

THE COST OF 'LOST' INTIMACY

The Effect of Relationship State on Criminal Justice Decision Making

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Socio-legal and feminist theorists argue that law varies inversely with relational distance (Black 1976; Rapaport 1991). Relational distance is not static, however, and so law may increase or decrease in tandem with changes in relationships. Similarly, various theoretical perspectives predict that defendants who victimize intimate partners from whom they are estranged will be punished more severely than defendants who victimize current partners. Drawing from this work, I examine whether 'separation' killings attract harsher sanctions than 'intact' killings. Using 144 cases of intimate femicide that occurred in Toronto, Canada, my results demonstrate that offenders who kill estranged partners are treated more severely than those who kill current partners. Discussing possible interpretations of this differential legal treatment, I highlight assumptions that may underlie such a punishment rationale, suggesting avenues for future research.

Intimate partner relationships vary on a number of dimensions, some of which may affect the risk of violence and the characteristics of violence when it occurs (Daly and Wilson 1988; Gartner *et al.* 1999; Stets and Straus 1989). As a result, the type of intimate partner relationship may be important in explaining variations in reactions—both informal and formal—to violent crime (Black 1976; Horwitz 1990; Rapaport 1991, 1994). In particular, the *state* of the relationship may be important; that is, whether the intimate partners were estranged, or whether the victim was attempting to leave the relationship, at the time of the violent incident. Various theoretical perspectives predict that defendants who victimize intimate partners, and in particular females, from whom they are estranged will be punished more severely for their crimes than those who target current partners. Recent research has also demonstrated that violent acts, in particular homicides, that involve estranged and intact couples differ in various ways (Dawson and Gartner 1998; Johnson and Hotton 2002; Silverman and Mukherjee 1987). Thus, it may be the characteristics of the violence or the people involved rather than the characteristics of the relationship itself that result in different legal outcomes. To date, though, there has been no empirical examination of the role played by relationship state in criminal justice decision making. Such an examination is important because there may be inherent assumptions upon which such punishment rationales are based—assumptions about women who *appear* to remain in violent relationships despite their perceived risk as well as about the appropriate legal response to crimes that occur as a result.

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The goal of this analysis, then, is to examine whether legal treatment varies depending upon the state of the relationship between defendants and victims at the time of the violence. The main research question is: Are defendants who victimize intimate partners who were attempting to leave the relationship, or had already left, treated more severely than defendants who commit violent crimes against partners with whom they still shared an intimate relationship? To examine this question, I compare the treatment of defendants in what I refer to as ‘separation’ killings to the treatment of defendants in ‘intact’ killings. Below, I outline various theoretical frameworks that support the expectation that separation killers will be subject to more law for their crimes than defendants who kill intimate partners with whom they were still involved. The assumptions highlighted in these explanations may be important in understanding formal responses to violence between intimates and the stereotypes that may underlie such responses.

Why Might Relationship State Matter?

Relational distance and the law

Relational distance, or the degree to which people participate in one another’s lives, has traditionally been perceived as a key determinant of criminal justice outcomes in cases of interpersonal violence (e.g. Black 1976, 1993; Horwitz 1990). Typically, socio-legal and feminist theorists argue that law varies inversely with the relational distance (or what is often referred to as the degree of intimacy) that exists between victims and defendants. Specifically, they argue that ‘law is most likely to become involved, to proceed aggressively, and to be penal in style when the parties are strangers; it is least likely to become involved and most likely to be lenient and conciliatory when they are intimates’ (Black 1976: 40). Because relational distance may vary along a number of dimensions, however, different types of intimate relationships may attract different amounts of law. For example, relationships may vary in the frequency and type of interactions, the length of the union and the number of shared social and cultural ties. As a result, even within the intimate category, variations may exist that lead to different criminal justice responses to violent crime.

In his theory of the behaviour of law, Black (1976) acknowledges that, as relationships change over time, the amount and type of social control may also change. Thus, he argues that, while law may often be absent among intimates, the presence of law will increase if or when intimates sever their relationship. For example, ‘today’s lovers may draw apart tomorrow, and as this happens law becomes a possibility in their lives’ (Black 1976: 44). As such, defendants who victimize intimate partners from whom they are separated may be subject to more law than those who are still involved with their victims at the time of the crime.

The household-threshold hypothesis

Supporting the above expectation, Rapaport (1994) identifies the legacy of patriarchal legal norms as one potential source of varying criminal justice responses to intimate partner violence. In her household-threshold hypothesis, she contends that a man who kills a woman who lives with him is likely to be treated more leniently than one who kills

a female partner who has left him. This occurs as a result of the continuing influence of traditional patriarchal legal doctrines that treated women as property of their husbands and deferred to male rule in the home. Because the domestic sphere was the defining boundary for male rule, Rapaport argues, the legacy of these legal doctrines offers less protection to those men who have lost the status of 'husband' to their victims. Put more simply, defendants who kill estranged intimate partners are beyond the threshold of legitimate male rule as recognized by patriarchal legal doctrines because the victims are no longer recognized as the defendant's wife, wife-equivalent (i.e. common-law partner) or dependent. Consequently, these defendants may be more vulnerable to harsh sanctions for their violent acts than defendants who still live with their victims.

Perceptions of victim autonomy

Alternatively, another perspective that predicts more severe punishment for separation killers highlights the role of criminal justice actors' perceptions of victim autonomy in cases of intimate partner violence (Mahoney 1991; Rapaport 1991). Research has shown that crimes between individuals known to each other are more likely to generate images of victim participation than crimes involving strangers (e.g. Riedel 1987). Among victims and defendants who are known to each other, for example, victim provocation or precipitation may more often be perceived to play a role in the violence that occurs, thereby reducing defendant culpability in law. These stereotypes or assumptions about intimate partner violence may lead criminal justice officials to believe that the victim possessed some degree of control over the circumstances of his or her victimization (Rapaport 1991). In certain instances, the victim may even be seen as somehow responsible for his or her own abuse simply by remaining in the intimate, and obviously threatening, relationship. In the case of homicide, Rapaport writes:

The victim is regarded as having assumed a measure of the risk of victimization simply by remaining in an intimate relationship with the killer whom he or she may have known to be disposed to violence. We assume that the victim possessed some degree of control over the circumstances of his or her victimization, which puts the homicide in a less frightening light and diminishes the degree of punishment that appears appropriate. (1991: 380)

Supporting this view, Mahoney (1991) argues that 'law assumes—pretends—the autonomy of women. Every legal case that discusses the question "why didn't she leave?" implies that the woman could have left (p. 64).'¹ As a result, when the courts see evidence, by virtue of the victim's estrangement from her male partner, that she attempted to minimize her risk by severing the relationship, the victim may appear less responsible in the eyes of the court. Separation killers become more culpable as a result.

Using Mahoney's (1991) definition of 'separation assault', I extend Rapaport's argument by hypothesizing that, when there is evidence that a woman not only left the relationship but *attempted* to leave, harsher punishments can be expected for these defendants as well. Mahoney (1991) describes separation assault as an:

¹ Furthermore, such a question implicitly assumes that the woman did not try to leave. However, criminal justice decision makers cannot always assume that this was the case.

... attack on a woman's body and volition in which her partner seeks to *prevent* (emphasis added) her from leaving, retaliate for the separation, or force her to return. It aims at overbearing her will as to where and with whom she will live, and coercing her in order to enforce connection in a relationship. It is an attempt to gain, retain, or regain power in a relationship, or to punish the woman for ending the relationship. (p. 229)

A 'separation' killing occurs in a similar context, but the outcome is fatal for the intimate partner who was attempting to gain, or had gained (albeit briefly), their freedom. In the eyes of the court, the victim may be seen as less responsible by virtue of his or her decision to leave thereby showing that an effort was made to minimize the risk of victimization. As a result, the killer is more culpable for the violent act and, subsequently, subject to more severe punishment.

Various socio-legal and feminist perspectives, then, provide support for the expectation that relationship state will affect criminal justice responses to intimate partner violence. Drawing from this work, I test the general hypothesis that the closer the relational distance in intimate partner relationships, as defined by relationship state, the more lenient the criminal justice response to crimes of interpersonal violence. More specifically:

H₁: Defendants who kill estranged intimate partners or whose victims were attempting to exit the relationship at the time of the crime (i.e. separation killings) will be subject to more law than those defendants who kill current partners (i.e. intact killings).

As noted above, however, it is possible that there are important differences in the characteristics of separation and intact killings that may justify different legal outcomes. For example, estranged killers may be more likely to use a gun to kill their victims than those who kill current partners and research has shown that weapon use, and in particular gun use, is associated with more severe criminal justice outcomes (Hagan *et al.* 1980; LaFree 1980; Lizotte 1978). I turn to a discussion of this issue below.

Separation and Intact Killings: Different Acts?

Differences in the characteristics of intimate partner relationships and in the types of people who select into them may produce variation in the kinds of problems and conflicts that arise and how they are resolved. For example, women who are estranged from their male intimate partners are at the highest risk of both lethal and non-lethal violence (Browne 1997; Campbell 1992; Cazenave and Zahn 1992; McFarlane *et al.* 1999; Morton *et al.* 1998; Wallace 1986; Wilson *et al.* 1993; Gartner *et al.* 1999; Ellis and DeKeseredy 1997) and research has demonstrated that these killings are often different in many respects from killings that occur between current partners. For example, in a study of three Canadian cities, Silverman and Mukherjee (1987) found that male defendants who were separated or divorced from their intimate partners were more likely to use a gun and more likely to commit suicide after the killing than those who killed current partners.

Examining the role of relationship state in cases of intimate femicide in Ontario over a 21-year period, Dawson and Gartner (1998) found that, compared to defendants who killed current partners, defendants estranged from their victims were significantly younger, more likely to have criminal records, and more likely to shoot their victims. In addition, victims of estranged killings were more likely to be employed and less likely to

be drinking or using drugs at the time of their death. Finally, estranged killings were more likely to occur in public places, in the presence of witnesses, and more likely to involve non-marital partners such as girlfriends (see also Johnson and Hotton 2002).

The above research, then, identifies several variables that distinguish between killings that involve different types of intimate partner relationships. Some of these variables—age of defendant, prior criminal history, use of a gun, and the public nature of the killing—have also been shown to be associated with legal outcomes in cases of interpersonal violence (e.g. Gottfredson and Gottfredson 1988; Lundsgaarde 1977; Steffensmeier *et al.* 1998). Therefore, if the courts treat particular types of intimate partner unions differently, it may be that the characteristics of those involved, or of the circumstances surrounding the act itself, will explain varying court outcomes better than the state of the victim-defendant relationship. As a result, it is important to examine these and other potentially important factors that may distinguish the two types of killings when trying to isolate the separate effects of relationship state on criminal justice decision making.

Below, I describe the data, measures and analytic techniques used to examine the role of relationship state in criminal justice decision making in this analysis. Following an examination of the bivariate associations between relationship state and the various independent and dependent variables, I introduce controls for those characteristics that have been identified as important in distinguishing between separation and intact killings. The multivariate analysis will isolate the independent effect of relationship state on criminal court outcomes in cases of lethal violence.

Data, Measures and Analytic Techniques

Data

The data used for the following analysis are drawn from the total number of intimate partner homicides that occurred in Toronto, Ontario, from 1974–96 that resulted in a conviction.² Because women rarely kill estranged male partners, the analysis is limited to what I and other researchers refer to as intimate femicides—cases that involve male offenders and female victims who were or had been legal spouses, common-law partners, or in a boyfriend/girlfriend relationship (N=144).³ Table 1 in the appendix provides coding and descriptive information for the dependent and independent variables included in my analysis. I describe these in more detail below.

Measures

Dependent variables

Two measures are used to capture degree of punishment: severity of conviction and sentence.⁴ First, a dichotomous outcome variable is used to determine whether a

² Because the focus is punishment severity, defendants who were acquitted were excluded from the analysis.

³ Consistent with other research that shows separation killings are almost exclusively a male phenomenon, only two cases during our study period involved female defendants who had killed their estranged male partners. Furthermore, when they do occur, Johnson and Hotton (2002) found that few factors distinguish between killings of men and women by estranged partners.

⁴ These decision points represent two distinct stages in the criminal justice process because they often involve different legal actors with substantively different concerns. As a result, different legal and extra-legal factors may be relevant at these two stages of the process or, at the very least, some factors may matter more than others.

defendant was convicted of murder, including first or second degree (coded 1), or of a less serious charge, primarily manslaughter (coded 0).⁵ The distinction between a murder and a manslaughter conviction is of great significance for a defendant in Canada because murder carries a mandatory penalty of life imprisonment whereas manslaughter convictions carry no minimum mandatory sentence. In addition, murder is distinguished from manslaughter by the existence of malice aforethought on the part of the defendant (i.e. intent to commit a crime or *mens rea*). Thus, the presence of certain extraneous or mitigating factors such as provocation, intoxication, diminished responsibility or a mercy killing may reduce an offence from murder to manslaughter (Mitchell 1991). Conversely, evidence of premeditation or, at the very least, intent will increase defendant culpability, often leading to a conviction of murder.⁶ Forty per cent of the cases in my sample resulted in a murder conviction.

A second outcome measure captures the length of sentence or term of imprisonment imposed before a defendant was eligible for parole. Prior literature suggests that the sentencing of a defendant involves two separate decisions: whether to imprison the defendant and, if imprisonment is imposed, what length of sentence is appropriate. Due to the seriousness of the offence being examined in my analysis, only four cases in the Toronto data set did not result in a term of imprisonment. As a result, I examine only the second decision: the length of sentence imposed.⁷ An interval-level dependent variable captures the length of sentence in years.⁸ The average sentence length was close to ten years.

Key independent variable

As discussed above, the key independent variable—relationship state—distinguishes between separation and intact killings. Drawing from Mahoney (1991), I define separation killings (coded 1) as those in which the victim had already severed the relationship with her male intimate partner, or was in the process of ending the relationship, when the killing occurred. The reference category is intact killings (coded 0) and includes those cases that involved victims and defendants who still shared an intimate relationship at the time of the intimate femicide. In my sample, 28 per cent of the cases were classified as separation killings.

Control variables

I also include a number of control variables that capture defendant and incident characteristics as well as legal or case-processing factors that previous research has demonstrated may be associated with relationship state and court outcomes in cases of violent crime. I describe these measures below.

⁵ In addition to manslaughter, other less serious convictions include, criminally negligent homicide, and aggravated assault.

⁶ Data measuring the presence or absence of premeditation were not available for this analysis and this represents a limitation of this study. The implications will be discussed in the conclusion.

⁷ Suspended sentences were imposed in the four cases that did not result in imprisonment, thus, sentence length was coded as 0. In another 20 cases, the offenders were found 'not guilty by reason of mental defect'. These cases were not included in the model predicting sentence length.

⁸ Conviction severity, the first outcome variable, is used as a control variable in the model predicting sentence length because the charge convicted on may restrict the term of imprisonment.

Relationship status

As noted above, relationships may vary in the frequency and type of interactions, the length of the union and the number of shared social or cultural ties. To capture this variation in intimacy, I include a second relationship variable—relationship status—that distinguishes between marital (legal spouses and common-law partners) and non-marital unions (boyfriends and girlfriends) (Dawson and Gartner 1998). Such a distinction may be important because intimate relationships in which one or both parties has much invested (e.g. marital unions) are more likely to be the setting for extreme violence or even homicide than those relationships where the individuals may have less invested (non-marital unions) (see Rodriguez and Henderson 1995). As a result, marital and non-marital intimate partner homicides may differ in a number of ways and, hence, may be perceived and reacted to differently by criminal justice officials (Dawson and Gartner 1998). Similarly, the effect of relationship state on court outcomes may depend, to some degree, on whether the victim and offender shared a marital or non-marital relationship. If the victim and defendant were current or former marital partners, cases were coded as 1.⁹ Cases were coded as 0 if they involved current or former non-marital partners, including boyfriends and girlfriends. In my sample, 73 per cent of the couples were or had been legally married or living common-law at the time of the crime.

Offender characteristics

Research on punishment disparity has documented the effect of a number of offender characteristics on criminal justice outcomes.¹⁰ For example, age and race are important social statuses by which western society is stratified and differentiated (Steffensmeier *et al.* 1998). Research findings on the defendant age-sentencing relationship are sparse and recent research reveals that the association is more complex than is usually recognized. On the one hand, most analyses of sentence outcomes control for age as a continuous variable, assuming a linear effect; these analyses typically report a small or negligible age effect (e.g. Klein *et al.* 1988; Myers and Talarico 1987; Peterson and Hagan 1984). On the other hand, several studies find—when age is measured as a categorical variable—that older offenders (e.g. 50 and over) are treated more leniently than younger offenders (e.g. offenders in their twenties; see Champion 1987; Cutsall and Adams 1983; Wilbanks and Kim 1984). Notably, defendants in the sixties and seventies appear to benefit the most from the overall greater leniency extended to older defendants (see Steffensmeier and Motivans 2000). With respect to relationship state, research has shown that offenders who kill estranged partners are likely to be younger than those who kill current partners (Dawson and Gartner 1998). In my study, I include an interval-level variable to measure the defendant's age in years. The average age of defendants in my sample was approximately 37 years.

⁹ While some research has shown that there are distinct differences between legal marriages and common-law relationships in the risk and characteristics of intimate partner violence, it was not possible to distinguish between these two relationship categories in these data.

¹⁰ While the social structure of a case depends on both offender and victim characteristics and their relation to each other (Baumgartner 1999), in the case of intimate partner homicides, similarities in characteristics may produce multicollinearity problems, thus, I focus only on characteristics of the offender in this analysis.

With respect to race, research has found inconsistent effects of this social status variable on sentencing outcomes (see reviews, Kleck 1985; Kramer and Steffensmeier 1993). For example, some US studies show that black defendants receive more severe sanctions than white defendants (Lizotte 1978; Petersilia 1983; Spohn 1990; Spohn *et al.* 1981–82); other studies show that blacks receive more lenient sentences than whites (Bernstein *et al.* 1977; Levin 1972); and still others find few race differences (Klein *et al.* 1988; Wilbanks 1987) or mixed results (Dixon 1995; Kramer and Steffensmeier 1993).

With respect to intimate relationships, however, Ferraro and Boychuk (1992) argue that violence is more often perceived as horizontal crime because intimates tend to be established among people of the same social and racial backgrounds. As a result, they contend that it is the similarity in social rank of the victim and defendant more than the intimate nature of their relationship that leads to lenient treatment in these cases. In fact, they argue that the social and racial homogeneity is more important in law than the sexual hierarchy highlighted by many feminist legal scholars (e.g. Edwards 1985). In other words, the law tends to maintain a patriarchal authority with distinct race and class boundaries. Violence that does not disturb these boundaries is less threatening to the dominant social order than violence that crosses them and, consequently, is less likely to be negatively sanctioned. To control for the potential confounding effects of race, I include a dummy variable to capture whether the defendant is white (coded 0) or non-white (coded 1).¹¹ Just over one half of the sample involved non-white defendants.¹²

Finally, employment status may also be considered a social status variable that can influence punishment severity. Similar to the relationship between a defendant and his/her victim, employment status may also be an indicator of social morphology or the degree to which a defendant participates in social life (Black 1976). In other words, employed defendants are perceived to be more involved in society than unemployed defendants. Thus, a defendant's employment status may be particularly relevant to criminal justice outcomes because having a job represents both economic power (Turk 1969) and social integration (Black 1976; Landes 1974). Based on the above, I expect that unemployed offenders may be treated more severely by the courts than employed offenders (e.g. Boris 1979; Reskin and Visser 1986). I include a dummy variable that captures whether an offender is employed (coded 0) or unemployed (coded 1).¹³ In my sample, 40 per cent of the defendants were unemployed at the time of the killing.

Situational characteristics

Several characteristics of the homicide event that distinguish separation and intact killings have also been shown to influence criminal justice decision making. First, the public nature of a crime may be seen as a threat to the maintenance of social order whereas

¹¹ Using a dichotomy to measure defendant ethnicity loses much information because various distinct groups are included in the non-white category. Because race is not the focus of this study, however, and killings that involved white defendants and victims comprised one half of the sample, a dichotomy was determined to be most appropriate for this analysis. The largest group in the non-white category was blacks, followed by Asians.

¹² According to Ferraro and Boychuk (1992), this should by definition mean that just over one half of the sample also involved non-white victims because most intimate crimes occur between people of similar social and racial backgrounds. In my sample, however, 18 per cent of the cases involved inter-racial crimes.

¹³ The unemployed category also includes defendants who were not part of the labour force (i.e. retired persons), who were on welfare or disability pensions or who were employed periodically or on a seasonal basis, but not employed at the time of the killing. Employed offenders include those who are employed full or part-time, students, and those who are legally employed at home.

crimes that occur in private are less likely to be perceived as such (Lundsgaarde 1977). In Canada, the majority of spousal homicides and other killings within a family occur in private residences (CCJS 1999). However, research has shown that killings between victims and offenders who were separated are less likely to occur in private, possibly because of limited available opportunities, compared to intact killings (Dawson and Gartner 1998). Thus, I include a variable that captures the location of the crime, distinguishing between those killings that occurred in private (coded 0) and those that occurred in public (coded 1). In Toronto during this period, 10 per cent of the intimate femicide cases occurred in a public location.

As mentioned above, weapon use is often incorporated as a measure of offence seriousness and associated with more severe criminal justice outcomes (Hagan *et al.* 1980; LaFree 1980; Lizotte 1978). Specifically, when that weapon is a gun, some research in the United States has demonstrated that more severe criminal sentences result (Cook and Nagin 1979; Loftin *et al.* 1983; Wright *et al.* 1983). While there is no comparable research in Canada on this issue, anecdotal evidence suggests that judges do appear to label killings with guns as particularly brutal, warranting a more severe response (Grant *et al.* 1998). As noted above, research demonstrates that estranged offenders are more likely to use a gun to kill their victims than intact offenders (see Dawson and Gartner 1998; Johnson and Hotton 2002; Silverman and Mukherjee 1987). To control for the potential effects of gun use, I include a dummy variable to capture whether a gun (coded 1) or some other method (coded 0) was used in the killing. Of the cases included in my analysis, 14 per cent involved guns as the method of killing.

Finally, the year in which the case entered the court system may also be associated with varying criminal justice outcomes, particularly with respect to intimate partner violence. For example, recent research has shown that criminal justice responses to intimate partner violence have become more punitive in recent years, at least in some jurisdictions (Dawson 2001). One reason for this may be the enormous growth in public and professional attention directed at violence within the family, but more particularly, to the problem of violence against women by male intimate partners. Since the mid-1970s, work by feminists and grassroots organizations has resulted in legal reforms such as mandatory charging policies and other government initiatives that have moved violence against women, particularly within intimate relationships, from a private to a public concern. Amendments to or the implementation of various legislative policies in recent years, then, may signify or represent changes in the attitudes of criminal justice officials and members of the public, generally, toward violence within intimate relationships. To control for possible changes over time, I include an interval-level variable that measures the year in which the case entered the criminal justice system.

Legal and case-processing factors

Five legal or case-processing factors are also included in the analysis. First, I expect that the defendant's prior criminal record will significantly affect the severity of the sentence as documented by prior research (Blumstein *et al.* 1983; Hagan and Bumiller 1983; Klepper *et al.* 1983; Kruttschnitt 1982). As noted above, research has shown that estranged offenders are more likely to have a prior criminal record than offenders in

intact relationships (Dawson and Gartner 1998). Cases in which the defendant had a prior record were coded as 1 and cases in which defendants had no prior record were coded as 0. In my sample, one half of the defendants had a criminal record. The killing of more than one victim in a single incident may also lead to more severe criminal justice responses (Black 1976; Huang *et al.* 1996; Myers 1980). Thus, I include a legal variable that captures the number of counts of homicide the defendant is charged with (which equals the number of victims killed). Because the majority of homicides involved one victim only, I construct a dichotomous variable that indicates whether more than one victim was killed (coded 1) or if the female intimate partner was the lone victim (coded 0). Seven per cent of the cases involved the death of more than one victim.

Three case processing variables were also included as legal controls. Prior research has shown that, due to the sequential nature of the criminal process, earlier decisions impact on later outcomes (Bernstein *et al.* 1977a, b, 1979; Hagan 1974; Miethe and Moore, 1986; Petersilia 1983; Schur 1971; Swigert and Farrell 1977). Thus, I include a variable in the conviction model to capture the severity of the initial prosecution charge (first-degree murder=1; other=0).¹⁴ Approximately 38 per cent of the defendants were charged with first-degree murder. I also include the first outcome variable—conviction seriousness (murder=1; other=0)—as a control variable in the sentencing model because convictions often carry mandatory sentences that will affect the length of sentence imposed.

Finally, in both the conviction and sentencing models, I include a variable that captures the mode of conviction (guilty plea=1; trial=0). Many criminal charges in Canada and elsewhere are disposed of by a guilty plea rather than at trial (Ruby 1999). And, while guilty pleas may not be as frequent in homicide cases as they are for other types of violent crime, they still represent a significant proportion of cases that result in a conviction. A guilty plea represents an admission that the defendant committed the crime he/she is charged with and carries with it the defendant's consent to a conviction being entered without any trial. Plea negotiations often involve charge reductions or represent a mitigating factor at sentencing. In my sample, close to one half of the defendants pled guilty to their crime.

Analytic procedures

I begin the analysis by examining the bivariate patterns between relationship state, the outcome variables and the controls. This is followed by the multivariate analysis that controls simultaneously for the effect of other factors on conviction and sentence outcomes, isolating the independent effects of relationship state. Because my analysis involves two types of outcome variables—a dichotomy and an interval-level variable—different types of analyses are conducted. I use logistic regression to model the first outcome variable—conviction severity—a dichotomous measure. This is a multivariate statistical procedure that examines the odds of being in one group compared to another group, based on particular characteristics. To estimate my model, I introduce the independent variables in a stepwise fashion, beginning with the relationship variables, followed by

¹⁴ In these data, 94 per cent of the charges were for murder (38 per cent first-degree murder; 56 per cent second-degree murder) and 6 per cent were for manslaughter and other less serious charges (i.e. criminal negligence).

offender and situational characteristics and, finally, the legal and case-processing factors. The second outcome variable—length of sentence—is an interval-level measure. At this level of measurement, the effects of predictor variables are determined using a linear regression model (Knoke and Bohrnstedt 1993) where estimation is based on the 'least squares criterion' (Lewis-Beck 1980). Here again, I enter variables in a stepwise fashion, beginning with the key independent variable—relationship state—and ending with legal and case-processing factors.

Findings

Bivariate patterns

Table 1 shows the bivariate associations between relationship state and the two criminal justice outcomes as well as the control variables. First, examining court outcomes, my results show that defendants in separation killings were more often convicted of murder than those in intact killings (60 per cent compared to 33 per cent). With respect to length of sentence, separation killers received significantly longer sentences than intact killers (12.95 years compared to 8.58 years). Thus, initial support is found in the bivariate analyses for the effect of relationship state on court outcomes in intimate femicides.

Whether the victim and defendant were estranged at the time of the killing was also associated with certain characteristics of the crime. For example, looking at offender characteristics, I found that separation killers were more likely to be non-white than intact killers (80 per cent compared to 41 per cent). Moreover, consistent with prior research (Dawson and Gartner 1998), my results showed that estranged killings were more likely to occur in public or semi-public locations than intact killings (20 per cent compared to 14 per cent). With respect to legal factors, defendants in separation killings were significantly more likely to kill multiple victims during the incident than those who killed current partners (15 per cent compared to 4 per cent). Estranged killers were also more likely to be charged with first-degree murder than intact killers (58 per cent compared to 31 per cent).¹⁵

In summary, the bivariate analysis shows that, in general, separation killers are punished more harshly than those offenders who kill current or intact partners. However, there are also some interesting differences between the two types of killings that may have an impact on court outcomes. Therefore, the bivariate results underscore the importance of controlling for these factors when trying to isolate the independent, direct effects of relationship state on criminal justice decision making in crimes of interpersonal violence. I turn to the multivariate analysis below.

Multivariate patterns

Table 2 presents the unstandardized coefficients for various logit models predicting conviction severity. By entering the groups of variables in a stepwise fashion, it becomes apparent that relationship state is important in determining whether a defendant is convicted of murder, but not when legal factors are introduced into the model. Specifically, the odds in Models 1 through 4 indicate that separation killers are two to three times

¹⁵ Again, the case-processing factor—murder conviction—is the same as the first outcome variable.

TABLE 1 *Sample characteristics for separation and intact killings, intimate femicide cases, Toronto, 1974–96*

Variables	All offenders (N = 144)	Offenders in separation killings (N = 40)	Offenders in intact killings (N = 104)
Criminal justice outcomes			
Convicted of murder	.40 (.49)	.60** (.50)	.33 (.47)
Length of sentence (in years)	9.88 (6.69)	12.95*** (6.97)	8.58 (6.15)
Relationship status			
Married	.73 (.45)	.63 (.49)	.77 (.42)
Offender characteristics			
Age (in years)	37.68 (11.27)	35.70 (12.55)	38.44 (10.70)
Non-white	.52 (.50)	.80*** (.41)	.41 (.49)
Unemployed	.40 (.49)	.30 (.46)	.43 (.50)
Situational characteristics			
Killing occurred in public	.10 (.31)	.20* (.41)	.14 (.35)
Gun used	.14 (.35)	.13 (.34)	.14 (.35)
Year (interval level)	84.26 (6.41)	85.67 (6.83)	83.71 (6.18)
Legal/case processing factors			
Prior criminal record	.50 (.50)	.50 (.51)	.50 (.50)
More than one victim killed	.07 (.26)	.15* (.36)	.04 (.19)
First-degree murder charge	.38 (.49)	.58** (.50)	.31 (.46)
Murder conviction	.40 (.49)	.60** (.50)	.33 (.47)
Offender plead guilty	.47 (.50)	.48 (.51)	.47 (.50)

Note: Entries are variable proportions for dichotomous variables and means for interval-level variables; standard deviations are in parentheses. Asterisks identify statistically significant chi-square associations. Cases that resulted in the verdict 'not guilty by reason of mental defect' are not included in model predicting sentence length (N=21). * $p < .05$ ** $p < .01$ *** $p < .001$.

more likely than intact killers to be convicted of murder. However, in Model 5, when legal variables are introduced, separation killers are no longer treated differently from intact killers at the conviction stage.

Specifically, in Model 5, one defendant characteristic, one situational factor, and three legal factors are significantly associated with the conviction outcome. First, the older the defendant, the less likely he will be convicted of first or second-degree murder, supporting prior research that documents the role of offender age (Champion 1987; Cutsall and Adams 1983; Steffensmeier and Motivans 2000; Wilbanks and Kim 1984). Second, if a case entered the court in later years of the study, the defendant was more

TABLE 2 *Logistic regression model predicting likelihood of defendant being convicted of murder (conviction severity)*

Variables	Murder conviction									
	Model 1		Model 2		Model 3		Model 4		Model 5	
	<i>b</i>	Odds	<i>b</i>	Odds	<i>b</i>	Odds	<i>b</i>	Odds	<i>b</i>	Odds
Relationship state										
Estranged	1.128** (.385)	3.088	1.046** (.392)	2.847	1.027* (.431)	2.791	.987* (.473)	2.684	.665 (.625)	1.945
Relationship status										
Married			-.722* (.209)	.486	-6.76 (.418)	.509	-.462 (.459)	.630	-.765 (.568)	.465
Defendant characteristics										
Age					-.025 (.018)	.975	-.036 (.019)	.964	-.057* (.027)	.945
Non-white					-.127 (.396)	.881	-.114 (.428)	.892	-.128 (.537)	.880
Unemployed					-.339 (.379)	.712	-.537 (.413)	.584	-.810 (.534)	.445
Situational characteristics										
Killing occurred in public							-.421 (.654)	.657	-.564 (.861)	.569
Gun used in killing							.108 (.559)	1.114	-.117 (.694)	.889
Year case entered court							.136*** (.033)	1.145	.178*** (.043)	1.194
Legal factors										
Prior criminal history									1.412** (.547)	4.103
More than one victim killed									1.370 (1.068)	3.934
Charged with first-degree murder									2.620** (.576)	13.739
Defendant entered guilty plea									-2.137*** (.590)	118
Constant	-.722 185.292 (.081)	.209	-.123 181.153(.117)	(.358)	.933 177.678(.146)	(.727)	-10.187 158.325(.297)	(2.825)	-13.471 112.897(.582)	(3.658)
-2 Log Likelihood (R ²)										

TABLE 3 *Logistic regression model predicting length of sentence*

Variables	Length of sentence											
	Model 1		Model 2		Model 3		Model 4		Model 5			
	<i>b</i>	<i>t</i>	<i>b</i>	<i>t</i>	<i>b</i>	<i>t</i>	<i>b</i>	<i>t</i>	<i>b</i>	<i>t</i>	<i>b</i>	<i>t</i>
Relationship state												
Estranged	4.364*** (1.257)	3.472	4.158*** (1.260)	3.300	4.268** (1.390)	3.071	3.567** (1.372)	2.600	2.132* (1.099)			1.939
Relationship status												
Married			-1.810 (1.260)	-1.437	-1.562 (1.333)	-1.172	-0.747 (1.327)	-0.563	-0.229 (1.045)			-0.219
Defendant characteristics												
Age					-3.162 (.053)	-0.602	-5.043 (.041)	-0.983	5.857 (.041)			.142
Non-white					-0.559 (1.285)	-0.435	-0.596 (1.251)	-0.476	-0.892 (.992)			-0.899
Unemployed					-0.451 (1.218)	-0.370	-0.377 (1.187)	-0.317	.715 (.963)			.742
Situational characteristics												
Killing occurred in public							-4.83 (1.928)	-0.025	.910 (1.528)			.595
Gun used in killing							.777 (1.664)	.467	.641 (1.312)			.488
Year case entered court							.314*** (.093)	3.360	.106 (.078)			1.360
Legal factors												
Prior criminal history									-0.363 (.944)			-0.384
More than one victim killed									1.630			.855
Convicted of murder									(1.905)			7.609
Entered guilty plea									8.125*** (1.068)			-0.751
Constant	8.582 (.687)		9.913 (1.152)		11.349 (2.197)		-15.032 (8.106)		-3.174 (6.517)			
R-square	.090		.105		.110		.192		.523			

likely to be convicted of murder. In other words, over time, punishments appear to become more punitive, regardless of relationship state. With respect to legal or case-processing factors, if the defendant had a prior criminal record, he was more likely to be convicted of murder and, as expected, the more serious the initial charge, the more likely a murder conviction would result. In contrast, if a defendant pled guilty to his crime, he was less likely to be convicted of murder, consistent with the expectation that charge reductions may often occur as part of plea negotiations.

Turning to sentence length, support was found for the role of relationship state at this stage in the process. In all five models that introduced groups of variables in a stepwise fashion, separation killers were sentenced to significantly longer periods of imprisonment than intact killers. Specifically, in the final model, the results demonstrated that separation killers received slightly more than two years for their crimes compared to intact killers. The only other variable that was significantly related to sentence length was, as expected, severity of conviction. Those defendants who were convicted of murder received sentences that were about eight years longer than those defendants who were convicted of a less serious charge, such as manslaughter. This is not surprising given that a defendant who is convicted of murder is subject to a mandatory sentence of life imprisonment.¹⁶

Discussion and Conclusion

The results presented in this paper demonstrate that relationship state is associated with punishment severity, at least with respect to sentencing. Specifically, male offenders who killed female partners from whom they were separated or estranged, or were about to be estranged from, received sentences that were about two years longer than those sentences imposed on defendants who killed current or intact partners. The role of relationship state in criminal justice decision making demonstrated by this analyses, then, is consistent with Black's notion that relational distance is not a static concept and the amount of law present in the lives of intimate partners increases or decreases in tandem with changes in their relationship. In short, the severing of an intimate partner relationship appears to coincide with an increase in the presence of law in cases of interpersonal violence. My results show that this association remains even after controlling for other characteristics that differentiated between separation and intact killings, at least with respect to sentencing.

As described above, there are at least two possible explanations for this differential legal treatment. First, as Rapaport (1994) argues, varying criminal justice responses may stem from the continuing legacy of traditional patriarchal legal doctrines that offer more protection to male defendants who retain the status of 'husband' to their victims. Alternatively, the culpability of defendants in separation killings may be greater than in intact killings because victims are perceived to be less responsible for their own demise in separation killings by virtue of their attempts, successful or otherwise, to exit the threatening relationship. The validity of either of these explanations cannot be adequately assessed here and, thus, needs to be examined by future research. However, if the first explanation—the status of husband as a protective factor—were to have

¹⁶ In Canada, convictions for first-degree murder stipulate a mandatory life sentence of 25 years before parole eligibility and second-degree murder convictions stipulate life with no chance of parole before ten years are served.

some degree of validity, I argue that relationship status should also be associated with criminal justice decision making. That is, defendants who share non-marital relationships (boyfriend/girlfriend) with their victims also lack the 'husband' status and, so, should be treated more harshly by the courts than marital killers. This did not appear to be the case, however, as marital partners were treated no differently than non-marital partners for either of the outcomes examined in the bivariate or multivariate analyses shown here.

It may be, then, that various assumptions about the victim and their responsibility to protect themselves result in differential treatment of estranged and intact killers. Again, this issue requires further examination, but the possibility of such an explanation would be disturbing for two obvious reasons. First, just because it *appears* a woman did not leave or attempt to leave an obviously threatening relationship does not mean it is so. Mahoney (1991) writes:

When the decision, rather than actual separation, triggers the attack, the circumstances of the violence may not reveal the assault on separation: the couple may still have been living together, and the attack may have taken place inside their mutual home—yet the attack may have been a direct response to her assertion of the will to separate or her first physical moves toward separation. (p. 65)

Mahoney argues, then, that focusing on post-separation woman abuse fails to capture those cases in which the violence occurred in response to the woman's decision to leave. In this analysis, I have tried to address this criticism by including those cases in which we were aware of the woman's attempt to exit from the relationship. However, researchers are not always aware of a women's decision to end the relationship.

Furthermore, even if we were able to address the above difficulty in determining whether a woman had decided to leave, we are still left with the possibility that there exists a legal hierarchy that sees those women who did decide to leave a violent relationship as somehow more victimized if they are killed in the process than those who did not decide to leave. In other words, are those victims who did not leave a violent relationship less victimized? Are their killers less blameworthy? Future research needs to address the possible existence of these and other assumptions about intimate violence.

Similarly, an important consideration for future research is how the legal notion of premeditation or, at the very least intent, might explain the differential treatment of separated and intact killers. Are cases that involve estranged intimate partners more commonly perceived by criminal justice decision makers to involve a degree of premeditation and/or intent? Rapaport (1994) contends that 'garden-variety domestic homicides' or those that occur between cohabitants are more commonly assumed to be crimes of passion, often lacking the requisite planning and deliberation or *mens rea*. As a result, legal actors treat hot-blooded crimes more leniently because defendants are assumed to lack the ability to plan or deliberate or, at the very least, to form intent. Rapaport (1994) suggests that hot-blooded acts have become synonymous with violence between intimates whereas the antithesis to a hot-blooded killing is one in which the defendant carefully planned and orchestrated the homicide, typically killings between strangers. Such a distinction may also be relevant when examining separation and intact killings. That is, the mere fact that victims and offenders were separated when the violence occurred may lead criminal justice actors to assume that the acts required more planning or intent than those between cohabitants. Such an assumption may be valid,

but without systematic research on this issue, few conclusions can be made about the presence (or absence) of planning and/or intent in crimes of intimate violence.

One Australian study, however, can shed some light on this issue. In a qualitative examination of situations in which men kill, Polk (1994) concluded that 'the majority of men who kill their wives have given careful thought to the murder they are going to perform . . . Many husbands who kill their wives know exactly what they are doing, and if anything express a sense of relief once the goal, the wife's death, has been attained.' (p. 193). While the degree of intent varied, Polk found that in almost two thirds of the cases involving men who killed a female sexual intimate, there was 'some clear element of prior planning in the events leading to the death' (p. 31). There was no indication in Polk's analysis that premeditation was any more likely to occur in cases that involved estranged partners compared to current partners. In fact, he indicated that the majority of cases more closely resembled planned homicides rather than acts of passionate rage that are often assumed to be synonymous with killings between sexual intimates.

Appendix

TABLE 1 *Description of variables, intimate femicide cases, Toronto, 1974-96*

Variable	Description/Coding	Mean	(S.D.)
Criminal justice outcomes			
Seriousness of conviction	Murder conviction = 1; Other = 0	.40	(.49)
Length of sentence	Interval (0 to 25 years)	9.88	(6.69)
Victim-defendant relationship			
Relationship state	Estranged = 1; Intact = 0	.28	(.45)
Relationship status	Married = 1; Not married = 0	.73	(.45)
Offender characteristics			
Defendant's age	Interval (in years)	37.68	(11.27)
Defendant's ethnicity	Non-white = 1; White = 0	.52	(.50)
Defendant's employment status	Unemployed = 1; Employed = 0	.40	(.49)
Situational characteristics			
Location of killing	Public = 1; Private = 0	.10	(.31)
Weapon use	Gun used = 1; No gun used = 0	.14	(.35)
Year killing occurred	1985 or later = 1; Before 1985 = 0	84.26	(6.41)
Legal and case-processing factors			
Defendant's criminal record	Prior record = 1; No prior record = 0	.50	(.50)
Multiple victims killed	Multiple victims = 1; One victim = 0	.07	(.26)
Initial prosecution charge	First-degree murder = 1; Other = 0	.38	(.49)
Conviction seriousness	Murder = 1; Other = 0	.40	(.49)
Defendant plead guilty	Guilty plea = 1; No plea = 0	.47	(.50)

REFERENCES

- BAUMGARTNER, M. P. (1999), *The Social Organization of Law*, 2nd edn. San Diego, CA: Academic Press.
- BERNSTEIN, I. N., KELLY, W. R. and DOYLE, P. A. (1977a), 'Societal Reaction to Deviants: The Case of Criminal Defendants', *American Sociological Review*, 42: 743-55.
- BERNSTEIN, I. N., KICK, E., LEUNG, J. T. and SCHULTZ, B. (1977b), 'Charge Reduction: An Intermediary Stage in the Process of Labeling Criminal Defendants', *Social Forces*, 56 (December): 362-84.

- BERNSTEIN, I. N., CARDASCIA J. and ROSS, C. E. (1979), 'Defendant's Sex and Criminal Court Decisions', in R. Alvarez and K. G. Lutterman and associates, eds., *Discrimination in Organizations*, 329–54. San Francisco: Jossey-Bass.
- BLACK, D. (1976), *The Behavior of Law*. New York: Academic Press.
- (1993), *The Social Structure of Right and Wrong*. San Diego, CA: Academic Press.
- BLUMSTEIN, A., COHEN, J., MARTIN, S. E. and TONRY, M. H., eds. (1983), *Research on Sentencing: The Search for Reform*, Vol. 1. Washington, DC: National Academy Press.
- BORIS, S. B. (1979), 'Stereotypes and Dispositions for Criminal Homicide', *Criminology*, 17/2: 139–58.
- BROWNE, A. (1997), 'Violence in Marriage: Until Death Do Us Part?', in A. P. Cardarelli, ed., *Violence Between Intimate Partners: Patterns, Causes and Effects*, 48–69. Needham Heights, MA: Allyn and Bacon.
- CAMPBELL, J. C. (1992), "If I Can't Have You, No One Can": Power and Control in Homicides of Female Partners', in J. Radford and D. E. H. Russell, eds., *Femicide: The Politics of Woman Killing*, 99–113. New York: Twayne.
- CANADIAN CENTRE FOR JUSTICE STATISTICS (1999), *Homicide in Canada—1998*. Ottawa: Minister of Supply and Services Canada.
- CAZANA, N. A. and ZAHN, M. A. (1992), 'Women, Murder and Male Domination: Police Reports of Domestic Violence in Chicago and Philadelphia', in E. C. Viano, ed., *Intimate Violence: Interdisciplinary Perspectives*, 83–97. Washington, DC: Hemisphere.
- CHAMPION, D. (1987), 'Elderly Felons and Sentencing Severity: Intergenerational Variations in Leniency and Sentencing Trends', *Criminal Justice Review*, 12: 7–14.
- COOK, P. J. and NAGIN, D. (1979), *Does the Weapon Matter?* Washington, DC: INSLAW.
- CUTSALL, C. and ADAMS, K. (1983), 'Responding to Older Offenders: Age Selectivity in the Processing of Shoplifters', *Criminal Justice Review*, 6: 7–32.
- DALY, M. and WILSON, M. (1988), *Homicide*. New York: Aldine.
- DAWSON, M. (2001), *Intimacy and Justice: The Role of Victim-Defendant Relationship in Criminal Justice Decision-Making*, dissertation. Canada: University of Toronto.
- DAWSON, M. and GARTNER, R. (1998), 'Differences in the Characteristics of Intimate Femicides: The Role of Relationship State and Relationship Status', *Homicide Studies*, 2/4: 378–99.
- DIXON, J. (1995), 'The Organizational Context of Criminal Sentencing', *American Journal of Sociology*, 100/5: 1157–98.
- DOBASH, R. E. and DOBASH, R. (1979), *Violence Against Wives: A Case Against Patriarchy*. New York: Free Press.
- EDWARDS, S. (1985), 'A Socio-Legal Evaluation of Gender Ideologies in Domestic Violence Assault and Spousal Homicides', *Victimology: An International Journal*, 10/1–4: 186–205.
- ELLIS, D. and DEKESEREDY, W. (1997), 'Rethinking Estrangement, Intervention and Intimate Femicide', *Violence Against Women*, 3/6: 590–609.
- FERRARO, K. J. and BOYCHUK, T. (1992), 'The Court's Response to Interpersonal Violence: A Comparison of Intimate and Nonintimate Assault', in E. S. Buzawa and C. G. Buzawa, eds., *Domestic Violence: The Changing Criminal Justice Response*. Westport, CT: Auburn House.
- GARTNER, R., DAWSON, M. and CRAWFORD, M. (1999), 'Woman Killing: Intimate Femicide in Ontario, 1974–1994', *Resources for Feminist Research*, 26: 151–73.
- GOTTFREDSON, M. R. and GOTTFREDSON, D. M. (1988), *Decision Making in Criminal Justice: Towards a Rational Exercise of Discretion*, 2nd ed. New York: Plenum.

- GRANT, I., CHUNN, D. and BOYLE, C. (1998), *The Law of Homicide*. Scarborough, Ont.: Carswell.
- HAGAN, J. (1974), 'Extra-Legal Attributes and Criminal Sentencing: An Assessment of a Sociological Viewpoint,' *Law & Society Review*, (Spring): 357–83.
- HAGAN, J., NAGEL, I. and ALBONETTI, C. A. (1980), 'The Differential Sentencing of White-Collar Offenders in Ten Federal District Courts', *American Sociological Review*, 45: 802–20.
- HAGAN, J. and BUMILLER, K. (1983), 'Making Sense of Sentencing: A Review and Critique of Sentence Research,' in A. Blumstein, J. Cohen, S. E. Martin, M. H. Tonry, eds., *Research on Sentencing: The Search for Reform*, Vol. 2. Washington, DC: National Academy Press.
- HORWITZ, A. (1990), *The Logic of Social Control*. New York: Plenum Press.
- HUANG, W., WILSON, S., FINN, M. A., RUBACK, R. B. and FRIEDMAN, R. R. (1996), 'Individual and Contextual Influences on Sentence Lengths: Examining Political Conservatism', *The Prison Journal*, 76/4: 398–419.
- JOHNSON, H. and HOTTON, T. (2002), 'Losing Control: Homicide Risk in Estranged and Intact Intimate Relationships', paper presented at the Canadian Sociology and Anthropology Association Meetings, June 2002.
- KLECK, G. (1985), 'Life Support for Ailing Hypotheses: Modes of Summarizing the Evidence on the Death Penalty', *American Sociological Review*, 46: 783–805.
- KLEIN, S., PETERSILIA, J. and TURNER, S. (1988), *Racial Equity in Sentencing*. Santa Monica, CA: RAND.
- KLEPPER, S., NAGIN, D. and TIERNEY, L. (1983), 'Discrimination in the Criminal Justice System: A Critical Appraisal of the Literature', in A. Blumstein, J. Cohen, S. E. Martin, M. H. Tonry, eds., *Research on Sentencing: The Search for Reform*, Vol. 2: 55–128. Washington, DC: National Academy Press.
- KNOKE, D. and BOHRNSTEDT, G. (1993), *Statistics for Social Data Analysis*, 3rd edn. Itasca, IL: F.E. Peacock Publishers.
- KRAMER, J. H. and STEFFENSMEIER, D. (1993), 'Race and Imprisonment Decisions', *The Sociological Quarterly*, 34/2: 357–76.
- KRUTTSCHNITT, C. (1982), 'Respectable Women and the Law', *The Sociological Quarterly*, 23 (Spring): 221–34.
- LAFREE, G. (1980), 'The Effect of Sexual Stratification by Race on Official Reactions to Rape', *American Sociological Review*, 45: 842–54.
- LANDES, W. M. (1974), 'Legality and Reality: Some Evidence on Criminal Procedure', *Journal of Legal Studies*, 3 (June): 287–377.
- LEVIN, M. (1972), *Urban Politics and the Criminal Courts*. Chicago: University of Chicago Press.
- LEWIS-BECK, M. (1980), *Applied Regression: An Introduction to Quantitative Applications in the Social Sciences*. Beverly Hills: Sage.
- LIZOTTE, A. J. (1978), 'Extra-Legal Factors in Chicago's Criminal Courts: Testing the Conflict Model of Criminal Justice', *Social Problems*, 25: 564–80.
- LOFTIN, C., HEUMANN, M. and McDOWALL, D. (1983), 'Mandatory Sentencing and Firearms Violence: Evaluating an Alternative to Gun Control', *Law & Society Review*, 17: 287–318.
- LUNDSGAARDE, H. P. (1977), *Murder in Space City: A Cultural Analysis of Houston Homicide Patterns*. New York: Oxford University Press.
- MAHONEY, M. (1991), 'Legal Images of Battered Women: Redefining the Issue of Separation', *Michigan Law Review*, 90: 1–94.
- McFARLANE, J., CAMPBELL, J. C., WILT, S., SACHS, C. J., ULRICH, Y. and XU, X. (1999), 'Stalking and Intimate Partner Femicide', *Homicide Studies*, 3/4: 300–16.

- MIETHE, T. D. and MOORE, C. A. (1986), 'Racial Differences in Criminal Processing: The Consequences of Model Selection on Conclusions about Differential Treatment', *The Sociological Quarterly*, 27: 217–37.
- MITCHELL, B. (1991), 'Distinguishing between Murder and Manslaughter,' *New Law Journal*, 141: 935–37, 969–71.
- MORTON, E., RUNYAN, C. W., MORACCO, K. E. and BUTTS, J. (1998), 'Partner Homicide-Suicide Involving Female Homicide Victims: A Population-based Study in North Carolina, 1988–1992', *Violence and Victims*, 13: 91–106.
- MYERS, M. A. and TALARICO, S. (1987), *The Social Contexts of Sentencing*. New York: Springer-Verlag.
- PETERSILIA, J. (1983), *Racial Disparities in the Criminal Justice System*. Santa Monica, CA: RAND.
- PETERSON, R. D. and HAGAN, J. (1984), 'Changing Conceptions of Race: Towards an Account of Anomalous Findings of Sentencing Research', *American Sociological Review*, 49: 56–70.
- POLK, K. (1994), *When Men Kill: Scenarios of Masculine Violence*. Cambridge: Cambridge University Press.
- RAPAPORT, E. (1991), 'The Death Penalty and Gender Discrimination', *Law & Society Review*, 25/2: 367–83.
- (1994), 'The Death Penalty and the Domestic Discount', in M. A. Fineman and R. Mykitiuk, eds., *The Public Nature of Private Violence*, 224–51. New York: Routledge.
- RESKIN, B. F. and VISHNER, C. A. (1986), 'The Impact of Evidence and Extra-Legal Factors in Jurors' Decisions', *Law & Society Review*, 20: 423–38.
- RIEDEL, M. (1987), 'Stranger Violence: Perspectives, Issues and Problems', *Journal of Criminal Law and Criminology*, 78/2: 223–58.
- RODRIGUEZ, S. F. and HENDERSON, V. A. (1995), 'Intimate Homicide: Victim-Offender Relationship in Female Perpetrated Homicide', *Deviant Behavior*, 16: 45–57.
- RUBY, C. (1999), *Sentencing*, 5th edn. Toronto: Butterworths.
- SCHUR, E. M. (1971), *Labeling Deviant Behavior*. New York: Harper and Row.
- SCHNEIDER, E. M. (1994), 'The Violence of Privacy', in M. A. Fineman and R. Mykitiuk, eds., *The Public Nature of Private Violence*, 36–58. New York: Routledge.
- SILVERMAN, R. A. and MUKHERJEE, S. K. (1987), 'Intimate Homicide: An Analysis of Violent Social Relationships', *Behavioral Sciences and the Law*, 5/1: 37–47.
- SPOHN, C. C. (1990), 'The Sentencing Decisions of Black and White Judges: Some Expected and Unexpected Similarities', *Law & Society Review*, 24/5: 1197–216.
- SPOHN, C. C., GRUHL, J. and Welch, S. (1981/82), 'The Effect of Race on Sentencing: A Reexamination of an Unsettled Question', *Law & Society Review*, 16: 71–88.
- STEFFENSMEIER, D. and MOTIVANS, M. (2000), 'Older Men and Older Women in the Arms of Criminal Law: Offending Patterns and Sentencing Outcomes', *Journal of Gerontology*, 55B/3: S141–S151.
- STEFFENSMEIER, D., ULMER, J. and 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: 763–98.
- STETS, J. E. and STRAUS, M. A. (1989), 'The Marriage License as a Hitting License: A Comparison of Assaults in Dating, Cohabiting, and Married Couples', in M. A. Pirog-Good and J. E. Stets, eds., *Violence in Dating Relationships: Emerging Social Issues*, 33–52. New York: Praeger.
- SWIGERT, V. L. and FARRELL, R. A. (1977), 'Normal Homicides and the Law', *American Sociological Review*, 42/1: 16–32.

- TONRY, M. (1995), *Malign Neglect: Race, Crime and Punishment in America*. New York: Oxford University Press.
- TURK, A. T. (1969), *Criminality and Legal Order*. Chicago: Rand McNally.
- WALLACE, A. (1986), *Homicide: The Social Reality*. New South Wales: Bureau of Criminal Statistics and Research, Department of the Attorney General.
- WILBANKS, W. (1987), *The Myth of a Racist Criminal Justice System*. Monterey, CA: Brooks/Cole.
- WILBANKS, W. and KIM, P. (1984), *Elderly Criminals*. New York: University of Press American.
- WILSON, M., DALY, M. and WRIGHT, C. (1993), 'Uxoricide in Canada: Demographic Risk Patterns', *Canadian Journal of Criminology*, 35: 263–91.
- WRIGHT, J. D., ROSSI, P. H. and DALY, K. (1983), *Under the Gun: Weapons, Crime and Violence in America*. NY: Aldine.