

night, ethnic minorities feel less safe than white people and that feeling affects their individual freedom of movement.'

Given that minority ethnic groups have less faith in the police than whites (see p. 391), the problems of increased risk of victimisation are compounded by a lack of faith in the ability of the criminal justice system to deal with the racially motivated and other crimes to which they fall victim. The Macpherson Inquiry into the Stephen Lawrence case highlighted the complacency and inefficiency of the police in dealing with a racially motivated incident. While considerable efforts have been made to tackle this problem, opinions are divided over how effective these efforts have been. In 2010/11 there were 51,187 racially motivated incidents recorded by the police, although this was a drop of some 18 per cent compared with 2006/7 (Ministry of Justice, 2011).

'Race', ethnicity and crime – conclusion

Bowling and Phillips (2002) conclude that minority ethnic groups' involvement in crime and criminal justice is closely related to **social exclusion**. Social exclusion relates both to minority ethnic groups as victims of crime and as suspects or perpetrators.

Criminological research shows that victimization clusters in conditions of social exclusion, such as high unemployment, high housing density and poor schools. On the basis of the social and economic position of ethnic minority communities, structural theories of crime – including those based on such concepts as anomie, strain, social disorganization, absolute and relative deprivation – would all posit that people from ethnic minority communities are disproportionately likely to be found in criminogenic contexts. Bowling and Phillips, 2002

To Bowling and Phillips, the evidence on whether minority ethnic groups commit more crime than whites is inconclusive. However, they believe it is clear that black people are more likely to be **criminalised** – that is, they are more likely to be turned into a criminal by being arrested and imprisoned. This in turn leads to greater social exclusion and therefore to a greater chance of criminalisation. Social exclusion can therefore lead to a vicious circle that creates increased chances of minority ethnic involvement in crime, both as victims and as people who are criminalised.

Gender and crime

Gender and patterns of crime

Writing in 1979, Carol Smart argued that female criminality was comparatively neglected. Partly this was because women tend to commit fewer crimes than men, so female offenders are seen as less of a problem for society. Furthermore, most crimes committed by women seem to be of a comparatively trivial nature and may therefore be considered unworthy of research. Since women's criminality has been seen as much less problematic than men's, it has received correspondingly less attention.

Although the years since Smart's study have seen much more interest in the study of female crime and deviance, some general theories in this area of sociology continue to neglect gender as a factor influencing criminality. This

is perhaps the most significant single factor in whether an individual is convicted of crime. Sociological theories that fail to explain this relationship could therefore be seen as inadequate.

Official statistics, criminality and gender

According to official statistics, in 2010, of offenders found guilty of, or cautioned for, indictable offences in England and Wales 82 per cent were male. The ratio of male offenders to female offenders was therefore more than four to one. Theft and handling stolen goods was the most common offence category for both males and females, representing 53 per cent of offences by females and 31 per cent of offences by males. Nevertheless, males still committed over 73 per cent of the offences.

Taking just those who were sentenced for indictable offences and excluding those cautioned (see Figure 6.12 for statistics which include those cautioned), in 2010, women made up 21 per cent of those convicted of theft and handling stolen goods, 15 per cent of motoring offenders, 12 per cent of those convicted for violence against the person, 12 per cent of those committing 'other offences' (which includes criminal damage), 8 per cent of drugs offenders, 7 per cent of robbers, 4 per cent of burglars, and just 1.2 per cent of sexual offenders. Women are also much less likely than men to be given the most severe sentences. In England and Wales in 2010, of 384 people sentenced to life imprisonment, only 20 were women (*Social Trends, 2011, Crime and Justice*).

Such figures are neither unusual nor surprising. In Britain, there has been a long-standing tendency for men to commit many more crimes than women, and a similar pattern is repeated in many other countries. This is reflected in both conviction rates and prison statistics. Frances Heidensohn and Marisa Silvestri (2012) cite a study by Zedner (1991), which found that in England, women had committed 27 per cent of indicted crimes in 1867, a figure that had fallen to 19 per cent by 1890.

Internationally, a small proportion of those imprisoned are women. For example, in the USA in 2010, 943 men but only 67 women were imprisoned per 100,000 of the population (Guerino et al., 2012). In European countries in 2003 the percentage of those in prison who were female ranged from 2 per cent in Georgia and Northern Ireland to 7 per cent in Portugal, with an average figure of 5 per cent (Aebi et al., 2006).

Official figures such as these have raised three main questions about gender and crime:

1. **Do women really commit fewer crimes than men, or are the figures misleading? Some sociologists have suggested that women's offences are consistently under-recorded by the authorities.**
2. **Although women continue to commit comparatively few crimes, some people have suggested that the proportion of crimes committed by women has been increasing. If women are becoming more criminal, how can this be explained?**
3. **Why do those women who do break the law commit crimes?**

In the following sections we examine the answers that sociologists have given to these questions.

Gender bias and criminal justice

Pollak – the ‘masked’ female offender

Writing in 1950, Otto Pollak argued that official statistics on gender and crime were highly misleading. He claimed the statistics seriously underestimated the extent of female criminality. From an examination of official figures in a number of different countries, Pollak claimed to have identified certain crimes that are usually committed by women but which are particularly likely to go unreported:

1. He assumed that nearly all offences of shoplifting and all criminal abortions were carried out by women, and then asserted that such crimes were unlikely to come to the attention of the authorities.
2. He also argued that female domestic servants committed many unreported crimes.
3. Pollak accepted official definitions of crime when he pointed out all the offences of prostitution that were not reported. Male clients of prostitutes were assumed to have engaged in no illegal activities.
4. He even went so far as to suggest that women’s domestic roles gave them the opportunity to hide crimes such as poisoning relatives and sexually abusing their children.

Pollak then went on to give reasons as to why there should be an under-recording of female crime:

1. He argued that the police, magistrates and other law enforcement officials tend to be men. Brought up to be chivalrous, they are usually lenient with female offenders; so fewer women appear in the statistics. However, he regarded this as only a minor factor.
2. A more important factor, according to Pollak, is that women are particularly adept at hiding their

crimes. He attributed this to female biology. Women have become accustomed to deceiving men because traditional taboos prevent women from revealing pain and discomfort resulting from menstruation. Furthermore, women also learn to mislead men during sex. Men cannot disguise sexual arousal when they get an erection, whereas women can take part in sexual intercourse while faking interest and pleasure.

Criticisms of Pollak

Not surprisingly, Pollak’s totally inadequate analysis has been subject to fierce criticism.

Stephen Jones (2009) points out that Pollak gave no real evidence that female domestic servants commit many crimes against their employers or that women are better at concealing crimes than men. Jones says: ‘Pollak’s methodology nowadays appears hardly satisfactory: for example, he failed to take account of changes in the law against abortion in several of the countries he studied.’

Heidensohn (1985) also criticises Pollak, noting that later research indicates that much shoplifting is committed by men. She also comments that ‘concealment of menstruation is by no means universal and changed sexual mores have long since made nonsense of his view of passive, receptive females brooding vengeance’. Heidensohn regards Pollak’s work as being based upon an unsubstantiated stereotypical image of women, and notes his unwillingness to attribute male crime to a biological predisposition to aggression and violence.

Although Pollak’s work has no credibility today, he was important for being the first to suggest that statistics greatly underestimate female criminal activity. Some sociologists have supported the idea that female criminals are seriously under-represented in official statistics.

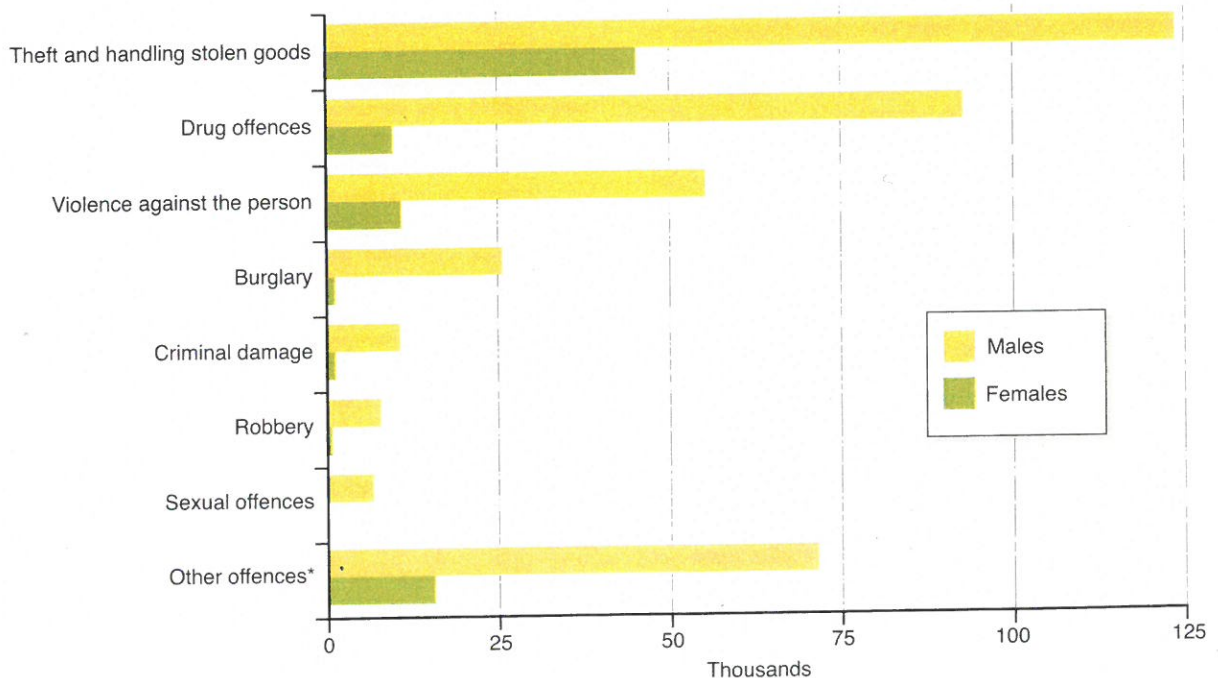


Figure 6.12 Persons found guilty of, or cautioned for, indictable offences: England and Wales, by sex and type of offence, 2010

*Includes fraud and forgery and indictable motoring offences

Source: *Social Trends, 2010, Crime and Justice*, Office for National Statistics, London, p. 113.

Criminality, sex and the law

In theory at least, the vast majority of laws are sex-blind: the possibility of being charged, or the type of offence for which you are charged, does not depend upon your sex. However, there are a few laws that only apply to members of one sex. For example, in Britain, only men can be convicted of rape. On the other hand, only women can be convicted of infanticide or soliciting as prostitutes. In reality, only a very small proportion of crimes come into one of these categories, and legal definitions therefore make little difference to the overall statistics for male and female crime.

The chivalry thesis and self-report studies

Nevertheless, a number of writers have put forward evidence to support the **chivalry thesis**, which claims that women are let off relatively lightly by the predominantly male police, judges, magistrates, etc. in the criminal justice system.

One type of study that has been used to support such claims is the **self-report study**, in which individuals are asked about what crimes they have committed. (For further comments on this type of study, see pp. 356–7.) Although such studies have their methodological limitations, they do give some indication of the extent of unreported crime and the chances that different groups have of escaping the discovery and prosecution of their offences.

Some self-report studies have implied that female offenders are more likely to escape conviction than males. The Youth Lifestyles Survey (Flood-Page *et al.*, 2000) was conducted in 1998/9 and used a sample of 4,848 12- to 30-year-olds in England and Wales. The study included only reasonably serious offences and did not include drug use. It found that 11 per cent of females compared to 26 per cent of males admitted offending in the previous year. These general figures suggest some difference in the likelihood of male and female offenders being convicted. Furthermore, the study found that 1 per cent of the women said they had been cautioned or taken to court in the last 12 months (1 in 11 self-reported offenders), compared to 4 per cent of men (more than one in seven self-reported offenders).

The 2006 Offending, Crime and Justice Survey (Roe and Ashe, 2008) interviewed 5,353 respondents in England and Wales aged between 10 and 25. It covered 20 core offences but excluded homicide and sexual offences. Figure 6.13 shows the proportion of male and female offenders for different types of crime in the previous 12 months. The graph shows that there was a gap between the proportion of males committing any offence (26 per cent) and the proportion of females (17 per cent), but this is much smaller than the gap in officially recorded crime. A similar picture was found in relation to serious crimes (12 per cent of males and 8 per cent of females admitted these). There was a bigger difference for frequent offenders (8 per cent of males but 3 per cent of females). For those individuals most likely to come to the attention of the authorities – frequent offenders who had committed serious offences – the figures were 5 per cent of males and 3 per cent of females.

Cautions and sentencing

One area in which there is apparent evidence for chivalry – that is, treating females more leniently than males – is in the cautioning of offenders. Writing in 1981, Newburn (1981) found that female suspects were

more likely than male suspects to be cautioned rather than prosecuted. Official statistics show that this remains true.

In 2003, 43 per cent of men who were found guilty or cautioned for offences were given cautions, compared to 61 per cent of women (Newburn, 2007). In 2009, a slightly higher proportion of women than men (24 per cent as opposed to 21 per cent) who were given a penalty in the criminal justice system were given a pre-court sanction, consisting of either a penalty notice for disorder or a caution (Ministry of Justice, 2010).

Women were also less likely than men to be remanded in custody rather than released on bail while awaiting Crown Court charges. In 2009, 20 per cent of females were remanded in custody compared to 38 per cent of males. In terms of sentencing, once convicted, women were less likely than men to be sent to prison (14.3 per cent of women as opposed to 26.5 per cent of men) and more likely to be given an absolute or conditional discharge (20.1 per cent of women as opposed to 11.1 per cent of men).

Of course, these statistics could simply reflect the seriousness of the offence. There was an attempt to take account of this in a study by Hilary Allen (1989), based upon an examination of 1987 criminal statistics, which showed apparent leniency towards female offenders. For example, 73 per cent of women, but only 54 per cent of men, found guilty of indictable motoring offences, were given fines. This difference very largely resulted from more men being given prison sentences. Allen (1987) also found evidence that women sometimes escape prison in very serious cases (including manslaughter), where a male defendant might have been expected to receive a prison term.

Recent statistical evidence provides some support for this. Ministry of Justice (2010) statistics for England and Wales showed that in 2009, 11 per cent of women but 18.3 per cent of men sentenced for shoplifting were given immediate custody. For the violent offence of causing actual bodily harm 30.9 per cent of men but just 11.9 per cent of women were given immediate custody.

Pre-sentence reports, recommending sentences, are provided to courts for some offences. Sometimes these reports recommend immediate custody. In 90 per cent of cases of such recommendations, men were given a custodial sentence, but for women the figure was just 83 per cent.

In 2009, men were also given longer sentences, on average, than women in every offence group. The exception was criminal damage, where the average sentence length was 20.3 months for women and 18.3 months for men. However, for sexual offences the average sentence was 49 months for men and 30.6 months for women, and for robbery the average was 34.1 months for men and 25.5 months for women (Ministry of Justice, 2010).

Writing in 2007, Tim Newburn summarised the statistical patterns:

Women are less likely than men to be remanded in custody during proceedings at magistrates courts or on committal to the Crown Court and, if remanded, are less likely than men to receive a custodial sentence ... With regard to sentencing, a similar pattern holds. For indictable offences, females of all ages are more likely than males to be discharged or given a community sentence. Newburn, 2007, p. 811



Figure 6.13 Proportion of 10- to 25-year-olds committing an offence in the last 12 months, by sex

Source: S. Roe and J. Ashe (2008) *Young People and Crime: Findings from the 2006 Offending, Crime and Justice Survey*, Home Office, London, p. 13.

A study carried out by Roger Hood in the West Midlands in 1989 found evidence that sentencing favoured women. It was based on a sample of 2,884 male and 433 female defendants in Crown Courts. Hood (1992) compared the sentencing of men and women, controlling for variables that he had found affected the sentencing of men. He found that white women were given custodial sentences 34 per cent less often than men in similar cases, and black women 37 per cent less often. Although a sophisticated study, it is now rather dated and there is some evidence that sentencing practices may have changed since then.

Evidence against the chivalry thesis

Despite the apparent strength of the argument supporting the chivalry thesis, relatively few criminologists support the theory today. Raw statistics, even those broken down by broad offence type, do not take account of the exact nature of individual crimes and how serious they are. Research that does this is much less likely to find support for the chivalry thesis.

For example, in early research, Steven Box (1981) reviewed the data from self-report studies in Britain and the USA. Although a few of these studies indicated some leniency towards females, the majority did not. He was able to conclude: 'The weight of evidence on women committing serious offences does not give clear support to the view that they receive differential and more favourable treatment from members of the public, police or judges' (Box, 1981).

Some researchers have tried to measure crime more directly, using observation. Abigail Buckle and David P. Farrington (1984) carried out a small-scale observational study of shoplifting in a British department store in southeast England in 1981. Shoplifting is one crime where numbers of female offenders nearly match numbers of male offenders in the official statistics. This study found that 2.8 per cent of the 142 males observed shoplifted, but only 1.4 per cent of the 361 females did so. Obviously this study uses far too small a sample to draw firm conclusions, but, as one of the few attempts to measure crime directly, it does provide some evidence against the chivalry thesis.

Other research investigating particular stages in the criminal justice system has not found evidence of the lenient

treatment of females. Kate Steward (2006) studied decisions about whether to remand defendants in custody. She studied 103 remand hearings in magistrates courts, and found that 'the majority of remand decisions are based primarily on offence seriousness, without consideration of the defendant's gender'. Furthermore, Steward discusses Home Office research that suggests that differences in the chances of males and females being granted bail can almost entirely be explained in terms of the seriousness of the offence (Home Office, 2003, cited in Steward, 2006).

In any case, Steward also notes that many women who are remanded in custody have committed relatively minor offences. For example, in 2002, 41 per cent of remanded females were accused of theft and handling. In the same year 59 per cent of women who were kept in custody prior to their trial were ultimately not given custodial sentences. Steward admits there are occasions when gender influences decisions, but these can work to the advantage of men sometimes as well as women (see below).

Sentencing is another area where the chivalry thesis has been subject to critical scrutiny. In 1983, David P. Farrington and Alison Morris conducted a study of sentencing in magistrates courts. Although men received more severe sentences than women, the research found that the differences disappeared when the severity of offences was taken into account.

More recently the Home Office stated that 'the evidence suggests that courts are imposing more severe sentences on women for less serious offences' (Home Office, 2004, cited in Heidensohn and Silvestri, 2012). Indeed rates of imprisonment have been rising for women and they rose significantly faster than those for men in the 1990s and the early years of the 21st century (Heidensohn and Silvestri, 2012).

This point is also made by Carol Hedderman (2010), who notes that the number of women in custody rose by 68 per cent between 1997 and 2008, while the number of men rose by only 35 per cent. This, she says, is despite the evidence that 'women's involvement in crime has become only a little more prevalent, and the seriousness of their offending has either increased marginally or remained static'.

Hedderman argues, therefore, that far from being chivalrous, the criminal justice system is becoming increasingly severe on women.

One reason for this could be that the increasingly harsh treatment of offenders generally has had a particularly strong impact on women. The tough climate has led to significant increases in the penalties for relatively minor offences, particularly theft and handling stolen goods, which make up a high proportion of female offences.

Furthermore, according to Hedderman, research shows that women in prison suffer more ill effects from incarceration than men. They are more likely to suffer from problems with both mental and physical ill-health, and they have higher rates of suicide and self-harm.

A government report into women in prison commissioned by the Labour government, the Corston Report, was published in 2007. This found that prison sentences for many women were 'disproportionate and inappropriate' (Corston, 2007, cited in Hedderman, 2010). Although some of the report's recommendations were implemented, others were not. For example, the government did not agree that action should be taken to stop women being remanded in custody when they were unlikely to receive a custodial sentence if convicted.

Furthermore, Hedderman notes that a high proportion of women (63 per cent) are given sentences of six months or less, compared to 46 per cent of men. Arguably, these are the offenders for whom a non-custodial sentence might be more appropriate.

Criminal justice as biased against female victims of crime

Some sociologists, particularly feminists, have argued that male offenders are sometimes treated more sympathetically than their female victims. This is particularly the case with rape trials. Carol Smart (1989) argues that such trials 'celebrate notions of male sexual need and female sexual capriciousness'. She quotes trial judges in rape cases in support of this claim:

It is well known that women in particular and small boys are likely to be untruthful and invent stories. Judge Sutcliffe, 1976

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. Judge Wild, 1982

It is the height of imprudence for any girl to hitch-hike at night. That is plain, it isn't really worth stating. She is in the true sense asking for it. Judge Bertrand Richards, 1982

Sandra Walklate (2004) believes that, in effect, it is the female victim rather than the male suspect who ends up on trial. Women have to establish their respectability if their evidence is to be believed.

Walklate agrees with Carol Smart that rape trials continue to see things from the male point of view, which accepts that men become unable to restrain their sexual desires once women give them any indication they might be available for sex. Women, on the other hand, are portrayed as not knowing their own mind, not being able to determine whether they want sex or not. Walklate says:

'Not only do women not know when they want a sexual relationship, their desires, whatever they may be, are only understood and interpreted in male terms; that is in terms of penetration.'

Many researchers have claimed that men are treated leniently in cases of domestic violence. In a pioneering study of domestic violence by Dobash and Dobash (1979), it was found that police officers were 'very unlikely to make an arrest when the offender has used violence against his wife'. Walklate (1998) points out that, since this study, the police, encouraged by feminist campaigners, have made attempts to take domestic violence more seriously. The Metropolitan police and other police forces have set up Domestic Violence Units to monitor the way the police deal with such cases, and in British police forces generally there is an increased emphasis on prosecuting offenders.

Furthermore, in 2004 the Domestic Violence Crime and Victims Act was introduced which allowed the police to arrest people for common assault for the first time, giving police officers more opportunity to intervene in cases of domestic violence (Newburn, 2007). Nevertheless, Walklate believes there 'are obviously still difficulties in ensuring that women are responded to appropriately by all officers called to the scene'.

Double standards in criminal justice

A number of empirical studies and commentaries on gender and crime have reached the conclusion that males and females are treated differently and inequitably by the justice system, but not always to the detriment of women. Basing her arguments on a review of available evidence, Heidensohn (1985) suggests that women are treated more harshly when they deviate from societal norms of female sexuality. Sexually promiscuous girls are more likely to be taken into care than similar boys. On the other hand, courts may be reluctant to imprison mothers with young children.

To Heidensohn, the justice system is influenced by attitudes to gender in society as a whole. These are based upon 'dual' and 'confused' assumptions about women, which see women as 'virgin and whore, witch and wife, Madonna and Magdalene'.

As we noted earlier, Hilary Allen's (1987, 1989) studies of sentencing found that women were treated quite leniently in the case of motoring offences. Allen found that women were more likely to escape with low-tariff punishments across a range of offences and were certainly less likely to be sent to prison. However, she also found that women were more likely than men to be put on probation for some offences.

Like Heidensohn, Allen argues that these policies are tied up with conventional definitions of femininity and masculinity. Men's offences are often put down to aggression or greed. Men are more likely to be fined and imprisoned partly because they are seen as being less central to family life than women. The loss of money from a fine or the loss of a parent through imprisonment is regarded as less problematic for a family if the offender is a man than if it is a woman.

Women are seen as being less inherently deviant than men, and courts find it harder to understand their criminal activity. Consequently courts are more likely to order reports on female offenders in the search for 'underlying psychological meanings'. Probation may be used instead of a fine, with the intention of helping the female offender. In this

case, though, what could be seen as 'chivalry' by the courts could also be seen as disadvantaging women and reinforcing sexist ideologies about masculinity and femininity.

Similar conclusions are reached by Pat Carlen (1997). She argues:

The majority of British born women who go to prison in England, Wales and Scotland are less likely to be sentenced for the seriousness of their crimes and more according to the court's assessment of them as wives, mothers and daughters. If they are young and their parents or state guardians believe them to be beyond control, if they are single, divorced or separated from their husbands, or if their children are in residential care, they are more likely to go to prison than those who, though their crimes may be more serious, are living more conventional lives.

Carlen quotes from her own earlier research into Scottish sheriffs (judges). In interviews, the sheriffs stated they were unlikely to imprison women who were good mothers, but were much more inclined to punish childless women, or women whose children were in care, with a custodial sentence.

Although women who conform to the ideals of femininity held by male judges sometimes get off relatively lightly, others are less lucky. Some alternatives to prison, such as community service, are unsuitable for women who cannot afford childcare, so they tend to get prison sentences as the only practicable option. Carlen claims that some pregnant women who are very poor or homeless are sent to prison so that their children are born in what the courts see as more desirable surroundings.

Kate Steward (2006) also argues that gender influences decisions about whether to remand defendants in custody or to release them on bail pending their trial. Her study was a qualitative study of 13 remand hearings and involved examining transcripts of hearings along with conducting semi-structured interviews with magistrates, lawyers, women in a bail hostel and members of the Crown Prosecution Service.

In most cases Steward found that gender did not play a major role in the decisions, but it did become important in 'cusp' cases. These were cases where the decision about whether to remand defendants in custody was finely balanced. In these cases, 'decision-making was much more individualised and the particular characteristics and needs of the defendants were paramount' (Steward, 2006). The decision involved what was essentially a moral judgement about the individual, and this judgement could be strongly influenced by the gender of the person in question. Thus, women were more likely to be granted bail if they could be portrayed as good mothers, or if they could be portrayed as the relatively passive victims of men who corrupted them. Caring for the elderly or disabled was seen as an indication that a female candidate for bail was, at heart, a good person.

Women could also be portrayed as likely to change because their child being taken into custody had shocked them. On the other hand, men were sometimes granted bail because they were portrayed as a reliable breadwinner for a family who would suffer if the man lost his job or was unable to work. In both cases, conforming successfully to particular gender roles was a way of enhancing the chances of being granted bail, at least in cases where the decision

If writers such as Heidensohn, Allen, Steward and Carlen are correct, then the British criminal justice system is highly **gendered**. That is, its decisions (whether they benefit men or women) are at least partly based on the sex and gender characteristics (as well as the class and ethnicity) of those it deals with. As such, the idea of equality before the law is an illusion.

The causes of female crime and deviance

Physiological causes

Some of the earliest attempts to explain female criminality were based upon physiological or biological theories. One of the pioneers of biological theories of male crime, Cesare Lombroso, also attempted to explain female crime. Writing with William Ferrero in *The Female Offender*, Lombroso devoted considerable attention to comparing anatomical features of female criminals and non-criminals (Lombroso and Ferrero, 1958; first published in English 1895). For example, he reported data comparing brains and skulls, the width of cheekbones, size of jaws and even the size of the thighs of prostitutes and 'normal' women. Nevertheless, his overall argument is that, rather than being the cause of female criminality, biology tends to prevent women from becoming criminal.

Writing about male crime, Lombroso had suggested that criminals could be identified through the presence of 'stigmata' or physical abnormalities, such as having an extra toe or nipple. Lombroso and Ferrero found few examples of such abnormalities among female criminals. To them, this suggested that most female offenders were not true, biological, criminals – they broke the law only occasionally and their crimes were not serious. Lombroso and Ferrero claimed that women had a deficient moral sense, and were inclined to be vengeful and jealous, but 'in ordinary cases these defects were neutralized by piety, maternity, want of passion, sexual coldness, by weakness and an underdeveloped intelligence'.

Nevertheless, Lombroso and Ferrero did believe that a few women were born criminals. These women were so exceptional and started life with such 'enormous wickedness' that each was 'consequently a monster'. They tended to be more masculine than other women.

Lombroso's work has long been discredited. For example, Heidensohn (1985) comments:

His work was fanciful rather than scientific. His detailed measurements were not subject to any tests of significance and his 'analysis' of photographs of 'fallen women' is as objective as an adjudication in a beauty contest.

Such criticisms have not prevented some later sociologists from seeking biological explanations both for women's conformity, and, when it occurs, for their deviance. For example, Anne Moir and David Jessel (1997) explain some violent female crime as resulting from hormonal changes associated with Premenstrual Syndrome (PMS). Most sociologists, however, have rightly focused on possible social causes of female crime.

Female crime and women's liberation

Freda Adler (1975) first put forward the suggestion that women's liberation was resulting in increasing levels of female criminality and creating new and more serious types

of female criminal. She rejects the idea that female crime can be explained in biological terms. For example, she points out that there are 'many passive men with normal androgen levels who are less aggressive than women'. She argues that differences in the behaviour of men and women are socially determined, and that changes in society have led to changes in behaviour.

Adler quotes a number of studies in the USA that show increasing levels of female involvement in traditionally male-dominated crimes such as robbery and embezzlement. She claimed there were similar trends in Western Europe, New Zealand and India. Adler believed the main reason for this was that just as women were taking on what had been male social roles in the world of work, they were also taking on male roles in the criminal world.

Heidensohn and Silvestri (2012) argue that in the 21st century the idea that women's liberation and increased involvement of women in crime are connected is alive and well. They argue that this perception is linked to widespread media portrayal of the 'ladette' – the girl who wants to be just as hard-drinking, delinquent and criminal as lads. The media have carried numerous reports of female 'binge drinking', fighting and involvement in gangs. Indeed female involvement in violence has been a particular focus of concern. According to Tara Young (2009), this has included concern over the apparent emergence of the 'shemale gangster'. Young says that, according to media reports, 'teenage girls are no longer spectators hovering on the periphery of street gangs but are hard core members actively engaging in the kind of extreme violence that is usually the preserve of men'.

On the surface, there appears to be some evidence to support Adler's argument in the crime rates. Gilly Sharpe and Lorraine Gelsthorpe (2009) note that between 2002/3 and 2005/6 recorded offences committed by young females rose by 38.7 per cent, while offences committed by young males rose by just 6.6 per cent. Heidensohn and Silvestri (2012) point out that the number of women and girls arrested for violence against the person rose from 37,100 in 1999/2000 to 88,100 in 2007/8.

However, a number of sociologists have strongly criticised the view that female liberation has led to increased criminality among women.

Arguments against women's liberation causing female crime

Heidensohn does not support the theory that female liberation has been the cause of the increase in female criminality. She comments:

Criminal women are amongst those least likely to be affected by feminism (and those most affected by it, middle-class white women, are the least likely to be criminal). Moreover, criminal women tend to score highly on 'femininity' scores, whereas 'masculine' scoring women tend to be less delinquent. Heidensohn, 2002

Furthermore, there is strong evidence that the apparent rise in female crime, particularly violent crime, is more to do with the operation of the criminal justice system than actual changes in behaviour. Sharpe and Gelsthorpe (2009) have found evidence that there is an increasing tendency for minor assaults by women, such as playground fights

and relatively trivial domestic incidents, to be recorded as violent offences. Sharpe (2009, cited in Heidensohn and Silvestri, 2012) found evidence that the idea that women were becoming more violent had begun to influence professionals in the criminal justice system. This raised the possibility that women were more likely to be prosecuted for violent offences because female violence was seen as a growing social problem.

Heidensohn and Silvestri (2012) therefore argue that it is highly debatable whether there has been any real and substantial increase in female criminality. They point out that over the long term the ratio of female/male offending, in terms of reported crime, remains quite stable and men are still four times more likely than women to be arrested for violence.

Direct studies of female 'gang members' also provide little support for the theory that women's liberation leads to women trying to be as criminal as men. Tara Young (2009) points out that Metropolitan police force estimates of gang membership in London indicate that women make up just 5 per cent of gang members. However, the Offending Crime and Justice Survey found males and females equally likely to say that they belonged to 'a group of three or more who spent a lot of time together and who had engaged in criminal or delinquent behaviour together' in the last 12 months. Around 6 per cent of males and females said they belonged to such a group. However, 81 per cent of the offences involved were carried out by all-male groups, 17 per cent by mixed groups of males and females, and just 2 per cent by all-female groups.

To find out more about the nature of girls' involvement with 'gangs', Young conducted qualitative research with 25 girls known to Youth Offending Teams as 'gang' members. She found that the 'gangs' that they belonged to consisted of friendship groups. They did not have initiation rituals and there was no formality about joining the groups; it was more a question of 'hanging around' with certain groups of people.

The girls saw these groups 'as a respite from the boredom and monotony of everyday living and a way to transcend the mundane. The group's existence provided them with a social life away from the constraints of "home life" and its troubles' (Young, 2009). However, none of them described their group as a 'gang'. Instead, the only gangs they saw as existing were male-dominated groups. Young says:

Gang members were people from whom they bought their drugs, who shot at their fathers and beat their friend. As one young woman revealed, the real gangs were groups that 'ave got a tag, that go 'round thinkin' they're bad and being 'orrible to people – like 'ang round and offend together'. Young, 2009, p. 233

The women accepted that they were themselves sometimes violent. However, the violence was largely confined to fighting with members of peer groups who were friends or whom they knew. This was mainly associated with verbal arguments that got out of hand. Violence against strangers was very uncommon, although it was not completely unknown for some of the women to take part in street robberies.

Nevertheless, female violence tended to be much less serious and less common than violence by their male

peers, who were more likely to see themselves as real gang members. These women were involved in a violent world, but they were far from the 'hyper-violent "shemale gangsters"' (Young, 2009) sometimes portrayed by the media.

Young's research also found that the so-called female gang members were very likely to suffer from a variety of forms of deprivation, unlike those who had benefited from liberation. Indeed, the association of female crime with deprivation is a recurring theme in much research on female criminality.

Pat Carlen – women, crime and poverty

In 1985, Pat Carlen (1988) conducted a study of 39 women aged 15–46 who had been convicted of one or more crimes. She carried out lengthy and in-depth unstructured taped interviews with each of the women. Most were from the London area and 20 were in a prison or youth custody centre at the time of interviewing. Most of the women were working-class (as are most women with criminal convictions) and they had committed a range of offences. Twenty-six had convictions for theft or handling stolen goods, 16 for fraud or similar offences, 15 for burglary, 14 for violence, eight for arson, six for drugs offences, and four for prostitution-related crime.

Carlen does not believe that liberation has resulted in an increase in crimes by women. Most of her sample had been touched little by any gains that women had experienced in, for example, access to a wider range of jobs. Instead, most had experienced their opportunities becoming increasingly restricted.

Carlen argues that the working-class background of most of her sample is fairly typical of female offenders convicted of more serious crimes, although she is aware that 'white-collar' female criminals might be escaping conviction for their offences. She says: 'when women do break the law those from lower socio-economic groups are more liable to criminalization than are their middle-class sisters'.

By reconstructing the lives of such women from in-depth interviewing, Carlen hoped to identify the sets of circumstances that led to their involvement in crime.

Control theory

Carlen adopts **control theory** as her theoretical approach. Control theory has influenced a considerable number of criminologists and was first explicitly outlined by an American sociologist, T. Hirschi, in 1969. It starts with the assumption that humans are neither naturally wicked and prone to crime nor are they naturally virtuous and prone to conformity. Instead, humans are essentially rational and they will turn to crime when the advantages seem to outweigh the disadvantages and are more appealing than the likely rewards of conformity.

According to Carlen, working-class women have been controlled through the promise of rewards stemming from the workplace and the family. Such women are encouraged to make what she calls the 'class deal' and the 'gender deal'. The **class deal** offers material rewards such as consumer goods for those respectable working-class women who work dutifully for a wage. The **gender deal** offers 'psychological and material rewards ... emanating from either the labours or the "love" of a male breadwinner'. When

these rewards are not available, or women have not been persuaded that these rewards are real or worth sacrifices, the deals break down and criminality becomes a possibility.

Factors encouraging deviance

Carlen found that the women she studied attributed their criminality to four main factors. These were drug addiction (including alcohol), the quest for excitement, being brought up in care, and poverty. She places particular emphasis on the last two factors: very often the abuse of drugs and the desire for excitement were the consequence of being brought up in care or of being poor.

In all, 32 of the women had always been poor, four of the remaining seven were unemployed at the time of being interviewed, and only two had good jobs. A majority of the women (22) had spent at least part of their lives in care.

Rejection of the class deal

Poverty and being brought up in care led to the women rejecting the class and gender deals. Few of the women had experience of the possible benefits of the class deal. They had never had access to the consumer goods and leisure facilities which society portrays as representing the 'good life'.

Attempts to find a legitimate way of earning a decent living had been frustrated. For example, six of the women had been through the Youth Training Scheme, but they had returned to being unemployed at the end of their training. A number had gained qualifications in prison but had found them to be of no use in finding a job. Many had experience of day-to-day 'humiliations, delays and frustrations' in trying to claim benefits. They had 'a strong sense of injustice, oppression and powerlessness'. Crime was a way of resisting the injustices and trying to solve the problems of poverty. The women had little to lose by turning to crime, and potentially a good deal to gain.

Rejection of the gender deal

According to Carlen, women generally are deterred from committing crime because they are brought up to see themselves as the 'guardians of domestic morality'. They also have less opportunity to commit crimes because they are more closely supervised than males, first by parents and later by husbands. Patriarchal ideology promises women happiness and fulfilment from family life. For most of the women in the study, though, the gender deal had not been made, or had been rejected. They had been freed from family life, or so closely supervised that they felt oppressed by the family. Carlen says:

When young girls have been brought up in situations where absolutely no rewards (and many severe disabilities) have been seen to emanate from families, when, too, the technologies of gender discipline have been unusually harsh or oppressive, women's adult consciousness has been constituted within an immediate experience of the fundamental oppression inherent in the gender deal ... they have resisted it. Carlen, 1988

Some of the women had been sexually or physically abused by their fathers; eight of them had been physically attacked by male partners. For the 22 women who had been in care, there had been little opportunity to 'acquire the psychological commitment to male-related domesticity'.

Spending time in care broke attachments to friends and family and reduced some of the potential social costs of isolation that could result from crime. Running away from care, usually with no money, or leaving care, sometimes homeless and unemployed, could easily lead on to crime. Carlen describes the situation of women leaving care:

Ill-equipped (both materially and by their previous experiences) for living on their own, many of the women had soon begun to think that crime was the only route to a decent standard of living. They had nothing to lose and everything to gain.
Carlen, 1988

Convictions and prison sentences merely served to restrict the women's legal opportunities even further and make the attractions of crime greater.

Other research on deprivation and female crime

Carlen's study was based upon a small sample of mainly working-class women involved in fairly serious crimes. It is therefore dangerous to generalise from her findings. However, there is support from other studies for the finding that deprivation and disadvantage are typical of female offenders.

The Corston Report (Corston, 2007), which studied women in prison, found that 40 per cent had not worked in the five years prior to entering prison, 61 per cent had no qualifications (compared to 18 per cent in the general population), 10 per cent had problems with reading, writing or understanding instructions, and 20 per cent had had no permanent accommodation before entering prison; 60 per cent of women in prison were single, and over a third (34 per cent) were lone parents.

Statistical research from the USA also broadly backs up the work of Carlen. Amy Reckdenwald and Karen Parker (2008) examined homicide files and uniform crime reports along with the US census of 2000 to look at statistical relationships between deprivation and offending among women in a large sample of US cities. They found that economic marginalisation was strongly related to offences of robbery and drug sales. It was less closely related to women killing their male partners, or committing other offences against them, but these crimes were associated with gender inequality. They concluded that 'females are committing some crimes out of economic necessity, while intimate partner homicides result from frustration and strain caused by limited resources, power, and social support' (Reckdenwald and Parker, 2008).

Tara Young's (2009) qualitative study of 25 girls involved in female 'gangs' found they came from similar backgrounds to those in Carlen's study (see pp. 402–3 for more details of the study). Young says, 'All were raised in high-density urban areas blighted by poverty and deprivation ... most said they lived on social housing estates in states of disrepair.' Only two of the 19 who discussed where they lived were living with both parents, and many were in hostels or state care. Some slept on the sofas or floors of friends' houses, having been thrown out by their parents. Many had experienced verbal abuse at home, and some had experienced bullying, beatings or sexual abuse. Just like Carlen's sample, they had little experience of getting a good deal out of life.

All this research suggests that criminal behaviour becomes more likely when society's mechanisms of social control break down, particularly when women have little to lose by breaking the law. Other sociologists have examined social control mechanisms to explain why women seem so much more likely to conform than men.

Frances Heidensohn – women and social control

As earlier sections have indicated, however inaccurate official statistics may be, it seems clear that women do commit fewer serious crimes than men. Frances Heidensohn (1985) has tried to explain why this should be so. Like Pat Carlen, she uses control theory as the basis of her explanation. Building on the work of other sociologists, she argues that male-dominated patriarchal societies control women more effectively than they do men, making it more difficult for women to break the law. Control operates at home, in public and at work.

Control of women at home

Being a housewife directly restricts women by limiting their opportunities for criminality. Heidensohn describes domesticity as 'a form of detention'. The endless hours spent on housework and the constant monitoring of young children leave little time for illegal activities. A 'very pervasive value system' persuades women that they must carry out their domestic responsibilities dutifully or they will have failed as mothers and wives. Women who challenge the traditional roles of women within the family run the risk of having them imposed by force. Heidensohn says, 'many observers confirm that wife-battering is in fact an assertion of patriarchal authority'.

If they are the main or only wage earner, men may also use their financial power to control women's behaviour. The family more closely controls daughters as well as wives. They are usually given less freedom than boys to come and go as they please or stay out late at night, and are expected to spend more time doing housework.

Control of women in public

In public, women are controlled by the male use of force and violence, by the idea of holding on to a 'good' reputation, and by the 'ideology of separate spheres'.

Women often choose not to go out into public places because of the fear of being attacked or raped. Heidensohn quotes the 1986 Islington Crime Survey, which found that 54 per cent of women, but only 14 per cent of men, often or always avoided going out after dark because of fear of crime. She quotes Susan Brownmiller's claim that rape and fear of rape 'is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear'. Heidensohn stops short of endorsing this view, but she does argue that the sensational reporting of rapes and the unsympathetic attitude of some police officers and judges to rape victims act as forces controlling women.

Women also tend to limit their behaviour in public places because of the risk of being labelled unrespectable, of being seen as a 'slag, slut or bitch'. The wrong sort of 'dress, demeanour, make-up and even speech' can damage a woman's reputation in the eyes of men (Heidensohn, 1985).

The **ideology of separate spheres**, which sees a woman's place as being in the home, 'has become part of the system that subtly and sometimes brutally confines women'.

Women are not expected to raise their concerns in public and place them on the political agenda. If they try, they may be ridiculed and told to return to where they belong – in the home. Such a fate befell the Greenham Common women who, during the 1980s, protested about the siting of American nuclear weapons in Britain.

Control of women at work

At work, male superiors in the hierarchy usually control women, and men also dominate workers' own organisations – trade unions. Women may also be intimidated by various forms of sexual harassment that discourage female employees from asserting themselves or from feeling at home at work. Sexual harassment 'ranges from whistles and catcalls and the fixing of pinups and soft porn pictures, to physical approaches and attacks which could be defined as possibly indecent and criminal'. Heidensohn quotes surveys that find that up to 60 per cent of women have suffered some form of sexual harassment at work.

Conclusion

Heidensohn's argument about the causes of conformity by women fits in well with Carlen's views on the causes of deviance. Both are based on control theory and both agree that crime and deviance by women take place when controls break down and women lose the real or imagined incentives to conform. Heidensohn suggests that some female criminals may be those who have 'perceived the bias of the system and decided to push against it'.

For other women, it is the restrictions themselves that force them into reliance upon crime. Heidensohn says: 'women are particularly vulnerable because they are so economically exploited'. If they lose the 'protection' of a man they may turn to crimes such as prostitution as the only way to earn a reasonable living.

Evaluation

Many of Heidensohn's arguments are based upon generalisations, some of which do not apply to all women. She does not always support her claims with strong empirical evidence. Furthermore, she admits that many of the empirical tests of control theory have been carried out on juvenile offenders rather than adults, and that control theory does sometimes portray women as being passive victims (Heidensohn, 1997).

However, Heidensohn does present a plausible explanation of why such a gap remains between men's and women's crime rates. In doing so she highlights some of the inequalities that remain between men and women. Furthermore, her theory is supported by some empirical studies, such as the following study of criminality and conformity among British Asian girls.

Sunita Toor – crime and conformity among British Asian girls Honour and shame

Sunita Toor (2009) notes that there appear to be very low rates of crime among British Asian girls of Indian, Bangladeshi, Pakistani and East African Asian descent. There is a shortage of specific figures on criminality among this group but there is little doubt that their rates of criminality are low. Toor argues that this is the result of very strong social control of these groups. Indeed, British Asian girls are more likely to come into contact with the criminal justice system as victims of crime rather than as offenders. There

has been increasing concern about honour-based violent crimes and forced marriages suffered by this group.

Toor believes that the low rates of criminality are the result of 'key dynamics embedded in Asian cultures that effectively preclude female activity in criminal and deviant spheres'. These dynamics involve a strong emphasis upon the idea of honour (or *izzat*) and shame (*sharam*).

Toor notes that notions of honour and shame are found in all human societies to some extent, but in Asian society they are particularly strong and are closely associated with the control of the behaviour of females. This is partly because *izzat* is seen as something possessed by a family rather than individuals. *Bizzati* (or dishonour) and *sharam* (shame) can be brought upon male family members by the behaviour of females. In particular, girls can dishonour their fathers and brothers through a variety of activities including 'publicly being seen to defy parental authority; becoming 'western' as expressed by clothes, behaviour or activities; engagement in sex or a relationship prior to marriage; use of drugs or alcohol and being an object of gossip' (Toor, 2009).

Girls who are shamed are likely to be ostracised by the community and lose the benefit of possessing *izzat* which brings respect and security for honourable citizens. Male members of families shamed by the behaviour of girls also lose respect through what is perceived as failure to control women. This leads to 'a form of patriarchy, which employs culturally defined morals and codes that male heads utilise to socially control, subordinate and oppress females' (Toor, 2009). At its most extreme, girls who cause *sharam* can be subject to violence.

Case studies

Toor believes that these systems of social control do largely explain the low rates of recorded criminality among British Asian girls. In her own research she carried out in-depth interviews with five Asian girls, aged between 16 and 18, who were involved with crime or deviance. She found that their involvement in criminality did bring a strong sense of shame and dishonour upon the girls.

For example, one girl, Sukhi, got involved in criminal behaviour, in this case fraud and deception, in order to get money to pay for an abortion so that she could avoid revealing her pregnancy to her family and thereby maintain her *izzat*. Sukhi was found guilty of fraud, but far worse punishment took the form of beatings by family members.

Another of the girls, Nina, who was found guilty of possessing cannabis with intent to supply, was constantly taunted by siblings and parents about bringing shame on her family. Nina was a Hindu but had a relationship with a Muslim man. This, along with her conviction, resulted in frequent verbal abuse from her family and being slapped by her mother. Nina was particularly aggrieved that the same rules did not seem to apply to her brothers, who were given much more freedom than she was.

Conclusion

Toor's work illustrates how strongly women can be controlled in some families. Toor points out that there is considerable variety among Asian families and not all exercise such strong patriarchal control. However, in those that do try to maintain close control over daughters and sisters it is hardly surprising that their crime rates appear to be so low in comparison to both those of British Asian men and those of the population as a whole.