tough' on criminal men, we must 'care more' about offending women.

My argument is that while feminist criminologists have extended our understanding of gender in relation to women's lives, we also need to develop an understanding of gender and its impact on men's lives. Men are not universally powerful, and their criminality, just like women's, relates to their social circumstances. Women may 'deserve' a more caring justice system because of familial responsibilities and because of having lives scarred by victimisation, but many men fit into the same category.

Recalling my earlier point as it relates to women, evidence also suggests that imprisonment may be somewhat 'harsh' and 'unusual punishment' for men as well. The physical abuse of male inmates in New Zealand's Mangaroa prison, for example, has recently resulted in the government being forced to pay tens of thousands of dollars compensation to male inmates who endured 'systematic beatings by hit squads of guards'.

Second, while the variety of educational, vocational and recreational programmes available to men may exceed those available to women, men are less likely than women to take advantage of them: in 1997, eighty per cent of female prison inmates in New Zealand were enrolled in prison programmes compared to forty-five per cent of men. Thus, men and women are both disadvantaged, albeit in different ways. Women may lack variety, but they benefit from being involved in prison programmes. Men, on the other hand, may benefit from programme variety, but miss out when it comes to involvement. Third, while the everyday regime of the women's prison may emphasise a form of repressive 'refeminisation', so too is it likely that dominant masculinity (which can itself be repressive) is reproduced in men's prisons. Fourth, a recent Ministry of Justice study of male prison inmates with primary responsibility for the care of children found that the men were clearly traumatised by being separated from their children. Inmates thus described themselves as: 'miserable, missing their children, frustrated, desperate, unhappy, helpless, guilty, and devastated'.

Feminist scholars point out that women's care-giving is valued more highly than men's breadwinning by the courts and that this can partially explain why women receive less severe sentences. As noted previously, however, while there may be judicial concern in New Zealand about the impact of removing women from families, there appears to be little concern about removing men from families. This begs the question - how do we know that the trauma or social cost of removing women from the family is somehow greater than that caused by removing men? The Ministry of Justice study mentioned above found that there were clear social costs to removing offending men from their children. It notes that:

the prison system does not make it easy for children to maintain contact with their imprisoned father. Children who live some distance from where their father is imprisoned can be doubly punished - toll calls are expensive and distance can make visits impractical ... improvements or alternatives may need to be considered if children are not to be punished as much as or more than their fathers.

Studies like that conducted by New Zealand's Ministry of Justice are few and far between. The reality is that scant attention has been given to the way in which a man's imprisonment impacts on his children or his family in general. What research has been done suggests that wives/partners and children are being adversely affected emotionally, financially, mentally and physically by men's imprisonment.

New Zealand and overseas research has shown that dominant feminine discourses ensure that offending women are often presented and accepted as 'troubled'. Histories of victimisation and the subsequent effects of this emerged as explanations and often excuse women's offending. In contrast, such 'troubles' appear as simply unbelievable in the case of men. In this way, men were denied reasons for their offending, and they were held fully responsible for their actions. While it may be the case that histories of victimisation are more common in the case of women, research shows that criminal men also experience victimisation. Arguably, this in turn has led to impaired personal functioning and ultimately criminality. Furthermore, the extent of men's victimisation and its subsequent impacts could be greater than we think. Men may be less likely than women to report abuse or neglect because revealing such sensitive information runs counter to dominant ideas about masculinity. A
societal inability to acknowledge men as victims further perpetuates men’s silence and ultimately adds to their trauma.69

Conclusion
I would like to see future criminal justice discussions transcend the boundaries of the equality/difference debate by problematising criminal justice processing as it relates to both sexes, rather than simply in terms of women against men. As a societal group, criminal men and women both tend to come from disadvantaged circumstances. Men’s criminality, just like women’s, does not exist in a social, political or economic vacuum unaffected by unemployment, poverty, drug and alcohol addiction, victimisation or general mental and physical illness. This is not to deny that certain circumstances which are relatively unique to women’s experience – care giving, for example – may explain, excuse, or mitigate their criminality.

Instead, I argue that there are also certain circumstances, relatively unique to men’s experience, which could also explain, excuse, or mitigate their criminality. Thus, in agreement with Daly,70 I would like to see a ‘feminist conception of criminal justice which maintains a focus on women’s lives and on redressing harms to women, but which does not ignore those men who have been crippled by patriarchal, class, and race relations.’ Ultimately, perhaps, a more caring criminal justice system might not treat our criminal women more like men, but treat our criminal men more like women.

To achieve this end, further gender-based offender research is required both internationally and in New Zealand. A lot of time has been spent focussing on female victimisation and while this is an important area of inquiry, we need to be careful not to ‘feminise’ gender studies with the pervasive ‘women question’, thereby ignoring the ‘men question’ and relegating males to the ‘unexplored de-sexed norm’.71 Criminal justice commentators should stop rendering masculinity invisible by universalising all men as powerful and acknowledge that ‘ideological and political processes which assert and sustain the authority of normative heterosexuality ... have powerful consequences for both men and women’.72 Society, the criminal justice system, and to some extent, feminist discussions (especially those surrounding the victimisation of women by men) continue to present most men in terms of thinking, acting, powerful human beings, while simultaneously embracing women’s powerlessness and dependency. As long as this continues, women’s right to self determination and power will be ignored and men will continue to vent frustration at a society that refuses to acknowledge their weaknesses and extend them understanding. If this occurs, destructive consequences will continue to be felt, not only by men, but also by women who are so often the victims of men’s outrage.

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Notes
Deane’s case study results are similarly contradictory. For example, when she summarises her case study findings Deane states that there is no evidence of ‘differential treatment of women and men through informal social control via their role in the nuclear family’. This comment is made despite earlier and later comments suggesting that familial circumstances were more important for women e.g. ‘family circumstances ... were more often mentioned in relation to women’; ‘the family situation, although identified as a mitigating factor for women, did not apply to the same extent for men’; ‘Women more than men were presented as having family ... related problems’. See Deane, 1997, pp. 252-3, 237, 243, 256.

For example, at one point in her analysis Deane considered a sample of 52 female offenders and 165 male offenders, irrespective of offence, who were sentenced over a three-month period during 1993 in the Wellington District Court. Two men for every women sentenced by the same judge, during this period were included in this sample. This resulted in two quite different groups of men and women being selected. It is well known that sex differences exist in the severity and type of crimes committed by men and women. Subsequently, it was not surprising to find that Deane’s sample consisted of mainly violent men and dishonest women, with men’s overall offending being ranked more serious. Comparing offenders in this setting will obviously result in different, yet easily explainable sentencing differences, because men and women are appearing before the courts under different conditions. Comparing sentences under these circumstances is clearly a redundant exercise (see Deane, 1997 pp. 161-2). What is needed is a sample of closely matched male and female offenders so that sentencing outcomes for a comparative group can be analysed. See for example, Daly, K. (1994). Gender, Crime, and Punishment. New Haven: Yale University Press.

For example, Deane used step-wise regression to analyse her data. This method is problematic because, as Deane herself points out, ‘the order of entry of variables is based solely on statistical criteria [which is more useful] for determining which variables predict the outcome rather than the relative strengths of each variable in the subset.’ The sentencing process is a social process and there is a possible causal order to it, so allowing purely statistical criteria to determine the order in which variables are entered into a model is of concern. Furthermore, Deane’s research question asks, ‘is gender a factor in determining sentencing severity?’ I am unsure how this question can be adequately addressed when the step-wise method used does not tell us the ‘relative strengths’ of the relationship between sex and sentencing outcomes. See Deane, 1997, p. iii.


22 Ibid.
23 Ibid., p. 123.
26 Ibid.
28 Ibid.
29 Ibid.
30 Ibid.
31 Ibid.
41 This pattern is the direct result of the sentencing guidelines introduced in some parts of the United States. In New Zealand guidelines of this nature are not being used and the number of women sentenced to imprisonment does not appear to be growing at a faster rate than men’s, see Triggs, S. (1998). From Crime to Sentence: Trends in Criminal Justice, 1986 to 1996. Wellington: Ministry of Justice, p. 67.
45 Pollock-Byrne, 1990.
48 Ibid., p. 166.
53 Ibid., p. 169.
55 Heidensohn, 1986.
57 Heidensohn, 1986.
58 Heidensohn, 1986.
59 New Zealand Herald, 8 September 2000
62 Ibid., p. 27.
65 Ministry of Justice 1996b, p. 31.
67 Ibid., p. 41-2.
70 Daly 1989a, p. 15.