

Feminist Perspectives on Gender and Crime: making women count

Loraine Gelsthorpe explores feminist concerns with gender, crime and criminal justice.

A recent report in *The Guardian* newspaper (July 2nd 2003) pointed to the possibility that feminism is both outmoded and unpopular. How do things fare within criminology?

In the past, there have been claims that there is no such thing as feminist perspectives within criminology, or accusations of bias, one-sidedness, over involvement and the like. Just as criminology encompasses disparate and sometimes conflicting perspectives, however, we can similarly identify a wide range of stances, theories and practices encompassed within feminism: liberal, radical, socialist, Marxist and so on (Walklate, 2001) without these differences indicating inchoate thinking. Moreover, we can avoid interecine debates about the different contributions and whether or not particular writers are feminist by acknowledging the broad fact of feminists' normative commitment to revealing, and attempting to negate, the subordination of women by men, not least because this fits in with new awareness of the need to adopt anti-discriminatory practices within criminal justice.

Why feminist perspectives in criminology?

So why do we need feminist perspectives within criminology? First, criminology in all its guises has ignored women to a large extent. The construction, production and dissemination of criminological knowledge have been dominated by men and men's discourse. As one writer put it: "An excursion through the twentieth century's developments in criminology is a journey through communities inhabited only by men, passing street corners and sea fronts occupied exclusively by male youth and into soccer stadia, youth clubs and rock venues where women and their experience fail to register even a passing comment from the researchers. When women are noted they are viewed through the eyes, comments and reflections of men or male youth." (Scruton, 1990).

Women are not the only group to be ignored of course, but this is hardly an adequate response. The exclusion of women, as of others, raises fundamental questions about the adequacy of analyses. Secondly, when criminologists have remembered women, they have often done so in stereotypical ways as if women who offend are abnormal; in other words, they have often been depicted in terms of their supposed biological and psychological nature (see Smart, 1976). Both these points might suggest that what is

needed is a crash course of research on women, but to a large extent this has already occurred. There is now much more research on women than before, much of it prompted by feminists working within criminology. However, simply accumulating information misses the point. Women cannot just be added on to analyses if the basic frameworks in criminology remain solidly in place. Rather, it is necessary to deconstruct criminological frames of references and to reconstruct them. Thus the core of the current feminist enterprise has been to give particular attention to women, crime and criminal justice, and more generally to dismantle or fracture the limits of existing knowledge boundaries and traditional methodologies (Gelsthorpe, 2002).

Contributions of feminists

The contributions and achievements of feminists working within criminology then are many and varied (see Gelsthorpe, 2002). What have been the most significant contributions to the study of gender and crime? Put simply, over a period of time feminist writers have exposed criminology as a criminology of men. Theories of criminality have been developed from male subjects and validated on male subjects. Whilst there is nothing intrinsically wrong with this, the problem is that these theories have been extended generally to include all offenders. It was simply assumed that the theories would apply to women.

Feminist work has not only developed a critique of accumulated wisdom about female offenders and victims, but has illuminated institutionalised sexism within criminological theory, policy and practice. For example, the treatment of women in the courts suggests that the widely assumed practice of chivalry reflects a profound misunderstanding of sentencing; women who do not occupy the appropriate gender role (as a good wife and mother) may be seen by the courts as 'doubly deviant'. Imprisoned women have been shown to be likely to experience the promotion and enforcement of a domestic role in penal regimes. Feminist research has also revealed that girls are penalised for behaviour which, if not condoned in boys is certainly seen as more 'normal'. Feminist researchers have also made female victims more visible (especially victims of sexual assault) and they have exposed the harsh reality that women who allege abuse sometimes find themselves subject to unwarranted suspicion from criminal justice personnel. Another major achievement relates to women's fear of crime which has been revealed not only as a fear of crime by men, but as something that

shapes and restricts social life in public spaces. Alongside this work there has been important feminist focus on women's role in social control and on the correspondences between explicit and informal controls over women.

Feminists' theoretical work on gender had also led to developments in masculinity theory. Although the 'maleness' of crime has traditionally been acknowledged within mainstream criminology (indeed, sex, along with age, has long been recognised as one of the most important predictors of crime) it has not, in most mainstream texts, been regarded as problematic. The sociology of masculinity, however, partly emerged from feminist work on gender, and from men's involvement in feminism, as well as the growing field of gay and lesbian studies. A vital change came in asking what it is about men as men and "not as working-class, not as migrants, not as underprivileged individuals but as men, that induces them to commit crime" (Grosz, 1987). Feminist criminologists, concerned to understand violence and other crimes against women, argued that feminist criminology must consider what it was in the social construction of maleness that was so criminogenic.

More than this, there is recent evidence of strong feminist engagement with criminological research, policy and practice – in relation to legal reforms and crime prevention, for example. Indeed, there have been major educational programmes relating to domestic violence and considerable positive change within police responses to women who have been abused or assaulted which have resulted from a feminist focus on gender and crime.

Moreover, we can see the impact of feminist work on gender and crime in relation to the Home Office review of sexual offences, within the Economic and Social Research Council's (ESRC) violence programme and its consequences for crime prevention strategies, and in the Prison Reform Trust's excellent review of women's imprisonment (chaired by Dorothy Wedderburn). There is currently a Home Office gender network (facilitated by the Fawcett Society) involving academics as well as policy-makers and practitioners from statutory and voluntary agencies too; a new commission on women and criminal justice (chaired by Vera Baird) is at least partly feminist-inspired.

There are other achievements too in terms of research methodologies and feminists' beliefs that it is of central importance to place women's experiences at the forefront of research (allowing women to speak for themselves) not only to shift assumptions that men and women's experiences are broadly the same so that it doesn't really matter if the theoretical frameworks are based on men, but to give practical meaning and purpose to research too. There is no ground to suggest that feminists addressing issues relating to crime and gender and justice can lay sole claim to questioning epistemological assumptions within criminology, advancing methodologies sympathetic to women and engaging in action research, but it is certainly true to say that feminists working within criminology are very active in these areas.

Another significant achievement concerns the fact that a number of feminist writers have now turned their attention to the idea that war crimes such as rape (including mass rape) are an expression of the gender order, or of a militarised masculinity; others have focused on the sexual victimisation of women in wartime and its relation to pornography. There is obviously a need to focus on women and men's sexual victimisation in war settings; feminist work in this direction

has provided a kick-start.

Feminist work has rightly been taken to task from time to time (for giving emphasis to the critique of established ideas about gender and crime at the cost of neglecting theory-building amongst other things) though it is not distinctive in having drawn criticism in these areas. There has also been criticism of efforts to allow women to speak for themselves – as if this is 'glorification' in a method that has no real import. But it does have impact in shaping the theoretical and practical contours of gender and crime issues and has certainly made women count more than they did in law and policy-making.

Challenges for the future

What are the challenges for the twenty-first century? There is scope to develop further work on women as offenders (to focus more specifically on women's agency so to speak) alongside all the work on women as victims. Some of the developing feminist thought about women's social and structural roles in communities and ideas about their lifestyles is likely to prove fruitful in terms of understanding women's pathways into crime (Chesney-Lind, 1997). There is real need to address the privileging of gender over race in some feminist thinking about crime and justice and how far this obscures our understanding of issues too. As Walklate (2001) indicates, "...a gendered lens certainly helps us see some features of the crime problem more clearly; but how and under what circumstances is that clarity made brighter by gender or distorted by it?"

Do we still need to pursue such matters under a banner of feminism? I think this is worthy of debate itself. If there are more reflexive, gender-sensitive and anti-discriminatory criminologies on the horizon could we not anticipate a new humanistic criminology? For the moment, however, feminist concerns with gender and crime help make women count.

Loraine Gelsthorpe is Senior University Lecturer in the Institute of Criminology, University of Cambridge, and a Fellow of Pembroke College, Cambridge.

References

- Gelsthorpe, L. (2002) 'Feminism and Criminology' in M. Maguire, R. Morgan and R. Reiner (eds), *The Oxford Handbook of Criminology*, (3rd Edition), Oxford: Oxford University Press.
- Chesney-Lind, M. (1997) *The Female Offender. Girls, Women and Crime*. Thousand Oaks, California: Sage.
- Grosz, E. (1987) 'Feminist theory and the challenge to knowledge', *Women's Studies International Forum*, 10/5:208-217.
- Scruton, P. (1990) 'Scientific knowledge or masculine discourses? Challenging patriarchy in criminology' in L. Gelsthorpe and A. Morris (eds) *Feminist Perspectives in Criminology*. Buckingham: Open University Press.
- Smart, C. (1976) *Women, Crime and Criminology*. London: RKP.
- Walklate, S. (2001) *Gender, Crime and Criminal Justice*. Cullompton, Devon: Willan Publishing.