



Delft University of Technology

Moral foundations in gender violence cases decided in Portuguese courts

Martinho, Andreia; Kroesen, Maarten; Chorus, Caspar

DOI

[10.1177/14773708241229505](https://doi.org/10.1177/14773708241229505)

Publication date

2024

Document Version

Final published version

Published in

European Journal of Criminology

Citation (APA)

Martinho, A., Kroesen, M., & Chorus, C. (2024). Moral foundations in gender violence cases decided in Portuguese courts. *European Journal of Criminology*, 21(5), 665-693.
<https://doi.org/10.1177/14773708241229505>

Important note

To cite this publication, please use the final published version (if applicable).
Please check the document version above.

Copyright

Other than for strictly personal use, it is not permitted to download, forward or distribute the text or part of it, without the consent of the author(s) and/or copyright holder(s), unless the work is under an open content license such as Creative Commons.

Takedown policy

Please contact us and provide details if you believe this document breaches copyrights.
We will remove access to the work immediately and investigate your claim.

Moral foundations in gender violence cases decided in Portuguese courts

European Journal of Criminology
1–29

© The Author(s) 2024

Article reuse guidelines:

sagepub.com/journals-permissions

DOI: 10.1177/14773708241229505

journals.sagepub.com/home/euc



Andreia Martinho 

Delft University of Technology, The Netherlands; Tufts University, USA

Maarten Kroesen, and Caspar Chorus

Delft University of Technology, The Netherlands

Abstract

Gender violence encompasses a multitude of morally problematic psychological, physical, and sexual behaviors that, in most countries, constitute criminal offenses. In this study, we investigate the association between moral foundations (*Care, Fairness, Loyalty, Authority, and Sanctity*) and punitive responses to gender violence offenses. Our case study focuses on gender violence in Portugal, a country in which these offenses are a prevalent social problem. We collected data on gender violence legal cases decided in Portuguese courts between 2002 and 2022, and we used a latent class cluster analysis model to identify the complex patterns in the data and reduce such patterns to a distinct number of clusters. Four main clusters unravel latent relations between the foundations mapped in the legal narratives and corresponding punitive responses: (i) *Affirmative with suspended prison time* (moral rhetoric rooted in *Authority*); (ii) *Mixed outcomes but no prison time* (moral rhetoric rooted in *Sanctity*); (iii) *Affirmative with lengthy prison time large compensation* (moral rhetoric rooted in *Loyalty* and *Care*); and (iv) *Affirmative with court fines* (moral rhetoric rooted in *Fairness*). The moral foundations provide a valuable lens to understand the problem of gender violence, but further research is needed to establish the causal mechanisms between morality and punitive responses to gender violence.

Keywords

Court, domestic violence, gender violence, latent class cluster analysis, legal cases, morality, moral foundations theory

Corresponding author:

Andreia Martinho, Delft University of Technology, Delft, The Netherlands; Data Intensive Studies Center, Tufts University, Medford, MA, USA.

Email: andreia.martinho@tufts.edu

Introduction

Gender violence encompasses a multitude of morally problematic psychological, physical, and sexual behaviors that, in most countries, constitute criminal offenses. Those behaviors have a severe impact on the physical and mental well-being of victims, mainly women and girls (Lutgendorf, 2019; Sardinha et al., 2022; Stewart and Vigod, 2017; Stöckl et al., 2013; Stubbs and Szoeki, 2022). One particular form of gender violence, in which the perpetrator is an intimate partner, is a leading cause of homicide death in women (Stöckl et al., 2013).

The prevalence of gender violence across countries, including Nordic European countries with high levels of gender equality (Gracia and Merlo, 2016; Gracia et al., 2019; Wemrell et al., 2019, 2022), suggests that we have yet to understand the determinants and causal mechanisms underlying this complex social problem. Gender violence may be rooted in a myriad of social, biological, and moral mechanisms. In this research, we posit that gaining insight into the moral mechanisms of gender violence improves our knowledge about this social problem. Such insights may be integrated into preventive and management strategies for more effective and nuanced approaches to address gender violence.

The literature in this domain focuses mainly on the moral foundations associated with public support for punitive criminal justice policies (Silver, 2017), morality of offenders (Vecina et al., 2016, 2022; Vecina and Chacón, 2016; Vecina and Marzana, 2016; Vecina and Piñuela, 2017), and moral reasoning of victims (Meyer, 2012, 2016). These empirical investigations advanced our understanding of the moral mechanisms of gender violence, however, there are still important gaps in the literature. We consider that there is little knowledge of the morals and moral reasoning of State Representatives who decide on the legal outcomes of gender violence cases. This is an unfortunate gap, as the morality of these individuals may affect their sentencing decisions. This study aims to make a contribution to such a line of research, by exploring the moral narratives in gender violence legal cases. We believe that these narratives allow us to gain some knowledge about the moral reasoning of State Representatives when deciding gender violence cases. In particular, we will investigate the association between the moral narratives in gender violence legal cases and the corresponding punitive responses, thus providing a more comprehensive understanding of the moral mechanisms shaping legal outcomes in these cases.

Our case study focuses on gender violence cases in Portugal, a country in which these offenses are a prevalent social problem. To realize the research aim, we relied on the moral foundations theory (MFT). This theoretical model of intuitive ethics builds on the assumption that a small number of moral foundations related to different adaptive challenges emerge as intuitive reactions to social stimuli (Graham et al., 2008, 2009, 2011, 2012, 2013; Haidt and Graham, 2007; Haidt et al., 2009). These foundations are often divided into *Individualizing* foundations (*Care* and *Fairness*), which focus on the protection of individuals, and *Binding* Foundations (*Loyalty*, *Authority*, and *Sanctity*), which focus on the protection of the needs and well-being of collectives (Graham et al., 2011; Haidt, 2012).

The MFT provides a valuable lens for understanding gender violence. It rests upon an impressive body of empirical research (Graham et al., 2013), and it is also associated with

validated measures, such as the Moral Foundations Dictionary (MFD), which provides *virtue* and *vice* vocabulary¹ associated with each foundation, thus allowing the analysis of moral rhetoric in text (Graham et al., 2009). In this study, we investigate the association between the moral foundations, identified through MFD, and punitive responses to gender violence in a corpus of ($N = 837$) domestic violence cases decided in Portuguese courts between 2002 and 2022.

As mentioned earlier, this research is expected to contribute to the gender violence literature, by expanding our understanding of morality within the context of gender violence. However, we acknowledge the nuanced nature of the research and so, rather than looking for direct associations, we assume that morality emerges as a nuanced element in gender violence legal cases. Accordingly, we used a statistical model (latent class cluster analysis; LCA) (Vermunt and Magidson, 2004) to identify latent clusters in a corpus of gender violence legal cases decided in Portuguese Courts. This clustering approach allows us to postulate a model featuring indicators related to legal outcomes of gender violence and covariates related to the Moral Foundations, Court, and Judges.

The remainder of this article is organized as follows. First, we contextualize the moral foundations within gender-based violence. Subsequently, we provide background information on the literature that has explored moral foundations in gender violence. We then briefly characterize our case study, focusing on gender violence in Portugal. Following that, we describe the methodology used in this study, present the results, and discuss those results. Finally, we outline the main conclusions of this study.

The moral foundations contextualized in gender violence

The moral foundations are normally presented as general conceptualizations, and so they often need to be contextualized in light of particular social phenomena. Our contextualization of the moral foundations in gender violence relies heavily on the work of Harper and Harris (2017). These authors developed a framework in which they anchored the social discourse around sexual violence within the moral foundations, with the goal of enhancing our understanding of public attitudes and societal responses to sexual offending (Harper and Harris, 2017).

We consider Harper and Harris's (2017) framework relevant for our research. Gender and sexual violence are offenses of a similar nature, often overlapping in complex social contexts, and thus giving rise to comparable social discourses. Moreover, provided that sentencing is a process that for now remains inherently human, a nuanced socio-legal discourse may be found in the corpus of judicial sentencing decisions. The human element in judicial sentencing allows us to assume that judges may not follow an entirely reflective process, and so written judicial sentencing and lay attitudes, as discussed in Harper and Harris (2017), may be closely aligned.

Such an assumption may be controversial. Some work suggests that the *human element*, that is, moral and ideological preferences, plays a limited role compared to legal and organizational constraints in judicial sentencing (Silver and Ulmer, 2023). In the words of Darrell Steffensmeier and Chester Britt (2001), *it is the job, not so much the individual, that makes the Judge*. In contrast, other work suggests that the morals and ideology of judges play a significant role in shaping sentencing practices (Harris

and Sen, 2019; de Castro Rodrigues et al., 2023). Within this context, a recent study that examined the voice records of sentence pronouncements in a Portuguese Criminal Court reported that moral tone pervades the sentencing remarks that judges provide to the defendants (de Castro Rodrigues et al., 2023). While we recognize the need for additional research to fully grasp the impact of the human element on sentencing, this study assumes its significant role in sentencing practices. Therefore, we find it justified to rely on the framework presented by Harper and Harris (2017) for contextualizing the moral foundations within the realm of gender violence.

Care produces intuitions that protection, prevention of harm, and caring for others are morally good (Graham et al., 2013). This foundation underlies narratives of protecting vulnerable groups, such as women and children, in gender violence cases. Care intuitions are implicated in judgments about gender violence. However, when accounting for situational variability (e.g. non-stereotypical offenders or victims) in gender violence cases, it is less clear how and under which conditions this foundation is activated (Harper and Harris, 2017).

Fairness is related to equality, reciprocity, and justice in cooperative acts (Graham et al., 2013). This foundation is particularly relevant to understanding variations in punitive responses to gender violence. It encompasses an element of proportionality, which implies an adjustment between the harmfulness of the offending behavior and the responsibility of the offender in the punitive responses to gender violence. For example, it may be a moderating factor in punitive responses to first-time juvenile offenders compared to adult repeat offenders. Fairness also encompasses an element of social equality. In line with feminist views that violence against women is a manifestation of gender-based oppression, it may also imply higher levels of punitive attitudes in cases that are perceived as strongly misogynistic (Harper and Harris, 2017).

Loyalty produces intuitions that sacrifice for a group, patriotism, and faithfulness are morally good (Graham et al., 2013). This foundation is related to the overestimation of danger instilled by strangers and the underestimation of danger within trusted family or community circles. Therefore, it may explain poor reporting of violence and abuse within social or familial groups in the interest of maintaining family or community unity (Harper and Harris, 2017). When such abuse is reported, the breach of loyalty expected from those groups becomes a focal point of legal narratives and sentencing. Moreover, given that this binding foundation focuses on the integrity of the collective, it underlies punitive responses that create social distance between offenders and the community (e.g. incarceration) rather than more progressive and rehabilitation-oriented policies that aim to successfully reintegrate offenders into the community (Harper and Harris, 2017).

Authority is related to respect and obedience to authority, social traditions, and hierarchies (Graham et al., 2013). It is associated with a propensity to manifest hierarchical social interactions to preserve order within the group (Vecina et al., 2022). Adherence to this foundation may be associated with more pronounced punitive attitudes, yet, because it is also associated with respect for social hierarchies, when coupled with conservative views of males as dominant over females in the social hierarchy, it may also lead to lenient punitive responses to gender violence occurring in the family (Harper and Harris, 2017).

Sanctity produces intuitions that bodily purity, however defined by different cultures, is morally good (Graham et al., 2013). It refers to moral intuitions stemming from our innate aversion to phenomena that are deemed to be unnatural. Gender violence is a complex social problem that encompasses several forms of abuse. Cases involving sexual abuse prominently intersect with notions of purity. Adherence to this foundation may lead to more severe punitive responses in cases involving sexual violence (Harper and Harris, 2017).

In this study, we will use the moral foundations as contextualized above to further understand the association between morality and punitive responses in gender violence cases decided in Portuguese Courts.

Empirical studies on moral foundations and gender violence

The literature on moral foundations in the context of gender violence has focused on examining the foundations associated with public support for punitive criminal justice policies (Silver, 2017) and the foundations associated with the morality of offenders (Vecina et al., 2016, 2022; Vecina and Chacón, 2016; Vecina and Marzana, 2016; Vecina and Piñuela, 2017).

On the association between moral foundations and public support for punitive criminal policies, the literature suggests that binding moral foundations are associated with greater support for punitive criminal policies, whereas individualizing foundations are associated with support for rehabilitation policies (Côté-Lussier and Carmichael, 2018; Brubacher, 2019; Silver and Silver, 2017).

One study further investigated whether different moral foundations shape *offender* and *victim-centered punitiveness* in different ways (Silver, 2017). According to this study, *offender-centered punitiveness* concerns punitive responses that focus on offenders (e.g. sending fewer juveniles to adult courts), whereas *victim-centered punitiveness* concerns punitive responses that focus on different types of victims, such as *individuals* (e.g. individual that was assaulted by the spouse), *groups* (e.g. country that is betrayed by treason), or the *divine*, which refers to violations of bodily purity (e.g. body that was harmed by the consumption of illegal drugs). The study asked participants to indicate the appropriate punishment for several offenses, including gender violence as a crime against individuals (Silver, 2017). In line with previous studies, the study reported that binding foundations *Authority* and *Purity* were associated with *offender-centered punitiveness*; individualizing foundation *Harm* was associated with *individual victim-centered punitiveness*; binding foundations *Loyalty* and *Authority* were associated with *group-victim-centered punitiveness* and *Purity* was associated with *divine-victim-centered punitiveness* (Silver, 2017).

These findings are relevant to our research, demonstrating that the moral foundations individuals endorse, particularly concerning gender violence offenses, serve as crucial predictors of various punitive attitudes (Silver, 2017).

On the association between moral foundations and morality of offenders, the literature suggests that offenders often adhere to moral values related to protecting the needs and well-being of the collectives and hold strong views about their morality being objectively correct (Vecina et al., 2016, 2022; Vecina and Chacón, 2016; Vecina and Marzana,

2016). Such *moral absolutism* operates as a mediator element for adherence to the conservative and prejudiced content of moral values related to the well-being of collectives (Vecina et al., 2022), which is associated with prejudice and inter-group violence (Vecina et al., 2022). Adherence to such conservative moral values is associated with sexist attitudes toward women, eventually leading to gender violence (Vecina and Piñuela, 2017; Vecina et al., 2022).

These empirical insights suggest that psychological interventions in court-mandated rehabilitation programs should focus on mitigating the absolutist views that offenders have about their conservative moral values (Vecina et al., 2022).

After this concise review of the empirical literature on moral foundations and gender violence, we proceed to provide a background on gender violence in Portugal.

Gender violence in Portugal

Gender violence is a prevalent social problem in Portugal. The most common type of gender violence in this country is domestic violence, which is consistently one of the most reported crimes to the police force and the leading cause of women's homicide in Portugal.²

Since the mid-1990s, there has been public support for combating domestic violence in Portugal (Corradi and Stöckl, 2014). Perhaps as a result of these public prevention campaigns as well as increased media coverage of domestic violence cases, the population seems to have awareness of this social problem. A recent study that investigated the perceptions about violence against women in Europe reported that Portugal had the highest level of perception of the prevalence of violence against women (Vazquez et al., 2021).

Domestic violence in Portugal has indeed affected mainly women, girls, and also particularly vulnerable populations, such as elders living with disabilities (Figueiredo et al., 2004; Machado et al., 2007; Frazão et al., 2014; Campos Pinto, 2016). The most frequent types of violence are psychological and physical (Vieira-Pinto et al., 2021). In the cases where physical violence leads to fatal outcomes, it has been reported that most victims lost their lives to gunshot trauma inflicted by shotguns and rifles (Pereira et al., 2013). While further research is needed to fully comprehend this phenomenon, it has been hypothesized that the accessibility of these specific firearms could be attributed to the regular practice of sport hunting in Portugal (Pereira et al., 2013).

When domestic violence cases are reported to the authorities, empirical research has indicated that violence decreases after the alleged offender contacts the Portuguese Criminal Justice system for the first time (Vieira-Pinto et al., 2021). This finding is aligned with studies on intimate partner violence in other countries, which showed that prosecution has a more discouraging effect on violent behaviors than conviction (Cattaneo and Goodman, 2005; Barnham et al., 2017).

Following the public outcry about a controversial legal decision that cited the Bible and an 1884 Penal Code to frame a case of domestic violence,³ there have been concerns about potential discrimination in the legal outcomes of domestic violence. In the mentioned legal decision, the judge formulated a reasoning apparently based on a generic content of common experience only to give voice to a highly subjective judgment

(Pinto, 2021). Such reasoning enforced social constructs about gender violence at odds with dominant social conceptions (Pinto, 2021; Neves et al., 2021). By representing the woman, who was a victim of domestic violence, as the responsible agent, the judge normalized the abuse and made ample room for a lenient sentence (Pinto, 2021).

Within this context, a study that looked at a sample of 240 domestic violence legal decisions (years 2015–2019) reported that conviction rates were found to be higher for female judges making an individual legal decision but there was no evidence of discrimination with respect to age, nationality, or education of offenders in such legal decisions (Quintas et al., 2021).⁴

Our study contributes to the literature on domestic violence in Portugal by exploring the association between the moral foundations in the narratives of legal cases and corresponding punitive responses to domestic violence cases decided in Portuguese courts between 2002 and 2022.

Methodology

Our approach to realize the main ambition of this study consisted of three steps: (i) Data Collection; (ii) Mapping the Moral Rhetoric; and (iii) Data Analysis. Initially, we compiled a corpus of ($N = 837$) domestic violence cases decided in Portuguese courts. Subsequently, we mapped the moral rhetoric in the legal narratives through the MFD. Finally, we created a dataset featuring relevant information about the cases, moral foundations, and legal outcomes. Finally we proceeded with the statistical analysis of these data.

We used an LCA model to unravel the association between the moral foundations found in the legal cases and corresponding punitive responses. The advantage of using the LCA model over standard descriptive statistics is that this model explores latent heterogeneity in the data. Moreover, there are also advantages of using this model over other cluster algorithms, given that it is based on a model; that is, a statistical model is postulated which makes the choice of the number of clusters less arbitrary (Vermunt and Magidson, 2004).

The model identifies the complex patterns among a set of pre-defined indicators related to punitiveness and reduces such patterns to a distinct number of clusters. Covariates related to the moral foundations, judges, and courts are also included in the model to provide further insights into cluster membership (Figure 1).

Data collection and dataset

The data used in this study consists of domestic violence legal cases decided by Portuguese courts in the years 2002 to 2022. The cases were retrieved from the Portuguese Jurisprudence Research Portal of the Superior Council of the Judiciary. This portal features a randomly assigned and anonymized sample of legal decisions of intermediate-level courts of appeal (Tribunal da Relação de Lisboa, Tribunal da Relação do Porto, Tribunal da Relação de Coimbra, Tribunal da Relação de Guimarães, Tribunal da Relação de Évora) as well as the Supreme Court of Justice in

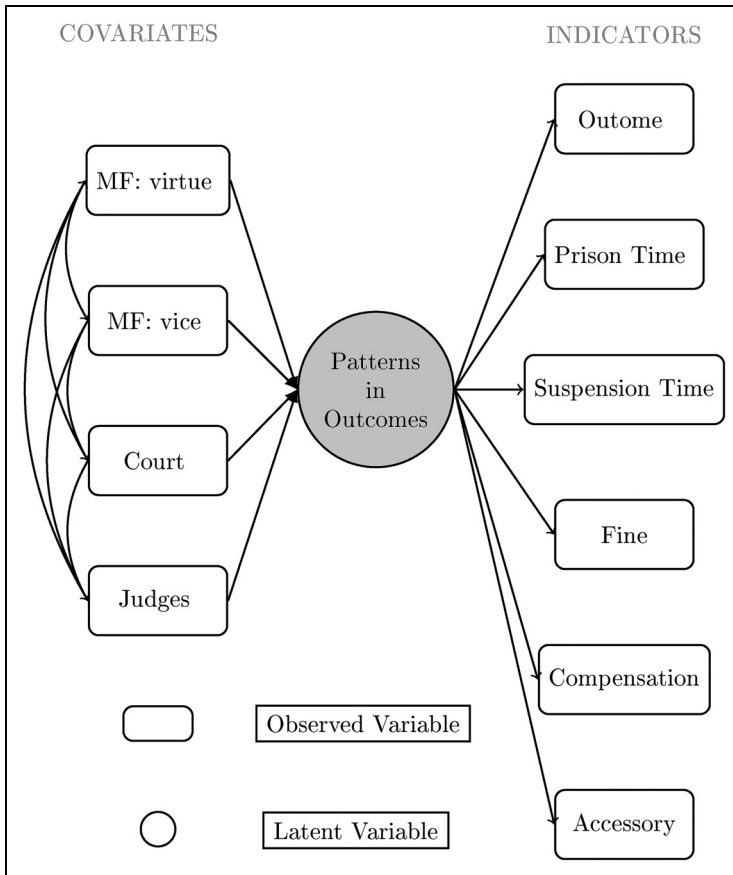


Figure 1. Graphical representation of latent class cluster analysis (LCA) model.

Portugal. Unfortunately, at the time of this research, the legal cases decided by the lower-level Courts (Tribunais da Comarca) were not available online.

For the screening of the domestic violence cases we used keywords *violência doméstica* (domestic violence) and *maus tratos entre cônjuges* (spousal mistreatment) in the Jurisprudence Research Portal. The timeline for the search (2002–2022) aligns with the current legal paradigm in Portugal, where domestic violence is considered a public crime. This implies that a formal complaint is not necessary for the District Attorney to initiate a criminal investigation.

The dataset features 837 legal cases, duly identified through the European Case Law Identifier (ECLI) number. The study is anchored in domestic violence; however, we acknowledge that it is not possible to isolate this particular offense from a broader social and criminal context. Several other offenses emerge along with domestic violence, which are also featured in this study, such as physical aggression, threat, sexual aggression, or homicide. By including these offenses, this study captures the

nuances of this social problem and circumvents issues of misinterpretation (e.g. cases of aggression toward a spouse that are framed as physical aggression rather than domestic violence), thus providing a rich account of gender violence in Portuguese jurisprudence.

The dataset also features several variables, which were populated with information retrieved from the legal cases⁵. Three Portuguese-speaking assistants were tasked with validating the dataset, ensuring the accuracy of the information in relation to the legal cases. The dataset is publicly available for researchers and policymakers interested in learning more about these cases or conducting further research (see Supplemental material).

The distribution of legal cases within the timeline 2002–2022 shows that there is a limited number of cases available in the Jurisprudence Research Portal in particular years (e.g. 2002) (Table 1). On the contrary, the distribution of cases with respect to the different courts is quite balanced, except for the Tribunal da Relação de Guimarães, which is featured less than the other courts in this dataset (Table 2). In the vast majority of cases, the person accused of a gender violence offense is male and the outcome is a conviction⁶ (Tables 3 and 4).

Table 1. Number of legal cases featured in dataset in the timeline 2002-2022.

Year	Number of Cases	%
2002	1	0.12
2003	5	0.60
2004	6	0.72
2005	6	0.72
2006	5	0.60
2007	6	0.72
2008	20	2.39
2009	10	1.19
2010	29	3.46
2011	38	4.54
2012	44	5.26
2013	62	7.41
2014	42	5.02
2015	63	7.53
2016	80	9.56
2017	69	8.24
2018	85	10.16
2019	64	7.65
2020	76	9.08
2021	115	13.74
2022	11	1.31
Total	837	

Table 2: Number of legal cases per court featured in dataset.

Court	Number of Cases	%
Supreme Court of Justice	151	18.04
Tribunal da Relação de Guimarães	70	8.36
Tribunal da Relação do Porto	165	19.71
Tribunal da Relação de Coimbra	110	13.14
Tribunal da Relação de Lisboa	161	19.24
Tribunal da Relação de Evora	180	21.51

Table 3: Gender of person accused of gender violence offense in the cases featured in the dataset.

Gender of Accused	Number of Cases	%
Male	779	93.07
Female	42	5.02
Male & Female accused in the same case	16	1.91

Table 4: Legal decisions in gender violence cases featured in the dataset.

Legal Decision	Number of Cases	%
Conviction	660	78.85
Acquittal	62	7.41
Other	115	13.74

Mapping the moral rhetoric

To analyze the moral rhetoric in domestic violence legal cases, we utilized the MFD 2.0, which includes words and word stems associated with each vice/virtue dimension of the moral foundations (Graham et al., 2009; Sagi and Dehghani, 2014; Frimer et al., 2017; Hopp et al., 2021).

We first proceeded with the translation of the dictionary to Portuguese language, given that, to the best of our knowledge, a Portuguese version of the MFD 2.0 is not available.⁷ The Portuguese version of the dictionary used in this research features 2019 words.

Subsequently, we did a quantitative analysis of the moral foundations in the corpus of legal decisions. We used a normalized term frequency approach to measure the moral foundations in legal cases, i.e., the ($N = 2019$) words and word stems associated with the moral foundations (as per the Portuguese MFD 2.0) were divided by the total number of terms in each legal case, thus the weight of each moral foundation in a legal case varies between 0 and 1 (Table 5).

To validate the term frequency approach, we explored whether the distribution of moral foundations varies depending on the type of crime or remains consistent across legal cases, regardless of the type of crime. We compared a smaller dataset extracted

Table 5. Mean and standard deviation of moral foundations in cases featured in the dataset.

Moral foundation	Mean	Standard deviation
Care virtue	.0106	.0040
Care vice	.0092	.0033
Fairness virtue	.0070	.0029
Authority virtue	.0070	.0024
Sanctity virtue	.0045	.0022
Sanctity vice	.0031	.0025
Loyalty virtue	.0026	.0015
Authority vice	.0013	.0015
Fairness vice	.0008	.0005
Loyalty vice	.0003	.0003

from the main dataset in this study with two control datasets, each consisting of 20 legal cases obtained from the Jurisprudence Research Portal. One control dataset included non-violent crimes (such as driving without a license, driving under the influence, and copyright infringement), while the other featured violent crimes (homicide, sexual abuse, and incitement to prostitution). Our comparison of the distribution of moral foundations in the different datasets revealed variations (e.g. the *Authority Vice* foundation was prevalent in the dataset featuring violent crimes but rare in the dataset featuring nonviolent crimes), thus providing a first sense of face validity of our approach.

While we acknowledge that some of these words may be used descriptively, we also believe that they often reflect the moral considerations of MFD. We present some illustrative statements. We consider that the following statement about *mistreatment* reflects the *Care/Harm* foundation: *The defendant always acted with the intention of mistreating the mental and physical health of his partner, leaving her in constant alarm for the safety of her physical integrity, provoking her permanent situation of instability, which was reflected in her psychological state* (ECLI:PT:TRC:2017:1176.16.0PBCBR.C1.2F). We also consider that the following statement about *fidelity* reflects the *Loyalty* foundation: *Intimacy can be characterized by closeness, commitment, and personal exposure, translated as a sharing of intimate relationships between the couple. It still seems to us that the dating relationship will not be mischaracterized by the absence of sexual acts between the couple (e.g. by personal choice, for reasons religious, and due to illness), since intimacy does not depend on them...intimacy does not necessarily refer to the sexual nature, although this is the most common case. This line of reasoning can also be applied to the duty of fidelity...this duty manifests itself in a double dimension: in the duty of physical fidelity, which is understood as the prohibition of sexual acts with a third party, and the duty of moral fidelity, in the sense of a loving connection with a third party* (ECLI:PT:TRL:2021:670.19.6SFLSB.L1.5.34). Finally, we consider that the following statement about *dominance and subordination* reflects the *Authority* foundation: *A behavior of recurrent dominance with regard to the education of the children—in particular the son, an unequivocal will, without looking at the means, to impose his rules... subjecting the women to financial conditioning, refusing her money for the acquisition*

of goods, including school supplies for the education of their children, which unquestionably reveal a demeaning behavior, a desire to subordinate and to impose, causing humiliation, impotence, and psychological exhaustion thus undermining her dignity, as a mother and woman (ECLI:PT:TRC:2021:110.17.5GASAT.C2.66).

Latent Class Cluster analysis (LCA) model

LCA is a statistical technique that uncovers hidden clusters in data. It is a special kind of finite mixture model, also known as unsupervised learning, in which the statistical distribution is modeled by a mixture (or weighted sum) of other distributions. An LCA model identifies complex patterns among the set of (continuous, nominal, or ordinal) indicators and reduces those patterns to a distinct number of clusters (Vermunt and Magidson, 2004). The clustering is based on the differences in indicators (Molin et al., 2016), and covariates are included in the LCA model to further explain cluster membership.

The LCA model used in this study features eight indicators and four (active) covariates. Given that some of these variables are categorical, we relied on effect coding to include them in the LCA model. The indicators relate to the legal outcomes (punitive responses) of gender violence cases. The indicator *Outcome* is a categorical variable featuring three different categories concerning possible outcomes of legal cases: (i) *Non-affirmative of a gender violence situation*, that is, suspect of offense is not accused or convicted; (ii) *Affirmative of a gender violence situation*, that is, suspect of offense is accused, convicted, or there was a need for coercive or safety measures; and (iii) *Neutral*, that is, decisions related to pre-trial investigations (new investigation, additional investigation, and secrecy of investigation) or decisions that did not have an outcome per se (new legal decision and new trial). The indicators *Replacement/community work*, *Accessory penalty of keeping distance from victim*, and *Accessory penalty of attending a domestic violence course*, are categorical variables featuring two categories (yes/no) The remaining indicators, which are *Prison time* (months), *Suspension time* (months), *Fine* (EUR), and *Compensation* (EUR), are continuous variables.

The covariates were included in the LCA model to further explain cluster membership. The covariate *Judges* is a categorical variable featuring eight different categories that capture the most common combinations of judges with respect to a binary account of gender, where *f* stands for female and *m* stands for male – (i) *f*; (ii) *m*; (iii) *ff*; (iv) *mm*; (v) *fm*; (vi) *mf*; and (vii) *mmm* – but also residual combinations – (viii) *other*. The covariate *Court* is a categorical variable featuring six different categories – (i) Supreme Court of Justice; (ii) Tribunal Relação Guimarães; (iii) Tribunal Porto; (iv) Tribunal Relação Coimbra; (v) Tribunal Relação Lisboa; and (vi) Tribunal Relação Évora. The covariate *Moral Foundations* is a set of continuous variables featuring the frequency of MFD words in a legal case, which, as explained earlier is normalized to take values between 0 and 1. Five of these variables consist of the virtue vocabulary associated with each dimension as per the MFD – (i) care virtue; (ii) fairness virtue; (iii) loyalty virtue; (iv) authority virtue; and (v) purity virtue – and five of these variables consist of the vice vocabulary associated with the moral foundations as per the MFD – (i) care vice; (ii) fairness vice; (iii) loyalty vice; (iv) authority vice; and (v) purity vice.

Additional covariates related to *Offenses* were also included in the study but kept inactive (domestic violence; mistreatment; illegal possession of weapon; physical aggression; threat; sexual aggression; and homicide). Inactive covariates are not part of the specified model and have no influence on the model parameter estimates but may be used as explanatory variables in a post-processing stage. We decided to keep the variables mentioned above inactive because it is unclear whether they are indicators or covariates. Still, they provide important insights into the offenses associated with the different estimated clusters.

Model estimation. The LCA model is estimated based on maximum likelihood, that is, assuming parameter values that maximize the likelihood of observing the data. We estimated five models (1–5 classes) in Latent Gold (Vermunt, 2017). To assess the model fit, we analyzed several statistical criteria (Weller et al., 2020).

We first analyzed the Bayesian information criteria (BIC), which is a well-established measure of the goodness of fit of a statistical model. However, in our study, the BIC values consistently decrease as the number of classes increases, which makes model selection based on BIC difficult (Table 6). Accordingly, we then looked into other indicators to make a decision about the model fit. We decided to select the four-class model given that there is no substantial increase in the log-likelihood (LL) beyond the four-class threshold (Table 6 and Figure 2); the entropy of this model is close to one (Table 7); and the size of the smallest class (11% of the sample size) supports its inclusion on the model (Table 7).

Results

In this section, we analyze the LCA model featuring four clusters. We first provide information about the indicators and covariates of the model. Subsequently, we proceed to characterize each cluster.

Overview of model: Indicators and covariates in four-cluster model

Four latent clusters are identified in the data (Table 8). The first cluster is labeled *Affirmative with suspended prison time* and has the largest share in the sample (.39); the second cluster is labeled *Mixed outcomes but no prison time* and has a share of .32; the third cluster is labeled *Affirmative with lengthy prison time and large compensation* and has a share of .18; and the fourth cluster has the smallest share in the sample (.10) and is labeled *Affirmative with court fines*. The parameters of the indicators and statistically significant covariates as well as the cluster probability of covariate court and inactive covariates related to offenses are featured below (Tables 8 to 13).

Characterization of the four latent clusters

Cluster 1: *Affirmative with suspended prison time*. This cluster relates to gender violence cases that received a legal decision affirmative of a crime (accusation, conviction,

Table 6. Model fit of LCA models.

Classes	Parameters (N)	LL	BIC	AIC	SABIC	CAIC
1	12	-25,905.4627	51,891.6833	51,834.9254	51,853.5753	51,903.6833
2	49	-21,610.0475	43,549.8564	43,318.0950	43,394.2487	43,598.8564
3	86	-19,710.6554	40,000.0757	39,593.3108	39,726.9683	40,086.0757
4	123	-18,292.1536	37,412.0755	36,830.3072	37,021.4685	37,535.0755
5	160	17,752.8999	36,582.5716	35,910.4997	36,159.1648	36,827.2715

LCA: latent class cluster analysis; LL: log-likelihood; BIC: Bayesian information criterion; AIC: Akaike information criterion; SABIC: Sample-size Adjusted BIC; CAIC: Consistent Akaike Information Criterion.

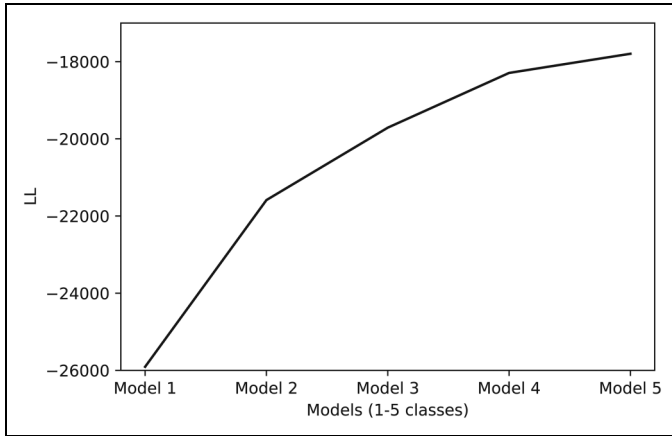


Figure 2. Log-likelihood of models (1–5 classes).

Table 7. Diagnostic criteria.

Classes	Smallest class count (<i>n</i>)	Smallest class size (%)	Entropy R-squared
1	837	100	1.0
2	201	24	0.9690
3	126	15	0.9844
4	92	11	0.9652
5	59	7	0.9832

Table 8. Size of clusters.

Cluster	Size
Cluster 1: <i>Affirmative with suspended prison time</i>	.39
Cluster 2: <i>Mixed outcomes but no prison time</i>	.32
Cluster 3: <i>Affirmative with Lengthy prison time and large compensation</i>	.18
Cluster 4: <i>Affirmative with court fines</i>	.11

coercive, or safety measures), yet, where such decision entails prison time, offenders are often given a suspended sentence, along with the obligation of keeping a distance from the victim and attending a rehabilitation program for domestic violence abusers.

According to Portuguese Law, a suspended prison sentence is possible when the conviction does not exceed five years of prison time and the court considers that the threat of imprisonment adequately and sufficiently fulfills the purposes of punishment. Offenders

Table 9. Parameters of statistically significant indicators in clusters (1–4).

Indicators	Cluster 1	Cluster 2	Cluster 3	Cluster 4
Non-affirmative of gender violence	.000	.222	.000	.011
Affirmative of gender violence	.999	.343	.999	.988
Neutral	.000	.436	.000	.000
Prison time in months (mean)	32	0	130	16
Suspension time in months (mean)	25	0	0	11
Accessory (distance)	.357	.008	.191	.123
Accessory (program)	.239	.004	.049	.067
Fine in EUR (mean)	0	0	0	1210
Compensation in EUR (mean)	2239	14	27,083	762

Table 10. Cluster probabilities of covariate court.

Court	Cluster 1	Cluster 2	Cluster 3	Cluster 4
Supremo Tribunal de Justiça	.18	.21	.58	.03
Tribunal Relação Guimarães	.60	.24	.03	.13
Tribunal Relação Porto	.42	.39	.07	.12
Tribunal Relação Coimbra	.43	.31	.09	.17
Tribunal Relação Lisboa	.44	.37	.11	.08
Tribunal Relação Évora	.38	.35	.12	.15

p -value = 5.8×10^{-14} .

Table 11. Parameters of covariate court in clusters (1–3).

Court	Cluster 1	Cluster 2	Cluster 3	Cluster 4
Supremo Tribunal de Justiça	-.734	-.655	1.930	-.561
Tribunal Relação Guimarães	.658	.211	-1.197	.328
Tribunal Relação Porto	-.008	.282	-.366	.092
Tribunal Relação Coimbra	.077	-.099	-.186	.207
Tribunal Relação Lisboa	.133	.290	-.138	-.285
Tribunal Relação Évora	-.126	-.049	-.044	.220

p -value = 5.8×10^{-14} .

in the cases featured in this cluster have a higher probability of remaining in freedom, provided they do not re-offend and comply with the rules of conduct established by the court.

In this cluster, several offenses emerge along with domestic violence and mistreatment; however, there is a prevalence of offenses related to illegal possession of a weapon, physical aggression, and sexual aggression.

Table 12. Parameters of statistically significant moral foundations.

Moral foundation	Cluster 1	Cluster 2	Cluster 3	Cluster 4	p-value
Care virtue	61.506	-131.852	118.087	-47.741	5.2e-10
Care vice	4.676	-107.457	111.297	-8.516	0.00097
Fairness virtue	0.660	36.657	-136.772	99.456	0.006
Loyalty virtue	-101.036	-167.907	211.796	57.147	0.0035
Authority virtue	67.403	44.428	-159.583	47.753	0.025
Sanctity virtue	24.963	-82.078	-34.133	91.248	0.034
Sanctity vice	28.793	125.701	-168.732	14.239	0.00073

Table 13. Cluster probabilities of inactive covariates.

Inactive covariates	Cluster 1	Cluster 2	Cluster 3	Cluster 4
Domestic violence	.42	.35	.19	.04
Mistreatment	.37	.38	.19	.06
Illegal possession of weapon	.23	.14	.45	.18
Physical aggression	.20	.19	.18	.43
Threat	.18	.28	.20	.33
Sexual aggression	.20	.16	.60	.04
Homicide	.02	.09	.88	.01

The cases featured in this cluster are well distributed among the Portuguese appeal courts, even though they are less likely to be decided in the Supreme Court of Justice. This is not surprising, as the cases in this cluster often receive a sentence not exceeding five years, thus remaining outside of the Supreme Court jurisdiction.

The moral rhetoric in the cases of this cluster is mainly rooted in foundations of *Authority*. When estimating the membership probabilities for each cluster, taking into account different values of these foundations while holding the other covariates at their mean values, we observe that, as the frequency of the moral foundation authority virtue increases, there is also an increased probability of membership in this cluster (Figure 3).

Cluster 2: Mixed outcomes but no prison time. This cluster relates to gender violence cases featuring affirmative, non-affirmative, and neutral legal outcomes, but no prison time.

It is not surprising that cases that are either *non-affirmative* of gender violence or *neutral* (i.e., procedural matters during the investigation or trial) do not entail prison time, as there is no conviction. This does not hold entirely for the cases that are *affirmative of gender violence*, also prevalent in this cluster. Those cases mainly relate to ongoing legal investigations, in which the court makes a formal accusation and applies a coercive measure to the suspect offender, but there is no conviction, as the trial is still pending.

In this cluster, along with domestic violence and mistreatment, there is also a pronounced prevalence of offenses related to threat, physical aggression, and sexual aggression, which are resolved in all Portuguese appeal courts.

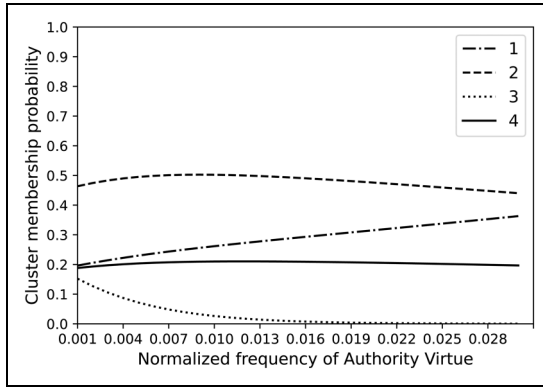


Figure 3. Cluster membership prediction: Authority virtue.

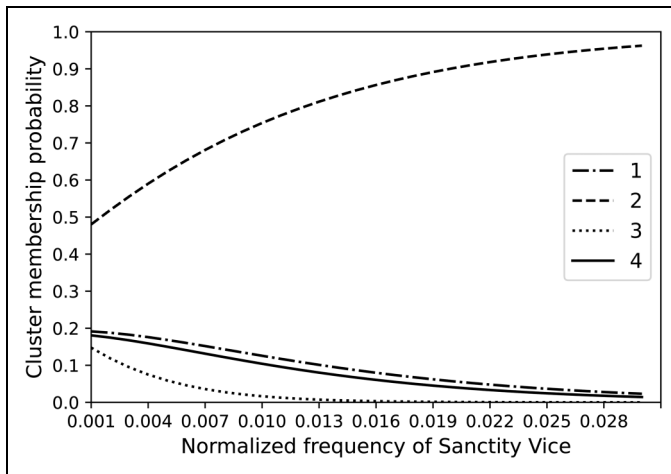


Figure 4. Cluster membership prediction: Sanctity vice.

The moral rhetoric in these cases is mainly rooted in *Sanctity*. When estimating the membership probabilities for the clusters described above, we observe that, as the frequency of sanctity vice increases, there is an upward trend concerning the probability of membership in this cluster (Figure 4).

Cluster 3: Affirmative with lengthy prison time and large compensation. This cluster relates to gender violence cases with affirmative punitive responses that resulted in lengthy prison time and large monetary compensation.

These are complex cases featuring a myriad of psychological, sexual, and physical abuses that sometimes result in the loss of lives. Along with domestic violence and

mistreatment, there is a prevalence of homicide, sexual aggression, and illegal possession of weapon. Given the nature of these offenses, it is not surprising that these legal cases are mostly decided in the Supreme Court of Justice.

The moral rhetoric in the cases featured in this cluster is mainly focused on *Loyalty* and *Care*. When estimating the membership probabilities for the clusters described above, we observe that as the frequency of Loyalty and Care virtue/vice increases. There is an upward trend concerning the probability of membership in this cluster (Figures 5 to 7).

Cluster 4: Affirmative with court fines. This cluster relates to gender violence cases with affirmative punitive responses that resulted in a court fine. Along with domestic violence and mistreatment, the cases in this cluster are mainly associated with offenses of physical aggression, threat, and illegal possession of weapons. These cases are less likely to be decided in the intermediate appeal courts of Lisbon and the Supreme Court. The moral rhetoric in the cases featured in this cluster is mainly focused on *Fairness*. We observe that, as the frequency of this fairness virtue increases, there is an upward trend for the probability of membership in this cluster (Figure 8).

Discussion

Moral foundations and punitive responses

In this study, we aimed to investigate the association between morality and punitive responses to gender violence. Our case study focused on gender violence cases decided in Portuguese courts between 2002 and 2022. This research is anchored in domestic violence, but we also considered other offenses emerging in these legal cases, thus providing a comprehensive account of this prevalent social problem in Portugal.

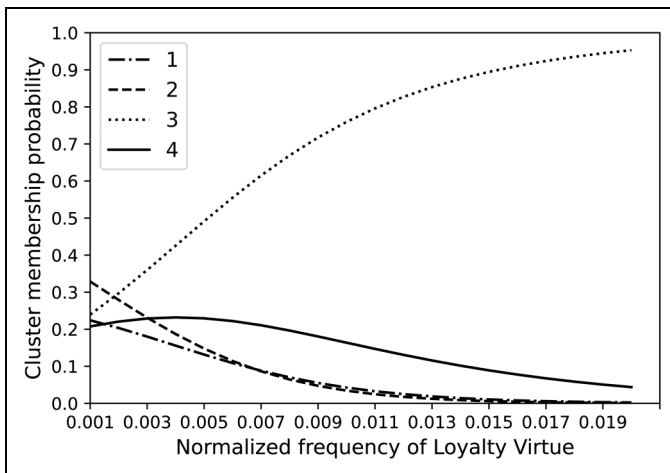


Figure 5. Cluster membership prediction: Loyalty virtue.

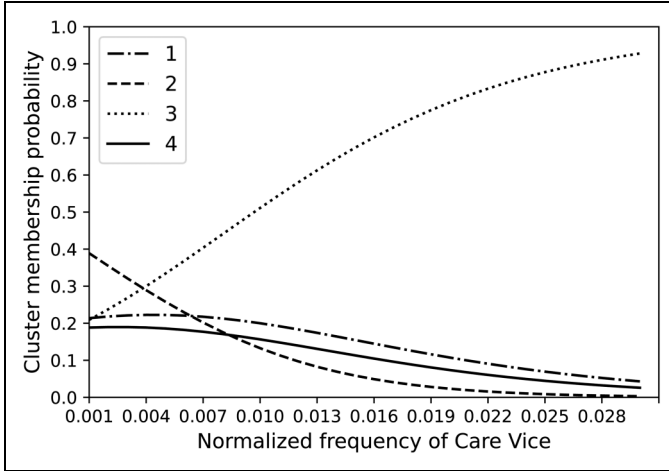


Figure 6. Cluster membership prediction: Care vice.

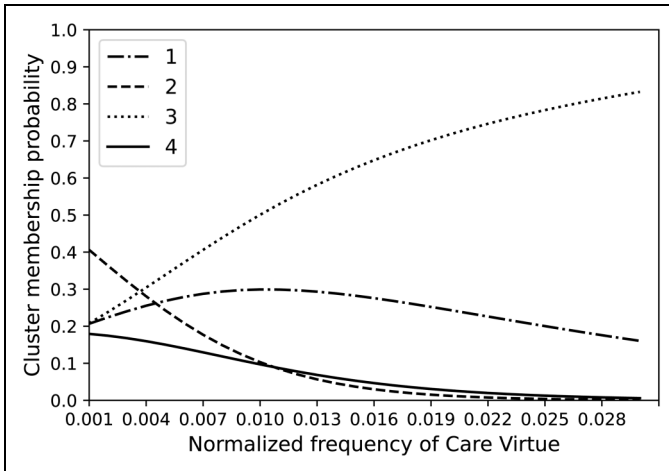


Figure 7. Cluster membership prediction: Care virtue.

Our results show that both individualizing (*Care and Fairness*) and binding (*Loyalty, Authority, and Sanctity*) moral foundations are associated with various punitive responses with respect to prison time (*Lengthy prison time, Suspended prison time, and No prison time*).

Moral narratives grounded on *Loyalty, Care Virtue, and Care Vice*, are associated with punitive outcomes that entail *Lengthy prison time and large compensation*. We posit that moral rhetoric grounded in *Loyalty* may reflect the breach of loyalty expected from family members who perpetrated severe physical and sexual abuse. This foundation focuses on

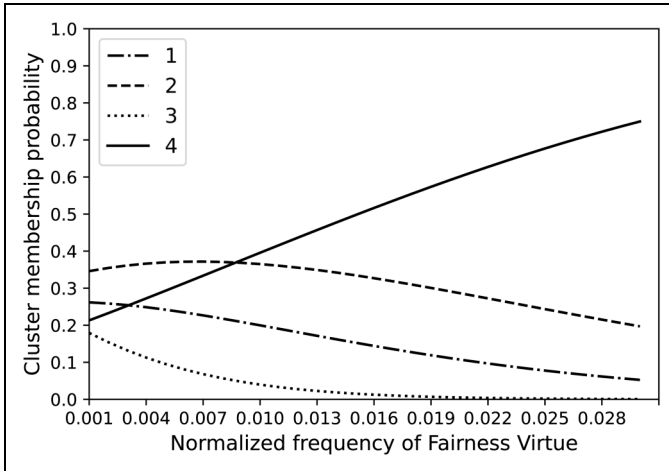


Figure 8. Cluster membership prediction: Fairness virtue.

the integrity of the collective, thus underlying punitive responses that create social distance between offenders and the community (Harper and Harris, 2017). The statement is provided for illustration purposes: *All of his behavior is evidence of the disdain for the victim, marked by acts of severe humiliation (...) as well as absolute disrespect for her and her will, as a woman and his partner, treating her as if she were an object (...) the brutality of the inflicted assaults, sometimes with strangulation, when the victim was limited in her ability to defend herself (...) seen as a failure of a woman, brought to the deepest objectification, as if she were his possession, over which he could have his way, humiliating, manipulating, restricting the right to relate to family and friends* (ECLI:PT:STJ:2021:69.20.1GBGDL.S1.44).

We posited earlier that narratives grounded in *Care* are characterized by inherent intuitions of protection of vulnerable groups, notably women and children. These intuitions are associated with the decision of the Court to sentence the offender to a long period in prison, although the causal mechanics of such association remain unclear. However, even in these cases, this foundation may also signal a strong emphasis on rehabilitation of the offender. This statement illustrates such concerns with respect to an offender who was sentenced to a long period in prison, slightly reduced on the grounds of rehabilitation: *The appellant has always been an entrepreneurial individual who, throughout his life, maintained regular employment and proper community integration (...) the lower court failed to consider that the degradation of the prison facilities in Portugal will contribute in no way to the desired rehabilitation of the accused/appellant. Assuming that it is necessary to take into account the fundamental interests of a community, it seems easy for that community to understand that the imposed sentence severely hampers the possibility of his future social and professional reintegration* (ECLI:PT:STJ:2021:134.19.8JAPRT.P1.S1.13).

Narratives that are grounded on *Authority Virtue* are associated with punitive outcomes that entail *Suspended prison time*. We speculate that these cases may reflect conservative views ingrained in Portuguese society, particularly regarding the perceived

dominance of males within family structures. In this illustrative statement, the perpetrator of domestic violence projects these conservative and authoritative views: *On these occasions, at home and in the presence of the children, the defendant argues with the victim, telling her that she has sexual relations with other men and that he is not the father of the couple's children (...) he then proceeds to damage furniture and doors at home (...) meanwhile, upon realizing that the Police had been called, the defendant locked himself in the room, saying, "I'm not afraid of the Police, let them come one by one"* (ECLI:PT:TRL:2019:1076.18.0PBPD.L1.9.E3).

Moral narratives grounded on *Sanctity Vice* and *Fairness Virtue* are associated with *No prison time*. We had previously reasoned that *Sanctity* may be associated with cases featuring sexual offenses. Indeed, *Sanctity Vice* is associated with a cluster that includes several cases of sexual aggression (*Mixed outcomes but no prison time*). However, we did not find an association of *Sanctity Vice* with the cluster *Affirmative with Lengthy prison time and large compensation*, which also features sexual aggression cases quite prominently. This may also be explained by the fact that cases in this cluster are mostly decided in the Supreme Court of Justice, and so the narratives may be less conducive to *Sanctity* rhetoric. This statement illustrates how the consumption of alcohol and drugs plays a role in gender violence: *The relationship was troubled due to daily consumption of alcohol and drugs by the defendant...the incidents only occurring when the defendant was drunk and under the influence of drugs...lately, it was almost every day* (ECLI:PT:TRL:2018:229.17.2PCLRS.L1.5.7F).

Considerations on *Fairness Virtue* may pertain to procedural decisions, such as maintaining the secrecy of the investigation, revising legal decisions, or ordering a retrial. This foundation may operate as an element of due diligence reflecting core values of equality, civil rights, proportionality, and due process of Justice. Illustratively this statement concerns evidence in a case: *The statements made by a witness to an expert that are later reproduced by the expert in their expert report cannot be used as evidence* (ECLI:PT:TRG:2022:5.20.5GBVVD.G1.BB).

The analysis of these narratives not only expands our understanding of the underlying morality within gender violence legal decisions in Portugal but also carries additional implications and contributions. This research broadens our comprehension of the landscape of gender violence legal cases in Portugal. Moreover, it extends the scope of the MFT literature, traditionally concentrated on socio-political beliefs, by investigating the correlation between moral foundations and human behavior.

Gender violence in Portugal

Gender violence is a complex social problem that aggregates a myriad of problematic psychological, physical, and sexual behaviors. By examining the offenses that consistently emerge in the clusters along with domestic violence, we are able to shed further light on this social problem. Our results signal that *Threat*, *Physical Aggression*, and *Illegal Possession of Weapons* are core elements of gender violence in Portugal—those offenses need to be accounted for in managing gender violence situations.

In the context of gender violence, *Threat* offenses must be taken seriously, as they often signal early stages of gender violence and can escalate into more severe offenses.

Whereas these offenses are well distributed among all clusters, our findings suggest that offenders rarely undergo rehabilitation programs in clusters where such offenses are more prevalent. We cautiously suggest that court-mandated domestic violence rehabilitation programs may be needed for threat offenders.

Physical Aggression is another prevalent offense identified in this study. The distinction between domestic violence and physical aggression, which rests on the idea that physical aggression is related to the physical well-being of a person, whereas domestic violence is a broader concept that entails physical, psychological, and mental well-being, is often blurred and difficult to prove in court. Further research is needed to understand if these cases are being correctly framed within the legal system; the relation between physical aggression and domestic violence, that is, whether physical aggression situations evolve toward domestic violence; and which strategies are more efficient to tackle early stages of violence.

In the context of gender violence, *Illegal Possession of Weapons* offenses must also be taken as a risk factor for gender violence. A recent study reported that a male perpetrator having direct access to guns is the highest risk factor for intimate partner homicide (Spencer and Stith, 2020). Further research is needed to understand the motivations and chain of events that lead offenders to acquire these weapons to prevent fatal gender violence outcomes.

While our findings contribute valuable insights into the complex issue of gender violence in Portugal, further studies are necessary to better inform policymakers in developing comprehensive strategies for the prevention and management of gender violence in the country.

Moral foundations and human behavior

This study makes a contribution to MFT research. Traditionally, such research has explored the association between the moral foundations and socio-political beliefs (Haidt and Graham, 2007; Graham et al., 2009; Haidt and Graham, 2007; Graham et al., 2012) on controversial topics such as stem cells (Clifford and Jerit, 2013), abortion (Koleva et al., 2012), or immigration (Grover et al., 2019).

More recently, building on the premise that the evolutionary roots of the moral foundations mean that these foundations should bear some influence on human behavior, some studies have also explored the association between moral foundations and behavior (O'Grady et al., 2019; Nilsson et al., 2016).

Our study expanded this line of research by establishing an association between the moral foundations mapped in morally charged legal narratives and corresponding punitive responses, which may be framed as morally relevant behavior. By examining the moral rhetoric in the corpora of gender violence legal cases and the punitive outcomes related to those narratives, we mitigated well-documented limitations of self-reporting and social experiments, that are often used in MFT research. Our investigation makes a contribution to advance our understanding of the associations between moral foundations on human moral behavior.

For now, the causal mechanisms underlying these associations reported in this study remain unclear. Further research is needed to understand whether the moral foundations

found in legal narratives lead to particular punitive responses or whether it is the other way around.

Limitations and future research

Our study has three important limitations. The first limitation concerns the data. As mentioned in the methodology section, we used the Jurisprudence Research Portal to retrieve the gender violence legal cases. This platform features an impressive amount of legal cases. However, it does not feature cases decided in lower courts, and it only features a sample of cases decided in appeal courts (no information is available about the sampling criteria). This is an unfortunate limitation, as cases decided in lower courts provide richer accounts of gender violence when compared to appeal courts, whose narratives are often limited to matters of appeal. Future research should include a sample of legal cases decided in Portuguese lower courts.

The second limitation is related to moral rhetoric. A legal decision is a complex narrative featuring statements from the parties involved in the case, relevant law, past decisions, and the decision of the court. It is challenging to untangle these different pieces and identify the moral rhetoric of the judge. Moreover, as mentioned earlier, moral words may also be used descriptively rather than reflecting moral considerations. Future research should explore ways to untangle moral rhetoric in legal cases, for instance through Natural Language Processing.

The third limitation concerns the tool we used to map the moral rhetoric. In this study, we used only the MFD 2.0, but there are other tools, such as the Extended MFD (Hopp et al., 2021), which could also have been used to retrieve the moral foundations in text. Using additional dictionaries would allow us to compare and select the tools with more robust results. Future research should use different dictionaries to map the moral rhetoric.

In addition to addressing the limitations of this study, future research may also further explore whether the moral values of State Representatives who decide on the legal outcomes of gender violence cases influence their sentencing decisions. An interesting research avenue would be to survey judges who made legal decisions included in this study on the Moral Foundations Questionnaire (MFQ) and compare those moral scores with the moral rhetoric in legal cases. By comparing those scores, we would further understand the differences between the moral profile of judges, how they compose morally charged narratives in legal cases, and whether their moral values influence their sentencing decisions.

Conclusion

Gender violence may be rooted in a myriad of social, biological, and moral mechanisms. This study explored the association between moral foundations (MFT) and punitive responses to gender violence offenses. Our case study focused on domestic violence cases decided in Portuguese courts between 2002 and 2022.

We emphasize that each data point in this study symbolizes a tragic event with profound and devastating implications for human beings, families, and society.

In the study, we used an LCA model to identify the complex patterns in the data and reduce such patterns to a distinct number of clusters. Four main clusters unravel latent relations between the foundations mapped in the legal narratives and corresponding punitive responses: (i) *Affirmative with suspended prison time* (moral rhetoric rooted in *Authority*); (ii) *Mixed outcomes but no prison time* (moral rhetoric rooted in *Sanctity*); (iii) *Affirmative with lengthy prison time large compensation* (moral rhetoric rooted in *Loyalty* and *Care*); and (iv) *Affirmative with court fines* (moral rhetoric rooted in *Fairness*).

The moral foundations provide a valuable lens to understand the problem of gender violence. However, the causal mechanisms underlying the association between morality and punitive responses to gender violence cases remain unclear. Further research is needed for a better understanding of these mechanisms.

Acknowledgments

The authors express their gratitude to Silvina Pestana, Joana Martinho, and Diogo Maleita for their valuable assistance in data collection.

Declaration of conflicting interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) disclosed receipt of the following financial support for the research, authorship, and/or publication of this article: This work was financially supported by the European Research Council Consolidator grant BEHAVE-724431.

ORCID iD

Andreia Martinho  <https://orcid.org/0000-0003-2982-3476>

Supplemental material

Supplemental material for this article is available online.

Notes

1. The virtue vocabulary features words that usually describe moral actions (e.g. benevolence, altruism, and compassion) and the vice vocabulary features words that usually describe moral violations (e.g. cruel, mistreat, and destroy) (Hopp et al., 2021).
2. Annual Report of Internal Safety 2020 and Annual Monitoring Report on domestic violence issued by the Portuguese Ministry of Internal Administration 2016–2022.
3. Case identification: ECLI:PT:TRP:2017:355.15.2GAFLG.P1.
4. In this study, we identified narratives that reflect outdated and biased sociological views on gender violence (Cases identification: ECLI:PT:STJ:2003:03P2394.EE and PT:TRL:2013:1354.10.6TDLSB.L1.5.9F)—these cases seem to be outliers, as we have not found the gender of judges to be statistically associated with punitive responses.

5. The variables included in the dataset are: year, court, votation of judges, appeal, gender of accused, gender of the appellant, outcome, number of offenses, domestic violence, mistreatment, illegal possession of weapon, physical aggression, threat, sexual aggression, homicide, prison time, suspension of prison time, accessory penalty of restraining order, accessory penalty of civic training, replacement penalty of community work, fine, compensation, charity donations, gender of judges, number of judges, gender of the judge presiding the court, moral foundations care virtue, care vice, fairness virtue, fairness vice, loyalty virtue, loyalty vice, authority virtue, authority vice, sanctity virtue, and sanctity vice.
6. Aside from conviction and acquittal, other legal outcomes include accusation, new investigation, additional pre-trial investigation, pre-trial investigation secrecy, new legal decision, new trial, coercive and safety measures, habeas corpus, victim testimony, provisional suspension of process, probation, and transcription of conviction to criminal record.
7. Both the Portuguese and English MFD 2.0 dictionaries are made available online (Supplemental Material).

References

- Barnham L, Barnes GC and Sherman LW (2017) Targeting escalation of intimate partner violence: Evidence from 52,000 offenders. *Cambridge Journal of Evidence-Based Policing* 1(2): 116–142.
- Brubacher MR (2019) Moral concerns, criminal punishment, and whether offenders in general or individual offenders are being considered. *Journal of Experimental Psychology: Applied* 25(1): 129.
- Campos Pinto P (2016) Out of the shadows: Violence against girls and women with disabilities in Portugal. *Alter* 10(2): 137–147.
- Cattaneo LB and Goodman LA (2005) Risk factors for reabuse in intimate partner violence: A cross-disciplinary critical review. *Trauma, Violence, & Abuse* 6(2): 141–175.
- Clifford S and Jerit J (2013) How words do the work of politics: Moral foundations theory and the debate over stem cell research. *The Journal of Politics* 75(3): 659–671.
- Corradi C and Stöckl H (2014) Intimate partner homicide in 10 European countries: Statistical data and policy development in a cross-national perspective. *European Journal of Criminology* 11(5): 601–618.
- Côté-Lussier C and Carmichael JT (2018) Public support for harsh criminal justice policy and its moral and ideological tides. *Psychology, Public Policy, and Law* 24(2): 235.
- de Castro Rodrigues A, Cunha OS, de Oliveira JQ, et al. (2023) Words matter: Judges' value judgments in sentence pronouncements remarks. *Crime, Law and Social Change* 80: 455–477.
- Figueiredo B, Bifulco A, Paiva C, et al. (2004) History of childhood abuse in portuguese parents. *Child Abuse & Neglect* 28(6): 669–682.
- Frazão SL, Silva MS, Norton P, et al. (2014) Domestic violence against the elderly with disability. *Journal of Forensic and Legal Medicine* 28: 19–24.
- Frimmer J, Haidt J, Graham J, et al. (2017) Moral foundations dictionaries for linguistic analyses, 2.0. *Unpublished Manuscript*. Available at: <https://www.jeremyfrimmer.com/uploads/2/1/2/7/21278832/summary.pdf>.
- Gracia E, Martín-Fernández M, Lila M, et al. (2019) Prevalence of intimate partner violence against women in Sweden and Spain: A psychometric study of the 'Nordic paradox'. *PLoS One* 14(5): e0217015.
- Gracia E and Merlo J (2016) Intimate partner violence against women and the Nordic paradox. *Social Science & Medicine* 157: 27–30.

- Graham J, Haidt J, Koleva S, et al. (2013) Moral foundations theory: The pragmatic validity of moral pluralism. *Advances in Experimental Social Psychology* 47: 55–130.
- Graham J, Haidt J and Nosek BA (2009) Liberals and conservatives rely on different sets of moral foundations. *Journal of Personality and Social Psychology* 96(5): 1029.
- Graham J, Nosek BA and Haidt J (2012) The moral stereotypes of liberals and conservatives: Exaggeration of differences across the political spectrum. *PLoS One* 7(12): 1–13.
- Graham J, Nosek BA, Haidt J, et al. (2008) Moral Foundations Questionnaire (MFQ) [Database record]. *APA PsycTests*. DOI: 10.1037/t05651-00
- Graham J, Nosek BA, Haidt J, et al. (2011) Mapping the moral domain. *Journal of Personality and Social Psychology* 101(2): 366.
- Grover T, Bayraktaroglu E, Mark G, et al. (2019) Moral and affective differences in U.S. immigration policy debate on Twitter. *Computer Supported Cooperative Work (CSCW)* 28(3): 317–355.
- Haidt J (2012) *The Righteous Mind: Why Good People Are Divided by Politics and Religion*. New York: Pantheon Books.
- Haidt J and Graham J (2007) When morality opposes justice: Conservatives have moral intuitions that liberals may not recognize. *Social Justice Research* 20(1): 98–116.
- Haidt J, Graham J and Joseph C (2009) Above and below left–right: Ideological narratives and moral foundations. *Psychological Inquiry* 20(2–3): 110–119.
- Harper CA and Harris AJ (2017) Applying moral foundations theory to understanding public views of sexual offending. *Journal of Sexual Aggression* 23(2): 111–123.
- Harris AP and Sen M (2019) Bias and judging. *Annual Review of Political Science* 22: 241–259.
- Hopp FR, Fisher JT, Cornell D, et al. (2021) The extended Moral Foundations Dictionary (eMFD): Development and applications of a crowd-sourced approach to extracting moral intuitions from text. *Behavior Research Methods* 53(1): 232–246.
- Koleva SP, Graham J, Iyer R, et al. (2012) Tracing the threads: How five moral concerns (especially purity) help explain culture war attitudes. *Journal of Research in Personality* 46(2): 184–194.
- Lutgendorf MA (2019) Intimate partner violence and women’s health. *Obstetrics & Gynecology* 134(3): 470–480.
- Machado C, Gonçalves M, Matos M, et al. (2007) Child and partner abuse: Self-reported prevalence and attitudes in the north of Portugal. *Child Abuse & Neglect* 31(6): 657–670.
- Meyer S (2012) Why women stay: A theoretical examination of rational choice and moral reasoning in the context of intimate partner violence. *Australian & New Zealand Journal of Criminology* 45(2): 179–193.
- Meyer S (2016) Still blaming the victim of intimate partner violence? Women’s narratives of victim desistance and redemption when seeking support. *Theoretical Criminology* 20(1): 75–90.
- Molin E, Mokhtarian P and Kroesen M (2016) Multimodal travel groups and attitudes: A latent class cluster analysis of Dutch travelers. *Transportation Research Part A: Policy and Practice* 83: 14–29.
- Neves S, Cameira M and Caridade S (2021) Beliefs on marital violence among Portuguese adolescents: Monitoring their evolution and relationship with dating violence. *Violence and Victims* 36(3): 363–380.
- Nilsson A, Erlandsson A and Västfjäll D (2016) The congruency between moral foundations and intentions to donate, self-reported donations, and actual donations to charity. *Journal of Research in Personality* 65: 22–29.
- O’Grady T, Vandegrift D, Wolek M, et al. (2019) On the determinants of other-regarding behavior: Field tests of the moral foundations questionnaire. *Journal of Research in Personality* 81: 224–237.
- Pereira AR, Vieira DN and Magalhães T (2013) Fatal intimate partner violence against women in Portugal: A forensic medical national study. *Journal of Forensic and Legal Medicine* 20(8): 1099–1107.

- Pinto AG (2021) A construção da identidade da mulher num acórdão sobre violência doméstica. *Journal of the Spanish Society of Linguistics*. DOI: 10.21747/16466195/lingespa2
- Quintas J, Sousa P and Girão C (2021) *As Respostas Judiciais na Criminalidade de Género*. Coimbra: EDIÇÕES ALMEDINA, S.A.
- Sagi E and Dehghani M (2014) Measuring moral rhetoric in text. *Social Science Computer Review* 32(2): 132–144.
- Sardinha L, Maheu-Giroux M, Stöckl H, et al. (2022) Global, regional, and national prevalence estimates of physical or sexual, or both, intimate partner violence against women in 2018. *The Lancet* 399(10327): 803–813.
- Silver JR (2017) Moral foundations, intuitions of justice, and the intricacies of punitive sentiment. *Law & Society Review* 51(2): 413–450.
- Silver JR and Silver E (2017) Why are conservatives more punitive than liberals? A moral foundations approach. *Law and Human Behavior* 41(3): 258.
- Silver JR and Ulmer JT (2023) Moral intuitions, punishment ideology, and judicial sentencing. *Journal of Crime and Justice* 1–22.
- Spencer CM and Stith SM (2020) Risk factors for male perpetration and female victimization of intimate partner homicide: A meta-analysis. *Trauma, Violence, & Abuse* 21(3): 527–540.
- Steffensmeier D and Britt CL (2001) Judges' race and judicial decision making: Do black judges sentence differently? *Social Science Quarterly* 82(4): 749–764.
- Stewart DE and Vigod SN (2017) Mental health aspects of intimate partner violence. *Psychiatric Clinics* 40(2): 321–334.
- Stöckl H, Devries K, Rotstein A, et al. (2013) The global prevalence of intimate partner homicide: A systematic review. *The Lancet* 382(9895): 859–865.
- Stubbs A and Szoeké C (2022) The effect of intimate partner violence on the physical health and health-related behaviors of women: A systematic review of the literature. *Trauma, Violence, & Abuse* 23(4): 1157–1172.
- Vazquez D, Aizpurua E, Copp J, et al. (2021) Perceptions of violence against women in Europe: Assessing individual-and country-level factors. *European Journal of Criminology* 18(4): 566–584.
- Vecina ML, Chacón F and Pérez-Viejo JM (2016) Moral absolutism, self-deception, and moral self-concept in men who commit intimate partner violence: A comparative study with an opposite sample. *Violence Against Women* 22(1): 3–16.
- Vecina ML and Chacón JC (2016) Morality and intimate partner violence: Do men in court-mandated psychological treatment hold a sacred moral vision of the world and themselves? *Violence and Victims* 31(3): 510–522.
- Vecina ML, Chacón JC and Piñuela R (2022) The mediating role of moral absolutism between the “binding moral foundations” and sexist attitudes: A path that may lead to intimate partner violence. *Violence Against Women* 28(11): 2788–2804.
- Vecina ML and Marzana D (2016) Always looking for a moral identity: The moral licensing effect in men convicted of domestic violence. *New Ideas in Psychology* 41: 33–38.
- Vecina ML and Piñuela R (2017) Relationships between ambivalent sexism and the five moral foundations in domestic violence: Is it a matter of fairness and authority? *The Journal of Psychology* 151(3): 334–344.
- Vermunt JK (2017) Latent gold. In: van der Linden WJ, (ed) *Handbook of item response theory*. New York: Chapman and Hall/CRC, 533–540.
- Vermunt JK and Magidson J (2004) Latent class analysis. *The Sage encyclopedia of Social Sciences Research Methods* 2: 549–553.
- Vieira-Pinto P, Muñoz-Barús JI, Taveira-Gomes T, et al. (2021) Intimate partner violence against women. Does violence decrease after the entry of the alleged offender into the criminal justice system? *Forensic Sciences Research* 7(1): 53–60.

- Weller BE, Bowen NK and Faubert SJ (2020) Latent class analysis: A guide to best practice. *Journal of Black Psychology* 46(4): 287–311.
- Wemrell M, Stjernlöf S, Aenishänslin J, et al. (2019) Towards understanding the Nordic paradox: A review of qualitative interview studies on intimate partner violence against women (IPVAW) in Sweden. *Sasdgfg* 13(6): e12699.
- Wemrell M, Stjernlöf S, Lila M, et al. (2022) The Nordic paradox. Professionals' discussions about gender equality and intimate partner violence against women in Sweden. *Women & Criminal Justice* 32(5): 431–453.