**Gender Bias and Punishment**

Is there a gender bias in the [criminal justice system](http://www.historylearningsite.co.uk/criminal_justice_system.htm)? Are [women](http://www.historylearningsite.co.uk/women_crime.htm) and men treated differently by the police and the courts? There are two thoughts on this issue:

The chivalry thesis - chivalry means treating others, especially women with courtesy, sympathy and respect. The chivalry theory states that women are treated more leniently than men by the criminal justice system. Male chivalry means that the police are less likely to charge women, and the courts will tend to give women a lighter sentence, even when they have committed the same offences as men.

An alternate theory is the double deviance theory. This argument states that women are treated more harshly by the criminal justice system. This is because they are guilty of being doubly deviant. They have deviated from accepted social norms by breaking the law and deviated from gender norms which state how woman should behave.

Many woman feel they have been treated harshly by the criminal justice system. They see it as a male-dominated institution and feel their treatment has been unsympathetic and unjust. (Heidensohn 2002)

The evidence:

After arrest, women are more likely than men to be cautioned rather than charged. They are less likely than men to be remanded in custody or committed for trial.

Woman offenders are more likely than men to be discharged or given a community sentence and less likely to be fined or sentenced to prison.

Woman sent to prison receive shorter sentences than men (Home Office). This suggests that the criminal justice system does treat woman more leniently. However we need to take the seriousness of the offence and difference in offending history into account. The higher cautioning rate for woman and the lower likelihood of being remanded in custody or sent for trial reflects differences in the type of offence and past offences (Home Office). Female offences tend to be less serious and women are less likely to have a criminal record. This suggests that there is no sympathetic bias for or against women.