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SEX AND THE LIKELIHOOD OF SANCTION

Charles J. Corley*
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I. INTRODUCTION

The purpose of this study is to determine whether social institutions and official agencies, such as the family, school, and judicial system, vary in their formal and informal responses to the deviant behaviors of male and female adolescents.

Within the delinquency literature, previous research shows that two separate traditions exist regarding differential treatment relative to sex. These traditions are contradictory in their description of how agencies and institutions respond to the indiscretions of male and female adolescents. This study differs from previous work in that it examines a number of distinct agencies and institutions to determine whether they respond differently to the indiscretions of male and female adolescents. Specifically, the study examines the sanctioning patterns of the family, school, police, and courts. Apparently, no study has assessed the differential processing issue from this broad perspective.

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II. REACTIONS TO FEMALE DEVIANCE: *CHIVALRY V. LABELING*

Some researchers assert that police officers and other law enforcement officials have historically treated female offenders more leniently than male offenders,¹ while others suggest that law enforcement officials treat females more harshly than males.² Supporters of the chivalry perspective suggest that females are less likely than males to have their deviant acts detected and sanctioned.³ In fact, it has been noted that the police are less inclined to arrest female suspects,⁴ and when arrested, females are more likely than males to have their charges dismissed.⁵ Moreover, it was observed that, among convicted offenders, females received less severe sentences than their male counterparts even for similar crimes.⁶ This protective stance is a result of culturally defined sex role differences between males and females:⁷ women are defined as sexual beings whose primary purpose is to perform utilitarian functions in the home.⁸ The arrest and subsequent removal of women from the home has been discouraged because it would threaten the solvency of the nuclear family.⁹ Since many female offenders have children, to incarcerate women would place a burden on the rest of society.¹⁰ Similarly, the widespread practice of incarcerating female adolescents may expose them to an environment detrimental to their future role as mothers.¹¹ Thus, the chivalrous treatment of females by

¹ Moulds, *Chivalry and Paternalism: Disparities of Treatment in the Criminal Justice System, in WOMEN, CRIME AND JUSTICE* 228 (S. Datesman & F. Scarpetti eds. 1978); Anderson, *The Chivalrous Treatment of the Female Offender in the Arms of the Criminal Justice System: A Review of the Literature*, 23 *SOC. PROBS.* 350-355 (1976). See also, O. POLLAK, *THE CRIMINALITY OF WOMEN* 1-4 (1950).

² Chesney-Lind, *Judicial Paternalism and the Female Status Offender: Training Women to Know Their Place*, *CRIME & DELINQ.* 122 (April 1977); Anderson, *supra* note 1, at 350; Chesney-Lind, *Judicial Enforcement of the Female Sex Roles: The Family Court and the Female Delinquent*, 8 *ISSUES IN CRIMINOLOGY* 51 (1973); Klein, *The Etiology of Female Crime: A Review of the Literature*, 8 *ISSUES IN CRIMINOLOGY* 3 (1973).

³ Moulds, *supra* note 1, at 282; W. RECKLESS, *THE CRIME PROBLEM* 164 (1967); see also, O. POLLAK, *supra* note 1, at 151 (expressing this point).

⁴ Visher, *Gender, Police Arrest Decisions, and Notions of Chivalry*, 21 *CRIMINOLOGY* 5, 8 (1983); see also, O. POLLAK, *supra* note 1, at 151 (making this point).

⁵ I. BERNSTEIN, J. CARDASCIA, & C. ROSS, *Defendant's Sex and Criminal Court Decisions, in DISCRIMINATION IN ORGANIZATIONS* 349 (R. Alvarez ed. 1977).

⁶ W. RECKLESS, *supra* note 3, at 152. See also, Moulds, *supra* note 1, at 292 (making a similar observation regarding the chivalrous treatment of female offenders).

⁷ O. POLLAK, *supra* note 1, at 151.

⁸ Klein, *supra* note 2, at 3.

⁹ L. CRITES, *Women Offenders: Myth vs Reality*, *THE FEMALE OFFENDER* 41 (L. Criles ed. 1976).

¹⁰ R. SIMON, *WOMEN AND CRIME* 77 (1975).

¹¹ Chesney-Lind, *Judicial Enforcement, supra* note 2, at 54.

the criminal justice system is intended to preserve the social order.¹² In fact, Visher suggests that “[a] chivalrous relationship should be thought of as a barter or exchange.”¹³ That is, women receive preferential treatment in return for displaying appropriate sex role behavior. Chivalry, then, exists because of the ways in which women have been defined.

An opposing view suggests that female delinquents are more likely than their male counterparts to be dealt with in a more severe and formal way—i.e., arrested and referred to court—especially when their deviant acts violate appropriate sex role behaviors.¹⁴ This position suggests, contrary to the chivalry argument but consistent with the labeling argument, that females are more likely to be labeled deviant and receive harsher sanctions than their male counterparts. Labeling theorists suggest that individuals with lower status and less power are more likely to have their deviance detected, labeled, and sanctioned¹⁵ because these individuals do not have resources to manipulate the system to their benefit.¹⁶ Because women generally occupy less powerful positions in society and have fewer economic and political resources at their disposal, they may be more likely than males to have their deviance detected, labeled, and sanctioned.¹⁷

To further complicate matters, Chesney-Lind argues that courts actively “sexualize” offenses by reclassifying specific violations as sex-role or sexual violations.¹⁸ The tendency is to punish female behavior more severely when it falls within these categories.¹⁹ For example, Chesney-Lind asserts that the juvenile court is less toler-

¹² Harris, *Sex and Theories of Deviance: Toward a Functional Theory of Deviant Transcripts*, 42 ZM. SOC. REV. 3, 13 (1977).

¹³ Visher, *supra* note 4, at 6.

¹⁴ Chesney-Lind, *Judicial Paternalism*, *supra* note 2, at 123.

¹⁵ E. LEMERT, *SOCIAL PATHOLOGY* (1951). Lemert introduced and distinguished primary deviance from secondary deviance. Primary deviance refers to deviant behavior that occurs prior to the attachment of a deviant label, whereas secondary deviance refers to deviant behavior that follows the attachment of a deviant label. *See also*, H. BECKER, *THE OUTSIDERS IN SOCIOLOGY OF DEVIANCE* (1963). Becker expands on labeling as a theoretical perspective and notes the importance of the social audience in the transmittance of a deviant label. That is, the social audience (people in society) defines deviant behavior and is involved in the labeling process. Once someone is labeled deviant, people may respond to that person on the basis of the label. Hence, a person labeled a thief may continue to steal, in part because people respond and reinforce the negative stigma associated with the label. Stealing then becomes a form of secondary deviance. *See also*, W. GOVE, *THE LABELLING OF DEVIANCE: EVALUATING A PERSPECTIVE* (1980). Gove continues to explore and evaluate labeling as a theoretical perspective.

¹⁶ Curran, *Judicial Discretion and Defendant's Sex*, 21 CRIMINOLOGY 41, 42 (1983).

¹⁷ *Id.*

¹⁸ Chesney-Lind, *Judicial Enforcement*, *supra* note 2, at 51-52.

¹⁹ *Id.* at 54.

ant of female runaways than male runaways.²⁰ The absence of supervision and the possibility of sexual relations occurring while away from home seem to elicit more of a negative response toward female than male runaways.²¹ Therefore, female runaways are often incarcerated "for their own protection,"²² or for purposes of instilling a sense of "sexual morality."²³

Finally, some evidence supports the proposition that female offenders are treated no differently than males. Curran, for example, found that over a ten year span (1966-1976) females and males received equal treatment by the juvenile court.²⁴ Overall, however, the literature has emphasized two extremes in sanctioning, thereby implying that male and female offenders are rarely treated similarly.²⁵

A general hypothesis can be derived from the chivalry and labeling perspectives regarding societal reactions to female deviance: social institutions and agencies, such as family, schools, and the judicial system, will sanction female deviants differently than male deviants. Furthermore, this relationship between sex and sanction will be conditioned by level of delinquency involvement, race, and age.

III. THE SAMPLE

The data for this study was derived from two sources. First, a modified probability sample was drawn of neighborhood youths ages twelve through nineteen residing in private homes within a large North Central Standard Metropolitan Statistical Area. Because equal numbers of males and females, whites and blacks, and working and middle status adolescents were desired, a 2x2x2 factorial sample design was constructed to obtain a representative sample of neighborhood youths. In addition, data was obtained from the populations of three of the state's male juvenile institutions and from all of the females incarcerated in the state's only female juvenile institution.²⁶

Both the neighborhood and institutional data were obtained

²⁰ *Id.* at 56.

²¹ Chesney-Lind, *Judicial Paternalism*, *supra* note 2, at 123.

²² *Id.* at 128.

²³ Chesney-Lind, *Judicial Enforcement*, *supra* note 2, at 54.

²⁴ Curran, *supra* note 16, at 51.

²⁵ *Id.* at 52.

²⁶ In order to protect the sources of information and to preserve the opportunity to gather further information from juveniles in detention, the names of the institutions where data were obtained cannot be disclosed.

through personal interviews. In the neighborhood sample of 236 people, 52% were adolescent females and 53% were black. Similarly, the institutional sample of 236 people was 50% female and 53% black.

In order to fully examine the sanctioning patterns of the family, schools, and judicial system, both the neighborhood and institutional subsamples were used in the analysis. The neighborhood sample was important because data on these youths was used to assess family and school sanctioning patterns. The institutional sample is particularly important for evaluating the role of judicial sanctions because most of the neighborhood youth had not made contact with the criminal justice system. In fact, only 7% of the neighborhood youth had prior contact with the police.

IV. METHODOLOGY

A. IN GENERAL

An offender index was constructed using the neighborhood self-report data in order to examine the sanctioning patterns of the family, schools, and judicial system in accordance with varying levels of delinquency involvement. First, a qualitative distinction was made between major and minor offenses. A major offense is behavior ordinarily treated as a felony, while a minor offense is behavior no more serious than a misdemeanor. The offender index classified respondents along five levels of delinquency involvement: non-offenders, low frequency minor offenders, high frequency minor offenders, low frequency major offenders, and high frequency major offenders.²⁷ Adolescents reporting no minor offenses and no major offenses were categorized as non-offenders. Respondents reporting no major offenses and involvement in no more than forty-seven minor offenses (the median of the minor offense subscale) were classified as low frequency minor offenders. Respondents reporting more than forty-seven minor offenses but no major offenses were classified as high frequency minor offenders. Those reporting involvement in at least one but less than five major offenses were termed low frequency major offenders. High frequency major offenders included youth who reported involvement in five or more

²⁷ See generally, Cernkovich, Giordano & Pugh, *Chronic Offenders: The Missing Cases in Self-Report Delinquency Research*, 76 J. CRIM. L. & CRIMINOLOGY 705, 711 (1985). This offender index was constructed and first used by the aforementioned researchers. This enables the level of delinquency involvement to be measured on a continuum in accordance with frequency and seriousness of offense.

major offenses, which was the highest level of delinquency involvement.

B. THE FAMILY

In order to identify the types of behaviors for which youths are sanctioned by their parents, respondents were asked three straightforward questions: 1) whether or not they had been "grounded" by their parents during the past twelve months; 2) how often they had been sanctioned in this manner; and 3) the types of behavior for which they had been grounded. The number of groundings ranged from zero to ninety-seven. The behaviors for which adolescents reported being grounded were then categorized in terms of the seriousness of the infraction. In particular, five behavioral categories were constructed. Ranked in ascending order of seriousness, the categories include: general family norm violations, problems at school, drug offenses, property offenses, and personal offenses.²⁸

In addition, respondents were asked how upset they thought their parents would become if they did any of the following: skipped school, shoplifted, came home late, dated too many persons, slept with someone, used marijuana, got into a fight, dated someone their parents did not like, used alcohol, stole a car, or became pregnant or impregnated someone. The scores were measured on a continuum from zero (not upset at all) to nine (very upset).

C. THE SCHOOLS

In order to assess the official school reactions to delinquent behavior, respondents were asked if they had been sent to the principal's office, suspended, or expelled during the past school year and for what reasons. Because being sent to the principal's office is the least severe and most frequent school sanction and expulsion the most severe and least frequent sanction, suspensions were chosen as a basis for describing the sanctioning processes in the schools. Respondents were asked how many times they had been suspended and the reasons for the suspensions. The sanctioned behaviors displayed at school were then divided into four categories. Ranked in ascending order of seriousness, the categories include: normative school violations, drug offenses, property offenses, and personal offenses.²⁹

²⁸ See Appendix A ranking these five categories.

²⁹ See Appendix B ranking these four categories.

D. THE JUDICIAL SYSTEM

In order to examine the extent and nature of contacts with the criminal justice system, respondents were asked whether they had been picked up by the police or sent to court during the past twelve months and, if so, how many times and for what reasons. The reported number of times picked up by the police and the number of court appearances were summed to yield the total frequency of contact each youth had had with the judicial system. The number ranged from zero to sixty-five. The reported law violations leading to respondents' judicial contacts were ordered into five categories. Ranked in ascending order of seriousness as statutorily defined, the categories include: status offenses, disorderly conduct, drug offenses, property offenses, and personal offenses.³⁰

V. FINDINGS

A. FAMILY SANCTIONS

As expected, grounding by parents was a very common adolescent experience: fifty percent of the neighborhood youths experienced this form of sanction. Additionally, younger adolescents, aged twelve through fourteen, were grounded more often than their older peers. The majority of youths were sanctioned for general family norm violations, problems at school, and personal offenses.

Table 1 presents the mean level of perceived parental disapproval for the various general family norm violations, problems at school, drug, property, and personal offenses. Clearly, female adolescents were more likely than male adolescents to believe that their parents would be more upset if they shoplifted, came home late, dated too many persons, slept with someone, got into a fight, dated someone their parents disliked, stole a car, or became pregnant. At first glance, this data suggests that females are treated more harshly by their families than males. However, the data merely indicate that female adolescents perceived stronger parental disapproval for certain behaviors than male adolescents: Table 2 (*infra*) shows actual sanctions within the family were not conditioned by sex.

This finding is particularly interesting because many of the studied behaviors can be reclassified as sexual offenses. For example, while males did not perceive coming home late as arousing much parental disapproval, females perceived a high level of disapproval. The explanation for this sex specific response difference is probably related to female misperceptions that parents may "sexual-

³⁰ See Appendix C ranking these five categories.

TABLE 1
LEVEL OF PERCEIVED PARENTAL DISAPPROVAL

<u>Value</u>	<u>Neighborhood Youth</u>				<u>T—</u>
	<u>Sex</u>		<u>Female</u>		
	<u>Male</u>				
	<u>Mean</u>	<u>N</u>	<u>Mean</u>	<u>N</u>	
Skipped School	7.71	429	7.84	455	— 0.86
Shoplifted	8.51	429	8.72	455	— 2.14*
Came Home Late	6.19	429	7.09	455	— 5.38***
Dated Too Many	3.88	429	6.16	455	— 11.69***
Slept With Someone	6.27	429	8.05	455	— 10.25***
Used Marijuana	8.13	429	8.13	455	0.02
Fighting	5.02	429	5.54	455	— 3.01**
Dated Disliked Person	5.95	429	7.10	455	— 6.85
Used Alcohol	7.41	429	7.60	455	— 1.20
Stole A Car	8.59	429	8.79	455	— 2.08*
Pregnancy	7.81	429	8.29	455	— 3.04**

* Significant at the 0.05 level.

** Significant at the 0.01 level.

*** Significant at the 0.001 level.

ize" coming home late as an opportunity for sexual relations to occur.³¹ Even though female adolescents perceived stronger parental disapproval for such behaviors, parents did not respond differently to the indiscretions of male and female adolescents. Nonetheless, offenses such as coming home late are viewed by females as sex-role violations or "moral" types of offenses, warranting harsher sanctions than if committed by a male.

Although an analysis of covariance relating sex to the number of groundings shows that males were grounded more often than females, the differences were not significant. Furthermore, Table 2 reveals that adolescents with higher delinquency rates were not grounded significantly more than their less delinquent peers. This finding is surprising because one would expect sanctions to positively correlate with the level of delinquency involvement. Instead, the data suggests that the level of delinquency involvement is an

³¹ Chesney-Lind, *Judicial Enforcement*, *supra* note 2, at 55 (concluding that the juvenile court sexualizes female offenses and sanctions girls more severely than boys); Chesney-Lind, *Judicial Paternalism*, *supra* note 2, at 126 (concluding that in order to exert more control over girls than boys, police and courts respond in a paternalistic manner which consequently more severely punishes females who commit status offenses than females who actually commit crimes).

TABLE 2
F-VALUES FOR ANALYSIS OF COVARIANCE RELATING SEX, LEVEL OF
DELINQUENCY, AND RACE TO NUMBER OF GROUNTINGS
(AGE CONTROL)

<u>Neighborhood Youth</u>		
<u>Main Effects</u>		<u>Interactions</u>
<u>Sex</u>	<u>Delinquency</u>	<u>Race</u>
0.82	1.97	4.04*
<u>Two-Way</u>	Sex x Delinquency 1.05	
	Sex x Race 2.15	
	Delinquency x Race 0.17	
<u>Three-Way</u>	Sex x Delinquency x Race 0.32	

* Significant at the 0.05 level.
 ** Significant at the 0.01 level.
 *** Significant at the 0.001 level.

important factor in determining parental sanction. In addition, the sex-delinquency interaction was not statistically significant. That is, parents did not ground more delinquent females any more than their less delinquent female counterparts. The effect of race was, however, statistically significant. In particular, white adolescents were grounded more often than their black counterparts. On the other hand, the data does not indicate that white and black adolescents were sanctioned for different kinds of offenses within the family.

Overall, the findings do not suggest that parental sanctions vary by sex. Rather, boys and girls are sanctioned within the family to about the same degree using the limited resource of grounding.

B. SCHOOL SANCTIONS

The next level of sanctioning examined is school disciplinary actions. Because being sent to the principal's office is less severe than suspension or expulsion, it is not surprising to find that a larger percentage of adolescents had been sent to the principal's office than had been suspended or expelled. In fact, 46% of the adolescents in the study had been sent to the principal's office, while

only 3% had been expelled during the previous school year. Moreover, 24% of the adolescents had been suspended during the previous school year. In particular, 29.7% of the males and 19.6% of the females had been suspended. Accordingly, males were more likely to be suspended than were females. Disregarding the severity of rule infraction, this finding appears to indirectly support the chivalry hypothesis. That is, school officials treated females more leniently than males. However, an examination of the offenses leading to suspension shows that adolescents were suspended primarily for committing normative school violations, drug offenses, property offenses, and personal offenses, and that males were more likely than females to commit personal offenses. Thus, the data indicate that males were suspended more often because they committed more serious infractions than females. However, only 36% of all suspensions were for personal offenses.

TABLE 3
F-VALUES FOR ANALYSIS OF COVARIANCE RELATING SEX, LEVEL OF
DELINQUENCY, AND RACE TO NUMBER OF SUSPENSIONS
(AGE CONTROLLED)

<u>Neighborhood Youth</u>		
<u>Main Effects</u>		<u>Interactions</u>
<u>Sex</u>	<u>Delinquency</u>	<u>Race</u>
4.78*	7.28***	1.71
<u>Two-Way</u>	Sex x Delinquency 0.61	
	Sex x Race 0.10	
	Delinquency x Race 1.09	
<u>Three-Way</u>	Sex x Delinquency x Race 1.62	

* Significant at the 0.05 level.
 ** Significant at the 0.01 level.
 *** Significant at the 0.001 level.

Table 3 also shows a significant relationship between the level of delinquency involvement and suspension. More specifically, more delinquent adolescents were suspended more often than their less delinquent peers. Furthermore, age and race were not impor-

tant factors in the suspension decision, and the sex-race and delinquency-race interactions were also insignificant. Consequently, the findings provide limited support for the labeling perspective and more corroborative evidence for a legalistic model which suggests that legal variables such as prior record or level of delinquency involvement are important factors in determining school sanctions.

C. JUDICIAL SANCTIONS

The final level of sanctioning focuses on the judicial system. Judicial sanctions in this study refer to the contacts youths have with official social control agencies such as police and courts. Because less than 7% of the neighborhood subsample had previous contact with the judicial system, the subsample of institutional adolescents was used to analyze the sanctioning patterns of the judicial system. Because all of the institutional youths had contact with the judicial system during the previous year, many as major offenders, the offender index was dichotomized into "less delinquent" and "high frequency major offenders." Thus, the findings in Table 4 reflect the skewed sample in terms of the level of delinquency involvement.

By ignoring, for the moment, legal and non-legal variables, the findings support the notion that the police and courts are less willing to sanction female adolescents.³² However, while the probability of sanction was conditioned by sex (males were more likely than females to have contact with the judicial system), Table 4 shows that the incidence of judicial contacts did not vary by sex. Although the non-significant differences between these means were not surprising from a statistical viewpoint, the frequency of contacts were high. This finding suggests that a relatively smaller number of institutionalized youths have a higher number of contacts with the judicial system than do non-institutionalized youths and as a result may be responsible for a large volume of crime.

Delinquent adolescents (high frequency major offenders) had the most contacts with the judicial system. Accordingly, legal variables such as the level of delinquency involvement appear to be a major determinant of judicial sanction. This data does not support the labeling theorists' contention that less delinquent or innocent youths were being labeled as deviant.³³ Rather, these data show

³² Moulds, *supra* note 1, at 292 (concluding that the criminal justice system treats women more gently than men); Anderson, *supra* note 1, at 355 (concluding that chivalrous treatment of female offenders is largely a myth); O. POLLAK, *supra* note 1, at 151 (concluding that historically men have taken a protective stance towards women which contributes to their chivalrous treatment by the criminal justice system).

³³ Thornberry, *Sentencing Disparities in the Juvenile Justice System*, 70 J. CRIM. L. & CRIMI-

TABLE 4
F-VALUES FOR ANALYSIS OF COVARIANCE RELATING SEX, LEVEL OF DELINQUENCY, AND RACE TO NUMBER OF JUDICIAL SANCTIONS (AGE CONTROLLED)

<u>Institutional Youth</u>		
<u>Main Effects</u>		<u>Interactions</u>
<u>Sex</u>	<u>Delinquency</u>	<u>Race</u>
0.39	3.96**	3.23
<u>Two-Way</u>	Sex x Delinquency 0.02	
	Sex x Race 0.22	
	Delinquency x Race 0.15	
<u>Three-Way</u>	Sex x Delinquency x Race 0.13	

* Significant at the 0.05 level.

** Significant at the 0.01 level.

*** Significant at the 0.001 level.

+ When the level of delinquency index is collapsed into two categories (less delinquent offenders vs. high frequency major offenders), the respective F-values are: 0.44 for sex; 11.88 for level of delinquency; and 3.29 for race. The F-values for the interactions effects are: sex-delinquency = 0.00; sex-race = 0.19; delinquency-race = 0.04. The main effects for level of delinquency are significant at the .001 level. All other main and interaction effects are non-significant.

that even among institutionalized delinquents, the more serious offenders have, by their own admission, more contacts with the judicial system.

The data do not indicate that judicial sanctions vary by age. While the idea that older adolescents would have more contact with the judicial system seems plausible, findings suggest that age is not an important factor in determining judicial sanctions.

VI. SUMMARY AND CONCLUSION

In general, findings support the contention that social and demographic characteristics affect sanctioning in the home and in the

school. However, these same factors offer no support for the chivalry or labeling perspectives in the sanctioning processes of the judicial system.

Within the context of the family, the findings suggest that "grounding" is a common adolescent experience. Perhaps the most interesting finding was that while the number of groundings did not vary by sex, female adolescents were more likely than their male counterparts to believe that their parents would become upset if they committed certain acts. In particular, females were more likely than males to believe that their parents would be upset if they shoplifted, came home late, dated too many persons, slept with someone, got into a fight, stole a car, or became pregnant. This provides some support for the argument that society utilizes a "double standard" of morality in order to exert more control over females.³⁴ Thus, females may be more likely than males to believe that they should adhere to more stringent codes of conduct. In addition, most of the deviant acts for which females perceived strong parental disapproval can be categorized as "sexual offenses." The perception therefore was that these acts would warrant harsher sanctions.³⁵ However, when it comes to actual parental sanctioning, sex did not have an impact on family sanctioning practices. As a result, this study offers limited support for the chivalry and labeling perspectives.

Age and race, however, did have a significant impact on family sanctions. In particular, younger adolescents were grounded more often than older youths, and whites were grounded more often than blacks. However, the findings did not indicate that white youths were significantly more delinquent than black adolescents. In fact, these race differences might reflect actual differences between white and black parents. That is, white parents may perceive grounding as a more appropriate method of social control than black parents.

With regard to school sanctions, males were suspended more

³⁴ HARRIS, *Sex Theories of Deviance: Toward a Functional Theory of Deviant Transcripts*, 42 AM. SOC. REV. 3, 13 (1977) (concluding that the widespread placement of women into prisons is recognized by agents of social control as not conducive to dominant social interests); L. CRITES, *THE FEMALE OFFENDER* 40 (1976) (concluding that women are treated chivalrously and paternalistically by the criminal justice system).

³⁵ Moulds, *supra* note 1, at 283 (concluding that there are higher arrest and incarceration rates for female status offenders than male status offenders); Chesney-Lind, *Judicial Paternalism*, *supra* note 1, at 125 (concluding that paternalistic responses of the criminal justice system better explain the overrepresentation of female adolescents who appear in court charged with status offenses); Chesney-Lind, *Judicial Enforcement*, *supra* note 1, at 56 (concluding that the court is committed to traditional values and views female delinquency more as a threat to the existing social order than male delinquency).

often than females. When rule breaking behaviors were examined, males and females committed similar offenses, with the exception of personal offenses. Therefore, it does appear that school officials are less willing to suspend females.³⁶ In addition, more delinquent adolescents were suspended more often than their less delinquent counterparts. This finding was not surprising in that numerous theorists have suggested that legal variables such as prior record or the level of delinquency involvement are important factors in determining official sanctions.³⁷ Therefore, unlike parental sanctions, these data indicate that sex and the level of delinquency involvement are important variables in shaping school administrators' responses to deviant behavior.

Contrary to the labeling and chivalry perspectives, findings suggest that judicial sanctions operate independently of sex, race, and age. The research offers support for a legal model in which legal variables such as the seriousness of the offense are important factors in judicial sanctions. Adolescent males were more likely than adolescent females to have contact with the judicial system, and males were more likely to commit more serious infractions. Moreover, although the probability of judicial sanction varied by sex, the frequency of judicial sanctions did not. Evidence also contradicted the labeling theorist's contention that innocent adolescents are the "victims" of the judicial system.³⁸ Instead, more delinquent youths, both males and females, were sanctioned more often because of their higher levels of delinquency.

Overall, this study suggests that social and demographic variables influence family and school sanctions, while legal variables are more likely to determine judicial sanctions.

³⁶ Cf. Visher, *supra* note 4, at 21 (concluding the arrest decision can be influenced by demeanor and the seriousness of the offense); O. POLLAK, *supra* note 1, at 151 (concluding that historically men have been less inclined to charge women with offenses).

³⁷ Thornberry, *supra* note 33, at 168 (concluding that while legal variables have the greatest impact on severity of disposition, social characters also influence severity of disposition); Thornberry, *Race, Socioeconomic Status and Sentencing in the Juvenile Justice System*, 64 J. CRIM. L. & CRIMINOLOGY 90, 96 (1973) (concluding that social variables also impact the severity of disposition); Terry, *supra* note 33, at 179 (concluding that legal variables such as seriousness of offense affect sentencing outcomes).

³⁸ Thornberry, *supra* note 33, at 171.

APPENDIX A
CATEGORY OF FAMILY OFFENSES

General Family Norm Violations:

Staying out late
Not doing assigned chores around the house
Disobeying parents
Going out without saying where
Associating with persons of whom parents disapprove
Using profanity or other inappropriate language
Arguing/talking back to parents
Arguing with family members other than parents
Exhibiting generally disruptive behavior (school not mentioned)
Doing something against the law
Doing something against parents' rules

Problems at School:

Not doing homework
Poor grades or other school performance
Disruptive behavior at school
Skipping school
Other non-specific school problems

Drug Offenses:

Drug use/smoking pot/selling drugs
Alcohol use
Smoking (cigarettes or not further specified)

Property Offenses:

Fighting
Fighting with some unrelated person
Fighting with family members
Hurting family members

APPENDIX B
CATEGORIZATION OF SCHOOL OFFENSES

School Norm Violations:

Not doing school work
Cheating on tests, homework, etc.
Violating dress code
Treating teachers or other school officials badly (talking back, arguing, etc.)
Skipping class or study hall
Tardiness to class or study hall
Truancy/skipping school
Leaving school building or grounds without permission
Using profanity or obscene language
Talking too much
Throwing things around (crayons, books, pencils, food, etc.)
Exhibiting generally disruptive behavior (playing around, being an annoyance)
Accumulating demerits, penalties (repeated assorted offenses)

Drug Offenses:

Possessing drugs on school property or at school functions
Using drugs on school property or at school functions
Selling drugs on school property or at school functions
Drinking on school property or at school functions
Smoking (cigarettes or not further specified) on school property or at school functions
Drugs (not further specified)

Property Offenses:

Vandalizing school or other property (including bus)
Defacing school materials (books, records, etc.)
Defacing, destroying someone else's materials (ripping their books, papers, etc.)

Personal Offenses:

Hurting a teacher or other school official
Fighting (not further specified)
Fighting as part of a group or gang
Aggressive behavior towards other students (harassing, intimidating them)
Threatening with a weapon (not further specified)

APPENDIX C
CATEGORIZATION OF LEGAL OFFENSES

Status Offenses:

Absenting (running away from home)
Curfew violation
Incorrigibility (not further specified)
Truancy
Other status offenses (not further specified)

Drug Offenses:

Possessing intoxicants (not further specified)
Using intoxicants (not further specified)
Selling, dealing, distributing major drugs
Possession of marijuana
Selling, dealing, distributing marijuana
Using marijuana
Sniffing (glue, etc.)
Abusing drugs (not further specified)
Other chemical abuse offenses (not further specified)

Property Offenses:

Arson (unoccupied building)
Arson (not further specified)
Damage to property (over \$50)
Damage to property (under \$50)
Forgery/fraud (over \$50 - involves stolen credit cards)
Forgery/fraud (under \$50)
Motor vehicle theft
Receiving stolen property (valued over \$50)
Receiving stolen property (valued under \$50)
Selling stolen property (valued over \$50)
Selling stolen property (valued under \$50)
Theft (valued over \$50)
Theft (valued under \$50)
Stealing (not further specified)
Riding in a stolen car
Shoplifting
Trespassing
Other offenses against property

Personal Offenses - Includes "Attempted":

Arson (occupied building)
Aggravated assault
Simple assault
Assault (not further specified)
Burglary
Breaking and entering
Homicide
Rape
Robbery
Contempt (disregard for public authority)
Disturbing the peace
Escape from a group home or institution
Using false identification
Immoral conduct
Prostitution
Violation of parole
Loitering
Possession of weapons (guns)
Possession of weapons other than guns
Fighting (not further specified)
Other personal offenses