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Abstract

The current research examines the utility of the evil woman hypothesis by examining sentencing discrepancies between male and female sex offenders. National Corrections Reporting Program data are used to identify sex offenders for the years 1994 to 2004 and the sentences they received for specific sex offenses. Statistical analyses reveal a significant difference in sentence length between men and women, but not in the expected direction. The evil woman hypothesis would assume women are sentenced more harshly, but data show men receive longer sentences for sex offenses than women. Support is provided for the chivalry hypothesis to explain immediate sentencing disparity.

Keywords

disparate treatment, female criminality, theory, women, women and social policy

When the general public considers sex offenders, the image that comes to mind is that of a male offender preying upon a young female victim. However, as more and more news reports are released concerning female sex offenders, that image may be changing. Ideally, so should the response to what is perceived to be a more prominent representation of female sex offenders by the criminal justice system. However, previous research identifying sentencing discrepancies between male and female offenders in general has found sentences to favor females, meaning women receive shorter sentences than

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do men for similar crimes (Curry, Lee, & Rodriguez, 2004; Daly & Bordt, 1995; Daly & Tonry, 1997; Farnsworth & Teske, 1995; Jeffries, Fletcher, & Newbold, 2003; Koons-Witt, 2002). If this is the case, serious consideration should be given to possible explanations of these differences, and specific offenses should be examined to determine whether said differences apply to all offenses or are unique to some.

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 (Belknap, 2001; Curran, 1983; Farnsworth & Teske, 1995; Griffin & Wooldredge, 2006; Jeffries et al., 2003; Koons-Witt, 2002; Pollock & Davis, 2005; Rodriguez, Curry, & Lee, 2006).

The purpose of the current study, at its core, is to examine the validity of the evil woman hypothesis. In accordance with this theory, it is expected that women will receive more severe punishment for sex offenses because a sex offense reflects a severe departure from gender roles. In addition, an interaction is expected for specific sex offense category, as it is again assumed that the more severe affronts to social norms and gender roles will result in longer sentences. Attention will be paid to sex of the offender and type of sex offense with regard to the sentence length ascribed to a specific sex offense.

Theoretical Perspectives

As research examining differences in sentencing between genders has grown, the primary theoretical explanations have been the patriarchal perspective and the chivalry hypothesis (Belknap, 2001; Curran, 1983; Farnsworth & Teske, 1995; Griffin & Wooldredge, 2006; Jeffries et al., 2003; Koons-Witt, 2002; Pollock & Davis, 2005). Patriarchy assumes a system that is dominated by men and where masculinity is more valued than femininity. Often, it is argued that this system is meant to control women, especially their sexuality, by minimizing the desirability of feminine characteristics and their effectiveness as compared with masculine qualities in a society (Chesney-Lind, 2006). The chivalry thesis, often referred to as paternalism, is similarly situated. This model maps onto the traditional gender roles of men and women asserting that women are weaker and their actions are not seen as completely valid and almost “childlike.” Thus, women should not be held to the same standards as men in the criminal justice system as they are not “fully responsible for their actions” (Rodriguez et al., 2006, p. 320).

These perspectives see the criminal justice system as one that is dominated by men; women are seen as individuals who should be protected. Decisions under this view of the justice system are made with a degree of gender bias, and gender roles and stereotypes are rigidly enforced. One might think the most direct application of these theories would relate to the victimization of women, but interestingly, these perspectives

have greatly influenced views on treatment of female *offenders*. Research has shown, for example, women typically receive more lenient treatment by the criminal justice system, which is most pronounced during the sentencing phase (Curry et al., 2004; Farnsworth & Teske, 2005; Jeffries et al., 2003; Koons-Witt, 2002).

Although this application of the chivalry hypothesis may be less intuitive than victim-based applications, it is a proper application nonetheless because it reflects the notion that men should try to reduce harm to women. Therefore, women should receive more lenient sanctions in order to reduce the amount of harm that is inflicted upon them. This concept is dependent on the adherence to traditional gender roles and social norms. However, what happens when a woman's actions have stepped outside the bounds of traditional gender roles?

The concept of selective chivalry, or the evil woman thesis, works contrary to the chivalry hypothesis by attempting to explain transgressions of traditional gender roles and responses to them. Selective chivalry posits that those who break the traditional gender roles would be given harsher sanctions than one would normally expect from the chivalry hypothesis (Rodriguez et al., 2006). For example, petty theft and other types of crimes that do not seem to map closely onto gender roles are not perceived to be as serious a type of offense for women as crimes of violence because women are not violent beings by the rules of gender roles.

Related theoretical explanations for sentencing disparities between male and female offenders tend to attribute differences in sentencing to limited information regarding a specific case and officials' tendencies to base decisions on previously held assumptions concerning gender (Curry et al., 2004). The concepts of focal concerns, blameworthiness attribution, and bounded rationality—all grounded assumptions of traditional roles—have been used to explain sentencing discrepancies. Blameworthiness attribution assumes a woman is less blameworthy than a man based on her roles within the community and her family as caretaker and has a better chance for success defined by lower recidivism rates (Ulmer & Kramer, 1996). Bounded rationality is seen as a tool judges may use in their sentencing decisions when information on specific cases or offenders is missing. If sufficient information is not available to make an informed decision regarding an offender's probability of reoffending, judges may rely on stereotypes for groups of which an offender may be a member (Albonetti, 1991). This translates to female offenders because an assumption is made that the stereotypical woman generally poses a lesser risk to the community at large and, therefore, receive lesser sentences.

The focal concerns approach encompasses an array of issues a judge may consider in the sentencing process, including the potential harm to the community, resources available from the criminal justice system, and the presumed potential an offender has to commit further harm (Crow & Bales, 2006; Steffensmeier, Ulmer, & Kramer, 1998). Thus, when information for a particular case before the court is limited, the presumption that a woman is less harmful than a man leads to decisions of greater leniency applied to women. Although these concepts are somewhat intertwined, each is deserving of mention as they appear independently in the previous literature addressing theoretical

explanations for sentencing differences. For all three of the above-mentioned theoretical perspectives, the leniency that women have received from the criminal justice system is grounded in previously held assumptions about women in general and not the immediate circumstances of a particular female offender.

Although there has been extensive research addressing each of these theoretical explanations, the focus of the current research will be that of selective chivalry or the evil woman thesis that may possess the best opportunity of explaining differences in sentencing based on specific behaviors. As the current research addresses specifically sentencing differences between male and female sex offenders, it will inform our empirical understanding of the selective chivalry thesis, and by extension, the chivalry hypothesis.

Gender Differences in Sentencing

Previous research on sentencing and gender has examined two areas of impact of gender, namely, gender of the victim, and offenders' gender. More important to the current research are studies examining sentence differences as a function of offender gender. As previously stated, the prevailing number of studies that address gender differences in sentencing overwhelmingly find women receive more lenient sentences (Blackwell, Holleran, & Finn, 1998; Curry et al., 2004; Daly & Bordt, 1995; Daly & Tonry, 1997; Farnsworth & Teske, 1995; Jeffries et al., 2003; Koons-Witt, 2002; Spohn & Beichner, 2000). Although research has shown that gender does impact sentencing decisions, further exploration has found these differences can be mediated by extralegal factors such as having children and family responsibilities (Koons-Witt, 2002). Koons-Witt found that after accounting for personal characteristics of offenders based on gender roles, such as responsibility for child care (having children), the impact of gender on sentencing decisions of whether or not to incarcerate is diminished. These findings suggest that the chivalry hypothesis does not apply to all women but to those who most closely follow stereotypical gender roles as a parent. This then indirectly may provide support for the selective chivalry hypothesis by way of harsher sentences for those women who do not take on typical gender roles. In an effort to replicate the findings of Koons-Witt's study in Minnesota, sentencing decisions were evaluated in Ohio to identify possible changes in sentence disparity after implementation of determinate sentencing structures (Griffin & Wooldredge, 2006). Unlike the findings of Koons-Witt, this study found reductions in sentencing disparities after the guidelines were implemented. More important, Griffin and Wooldredge found no support for the chivalry hypothesis and focal concerns model when it comes to extralegal factors such as having a dependent child. No significant differences were found for those women being sentenced who had children versus those who did not have children.

Similarly, Jeffries et al. (2003), when examining mediating factors for gender differences in decisions to incarcerate and sentence length when incarcerated, found that factors such as criminal history and presentence recommendations mediated the effect of gender on the decision to incarcerate. However, gender remained a powerful

indicator of sentence length when judges made the decision to incarcerate. After controlling for variables mentioned above, women were still sentenced more leniently than men. The authors also note, however, that the control variables such as criminal history are gendered themselves. For example, men are much more likely than women to have a more extensive criminal history.

Even after the implementation of determinate sentencing, it appears judges are more apt to consider extralegal factors for women when making sentencing decisions (Williams, 1999). By examining adult felony case files in Florida, Williams observed that judges were more likely to consider only legally relevant factors such as criminal history or offense and case-based factors for men, whereas extralegal determinations were taken into consideration to determine penalties of female offenders, allowing a downward departure from sentencing guidelines put in place in the state of Florida.

In opposition to the majority of studies examining gender differences in sentencing, some research does find that women are sentenced more harshly than men or that there is no difference in sentencing decisions particularly with regard to sentence length. An analysis of dispositions for juvenile offenders finds that women are more likely to receive out-of-home placements as compared to men, an indication of harsher penalties for juveniles based on sex (Guevara, Herz, & Spohn, 2006). This has typically been theoretically justified by the protective nature of the criminal justice system relative to female juvenile delinquents. Harsher sentences are considered protective measures to shield girls from potentially abusive home situations and to prevent future delinquency (Armstrong, 1977).

Though sentencing leniency for women is fairly well established, very little research has addressed sentencing decisions for particular offense types, as the current research does. However, it can be argued that the most compelling case for the selective chivalry hypothesis or evil woman theory stems from the examination of more specific behaviors as they apply to traditional gender roles. Unfortunately, those studies that examine sentencing differences between male and female offenders have typically found little to no support for the theory (Farnsworth & Teske, 1995; Mustard, 2001; Rodriguez et al., 2006; Steffensmeier, Kramer, & Streifel, 1993).

Although Farnsworth and Teske (1995) found no differences in sentences for men and women for assault or property offenses, Steffensmeier et al. (1993) actually observed greater differences in sentences based on sex for violent offenders as opposed to offenders convicted of less serious or nonviolent crimes. Similarly, Rodriguez et al. (2006) found women received much more lenient sentences than men when they were sentenced to prison, although there was little impact of gender on the decision of whether to incarcerate (a finding more in line with the selective chivalry hypothesis or evil woman theory). Mustard (2001) found the greatest discrepancy in sentencing for more serious crimes as opposed to those less serious crimes that would be more acceptable to traditional gender roles. If selective chivalry were at play, violent offenses would be expected to show lower levels of discrepancy between men and women, as women would be sentenced more closely to men. The current research works to inform the selective chivalry hypothesis further by building on the previous research examining possible sentencing discrepancies between men and women based on crime type

by analyzing sentencing decisions for sex offenders. Sex offenses were chosen as they are arguably one of the most obvious departures from traditional gender roles a woman can undertake.

Female Sex Offenders

In recent years media attention given to sex offenders has seemed to drastically increase and has led to a public outcry for public policy to deal with the problem of sex offenders (McAlinden, 2006). Reasonably so, the public's perceptions of sex offenders are limited to predatory men who seemingly could be just around any corner. Grubin (1998), however, points out that the characteristics of a sex offender are much more complex and, in particular, that women can also be sex offenders. However, the public is not the only group overlooking the existence of female sex offenders.

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. In addition, this difference has remained relatively stable throughout the years (Steffensmeier, Zhong, Ackerman, Schwartz, & Agha, 2006). In addition to the actual difference in number of female to male sex offenders, there is also the issue of underreporting. Just as there are problems with underreporting of sex offenses in general, those committed by women are particularly vulnerable to this phenomenon either because the victim does not recognize the offense (e.g., adult women having sex with a teenager) or the victim has such close daily contact with the offender that it is easy to hide her actions under the guise of innocent tasks. For example, an offense may occur while a female caretaker is changing or bathing a child (Lewis & Stanley, 2000). However, this difference in sheer numbers of female sex offenders should not indicate that it is an unimportant population as some authors have claimed (Mathis, 1972; Walters, 1975), as evidenced by increased attention to said population.

Even though the number of female sex offenders is relatively small, particularly in comparison to male sex offenders, a limited number of studies have sought to identify characteristics of female sex offenders, and similarities between male and female sex offender have emerged. This, however, is not to say that characteristics of male and female sex offenders map onto each other perfectly (Lewis & Stanley, 2000; Vandiver & Teske, 2006). Populations of both male and female sex offenders have been found to be comprised of a large portion of persons with mental health problems (Kendall & Cheung, 2004; Lewis & Stanley, 2000). Similar to findings relative to male sex offenders, Lewis and Stanley found that female sex offenders in their sample typically assaulted persons close to them, such as acquaintances or family members.

The overwhelming majority of female sex offenders in their study had also been victims of sexual abuse in their past, which is often carried on through continuous abusive relationships as adults. Interestingly, Lewis and Stanley (2000) found that a

large proportion of the female offenders in their sample used a weapon in the commission of the crime. However, previous research has suggested that women use weapons less often than men do during the commission of a sex offense (Mathis, 1972; Walters, 1975). Although there does seem to be some discrepancies in the frequency of women who use a weapon while committing a sex offense in relation to men who use a weapon, it is worth noting that women do use weapons. This indicates an active role in the offense, even when it is committed with a cooffender. Often researchers assume the commission of a sex offense by a female, when a cooffender is involved, is done so in the capacity of a purely supporting role, not as an active participant in the assault. As the previously mentioned research suggests, researchers should be careful not to follow this assumption too readily because by doing so researchers could possibly fall into the same gender-based stereotyping that they seek to study.

Even though there are similarities between male and female sex offenders, committing a sexual offense as a female is recognized as an abhorrent break from traditional gender roles and the norms of society. As previously stated, public perceptions of sex offenders consists of an image of a predatory man lurking in the shadows, not a woman who might be acquainted with the victim. Often women are seen as inactive participants or merely a bystander to sexual assaults, which, as we have seen, is simply not true in every case. The response of the criminal justice system to female sex offender should reflect the reality that women do commit sex offenses. In addition, the assumptions that have been made in the past with regard to support for more lenient sentences due to the caregiver roles of female offenders are countered with the fact that female sex offenders often victimize their own family members or those dependent upon them. The current research will provide insight into the treatment of female sex offenders by the criminal justice system in relation to male sex offenders with regard to sentencing outcomes.

Sex offenses were chosen for this study due to the strong ties these behaviors have to gender roles, and more important, for the current study, the degree to which they are breaks to traditional gender roles for women. As the current study looks to evaluate the validity of the evil woman hypothesis, it is hypothesized that women will receive more severe sentences than men for sex offenses in general and that sentence length will be influenced by the specific type of sex offense. Those offenses considered to be a greater departure from traditional gender roles will have the greatest impact on differences in sentence length between sexes.

Method

Data

The current research utilizes previously collected data from the National Corrections Reporting Program for secondary data analysis to explore the relationship between sentence lengths for men and women who have been convicted and sentenced for sex offenses (U.S. Department of Justice [USDOJ], 1998a, 1998b, 1998c, 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2010). In 1983 the National Corrections Reporting program, funded by the U.S. Department of Justice, Bureau of Justice Statistics, began

to combine data collected through the national prison statistics on prison admission and release and the uniform parole reports (UPR), which included data on parole decisions, including revocations prior to 1983. In an effort to provide a more comprehensive and consistent data collection process for admissions and releases from prison, including movement such as prison transfers and parole, the National Corrections Reporting program was created and the combined data have been collected annually since, with the most recent data available being that from the year 2004.

Data in each yearly set are collected from January 1 to December 31 of the year that corresponds to the specific data set. The most recent 10 years of available data have been used for the purposes of this study, as this provides a more accurate account of current sentencing practices. Therefore, data for the current study have been selected from data that have been collected from January 1, 1994, to December 31, 2004. It is imperative for the current study to take advantage of the most reasonable range of data sets available due to the historically low numbers of female offenders who have been accused of and sentenced pursuant to a sex offense, in addition to the limited availability of such data. However, the entire 20 data sets that were available were not used due to the malleable nature of societal responses to gender issues. In addition, it is important to consider only the most recent data, as it is most reflective of the current treatment of offenders, both male and female, by the criminal justice system.

All admissions and releases from a range of 38 states (beginning in 1993) to 33 states (in 2004; with most years reporting data from 38 states) the California Youth Authority and the Federal Prison System have been collected each year and reported to the program. The data collection structure and tool for each year and entity reporting are identical. Thus, it is appropriate to combine several years of data, regardless of which states are reporting, particularly because location or jurisdiction is not a major concern for the current study. Although it would be ideal to include in the current analysis information regarding potential familial obligations or victim characteristics to fall in line with previous research, the data utilized for the current study were lacking in such information. The official sentencing data included very basic demographic, offense, and sentencing variables. Although it is regrettable that more in-depth analysis prompting sentencing could not be undertaken, the goal of identifying the existence of sentencing discrepancies is still met. Future analyses should attempt to incorporate more detailed information regarding victim and offender characteristics.

Within the variable categories relating to offense and sentence length were those recording multiple offense categories and their corresponding sentences, the offense that corresponds to the longest sentence received, and the longest sentence length received for a single offense. However, the variables that are described within the data set as *offense with longest sentence length* and *length of longest sentence* will be used for the current study. The use of these specific variables ensures analyses will be conducted solely concerning sex offenses and the sentences that correspond to those without the influence of concurrent crimes that could skew results and interpretations of the immediate research with sentencing information on a variety of other crimes.

Procedure

Only those cases that include a sex offense for the *offense with longest sentence length* were included in the analysis. Upon initial examination of the frequencies and distributions for specific offenses, it became clear that the offense variable can be condensed to five major offense categories that are used for further analysis. The current research simply condenses the previously established categories further into a more concise group of five, comprised of rape, statutory rape, sexual assault, child sexual assault, and forcible sodomy from an initial list of 59 offenses.

Because it is common for individuals to be sentenced for several offenses and receive prison terms for those sentences to be served simultaneously, it would not be appropriate to include the variable *total sentence length*. To account for this, as was explained previously, only sentences that corresponded directly to a sex offense conviction were included in the current analysis. Thus, this strategy ensures that only cases that include longest sentence length information for sex offenses were selected for final analysis.

As anticipated, male offenders far outnumber the female offenders, comprising 98.8% of the 269,476 total sex offense cases as opposed to the meager 1.2% of the population of sex offenses being represented by female offenders. Although it is not uncommon to witness a disparity between the number of men and women in prison—as the gender gap is one of the most predominant and overarching known facts in the study of criminal justice issues and criminological theory—this difference is notably larger. However, it is understandable given previous research regarding male and female sex offenders and current statistics of gender differences in prison (Nagel & Hagan, 1983). For example, Bureau of Justice Statistics data from 2004 show that 98% of individuals convicted of felony sexual assault were male, whereas 2% of convicted offenders were female. The current initial data practically mirror this statistic.

In order to gain a better understanding of possible sentencing discrepancies between these two groups, a disproportionate stratified random sample was taken of the current population after excluding those cases sentenced to life in prison, as this sentence was essentially categorically coded. This type of stratified random sample allows researchers to maintain a baseline number of cases for each group, in addition to providing an avenue to guarantee that women are represented in the final sample (Bachman & Schutt, 2003). Therefore, a random sample of 3,000 cases was taken from each male and female. This number was informed by the total number of women in the current population ($N = 3,286$). Therefore, the final sample from the population of sex offenses was comprised of 6,000 cases ($N = 6,000$).

Data Analysis and Results

Once analysis for outliers was completed and a few cases were excluded on these grounds, the final data set was fairly evenly split between men ($n = 2,801$) and women

($n = 2,826$). In addition, the category of sex offense with the most cases is other sexual assault ($n = 2,417$), which was also evenly split between men and women (50.9% and 49.1%, respectively). Forcible rape, child sexual assault, and forcible sodomy also displayed a relatively even distribution between male and female sex offenders. The notable exception to this was the distribution of statutory rape between men and women, with women accounting for 65.2% of the offenders for statutory rape, as determined by a simple *sex x sex offense* cross-tab analysis. The difference in sentencing frequencies for forcible sodomy should also be noted here. The final sample resulted in a larger number of female offenders for forcible sodomy. This is initially confusing as the typical construction of forcible sodomy requires a male offender. However, the rape of a male and other deviant sexual acts were included in this offense category. Thus, women are eligible for this offense, though it is conceptualized as one of the offense categories that represent the greater-role violations.

The hypothesis for the current study predicted that women would receive longer sentences than men for sex offenses. To test this on a very basic level, an independent-samples *t* test was performed using the variables *sex* (independent variable) and *longest sentence length* (dependent variable) after transforming the sentencing variable to meet assumptions of normality. Although it is not immediately obvious by actual months, the results show that men ($M = 8.42$) received, on average, higher sentences for sex offenses in general than did women ($M = 7.92$). This difference in sentence length is significant between sexes ($t = 5.89, p < .001$). Although it is not shown in the table, Levene's test for equality of variance was found to be nonsignificant, which demonstrates equality of variance between the samples, and that the more robust *t* statistic can be used with equal variances assumed.

In order to understand better the differences in sentencing between genders, it would be helpful to examine not only the aggregate sentence lengths for all of the sex offenses as a whole but also examine whether there is any interaction between gender and specific sex offense as it applies to sentencing. This should support the initial difference observed between sexes with regard to all sex offenses as well as identify those offenses, if any, which might demonstrate the anticipated direction of difference with regard to the theory. To do this, a factorial ANOVA was conducted with the regrouped variables of *sex offense* described earlier that grouped sex offenses into five main categories: (a) rape by force, (b) statutory rape, (c) sexual assault, (d) child sexual assault, and (e) forcible sodomy. No changes were made to gender, and the transformed variable for sentence length will be used as its normality and homogeneity of variance have already been tested. No additional transformations were necessary for the current analysis. This test will inform conclusions for the second hypothesis that expected greater discrepancy for sentences when both gender and specific offense category were considered.

Results for the factorial ANOVA, presented in Table 1, show that not only do the variables *sex* and *offense* display significant differences between groups, but the interaction between the two variables also shows significant difference with regard to sentence length.

Table 1. Factorial ANOVA (Analysis of Variance) Summary

Source	SS	df	MS	F	p	ES
Between treatments	2887.22	9	320.81			
Sex	460.16	1	460.16	47.9	<.001	.008
Offense category	1855.26	4	463.82	48.23	<.001	.033
Sex x Offense Category	556.53	4	139.13	14.49	<.001	.010
Within treatments	539477.77	5617	9.604			
Total	432355.6	5627				

Though all variables, including the interaction, displayed significant differences for sentence length as indicated by significant main effects, the effect size for all groups were low (*sex* = .008, *offense category* = .033, *interaction* = .010). This is interpreted as a low percentage of the variance for each variable is explained by each effect.

Bonferroni post hoc tests also display a significant mean difference between all offense categories post with regard to sentence length with the exception of two interactions. There appears to be no significant difference between statutory rape and forcible sodomy, nor is there a significant difference between child sexual assault and forcible sodomy. In order to gain a better understanding of these differences in sentencing patterns for specific offense categories as they apply to gender, it will be beneficial to conduct and analyze *t* tests for each offense category. The results of these *t* tests are presented in Table 2.

As can be seen from the results presented in Table 2, a significant difference in the means for sentence length exists between men and women for the offenses rape, child sexual assault, and forcible sodomy. In each of these offense categories, men are, on average, sentenced to longer, or harsher, prison terms. It is interesting to note here, too, that the offense that had the most even ratio of men to women and the largest number of offenders, sexual assault, showed no significant differences in sentence length between men and women.

This finding also fails to support the second hypothesis that anticipated longer sentence lengths ascribed to women who had been sentenced to offenses that displayed the most severe departure from traditional gender roles. Rape, as it typically manifests itself in a violent manner, would demonstrate the most egregious break in gender roles. However, the data suggest men receive harsher penalties, evidenced by a higher mean sentence length. In addition, forcible sodomy (which includes rape of a male and deviate sexual acts in its original classification) and child sexual assault would be considered severe departures from traditional gender roles. Child sexual assault would also be considered a socially unacceptable departure from gender roles, as women are often given caregiver roles, or at least, they have traditionally been the primary caregiver as opposed to men. Both of these offense categories, then, if the evil woman hypothesis was at play, should be more likely than sexual assault, for example, to garner more

Table 2. *t* Test for Offense Categories

		<i>n</i>	<i>M</i>	<i>SD</i>	<i>t</i>	<i>df</i>	<i>p</i>
Rape	Males	599	9.38	3.04	2.68	881.79	.008*
	Females	440	8.83	3.41			
Statutory rape	Males	105	7.15	2.96	0.939	191.7	.349
	Females	197	6.83	2.63			
Sexual assault	Males	1231	8.32	3.23	-0.387	2410.47	.70
	Females	1186	8.37	3.31			
Child sexual assault	Males	735	7.88	2.76	3.412	1524.52	.001*
	Females	830	7.41	2.65			
Forcible sodomy	Males	131	9.04	3.17	7.32	291.17	.000*
	Females	173	6.23	3.46			

**p* < .05.

severe sentences for women. However, here too, men receive the longer sentence lengths.

Sexual assault and statutory rape would be considered least likely to draw severe sentences for women in the context of the evil woman hypothesis due to the lower level of perceived harm on a societal level. With regard to both of these offense categories, though, no significant difference is seen in the sentencing rates between men and women. Therefore, data do not support the hypothesis that those offense categories considered to be the greatest departures from traditional gender roles would result in higher sentence lengths for females.

Discussion

Sentencing disparity between the sexes has been well documented (Curry et al., 2004; Daly & Bordt, 1995; Daly & Tonry, 1997; Farnsworth & Teske, 1995; Jeffries et al., 2003; Koons-Witt, 2002) and supported with theoretical explanations. These explanations have relied on factors related to the patriarchal society perspective that dominates gender issues in American society and ranges from those ideas that women are weaker and, therefore, must be protected at all times regardless of their status as victims or offenders, to that which demonizes women who have broken gender roles, as with the evil woman hypothesis or selective chivalry. However, to identify which perspective is most accurate, it is necessary to examine those crimes that are the most distinct departures from gender roles that a woman can commit, namely, sex offenses. It is in this instance that previous research regarding feminist theories for female offenders as they apply to sentencing discrepancies has fallen short. The purpose of the current research has been to fill this gap in understanding and provide support or suggestions for prevailing theoretical thought.

Data for the current study do not support the theory of reverse chivalry. 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. 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.

Though the evil woman hypothesis is not supported, the results of the current study do lend credence to the chivalry hypothesis, which has been used in past research to explain leniency displayed toward women by the criminal justice system (Belknap, 2001; Curran, 1983; Farnsworth & Teske, 1995; Griffin & Wooldredge, 2006; Jeffries et al., 2003; Koons-Witt, 2002; Pollock & Davis, 2005). Even after the implementation of sentencing guidelines to ensure equality in sentencing regardless of demographic characteristics, men continue to receive disproportionately higher sentences for a variety of offenses, including sex offenses. 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.

Limitations on the Current Study

Simply put, women do not offend at the same rates as men. Thus, any study focusing on the discrepancies in treatment from a systematic standpoint will be plagued by the necessity to sample women in greater percentages than they actually occur in offender populations in order to accomplish representation of women in the study. This then results in a very cautious generalization to the rest of the population. However, with the proper examination of the data prior to statistical tests, such as checking normality and equal variance, it is more acceptable. Again, though, these generalizations should be undertaken cautiously.

In addition, it is difficult to infer from the basic statistics of sentence-length differences the real reasons this occurs. The most that can be concluded from the current study is that there are significant differences in sentence length between men and women, and previous research and theoretical explanations can be used to help support it, but we cannot say for sure that these processes are at play. If data were available for

prior criminal history, victim gender, relationship to the offender, or more intricate details of the criminal event were known, a more accurate relationship to the chivalry hypothesis might be identified.

The intention of the current study was to identify whether sentencing discrepancies existed between male and female sex offenders as an exploratory look into this line of research. For these purposes, the current data used are appropriate, an initial analysis can successfully be accomplished, and a base can be established for future empirical tests to address the theoretical explanations.

Future Directions for Research

Fortunately, limitations for the current study can be addressed with future research. As this was intended as an important first step to examine the existence of sentencing differences between men and women, future research should include a more in-depth analysis of variables that work to identify the reasons for such differences. The crux of this analysis will lie in data collection. Currently, there are very few data sets that address every possible variable that might come into play with regard to sentencing decisions. Furthermore, those data sets that do include more information on offenders or the specific criminal event, the number of sex offenders, and female sex offenders are practically nonexistent.

Therefore, more detailed data collection that addresses the previously mentioned shortcomings could address these gaps in knowledge and provide significant contributions to the evaluation of prevailing theoretical thought. Such data collection could include qualitative methods that accumulate more detailed data for specific offenses and offenders, quantitative methods that record judicial opinions or reasoning, or a combination of both. Regardless, some assumptions will necessarily have to be made with regard to specific reasons for sentencing decisions on an aggregate level. Although they are less generalizable, case studies can also be conducted to examine sentencing decisions of specific offenders. However, it should be stressed that this method is not generalizable to a general population of offenders, and this should be carefully considered when applying these findings to a more general theory of response to female offending by the criminal justice system. Further study could also include state sentencing characteristics in the analysis to address differences in sentencing practices and legal definitions from state to state.

These results allow the researcher to question the validity of the evil woman hypothesis, while lending support to the chivalry hypothesis. However, this explanation for sentencing differences is offered only tentatively, as limitations on the current study do not allow examination of possible reasons behind the discrepancies that reach further than mere gender and offense.

The current study provides an exploratory analysis of sentencing differences with regard to a more specific offense category and tentatively also provides support for prevailing theoretical approaches. Further empirical analysis of the theory through more detailed data collection techniques also holds promise. However, until more in-depth 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.

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Bios

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