

Figure 6.9 Self-reported lifetime offending (%)

Source: Sharp and Budd (2005)

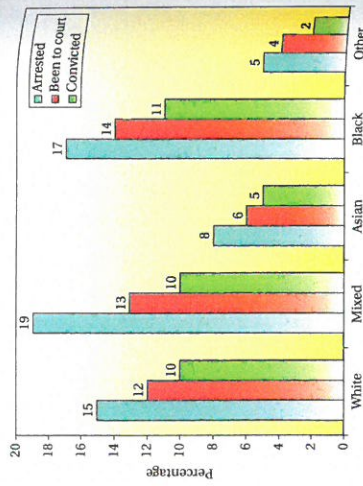


Figure 6.10 Percentage of respondents aged 10-65 who have ever been arrested, been to court, or been convicted (2003 OCS)

Source: Sharp and Budd (2005)

5 **Over-representation in prison.** The cumulative effects of social exclusion, and direct and indirect discrimination, are shown in the disproportionate rates of imprisonment for people from minority ethnic groups. In 2013, they made up over twice the proportion of prisoners (26 per cent) compared to their proportion in the general population (12 per cent), and black people were over-represented by four times (13 per cent) compared to their 3 per cent proportion of the general population. Phillips and Bowling (2012) cite evidence showing that, in prison, black and Asian prisoners face a more brutal regime than white prisoners, including abuse, violence and intimidation, denial of earned privileges and disproportionate disciplinary action. Asian prisoners face stereotyping as 'Islamic terrorists' and as 'security risks' in prison.

Further evidence of discrimination in policing and the criminal justice system is suggested by self-report studies. Sharp and Budd (2005), based on findings from the Home Office's 2003 *Offending, Crime and Justice Survey (OCJS)*, found that white people had the highest rate of lifetime offending, as shown in figure 6.9, and black and Asian people were significantly less likely to offend than white respondents. For offences committed in the previous twelve months, white males aged from 10 to 25 were far more likely to have committed an offence than 10- to 25-year-old males in other ethnic groups, and were more likely to be classed as serious or frequent offenders compared to Asian or black males in this age group. Despite this generally lower level of offending, figure 6.10 shows that people of Mixed or Black ethnicity are more likely to have been arrested, been to court or been convicted in their lifetimes.

In the light of such evidence, it is perhaps then not surprising that many of those from minority ethnic groups see the criminal justice system as discriminatory, causing them to lack confidence and trust in the police, and creating the sense of grievance that Gilroy and Hall et al. first identified in the 1970s but which continues in contemporary Britain.

Evaluation of ethnicity and crime

The links between ethnicity and offending are complex, and it is quite difficult to discover whether differences between ethnic groups are a result of their ethnic identity, or because of differences in age, social class and the areas in which they live. For example, compared to white people, minority ethnic groups tend to have higher proportions of young people, those suffering social and economic deprivation, and those living in deprived urban communities; higher crime rates may be related to these factors rather than ethnicity itself.

On the other hand, there is substantial evidence, confirmed in self-report studies, that the higher rate of offending by some minority ethnic groups shown in official statistics may be an exaggerated distortion created by racist stereotyping, unjustified assumptions and labelling by the police, and by racial discrimination in the criminal justice system.

Activity

- Referring back to Topic 1 if necessary, explain how each of the following concepts or theories might be applied to explain apparently higher levels of criminality among some minority ethnic groups:
 - strain theory and anomie (see pages 451-2)
 - marginality and social exclusion (see pages 465-6)
 - control and rational choice and opportunity theories (see pages 454-6 and 468-9).
- Identify four pieces of evidence in each case that outline that minority ethnic groups are: (a) more involved, and (b) no more, or less, involved, in crime than the white ethnic majority.

Gender and crime

Official statistics show that, in most countries of the world, males commit far more crime than females, in what is sometimes called the 'crime-gender gap' or the 'crime-sex ratio'. In England and Wales in 2014, men accounted for three-quarters of all persons convicted and 85 per cent of those convicted for more serious (indictable) criminal offences, and 95 per cent of prisoners. Men are convicted for about six *known* indictable offences for every one committed by women, they are more likely to be repeat offenders and in general they commit more serious offences. The proportion of men found guilty of or cautioned for indictable offences peaks at ages 17 to 20 when it is around ten times higher than the rate for women. Men are many times more likely to be found guilty of offending than women (as shown in figure 6.11) – for example:

- About sixty times more likely for sex offences
- About fourteen times more likely for robberies
- About thirteen times more likely for possession of weapons
- About ten times more likely for public order offences
- About eight times more likely for violence against the person (though it is much greater for violence which results in serious injury)
- About seven times more likely for criminal damage
- About six times more likely for all indictable offences overall
- About four times more likely for theft.

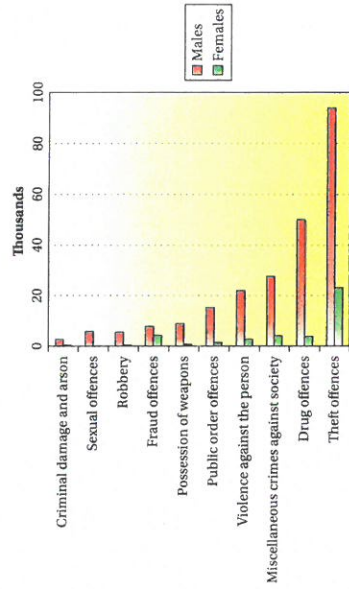


Figure 6.11 Offenders found guilty in all courts by sex and type of offence, England and Wales 2013-14

Source: Statistics on Women and the Criminal Justice System, Ministry of Justice, November 2014

Why do females appear to commit less crime than men?

Less detectable offences

Women, compared to men, tend to commit more of those offences which are less likely to be detected or reported, like shoplifting. Theft from shops is the most common offence among women, and around one-third of women in prison are there for theft and handling stolen goods. Although men do most shoplifting, women tend to steal smaller, less detectable items such as clothing, groceries, health products and perfumes, while males go for larger, more detectable and higher-value items like electrical equipment and power tools.

Sex-role theory and gender socialization

Sex-role theory, generally associated with functionalism and the New Right, is concerned with gender socialization and the different roles of men and women in society. Women's traditional 'expressive' roles involve caring for partners, children and dependent elderly relatives, and these are combined with responsibilities for housework and family management, and often paid employment. Gender socialization encourages women to adopt feminine characteristics such as being more emotional, less competitive, less tough and aggressive, and more averse to taking risks than men. These combine to make many women avoid the risk-taking involved in crime, as well as giving them fewer opportunities than men to commit crime.

Control theory and rational choice and opportunity in a patriarchal society

Carlen (1988) and Heidensohn (1996) combine a feminist approach with control and rational choice and opportunity theories (see pages 454–6 and 468–9) to explain women's lower level of offending. Heidensohn suggests that the differences between male and female crime arise from their different social circumstances, opportunities, the socialization process and the different impacts of informal and formal social control in a patriarchal society.

The gender deal and the class deal

Following a study of a small number of working-class women who had a criminal conviction, Carlen suggested that women are encouraged to conform by what she calls the *class deal* and the *gender deal*.

- The *class deal* refers to the material rewards that arise from working in paid employment, enabling women to purchase things like consumer goods and enjoy a respectable life and home.
- The *gender deal* refers to the rewards that arise from fulfilling their roles in the family and home, with material and emotional support from a male breadwinner.

Most women accept and achieve these deals and the rewards and security arising from them, and therefore conform. However, the rewards arising from the class or gender deals are not available to some women, because of things like poverty, unemployment, lack of a family through being brought up in care, or abusive partners. Such women may then make a rational decision to choose crime: such a choice has few costs, as they have little to lose (like loss of a job, family or status) but at least crime, like shoplifting or fraud, offers potential benefits like money, food and consumer goods which are not otherwise available through the approved or legitimate class and gender deals.

The constraints of socialization

Heidensohn suggests that women, in a patriarchal society, have more to lose than men if they get involved in crime and deviance, because they face a greater risk of stigma or shame. Carlen suggests women are socialized into performing a central role as 'guardians of domestic morality', and they risk social disapproval when they fail to do so. Women who take the risk of involving themselves in crime therefore face the double jeopardy of being condemned for both committing a crime and behaving in an unfeminine way – unlike a 'proper woman'.

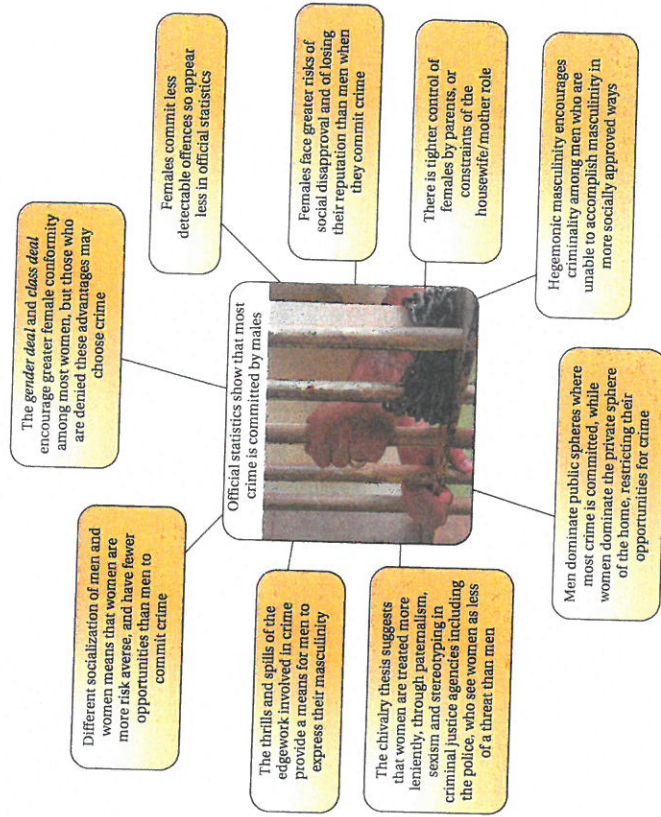
Social control and different spheres

Agencies of social control work to discourage people from choosing crime over conformity. Heidensohn suggests that there is a patriarchal ideology of different spheres, with men dominating the public sphere – in which most crime is committed – including locations such as workplaces, pubs and clubs, and the streets at night, and women the private sphere of the home. Social control deters women from crime in the following ways:

- 1 In the *private domestic sphere* of the home, patriarchal control through the allocation to women of responsibilities for domestic labour and childcare provides less time and opportunity for crime, and women face more serious consequences if they do become involved. Teenage girls are likely to be more closely supervised by their parents than boys, reducing their chances of getting into trouble.
- 2 In the *public sphere* outside the home, women are faced with patriarchal controls arising from fear of physical or sexual violence if they go out alone at night, and at work they are often subject to sexual harassment and supervision by male bosses, which restricts their opportunities to deviate. Women are also likely to face a 'glass ceiling' at work. This is an invisible barrier of discrimination which makes it difficult for women to reach the same top levels in their chosen careers as similarly qualified men, and this restricts their opportunities to engage in white-collar crime like fraud.
- 3 Women face the threat of losing their reputation for being 'respectable' if they engage in deviance, for example through gossip, the application of labels like 'slag' or 'slapper' by men, and the threat to their reputation that comes from being caught, as men will condemn them for a lack of femininity.

All these put greater pressure to conform on women than on men, because of their greater risks of losing more than they might gain by law breaking, and also reducing their opportunities to do so.

Figure 6.12 Gender and crime



The chivalry thesis

Pollak (1950) first proposed the chivalry thesis, which suggests that the male-dominated criminal justice system (CJS), such as the police and the courts, takes a more benevolent, protective and patriarchal view of female offending. This means that women offenders are seen as 'less guilty' as they are more vulnerable and in need of protection, and they are therefore treated more leniently than men.

Evidence for the chivalry thesis

According to the Home Office, supported by statistics provided by the Ministry of Justice, women are consistently treated more leniently by the law, with first offenders about half as likely to be given a sentence of immediate imprisonment as their male counterparts. Women are also less likely to be remanded in custody, more likely to receive suspended or community sentences rather than imprisonment, and, when they are imprisoned, to receive, on average, shorter prison sentences. Female offenders are also generally regarded by the police as a less serious threat than men, and therefore benefit from more informal approaches to their offences, particularly for minor offences – such as cautions or warnings rather than being charged.

Evidence against the chivalry thesis: double deviance and double jeopardy

It does not appear that there is much evidence of a leniency towards female defendants, and women's less severe treatment by the CJS is mainly due to the fact that they commit less serious offences than men. They also have more 'mitigating factors' which reduce the length of sentences, such as showing remorse, having caring responsibilities and a lack of previous relevant convictions. Men generally have more 'aggravating factors' leading to their longer sentences.

Walklate (2004) argues that, in general, the crimes that result in imprisonment for women are of a less serious nature than those that lead to imprisonment for men. On the other hand, Heidensohn (1996) suggests that, although women are far less likely to commit serious offences than men, those who violate socially acceptable patterns of feminine behaviour risk harsher punishment than men. She criticizes the chivalry thesis on the grounds that female offenders are subjected to double jeopardy, in that they are on trial both for the crime they commit and for the extent to which they conform to, or deviate from, stereotypes of femininity. Women are often defined in terms of their relationships with others, in which they are expected to act with warmth, emotion and caring – for example as mothers, daughters or partners. Feminist writers regard the CJS as patriarchal – run by men, for men. Carlen (1988) suggests that women's sentences reflect this double jeopardy, as judges, magistrates and juries are partly influenced by their assessments of women's characters and performance in relation to their traditional wife/partner and mother roles, rather than simply by the severity of the offence. Many feminist writers have referred to this as the 'evil woman' theory. This suggests that women who are seen as sexually promiscuous, as neglectful mothers or as violent women – and particularly violent against children – are perceived by the CJS in far worse terms than men in similar situations. They are seen as 'really bad', doubly deviant evil women, as they both commit crimes and violate the norms of traditional gender stereotypes of feminine behaviour. Men are in general far more violent than women, but are given comparatively lighter sentences for similar levels of violence as they are perceived as just overstepping the mark of what men are expected to be like anyway. There is also some evidence that, although women offenders are less likely than men to be remanded in custody (imprisoned) rather than given bail while awaiting trial, a higher proportion of those women who are remanded, compared to men, eventually receive a suspended or community sentence, or are acquitted or not tried, even though they've already spent time in prison.

Conclusion on the chivalry thesis

For most offences, there is not much evidence to support either the chivalry thesis or the 'evil woman' theory. In most cases, women seem to receive less harsh treatment from the criminal justice system because they commit less serious offences than men, rather than because of a chivalrous, protective and patriarchal CJS. The 'evil woman' is most likely to be found in the most serious offences where women violate norms relating to gender roles, motherhood and childcare – such as

serious violence, child neglect and abuse, child cruelty or child murder, where they suffer markedly more severe consequences than men who commit similar offences. This may well be because, in a patriarchal society, women are expected to be 'good' – feminine and conformist – and punished when they're not, while men are expected to be a bit tough and aggressive and periodically go off the rails, and so are punished less severely when they do so.

Police assumptions and stereotyping

Labelling theorists suggest that police assumptions and stereotypes mean women who commit crimes may benefit from the police stereotype (reflecting the pattern shown in official statistics) that they are less likely than men to be criminals, and so are less likely to have their behaviour watched, to get caught, to be labelled as criminal, and therefore less likely to become a criminal statistic.

Growing female criminality

Although men still commit a lot more crime than women, that pattern is slowly changing in the UK and internationally, and there is a growing increase in the proportion of crime committed by females, most noticeably by young women. In 1957, for example, men were responsible for eleven times as many offences as women, but by 2014 that ratio had narrowed to about three-to-one. There was a decrease in the male crime rate between 2002 and 2014, but the female crime rate increased in the same period, and although this started decreasing after 2010, it was at a much slower rate than that of men. The number of crimes committed by girls (aged 10–17) in England and Wales went up by around 25 per cent between 2004 and 2010, with significant increases in minor assaults, robberies, public order offences and criminal damage.

Changing gender roles: the liberation thesis and ladette culture

Adler (1975), in what is sometimes called the 'liberation thesis', suggested growing female crime may be due to changing gender roles. Women in contemporary Britain have more independence than in the past, and they are becoming more successful than men in both education and the labour market. At the same time, some of the traditional forms of control on women discussed above are weakening, particularly among younger women. Younger women are spending more leisure time outside 'on the streets' away from the home, so they are more visible and accessible to formal and informal surveillance and control by agencies of social control like the police. As Denscombe (2001) found, there is much more of a masculinized 'ladette' culture, in which young women are adopting behaviour traditionally associated with young men, as they assert their identity through binge drinking, gang culture, risk-taking, being hard and in control, and peer-related violence. Heidensohn and Silvestri (2012), however, cite a range of evidence that suggests that the reported increase in girls' violence is due more to changes in the labelling and criminalization of girls' bad behaviour than to real changes in their behaviour or that they are becoming more criminal. There is some evidence that the police and the CJS are now reacting in a more serious way – arresting, prosecuting and imprisoning girls and women involved in violence and other offences – rather than dealing with it informally by other means, which increases the statistics for such offences. It is also worth emphasizing that the main offences women commit – drug offences, criminal damage, shoplifting and violence – still tend to be much less serious than those committed by men, and women's violence consists of fairly low-level minor assaults and rarely involves the serious injury or use of weapons which are more associated with male violence.

Why do males commit more crime than women?

Sex-role theory and gender socialization

Men's traditional role has been as family provider/breadwinner – what the functionalist Parsons refers to as the 'instrumental role'. Men's traditional roles in employment, their lack of responsibility for housework and childcare, and the lack of the various constraints encouraging women's

conformity that were identified above, all give men more independence than women, and more opportunities to commit crime. A development of this kind of explanation centres on the features of masculinity and male gender identity, rather than simply the different roles performed by men and women in the family and society.

The assertion of masculinity

Connell (1987, 2005) suggests there is what she calls a **hegemonic masculinity** associated with the traditional masculine image in the world. This is a male gender identity that defines what it means to be a 'real man'; men who don't want to be regarded as 'wimps', abnormal or odd are meant to accomplish this masculinity. It features such things as independence, self-confidence, toughness, aggression, competitiveness, risk-taking, control, success and power over – and subordination of – women. It is the masculinity that was identified earlier by Miller as a focal concern of lower-working-class subculture (see pages 453–4). The male peer group reinforces these tendencies, particularly among younger men, and this can lead to higher risks of crime and delinquency.

Messerschmidt (1993) suggests that men sometimes turn to crime and violence as a means of asserting their masculinity when legitimate and traditional means of demonstrating masculinity and being 'real men' are blocked. Legitimate means include things like success at school, having a steady, reliable well-paid job, a stable family life and secure status as a family breadwinner. When these are missing, Messerschmidt suggests, men seek out alternative, 'masculine-validating resources', such as the threatened or actual use of violence, through fights and defending themselves, violence against women as an assertion of power, and crime. Those lacking legitimate masculine-validating resources are most likely to be those from more deprived backgrounds (the most common offenders).

The 'thrills and spills' involved in what Lyng called 'edgework' (see pages 470–1) may also be a motivating factor for some men to get involved in crime as a means of expressing their masculinity. This is more likely to occur among those for whom legitimate means of asserting masculinity are blocked or missing, but the nature of hegemonic masculinity might also explain why middle-class men try to assert masculinity through ruthlessness, ambition and thrill-seeking in business, leading to white-collar and corporate crimes (discussed later), such as computer hacking, embezzlement, fraud, and illegal stock market or money market trading. The nature of hegemonic masculinity might also explain why men from all social classes commit domestic violence and rape.

Evaluation of the masculinity thesis

The difficulty with Messerschmidt's analysis is that, while it provides a plausible explanation for why men might commit more crime than women, it doesn't have explanations for why all men who don't have access to legitimate means of asserting masculinity don't turn to crime – and most don't – or for the different types of crime that are committed. Not all male crime can be interpreted as an expression of masculinity.

Police assumptions and stereotyping

Labelling theorists suggest that police assumptions and stereotypes are the opposite of those discussed above in relation to women. Because of the pattern shown by official statistics, the police are more likely to see men than women as potential offenders, to label their behaviour as criminal, to press charges against them, and they are therefore more likely to appear in the crime statistics.

Control theory and rational choice and opportunity

The discussion above on control theory and rational choice and opportunity in relation to why women commit less crime than men can be reversed to explain why men commit more crime. Men dominate the public sphere where most crime is committed, and they face fewer constraints than women, such as responsibility for housework and childcare; also, they have less to lose in terms of reputation. Indeed, crime and deviance may actually enhance their reputation, particularly among young men for whom it might provide peer-group status. The demands of hegemonic masculinity

A **hegemonic masculinity** is a male gender identity that defines what is involved in being a 'real man', and is so dominant that those who don't conform to it are seen as odd or abnormal in some way.

may mean that some men who lack legitimate means of accomplishing masculinity may have more to gain than lose by choosing to commit crime or other forms of deviance, and they have more independence and opportunities to do so than women.

Activity

Read the previous section on gender and crime, then answer the following questions.

- 1 Outline the ways that the crime–gender ratio might be explained by sex role theory and gender socialization, linking them to examples of offences that men and women are most likely and least likely to commit.
- 2 Explain, with examples, the ways hegemonic masculinity is linked to male criminality, and why most men don't turn to crime.
- 3 Suggest ways that the changing role of women might explain the fact that females are committing an increasing proportion of all crimes.
- 4 Explain what is meant by each of the following concepts and theories, and suggest how they might be used to explain why, among offenders who have been caught, it is mainly working-class men and women who seem to turn to crime:
 - Sex role theory
 - Masculinity and femininity
 - Rational choice and opportunity
 - Control theory
 - Personal reputation
 - Police stereotyping.
- 5 Given that women commit far less crime than men, identify and explain three reasons why those women who do turn to crime might choose to do so.

Social class and crime

Newburn (2007) has noted that the sociology of crime and deviance has tended to focus on the crimes of the powerless rather than those of the powerful. This is largely because official statistics show that working-class people, particularly those with the least power from the lower working class, are the main offenders. It was Sutherland (1983 [1949]) who first sought to show crime was not simply a working-class phenomenon, but was widespread throughout all sections of society. He introduced the ideas of white-collar and corporate crime to describe those offences committed by the more affluent in society, and suggested many of these remain undetected, unreported and unrecorded in official statistics, or even manage to escape altogether being labelled as criminal acts. The crime statistics may therefore give a misleading, invalid picture of the reality of crime.

The working class and crime: crimes in the streets

It is predominantly *working-class* young males, both black and white, living in the *working-class* neighbourhoods of towns and cities, who appear, according to official statistics, to be the main offenders. Topic 1, and parts of this topic, cover a range of theories which provide explanations for this pattern of working-class crime: figure 6.13 and table 6.5 provide a summary of these explanations, and page references to which you can refer.

Evaluation of explanations for working-class crime

- Many evaluative points concerning the explanations for working-class crime have been made throughout Topic 1 and this topic, but there are two major criticisms which you should bear in mind.
- 1 The explanations don't give any reason why all those in the same circumstances in the poorest sections of the working class do not turn to crime (and most don't).