

Vesna STOJKOVSKA-STEFANOVSKA, PhD*
St. Kliment Ohridski University – Bitola
Faculty of Security –Skopje, Associate Professor

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SOME FEMINIST PERSPECTIVES IN CRIMINOLOGY

The development of feminist criminology began in the 70s with the idea to raise the visibility of women within the criminological research, addressing their role as offenders and as victims, and to understand crime as a male activity, not only as a result of sex differences, but also as a result of gender differences. In addition, ignoring the female criminality by traditional criminology also puts aside other issues such as the role of the criminal justice system in their criminalization and victimization. In doing so, they start from the assumption that male and female offending result from qualitatively different gender processes. But, feminist-oriented criminologists vary according to several feminist perspectives and waves that were developed in the second half of the last century. This and other gender issues related to the limitation of the traditional criminology in explaining female crime and to the main feminist perspectives on gender inequality within different feminist movements consist the theoretical debate and subject of theoretical debate in this article.

Key words: female crime, feminism, gender, sex differences, traditional criminology

* e-mail: vstefanovska77@gmail.com

1. Introduction

Criminology is a field of study within social sciences that are dominantly oriented to men. The majority of criminological theories and researches are based on research on male crimes, as well as on the role and activities of the criminal justice system against male offenders. In addition, the researchers and scholars at the beginning of development of criminological theories were dominantly male, which means that the results of the conducted researches were evaluated and interpreted from a male point of view (Sharp F. Susan, 2009, p. 245). All of these elements mark traditional criminology as male-dominated criminology. This does not mean that women's crime was ignored, but that it was explained in a way that was later unacceptable and criticized by feminist criminologists.

2. How does traditional criminology explain female crime?

According to traditional criminology, although surveys were mostly carried out on male offenders, still the results and conclusions were also applied to female crime. This means that traditional criminology does not make significant differences in the etiology of male and female crime (Konstantinović-Vilić, 2013: 104; Miller & Mullins, 2006: 226). Likewise, women are often portrayed in a negative and stereotypical manner with a focus on their failure to fulfill the "traditional" ways of appropriate female behavior. Such an approach to women is paternalistic, which means that women are seen as persons who need to be protected (Sharp, 2009: 245). Regarding the characteristics of men and women, it is considered that men are more active and more aggressive, compared to women who are more emotional, more passive and weaker. Such stereotypical understandings explain criminality on the basis of individual factors. In fact, the first criminological theories do not specifically explain the criminality of women, except that they particularly emphasized biological and psychological components related to this type of crime. Women are observed as sexual objects to satisfy the physiological and social needs of men, and sexuality is represented as cause of all female behaviors, including criminal behavior. So, female criminal behaviour is explained as result mainly of personality disorder and emotional inadequacy (Konstantinović-Vilić, 2013: 98).

However, within the traditional criminology, there is distinction between biological, psychological and social perceptions about female crime. In fact, the biological and psychological theories explain the female criminality through certain individual subjective biological and psychological factors related to the

woman. On the other hand, the social explanations, are part of certain traditional theories of crime that dominantly perceive the causes of women's crime in the processes of socialization, in the role of informal social control, as well as in the social disorganization of communities.

2.1. *Biological-psychological concepts*

In the beginning, within the traditional criminology, the emphasis is placed on sex differences between male and female crime, respectively on sex as a biological category which distinguishes men from women. And in terms of sex differences, the characteristics of men and women and their relationship with crime are explained. Representatives of the biological-psychological understanding of the explanation of female criminality are Lombroso, Otto Pollack, Freud, Exner, Mezger, Midendorf and others. Lombroso (1893) created the conception of "born offenders" and "born prostitutes". He performed autopsies on female offenders, proving that some women, based on the structure of the bones of the skull and other physical characteristics, are predestined to perform certain types of crime. On the other hand, with the help of biological factors, such as the weaker body constitution, Lombroso, had explained the lower participation of women in violent crime (Marsh *et al.*, 2006: 146).

Freud's analysis (1933) of women as perpetrators was built under assumption that women are anatomically more heterogeneous than men. Or a criminal woman is motivated by sexual neuroses. Thus, according to Freud, the criminality of women stems from their desire and envy because they do not have a penis. He claimed that the deviant woman is a woman who wants to be a man and therefore becomes neurotic. Also, Freud believed that women are sexual masochists who can enjoy only through pain (Marsh *et al.*, 2006: 147). In addition, Freud added passivity, emotionality, narcissism, and over activity as features that play a key role in female criminality.

Otto Polak, who published the book *The Criminality of women* in 1950, highlights the link between female biology and criminal behavior. According to him, female crime is associated with the biological phases of women throughout life, such as menstruation, pregnancy and menopause. These biological phases reduce inhibition and self-control of certain behaviors. For example, according to certain data, 71 out of 80 arrested women for resisting officials had a menstrual cycle at the time of the crime. According to other data, 50% of crimes (like theft, prostitution, public drunkenness) were performed during the period of that premenstrual syndrome (Marsh *et al.*, 2006: 148). According to such and similar

researches, representatives of bio-psychological concepts have concluded that there is a link between premenstrual syndrome and aggressive behavior, including suicides among women. But today, these claims are dismissed. Regarding the lower crime rate, Polak argues that they statistically commit less criminal offenses, but this is due to the fact that within certain job positions, they commit such crimes that are hard to reveal. He argues that women also have the ability to mask their crime and introduces the concept of a *hidden female crime*, claiming that women are able to manipulate, they are insincere, without passion, and can cover up their crimes, just as they can pretend to enjoy while they have a sex (Klein, 1973 in Ignjatović, 2009).

So, female crime reflects the biological nature of women in a given cultural environment. Therefore, the typical female passivity, the less aggressiveness, the feeling of dependence and helplessness, the increased emotionality and the low self-confidence of the women, can be explained with the help of certain psychological factors. In addition, and having in mind the biological phases of women, general perception is that they are emotionally unbalanced during most of their lives. In short, early theories of female crime focus on the individual female pathology or on the sexual and emotional inadequacy.

2.2. *Sociological explanations*

Female criminality has also been explained by the use of social factors within certain traditional criminological theories. For example, due to different gender socialization and different position of women and men in society, some theories explain the smaller percentage of women in total crime, from one side, but the continuous increase in female criminality as a result of certain social processes, on the other side.

As part of social explanations, theory of social disorganization gives some considerations for the differences between male and female crime. This theory sees the breakdown of the family as one of the main factors for the increase in female crime, because it reduces informal social control (Schwartz & Gertseva, 2012: 33). Conversely, the strain theory, argues that women are less involved in crime because they are less susceptible to increased economic pressure. They measure their success in life through success to create a family and find a good husband, while men measure their success through the acquired reputation and wealth in society. Also, women are more protected from the influence and negative effects of certain delinquent subcultures (Schwartz & Gertseva, 2012: 35).

Thus, the lower rate of female criminality is explained by the fact that average women are less exposed to conflict of their ethical values, which is not the

case with the average man. In particular, women are less involved in political, economic and other social activities and therefore the opportunities to commit crimes are less available. In this part, we will particularly emphasise the Power-control Theory (Hagan's Theory). Namely, Hagan (1990) points to changes in the family structure and style after the late 50's in order to explain the level of female crime. While the husband is a head in the family and the one who cares for the material status and incomes within the families, the woman is subordinated to the position of the husband. She needs to take care of the home and the children. In that sense, daughters are expected to follow the role of the mother and such a process of learning and socialization moves them away from risky behaviors outside the home. But the changes in the family structure (single parents, disordered families, etc.) exposes them to greater independence and thus to greater risk both as perpetrators and as victims (Marsh *et al.*, 2006: 152).

2.3. Limitations on traditional criminological theories in the explanation of female criminality

Traditional explanations of female crime got a series of remarks. First, most criminological theories ignore women and focus exclusively on male participation in crime. In that sense, they regard women as unimportant or peripheral in the crime rate. The tendency to ignore female results has led criminology to be primarily concerned with understanding and explaining male crime. The second criticism refers to the generalization of the results of criminological research (Konstantinović-Vilić, 2013: 96č Daly, 2008, Miller & Mullins, 2006: 220). This means that criminological theories that investigated the causes of crimes were gender-neutral and, although they were mostly considered with male offenders, there was presumption that the same findings encompass the female offenders. Hence, classical theorists strive to find out explanation of crime that can be generalized for both men and women. This endeavor, from a feminist point of view, is a problem because, due to the big discrepancies in the male and female crime rates, there cannot be a general etiological process. That generalization should be avoided, and instead of that, having in mind the experiences of women and men, it is necessary to examine how different macro and micro social factors affect male and female crime in a different ways. In fact, because of the gender nature of male and female lives, certain social factors have different meanings and have different consequences for them. The third criticism refers to the belief of the fundamental differences between women and men. For example, men are believed to be strong, independent, more rational, more aggressive and stronger

whereas women gentle, passive and obedient. These stereotypes are often a reflection of criminological theory and research. According to them (particularly psychological theories of crime), female greater emotionality, passivity and weakness can explain the nature of criminal activities and their involvement in crime (Miller & Mullins, 2006: 220).

The fourth weakness of traditional criminological theories is the perception of gender as a variable and individual trait rather than as a key concept that can explain women's crime. Traditional approaches explain the differences between men's crime and women's crime with stereotyped ideas about dichotomous gender difference and treating gender as an individual trait and as a control variable. This notion is criticized for the fact that gender is not considered as a key element of society and the differences regarding race, class and age are not taken into account (Konstantinović-Vilić, 2013: 104, Miller & Mullins. 2006: 220).

So, although men are much more in offending, there are still no surveys on female offenses. There are two assumptions about this approach: firstly, since males are more likely to engage in criminal behavior, women are not interesting in research. Secondly, mainstream criminology assumes that men and women are similar and that what can be explained for male, can be explained for female criminality, as well (Sharp, 2009: 247). But these theses are unacceptable by the new feminist perspectives within criminology.

3. The basis of feminist criminology: gender, feminism and crime

The development of feminist criminology began in the 70s with the idea to raise the visibility of women within the criminological research, addressing their role as offenders and as victims, and to understand crime as a male activity, not only as a result of sex differences, but also as a result of gender differences. This development is also associated with the fact that until the 60s of the 20th century, most criminologists focus on male offenders and the responses of the criminal justice system to male crime. In fact, the lack of attention to female offending stems from the fact that the majority of crimes at that time were committed by male persons. In addition, ignoring the criminality of women by traditional criminology also puts aside other issues such as the role of the criminal justice system in the processes of women criminalization and victimization. So, and considering that in the last two decades of the 20th century, the rate of female imprisonment has increased; there is an increased need to research girls, women, women's crimes and the criminal justice response to that crime (Sharp, 2009: 245). In this

direction, theories that explain the gender gap in crime are being developed, because neither the social order nor the structure of crime is gender neutral. These new “female” approaches within criminology seek to address the limitations of traditional criminological perceptions by extending our understanding of male and female offending, as well as the responses of the criminal justice system to those types of crime. In doing so, they start from the assumption that male and female offending result from qualitatively different gender processes. But, feminist-oriented criminologists vary according to several feminist perspectives and waves that were developed in the second half of the last century.

3.1. Gender, feminism and crime

Feminism is a collection of theories of female suppression and a set of strategies for social change (Daly & Chesney-Lind, 1988: 502). In essence, feminists believe that women suffer from discrimination due to their sex, denied and unsatisfied needs and that satisfying those needs requires a radical change (Daly & Chesney-Lind, 1988: 502). For the feminist perspective, the basic questions relate to the social construction of the gender identity and how it affects the women behavior. But according to them, female and male identity or characteristics are not the result of biological differences, but the result of social and cultural processes (Marsh *et al.*, 2006: 151).

Namely, a distinction is made between sex and gender. *Sex* is defined through the biological and psychological characteristics that determine the individual as a man or as a woman. However, understandings of sex differences are not same in time and culture, but they vary. Therefore, the opinion about the sex defined by the “body” as biologically given is changing. *Gender*, on the other side, refers to socially defined concepts of masculinity and femininity that are learned behaviors. It refers to socially settled roles, behaviors and values that a particular society considers appropriate for men and women. Gender is an acquired identity that is learned, can change over time and varies within and through cultures (Belknap, 2016).

For example, being a man means having more control and power. At the same time it means more to earn, to lead, to be strong and influential. He can build, drive, catch the criminals, and ensure public order and community safety. On the other hand, being a woman means that she needs to take more care of the family and children, to become a mother, a wife, to do easier things, to earn less, to be kind. Her biological and reproductive role implies to be responsible for raising and caring for children, as well as for maintaining home and family harmony. Also, she can be a teacher, a doctor, worker in textile factories, etc. (Vold, Bernard & Snipes, 1998: 279).

3.2. *Inclusion of gender in the explanation of crime*

For feminists, gender, gender roles and gender identities can help explain female crime. Or, in other words, feminist criminologists argue that only with an understanding of gender, crime can be fully understood and theorized (Miller & Mullins, 2006: 217). It should be borne in mind that society and social life are shaped on the basis of gender. That is to say, gender organisations, their structures, policies, ideologies and practices reproduce gender hierarchies. From this, the examination of the nature of gender behavior enables a better understanding of the ways in which the gender shapes crime and criminality. Socialization, the influence of society, social control, family connection and supervision, individual pressure and opportunities are fundamental to understanding male and female crime. But, because of the gender nature of male and female lives, these factors have different meanings and different consequences for them. In fact, the gender ratio of crime means determining the reasons for the different rates of both, men's and women's crime. In this sense we open up the questions: *why are men more inclined to crime than women? And what are the reasons for these differences?* (Konstantinović-Vilić, 2013: 104). These questions lead criminologists to pay attention to gender differences and inequalities and to develop theories that will explain the differences between male and female crime. The search for answers starts from the point: *what prevents women from committing criminal acts?* The basis of that response lies in the gender, that is, in the gender roles and inequalities in society. So, what distinguishes feminist criminology from mainstream criminology is that, when considering women and crime, this is done through a theoretical understanding of gender (Daly, 2008: 217).

There are five aspects of feminist thought, which distinguish it from traditional criminology (Daly & Chesney-Lind, 1988). They are: (1) gender is not a natural fact, but a complex social, historical and cultural product. It is connected, but does not derive from biological sex differences and reproductive capacities, (2) gender and gender relations shape social life and social institutions, (3) gender relations and the construction of masculinity and femininity are not symmetrical, but are based on the organizational principle of male superiority and social and political-economic dominance over women, (4) knowledge systems reflect male views of the natural and social world. The production of knowledge is gender-based and (5) women should be part of criminological research, not peripheral, invisible or supplements to men. Also, they should be more represented in research teams. Based on the above-mentioned, we can conclude that the feminist perspectives in criminology start from the role, meaning and essence of the gender. Therefore, it is called gender consciousness criminology.

4. Feminist movements and their connection to feminist perspectives in criminology

4.1. The basics of liberal feminism

Liberal feminism was associated with the ideas and activities of the movement for the liberalisation of women from the early 1960s, as well as with the campaigns for their legal, social and gender equality with men. In doing so, the basis for gender inequality between men and women lies in their different gender socialization and expectations. According to liberal feminists, inequalities between men and women result from sexist attitudes and stereotypes and from discrimination among them (Simpson, 1989: 610; Walklate, 2004: 94; Daly & Chesney-Lind, 1988: 537). Some of the key issues that have been the focus of the feminist movement are issues of equal pay, problems of sexual abuse, domestic violence, pornography and sexism in the media and reproductive rights. Thus, for example, the fight for reproductive rights included advocacy for access to information and access to contraceptives, and lobbying for the decriminalization of abortion. Hence, liberal feminism advocates gender equality (Marsh *et al.*, 2006: 153). The central task is to create an equal society and to create equal opportunities for men and women in the public sphere, in particular by abolishing sexual discrimination.

In the area of criminology, this movement advocates for equality between men and women as part of criminological research. On the other hand, in the part of female criminality, the basic questions posed by liberal feminism are to see why women's crimes are increasing in the '60s and '70s, and how does the liberalization and emancipation of women affect that rate?

4.2. The basics of radical feminism

Radical feminism focuses on the power of men over women and on the patriarchy. In particular, radical feminist studies want to state that our understanding of social relations from private to public life is related to the power of men over women. In addition, it is assumed that all men use their masculinity, which means that their expression is through the application of sexual violence against women (Walklate, 2004: 95). So, radical feminism is more concerned with the experience of control and sexuality. And, this wave prefers to use the term *survivors* instead of *victims* that suggest that women have more active role rather

than a passive one. In this regard, radical feminists focus on women's strategies for resistance and survival (Walklate, 2007: 86, Marsh *et al.*, 2006: 156). During the 1970s, radical feminists advocate for reform of the public response to crimes like rape and violence among intimate partners. Because before getting of appropriate legal and criminal law protection, victims of rape and violence from their intimate partners were often perceived as guilty for their victimization. In that period, two important feminists Brownmiller Susan (1975) & Smart Carol (1976), in their teachings, point out that the patriarchal structure of society contributes and shapes the victimization of the woman (Sharp, 2009: 246).

Apart from the above, radical feminism asks other questions: *how do women get subordinate roles in society? And how society can be transformed in this respect?* According to feminist perspectives, patriarchy is the most basic form of domination in every society. It is established and maintained through the division of socialization by sex and the creation of gender identities, according to which both men and women believe that a man is more superior. Based on these gender identities, men want to dominate over women in personal relationships, both within and outside the family. So, male domination is extended to all institutions and organizations in the wider society. But, according to radical feminism, the problem is not that men are socializing according to sex roles and differences, but in the nature of men is to dominate and to be violent. This means that biological / sex differences between men and women are the basis for patriarchy (Vold, Bernard, Snipes, 1998: 278). In this regards, radical feminism focuses much more on male oppression over women, than on other social conditions that determinate female subordination. Therefore, the question of sexuality is crucial for radical feminism and according to them; all men are "potential rapists" and have the power and control over their lives and the lives of women. Or, all men express the masculinity through violence against women (Walklate, 2007: 86). Nevertheless, the contribution of radical feminism to the development of feminist criminology is important for two reasons. First, violence against women has become a matter of public concern and second, they also recreate our understanding of violence within the family and among intimate partners.

4.3. The basics of social feminism

Social feminism is interested in two key things: how structural variables (class, race, and sex) affect each other and how this relationship affects the behavior of men and women. Second, how patriarchal capitalism structures the experiences of men and women? Unlike radical feminism, social feminist understanding of crime also has two assumptions: first, in order to understand the crime of powerful and powerless, we need to understand patriarchy and capitalism and their effect

on human behavior. Second, power is central point in order to understand serious forms of crime. The powerful (both in gender and in class sense) create greater criminal harm in society (Walklate, 2007: 87; Sharp, 2009: 249; Vold B, Bernard, Snipes, 1998: 277). For example, gender-based crime is explained by the various experiences that derive from gender inequality. Hence, social feminism focuses specifically on the connection between social structure and culture and argues that due to gender differences and different gender socialization, family control over girls and boys and exposure to deviant society are different. In this explanation, we should not ignore the fact that marginalized young men of the lower class are involved in street crime because of the “blocked” opportunities to realize their *male role* in patriarchal capitalist society (Sharp, 2009: 249). The basic problem lies in the socialization in gender roles, and not in male aggressiveness. According to social feminism, biological arguments about male aggression are inaccurate, which means that men are socializing in roles which lead to violence and domination. On the other hand, patriarchy and capitalism bring women in desperate situations which forced them to become, for example, victims of sexual exploitation in order to survive. So, social feminism focuses on the interdependence between class and gender and how they affect the life chances and life experiences of both women and men. Marxist feminism combines the radical with traditional feminism and argues that the root of the male dominance lies in the fact that men possess and control the means of economic production. In this way, this kind of feminism connects male dominance and female subordination to society with the economic structure of capitalism (Vold, Bernard, Snipes, 1998: 278).

4.4. A brief overview of the different feminist perspectives on gender inequality

Different feminist perspectives also have a different view of the origin of gender inequality and about ways and solutions to social change (Daly & Chesney-Lind, 1988). While traditional view of gender inequality is based on biological sex differences, for liberal feminism, gender inequality arises because women have limited access to participate in various areas of public life, such as education, employment or other public and political activities. For radical feminism, gender inequality is based on men needs and desires to control female sexuality and reproduction. Gender identity limits women’s development as a completely human being. For Marxist feminism, gender inequality arises as a result of hierarchical relations of control and power, especially because it affects the increase of private property among men. Social feminism focuses on gender, class and racial relations of domination.

But the basis of all kinds of feminism is how gender relations structure crime, which means that gender is inseparably linked to it. In the analysis of female criminality, male criminality, violence against women, the role of women in the penal system, and so on, it starts from the thesis of female suppression and discrimination in the male patriarchal society. Namely, according to the patriarchal ideology, it is normal for a man to be dominant in the family and in the social life and to be in a superior position, while for a woman is normally to be excluded from the social life and to be in a more inferior position. For those (men and women) who fully believe in this ideology, the whole concept of equal rights or women's freedom is both problematic and unnatural (DeKeseredy, 2011: 30). Besides gender differences, the patriarchy also makes a difference in gender identities and roles, which binds them with biological, or sex differences. Such a view of gender roles, feminism regards as oppression, domination, exploitation, discrimination, inferiority, inequality, and marginalization. According to them, such situations and processes cause both violence against women and a tendency toward deviant and criminal behavior by them. In fact, criminal behavior is treated as an expression of revolt, escape, survival, frustration, and even liberation. Therefore, the key to an equal society is not so much for women to take ownership of the means of production, but to take control of their own body, and of their reproductive functions. If women take control and have fully rights related to reproduction and family planning, then, they can take the right place in a wider society (Vold, Bernard, Snipes 1998: 279).

So, feminist criminology differs significantly from other criminological theories that explain the causes of crime. It analyzes women crime and victimization in relation to learned behaviors that vary according to gender and gender differences in power in patriarchal societies. Hence, the gender socialization of boys and girls strongly influences their ability to commit crime, but also on how male and female abuse and victimization can be seen. Moreover, when determining gender differences in phenomenological and etiological sense, it is necessary to recognize the different social living conditions as they are shaped by their different social positions (Konstantinović-Vilić, 2013: 104). And, we should, in addition, take into account sexism, racism, prejudice against class and other forms of oppression, and the way in which lifestyle and life paths affect young boys and girls (Vold, Bernard, Snipes, 1998: 295).

This process of gender socialization gives girls less opportunities to explore the home outside. This means that a patriarchal male dominant society controls girls more than males. Their freedom of movement and expression is limited, both at home and outside the home. This creates the basis for male domination and control over women. According to Carllen (1988), women are

controlled through two mechanisms in modern society: at home and at work. Therefore, they are expected to act conformably. But not all women are conformists, which are reflected in increased female crime. Based on those differences, several feminist or gender theories which explain female criminality are built (Marsh *et al.*, 2006:152). Common elements related to feminist perspectives in criminology (according to Gelsthorpe, 2002: 135) are: (1) focus on gender as a central principle in social life and (2) recognition of the importance of power in shaping all social relations in the society (stated in Daly, 2008).

In order to closely explore the relation between gender and crime, in the framework of criminological research, several questions are raised: 1. how do gender-based roles based on sex differences affect female crime? How does gender paths and gender experience affect future abuse? 2. How does social gender inequality based on the ideology of patriarchy affect crime? 3. How does institutional sexism and gender-based discrimination endanger women? 4. How does early victimization of girls based on gender inequality affect women's further criminal behavior? 5. What is the relationship between gender and the penal system? What is the context and quality of the crime of boys and girls? (Daly, 2008).

5. Conclusion

Feminist criminology focuses on a wide range of issues related to women and crime, including a theoretical explanation for crime, a response to female abuse, female prison programs, and women's labour in prison and etc. All those issues include: (1) a liberal feminist focus on class relations and capitalism as a source of female suppression, (2) a social focus on male domination over political and economic structures in society as a source of inequality and (3) a radical feminist focus on patriarchal domination over women. But regardless of the different priorities and approaches, their common feature is the way in which the gender structure of society is related to crime. However, during the 70s and 80s, under the influence of liberal feminism, the overall goal was to bring girls, women and crime theories, victimization and justice. One focus was to emphasize the lack of empirical knowledge of crime and criminalization. In the mid-1980s, under the influence of critical thought in criminology, the focus was on analyzing the differences between girls and women, especially in terms of class, race and ethnic identities and subjectivities. This change has been made because of the criticism of black women, beginning in the early 1980s, which argue for racial relationships and positions between men and women. Radical and social feminism address more the issues of men and masculinity on the criminological agenda, while the liberal one the women offenders.

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