

GENDER, CRIME AND JUSTICE

There are striking gender differences in the patterns of recorded crime. Girls and women appear to commit fewer crimes than boys and men and, when they do offend, females tend to commit different kinds of crimes from males.

Traditionally, male-dominated criminology neglected female criminality, both because females were seen as committing less crime, and because their behaviour was seen as less in need of controlling. However, more recently, feminists have focused attention on the patterns and causes of female criminality.

Sociologists have also turned their attention to the causes of *male* criminality. In particular, there has been considerable interest in the relationship between masculinity and crime, and some sociologists have argued that crime is a way for some males to achieve and express their masculinity.

Gender patterns in crime

Most crime appears to be committed by males. As Heidensohn and Silvestri (2012) observe, gender differences are the most significant feature of recorded crime. For example, official statistics show that:

- Four out of five convicted offenders in England and Wales are male.
- By the age of 40, 9% of females have a criminal conviction, as against 32% of males.

Among offenders, there are some significant gender differences. For example, official statistics show that:

- A higher proportion of female than male offenders are convicted of property offences (except burglary). A higher proportion of male than female offenders are convicted of violence or sexual offences.
- Males are more likely to be repeat offenders, to have longer criminal careers and to commit more serious crimes. For example, men are about 15 times more likely to be convicted of homicide.

Such statistics raise three important questions:

- 1 Do women really commit so few crimes, or are the figures an invalid picture of their offending?
- 2 How can we explain why those women who do offend commit crimes?
- 3 Why do males commit more crimes than females?

Analysis and Evaluation

One of the most common crimes committed by women is shoplifting. Suggest three reasons for this.

Do women commit more crime?

Do the official statistics on offending give us a true picture of the extent of gender differences in crime? Some

sociologists and criminologists argue that the statistics underestimate the amount of female as against male offending. Two arguments have been put forward in support of this view.

- Typically 'female' crimes are less likely to be reported. For example, shoplifting is less likely to be noticed or reported than the violent or sexual crimes more often committed by men. Similarly, prostitution – which females are much more likely than males to engage in – is unlikely to be reported by either party.
- Even when women's crimes are detected or reported, they are less likely to be prosecuted or, if prosecuted, more likely to be let off relatively lightly.

The chivalry thesis

This second argument is known as the leniency or 'chivalry thesis'. The thesis argues that most criminal justice agents – such as police officers, magistrates and judges – are men, and men are socialised to act in a 'chivalrous' way towards women.

For example, Otto Pollak (1950) argues that men have a protective attitude towards women and that

'Men hate to accuse women and thus send them to their punishment, police officers dislike to arrest them, district attorneys to prosecute them, judges and juries to find them guilty, and so on.'

The criminal justice system is thus more lenient with women and so their crimes are less likely to end up in the official statistics. This in turn gives an invalid picture that exaggerates the extent of gender differences in rates of offending.

Self-report studies The chivalry thesis has been hotly debated. Evidence from some self-report studies – where individuals are asked about what crimes they have committed – does suggest that female offenders are treated more leniently.

For example, John Graham and Ben Bowling's (1995) research on a sample of 1,721 14-25-year-olds found that although males were more likely to offend, the difference was smaller than that recorded in the official statistics.

They found that males were 2.33 times more likely to admit to having committed an offence in the previous twelve months – whereas the official statistics show males as four times more likely to offend.

Similarly, Flood-Page et al (2000) found that, while only one in 11 female self-reported offenders had been cautioned or prosecuted, the figure for males was over one in seven self-reported offenders.

Official statistics At first sight, court statistics appear to give some support to the chivalry thesis. For example:

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- Females are more likely than males to be released on bail rather than remanded in custody.
- Females are more likely than males to receive a fine or a community sentence, and less likely to be sent to prison. Women on average receive shorter prison sentences.
- Only one in nine female offenders receive a prison sentence for shoplifting, but one in five males.

Similarly, Roger Hood's (1992) study of over 3,000 defendants found that women were about one-third less likely to be jailed in similar cases.

Evidence against the chivalry thesis

There is considerable evidence against the chivalry thesis. For example, David Farrington and Alison Morris' (1983) study of sentencing of 408 offences of theft in a magistrates' court found that women were *not* sentenced more leniently for comparable offences. Steven Box's (1981) review of British and American self-report studies also concludes that women who commit serious offences are not treated more favourably than men.

Similarly, Abigail Buckle and David Farrington's (1984) observational study of shoplifting in a department store witnessed twice as many males shoplifting as females – despite the fact that the numbers of male and female offenders in the official statistics are more or less equal. This small-scale study thus suggests that women shoplifters may be *more* likely to be prosecuted than their male counterparts.

Self-report studies also provide evidence that males commit more offences. For example, young men are more likely than females to report binge drinking, taking illegal drugs or engaging in disorderly conduct. Hales et al (2009) found that they were significantly more likely to have been offenders in all major offence categories. Other studies suggest that the gender gap increases as the offences become more serious.

Under-reporting of male crimes against women The chivalry thesis also ignores the fact that many male crimes do not get reported. For example, in 2012, only 8% of females who had been victims of a serious sexual assault reported it to the police, while Yearnshire (1997) found that a woman typically suffers 35 assaults before reporting domestic violence.

Crimes of the powerful are also under-represented in self-report and victim surveys, and these are also more likely to be committed by men by virtue of their more privileged position in the job market.

If women appear to be treated more leniently, it may simply be because their offences are less serious. For example, the lower rate of prosecutions of females as compared with their self-reported offending may be because the crimes they admit to are less serious and less likely to go to trial. Women offenders also seem more likely to show remorse, and this may help to explain why they are more likely to receive a caution instead of going to court.

Bias against women

Many feminists argue that, far from the criminal justice system being biased in favour of women, as the chivalry thesis claims, it is biased *against* them. As Heidensohn (1996) argues, the courts treat females more harshly than males when they deviate from gender norms. For example

- Double standards – courts punish girls but not boys for premature or promiscuous sexual activity. 'Wayward' girls can end up in care without ever having committed an offence. Sharpe (2009) found from her analysis of 52 youth worker records, that seven out of 11 girls were referred for support because they were sexually active, but none out of 44 boys.
- Women who do not conform to accepted standards of monogamous heterosexuality and motherhood are punished more harshly. As Stewart (2006) found, magistrates' perceptions of female defendants' characters were based on stereotypical gender roles.

Pat Carlen (1997) puts forward a similar view in relation to custodial sentences. She argues that when women are jailed, it is less for 'the seriousness of their crimes and more according to the court's assessment of them as wives, mothers and daughters'. Girls whose parents believe them to be beyond control are more likely to receive custodial sentences than girls who live more 'conventional' lives. Carlen found that Scottish judges were much more likely to jail women whose children were in care than women who they saw as good mothers.

Feminists argue that these double standards exist because the criminal justice system is patriarchal. Nowhere is this more evident than in the way the system deals with rape cases. There have been numerous cases of male judges making sexist, victim-blaming remarks. For example, Carol Smart (1989) quotes Judge Wild as saying that

'Women who say no do not always mean no. It is not just a question of how she says it, how she shows and makes it clear. If she doesn't want it she only has to keep her legs shut.'

Similarly, as Sandra Walklate (1998) argues, in rape cases it is not the defendant who is on trial but the victim, since she has to prove her respectability in order to have her evidence accepted. According to Adler (1987), women who are deemed to lack respectability, such as single parents, punks and peace protestors, find it difficult to have their testimony believed by the court.

Application

- How might the concept of patriarchy be used to explain
- (a) bias in favour of women (the chivalry thesis);
 - (b) bias against women?

Explaining female crime

Whether or not the criminal justice system is more lenient towards women, as the chivalry thesis claims, women in general do seem to have a lower rate of offending than men. How then can we explain the behaviour of those women who do commit crimes?

The first explanations of gender differences in crime were biological rather than sociological. For example, Lombroso and Ferrero (1893) argued that criminality is innate, but that there were very few 'born female criminals'. Some more recent psychological explanations have also argued that biological factors such as higher levels of testosterone in males can account for gender differences in violent offending.

However, sociologists take the view that social rather than biological factors are the cause of gender differences in offending. Sociologists have put forward three main explanations of gender differences in crime: sex role theory, control theory and the liberation thesis.

Functionalist sex role theory

Early sociological explanations of gender differences in crime focused on differences in the socialisation of males and females. For example, boys are encouraged to be tough, aggressive and risk taking, and this can mean they are more disposed to commit acts of violence or take advantage of criminal opportunities when they present themselves.

The functionalist Talcott Parsons (1955) traces differences in crime and deviance to the gender roles in the conventional nuclear family. While men take the instrumental, breadwinner role, performed largely outside the home, women perform the expressive role in the home, where they take the main responsibility for socialising the children.

While this gives girls access to an adult role model, it tends to mean that boys reject feminine models of behaviour that express tenderness, gentleness and emotion. Instead, boys seek to distance themselves from such models by engaging in 'compensatory compulsory masculinity' through aggression and anti-social behaviour, which can slip over into acts of delinquency.

Because men have much less of a socialising role than women in the conventional nuclear family, socialisation can be more difficult for boys than for girls. According to Albert K. Cohen (1955), this relative lack of an adult male role model means boys are more likely to turn to all-male street gangs as a source of masculine identity. As we saw in **Topic 1**, in these subcultural groups, status is earned by acts of toughness, risk-taking and delinquency.

Similarly, New Right theorists argue that the absence of a male role model in matrifocal lone parent families leads to

boys turning to criminal street gangs as a source of status and identity.

Sandra Walklate (2003) criticises sex role theory for its biological assumptions. According to Walklate, Parsons assumes that because women have the biological capacity to bear children, they are best suited to the expressive role.

Thus, although the theory tries to explain gender differences in crime in terms of behaviour learned through socialisation, it is ultimately based on biological assumptions about sex differences.

More recently, feminists have put forward alternative explanations for women's patterns of crime and deviance. Feminists locate their explanations in the patriarchal (male-dominated) nature of society and women's subordinate position in it.

We can distinguish between two main feminist approaches:

- control theory
- the liberation thesis.

Heidensohn: patriarchal control

Frances Heidensohn (1996) argues that the most striking thing about women's behaviour is how *conformist* it is – they commit fewer and less serious crimes than men. In her view, this is because patriarchal society imposes greater control over women and this reduces their opportunities to offend. This patriarchal control operates at home, in public spaces and at work.

Control at home Women's domestic role, with its constant round of housework and childcare, imposes severe restrictions on their time and movement and confines them to the house for long periods, reducing their opportunities to offend. Women who try to reject their domestic role may find that their partners seek to impose it by force, through domestic violence.

As Dobash and Dobash (1979) show, many violent attacks result from men's dissatisfaction with their wives' performance of domestic duties. Men also exercise control through their financial power, for example by denying women sufficient funds for leisure activities, thereby restricting their time outside the home.

Daughters too are subject to patriarchal control. Girls are less likely to be allowed to come and go as they please or to stay out late. As a result, they develop a 'bedroom culture', socialising at home with friends rather than in public spaces. Girls are also required to do more housework than boys. As a result, they have less opportunity to engage in deviant behaviour on the streets.

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Control in public Women are controlled in public places by the threat or fear of male violence against them, especially sexual violence. For example, the Islington Crime Survey found that 54% of women avoided going out after dark for fear of being victims of crime, as against only 14% of men.

Heidensohn notes that sensationalist media reporting of rapes adds to women's fear. Distorted media portrayals of the typical rapist as a stranger who carries out random attacks frightens women into staying indoors.

Females are also controlled in public by their fear of being defined as not respectable. Dress, make-up, demeanour and ways of speaking and acting that are defined as inappropriate can gain a girl or woman a 'reputation'. For example, women on their own may avoid going into pubs – which are sites of criminal behaviour – for fear of being regarded as sexually 'loose' or even as prostitutes.

Similarly, Sue Lees (1993) notes that in school, boys maintain control through sexualised verbal abuse, for example labelling girls as 'slags' if they fail to conform to gender role expectations.

Control at work Women's behaviour at work is controlled by male supervisors and managers. Sexual harassment is widespread and helps keep women 'in their place'. Furthermore, women's subordinate position reduces their opportunities to engage in major criminal activity at work. For example, the 'glass ceiling' prevents many women from rising to senior positions where there is greater opportunity to commit fraud. As a result, they are less likely to be involved in white collar crime.

In general, these patriarchal restrictions on women's lives mean they have fewer opportunities for crime. However, Heidensohn recognises that patriarchy can also push some women into crime. For example, women are more likely to be poor (for example, as a result of gender inequalities in the labour market) and may turn to theft or prostitution to gain a decent standard of living. We explore this issue – why some disadvantaged women become involved in crime – next.

Carlen: class and gender deals

Using unstructured tape-recorded interviews, Pat Carlen (1988) conducted a study of thirty-nine 15-46 year old working-class women who had been convicted of a range of crimes including theft, fraud, handling stolen goods, burglary, drugs, prostitution, violence and arson. Twenty were in prison or youth custody at the time of the interviews. Although Carlen recognises that there are some middle-class female offenders, she argues that most convicted serious female criminals are working-class.

Carlen uses a version of Travis Hirschi's (1969) control theory to explain female crime. Hirschi argues that humans act rationally and are controlled by being offered a 'deal', of

rewards in return for conforming to social norms. People will turn to crime if they do not believe the rewards will be forthcoming, and if the rewards of crime appear greater than the risks.

Carlen argues that working-class women are generally led to conform through the promise of two types of rewards or 'deals':

- **The class deal:** women who work will be offered material rewards, with a decent standard of living and leisure opportunities.
- **The gender deal:** patriarchal ideology promises women material and emotional rewards from family life by conforming to the norms of a conventional domestic gender role.

If these rewards are not available or worth the effort, crime becomes more likely. Carlen argues that this was the case with the women in her study.

In terms of the *class deal*, the women had failed to find a legitimate way of earning a decent living and this left them feeling powerless, oppressed and the victims of injustice.

- Thirty-two of them had always been in poverty.
- Some found that qualifications gained in jail had been no help in gaining work upon release. Others had been on training courses but still could not get a job.
- Many had experienced problems and humiliations in trying to claim benefits.

As they had gained no rewards from the class deal, they felt they had nothing to lose by using crime to escape from poverty.

In terms of the *gender deal* for conforming to patriarchal family norms, most of the women had either not had the opportunity to make the deal, or saw few rewards and many disadvantages in family life.

- Some had been abused physically or sexually by their fathers, or subjected to domestic violence by partners.
- Over half had spent time in care, which broke the bonds with family and friends.
- Those leaving or running away from care often found themselves homeless, unemployed and poor.

Many of the women reached the conclusion that:

'crime was the only route to a decent standard of living. They had nothing to lose and everything to gain.'

Carlen concludes that, for these women, poverty and being brought up in care or an oppressive family life were the two main causes of their criminality. Drug and alcohol addiction, and the desire for excitement, were contributory factors, but these often stemmed from poverty or being brought up in care. Being criminalised and jailed made the class deal even less available to them and made crime even more attractive.

Evaluation

Heidensohn and Carlen's approaches to female crime are based on a combination of feminism and control theory:

- Heidensohn shows the many patriarchal controls that help prevent women from deviating.
- Carlen shows how the failure of patriarchal society to deliver the promised 'deals' to some women removes the controls that prevent them from offending.

However, both control theory and feminism can be accused of seeing women's behaviour as determined by external forces such as patriarchal controls or class and gender deals. Critics argue that this underplays the importance of free will and choice in offending.

Furthermore, Carlen's sample was small and may be unrepresentative, consisting as it did largely of working-class and serious offenders.

The liberation thesis

If patriarchal society exercises control over women to prevent them from deviating, then it would seem logical to assume that, if society becomes less patriarchal and more equal, women's crime rates will become similar to men's.

This is the 'liberation thesis' put forward by Freda Adler (1975). Adler argues that, as women become liberated from patriarchy, their crimes will become as frequent and as serious as men's. Women's liberation has led to a new type of female criminal and a rise in the female crime rate.

Adler argues that changes in the structure of society have led to changes in women's offending behaviour. As patriarchal controls and discrimination have lessened, and opportunities in education and work have become more equal, women have begun to adopt traditionally 'male' roles in both legitimate activity (work) and illegitimate activity (crime).

As a result, women no longer just commit traditional 'female' crimes such as shoplifting and prostitution. They now also commit typically 'male' offences such as crimes of violence and white-collar crimes.

This is because of women's greater self-confidence and assertiveness, and the fact that they now have greater opportunities in the legitimate structure. For example, there are more women in senior positions at work and this gives them the opportunity to commit serious white-collar crimes such as fraud.

There is some evidence to support this view. For example:

- Both the overall rate of female offending and the female share of offences rose during the second half of the 20th century. For example, between the 1950s and 1990s, the female share of offences rose from one in 7 to one in 6.

- Adler argues that the pattern of female crime has shifted. She cites studies showing rising levels of female participation in crimes previously regarded as 'male', such as embezzlement and armed robbery.
- More recently, there has been media talk of the growth of 'girl gangs', while a study by Martin Denscombe (2001) of Midlands teenagers' self-images found that females were as likely as males to engage in risk-taking behaviour and that girls were adopting more 'male' stances, such as the desire to be in control and look 'hard'.

Criticisms of the liberation thesis

Critics reject Adler's thesis on several grounds:

- The female crime rate began rising in the 1950s – long before the women's liberation movement, which emerged in the late 1960s.
- Most female criminals are working-class – the group least likely to be influenced by women's liberation, which has benefited middle-class women much more. According to Chesney-Lind (1997), in the USA poor and marginalised women are more likely than liberated women to be criminals.
- Chesney-Lind did find evidence of women branching out into more typically male offences such as drugs. However, this is usually because of their link with prostitution – a very 'unliberated' female offence.
- There is little evidence that the illegitimate opportunity structure of professional crime has opened up to women. Laidler and Hunt (2001) found that female gang members in the USA were expected to conform to conventional gender roles in the same way as non-deviant girls.

However, Adler's thesis does draw our attention to the importance of investigating the relationship between changes in women's position and changes in patterns of female offending.

However, it can be argued that she overestimates both the extent to which women have become liberated and the extent to which they are now able to engage in serious crime.

Activity Discussion

Female crime: explanations on trial

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Females and violent crime

One trend in the official statistics that seems to support Adler's liberation thesis is the increase in the female arrest

and conviction statistics for violent crime. For example, according to Hand and Dodd (2009), between 2000 and 2008, police statistics show the number of females arrested for violence rose by an average of 17% each year. Similar trends have been noted in other countries, including Canada, Australia and the USA.

If these police statistics are an accurate picture of offending, it suggests that females are increasingly committing typically 'male' crimes, since violent offending has traditionally been a male form of crime.

The criminalisation of females

However, evidence from other sources paints a different picture. For example, in the USA, Steffensmeier and Schwartz (2009) found that while the female share of arrests for violence grew from one-fifth to one-third between 1980 and 2003, this rise in the police statistics was not matched by the findings of victim surveys. That is, victims did not report any increase in attacks by females. Similarly, self-report studies showed no upward trend in females' criminality.

Net widening Steffensmeier and Schwartz conclude that in reality there has been no change in women's involvement in violent crime. They argue that the rise in arrests is due to the justice system 'widening the net' – arresting and prosecuting females for less serious forms of violence than previously.

Similarly, Chesney-Lind (2006) argues that a policy of mandatory arrests for domestic violence has led to a steep rise in the female violence statistics in the USA. Where a couple fight, both may be arrested, even though it is likely that the woman is the victim. Females previously ignored by the justice system now find themselves being labelled as violent offenders.

In the UK, too, Sharpe and Gelsthorpe (2009) note that net-widening policies are producing a rise in the official statistics for females' violent crimes. There is a growing trend towards prosecuting females for low-level physical altercations, even in some cases for playground fights. Most convictions are for minor offences not involving weapons.

This trend is an example of what Jock Young (2011) calls 'defining deviance up' to catch trivial offences in the net. Worrall (2004) argues that in the past, girls' misbehaviour was more likely to be seen as a 'welfare' issue, whereas now it has been re-labelled as criminality.

A moral panic about girls?

If female participation in violent crime is not in fact increasing, how do we account for the increase in criminalisation of females for this kind of crime? One view is that it is a social construction resulting from a moral

panic over young women's behaviour. For example, Burman and Batchelor (2009) point to media depictions of young women as 'drunk and disorderly, out of control and looking for fights'.

Reports featuring binge drinking, girl gangs and so on may be affecting the criminal justice system. For example, Sharpe (2009) found that professionals such as judges, probation officers and police were influenced by media stereotypes of violent 'ladettes' and many believed that girl behaviour was rapidly getting worse. Similarly, in the USA, Steffensmeier et al (2005) found that media-driven moral panics about girls were affecting sentencing decisions.

The overall effect is a self-fulfilling prophecy and an amplification spiral: reports of girls' misbehaviour sensitise police and courts, who take a tougher stance, resulting in more convictions, which produces further negative media coverage and so on. As Burman and Batchelor put it,

'What we are witnessing is not an increase in violent offending, but the increased reporting, recording and prosecuting of young women accused of violent offences.'

Gender and victimisation

Large-scale national victim surveys such as the Crime Survey for England and Wales (CSEW 2012) show gender differences in the level and types of victimisation, and in the relationship between victims and offenders.

Homicide victims About 70% are male. Female victims are more likely to know their killer and in 60% of these cases, this was a partner or ex-partner. Males are most likely to be killed by a friend or acquaintance.

Victims of violence Fewer women than men are victims of violence (2% versus 4%). In addition:

- Women are most likely to be victimised by an acquaintance, men by a stranger.
- More women than men were victims of intimate violence (domestic abuse, sexual assault and stalking) during their adult lives (31% versus 18%).
- Ten times more women reported having been sexually assaulted than men.
- Only 8% of females who had experienced serious sexual assault reported it to the police. A third of those who didn't report it said they believed the police couldn't do much to help.

Mismatch between fear and risk? Research shows women have a greater fear of crime but the CSEW shows they are at less risk of victimisation. However, some local victim surveys such as by Lea and Young (1993) have found that women are in fact at greater risk than men. There is also some evidence from early studies (such as Sparks et

1977) that female victims of violence may be more likely to refuse to be interviewed.

Furthermore, victim surveys do not necessarily convey the frequency or severity of the victimisation. For example, in

the case of domestic abuse, Walby and Allen (2004) have shown that women were much more likely to be victims of multiple incidents. Ansara and Hindin (2011) found that women victims experienced more severe violence and control.

Why do men commit crime?

Feminists argue that, although 'malestream', non-feminist theories of crime have in reality focused only on males, these theories have assumed that they were explaining all crime, rather than solely male crime. For example, as Maureen Cain (1989) puts it:

'Men as males have not been the subject of the criminological gaze. Yet the most consistent and dramatic finding [of criminology] is not that most criminals are working-class – a fact which has received continuous theoretical attention – but that most criminals are, and always have been, men.'

In other words, although criminologists have focused mainly on male criminality, until recently they have not generally asked what it is about *being male* that leads men to offend.

Masculinity and crime

However, influenced by recent feminist and postmodernist ideas, sociologists have begun to take an interest in why men are more likely to commit crime. Their attention has focused on the concept of masculinity as a way of explaining men's higher rate of offending.

For example, James Messerschmidt (1993) argues that masculinity is a social construct or 'accomplishment' and men have to constantly work at constructing and presenting it to others. In doing so, some men have more resources than others to draw upon.

Messerschmidt argues that different masculinities co-exist within society, but that one of these, *hegemonic masculinity*, is the dominant, prestigious form that most men wish to accomplish. Hegemonic masculinity is defined through:

'work in the paid-labour market, the subordination of women, heterosexism [i.e. difference from and desire for women] and the driven and uncontrollable sexuality of men'.

However, some men have *subordinated masculinities*. These include gay men, who have no desire to accomplish hegemonic masculinity, as well as lower-class and some ethnic minority men, who lack the resources to do so.

Messerschmidt sees crime and deviance as resources that different men may use for accomplishing masculinity. For example, class and ethnic differences among youths lead to different forms of rule breaking to demonstrate masculinity:

- **White middle-class youths** have to subordinate themselves to teachers in order to achieve middle-class status, leading to an *accommodating masculinity* in school. Outside school, their masculinity takes an oppositional form, for example through drinking, pranks and vandalism.
- **White working-class youths** have less chance of educational success, so their masculinity is oppositional both in and out of school. It is constructed around sexist attitudes, being tough and opposing teachers' authority. The 'lads' in Willis' (1977) study are a good example of this kind of masculinity.
- **Black lower working-class youths** may have few expectations of a reasonable job and may use gang membership and violence to express their masculinity, or turn to serious property crime to achieve material success.

Messerschmidt acknowledges that middle-class men too may use crime. The difference lies in the type of crime – while middle-class males commit white-collar and corporate crime to accomplish hegemonic masculinity, poorer groups may use street robbery to achieve a subordinated masculinity.

Criticisms of Messerschmidt

Several criticisms have been made of Messerschmidt:

- Is masculinity an *explanation* of male crime, or just a *description* of male offenders (e.g. tough, controlling etc)? Messerschmidt is in danger of a circular argument, that masculinity explains male crimes (e.g. violence) because they are crimes committed by males (who have violent characteristics).
- Messerschmidt doesn't explain why not all men use crime to accomplish masculinity.
- He over-works the concept of masculinity to explain virtually all male crimes, from joy riding to embezzlement.

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Winlow: postmodernity, masculinity and crime

In recent decades, globalisation has led to a shift from a modern industrial society to a late modern or postmodern de-industrialised society. This has led to the loss of many of the traditional manual jobs through which working-class men were able to express their masculinity by hard physical labour and by providing for their families.

At the same time as job opportunities in industry have declined, there has been an expansion of the service sector, including the night-time leisure economy of clubs, pubs and bars. For some young working-class men, this has provided a combination of legal employment, lucrative criminal opportunities and a means of expressing their masculinity.

One example of this is Simon Winlow's (2001) study of bouncers in Sunderland in the north east of England, an area of de-industrialisation and unemployment. Working as bouncers in the pubs and clubs provided young men with both paid work and the opportunity for illegal business ventures in drugs, duty-free tobacco and alcohol and protection rackets, as well as the opportunity to demonstrate their masculinity through the use of violence.

Winlow draws on Cloward and Ohlin's distinction between conflict and criminal subcultures (see Topic 1). He notes that in *modern* society, there had always been a violent, conflict subculture in Sunderland, in which 'hard men' earned status through their ability to use violence. However, the absence of a professional criminal subculture meant there was little opportunity for a career in organised crime.

Bodily capital

Under *postmodern* conditions, by contrast, an organised professional criminal subculture has emerged as a result of the new illicit business opportunities to be found in the night-time economy. In this subculture, the ability to use violence becomes not just a way of displaying masculinity, but a commodity with which to earn a living.

To maintain their reputation and employability, the men must use their *bodily capital*. For example, many of the bouncers seek to develop their physical assets by bodybuilding.

Winlow notes that this is not just a matter of being able to use violence and win fights, but of maintaining the sign value of their bodies, 'looking the part' so as to discourage competitors from challenging them. In other words, the

signs of masculinity become an important commodity in their own right. This reflects the idea that in postmodern society, *signs* take on a reality of their own independent of the thing they supposedly represent.

Winlow's study is important because it shows how the expression of masculinity changes with the move from a modern industrial society to a postmodern, de-industrialised one. At the same time, this change opens up new criminal opportunities for men who are able to use violence to express masculinity, by creating the conditions for the growth of an organised criminal subculture.

Activity Media

Violence, media and masculinity

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Topic summary

Official statistics show males commit more crime than females, but the **chivalry thesis** argues that they underestimate female offending because the criminal justice system treats women more leniently. However, this may be because their offences are **less serious**. Feminists argue that the system is **biased against women**, especially when they deviate from gender norms.

In explaining gender differences in offending, **sex role theory** focuses on socialisation. **Feminist theories** emphasise **patriarchal control** that reduces females' opportunity to offend. Carlen argues that when the **reward system** for female conformity fails, females are likely to offend.

The **liberationist thesis** argues that as women become more liberated, they adopt 'male' patterns of offending. Female **criminalisation rates** for violence have risen due to **net widening** and **moral panic**.

Messerschmidt argues that **crime is a resource** some subordinated men use to **accomplish masculinity**. Winlow argues that **globalisation** and **de-industrialisation** mean that some men now achieve masculinity through participation in a combination of paid work and crime in the night-time economy.

EXAMINING GENDER, CRIME AND JUSTICE

QuickCheck Questions

Check your answers at www.sociology.uk.net



- 1 What proportion of convicted offenders are male?
- 2 Suggest two ways in which 'chivalry' might operate in the treatment of females by the law.
- 3 Suggest two ways in which females may be treated more harshly than males by the criminal justice system.
- 4 How does sex role theory account for gender differences in offending?
- 5 According to Heidensohn, in what three areas are women controlled?
- 6 According to Carlen, in what ways may lower-class women miss out on both gender and class deals?
- 7 Suggest two criticisms of the liberation thesis.
- 8 Explain what is meant by 'net widening' in relation to female offending.
- 9 According to Messerschmidt, what type of masculinity do white middle-class youths typically adopt?
- 10 Messerschmidt is said to 'overwork the concept of masculinity'. Explain what this means.

Questions to try

Item A Most criminals are men. The most consistent finding of research into crime in different societies and over many decades is that there is a clear link between crime and masculinity. However, the kind of crimes committed varies between different groups of men. So too does what counts as being a 'real man' and the resources to achieve it. Changes over time in the economy and the employment structure – such as de-industrialisation, for example – may also affect men's opportunities to express their masculinity.

Item B Official crime statistics indicate that there are significant gender differences in the commission of crime. Only about 20% of convicted offenders are female, and they are far less likely to commit homicide, carry out violent crime or be repeat offenders.

However, some sociologists believe that these statistics underestimate the true extent and seriousness of female crime. They argue that the leniency of the criminal justice system may result in fewer girls and women ending up in the crime statistics than men.

- 1 Outline two differences between the recorded patterns of male and female offending. (4 marks)
- 2 Applying material from Item A, analyse two reasons why men commit crime. (10 marks)
- 3 Applying material from Item B and your knowledge, evaluate sociological explanations of female crime. (30 marks)

The Examiner's Advice

Q2 Spend about 15 minutes on this. Divide your time fairly equally between the two reasons. You don't need a separate introduction; just start on your first reason. To answer this question, it's essential that you take two points from the Item and show through a chain of reasoning (see **Box 4.1** in chapter 4) how each explains men's criminality. (It is a very good idea to quote from the Item when doing so.)

You could use the idea that different groups of men commit different kinds of crime, the role of economic changes, or that what counts as being a real man varies. For example, middle-class men have more resources (e.g. well-paid jobs) and may use white collar crime to achieve hegemonic masculinity, whereas poorer men may use violence to achieve a subordinated masculinity. You can briefly evaluate by noting that this doesn't explain why not all men use crime to achieve masculinity.

Use concepts and issues such as those above and masculinity as a construct or accomplishment, age, class and ethnic differences; globalisation; postmodernity; subcultures and bodily capital. Use studies such as Messerschmidt, Willis, Cloward and Ohlin, and Winlow.

Q3 Spend about 45 minutes on this. Consider the different explanations of patterns of female offending. Start with the issue of what the patterns of female offending actually are. Consider what official statistics tell us and whether this is supported by self-report or other studies. Include a range of types of offence, e.g. property crime, violence etc.

Examine functionalist and feminist explanations of why female crime rates are lower. Use Carlen's study to examine the 'exceptions' who do offend. Use the Item in debating whether the justice system is biased in favour of females (the chivalry thesis) or against them (feminism). Consider arguments about whether the system is becoming more punitive towards females e.g. increased criminalisation for violence. Lastly, examine the liberation thesis that women are adopting male patterns of criminality. Evaluate the above explanations using alternative views and relevant evidence on offending and enforcement.

Use concepts and issues such as the above, plus patriarchy, double standards, gender role socialisation, social control, class and gender deals, net widening, moral panics. Use studies such as Pollak, Flood-Page, Hood, Buckle and Farrington, Box, Heidensohn, Carlen, Walklate, Parsons, Adler, Chesney-Lind, Steffensmeier and Schwartz, Sharpe and Gelthorpe.