

‘[F]or the sake, in effect, of 30 pieces of silver’¹

**THEMES IN JUDGES’ SENTENCING REMARKS
OF
MALE AND FEMALE DOMESTIC MURDERERS**

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This thesis is presented for the Honours degree of Bachelor of Laws of Murdoch University 2011

I declare that this is my own account of my research

¹ *R v Willard* [2004] NSWSC 402 (28 April 2005) [42] (Whealy J).



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ABSTRACT

The aim of this study was to compare judges' sentencing remarks when males kill females and females kill males in the context of domestic murder. This included a literature search to identify research from a historical, legal and criminological perspective, which was consistent or inconsistent with the results, emanating from the themes, identified in the analysis of those remarks. To undertake a qualitative analysis, the methodology of grounded theory was used, and the data emanating from the judges' sentencing remarks identified nine themes.

Broadly speaking the data reflects that women are viewed more harshly than men and receive higher sentences. In addition, judges are distancing male offenders from their responsibility for their violent conduct, rendering them potential candidates for more lenient treatment in terms of sentence. The analysis also reveals that judges frequently rely on stereotypes and traditional notions of marriage, family and femininity in determining an offender's sentence. These assumptions are embedded in the different set of descriptors used by judges to describe male and female offenders within the sentencing remarks.

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