

GENDER AND CRIME

Masculinity, femininity and criminology

As many criminologists have observed, thinking about gender is inextricably linked with thinking about crime. Tim Newburn and I observed recently, "the most significant fact about crime is that it is almost always committed by men." (1994:1) Compared to their proportion in the population, women are under-represented amongst those cautioned or found guilty for indictable offences in England and Wales and constitute a small minority of the prison population. When gender is discussed in criminology or criminal justice matters at all, it traditionally highlights the plight of

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women: as judges, lawyers, victims or thieves, women have been, and many still argue, are, the *outsiders*. The purpose of this article is to provide a framework for thinking about gender, one which appreciates gender, both as masculinities and femininities, and which uses this appreciation to explore how crime reflects, resists, reinforces, and reproduces wider gendered structures in society.

Is the offender male?

One in three men in the UK will have a conviction for a serious offence by the age of 31. Overwhelmingly, it is men who come to the attention of police, the courts, the probation service, and the prisons. Despite this, we tend to overlook this fact: why have we failed to see the men within the criminal justice system and its taken-for-granted male frame? Indeed, much of feminist criminologies have sought to explore the impact of this frame on the theorising and treatment of women's crime and victimisation.

What is the cost of neglecting masculinities on our ability to theorise and on our practice, for the men who work in that system, who are assessed and judged by it, and who, as outsiders, attribute 'evilness' to (mostly) men's criminal indiscretions without recognising gender? As Joe Sim recently observed in an essay on prison and imprisonment, we seemed to have simply overlooked what a gendered reading might look like: we have, he suggests, been more concerned with "*men as prisoners rather than*

prisoners as men" (1994:101).

There is, however, growing attention to the lens of masculinities, reflecting an approach to the study of the operations of criminal justice or in thinking about offending and victimisation which firmly locates men within various forms of *masculinities*. I use the term 'masculinities' here to acknowledge the contribution of Bob Connell's (1987) theorising about what he terms *hegemonic masculinity*. As an ideal type, hegemonic masculinity is relational, ideological and dynamically constructed: it operates as a system of dominance among men and between women and men. It is therefore important to account for relations among men, and, as some have begun to observe (see Newburn and Stanko 1994), this is a particularly useful theoretical device in the study of crime, criminal justice and victimisation.

Using Connell's work (and there are others now theorising about masculinity and crime specifically, see Messerschmidt [1993]), it is possible to theorize about why, for example, young men, especially young black men, have been the target for policing and 'management' by the state over time. Structural features of society - those located in class, race or gender - will be reproduced and challenged by men to men. An understanding of how masculinities are structured helps us make sense, say, of the continuous angst about marginalised (or not), young men's violence, such as football hooliganism, or joy-riding (sic). Ken Polk's new book, *When Men Kill*, for example, argues that using masculinity as a central feature of analysis, one can begin to make sense of male-on-male confrontations (the majority of homicides and reported assaults) and risk taking involved in robbery and homicides as features of masculine violence. Without thinking about male bonding and machismo, could we grasp any features of police culture?

Remarkably, though, the overshadowing of maleness within criminal justice is largely treated as taken-for-granted, the normal background of

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deviance and criminality. It is only when women as perpetrators intrude into this space that the 'problem' of criminal women causes concern. Explanations for women's participation in crime remain

heavily laden in biological or psychological paradigms. Women offenders are nearly always treated as aberrant females, or as masculinized (Lombroso noted their 'hairiness'). As many researchers suggest, women's relationship to femininity, rather than their criminality, influences their treatment within the criminal justice system. As feminist criminologists arrived on the scene in the late 60s and early 70s, they noted the paucity of information on women and what information did exist seemed to coalesce around stereotypes of these errant women.

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In many ways, feminist criminologists continue to be the only ones who make women visible in the study of criminality, criminal justice professionals, and victimisation. Gender, it seems, still only means female. What then about our thinking about victimisation, a field altered by the evidence generated by feminist knowledge about sexual and physical violence? Isn't this where women finally feature prominently?

Is the victim female?

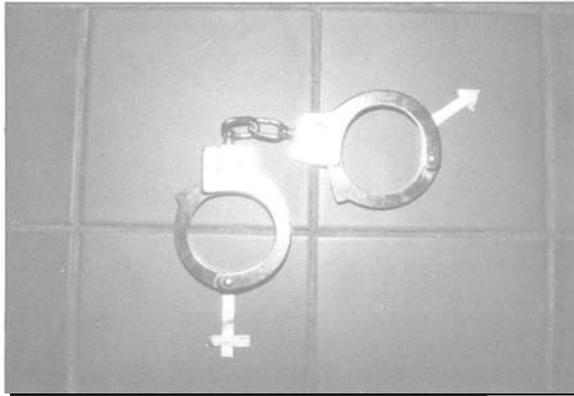
Clearly, the second wave of the women's movement has had a major impact in thinking about victimisation: establishing refuges for battered women; exposing and confronting often appalling treatment of raped and sexually assaulted women at the hands of individual men as well as the institutions of criminal justice; and questioning the very characterisation of how blame is routinely shouldered by the recipients of violence - all of which challenged the official picture of crime against women as rare. Moreover, as feminist criminologists continue to show, the criminal danger women confront more frequently occurs at the hands of spouses, male acquaintances and relatives. The work on violence against women has at least shaken the image of faceless assailant (though, as I continue to argue, not enough).

No doubt, developments in criminal justice policy and recognition of 'the victim' had an impact on how victims are characterised. Victim surveys, and the rise of Victim Support, provide portraits of victims, which are often, as Paul Rock (1990) suggests, fragmented. Vaguely, there has emerged a sense that 'victims' needs' should be met, and those needs are often characterised as needs arising from

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distress, injury and lack of informal support. Women and the elderly were particularly targeted as 'needy', and this is largely, though not exclusively, the case today. We think of victims of crime as struck by tragedy, attention has been focused on those experiencing violence or the intrusion of burglary. But is there an implicit message about gender in both that contributes to our knowledge about victims?



David Kidd Hewitt

Victims are characterised as those who are "least powerful", and "least deserving" of criminal violation. The focus on violence against women and the needs of the elderly exaggerated a view of victims as in need of assistance, as weak. No doubt, by making visible the widespread fear of sexual violence, its hidden incidence, and its connections with 'normal' heterosexuality, feminists who studied violence against women consciously located women's experience of men's violence within women's gendered experience. Feminist criminologists have been accused of gendering violence, characterising male violence women confront as an affirmation of women's structural vulnerability. In portraying women as subordinate, the accusation goes, we portray all women as victims.

But does talking about male rape victims or male victims of violence diminish the theorising about men's violence against women as a gendered experience? Stanko and Hobdell (1993) argue that victimisation is still considered a form of weakness, and male victims must contend with violence as an affront to masculinity. While the British Crime Survey continues to find that on the whole, men, especially young men, report higher levels of violent crime, safety advice is geared to women. And the evidence suggests that when men do experience violence and other victimisation, it is men who are commonly the assailants. Why do many fail to see male-on-male victimisation as nothing to do with gender?

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It seems to me that thinking about both masculinity and femininity, and its relations to theorising and to practice in criminal justice provides a rich, complex

and dynamic way of unpicking our conventional approaches to crime. It is a route to thinking structurally; dominance and hierarchies of power exist, and are located in the dynamics of class-race-

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gender (to name only a few). The provision of service - to victims, to offenders, and the so-called beleaguered tax payer - must take these structures, and their complexities, seriously. The assessment of harm and the access to support and healing - for victims and offenders - so lacking in today's criminal justice system often overlook gender. Women's and men's lives are inextricably linked to their gender. If we are to find ways to better understand crime and victimisation, thinking more about how gender impacts our viewing is one way forward.

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A brief overview of 25 years of feminist criminology

Consider these contrasts. Between 1967 and 1973 the Home Office Research Unit published at irregular intervals, a series of bulletins on women offenders. Although this was a commendable effort which undoubtedly played its part in altering awareness of problems, the content was thin and the audience unclear. Nowadays, there are journals such as *Women and Criminal Justice* wholly devoted to such topics as well as the ISTD's own *CJM* which regularly deals with such issues. Later this year the second edition of *Women and Crime*, first published in 1985, is due out and Nicky Rafter and I are bringing out an edited collection of international feminist perspectives on crime. I want in this paper to review what has happened in the area often called feminist criminology and consider what impact it has had.

For these purposes I shall draw on two principal sources: the preparatory work for the second edition of *Women and Crime*, undertaken with Marisa Silvestri, and an international survey of the impact of feminism on criminology which grew from two international conferences held in Mt Gabriel, Quebec in 1991 and Cardiff in 1993. As a result of the obvious interest at these events and the shared, but diverse, experience of scholars and activists, we decided to commission studies from researchers in a number of countries. The chief question we asked was: What impact, if any, have feminist perspectives had on criminology and criminal justice in your country? The book records aspects of that encounter. In what follows, I shall use both these sources and must acknowledge the contributions of my colleagues to both studies. Further, I shall call on my own experiences, now stretching back over 30 years of working in this field.

Feminist criminology: what is it?

The Shorter Oxford English Dictionary defines 'feminist' as 'of or pertaining to feminism or the advocacy of women's equality and rights'. Modern 'second wave' feminism has marked many things since its birth in the 1960s. Language is, contestably, one of these, from 'chair' to 'firefighter'. Legislation is another: we have had a Sex Discrimination Act for 20 years, legal changes on maternity rights and equal pay. In criminology, the situation is more complex. Women may arguably not wish to pursue equality there

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since their own recorded patterns of crime are a modest achievement to cherish, not disown.

Nevertheless, for more than a quarter of a century, growing numbers of researchers and others have brought feminist perspectives to bear on a range of criminological topics. What were they trying to do and how far have they succeeded? It is probably worth noting

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that a curious kind of moral symmetry used to exist between criminologists and criminals. I have called this the 'college boys study the corner boys' syndrome. Crime and criminology (and indeed policing and criminal justice) were very macho. When I first applied to the Home Office to study women and girls in prison this seemed to cause some bewilderment. What feminists tried to do was, in a tellingly 1960s phrase, to raise and change awareness about women. As Kathy Daly and Meda Chesney-Lind put it neatly, we pointed out 'the gender gap and the generalisability problem'. Briefly, there were the persistent differences in recorded (and also hidden) crime rates between men and women and the consequent problems in trying to apply theories of crime designed to fit males to female subjects.

The most cursory survey of bookshops or bibliographies demonstrates that the hoped-for shift in awareness has happened. Marisa Silvestri and I recorded some 250 articles on women and crime published between 1985 and 1995. Not all are feminist in approach but with almost no exception they acknowledge the existence of such approaches. Indeed Pat Carlen, who herself doubts the possibility of a distinctive feminist criminology, has suggested that among feminists' achievements in criminology are putting women on the criminological map and contradicting traditional and sexualised views of women.

What has the impact been?

Recognition

This is the most important single effect of feminist work. This is directly linked to the generation of the wealth of research

on women as offenders, as victims of crime and also as participants in social control. These studies have been used directly and indirectly by the activists, the groups and individuals who have formed, campaigned and struggled for the rights of women in prison, in special hospitals, for black and ethnic minority women in the criminal justice system, for women as victims of violence. The list, while not endless is considerable.

Reading the promotional and campaign literature it is clear how much the ensuing debates and dialogues use concepts and ideas drawn from feminist thinking. Notions, for instance, of gender equity and of the double deviance (and hence double jeopardy) of 'unconventional women' before the courts. The links are clear, if complex.

Was it all worth it?

What has it all achieved? Did we change the world for women?

On the one hand, little has changed. Crime rates have risen, as have victimisation rates. Female imprisonment has leapt up recently. Many of the criticisms of the penal system for women - isolated, based on a male model - remain, even though there are improvements to record.

Refuges struggle to survive, while economic pressures are increasingly cited by women who find benefits inadequate and seek illicit solutions to their problems. What has been achieved then is no earthquake, not even a tremor. But the landscape has altered, at least in the English-speaking world. I have described this shift in another article as from Being to Knowing. It is also one in which key debates, about, for instance, gender equity before the courts, the validity of 'date rape' charges, are all easily recognised in the public media and readily provoke dialogue and debate.

It must be to the benefit of women, as victims, offenders and professionals in the justice system, no longer to be silent and overlooked. Sometimes, the opposite seems to be true. In *Women and Crime* (1985) I described the Falklands factor: i.e. what happens when somewhere remote, obscure and ignored gets too much attention and is overrun. Carol Smart had warned in 1977 that this might happen and in part she was right. Think only of 'the new female criminal' or 'liberation causes crime'. Women and Crime however is still out of the mainstream. Major criminal justice and policing reports (Woolf, Runciman & Sheehy) still tend to

ignore gender. This year I have written of 'the Shetlands Syndrome'. Just as the Shetlands appear in their little box on maps of the British Isles, so now does women and crime as a topic have its place. This is still in specialised conferences and particular pressure groups.

In suggesting the title of this paper, I did not have any particular point 25 years ago in mind from which to start analysis. I should like to make a proposal for the next 25 years, which would take us up to 2020, some 200 years after Elizabeth Fry and Sarah Martin were at their most active. Feminist approaches have, so far, achieved

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two things. They have immeasurably changed understanding of the problems women have with crime and criminal justice. There is also, albeit loosely, linked and very informal, a kind of network of those who share understandings and approaches. It is surely time to make those links firmer and more formal. Canada has the Elizabeth Fry Association. May I suggest that Britain needs the Sarah Martin Society for all those who are concerned about Women, Crime and Social Control, in order that they can use that concern to make a difference.

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