

Explain and assess the thesis developed in feminist criminology that 'classical' criminology has contributed to the victimisation of women.

Introduction.

Subject of criminology. What is feminist criminology?

Criminology studies crime and justice system applied to crime, and covers a variety of topics related to these general subjects. Feminist criminology, which started to develop on the second wave of feminism, in the 1960-70s, argues that the classical criminology was developed from the studies of *male* criminality, validated on *male* subjects, and studies the victimisation of *males*. The feministic theories demonstrate that ignorance of the gender question in classical criminology influenced the sentencing and punishing of women and contributed to victimization of women. Feminist criminology suggests some practical approaches to solve the existing gender-related problems in criminal justice system.

Early theories of female criminality.

Mainstream criminology, for very long time, had almost nothing to say of interest or importance about women. The ignorance of classical criminology towards female offenders can be considered as rather natural reaction to the well established fact that women are rarely involved in crime. The statistics convincingly demonstrates that females are much less likely to be involved in violent crime, and very unlikely to become the repetitive offenders ("gender ratio" phenomenon). Since this is the case, the studies of women in criminology were considered inherently less interesting and less important. It seemed more relevant to understand how to control the criminal behaviour of man.

Feminists believe, however, that the latter explanation deals mostly with males stereotypes. It really become obvious that they have to be right when we try to ask a simple question: Why, instead of scrutinising the connection between "maleness" and crime, all classical criminologists were always trying to answer the question of why women *don't* offend, as if criminogenic properties of males are perfectly normal.

For many decades it was believed that the low crime rate among women comes from natural biological trait of "passivity", and female offenders were often considered mentally ill. Most of the older criminological texts either don't mention women or consider them in the same group as juveniles or insane. Smart (1976) argues that this neglect was a reflection of woman's

position in the society. In criminology, like in the society in general, man was a central figure and woman was his complement. Women were often defined as different, and inferior, to man and this resulted in denial of some basic rights and access to resources for them.

Victorian science viewed women as a developmental anomaly. Ultimate stage of the evolutionary development was white Caucasian male. Women, being less developed, stop growing sooner and at best can be considered as trapped in puberty (Walklate, 2004). If usual woman suffers from arrested development, than criminal woman must be a particularly problematic being. This was a conclusion reached by Cesare Lombroso who wrote in 1903 that female criminals were more rare and showed some signs of degeneration because women are less evolved than men as a result of inactive nature of women's lives. He believed that due to females passivity they simply lack the intelligence and initiative to become criminals.

Sigmund Freud theorised in his 1914 book "On Narcissism" that women have the *penis envy* and try to compensate for this inferiority complex by being narcissistic and exhibitionistic. William Thomas in his "Unadjusted Girl" (1923) argues that woman has a greater ability to love than man and suffer more from not receiving social approval and affection. Female offenders ("unadjusted girls") use their sexuality in socially unacceptable ways to get what they want from life.

For long time the society treated woman in accordance with the inflexible standards of femininity. In 1961, Pollac argued that men were socialised to treat women in fatherly way, and therefore the courts were inhibited by notion of *chivalry* when applying justice for women. As a result, the female crime has been vastly underestimated. The women were protected: their crimes were less likely to be detected or harshly prosecuted. Pollac wrote that women are more devious than men: "for women deceit is a socially prescribed form of behaviour" (Pollac, 1961).

Another theory developed in the middle of 20th century, the Strain theory, postulates that social structure within the society can encourage people to commit crime. When women commit crime, it's viewed as some sort of "weakness". The critics of strain theory (e.g. Naffine, 1987) points out, that in this theory female is characterised merely as a facilitator of crime, "helpmate".

These views on female criminality, based on derogative views of women in general, were prevailing for surprisingly long time. For instance, the Neo-Lombrosian studies of 1980s were still considering prostitution as evidence of individual psychopathology rather than a rational economic choice for women (McLeod, 1982).

Feminists concluded that the failure of criminology to research the issue of female criminality simply betrayed the rigidity of male stereotypes that allowed men to justify their prejudices by pseudoscience.

Feminist theories

Adler (1975) argued that emancipation during 1970s increased women's economic opportunities and allowed them to be as prone to crime as men (Liberation, or Emancipation, thesis). Women became more visible not only in legitimate fields, but similarly so in the major crime.

Liberation thesis was often criticised by numerous authors. Roberts Chapman (1980) wrote that women's crime were invisible because the numbers were so small; when the numbers rose slightly, this became a sudden dramatic increase because the percentage change was so large. She also points out that the main determining factor in the rising female crime is economic one (Roberts Chapman, 1980).

Carol Smart (1976) in her “Woman, Crime and Criminology“, one of the most important contributions to the feminist thinking in this area, argues that women remain invisible in classical criminology, and particularly their victimization is especially ignored. Smart suggests a culturally determinate model of female criminality. She writes that biological differences between sexes are of little importance as the factors causing crime. Women offenders are perceived as *doubly deviant* because they not only break the law but also transgress their gender roles. Smart's questioning of classical criminological texts stimulated significant debates in feministic writing.

The efforts in the area of feminist criminology has seen the development of gender-based theory of both male and female delinquency focusing on differential or segregative social control system. (Downes and Rock, 2007). Social control theories argue that to understand the "gender gap" in offending, we have to analyze not only the reasons for criminal behaviour, but also the reasons for conformity. Women are burdened with heavy responsibilities at domestic and informal level, and preoccupation with these tasks can act as a form of constrain. But apart from that, there are limiting forces that operate *upon* women and control them at home, in public, at work and in social policies (Heidensohn, 1996). Oppression of women at different levels in the society, which still remains visible, can be considered as another contributing factor to lower rates of female offending.

Patterns of female offending and differences in applying the criminal justice system to males and females.

It is an undeniable fact that man and boys are much more often involved in criminal activities than women and girls. Home Office estimates that by the age of

forty six, 33% of males had received at least one conviction compared with 9% of women.

Although the offending rates between males and females differ markedly, women can be found in all categories of offenders. However, they feature the most prominently in acquisitive crimes. The most common type of offence for which women are imprisoned is theft and handling. It accounts for 40% of female receptions in the prison compared with 23% of males. This observation led some scholars to argue that many women become involved in criminal activity simply to provide for children and family in circumstances with limited legitimate opportunities (Carlen (1988), Walklate (2004), “feminisation of poverty”).

Data on cautioning suggest that a much higher proportion of women are cautioned in comparison with men. For example, in 2003, 43 % of young men (aged 10 to 20) and 61% of young women were cautioned for indictable offences. Does it mean that the system of justice is more lenient when it deals with females? Many scholars argue that the higher cautioning rate for women simply reflects the fact that women are more likely to admit their offences (which is a prerequisite of receiving a caution) and also that they are more likely to be arrested for relatively minor offences.

Recent feminist criminology is often focussed on handling of female offenders as they are processed through the justice system, and there are two competing, even contradicting, perspectives here. Paternalism (chivalry) hypothesis echoes the perception of woman as a victim, which is treated by system more leniently. (see, for example, the statistic evidences presented by Hedderman and Hough, 1994).

The "evil woman" hypothesis holds that women often get harsher sentences because they break not only the legal boundaries but also the gender role expectations. In her article published in 1988, Chesney-Lind analyses a significant amount of statistical data from American prisons to confirm this view.

Victimization of women.

Contribution of “classical” views to victimisation of women remained for long time particularly obvious in the areas of policing rape and domestic violence.

Considerable body of evidences suggests that men are much more likely to become the victims of criminal violence. According to the British Crime Survey of 2008/9, women aged 16-24 had a 5.5% chance of becoming a victim of violence compared with the 13.2% chance for the men of the same age (Crime in England and Wales, p.47). Domestic violence was the only category where the risk for woman (0.6%) was much higher than for men (0.2%) (Crime in England and Wales, p.56). The

latter points out that much of the women's victimization occurs at home and, consequently, is hidden from view. Police receives well above half a million calls each year in connection with domestic violence. 77% of cases involved female victims and male perpetrators (Crime in England and Wales, p.56).

In relation to sexual assaults women are clearly at higher risk than men. Almost one-quarter of women report having experienced sexual assaults. Among victims of intimate violence, the most serious violence is more likely to be committed by partners rather than strangers.

Last decades have seen a huge increase in the awareness of the way the criminal justice system deals with sexual violence against women. It has been argued that in a relatively recent past the attitude of the system to women's complains amounted to 'secondary victimization': police were often unsympathetic, and the traditional advices for avoiding the risk of sexual attacks were those of the "Don't do this and that" variety. Women failing to follow these advices were often considered negligent and contributed to their own victimization.

The things have changed significantly in recent years. Metropolitan Police has established a dedicated Domestic Violence Unit, and the 2004 Domestic Violence, Crime and Victim Act further extended police power in dealing with this type of offences. The changes have affected the whole criminal justice system, not only police. But, as Heidensohn concludes, 'police and policing remain gendered in the 21st century. The macho culture is still alive in some forces even now, although it is also a source of embarrassment'.

Another question that kept feminist scholars worrying for long time is the disproportionality of punishment the women receive. In particular, many authors were questioning the need to imprison women for relatively minor offences.

Women make up a very small (although fast rising in recent years) minority of the prison population (5.4% in 2007). The increase in the proportion of female prisoners observed since 1992 is likely to suggest that sentencing has simply got more severe in recent years (Hedderman, 2004).

A report by Baroness Jean Corston on women's vulnerability in criminal justice system (2007) concludes that prison is disproportionately harsher for women because prisons have for the most part been designed for men. It calls for the distinct, radically different, holistic and women-centred approach to treating female offenders. When it comes to punishment and imprisonment, the equal treatment of men and women does not result in equal outcomes. For example, mental health problems are far more prevalent among women in prison than in the male prison population or in the general population (women in prisons are five times more likely to have the mental health concerns than women in general population). Self-harm in prison is more common among women. Women

prisoners are much more likely than men to be the primary carers of young children, which makes their prison experience much more difficult. Finally, because of the small number of women's prisons, women tend to be located further away from their homes, which makes it difficult to maintain their family ties, receive visits and resettle back into the community. The continued imprisonment of female offenders appears to have no advantage to the society at huge financial and social cost.

Each prison place costs approximately £77,000 per year, but this number has to be topped with indirect cost of family disruption, damage to children and substitute care, lost employment and mental health problems, and all these problems are particularly obvious when we talk about imprisonment of women. Short-term sentences for very minor offences seem to be in particular meaningless since they bring chaos and disruption to the families and don't address the cause of crime.

Corston Report (2007) suggests to substitute women prisons by small multi-functional custodial centres. It recommends to use the community sentencing options for women *as a norm*, preserving custodial sentences for serious and violent offenders posing threat to public. As such, the suggestion is not new and was often scrutinised in the literature (see, for instance, the book of Chesney-Lind and Pasko (2004)). It is probably about time to check how this is going to work in practice.

Conclusions

Undeniably, the feminist contribution has changed significantly the nature of criminological thought in recent years, and criminology is not gender-blind anymore. It has questioned and/or displaced some previous theories of criminalisation and suggested new lines of investigation.

“Naming the type and dimension of female victimization has a significant impact on public policy, and it is arguably the most tangible accomplishment of both feminist criminology and grassroots feminists concerned about gender, crime, and justice” (Chesney-Lind, 2006).

The need for a distinct approach in treating men and women by criminal justice system is now very obvious, and practical steps in this direction are currently being undertaken. It remains to be seen how successful this approach will be and how it will improve the current situation with victimization of women.

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