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Feminist researchers find female sex offenders get slaps on the wrist

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Many people have noted the stark difference in the sentences male and female sex offenders receive. Female offenders tend to walk away with probation, time served, or very low jail sentences compared to male offenders. Some have denied this bias, others have ignored, and others have rationalized it as extension of “Patriarchy.”

Ironically, members of the latter group recently published a study about that issue. The study [Sex-Based Sentencing: Sentencing Discrepancies Between Male and Female Sex Offenders](#) published in *Feminist Criminology* confirms that female offenders do indeed receive lesser sentences than male offenders do.

Curiously, the study set out to determine whether the “evil woman” hypothesis is true. The hypothesis is that women face harsher sentences compared to men because they break gender roles. As the researchers Randa Embry and Phillip M. Lyons, Jr. explain:

The current study provides an exploratory analysis of sentencing discrepancies between male and female sex offenders and provides a theoretical rationale for possible discrepancies. Relying on previous theoretical explanations for response to female offenders by the criminal justice system, the current research looks to the chivalry hypothesis, and more specifically, selective chivalry or the “evil woman” hypothesis to explain possible sentencing discrepancies in the current data. (p. 147)

According to the researchers:

When all variables, sex, sentence length, and offense category, were considered, a significant difference was recognized in sentence length, and mean sentence length for men was longer, indicating a harsher penalty for the same or similar offense. Standardized scores for length of sentence with regard to sex offenses in general showed a mean of 8.42 for men as opposed to 7.92 for women. In addition, those specific offenses, which found a significant difference in sentence length, rape, child sexual assault, and forcible sodomy, showed a mean standardized sentence length of 9.38, 7.88, and 9.04 for men, as opposed to 8.83, 7.41, and most notably, 6.23, respectively (Table 2). In no instance were women sentenced to longer or more severe sentences with regard to any sex offense. Furthermore, not all sex offenses are the same. (p. 158)

(On a side note, forcible sodomy featured the highest number of female offenders, and that is because the researchers compiled female-on-male sexual assaults as sodomy.)

So why does this happen? That is the core question, and although the researchers attempt to explain it, their effort falls flat because they rely on feminist theory that in turn ignores why people actually let female sex offenders off.

Even though the researchers list studies citing blameworthiness, the notion that women are less responsible for their actions and have greater chance at rehabilitation, and bounded rationality, the notion that women pose less of a risk to the public, as the cause for the sentencing difference, the researchers reject those explanations. Instead, they argue that it is desire to protect women prompts the sentencing difference:

Women are not sentenced any more harshly than men, and in fact, it appears as if the criminal justice system actually treats women more leniently than men. Although there is no support in the current study for the evil woman hypothesis, it can be argued that the current study reveals evidence lending support to the chivalry hypothesis. [...] This leads to the supposition that women, regardless of the departure from social and gender norms committed in concurrence with the offense for which they are being sentenced, continue to be viewed as individuals who should be protected by the justice system. Obviously, as a social institution, the criminal justice system is reluctant to break those social norms and gender roles in response to atypical gendered behavior. (p.158)

That makes no logical sense. If there is research demonstrating that several factors lead to the sentencing difference, why dismiss that evidence and argue that the “chivalry thesis” explains it all?

Worse, the evidence they present contradicts their own theory. Their section titled *Gender Differences in Sentencing* showed that the sentencing differences lie primarily in how people view women’s risk and rehabilitation chances, along with people’s general perception of women as potentially violent offenders.

Even in their conclusion, the researchers admit that their study is limited and cannot address the different factors that might explain the sentencing difference, yet they nevertheless proclaim:

[...] until more indepth analysis can be conducted, it appears that the chivalry hypothesis is the most appropriate explanation for difference in responses between male and female sex offenders by the criminal justice system. It seems that although women are ready to break barriers in gender roles and social norms, the criminal justice system is reluctant to do the same. (p. 159-160)

That is not the only time the researchers reject or ignore evidence that contradicts whatever theories they wish to present. For example, the researchers declared:

The lack of attention to female sex offenders in sentencing research can most clearly be understood by the fact that there are extremely low numbers of female sex offenders. Although an accurate number of female sex offenders is difficult to ascertain, we can say with certainty that there is a marked difference in the number of female sex offenders compared to male sex offenders. (p. 151)

How can one say with certainty that there is a marked difference in the number of female sex offenders compared to male sex offenders if one admits it is difficult to ascertain how many female sex offenders there are?

Ironically, the sentences following the above quote acknowledge that people underreport female-perpetrated sex offences and that female offenders go unnoticed because both the victims and the general public do not view women's actions as abusive.

More so, a recent study published by the Centers for Disease Control and Prevention shows the opposite. [According to the CDC study](#), about 72 percent of males reported women as their abuser, with 37.7 percent listing women as the sole abuser. Similarly, two studies about prison rape found that women committed the majority of sex offences in male and female in both [juvenile](#) and [adult](#) prisons and jails.

The best anyone can argue is that there are extremely low numbers of female sex offenders *reported to law enforcement*. No one can claim women rarely commit sex offences because we do not have enough research to prove that and what research we do have suggests the opposite.

Yet despite the slight feminist bias and the low number of female sex offenders, what the researchers could gather shows that women who commit sex offences receive less harsh sentences compared to men, even when women commit the most egregious sex crimes. There is a clear bias at play, and looks like it is a combination of different factors. Contrary to what the researchers claim but what the studies they cited showed, the bias appears to stem from the notion that women are less responsible for their actions and more capable of rehabilitation, although there may be a chivalrous element at play.

If people should take anything from this research, it is that even feminists have to admit that yes, women do get away with rape and sexual assault because they are women.