

# Women and Crime: the Failure of Traditional Theories and the Rise of Feminist Criminology

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Traditionally, the perpetration of crime has been regarded as the prerogative of the male; criminal activity has been seen as aggressive and masculine. Few women engaged in criminal behaviour and, in such atypical cases, explanations given emphasized deviance from traditional female roles, thereby focusing the characteristics of female criminality on assumptions about the inherent nature of women. Other causal explanations (notably mono-causal) have centred on gender-role explanations (and deviations from such expectations); hypotheses have ranged from physical abnormalities, to various forms of psychological and social pathology; moral corruption and disease. Generally, it is argued that females are considerably more law abiding than men; less delinquent, less dangerous, and less involved in criminal subcultures and thus they have less frequently been provided for in criminological theory.<sup>1</sup> Since the 1970s, feminist criminologists have launched a critical attack on male dominated theoretical premises in criminology, pointing out that these expositions are not theories of female crime but stereotypes perpetuating sexist ideologies of women.<sup>2</sup> The feminist approach to criminology is varied and still developing, yet it is uniform in emphasizing the role of patriarchal oppression and sexist ideological practices in the analysis of female crime.

## WHOLLY MAD OR WHOLLY BAD: GENERAL PERCEPTIONS OF FEMALE OFFENDERS

One of the accepted propositions of female crime is that women are more law-abiding than men and this is supported by both statistical and unofficial evidence.<sup>3</sup> As a result of cultural pressures, the raising of the female child has traditionally been structured for daughters to behave 'nicely' and sons to behave 'manly'. Women have literally been taught to act less criminally than men. Women themselves, even come to accept their nature as passive, more emotional, gentler in nature and inferior.<sup>4</sup> The non-conforming female is

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<sup>1</sup> L Gelsthorpe, *Sexism and the Female Offender* (London, Gower Publishing Co Ltd, 1989) ix.

<sup>2</sup> A Morris and L Gelsthorpe, *Feminist Perspectives in Criminology* (Buckingham, Open University Press, 1990) 59.

<sup>3</sup> N Naffine, *Female Crime: The Construction of Women in Criminology* (Sydney, Allen & Unwin, 1987) 1.

<sup>4</sup> R Deming, *Women: The New Criminals* (New York, Thomas Nelson Inc, 1977) 25.

therefore unusual and has often been seen as one who questioned established beliefs and practices, engaged in 'male' activities or one who committed crime, and is thus a threat to social stability.<sup>5</sup> Female crime is explained by resorting to the concept of the 'proper' female role, that of wife and mother, rejection of which leads to deviance. Females who deviated from their expected roles were viewed as morally corrupt, hysterical, diseased, manipulative and devious, with law-violating and conforming behaviour both stemming from the one source — the nature of the female.<sup>6</sup> Their criminality is alien to their natural disposition and hence response to female crime, particularly violent female crime, tends to be more reactionary than that of the accepted male criminal. Cultural attitudes towards women and prejudices against them confined them to a non-criminal role and public outcry when they deviated from the norm. Female crime is seen as an inability of certain women to adhere to culture standards.

Those who hesitated to attach notions of innate virtue to women and their lack of criminality often attributed it to their biology: females were not only seen as less aggressive but weak in strength and cunning. The female criminal is therefore in need of protection, help and understanding, yet her offending has also been associated with 'uncontrollable sexuality', as well as the rejection of the prescribed female role, and therefore worthy of condemnation.<sup>7</sup> Men and women are seen as fundamentally different creatures due to their biological, not cultural, traits. The tendency is to see the female as a creature of impulse swayed by emotions and, in the more extreme cases, incapable of intending her own actions. The female criminal is thus characterised as mentally abnormal. The biological approach to female crime thus presumes that women are inherently maternal, passive and domestic while at the same time driven by excessive or repressed sexuality, coupled with tendencies to hysteria and psychological instability.<sup>8</sup> For example, infanticide has traditionally been attributed to the mentally distressed new mother and exemptions are held for people defined as sick. These include exemption from normal role expectations, no responsibility for their condition and an obligation to seek and co-operate with competent help.<sup>9</sup>

The fundamental criticism of biological explanations of female crime is that instead of looking at the combined effects of environmental influences, cultural traditions, and physiological, psychological and social factors, biological theories see criminality as a product of hereditary characteristics. The 'myth' is that women are not real criminals because they are not perceived, as men are, to be serious and intentional in their acts, but are mere escapees from their biologically determined social role. The role of biology over predicts female crime and if women are so inherently pathological, why is the

<sup>5</sup> C Feinman, *Women in the Criminal Justice System* (New York, Praeger Publishers, 1986) 3.

<sup>6</sup> S Simpson, 'Feminist Theory, Crime and Justice' (1989) 27(4) *Criminology* 605.

<sup>7</sup> L Gelsthorpe, op cit 1.

<sup>8</sup> A Morris and L Gelsthorpe, op cit 41.

<sup>9</sup> A Morris and L Gelsthorpe, *Women and Crime* (Cropwood Conference Series No 13, Cambridge, University of Cambridge Institute of Criminology, 1981) 27.

incidence of female crime so low? Without exception, the research on female criminality and conclusions drawn have been coloured by such myths about the nature of women and has meant realistic bases and research into female crime has been largely ignored.

Another traditional perception of female crime has been to characterize them by the crimes they commit; women are prostitutes, thieves, drunks and frauds, again attributing female crime to perceived feminine qualities. Not only are women perceived as more law-abiding than males, but they are more specialized in the crimes they commit; women tend to commit non-violent offences, and when they do commit violent offences, it is usually against relatives or other intimates.<sup>10</sup> Prostitutes are treated as sexual deviants, as individually or socially pathological.<sup>11</sup> For example, in the nineteenth century, prostitutes were said to menstruate differently from respectable women and to engage in masculine habits such as drinking and swearing.<sup>12</sup> In 1866, the English *Contagious Diseases Acts* provided for the involuntary examination and treatment for venereal disease of 'common prostitutes'. While this measure could be seen as ineffective unless the men with whom they consorted were also examined, this was met with the response that,

[t]here was no comparison to be made between prostitutes and the men who consort with them. With the one sex, the offence is committed as a matter of gain, with the other, it is an irregular indulgence of natural impulse.<sup>13</sup>

Other female crime is presumed to relate to their daily environment, in the home and family, the market and lower positions in employment; this explains their tendency to petty crimes such as shop-lifting and minor theft,<sup>14</sup> a trend which appears to be continuing.<sup>15</sup> Women have traditionally been privatized into the home, removed from the public world in which they could engage in criminality, thus it is the oppression of women which leads to conformity, rather than criminality. Thus the empirical neglect of the female offender has always been justified by reference to the small amount of officially recorded crimes by women. If the rate of women's crime is low and kinds of illegalities perpetrated are of a trivial and inconsequential nature, they thus pose no threat to the social order and research is unnecessary.<sup>16</sup>

Women are not as common as males in our criminal justice system, not because they are less deviant in nature but because judges, police and other law enforcement agencies believe the cultural, psychological and biological misconceptions about women and react accordingly. This represents the belief in the chivalry in our system, how it acts to protect women but not men. It is theorized that it is difficult for these generally male officials, to be punitive

<sup>10</sup> J Scutt, 'Feminist Criminology: A New Direction' September/October 1989, *Criminology Australia* 5.

<sup>11</sup> A Morris and L Gelsthorpe, 1981 op cit 93.

<sup>12</sup> Ibid.

<sup>13</sup> Id 89.

<sup>14</sup> S Norland and N Shover, 'Gender Roles and Female Criminality' (1977) 15(1) *Criminology* 89.

<sup>15</sup> A Morris and L Gelsthorpe, 1990 op cit 182.

<sup>16</sup> A Morris and L Gelsthorpe, 1981 op cit 75.

towards women when they liken them to other women they know, a less severe response is chivalrous and harsh sanctions impractical, given the housewife-mother role of women in our society.<sup>17</sup> However, women are not expected to engage in dangerous criminal activities, such as armed robbery, and when a woman is prosecuted for a non-female crime, she is presumed to be really evil and this will instigate a more negative response to her criminality than a male in the same situation.<sup>18</sup> The theory has been largely countered by research which has shown that men and women are treated similarly when such factors as the seriousness of the offence and criminal record are taken into account.<sup>19</sup> Other faults in this approach to female crime are evident, and if it does operate, it does so in ways which are impossible to document conclusively. Chivalry, and the link between women's criminality, seems to be a mere impression in search of evidence (notably by men) and not substantive issues in the understanding of the treatment of female offenders in the criminal justice system.<sup>20</sup> The trouble with almost all studies to date is that they were based on too many ancient beliefs about the nature of women.

### TRADITIONAL THEORIES AND FEMALE CRIME

Dr Cesare Lombroso did the first important research of modern times into female criminality in his book, *The Female Offender*. It was another biological approach which had as its central contention that women's biological nature gave them a different orientation to criminality, different from men in that they were not disposed as a group to criminal behaviour.<sup>21</sup> His view on the dual nature of women is demonstrated by his statement that,

[h]er normal sister is kept in the paths of virtue by many causes: such as maternity, piety, weakness and when these counter influences fail, and a woman commits a crime, we may conclude that her wickedness must have been enormous before it could overcome so many obstacles.<sup>22</sup>

He advanced the notion that criminal women were predestined from birth to be such and that these latent criminals could be detected by their physical characteristics, such as malformations of the skull, brain and face, and a masculine appearance.<sup>23</sup> The example of female criminals he found, he regarded as more vicious and dangerous than their male counterparts. Lombroso also wrote of the occasional criminal who, in his opinion counted for most lawless women, which were unstigmatized with physical characteristics but were drawn into crime by men or excessive temptation.<sup>24</sup> This

<sup>17</sup> Id 105.

<sup>18</sup> Id 106.

<sup>19</sup> N Naffine, op cit 2.

<sup>20</sup> C Feinman, op cit 31.

<sup>21</sup> A Morris and L Gelsthorpe, 1990 op cit 80.

<sup>22</sup> C Feinman, op cit 10.

<sup>23</sup> R Deming, op cit 47.

<sup>24</sup> E B Leonard, *Women, Crime and Society: A Critique of Criminology Theory* (New York, Longman, 1982) 2.

theory represents another mono-causal explanation of female criminality and is again one which determines that a female is not responsible for her criminal fate — she was born that way. Lombroso's approach also gives a further example of men approaching female crime and from their perspective, assessing it as uncommon, but dangerous, thus leaving it unresearched, yet unacceptable in our society.

### 1. Psychoanalytical Theory

Sigmund Freud can also be criticized as tending to approach women and their crimes as a man, shaped by male experience and understanding. Without describing the large volumes of Freud's psychoanalytical theory, he based the existence of female crime on 'penis envy'. According to this approach, little girls, when they first discovered they were missing a penis, felt jealous and inferior.<sup>25</sup> Women never got over this trauma, it simply receded into their subconscious. 'Normal' women attempted to compensate for their loss by making themselves attractive to men or by engaging in activities which men could not (such as having babies).<sup>26</sup> Deviant women, often those who could not attract a male partner, compensated by attempting to act like men by committing crimes.<sup>27</sup> Obviously Freud was able to attach prostitution and 'sexual delinquency' in females to his theories. This he related to the Oedipal syndrome of sexual love for the parent of the opposite sex. Because this is denied by the incest taboo, female delinquents are forced into promiscuity as a sexual substitute, and because complete satisfaction is unobtainable, they continue to search for new partners.<sup>28</sup> This also equates with 'penis envy' (through the quest for males). The only solution suggested by Freud was intensive psychoanalysis. Freud approached female criminal behaviour from his own perspective, and did not explain their actions on the same basis as male crime. The natural inferiority of women and their repressed desire to have a penis served to reinforce beliefs of the need for women to fulfil their proper female role or be rejected by society. Criminal women are ill and need to be helped and this is used to explain why there are so few females in our criminal justice system and why they are largely ignored by criminological theory.

### 2. Otto Pollack

Another male approach specifically directed to female crime was that of Otto Pollack in his *The Criminality of Women* (1950). In Pollack's view, women were more sly and deceitful than men, more passive and passionless, basing their crimes on sexual motivation, unlike male crime which he saw as primarily economically motivated.<sup>29</sup> Female crime would relate to this sexual drive, prostitution and theft (to gain things with which to attract men). Thus

<sup>25</sup> R Deming, *op cit* 53.

<sup>26</sup> *Ibid.*

<sup>27</sup> *Ibid.*

<sup>28</sup> L Gelsthorpe, *op cit* 13.

<sup>29</sup> R Deming, *op cit* 52.

the female nature is positive and negative, they are purer and gentler than the male and therefore suited to the role of wife and mother, yet they have capabilities as criminals because they are deceptive, revengeful, greedy and untrustworthy.<sup>30</sup> Only adherence to their traditional roles would keep their 'dark-side' in control. It has been suggested by female theorists that this sexist image of women is tremendously effective in terms of social control because it reinforces existing social relationships by warning of the danger in challenging the accepted framework.<sup>31</sup> Pollack recognized this, believing that men do little about female criminality because this keeps women in their deceitful and inferior position, leaving men to feel superior.<sup>32</sup> He may be correct in the way that women have committed different crimes than men but it can be argued that this is not only because of the difference in motivation, but rather because women are thrust into different roles in life. Pollack sees female patterns of crime as arising from individual female characteristics; women behave in certain ways because they are women. This ignores their social position, limited opportunities, restricted roles and social expectations.

### 3. Role Theory

Masculinity, or sex role, theory discusses female crime in terms of sex roles, not biological or psychological variables. It encompasses two main ideas:<sup>33</sup>

- (i) Crime is symbolically masculine and masculinity is the motive for most crime because criminal qualities of daring, toughness and aggression typify maleness. Male virility is demonstrated to the world by the man who engages in crime.
- (ii) Women are unsuitable for crime, this explains their greater conformity. The feminine women will choose not to engage in symbolically male activity of law-breaking.

Women who possessed more masculine traits were assumed to have greater affinity with criminal behaviour, their crime is an illegitimate expression of role expectation. Thus the masculine personality was used to explain changing patterns in female crime (drug involvement is seen as new) and increased crime amongst women.<sup>34</sup> In addition, female criminality is seen as an extension of female sex roles as, for example, when they turn to crime, women turn from shopper to shop-lifter, from cashing good cheques to cashing bad cheques.<sup>35</sup> Again the female criminal is cast as a sexual misfit, their 'rebellious' behaviour the result of a failure to develop healthy feminine attitudes. Sex role theory can be readily criticized as searching for causes of female crimes in terms of 'undersocialization' and 'role frustration' without recognizing that there is no reason to presume women commit crimes for different

<sup>30</sup> E B Leonard, *op cit* 14–15.

<sup>31</sup> *Id* 16.

<sup>32</sup> C Feinman, *op cit* 10.

<sup>33</sup> N Naffine, *op cit* 43.

<sup>34</sup> S Norland and N Shover, *op cit* 99.

<sup>35</sup> E B Leonard, *op cit* 11.

reasons than men.<sup>36</sup> The theory merely explains how behaviour is shaped and offers little understanding of actual female criminals. It fails to discuss the structural origins of sex role inequity or to deal with the inferior status of women in historical or cultural terms.<sup>37</sup>

#### 4. Labelling Theory

While many other theories have been directed toward female crime (not all specifically) the last one to be examined here is labelling theory, attributed to Howard Becker. The basis of this theory is that labels are applied to certain individuals and these individuals accept their deviant labels.<sup>38</sup> More specifically, labelling considers how those in authority in our society make labels, such as criminal or deviant, and apply them with such efficacy to those without that the so called deviant internalizes this message and reconstructs their behaviour in accordance with their label.<sup>39</sup> Nothing intrinsic in behaviour makes a deviant, the reaction of enforcers crucially affects individual self-concept, life chances and future behaviour.<sup>40</sup> Once labelled as deviant, the individual will be treated differently by wider society and ousted by the majority.<sup>41</sup> Labelling theory has given criminology the ability to emphasize deviance as socially defined and certain groups and individuals, especially those lacking wealth, power and status, are more likely to be officially stigmatized as deviants.<sup>42</sup> This would imply that the theory could be easily applicable to women.

While no direct application was made by Becker to women and crime in his labelling theory, he does recognize that behaviour defined as criminal varies with the time and culture involved. This applies to women as, for example, the view of prostitution and excessive sexuality has varied between culture and time.<sup>43</sup> Women have traditionally been socialized into being sensitive to other opinions, especially those of people in authority and thus the lower incidence of female criminality compared to male criminality could be explained by women avoiding deviant behaviour because of potential social reaction.<sup>44</sup> The labelling of women as non-violent and law-abiding may help maintain this behaviour. In addition, because of the patronizing attitude towards women, deviant behaviour may be treated as an illness, rather than criminality, therefore enabling them to deflect the negative effect of criminal labelling.<sup>45</sup> In this lies the threat that if conditions which have previously protected women from labelling change, and they become more likely to be officially stigmatized, there is obviously an increased likelihood that their involvement in criminality will become more of a problem.

<sup>36</sup> L Gelsthorpe, op cit 16.

<sup>37</sup> E B Leonard, op cit 11.

<sup>38</sup> N Naffine, op cit 76.

<sup>39</sup> Ibid.

<sup>40</sup> E B Leonard, op cit 66.

<sup>41</sup> S Traub and C Little, *Theories of Deviance* (Illinois, Peacock, 1975) 159.

<sup>42</sup> E B Leonard, op cit 79.

<sup>43</sup> Id 81.

<sup>44</sup> Id 82.

<sup>45</sup> Ibid.

Labelling theory and its application to women partly suggests a deeper understanding of the role of women in society and that their crime patterns will emerge through the laws dealing with their behaviour (as defined by those in power). However, it fails to explain how and lacks structural explanations or an explanation for initial deviance. Women have been so effectively labelled so as to generally be conformist, yet, if this is the case, why have women been singled out for successful socialization but not men?<sup>46</sup> Again this suggests society is content to keep women in an inferior position to men.<sup>47</sup> Obviously labelling theory can be criticized in its approach to female crime because of the way it is used to stereotype and devalue its subject. The subject, female deviants, have rarely been approached for their insight, indicating that it can be assumed women cannot explain the reasons for their own actions.<sup>48</sup> The female becomes an object, not an agent of society. In essence, labelling theory leaves initial deviance largely unexplained, and lacks a structural explanation for crime, but it does demonstrate the role of power in our society and how it may have affected women.

It can be seen from the above that general theories of crime and female deviance are little more than either special theories of male deviance adjusted to suit the female or male assumptions made about female criminality. This has meant that criminology has ignored the existence of female crime to a large extent. The basic point made by feminists is that the expositions are not theories of women and crime but stereotypes designed to perpetuate sexist ideologies.<sup>49</sup> They argue these assumptions of female crime are incorrect and based on notions of morality and behaviour, focusing on biology and social pathology to explain both crime and conformity.

### THE NEW FEMALE CRIMINAL: TOWARDS A FEMINIST PERSPECTIVE?

While there are many streams of feminist beliefs, feminism is generally understood to be a world view encompassing assumptions and beliefs about the origins and consequences of gendered social organisation, as well as strategic directions and actions for social change.<sup>50</sup> Feminism itself is not a single theory and has expanded into an extensive set of perspectives and agendas defining the problems associated with gender inequality and steps for its eradication. What these perspectives do have in common is a concern to identify and represent the interests of women, interests which are judged to be insufficiently represented within the mainstream.<sup>51</sup> Feminism, in these aims, has moved into the area of criminology and the study of women and crime.

<sup>46</sup> N Naffine, *op cit* 84.

<sup>47</sup> *Ibid.*

<sup>48</sup> *Id* 83.

<sup>49</sup> A Morris and L Gelsthorpe, 1990 *op cit* 59.

<sup>50</sup> S Simpson, 'Feminist Theories of Crime and Justice' (1989) 27(4) *Criminology* 606.

<sup>51</sup> *Ibid.*



A major impetus has been the apparent increase in the rate of female criminality and the perceived changing nature of female deviance.

### The Effect of the Women's Liberation Movement

The Women's Liberation Movement is generally perceived as trying to establish the legal right of all persons to equal opportunity in all aspects of life, work, family and community.<sup>52</sup> As this is contrary to the roles traditionally perceived for women it can be seen to pose a threat to the norm. Obviously, freedom from accepted roles will include female criminals. As proposed by Freda Adler in her work *Sisters in Crime*:

Like her legitimate sister, the female criminal knows too much to pretend, or to return to her former role as a second rate criminal confined to 'feminine crimes' such as shop-lifting and prostitution.<sup>53</sup>

During the 1970s, literature on women and crime emerged which challenged previous work by criticizing the assumption of earlier writings and thus the impact of feminism on criminology began.<sup>54</sup> The theory is that there is a relationship between the rate of crime committed by women and the emancipation of women, 'female criminality is but one wave in the rising tide of female assertiveness'.<sup>55</sup> It has also been argued that women, now entering the workforce, are creating latch-key children who become tomorrow's delinquents and that as women become workers they become more orientated towards criminality because of obtaining 'masculine values' at work and their increased opportunity to commit crime.<sup>56</sup> Rita Simon, in her *Women and Crime* contended that certain types of female crime, particularly white collar crime, are likely to increase in the future because of women's new emancipated position, while violent crime would decrease because women are free from the frustration of the home and because of the greater opportunity for work and education.<sup>57</sup> Women's Liberation has thus increased the incidence of female crime and its nature.

The notion of the new female criminal obviously has its faults and it appears that the search for the nature of female criminality is again to be found in a single cause, the women's movement. Statistics have played a crucial role in the argument about the changing social position of women and their increased criminality, yet they can be easily misused. For example, a five hundred percent increase in females arrested for robbery over a five year period means there was one arrest in Year 1 and five arrested in Year 5. From the Uniform Crime Statistics (of the United States) from 1972, female burglary rates were up 168% on the previous year however women only rep-

<sup>52</sup> C Feinman, op cit 11.

<sup>53</sup> N Naffine, op cit 89.

<sup>54</sup> A Morris and L Gelsthorpe, 1981 op cit 7.

<sup>55</sup> N Naffine, op cit 89.

<sup>56</sup> C Smart, 'The New Female Criminal: Reality or Myth?', (1979) 19(1) *British Journal of Criminology* 50-1.

<sup>57</sup> E B Leonard, op cit 8.

resented 5.1% of the arrest rate.<sup>58</sup> Obviously female figures for crime are typically small so that insignificant changes easily distort the percentage increase. What the theory of female crime linked to female emancipation notably ignores is who has the effect of the 'new freedom'. Firstly, working class women are not the product of the liberation movement as 'occupations outside the home are nothing new to the labourer'.<sup>59</sup> Laura Crites contends that the typical female offender was not the recipient of the benefits of the women's movement, not only did employment and educational opportunities largely go to middle class women but women largely remain employed in traditional female jobs (such as teaching and nursing).<sup>60</sup> If entry into 'non-female' occupations is supposed to lead to increased white collar crime amongst women, the theory overlooks the fact that the increase in female crime has largely been in relation to minor property offences.<sup>61</sup> It is also hard to conceptualize the women's movement as the sole body responsible for the improving of the wage earning opportunities for women, and also as the sole reason for the apparent increase in female crime.

Carol Smart argues that the attempt to explain the apparent changes and increases in female crime in relation to the women's movement is a simplistic reaction to their emancipation and that it ignores the contribution of unemployment, unskilled and low paid work, greater financial pressures in an increasingly material society, and other social processes and forces which may relate more directly to changes in the criminal behaviour of women.<sup>62</sup> In addition, the theory that female emancipation leads to today's delinquents can be criticized for assuming that this delinquency sets the pattern for the adult crime of tomorrow, a rash generalization.<sup>63</sup> Studies since the 1970s concerning changes in female criminal behaviour and the advent of women's liberation have rejected many suppositions associated with the link. Evidence available shows that the female offenders have remained much the same as they have been in the past, uneducated, unskilled, committing crimes yielding small rewards and often arrested for behaving in a manner inconsistent with social expectations.<sup>64</sup> While it appears that the debate around women's liberation centres around more women committing more crime, it can be argued that the issue underlying this is more concerned with the diminishing role of women in the family, especially in providing effective social control.<sup>65</sup> When control appears to become ineffective it becomes natural to again focus on the family and the traditional roles of women. The search continues for a feminist approach to women and crime.

The feminist contribution to criminology is beginning but much of it has been of little consequence. It is often easy for critics to pass such research off

<sup>58</sup> Id 42.

<sup>59</sup> Id 57.

<sup>60</sup> N Naffine, *op cit* 90.

<sup>61</sup> *Ibid.*

<sup>62</sup> C Smart, *op cit* 58.

<sup>63</sup> Id 51.

<sup>64</sup> C Feinman, *op cit* 32.

<sup>65</sup> A Morris and L Gelsthorpe, 1981 *op cit* 59.

as facile, rhetorical and/or atheoretical.<sup>66</sup> There is also a difficulty in identifying who are the feminist criminologists. Greenwood defined female criminology as

a collection of recent research, predominantly inspired and affected by the influence of the women's movement which illuminated the institutionalized sexism of the criminal justice process.<sup>67</sup>

In contrast, Carol Smart argues that a feminist criminology does not exist in feminist criminologists or studies of women and crime because of the different approaches to research; not only are there different theoretical approaches from a criminal perspective but also in the many forms of feminism, such as socialist, radical and bourgeois.<sup>68</sup> Suggested approaches to the study of women and crime include 'a crash programme of research which telescopes decades of comparable studies on males' and a 'need for women only studies — research that focuses on women without necessarily including comparative data on men'.<sup>69</sup> Just what this entails is another issue altogether and demonstrates the diversity in suggestion for a feminist study of women and crime. What can be seen in the moves toward a feminist approach in criminology is a study of the relationship between traditional notions of crime, women and their place in the social and economic structure. While they differ on the form, feminists have been able to unite in addressing themselves to relations between the sexes and the notion of male supremacy and female oppression.

Because men are perceived as the dominant sex and their interests rule the lives of women, they can only have limited insights into the nature of the female and any understanding they do have is shaped by this 'master-slave' relationship.<sup>70</sup> If female behaviour does not accord with male standards, derived from male observations, it is assumed there is something wrong with women, and not with the theoretical model. This emphasizes the need for a feminist approach, as well as the uphill battle it will face. Research has been conducted on the criminality of females and some reference made to the topic in texts on crime and delinquency but theoretically it has 'been treated as little more than a footnote to the presumably more serious problem of male criminality'.<sup>71</sup>

Naffine argues that the creation of a feminist criminology is made easier by the fact that much is known about the subject because criminologists have done a lot of work on the female offender, even if they have been obscured by gendered thinking.<sup>72</sup> Leonard disagrees, arguing these theories are too biased and related to male, and not female, reality.<sup>73</sup> The battle between feminists continues as Gelsthorpe argues as it is men who are the focus of our criminal

<sup>66</sup> S Simpson, *op cit* 622.

<sup>67</sup> L Gelsthorpe, *op cit* 25.

<sup>68</sup> *Ibid.*

<sup>69</sup> *Id* 26.

<sup>70</sup> N Naffine, *op cit* 112.

<sup>71</sup> S Norland and N Shover, *op cit* 88.

<sup>72</sup> N Naffine, *op cit* 128.

<sup>73</sup> E B Leonard, *op cit* 181.

justice system (it is mainly men who are offenders, men who police crime, men who sentence offenders and men who go to prison), men cannot be excluded from the search for a feminist approach.<sup>74</sup>

The state is male in a feminist sense as it coercively and authoritatively constitutes the social order in the interests of men as a gender, through its legitimizing norms, relation to society and substantive policies.<sup>75</sup>

Although recent literature tends to be more satisfactory in its analysis of the social roots of female behaviour, and its examination of previously ignored issues, what must be remembered is that it is still only developing. Recognition of the importance of socio-economic conditions as well as gender role expectations can only assist in this task.

Feminist critiques have shown how criminology has been defined by models representing a world dominated by men so that studies of the criminal world have been limited by the particular interests, perspectives and experiences of that one group. In the past, assumptions about female criminality have persisted with little basis in empirical evidence. Theoretical explanations have been closely influenced by assumptions about biological and psychological femininity. However, changing attitudes and interests, and the results of recent research, have encouraged a critical evaluation of these assumptions and explanations. If we were to relinquish our short-sighted concentration on this notion that female criminality is explained primarily by deviation from gender role expectations, then substantial progress in our understanding of crime amongst women could be made. In the general area of crime and delinquency, researchers have given up hope of deriving a universal theory to explain all forms of criminal behaviour.<sup>76</sup> The most promising explanation of female criminality is likely to be multi-faceted and approached from a multi-disciplinary perspective encompassing psychological, economic, social, legal and historical factors.

<sup>74</sup> A Morris and L Gelsthorpe, 1990 op cit 90.

<sup>75</sup> Id 21.

<sup>76</sup> A Morris and L Gelsthorpe, 1981 op cit 44.