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The criminal activity of women in selected criminological theories – cultural gender contexts

Abstract: The aim of this text is to reconstruct selected criminological theories. I consciously ignore concepts of a different profile, focusing on gender as a key category. The aim of my deliberations is not to present a comprehensive vision of the criminological concepts of female crime, but only a certain portion of it. The content of the narrative is therefore partly representative of the problem presented, and in further explorations I will attempt to take into account theoretical perspectives in other trends related to studies on femininity (*gender studies*).

Key words: female crime, criminology, victimization, paternalism, feminism, emancipation

Introduction

Every social phenomenon can be viewed from the perspective of various ideologies or theories. This applies to political, social and economic phenomena. This is particularly evident in psychology, for example, where the same phenomenon is interpreted quite differently in the light of psychoanalysis, psychodynamic theory or humanistic psychology. It is no different in contemporary criminological thought of recent decades, where the same problems or phenomena are given different meanings and are derived from other sources depending on the adopted cognitive perspective.

Two currents collide with each other in the criminological theories explaining female crime. The first refers to the idea of biological essentialism, searching for the causes of criminal behavior of women, or deviation from that norm of femininity, which is determined by the ideal of the mother and wife, a person modest and deprived of aggression, or emphasizing the tendency of women to commit unlawful or even criminal acts. In turn, alternative theories of explaining the crime of women focus their attention on the causes and processes of social nature that constitute them. Among them, one can distinguish ones that take into account in particular the gender perspective. Their authors are mainly women. It is to them that I will devote my attention in these reflections, addressing the issue of reconstruction of criminological theories. I consciously ignore concepts of a different profile, focusing on gender as a key category. The aim of my article is not to present a comprehensive vision of the criminological concepts of female crime, but only a certain portion of it. The content of the narrative is therefore partly representative of the problem presented, and in further explorations I will attempt to take into account theoretical perspectives in other trends related to studies on femininity (*gender studies*).

It should be said at the beginning that for a long period, female crime was marginalized in criminological explanations. Carol Smart believes that in British and American criminology, “the criminalization of women was generally not seen as a particularly important or socially sensitive issue, not only because of the lower incidence but also because of the nature of the crimes committed by women” (Smart 1977, p. 5). In addition, women were less likely to be repeat offenders and “were not considered a threat to society” (Smart 1977, p. 5).

However, in view of statistical data (Juvenile Offenders and Victims 2014) illustrating the increase in the number of women committing crimes, it was difficult to avoid answering the basic question: does the criminality in women and men have a different genesis and essence? Below I will characterize selected criminological theories that relate to female crime: the theory of emancipation, the theory of opportunity and the feminist theory.

The emancipation theory

The first theory, which is part of the social trend, making an attempt to explain the criminality of women, is the emancipation theory. The term emancipation in contemporary social thought has a very positive meaning. It usually refers to equal rights or equality in terms of social mobility or personal freedom for women, racial and ethnic minorities. However, when it is used to explain the criminality of women, it gains – as you can put it – negative connotations. As a result of emancipation, women are believed to have lost their traditional feminine qualities and become similar in many ways to men. The side-effect of this process is an

increase in their criminality: it may seem absurd to conclude that, in the light of this theory, women want to have equal rights with men, including in the area of crime. Being a part of this trend, the book published by Freda Adler in 1975: *Sisters in Crime: The Rise of New Female Criminal* was one of the first monographs to analyze in depth the phenomenon of female crime from a completely different perspective than the so far dominant criminological theories, which sought the origins of deviant and criminal behavior in biological factors. According to F. Adler, the increase in female crime has been influenced by the process of women's emancipation and their independence in social life. As she put it in her book: "in the same way as women demand in areas considered to be socially legitimate, a similar number of determined women are pushing their biography into a world dominated by serious crimes" (Adler 1975, p. 13).

The author argued that the increase in the number of criminal acts committed by women and their more serious nature was related to the process of masculinization. Women have become more aggressive, self-confident and courageous because the division between the private sphere – which so far belonged to them – and the public sphere, which is the domain of men, has been abolished. Hence, in her opinion, it is difficult to talk about a gender division of the criminal sphere, both in terms of the quality and quantity of the acts committed and the underlying causes. Adler was also convinced that gender was not a determining factor as a criminogenic factor. In her opinion, the most important factor underlying female crime was gaining access to activities previously reserved for men (Hartman, Sundt 2010, pp. 3–4). In the author's opinion, the contemporary change in the structure of criminal acts committed by women confirms the assumptions of her theory. This is because in the past women were dependent on men, and their activities were limited to the role of mother and wife and guardian of the home, hence, breaking with traditional morality, they took up the profession of prostitute, and sometimes they committed infanticides or husbandicides. Nowadays, crimes committed by women, together with gaining access to the professions traditionally associated with men, have changed their nature. An example could be the so-called white collar crimes (committed by persons with a higher income, prestige and socioeconomic status than workers), such as money fraud or economic fraud, which are more and more often being committed by women (Armentrout b.r.). Moreover, as the author noted, female crime is a response to the frustrations they have experienced because of the asymmetrical, despite emancipation, social relations with men and the still existing limitations in terms of their social roles, or placing excessive demands on them to fulfill their roles in the private (mother and wife) and public (professional work) spheres.

Undoubtedly, the value of Adler's criminological concept is its innovative – with reference to traditional, emphasizing biological essentialism, paternalistic theories – approach to women's crime, referring to the postulates of liberal feminism, according to which equality between women and men can be achieved through

access of the former to education and other areas of public life (Gromkowska-Melosik 2002, p. 54). The weakness of this theory is that it does not apply to female crime in Third World countries, where women are still completely marginalized in social life. In addition, feminist oriented female researchers believe that it is fundamentally androcentric and targeted against the feminist trend (Islam et al. 2014).

The opportunity theory

In turn, Rita Simon's concept of explaining women's crime is referred to as the opportunity theory. Just like Freda Adler, she sees the source of the increase in female criminal behavior in the changing conditions of women's social life. She described her theory in a book published in 1975 entitled *Women and Crime*.

Rita Simon resigns from deterministic theories referring to biological determinism and demonstrates the belief that there are no differences between women and men in the perception of morality. The author considers biological factors to be irrelevant in the perspective of trying to understand female crime. The essence of Simon's theory is a thesis about the correlation between the increase of women's capacity to act in the social space and the increase of their criminal activities (Dodge 2013, p. 199). She writes: "When more and more women are gaining access to the labor market as highly qualified and highly skilled workers, the more of them commit crimes against property. Some women benefit from these opportunities, as did men in the past" (quoted from: Islam et al. 2014, p. 6). This theory emphasizes that increasing women's access to positions related to socio-economic status contributes to the increase of a specific type of crimes (typical for the so-called white collars).

However, a second trend can be seen in her ponderings. She believes that the feminist movement, whose actions have contributed to women's independence, has reduced the number of crimes committed by them, as they feel free and do not suffer from the frustration of subordination to men (quoted from: Islam et al. 2014, p. 6). In addition, this leads to a reduction in the phenomenon of victimization. Later on, Simon supplemented her opportunity theory by analyzing the role of women's economic marginalization in increasing their criminal activity (Lahm 2010, pp. 849–850).

Undoubtedly, both theories presented showed a new sociologically oriented attempt to explain the criminality of women. Feministically oriented researchers accused the two authors of calling for a backlash, i.e. a shift away from the ideology of equal rights; there was also a thesis about evoking moral panic around the phenomenon of women's emancipation (concerning the collapse of traditional femininity and the family as an institution). Despite these allegations, both authors have contributed to a significant increase in the interest in female criminality (Simpson 1989, p. 610).

The marginalization theory

Meda Chesney-Lind is the author of another important theory, the essence of which is the phenomenon of marginalization. She indicates the main cause of female crime to be their low position in society, the pursuit of jobs without prestige and not allowing them to fulfill their social and professional aspirations. There is also a conviction that the phenomenon of victimization plays a major role in the genesis of crimes committed by women, the main component of which is the violence suffered by women from men. According to critics, the weakness of this concept is its inadequacy in explaining the causes of economic crimes committed by middle-class women belonging to the so-called white collars (Islam et al. 2014, p. 6). Meda Chesney-Lind together with Michele Eliason also included the problem of women's crime representation in the media and the problem of creating images of aggressive girls/female media images in their analyses. The authors point to the media processes of demonization of the so-called bad girls and pathologization of their behaviors as contrary to the traditional cultural model of femininity (Chesney-Lind, Eliason 2006, pp. 29–30). Thus, new areas of research on the role of the media as a factor in the growth of aggressive and criminal behaviors of women have been incorporated into criminological thought.

The feminist theory

In turn, strictly feminist theory was born in the 1960s as a response to the androcentric tradition of research into female criminality. It was believed that criminology was created by men and from their perspective, while ignoring the experiences of women. Feminist researchers have indicated gender as a central category differentiating the experiences of women and men, both as perpetrators and victims of violence.

The beginning of feminist criminology is considered to be the publication of the book *Women, Crime and Criminology* by the author (quoted in this article) Carol Smart in 1976, which has been recognized as a turning point in thinking about female crime. The author drew attention to the “invisibility” of women in criminological analyses and to the omitted problem of victimization, which is crucial for understanding the situation of this gender (Gelsthorpe, Morris 1998, p. 93; Newburn 2017).

Feministically oriented researchers stated that previous criminological theories ignored the issue of women, while on the other hand they stereotyped and sexualized it. There was also a thesis on their ostensibly “male-oriented generalization”, according to which male crime is the norm and standard for the explanation of

female crime (Hannon, Dufour 1998, pp. 63–71). From the feminist perspective, criminology was also criticized for “gender blindness” (Gelsthorpe, Morris 1998, pp. 93–110), and Frances Heidensohn used the excellent term of “criminal tradition of criminology machismo in criminology, according to which male deviation and violence are perceived as being to some extent in line with the ideal of heroic and romantic masculinity, which makes it difficult to analyze the criminality of women” (Newburn 2017, pp. 324).

Feminists considered (and this view is still valid) that female criminals are socially perceived as twice as deviant, both as citizens and as women. A citizen should not commit crimes, and even more so a woman, due to her dominant feminine traits (Carlen 1992, p. 207).

The judges were considered to punish women equally for their crimes, as well as for the fact that “their lifestyle calls into question the conventional beliefs about the proper place of women in the society” (Carlen 1992, p. 207).

The theory also emphasizes that the essence of a male-dominated legal system is the mythical man – a representative of the law who seems to be deprived of gender, because he is an objective model of a citizen who does not violate the law (Naffine 2016, p. 4).

It is worth recalling here the 1988 thesis of Medy Chesney-Lind, already mentioned earlier, saying that thanks to feminist criticism, criminology which is a product of “white, economically privileged men” has “awakened from the »androcentric« sleep” (Daly, Chesney-Lind 1988, pp. 506–507).

Combating gender inequality was one of the main objectives of feminist criminology (cf. Miller, Mullins 2009, p. 217). It (feminist criminology) includes the two main discourses related to the conceptualization of gender (Newburn 2017, p. 329). The first refers to the structural theory of inequality, in which factors such as: class, race and gender determine the multitude of determinants of feminine criminality (an example of this thinking is *Black Feminist Criminology* by Hillary Potter, which points to the multiplied marginalization of black women committing crimes (Potter 2006, p. 107).

The second discourse is *doing gender*, in which the crime should be considered from the perspective of particular manners of realization of femininity and masculinity (e. g. it associates hegemonic masculinity with crime) (Newburn 2017, p. 329).

According to Pat Carlen and Anje Worall, significant achievements of feminist criminology are: questioning the hitherto, traditional criminological theories, setting new directions of research, reviewing existing theories and extending them with new problem areas (Carlen, Worall 1987).

Conclusion

Gone are the times when the various phenomena of women's social functioning were explained through biological factors, which resulted in women's sexualization (and reducing them to lower beings). Nowadays, we are dealing with the emergence of many alternative concepts and theories, which explain the processes and phenomena in which women are entangled from different paradigmatic as well as ideological perspectives. This also pertains to woman criminality. The dramatic progress that has been made in this area concerns two tendencies. The first one is the abandonment of essentialism and seeking the genesis of crimes committed by women either in the denial of female nature or in that nature.

The second one is placing this issue in the context of the problem of equal opportunities, women's emancipation and the problem of the ever asymmetrical power relations between women and men in society. It seems that each of the theories presented in this text, even if it may be accused of a certain one-sidedness of exposing a single factor or context, it finds itself legitimized in relation to the phenomena and trends that can be found in reality. Which of them makes it easier to understand the phenomenon of female crime depends on a given social or cultural context and even the local environment in which the construction of women's biographies takes place. In my opinion, the most important common feature of the theories discussed in this article is that there is no top-down pathologization of female identity in explaining the crimes committed by women, but an attempt at contextual social explanation of this phenomenon.

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