

CRIMINALITY, DEVIANCE AND CONFORMITY
IN WOMEN

- by -

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SUMMARY

The aim of this thesis is to construct a framework for interpreting female criminality, conformity and deviance in the light of theories of gender role and human agency.

It begins with an outline of a broad perspective which sets the context of the discussion. This requires clear definition of the concepts of the social order, the nature of the law and the justice system, and the moral nature of human beings. These form the groundwork of all criminological theorizing.

The thesis proceeds by establishing the dimensions of female crime as revealed by both the official and the unofficial statistics of England and Wales, the United States of America and Australia. The profile of the female offender which emerges - preponderantly as a shoplifter - is then brought into closer focus with the findings of an investigation conducted by the author into female shop theft in Adelaide, South Australia.

With the subject thus identified, the thesis next reviews the theories yielded by criminology since the late 1960s to explain the behaviour of women offenders. Here is presented a critical assessment of the view of woman which has prevailed in the literature - a popular stereotype of a passive and dependent individual who rarely questions her conventional role in society.

Against this image of woman, as the hapless victim of comprehensive social conditioning, the thesis suggests a more complex model. This is a dialectical view of woman as, on the one hand, a self conscious

and purposeful agent - a model we find repeatedly in the work of major philosophers - and, on the other hand, as a social object, hemmed in by the structures of her society. The constraints on women considered here are those of the female gender role.

With the framework constructed, the thesis sets out to explore a number of ways it might be employed by the criminology of women. Centring discussion on the complex tensions inhering in the agent-object model, female conformity is theorized as a range of positive decisions made by problem-solving women, rather than as an inevitable corollary of effective conditioning for womanhood. The 'female' crime of shoplifting is also examined in terms of the offender's own construction of her behaviour. Information obtained from the author's survey of shoplifters, supplemented with data from interviews with lawyers, forms the basis of this interpretation of the intentions of the female offender.

Mental illness in women, in orthodox criminology, is often regarded as the female equivalent of male criminality. By contrast, the thesis develops a range of alternative explanations of female mental illness which are derived from the basic agent-object model of the argument.

In the last part of this work other modes of female behaviour are discussed. These include diverse examples of social protest in which women have participated illegally as, *inter alia*, food rioters, Chartists, and as suffragettes. These are considered in terms of their politics, their organisation and particularly their overriding rationality. It is in the analysis of such cases of female deviance that the 'agency' element of the model is extended to its fullest thereby demonstrating the potential range of its analytical penetration.

DECLARATION

This thesis contains no material which has been accepted for the award of any other degree or diploma in any university and, to the best of my knowledge and belief, contains no material previously published or written by another person, except when due reference is made in the text of the thesis.

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Preface

Modern criminology travels mainly along one of two tracks which sometimes converge, but remain separate for most of the time. One deals primarily in statistical, interview and survey evidence, and correlates such information on crime in order to derive or deduce causal relationships in criminal behaviour. The other main current in criminology is mostly theoretical in method, employing sets of logical constructs and evaluating sequences of propositions to produce interpretive statements which are designed to make sense of observable criminality.

This thesis travels further along the second track than the first. Although it considers a substantial corpus of data relating to trends in female crime, as well as certain historical evidence of female deviance, it is primarily speculative and theoretical in method. It is mainly concerned to define, clarify and elucidate a body of key propositions which occupy a central place in the contemporary discussion of crime. It engages in a dialogue within criminology which seeks to fathom the causes and meaning of crime and deviance, particularly the female component thereof. It is a dialogue of considerable tradition which repeatedly and inevitably spills over into the territory of sociology, psychology and philosophy.

Consequently much of this thesis is devoted to a close analysis of a received body of thought on the etiology of crime. A large part of it is concerned with extending the evolution of the existing theory of female criminality. This task is integral to the concerted effort to develop the theory in a direction which offers the most promise for a fuller understanding of crime in general and female criminality and deviance in particular. Its main claim to originality is to be found in its marriage of several diverse elements of philosophical discourse into a more articulated theory of criminal behaviour.

The thesis proceeds by a process of definition and specification of female crime, a consideration of the empirical data, an effort to unpack received doctrine, and finally, a reconstruction of theory.

CHAPTER 1

INTRODUCTION: The Problem of Female Crime

Until 1975, scholarly interest in the causes of criminality and conformity in women was negligible.⁽¹⁾ Many criminologists, on the basis of limited evidence, simply assumed that individual biological and psychological problems caused women to offend.⁽²⁾ Others borrowed ideas from the mainstream of social theories about male criminality which they proceeded to modify to fit the female case by bringing into discussion a number of popular notions about the 'natural' functions and concerns of women. For instance, it was argued that whereas economic factors caused men to offend, unsatisfactory personal relationships were responsible for female criminality.⁽³⁾ Standard criminological theories were invoked to explain female

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- (1) Most of the recent reviews of theory make this point. See: Carol Smart, Women, Crime and Criminology: A Feminist Perspective, London, Routledge and Kegan Paul, 1976, pp. 54-76; Carol Smart, "Criminological Thinking: Its Ideology and Implications Concerning Women", Brit. J. of Sociology, March 1977, 28, 89; Neal Shover and Stephen Norland, "Sex Roles and Criminality: Science or Conventional Wisdom?", Sex Roles, 1978, Vol. 4, No. 1, p. 111; Anne Campbell, Girl Delinquents, Oxford, Basil Blackwell, 1981, p.1; Anne Edwards Hiller, "Women, Crime and Criminal Justice: The State of Current Theory and Research in Australia and New Zealand", Aust. & N.Z. J. of Criminology, June 1982, 15, p. 69; Eleanor M. Miller, "International Trends in the Study of Female Criminality: An Essay Review", Contemporary Crises, January 1983, Vol. 7, No. 1, p. 59.
- (2) For example, G. Konopka, The Adolescent Girl in Conflict, New Jersey, Prentice-Hall, 1966: depicted delinquency in girls as a 'deeply personalised' response to thwarted desires for affection; J. Cowie, V. Cowie and E. Slater, Delinquency in Girls, London, Heinemann, 1968: described female offenders as excessively masculine and attributed their criminality to chromosomal abnormalities; C.B. Vedder and D.B. Somerville, The Delinquent Girl, Illinois, Charles C. Thomas, 1970: explained female crime in terms of a crude combination of biological, psychological and social factors.
- (3) Ruth Morris, "Female Delinquency and Relational Problems", Social Forces, 1964, 43, 82.

conformity or why women remained law-abiding. 'Differential association' - the theory that crime is learned by interpersonal association - was employed to demonstrate that women, confined to the home, were denied access to criminal subcultures and consequently to the necessary learning environment of the criminal.⁽⁴⁾ The 'masculinity hypothesis' was also applied to women by criminologists who reasoned that if men pursued crime for its symbolic masculinity, women might well avoid it for the same reason.⁽⁵⁾

The common element in all such theorizing was the avoidance of any systematic examination of the nature of the differences between the social roles allocated to men and women. Similarly no effort was made to test empirically the effect of these roles on male and female behaviour. It was taken simply as given that men, as breadwinners, were preoccupied with material success and that women, as homemakers, were primarily concerned with fostering good relations within the home and that this had a direct bearing on the respective offending of the two sexes.

In 1975, two American criminologists transformed the criminology of women by putting what they believed to be the changing nature of gender roles at the forefront of discussion. In that year Freda Adler published Sisters in Crime⁽⁶⁾ and Rita James Simon brought out Women and Crime.⁽⁷⁾ Together these volumes concentrated the attention of criminologists on the relationship between the Women's Liberation Movement, the female gender role and the supposed increase in the volume and seriousness of

(4) Ruth Morris, "Attitudes Toward Delinquency by Delinquents, Non-delinquents and their Friends", Brit. J. of Criminol., 1965, 5, 249.

(5) In fact in his original formulation of 'masculinity theory' Albert Cohen suggested that this was the case. See Albert Cohen, Delinquent Boys: The Culture of the Gang, New York, The Free Press, 1955, pp.143, 144. Since then this theme has been taken up by most writers on women and crime.

(6) Freda Adler, Sisters in Crime: The Rise of the New Female Criminal, New York, McGraw-Hill, 1975.

(7) Rita James Simon, Women and Crime, Lexington, Mass., Lexington Books, 1975.

female crime. Although these works were valuable in the sense that they stimulated interest in, and debate about, the concept of gender roles and its significance for the understanding of female crime, they were at the same time responsible for leading much of the criminology of women "down an intellectual dead end street"⁽⁸⁾ to use the phrase of Eleanor Miller.

It was a dead end because it focussed criminologists' attention on a single, narrow issue within what was becoming a much broader inquiry by sociologists into the nature of gender. Employing poorly defined concepts of masculinity and femininity derived more from commonsense than scientific observation, criminologists now devoted their efforts to investigating whether women were more criminal than they were before the Movement, whether they were becoming more masculine, and whether female offenders were of a feminist persuasion. Meanwhile, unproven statements about the polarised personalities of men and women, which had underpinned the earlier social theory on women's offending, remained unchallenged and continued to inform the new Women's Liberation debate. This preoccupation with the effects of feminism on the criminality of women also meant that there was no attempt to keep pace with sophisticated intellectual debates on the relationship between the nature of law, the social order and crime which were being conducted concurrently by criminologists concerned with male crime.⁽⁹⁾

A clear illustration of the type of ill-considered and incautious theory about the influence of gender roles on the criminality of women still to be found in current writings is provided by the American criminologists, Balkan and Berger. By way of introduction to a paper

(8) Miller, op. cit., p. 59.

(9) A brief review of the literature on recent theoretical developments in criminology reveals that current debates between radical and interactionist criminologists about the appropriate directions of research make only the barest reference to women. There therefore seems to be a mutual apathy at work, with mainstream criminologists ignoring women and the criminology of women overlooking the advances in the corpus of criminology.

on the Women's Liberation thesis they bring together much of the conventional wisdom in the criminology of women presenting it as unpolemical and established doctrine. Hence they maintain that:

"In the United States, as well as other Western industrial societies, there exists a polarization between the masculine and feminine social roles. Males are socialized to be competitive, aggressive, and independent, while females are taught to be cooperative, passive, and dependent... Females would [therefore] be less likely...to commit armed robbery than males because they have not been socialised to be tough and aggressive...Females have also not felt the same pressures as males to 'prove themselves' or to demonstrate their 'strength' through crime and delinquency... Women and girls respond to stress through...role-expressive and role-supportive acts. Shoplifting and sexual misconduct are exaggerations of the traditional feminine role as housewife, consumer, and sexual object." (10)

Here we see obedience to the law being posed as unproblematic for women: it is the natural consequence of their gender role training. Their criminality, too, is simply an excess of their femininity. Women who offend are thus interpreted as deviant only in the sense that they refuse to confine themselves to legal methods of achieving what are still essentially the goals of their gender role.

Alarm at the readiness of criminologists to reduce all criminality and conformity in women to a simple function of gender role conditioning has only recently begun to be expressed. Concerned about the absence of attendant research into the nature and origins of gender differentiation, two American critics of criminology on women, Shover and Norland declare that

"the recent past has seen a dearth of theoretical interest in female deviance... There seems to have been a willingness to assume that the important theoretical issues were essentially settled. Certainly, textbooks contain little more than a confident assertion that female criminality is intimately linked to female gender roles." (11)

(10) Sheila Balkan and Ronald J. Berger, "The Changing Nature of Female Delinquency", in Claire B. Kopp, ed., Becoming Female: Perspectives on Development, New York and London, Plenum Press, 1979, p. 207 at pp. 207-209.

(11) Shover and Norland, op. cit., p. 113.

Anne Hiller, reviewing the Australasian material on women and crime, has contended that

"Overall, we still suffer in Australia and New Zealand from the effects of...relative ignorance of both the historical and contemporary 'facts' about women and crime..." (12)

The most recent assessment of international trends in the study of female crime stresses the extent to which the obsession of criminologists with the Women's Liberation debate has retarded the overall development of theory on women and crime. In her review of some recent work on the female offender, Eleanor Miller thus attributes the slow intellectual development in the etiology of female crime to the widespread concern of criminologists with refuting or furthering the ideas of Adler and Simon.⁽¹³⁾ The commentary on the state of the literature undertaken by Shover and Norland in 1978 is still, however, probably the best summation of the current condition of the criminology of women. They maintain that:

"the work in this area rests more on common-sense assumptions than on systematic observations and the exploration of alternative theoretical explanations." (14)

Growing recognition of the stagnation of theory on women and crime has prompted calls by criminologists for a reconstruction of the field. In 1976, the English criminologist Carol Smart observed the need for a theory of female criminality

"which first can account for the existence of specifically differentiated roles as well as other features of human activity (like criminality) and second treats both as the outcome of socio-economic, political and historical factors, rather than treating one (crime) as the outcome of the other (sex roles)." (15)

The most recent demands for a new criminology of women continue to stress the need to situate the study of the female offender within a critique of

(12) Hiller, op. cit., p.70.

(13) Miller, op. cit., p.59.

(14) Shover and Norland, op. cit., p.115.

(15) Smart, 1976, op. cit., p.70.

the society which allocates men and women different and allegedly unequal roles. (16)

The principal aim of this thesis is to respond to these entreaties by constructing a framework for the interpretation of the criminality and conformity of women. In the following chapters it will be argued that what has retarded the development of theory until now has been a general readiness to assume that socialisation in the form of gender role conditioning is almost total. Criminologists, such as Balkan and Berger, have simply assumed that the vast majority of men are successfully schooled in aggression and independence while most women are conditioned by their gender role training into a state of passivity and dependence. As a consequence, women have been construed as the hapless victims of their socialisation rather than as rational agents or actors engaged in decisions about how to behave. It is this ready caricaturing of women, and polarisation of the sexes, with which this thesis will take issue.

The interpretive framework to be offered in this thesis focusses on the dialectic of woman as self-determining agent acting with purpose and reason on her environment (the thesis) and woman as object, controlled and constrained by the social structures in which she finds herself enmeshed from the moment of her birth (the anti-thesis). The resolution of these two opposing views of woman (the synthesis) is a complex and fluid interpretation of woman engaged in a constant process of endeavouring to 'master' her environment but discovering, at every turn, the limits of her freedom in the form of the rules and regulations of her society.

Juxtaposed with the standard criminological interpretation of women, this framework can be seen to recognise for the first time women's ability

(16) Nicole Hahn Rafter and Elena M. Natalizia, "Marxist Feminism: Implications for Criminal Justice", Crime and Delinquency, Jan. 1981, p.81; Margaret Wallace, "Is Criminology Helping Women? Notes on the Literature", Paper presented at the 51st ANZAAS Conference, Brisbane, 1981.

to reason and reflect on their circumstances rather than viewing them as conditioned and unselfconscious objects. At the same time, however, it acknowledges the significance of social structure, not only as the object of woman's actions - as she moulds and fashions her environment - but also as an external, objective fact confronting woman with proscriptions and prescriptions which limit her freedom. As the philosopher, Philip Abrams, describes this 'paradox of human agency':

"The problem of agency is the problem of finding a way of accounting for human experience which recognises simultaneously and in equal measure that history and society are made by constant and more or less purposeful individual action and that individual action, however purposeful, is made by history and society. How do we, as active subjects, make a world of objects which then, as it were, become subjects making us their objects? It is the problem of individual and society, consciousness and being, action and structure..." (17)

Applied to the problem of explaining the behaviour of women, the proposed interpretive framework depicts women both as thinking, rational subjects (it offers a thesis of human agency) and as the objects of the rules and requirements comprising the social structure in which they find themselves engulfed (it offers an antithesis of women controlled by the structures of their society). The social structures impinging on the agency of women to be theorized here are, in essence, the dictates and demands of the female gender role. For, although there are admittedly many and diverse social guidelines for the behaviour of women which are not sex specific, this thesis is concerned with those factors and processes which apply specifically to women.

The study of female criminality and conformity set in such a framework is thus the study of reasoning and deliberating women (women as agents) working out their most appropriate courses of action in the light

(17) Philip Abrams, Historical Sociology, Shepton Mallet, England, Open Books, 1982, p.xiii.

of the obligations and constraints of their gender role (women as objects). It is the study of decisions to act made in the context of substantial constraints on action. It is therefore no longer an inquiry into the behavioural effects of social conditioning. For, in advancing a dialectical and holistic approach to the study of female crime, the subject is extended beyond the simple behaviourist model in which offending is construed as a reflex-like response to the external stimuli of social conditioning.

A second objective of this thesis is to introduce an historical perspective to the criminology of women. One reason for the perpetuation of images of criminal women as docile and dependent is that criminologists have sustained a selective focus on the present and, in particular, on the non-violent, petty, female thief. Women in history whose criminal actions have been notable for both their rationality and their violence have been almost entirely neglected. The stereotype of the female criminal is therefore challenged here by introducing to the subject a discussion of the intellectual processes of women who have engaged in large-scale, criminal and often violent forms of social protest.

Any effort, such as this, to theorize the criminality and conformity of women necessarily implies that it makes sense to investigate female crime independently from male crime. Immediately this brings into issue the problems of segregating female crime from the mainstream of criminology. Although, as we saw above, writers such as Smart feel that it is vital to direct discussion on women's reasons for offending to the specific social experiences of women, by so doing, the whole of the criminology of women is placed at risk. That is, by maintaining such a focus, the study of women and crime could easily become a theoretical ghetto. Indeed the tendency to treat women separately has already resulted in their being relegated to footnotes, or reduced to mere appendages to the main interest of criminologists which is male crime. A second pitfall of a separate

approach is that the assumed empirically established gender differences become the exclusive basis of all theory-building, while considerable similarities between the sexes are studiously ignored. Such caricaturing of the sexes in the writing of, for instance, Balkan and Berger, reveals that the latter risk is not insignificant.

In this thesis a particular position is adopted on the question of the independence of the criminology of women as a field of study. While acknowledging the importance which the study of the 'culture of women' holds, it nevertheless resists the interpretation that female behaviour is inevitably determined by gender role. Instead the thesis suggests an alternative view which offers greater recognition to the concept of 'agency', not simply for women but for all humanity.

To clarify, the interpretive framework to be offered in the body of the thesis comprises (a) a theory of human nature (which is, by definition, non-sex specific and therefore not separable) and (b) an analysis and assessment of the female gender role and female experience (which is, by definition, exclusively to do with the conditions of women's, and not men's, lives). One part of this framework is therefore universal in its implications. It is an interpretation of the nature of human beings which, it will be argued, necessarily precedes any attempt to explain human motives for action - criminal or otherwise, men or women. The other part of the suggested framework specifically relates to women. It is an analysis of the conditions under which women as 'agents' choose to behave in either criminal or conformist ways.

By taking as a central theme the idea that men and women as human agents are essentially similar (in that under similar conditions they are likely to decide to behave in a similar manner), this thesis attempts to draw together the study of criminality in men and women. In its focus on the special social conditions applying to women (its antithesis) it

concedes, however, that female decisions to engage in crime or conformity must be construed in the light of the particular social obligations and restrictions which make up the lives of women. This is not the same as interpreting female behaviour in terms of women's gender role conditioning. Rather, it is an effort to understand the reasoning of women in their decisions to offend or conform. Given that the experiences of women are largely defined and limited by their gender role, it is essential to develop some understanding of that role in order to discover the nature of the information women have available to them with which to make decisions. Only by piecing together the facts and fictions to which women have access within the female culture is it possible to reconstruct their possible reasons for action.

This thesis therefore seeks to establish a complex interaction or dialogue between the two sides of woman: the person with volition, acting with rationality and deliberation, and the person constrained by the structures of her world. Its aims are not inconsiderable. Inevitably, then, much of this treatise is intended to be more heuristic than definitive. A close analysis of specific issues and ideas is sacrificed for the larger goal of creating a complete framework for future theory building. This endeavour therefore anticipates a more searching inquiry into the component parts of this framework by future researchers.

The following is consequently primarily an exercise in theory building. Although some examination of the statistics on female crime is employed to determine the nature and extent of the subject (that is, the female offender), the principal contribution of the thesis to the criminology of women will be theoretical rather than empirical or statistical. It will remain for other criminologists to employ the theorizing offered here in their investigations into female offending. The net effect of this will be a breaking out of the traditional mould of research based on fixed conceptions of women.

The form of the thesis is as follows. Chapter 2 considers some of the most common hazards facing the criminologist. These concern the definition of (a) the field itself (what is 'crime' and is it a discrete and sensible subject of inquiry?), (b) the organisation of society (do we live in a consensus based or pluralistic society or one based on conflict?), and (c) the nature of man (is man inherently good or evil? is he a creature of free will or is he determined?).⁽¹⁸⁾ Although such working assumptions of the criminologist are rarely made explicit, they are nevertheless fundamental to all theorizing about criminal behaviour. In this introductory chapter the thesis of agency is brought into the discussion for the first time with the limited view of establishing its relationship with the main strands of thought in criminology. This is part of the more general aim of this chapter of indicating the point of view to be adopted in the body of this work on these issues of definition.

A perennial problem for the criminologist is obtaining accurate information about the nature and extent of crime. Significant numbers of criminals are never detected and, consequently, the criminologist must determine the typicality of the offenders who make up the known criminal population. The problems of gathering reliable data on offenders, particularly where the subject is female, are considered in Chapter 3. Here, also, will be conducted a comparative analysis of the nature and extent of female crime in three countries - England and Wales, the United States of America and Australia - employing the official crime statistics supplemented with the findings of self-report studies.

Available crime statistics unfortunately reveal little about female crime beyond its type and amount, and sometimes the age of the offender.

(18) The term 'man' is used advisedly here in recognition of the fact that criminologists have principally concerned themselves with the nature of man, not woman. Later in the thesis the term wo/man will be adopted as a way of emphasising that humankind includes women as well as men.

Chapter 4 reports the findings of an investigation conducted by the author into the most common female crime - shoplifting - with a view to providing greater detail about the female offender. Discussion will consider whether she tends to be an habitual criminal, whether she is married or single and whether or not she is employed. It will also explore her *modus operandi* as a criminal.

A review of social theories of female crime is presented in Chapter 5. Here is traced the history of the ideas of contemporary criminologists, demonstrating that the roots of current theorizing are to be found in the popular mainstream theories of male crime developed in the sixties and early seventies. It will be argued that the majority of writing is constrained by a narrowly conceived and untested stereotype of women. Women are repeatedly depicted as fully determined by their gender role. Their behaviour is, perforce, either a deviant expression of it, or else an expression of frustration with it. Any debate about the significance of the meaning women attribute to their own actions is avoided by eschewing any reference to rationality and deliberation, and by refusing to consider the possibility that women can act as agents and are not just the victims of social conditioning.

The oversocialised conception of women employed by many theorists - their view of women as thoroughly conditioned by their gender role - is further spelt out in Chapter 6. Here the crystallization and polarisation of gender roles as linking elements in the contemporary writing on women and crime are described and then challenged.

In Chapter 7 the proposed alternative interpretive framework for the study of female crime is explained. In place of the dominant paradigm of the 'oversocialized' woman, it is suggested that inquiry should centre on the internal, rational processes involved in decisions to act. It is argued that these are best conceived as a dialectic of women as agents

(the thesis) and women as objects (the antithesis). The case for the thesis of agency is put by tracing the development of this idea by major thinkers of the nineteenth and twentieth century. Its antithesis of women controlled by the structures of their society takes the form of an analysis of the origins and current composition of the female gender role and female stereotype.

The synthesis of this dialectic of woman as agent and woman as object comes in Chapter 8 which begins the task of theorizing the behaviour of women. This synthesis is interpreted as the process of women, as problem-solving agents, making decisions to act in criminal and conformist ways. Challenging the received criminological wisdom, that effective conditioning to ideals of womanhood leads, in the main, to conformity, both criminality and conformity are described as the outcome of complex, socially influenced mental processes in which women construe the circumstances of their gender role and decide how best to deal with them. With this interpretation of the rational processes of women established as the framework for analysis, this key chapter proceeds to theorize the reasons for female conformity, deviance, criminality and social protest.

In recognition of the principal concern of criminologists with the sex differential in crime, or rather, why women are more conformist than men, this discussion first considers the motives of women who remain law-abiding. Highlighting the tensions which inhere in the female role, and therefore the problematic nature of female conformity, it is hypothesised here that there are several possible constructions by women of their circumstances which would lead to decisions to conform.

The only deviance in the form of non-criminal but problem behaviour to be considered here is mental illness. The reason for this selective focus is that criminologists have spent considerable time debating the significance of mental illness in women and relating its incidence to

the extent of women's involvement in crime. Taking to task the conventional interpretation of mental illness in women as a functional equivalent of male crime - a reactive feminine mode of venting frustration - it is argued, instead, that mental illness can be construed in a number of ways which acknowledge the rationality of the sufferer. Three constructions are suggested here which focus on the intellectual processes of women who become, or are regarded as having become, ill.

The female criminality to be considered is the most common female offence: shoplifting. Employing data from a court survey conducted by the author, as well as interviews of lawyers, the discussion explores the motives of women who steal from shops. Again, in opposition to the standard interpretation of this offence as a simple outcome of gender role, analysis focusses on the range and rationality of women's motives in the light of what can be pieced together about their experience.

The introduction of an historical perspective to the study of female crime is left to the last stage of the thesis as a final corrective to the dominant paradigm of the petty and passive female offender. By turning to those moments in history when women have engaged in organised, collective and often violent social protest, it becomes apparent that criminal women whose actions have been conspicuous for their rationality, their planning and their violence have been almost entirely omitted from the literature. The politics, the intelligence and the organisational skills of women involved in food riots, in resistance to eviction, in the Chartist and Suffrage Movements, as well as in modern protest, are juxtaposed with the conventional stereotype of the gender determined woman offered up by historians and criminologists alike.

CHAPTER 2

Perspective: An Analysis of the Starting Assumptions
of the Criminologist and an Introduction to the Theory
of Human Agency

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CHAPTER 2

Perspective: An Analysis of the Starting Assumptions
of the Criminologist and an Introduction to the Theory
of Human Agency

"Social theory must be seen primarily as a set of questions we ask of social reality. If the initiating questions are forgotten, we readily misconstrue the task of theory and the answers previous thinkers have given become narrowly confining conceptual prisons, degenerating into little more than a special, professional vocabulary applied to situations and events that can be described with equal or greater precision in ordinary language. Forgetfulness of the questions that are the starting points of inquiry leads us to ignore the substantive assumptions 'buried' in our conceptions and commits us to a one-sided view of reality." (1)

"No serious inquiry can begin without making many complex assumptions, and the attempt to secure a firm foundation for inquiry which does not make any assumptions is idle and misguided. What validates our knowledge claims is not the 'origins' of knowledge, but the techniques, methods and norms we use in testing these claims. The essential fallibility of all inquiry is no cause for despair, but rather an incentive for openness and for testing as rigorously and critically as we can all hypotheses and theories." (2)

The Significance of Perspective

Whenever criminologists present theories of criminal behaviour they inevitably make a number of assumptions about human beings, society, and their relationship to the prevailing system of justice. The most important assumptions, the identification of which enables critics to get to the heart of such theories, relate to human nature and social organisation. About human nature a number of assumptions must be made, such as whether wo/man has free will or is determined, whether s/he has an essence which is pre-social or whether s/he can only be viewed in her or his social context and whether s/he is inherently good or bad or whether all morality is a question about the values of a given culture. Further assumptions must

(1) Dennis H. Wrong, "The Oversocialized Conception of Man in Modern Sociology", Am. Social. Rev., 1961, 26, p.183.

(2) Richard J. Bernstein, Praxis and Action, Philadelphia, Univ. of Pennsylvania Press, 1971, at p.199.

be made about the organization of society: whether it consists of like-minded people who generate a consensus of thought and morality which is embodied in the criminal justice system; whether society is divided but is nevertheless accepting of the structure and substance of the criminal justice system; or whether society is stratified and full of conflict, with the criminal justice system representing the views and interests of a limited ruling class.

It is common to find that a theory of criminality has not confronted these issues but has nevertheless proceeded to offer an explanation of human conduct. This type of theory-building is inadequate because it obscures any underlying assumptions. That is, there are inevitable leaps of faith in such theory which form vital premises but are never subjected to critical scrutiny because they are not identified. The logic of the theory is therefore never tested.

The following example illustrates this point. A theory might say "Poverty causes people to steal". Prima facie, this is simply a common-sense view that relative or absolute economic deprivation may lead people to take things which are not their property but which they want or need. Surely this is self-evident and straight forward and not open to much criticism. But what this statement leaves out is a great deal about the criminal actor. Is it saying that our hypothetical offender rationally weighed up the risks and benefits of stealing and decided it was worth it? Or was s/he so oppressed by poverty that her or his behaviour was more driven than premeditated? Or has economic hardship so alienated her or him that s/he is now an intractably asocial person, someone who has chosen to commit an act of dishonesty such as theft indifferent to social prohibition? This final question leads to another series of questions addressed to the gaps in this simple theory. Is one to assume here that the theft is just the commission of an isolated prohibited act or is it

being regarded as symptomatic of a basic criminal nature? Is the theory therefore explaining not why the offender chose to act in the way s/he did but what is wrong with her or him? That is, why s/he is "mad or bad". Or is this simply being regarded as the commission of a proscribed act with no moral overtones? Put another way, is the criminologist posing this theory interested in explaining rule breaking, with no assumptions about the moral consensus or representativeness of that rule, or is s/he explaining why people offend the moral codes of society, thereby assuming that the law of theft embodies the community's moral code?

When these questions are answered, the statement "Poverty causes people to steal" tells a good deal more about what the criminologist is saying about the offender's reasons for action. It is now also possible to consider the premises upon which the theory hinges. And it is only with the uncovering of at least some of these premises that the perspective of the criminologist can be identified and evaluated.

Perspective is not just the combined assumptions about people, society and the law made by the author of a theory, although it is this too. Perspective is what Michalowski calls the author's "hierarchy of meanings and the organizing principles from which they are generated".⁽³⁾ It has also been described as "the values and preconceptions which the observer brings to the social situation"⁽⁴⁾ and as the "world view of the thinker" which comprises "the orienting framework [which] provides the central mapping of social reality that serves as a basis for constructing explanations".⁽⁵⁾

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- (3) Raymond J. Michalowski, "Perspective and Paradigm: Structuring Criminological Thought", in Robert F. Meier, ed., Theory in Criminology: Contemporary Views, California, Sage Publications, 1977, p.17, at p.19.
- (4) Michael King, The Framework of Criminal Justice, London, Croom Helm, 1981, p.10.
- (5) Nanette J. Davis, Sociological Constructions of Deviance: Perspectives and Issues in the Field, Dubuque, Iowa, Wm.C. Brown, 1975, p.5.

The value of knowing the author's perspective is that it is then possible to answer the following questions about her or his theory:

"What assumptions are being made, that is, what are the intellectual starting points for such thinking?... What sort of questions are being asked? In asking these questions, what sort of concepts are being used? What sort of methods are being used to find out about the world?... What sort of answers or solutions or explanations are given to the questions asked?" (6)

The answers to these questions expose the bare theory. If it is the product of intellectual rigour, it will be found to be sound and consistent. If it is the product of prejudice or illconsidered ideas, this will also be apparent.

The aim of the following discussion is to identify some of the major perspectives which have underpinned criminological thought and then show how the perspective, which will be employed in this thesis, draws from and departs from its predecessors. The three aspects of perspective identified thus far as having the most bearing for the criminologist are human nature, the social order and the role of the criminal justice system. This review of perspectives in criminology will focus on these three key elements.

Past and Present Perspectives in Criminology

The great campaign for the liberalisation of the law and the eradication of corruption at the end of the eighteenth century in England provided the context from which emerged "classical criminology".⁽⁷⁾ Its principal concern was to place strict limits on the law, confining it to the prescription of those actions which were positively harmful to others and

(6) E.C. Cuff and G.C.F. Payne, eds., Perspectives in Sociology, London, George Allen and Unwin, 1979, p.3.

(7) For a concise outline of the emergence and development of classical criminology see George Vold, Theoretical Criminology, New York, Oxford Univ. Press, 1979, 2nd ed., Chapter 2, pp.18-34. Ian Taylor, Paul Walton and Jock Young, The New Criminology: For a Social Theory of Deviance, London, Routledge and Kegan Paul, 1973, pp.1-6, also provide a good summary of the classical perspective.

punishing offenders only to the extent necessary for individual and general deterrence. The quantification of punishment was the focus of this reformist movement which argued a view of man as fully in control of his actions and able to rationally calculate the costs and benefits of criminal behaviour. All men were regarded as equally self-determining and self-interested and as sharing a common interest in the law which regulated human behaviour. (8)

The rise of social Darwinism and allied developments in late nineteenth century physical science produced an alternative perspective in which this idea of the free will of the individual (of man as a self-determining and rational actor) was rejected and the "positivist" view of man substituted. (9) Pioneered by Cesare Lombroso (and still nurtured by mainstream criminologists today), the new idea was that man could be studied using the same scientific methods as were employed in the study of the remainder of the physical universe because man, too, was a creature determined: by his biology and/or his psychology and/or his social circumstances. It was maintained that the identification of all the internal and external forces on man to act equalled the sum of the man. Thus, by controlling all the variables, behaviour could be predicted.

It is curious that hand-in-glove with this construct of man as the sum of his potentially identifiable determinants of action there also emerged the seemingly contradictory image of man as having an essence of good or evil and of health (normality) or illhealth (abnormality).

(8) For a more detailed exposition of the key principles of classical criminology see Jock Young, "Thinking Seriously About Crime", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, Crime and Society: Readings in History and Theory, London, Routledge and Kegan Paul, 1981, p.248 at pp.253-263.

(9) A review of the work of some famous positivist criminologists is contained in Taylor, Walton and Young, 1973, op.cit., Chapter 2. An analysis and critique of the key ideas of positivism is to be found in Young, 1981, op.cit., pp.266-274.

Criminal man was bad or sick. Law-abiding man was good or healthy. The basis for these views was the belief that criminal law embodied the natural morality on which society was based. It represented the community's determination of what was immoral behaviour which should be proscribed. A criminal act was therefore synonymous with an immoral act. The question addressed by the positivist was therefore not just What makes a person break a rule? But what makes a person behave immorally? What is wrong with him? The positivist criminologist thus became the diagnostician of pathology.

At this point all appreciation of, or sympathy with, the position of the criminal was lost. The classicists had seen criminal behaviour as a natural response in the proper circumstances and therefore sought to prevent these conditions developing by constructing a network of effective deterrents. The positivists spurned this sort of 'empathetic' psychology which flowed from commonsense observations about man's experience of the world. Discarding the lessons of their own motives for actions, their investigations increasingly focussed on what they perceived as the tainted; hence they strove to distinguish themselves as much as possible from the criminal population. Even though it is unlikely that the positivists regarded their own behaviour as wholly determined by external (or internal) forces, the criminals who comprised the subjects of their investigations were deemed to be fully susceptible to every form of conditioning. The rational free-willed actor of the classical school was thus extinguished.

Although the positivist study of crime is still thriving (evidenced by the preference for 'scientific' inquiry rather than theory building of British mainstream criminology),⁽¹⁰⁾ the past two decades have seen

(10) A commentary on the influence of positivism on the thinking of the modern, mainstream British criminologists is to be found in Stanley Cohen, "Footprints on the Sand: A Further Report on Criminology and the Sociology of Deviance in Britain", in Fitzgerald, McLennan and Pawson, op.cit., p.220.

the emergence of two schools of criminology which have challenged the positivist view of human nature, of the social order and the criminal law. These are the new deviancy or labelling theory, and critical or radical or conflict theory, which have begun to focus on the dissensus rather than the consensus in society as well as resurrecting (with some important qualifications) the classical view of man as a rational actor.

New deviancy theory rejects the positivist notion that the criminal is bad or sick - that he is essentially different in any way from the law-abiding person. Instead, it maintains that most people commit crimes and that whether a person comes to be regarded as a criminal depends not on the actual commission of a criminal act but on the successful application of a criminal label to that actor. Who does the labelling and who gets labelled depends on who has the power to make the labels and who has the least power to resist them.

Implicit in this interpretation of criminality is a social order comprising people with different amounts of power - a complex, stratified society rather than a simple, polarised one of the criminal and the law-abiding as envisaged by the positivists. The new deviancy approach rests on a view of the law as the reflection of the beliefs and interests of those who are dominant in society. It does not embody a moral consensus.

The labelling school, despite its attack on much of the bedrock of positivist theory, nevertheless still presents an image of man as compelled to be criminal by forces outside his control. This is not the self-determining man of classical theory. The criminal is not the person who chooses to offend (otherwise we would all be criminals), but the person who gets labelled. (11)

(11) The brevity of this analysis of labelling theory has, of necessity, conflated many important themes and ideas associated with 'new deviancy theory' and has not separated the labelling from the interactionist perspectives. Indeed a distinction needs to be drawn between the interactionists and the more deterministic labelling theorists. David Matza should be noted as the main (if not the only) writer

Conflict criminology depicts crime as the inevitable result of a society where the upper and middle classes exploit the working class. With the deviancy theorists, conflict criminologists contend that in advanced industrial (capitalist) societies, a small minority has the bulk of wealth and therefore power. These people are in a position to ensure that the law represents and protects their interests. As a result, only those 'antisocial' acts which the working class is likely to commit, precisely because it is the poorest and weakest sector of society, are deemed to be criminal (for example, theft, vagrancy and public drunkenness), while the dangerous acts of the wealthy and powerful (for example, industrial pollution and political corruption) escape the sanctions of the criminal law either formally or in effect. Also, the differential treatment of the working class and the bourgeoisie by the agents of the criminal justice system ensures that even when the middle class engages in crime it is more likely to go unpunished. (12)

(11) within the former perspective who appears to regard choice as central (contd.) and who has an explicit commitment to agency. See the discussion of Matza's view of human agency in Deryck Beylvelde and Paul Wiles "How to Retain Your Soul and be a Political Deviant", in David Downes and Paul Rock, Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979, p.122.

Some early examples of the various ways labelling theory has been used to study deviance in the U.S. are: H.S. Becker, Outsiders: Studies in the Sociology of Deviance, New York, Free Press, 1963; E.M. Lemert, Human Deviance, Social Problems and Social Control, New York, Prentice Hall, 1967; and D. Matza, Becoming Deviant, Englewood Cliffs, Prentice Hall, 1969. The ideas of these American criminologists did not gain a strong footing in England until the early 1970s. Sustained attempts to employ this perspective in Britain came after the York Deviancy Symposium of 1968. See: Steven Box, Deviance, Reality and Society, London, Holt, Reinhart and Winston, 1971 and Paul Rock, Deviant Behaviour, London, Hutchinson Univ. Library, 1973. For an assessment of the current state of labelling theory in Britain see Cohen, 1981, op.cit.

(12) Even more than the labelling perspective, conflict criminology is represented by a number of schools of thought which have not been dealt with in this short summary of the approach. For a comparison of conflict criminology in America and Britain see Vold, op.cit., pp.312-315. For analysis of the range of ideas embraced by modern conflict criminology see Stuart Hall and Phil Scraton, "Law, Class and Control", in Fitzgerald, McLennan and Pawson, op.cit., p.460. Also, Cohen, 1981, op.cit.; Young, op.cit.; Richard F. Sparks, "A Critique of Marxist Criminology", Crime and Justice, 1980, Vol.2,

Despite a similar focus on the process by which some are labelled criminal and some are not, conflict criminology differs from deviancy theory in that it is primarily interested in the historical analysis of the social forces which have led to the wealthier members of society co-opting the law for their own purposes, not the individual interactions between the labeller and the labelled. In addition, each espouses a different view of the social order. The deviancy school depicts a pluralist society in which everyone is equally liable to commit prohibited acts for a multiplicity of reasons, but only some get caught because of their more vulnerable position. The conflict school sees society as more polarised: it consists of a dominant class (the bourgeoisie), and an oppressed working class. The latter is actually more likely to engage in crime than the former because the middle class has seen to it that the law focusses on acts which the working class is more likely to commit because of its material deprivation. In the words of Anatole France, the "law in all its majesty forbids both the rich and the poor from sleeping under the bridges of the Seine".⁽¹³⁾

Despite this powerful challenge to the positivists' consensus view of society, conflict criminology fails to present an equal challenge to their notion of man as determined. In fact, in line with those positivists who declare that "Poverty causes crime", that is, it actually forces the offender's hand, the conflict school sees the offender as driven to a life of crime by exploitation and poverty.

Notwithstanding the determinism implicit in both the new deviancy

(12) p.159; and Robert M. Bohm, "Radical Criminology An Explication", (contd.) Criminology, Feb. 1982, Vol. 19, No. 4, p. 565.

(13) Quoted by Jock Young in "Thinking Seriously About Crime: Some Models of Criminology", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, eds., Crime and Society: Readings in History and Theory, London and Henley, Routledge and Kegan Paul & The Open University Press, 1981, p.248, at p.265.

and the conflict approach to crime, both provide a glimpse of another side of man. The new deviancy school starts with the proposition that we are all capable of behaving in a variety of ways, some of which are criminal. There is the implication of choice here. And although conflict criminology does offer a view of man as economically determined, there is implicit in this spectre of the offender driven and brutalised by poverty the potential of the free, self-determining man of an egalitarian society. (14)

There is a strong tendency among criminologists to strengthen their own theories by undermining everything that has gone before. The perspective to be employed here will not do this. Instead the view of wo/man, law and the social order which will underpin the following discussion will draw from all four of the approaches to crime outlined above. It is felt that each view offers useful insights into the reasons for criminal behaviour.

(14) That this issue of free will or choice is still an explicit point of contention between some interactionists and Marxists can be seen in the recent volume edited by David Downes and Paul Rock (Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979) which discusses and evaluates the Marxist critique of new deviancy theory. Chapters in this volume by Ken Plummer ("Misunderstanding Labelling Perspectives", p.85) and Deryck Beyleveld and Paul Wiles ("How to Retain Your Soul and Be a Political Deviant", p.122) focus specifically on this debate. It is interesting to note that, since this publication, the only criminologists to have addressed the problem of human agency are Richard Cloward and Frances Fox Piven: See Richard A. Cloward and Frances Fox Piven, "Hidden Protest: The Channeling of Female Innovation and Resistance", Signs, Summer 1979, Vol. 4, No. 4, p.651 for a discussion of female crime from a free will or agency perspective. The problems these authors experience in sustaining their agency approach are considered later in the thesis (See Chapter 8). Also, Frances Fox Piven, "Deviant Behavior and the Remaking of the World", Social Problems, June 1981, Vol. 28, No. 5, p.489 for an excellent critique of labelling theory and its obliteration of human agency.

Since the theoretical perspective of this thesis is derived in part from these preceding approaches, it may be useful to briefly summarise them at this point. First, the classicists believed that man had free will, that he was innately self interested and needed to be deterred from the commission of antisocial acts by the threat of punishment. The legal system, which meted out this punishment, was seen to represent the common will of people to live together in peace. Second, the positivists saw man, and in particular criminal man, as determined. The task of the criminologist was to identify those factors which compelled the individual to offend. Law-abiding people were the healthy norm. The offender was sick or bad. Society was united in its support for law-abiding behaviour and hence in its support for the law. It was therefore concerned with isolating and treating those who disfunction by offending. Third, the new deviancy theorists saw man as having limited freedom. He could choose to behave in a variety of ways until his freedom was curtailed by the agents of the law who labelled him a criminal. The individual, thus trapped, was thenceforth compelled to regard himself as a criminal. The deviancy school rejected the notion of a united homogeneous society by pointing to human diversity. Instead of representing the moral consensus of society, the criminal law was seen to embody the interests of the most powerful group. Fourth, the conflict school started with a determined view of man, pushed by economic forces beyond his control, but held out a promise of the unexploited self-determining man. Society was conceived as conflict ridden (rather than just diverse), and based on inequalities, the main conflict being between those who owned and controlled the wealth and capital (and hence the law) and the poor. Although this unequal distribution of wealth and power meant that it was mainly the poor who were defined as criminal, the really dangerous people were the corrupt rich.

The brevity of these descriptions of perspectives means that each is to some extent simplified and presented in its most extreme form. Many subtleties and variations on each approach have therefore been lost. Nevertheless, the essence of all four schools of thought has been extracted.

The Perspective to be Employed

(a) Its Debt to Previous Perspectives

The perspective to be used here to study the offending of women relates to its predecessors in the following ways. First, it adopts a view of human nature which lies somewhere between the positivists (the criminal is fully determined) and the classicists (the criminal is fully rational and self-determining). It does this by recognising that part of wo/man⁽¹⁵⁾ which rationally assesses both the nature and limits of her or his options and pursues a course of action informed by that evaluation. This is wo/man with influence, but within a limited sphere. Accordingly, the proposed view of human nature embraces the two sides of wo/man; wo/man controlled and wo/man controlling. Second, it concurs with the deviancy theorists that it is contact with the criminal justice system rather than the inherent immorality of her or his actions which makes a person feel like a criminal. Finally, it is in agreement with the conflict school that poverty and structural position are powerful determinants of criminal behaviour and that those with money and power are both less compelled to offend and less vulnerable to detection of their transgressions.

(15) This term recognises that, unlike the criminology of her predecessors, the present author's thesis is concerned with all humankind, comprising women as well as men. Accordingly this term will be employed throughout this thesis whenever the conventional generic would have been employed, except in those instances where the ontology of other authors is being discussed and it is felt that their primary interest is men not women.

(b) Its View of Wo/mani. Wo/man as Object

To elaborate the interpretation of wo/man to be employed below, its initial concession to positivism is that wo/man is, in many ways, determined. S/he does not possess the ultimate freedom to do and be whatever s/he pleases - a freedom which seems to be implicit in the classicists' vision of wo/man without law and in the conflict criminologists' concept of wo/man in an egalitarian society. One reason why wo/man can never be truly free to act as s/he wishes is that s/he is born an animal with the animal's basic survival needs of physical sustenance and procreation. These needs must be met or either s/he or the species will die. The second constraint on wo/man's freedom is the accident of her or his birth. That is, wo/man is born into a particular position in a particular culture at a particular point in history. These factors not only determine how s/he will go about acquiring the means to survive, that is, her or his work, but also what language s/he will speak, the clothes s/he will wear, the people with whom s/he will associate and so on. Thus from birth wo/man has much of her or his life plan already mapped out for her or him. As the French psychologist and philosopher, Lucien Sève, puts it:

"The consciousness of individuals cannot therefore pass beyond the limits nor escape the problems - and solutions - characteristic of their (social position) ...The institutions and objective conditions of a given epoch determine the life process and the consciousness of individuals." (16)

Conceived thus, wo/man is a social object.

(16) Lucien Sève, Marxism and the Theory of Human Personality, London, Lawrence and Wishart, 1975, p. 32.

ii. Wo/man as Subject

And yet human beings are not entirely controlled or determined by the accident of their birth. The argument to be advanced in the body of this thesis is that, within the constraints of their position in their culture at their moment of history, people have freedom - a freedom which clearly distinguishes them from other animals, and throws into question the positivists' conception of human behaviour as ultimately predictable. (Just isolate all the relevant variables.) This freedom stems from the unique ability of the human species to stand back and examine itself as an object in its society. Although people are locked into a particular moment in history they are not blind to this fact. They are aware that they hold a certain position in their society and how it compares with other positions. They are also aware that their society differs from those preceding it and is still subject to change. It is this self-consciousness of individuals - their knowledge of who they are and how they relate to other members of their society as well as other societies - which gives them their freedom. For human beings aware of their social position and the constraints on their actions are also human beings aware of their options. Conscious of the limitations imposed by the accident of their birth, members of the human species can nevertheless rationally evaluate the costs and benefits of those options left open to them. Within this area of freedom, they are not simply the creatures of stimulus and response evoked by the positivists. Here they are free, thinking subjects - with the important caveat that how they perceive their options will be shaped by the values and expectations of their society.

Further support for the idea of human freedom comes from the historical evidence that societies are not static but continuously evolving. Here is an indication that wo/man is not simply a prisoner of the circumstances of her or his birth. For, unlike other animals, wo/man changes and builds on the heritage s/he acquires at birth. Each successive generation takes on the knowledge and the customs of that preceding it. It adapts it for its own use, it expands it, and then hands it on to the next generation. This ability of human beings to transform the world around them contradicts the positivists' idea that people are always acted upon and never acting - an idea which can only be sustained by ignoring the evidence of history. Human beings are creative. They are capable of extending their experience, their knowledge and their skills. They thereby become 'masters' of their situation and impose change. They are actors.

iii. The Synthesis

It is this dialectical, historical view of wo/man, of wo/man both controlling and controlled by her or his place in the world, which will form the focus of this investigation into the causes of female crime. In view of the polemical nature of this suggested approach (it challenges aspects of each of the major theories considered above) it will be subjected to closer scrutiny later in this thesis (Chapter 6).

(c) Wo/man and Criminality

For the present it will clarify analysis to again note the parallels between this interpretation of wo/man with those implicit in the criminological theories outlined above and reflect upon the implications for the

organisation of society, the role of the justice system and the criminal. In line with the new deviancy school, the proposed perspective challenges the positivists' assumptions about fixed notions of good and evil, with the criminal as the embodiment of the latter. That is, it stresses human difference and change. This means that what is regarded as undesirable conduct which should be prohibited depends on the values of a society at a given point in time. There is no such thing as an essentially immoral person. In the words of the philosopher, Istvan Meszaros:

"[Man] is not dyed either pink or black by the various systems of moral philosophy... Guilt and innocence are relative and historical terms that can only be applied under certain conditions, and from a specific point of view, that is their assessment is subject to change." (17)

Moreover, there is no guarantee that this "specific point of view" is going to be that of the majority of the population at any given point in time. It may well be the view of a minority if a society is so constructed that only a minority have access to the means of proselytizing and enforcing their interpretation of desirable conduct - that is, the law and the justice system.

Consistent with this view of the relativity and changeability of standards of conduct is a rejection of the notion that people, by nature, have an immutable instinct to behave in certain ways. Hence, this thesis takes issue with the assumption of the classicists that human beings are 'naturally' and inevitably self interested and that the pursuit of those interests will at times include actions harmful to others - hence the need for law. What interests the individual depends on the values, dispositions and goals of her or his society. These may well dictate

(17) Istvan Meszaros, Marx's Theory of Alienation, London, Merlin Press, 1975, 4th ed., p.165.

placidity and altruism. If so, wo/man's pursuit of her or his own interests will coincide with the interests of others. On the other hand, should they dictate egoism and aggressive competitiveness, then the person pursuing her or his own interests is likely to infringe the rights of others. That society will therefore have to devise a means of protecting its members from each other and securing order if it is to survive.

What is therefore essential for an analysis of crime and the social order based on this interpretation of human nature is the identification of a particular place and time - an historical moment - for investigation. That is, because "man's actual wants arise out of the situations in which they are placed" it is necessary to look "to the conscious wants, not of men everywhere, but of men so and so situated - broad categories or classes of men defined in terms of their social situation".⁽¹⁸⁾

This thesis is concerned with the criminal offending of women living in advanced, industrial societies particularly focussing on Australia, the United Kingdom and the United States of America. There are several reasons for this choice. These include the similarity of Australia, Britain and America with regard to their economies, their standard of living, their level of industrialisation, their political systems and, most important for this thesis, the roles they allocate their men and women.

Having chosen a point in history to investigate it is now possible to respond to those questions which will illuminate the present author's position on the nature of the social structure, the law and the justice system. These questions include: what sort of values and aims do these

(18) Plamenatz, op.cit., p.39.

societies promote? That is, what is the social conscience in these societies? Also, how are these societies stratified? Is there an equal distribution of wealth and power? Does everyone have equal access to the law? Does the law represent everyone's rights and interests equally? By limiting discussion to a particular place and time these questions can now be answered without reference to universal notions of good and evil and assumptions about a moral consensus necessarily underlying the criminal law.

In reply to the first question posed, this thesis adopts the school of thought that advanced, capitalist, industrial societies foster in the individual a desire for material success and sanction its achievement by means of aggressive competition in the economic and occupational spheres. The value of a person is one's earning ability.⁽¹⁹⁾

This is clearly the conflict criminologist's view of wo/man in capitalist society. It is the contention of this thesis, however, that this view requires some modifications. Otherwise it is too much of a caricature and too one-sided. The argument is that the countries to be discussed here do not just encourage ruthless, self-seeking behaviour but also lay stress on such attributes as honesty, loyalty and integrity. These qualities are nurtured by the Christian ethic which, despite the increasing secularization of these countries, is still an important source of their moral standards. Thus members of those societies are not assessed solely in terms of their ability to acquire money. They must also demonstrate certain moral qualities to attract the respect of their community.

(19) Although (as it will be explained in Chapter 7) women are primarily defined by, and have their success measured in terms of, their familial relations and not their earning ability, it is nevertheless the high income earner who is accorded high status in these societies (see the discussion of the devaluation of women in Chapter 7).

(d) The Social Order

The position to be taken here on the structure of society and the distribution of wealth accords with the perspective of conflict criminology, but with some major qualifications. It is manifest that in spite of capitalist society's emphasis on the accumulation of material possessions, everyone does not have the same access to the means of their acquisition - that is, high paying jobs. Wealth and power are not evenly distributed.

The inegalitarian nature of society has an obvious bearing on the question: Does everyone have equal access to the law and the justice system? and Does the law represent the rights of all equally? Because litigation is expensive, complainants who are poor do not have the same access to legal means of redress as the rich. Nor does the poor defendant have the same recourse to expensive defence counsel as the wealthy law breaker.

(e) Law and The Justice System

A brief look at the socio-economic backgrounds of lawyers, magistrates and judges reveals that it is the more privileged members of society who determine the nature of the justice system. It is therefore probably reasonable to infer that the poor feel little affinity for such a system.

As conflict criminologists are quick to note, the content of the law also displays a class bias. That is, a good deal of common and statutory law is solely concerned with protecting the rights of the propertied. On account of the unequal distribution of property, the law, perforce, is taken up more with protecting the rights of the middle and upper classes to the free enjoyment of their possessions than with the rights of the working class.

The combination of the importance placed on material wealth and the fact that only some are given the means of acquiring it has another ramification for the working class and its relationship to the justice system: there is a greater likelihood that its members, rather than those of the bourgeoisie, will engage in acts of theft in circumstances where there is a high risk of detection. Working class people have a greater need for the items and have less to lose from detection by the law enforcement process. This means that they are more likely to confront the law as defendants while the middle classes meet the law as complainants.

Although this thesis takes the view that the law displays an obvious class bias, it does not support the conflict criminologist's position that the law only represents the interests of the rich and the powerful. The interpretation of the law to be advanced here in fact specifically rejects this law-equals-class-interest approach and offers in its place the view of law of the historian, E.P. Thompson, who states his position in the following way:

"It is inherent in the especial character of law as a body of rules and procedures, that it shall apply logical criteria with reference to standards of universality and equity. It is true that certain categories of person may be excluded from this logic (as children or slaves), that other categories may be debarred from access to parts of the logic (as women, or for many forms of eighteenth century law, those without certain kinds of property), that the poor may often be excluded, through penury, from the law's costly procedures. All this, and more, is true. But if too much of this is true, then the consequences are plainly counterproductive. Most men have a strong sense of justice, at least with regard to their own interests. If the law is evidently partial and unjust, then it will mask nothing, legitimize nothing, contribute nothing to any class's hegemony. The essential precondition for the effectiveness of law in its function as ideology, is that it shall display an independence from gross manipulation and shall seem to be just. It cannot seem to be so without upholding its own logic and criteria of equity; indeed, on occasion by being actually just." (20)

(20) E.P. Thompson, Whigs and Hunters: The Origin of the Black Act, London, Allen Lane, 1975, pp.262-3.

This carefully qualified vindication of the impartiality of the rule of law is not inconsistent with the claim that the poor are likely to feel, at best, indifference towards the legal system. Nor does it contradict the suggestion that many violently disagree with individual laws yet still feel that the justice system is an appropriate way of maintaining order.

It is because the law is not only concerned with protecting the interests of all those with property but also addresses itself to general notions of justice for all - that is, it strives to demonstrate some of the principles of the Christian ethic by condemning dishonesty and violence - that in spite of all its failings, it is still generally obeyed, and, to a much more limited extent, respected. This is not to imply that the study of law breaking is synonymous with the study of immorality. The criminologist's job is not that of the theologian. As has been pointed out here, the law, far from embodying a moral consensus, derives much of its ability to survive from the inertia of that part of the population which either regards it with positive resentment or simple indifference. And as well as the apathetic, there are many who actively voice their disagreement with individual laws but who fail to challenge the system as a whole. There is also a smaller group who would overthrow the system in its entirety. Accordingly, the person who breaks the law is not necessarily doing something which society would automatically condemn for its immorality.

In the light of so much ambivalence towards the law, it is a curious fact that the person who is publicly identified as a law breaker is stigmatised. This contradiction is perhaps explained by the sort of feelings about the criminal manifested by the positivists: that s/he is sick or tainted. Since the source of this revulsion (in the case of the positivists) was the belief that the criminal, by breaking the law, was committing

an immoral act universally condemned, the stigma which still adheres to the criminal today may well be the result of the same sort of belief that if the law judges someone to be criminal, s/he must be bad. If this explanation is right, if the criminal stigma is a display of community solidarity against the law breaker, then the justice system thereby receives strong, although indirect, support from the community.

From these various qualifications to the initial claim that law in economically stratified societies represents the concerns of the bourgeoisie to the exclusion of the working class, it is clear that the position on law and the social order to be taken here embraces aspects of both conflict and consensus theory. Society, in its relationship with the justice system, is depicted as complex, fluid, and full of contradictions. Thus it can be convincingly argued both that the law is class biased - in favour of the wealthy and powerful - and that the bourgeoisie do not rule by force, but with the consent of most sectors of the community. As E.P. Thompson explains it, this consent is obtained by a subtle blend of the concealment of injustices inherent in the law and the making public of those instances and areas of the law where it, in fact, metes out equal treatment to people of all classes.

Chapter Summary

At the start of this chapter it was suggested that the criminologist who wishes to have her or his theory properly understood will make her or his perspective plain. It is only with an insight into the assumptions which form the foundations of a theory that it can be fairly evaluated. This chapter has, accordingly, attempted to identify the perspectives of four of the major schools of criminology with a view to constructing a perspective from which to commence a study of the female offender. It has been argued here that there are three key elements in the criminologist's perspective: human nature, social order, and the role of the

justice system. Discussion has therefore focussed on these aspects of the theories of crime considered here.

Out of this analysis of criminological perspectives has come the following view of wo/man, law and the social order. Wo/man is determined and self determining. S/he is the inheritor of a culture which s/he possesses the ability to change. S/he is self aware and rational and yet s/he is constrained (and made human) by the expectations and opportunities governing her or his particular position in her or his particular moment in history.

The historical moment which this thesis has chosen to consider is modern Australia, America and Britain. Here wo/man lives in a society where human value is measured largely in terms of the ability of the individual to amass material possessions. The residue of a Christian ethic in these countries, however, has the effect of also making desirable the display of certain moral qualities.

The social structure in these advanced, industrial countries is determined by the distribution of wealth. The dominance of a materialist ethic ensures that the wealthy are the most respected and powerful members of these societies. Not only do they run the law but they also see to it that the interests of the propertied are paramount.

Notwithstanding the class bias of the law, the law claims also to be concerned with protecting some basic rights of the individual, thereby ensuring that it attracts enough positive support from the community that it rules more by consent than force.

From this perspective the proposed research into the nature of female crime is clearly divorced from the positivist's effort to diagnose causes of immorality. Instead, it is an attempt to explain

why women engage in behaviour which those who have the institutionalised power, and sometimes the general support of the community, proscribe. It is in essence a study of reasons for rule breaking.

The interpretation of human nature advanced here means that the following investigation into the rule breaking of women is neither just an attempt to identify constraints on action - that is, forces which propel women into criminality - nor is it simply a study of decontextualised decision making. The emphasis of this perspective on the qualified free will of the individual means that this is to be a study of women in a particular historical moment (here and now) and their actions. It is an inquiry into the decisions made by women as actors who both shape and are shaped by the expectations and confines of their place in history.

CHAPTER 3

The Nature of Female CrimePart I: A Review of the Statistics on The Female
Offender from England and Wales, The United States
of America and Australia

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CHAPTER 3

The Nature of Female CrimeIntroduction

As a necessary preface to explaining the crimes of women it is essential to develop an understanding of the shape and dimensions of the phenomenon under study. This requires the collection of data on the types of crimes women commit and the frequency with which they commit them, as well as some information on the criminality of men for the purposes of comparative analysis. Only by assembling these facts and figures is it possible to construct a picture of the sort of behaviour which forms the subject of investigation and of the sort of person who engages in this behaviour. This is not to imply that statistics provide us with a 'true' picture of the nature of crime. As will be explained below, the statistics are simply a measure of a phenomenon which, for all practical purposes, is all we can go on.

The aim of this chapter is to explore the nature and extent of female crime in England and Wales, the United States of America and Australia using the official data sources of these countries as well as the information yielded by the handful of self-report studies into female offending. This chapter will not attempt to analyse the statistics on female crime in order to theorize motives for women's offending. This will be the task of later chapters which will specifically address the body of literature on theories of female-offending and attempt to throw light on the reasons for the criminality of women.

In view of the numerous criticisms which have been levelled at official crime statistics, the chapter begins with a review and assessment

of the problems inherent in the use of these data by criminologists. This assessment will include an examination of the various official sources of data as well as a consideration of the merits of the technique of the self-report study which increasingly is being advocated by criminologists as a better indicator of crime levels.

It has often been suggested that the measurement of female crime poses problems for the criminologist over and above those thrown up by the statistics on male offending. The following discussion of the obstacles to ascertaining the 'true' nature and extent of crime will therefore end on a review of the statistical problems specific to the data on female crime. It will then be possible to assess the degree of confidence with which we can invest the official information on female-offending.

The remainder and bulk of this chapter is concerned with the construction of a statistical profile of the female offender. This is derived from the official crime statistics of England and Wales, the United States and Australia, supplemented by data from various self-report studies. The chapter, as it proceeds, will demonstrate that the most significant statistical variable among the characteristics of female crime is the age of the offender. Unfortunately the limits of the data do not permit a comparable analysis of two other salient variables, that is, the influence of class and race. It is entirely possible that class and race are as significant as age in relation to female crime, but their significance cannot be measured on existing indices. Ideally all these variables should be considered in any analysis of the anatomy of female crime. Since this is not feasible in the present study, an effort is made to provide certain basic socio-economic data on a limited group of female offenders in South Australia (See Chapter 4). Nevertheless it

will be clear that the primary purpose of the chapter is to utilise conventional statistical sources to determine the broad dimensions of the phenomenon of female crime.

The Problems of Crime Statistics

Perhaps the greatest problem confronting the criminologist in the attempt to understand crime is the availability of reliable information on crime patterns, particularly information about the categories of crime being committed and their perpetrators. As a matter of practice, virtually every criminologist makes some use of the official statistics collected by the police, the courts and by prisons. The decision to rely on official data, however, is full of difficulty despite the fact that much of the theorizing about crime is founded, uncritically, on precisely these sources of data. Although there remains a minority of criminologists who talk about crime in terms of official statistics as if they provided and/or are capable of providing a completely accurate picture of the phenomenon, most students of crime take great pains to point out the inherently selective and partial nature of the official data on crime.

A particularly vociferous critic of official crime statistics is the American conflict criminologist, Richard Quinney. It is his thesis that the bulk of crime probably goes unreported and that crime statistics are indicative of nothing more than the degree of concern of the police, the judiciary and the public with any given proscribed activity at any given time.⁽¹⁾ Quinney identifies a number of reasons why much crime may never come to the attention of the police. First, in many instances

(1) Richard Quinney, Criminology: Analysis and Critique of Crime in America, Boston/Toronto, Little Boston & Co., 1975, pp. 21 & 23.

only the criminal is aware of the commission of the crime and therefore it is not reported. Second, where a crime has been witnessed it may not be reported because of fear of reprisal, publicity, implication in the crime, or simply ignorance of the law. For similar reasons a victim of a crime may not report it to the police. A third reason is the awareness by police that full enforcement of all laws is not sanctioned by the community. For example, laws which encroach on areas of private morality - offences relating to prostitution, homosexuality and drugs - may be selectively enforced. A blind eye may be turned to what police regard as inoffensive or minor, albeit illegal, incidents. Fourth, out of a desire to create an impression of successful crime prevention, police may actively conceal some crimes from the official statistics. Quinney, therefore, maintains that "official statistics serve better as indicators of society's reaction to specific kinds of offences than as a way of measuring the amount of criminality in society".⁽²⁾ Further, that crime statistics are simply representative of "the nature and extent of crime recognized in the society at a particular time".⁽³⁾

The idea that there is no such thing as a perfect measure of crime, that a choice of one crime statistic rather than another is a choice of "different properties of error"⁽⁴⁾ and not a way of eliminating bias, has been the focus of the writings of several other criminologists. In their critique of statistical criminology, Biderman and Reiss have stressed that crime data

"are not some objectively observable universe of 'criminal acts', but rather those events defined, captured and processed as such by some institutional mechanism." (5)

(2) Ibid, pp.20-21.

(3) Ibid, p. 23.

(4) Albert D.Biderman and Albert J.Reiss, Jr., "On Exploring the 'Dark Figure' of Crime", Amer.Acad.Pol.Sc., 1967, 374, p.1 at p.15.

(5) Ibid.

When employing any statistical technique for the measurement of crime it is therefore essential to identify its "selective properties".

In similar vein, the American criminologist, Donald Black, has claimed that different sets of crime statistics are not simply more or less unbiased but incomplete measures of the real quantity of crime 'out there'. Instead, all crime statistics are "produced".⁽⁶⁾ The nature or method of any data collection process ensures that certain types of crimes are likely to be officially recognised while others will be overlooked. As a consequence, the criminologist attempting to decide which crime statistic to employ should consider, from the outset, the inevitable selection processes at work which determine the (unavoidable) biases of the measure. This will at least enable her or him to ascertain whether some sources of information on crime patterns are better for given purposes than others.

The three official sources of crime statistics are the police, the courts and the prisons. When conducting investigations into the nature of crime, the criminologist must rely on one or more of these sources unless s/he wishes to either supplement or replace them with the findings of self-report surveys. The advantages and disadvantages of these various measures of crime have been the subject of considerable criminological debate.

According to Thorsten Sellin,

"The value of a crime rate, for index purposes, decreases as the distance from the crime itself in terms of procedure increases." (7)

(6) Donald J. Black, "Production of Crime Rates", Am. Sociol. Rev., 1970, 35, p.733.

(7) Thorsten Sellin, "The Basis of a Crime Index", Journal of Criminal Law and Criminology, (Sept. 1931), 22, 335 at 346.

Sellin's view is that from the time a crime comes to the attention of police it is subject to an increasingly high risk of being filtered out of the statistics as it proceeds from the stage of being reported to police to arrest, prosecution, conviction and finally to punishment. The reasons for this diminution of crime statistics are these:

"Crime rates based on these steps are all end results of a selective process into which enter the willingness to report the crime, the desire to record it, the ability on the part of the police to detect and arrest the criminal, the policy which guides the prosecutor in deciding whether to bring the offender to trial at all, or to trial on the crime charged, the desire on the part of the jury or the judge to convict, and, finally, the sentencing policy of the judge." (8)

A dramatic illustration of Sellin's point about the steady decrease in numbers (or 'mortality') as cases move through the legal system, as reflected in criminal statistics collected at different stages in the process, is presented by Richard Quinney. Employing the findings of Van Vechten,⁽⁹⁾ Quinney highlights the effects of the seven levels of criminal procedure on the crime statistics in the District of Columbia. Of all the crimes reported here,

"35.7% resulted in offences cleared, 10% in persons charged, 7.5% in judicial prosecutions, 5.9% in convictions, 3.7% in sentences to prison, and 3.6% in prisoners received from courts." (10)

From these figures it is clear that prison records provide the most selective picture of crime, and police statistics the least.

As a matter of practicality, criminologists, cognizant of the problem of crime 'mortality', usually rely on police records as an

(8) John F. Galliher and James L. McCartney, Criminology: Power, Crime and Criminal Law, Illinois, The Dorsey Press, 1977, p.324.

(9) Guthardt C. Van Vechten, "Differential Criminal Case Mortality in Selected Jurisdictions", American Sociological Review, (December 1942), 7, 833.

(10) Quinney, op.cit. p. 19.

indication of the level of crime in the community. The major exception to this practice is the criminologist who requires a captive or at least a pliant audience in order to administer lengthy (usually personality) questionnaires. Prison populations provide ideal subjects for this sort of investigation because they allow longitudinal case studies of individual offenders to be conducted. (11)

The elimination of the selection processes of the court hearing, by exclusive reliance on police records as a crime measure does not, of course, eliminate the biases of the police themselves, several of which have already been mentioned. Moreover a brief look at some specific examples of police statistics reveals further flaws in this data source. Probably the most widely used police statistics are those collected by the United States' Federal Bureau of Investigation: the Uniform Crime Reports (U.C.R.). Criminologists find these statistics attractive because they purport to be uniform and therefore comparable across the nation. And yet according to Richard Quinney comparative analysis of crime trends across states is nonsensical because each of the fifty states is a different political jurisdiction with its own constitution, penal codes, criminal procedures, courts and methods of law enforcement.

In Australia an attempt at a uniform crime reporting system has yet to be undertaken, perhaps because similar problems are envisaged. The different states of Australia enforce a different substantive criminal law (some states are codified while others still rely on the common law); the different state police forces have different enforce-

(11) This, of course, means that it is unwise to generalise the results of such studies to the offender population as a whole. It is unlikely that offenders drawn from prisons are representative of offenders generally, especially in the light of Van Vechten's statistics on crime mortality.

ment policies and priorities; and the police/population ratios differ from state to state so that the extent to which crime is detected and investigated is not uniform.

There are still other problems which plague the criminologist who chooses to rely on information about crime collected by the police. The extent to which victimless crimes come to the attention of the police will not only depend on police vigilance but on the allowable methods of criminal investigation given that there is no complainant. Changes in the nature and intensity of law enforcement will therefore cause changes in the official crime rate without any real fluctuation in the incidence of crime.

Police and offender attitudes are also significant in the determination of whether any given crime will become an official statistic. A truculent offender or a police officer confronted with an offence s/he finds particularly heinous will guarantee the documentation of that crime. Where the offence is viewed as trifling, however, or the offender is contrite, police may decide to treat the offence informally. Still other considerations may affect a police officer's decision to report an offence: the sex of the offender, her or his ethnicity as well as socio-economic status. There is considerable evidence to support the proposition that police are more likely to arrest someone who is male, black and poor.⁽¹²⁾ The white, middle class, female offender seems to stand a better chance of avoiding a criminal label. Although this type of person may not offend as often as the socially deprived individual,

(12) These are the dominant characteristics of convicted offenders, particularly those who are sent to prison. The fact that self-report studies consistently turn up large numbers of middle class offenders confirms that people from certain socio-economic brackets (the poor) are more likely to become crime statistics than others (the wealthy).

self-report studies indicate that the difference is not as great as official police statistics suggest. This is not to say that there are necessarily sinister reasons behind such selective law enforcement. As Galliher and McCartney point out in relation to the differential treatment by police of juveniles from different social groups:

"middle and upper-class children typically have the advantage of a conventional family unit that can show its concern, and this bodes well for the youth's future behaviour in the officer's judgement... Such characteristics as a 'bad attitude' or a 'poor home environment' transform the juvenile into a person in need of formal disposition irrespective of the seriousness of the behaviour in question." (13)

Before moving on to an assessment of the alternative source of information on crime - the self-report study - a brief review of the advantages and disadvantages of court records is required to complete this evaluation of official crime statistics.

Prior to the First World War most countries employed court records as their indicator of crime levels.⁽¹⁴⁾ It has only been within the past forty years that a heavy reliance has been placed on police statistics. The main argument for court records over police statistics is that one should not treat a person as having committed a crime until the alleged criminal behaviour has been assessed in court and conviction recorded. Yet many criminologists have relied on court appearances as opposed to convictions for their gauge of crime, and justified this on the grounds that the 'nearer' to the crime the less selective the measure.

(13) Galliher and McCartney, *op.cit.* p.322.

(14) For a brief historical review of official crime statistics see Satyanshu K. Mukherjee, Crime Trends in Twentieth-Century Australia, Sydney, Australian Institute of Criminology in association with George Allen & Unwin, 1981, pp. 12-13.

In assessing the value of court records as a guide to crime, the selective processes built into police statistics must be taken into account: an offender will not appear as a court statistic unless the police have succeeded in detecting her or his crime. A second major variable, if convictions are employed, is the attitude of those involved in the court hearing. Like police, magistrates, judges and juries are likely to be influenced by the sex, age, race and socio-economic background of the accused. Galliher and MacCartney offer a further comment on court records:

"people are frequently accused of a number of crimes but are tried only for the most serious one. Thus the judicial records would exaggerate more serious crimes and minimise lesser crimes. It is also argued that the number of violators disclosed by judicial records does not reflect the number of law violations; one person may commit many crimes, or several persons may conspire to commit the same crime, and these differences do not balance each other out." (15)

A final criticism of court statistics is that alluded to by Sellin. For a multitude of reasons, the Crown may decide not to prosecute and thus offenders and offences are lost to the criminologist.

Measuring Hidden Crime: Self-Report Studies

Exercised by the inevitable failure of official crime statistics to disclose an unknown amount of crime, a number of criminologists have begun to turn to anonymous self-report studies of victims and offenders as possibly a less selective index of the nature and extent of crime. That a significant proportion of crime goes undetected is evidenced by the ability of this method to consistently turn up much higher crime rates than the official statistics. Moreover, the type of offender who

(15) Galliher and McCartney, op.cit. p.322.

comes to light when a self-report questionnaire is employed often possesses a markedly different socio-economic profile from the official (typically working class) offender. Thus the findings of self-report studies tend to confirm the suspicions of many criminologists that the middle class offender tends to escape the crime statistics because of problems of detection, reporting and selective law enforcement. For example, a study of college students conducted by Austin Porterfield revealed that all subjects had committed at least one crime.⁽¹⁶⁾ Bloch and Flynn produced similar results with their survey of middle class college students: 91% were willing to admit a wide range of felonies and misdemeanours.⁽¹⁷⁾ More recently Richard Quinney reported the findings of a national survey in the United States conducted for the President's Commission by the National Opinion Research Centre:

"[These] estimated the rate of crimes against the person to be twice as high as that of the Uniform Crime Reports and more than three times as high for property crimes." (18)

Unfortunately self-report studies generate their own problems, probably the most serious of which is the fact that it is impossible to know whether the subject is telling the truth. The experience of psychologists is that, in an effort to please the interviewer or to create a good impression, subjects either distort or falsify information about themselves. Another problem is that subjects may fail to recall the extent and type of criminal behaviour of which they have been a victim, or in which they have engaged. This is particularly likely where offences are minor or remote in time. A further problem peculiar

(16) Austin L. Porterfield, "Delinquency and its Outcome in Court and College", American Journal of Sociology, (Nov.1943), 49, 199.

(17) Herbert Bloch and Frank T. Flynn, Delinquency: The Juvenile Offender in America Today, New York, Random House, 1956.

(18) Quinney, op.cit. p. 21.

to the victim survey (subjects reporting have been the victim of a crime) is that it can say nothing about victimless crimes; there is no victim to report.

As a part of a critique of statistics on female crime, Lee Bowker identifies several other flaws in the self-report technique.⁽¹⁹⁾ These include the fact that most self-report studies are limited to local as opposed to national samples; that they are often dependent on permission to enter institutions (such as schools) and are always dependent on the cooperation of the individual subject, resulting in the underrepresentation of the relatively powerful; and finally, unless the questionnaire is administered verbally, that there may be literacy problems on top of the more general difficulty of effectively communicating to subjects the meaning of questions.

Notwithstanding these failings of self-report studies, they clearly serve a valuable purpose. They not only flesh out the bare bones of the official statistics (it is possible to obtain much more information from a living subject) but also diminish the effects of selective law enforcement and the failure of police to detect crime. To some extent they tend to correct the impression that crime is a typically lower class phenomenon and lend support to the contention of Quinney that official crime statistics simply "indicate the socially recognized volume of crime".

Measuring Female Crime

The aim of this chapter is to present a statistical profile of the female offender. In assessing the value of crime statistics it is

(19) Lee Bowker, "Statistics on Female Crime", in Lee Bowker, Women, Crime and the Criminal Justice System, Lexington, Mass., Lexington Books, 1979, p.3.

therefore pertinent to ask, How does the offender's sex affect the chance of a crime being socially recognized? And are there any problems peculiar to the measurement of female crime?

The main handicap to the criminologist wishing to determine the nature of female crime is the numbers involved. Although generalisations about the size of the contribution of women to the total crime figure are inevitably crude,⁽²⁰⁾ it is worth pointing out at this stage that, according to official statistics, women represent as little as two to three per cent of persons committing violent offences such as robbery or burglary and that the only offence group in which they figure substantially (excluding prostitution) is shop theft. The problems of the smallness of the officially recognised female offender population are various. First, it is easy to construct large trends out of small increases in the number of offenders using percentages. Freda Adler has employed this method to great effect in order to substantiate her thesis of the "new violent female offender". Drawing from the F.B.I.'s Uniform Crime Reports Adler contends that:

"During the twelve-year period between 1960 and 1972 the number of women arrested for robbery rose by 277%, while the male figure rose 69%. Dramatic differences are found in embezzlement (up 280% for women, 50% for men) larceny (up 303% for women, 82% for men), and burglary (up 168% for women, 63% for men)." (21)

These percentage increases lead Adler to conclude that there has been a burgeoning of female crime.

It is not difficult to refute the argument that violent female crime has mushroomed. As Carol Smart notes in her critique of "the new

(20) As this chapter will endeavour to show, the extent of the offending of females varies considerably according to the age of the offender and the type of offence being considered.

(21) Freda Adler, Sisters in Crime: The Rise of the New Female Criminal, New York, McGraw-Hill Book Co., 1975, pp.16-17.

female criminal",⁽²²⁾ the theory is based on a statistical illusion caused by the smallness of the base. That is, closer scrutiny of the crime statistics reveals that the absolute number of women involved in the new wave of violent female crime remains small, though not insignificant. Employing the statistics of the British Home Office, Smart examines female crime trends from 1965 to 1975 and finds an increase of 225% in violent offences against the person. She then examines the absolute number of women involved and finds that they represent only a handful of offenders:

"For example, between 1965 and 1975 there has been an increase of 500% in murder by women; the absolute figure for 1965 was one and for 1975 it was five." (23)

Another criminologist concerned about the way that percentage increases have been used to cause alarm over increases in certain female crimes is Laura Crites. Like Smart, Crites quickly disposes of Adler's argument with some simple calculations - this time on the Uniform Crime Reports:

"1974 statistics show a 450% increase in arrests of adolescent females for negligent manslaughter compared with a 36% drop for young males. This figure is much less sensational, however, when one sees that it results from an increase from two females arrested in 1960 to 11 arrested throughout the United States in 1974." (24)

Crites concludes that "[o]ne would not point to these eleven as proof of a trend toward violence on the part of young females".⁽²⁵⁾ And yet this is precisely what Adler has done.⁽²⁶⁾

(22) Carol Smart, "The New Female Criminal: Reality or Myth", Brit. J. Criminology, Jan. 1979, Vol. 19, No. 1, p. 50

(23) Ibid, p.53.

(24) Laura Crites, "Women Offenders: Myth or Reality?", in Laura Crites, The Female Offender, Lexington, Mass., Lexington Books, 1976, p. 33 at p. 33.

(25) Ibid.

(26) The calculations of Smart and Crites demonstrate the problem of percentage increases in another way. That is, the two authors have used different methods of calculating percentages. Smart employs the most recent figure as a percentage of the earlier figure, while Crites subtracts the earlier from the later figure and calculates her results as

A second problem which flows from the small numbers of female offenders is that of sample size: there are simply not enough female offenders in many offence groups to conduct meaningful comparative analyses with male samples. This, in turn, leads to a distorted view of the female offender since most investigations focus on the one or two offences where women are to be found in significant numbers (shop theft and prostitution).

Masked Female Crime and the Chivalry Factor

Another objection to the statistics on female crime is that they represent to an even lesser extent than the official records on male crime the true incidence of female offending. The argument is that women are treated more leniently by law enforcement officials and by the courts with the result that the quantity and gravity of reported female crime is substantially understated. This alleged under-reporting of female crime is exacerbated by the type of crimes women commit and the way they commit them which make women less susceptible to exposure.

The main exponent of the theory of the hidden female criminal is the American criminologist, Otto Pollak.⁽²⁷⁾ Pollak's theory is that at least partly as a result of the ability of women to simulate sexual excitement and orgasm (and the male's concomitant inability to do so),

(26) a percentage. And yet both describe their results as percentage (cont'd.) increases.

(27) Otto Pollak, The Criminality of Women, New York, Barnes, 1961. Although a number of criminologists have subsequently argued that women in the criminal justice system are (or have been) the recipients of chivalry, it was Pollak who popularised the theory. For example, Steffensmeier and Cobb (in "Sex Differences in Urban Arrest Patterns, 1934-79", Social Problems, Oct.1981, Vol.29, No.1, 37 at 46) in their analysis of urban arrest patterns in America contend that increases in female crime are partially due to the diminution of chivalry, and point to several areas where women have been treated more favourably than men by law enforcement officials and the public.

they have developed a general cunning and deceptiveness which far outstrips that of men. This overdeveloped capacity to deceive is the basis of women focussing their criminality on areas where they are unlikely to be detected (for example, behind the scenes in criminal organisations or within the private sphere of the home) and making full use of the chivalry afforded them by the victims of their crimes (in failing to report) and by the male dominated criminal justice process.

Despite the commonsense rather than empirical basis of Pollak's theory, it has been widely cited and debated by criminologists and as recently as 1978 the Australian criminologist Jocelyne Scutt saw a need to challenge its basic tenets.⁽²⁸⁾ The main thrust of Scutt's attack on the notion of the masked female criminal is that Pollak has failed to realise that there is considerable hidden male crime which probably at least matches the unrecorded crimes of women. Scutt examines several offences which she feels demonstrate her point. Thus she argues that while women may be the main hidden offenders engaged in prostitution, there are also likely to be numerous men living off the proceeds of prostitution who never enter the official crime records. Another crime which Pollak alleges is predominantly female and concealed is child abuse. To counter this Scutt maintains that there is also likely to be a high proportion of spouse abuse where the female is the recipient of violence which never comes to the attention of the authorities. Further, although many women may shoplift and pass false cheques without being detected, so a great number of men may be involved in the hidden white collar crime of embezzlement given their predominance in the work force - particularly in positions of trust. Finally, if women are the sole recipients of undetected, illegal abortions, so it

(28) Jocelyne A. Scutt, "Debunking the Theory of the 'Masked Criminal'", Australia and New Zealand Journal of Criminology, (March 1978), 11, 23.

follows that similar numbers of offences of performing illegal abortions must be committed by men, given the ratio of male to female doctors. Again, this boosts the volume of hidden male crime.

To complete her argument, Scutt turns to the evidence of self-report studies which reveals "that men, just as women, commit crimes which are never discovered".⁽²⁹⁾ It is perhaps unfortunate that Scutt stops her argument at this point since this is clearly the most compelling part of her attack. It is not surprising however. For although the self-report study is increasingly being put to use by criminologists wishing to eliminate the biases of official statistics, there is still minimal data on the hidden adult female offender since samples have almost all come from schools and mainly focussed on the offending of boys - hence Scutt's inability to cite the findings of self-report studies on female crime to buttress her argument.

Indeed it is probably the paucity of self-report data on adult female offending which has enabled the debate over the masked female criminal to thrive. Without this information criminologists such as Ray Price⁽³⁰⁾ and Freda Adler⁽³¹⁾ have been able to keep Pollak's theory alive with 'commonsense' assumptions about the chivalry of police and the judiciary. According to Price,

"if we correct for overlooking, excusing, forgiving, reluctance to report, unwillingness to hold, and general leniency along the line from original complaint to imprisonment, the figures may well be more comparable to those for men." (32)

And it is Adler's view that:

(29) Ibid, p.40.

(30) Ray Price, "The Forgotten Female Offender", Crime and Delinquency, April 1977, Vol. 23, No. 2, 101.

(31) Adler, op.cit.

(32) Price, op.cit., p.104.

"In the United States, as well as in other countries, courtroom chivalry has time and again resulted in decisions for acquittal which were more faithful to accepted attitudes than accepted evidence." (33)

Those who oppose this line of argument offer two interpretations of the relationship between the chivalry of law enforcement personnel and the treatment of the female offender. One is that although the chivalry factor may once have diminished the numbers of officially recorded female criminals, the Women's Liberation Movement which sprang up in the late 1960s has led to a backlash. Police and the courts are now determined to treat women without prejudice. The second challenge to the chivalry thesis is that even if women are the recipients of gallantry, this does not always work to their advantage.

A proponent of the "chivalry is dead" thesis, Laura Crites, suggests that

"Although they treated women leniently in the past, criminal justice personnel may be prompted by the movement's rhetoric and activities to view female offenders now with less paternalism. Police officers who state, in effect, 'if its equality these women want, we'll see that they get it', lend credence to this speculation." (34)

In similar vein Darrell Steffensmeier, in a recent inquiry into female crime in America, maintained that the attitude of law enforcement personnel to women had changed "from being sympathetic and protective to harsh and punitive". (35)

Meda Chesney-Lind advances the alternative hypothesis. Her view is that chivalry does not diminish the number of recorded female offenders because it only benefits some female offenders while being positively

(33) Adler, *op.cit.*, p. 240.

(34) Crites, *op.cit.*, p. 39.

(35) Darrell J. Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-77: A Review and Assessment"; Social Forces, June, 1980, Vol.58, 4, 1080 at 1086.

detrimental to others.⁽³⁶⁾ Although chivalry still exists, it has mixed blessings for the female offender. To demonstrate her point Chesney-Lind examines three stages of the criminal justice process: the interaction of offenders with police, with the courts and with prison officials.

First, Chesney-Lind suggests that police reserve their chivalry for those female offenders who respond in what is seen as appropriate sex stereotyped ways while "unfeminine" women, such as prostitutes, are unduly penalised. In fact Chesney-Lind goes so far as to say that "police officers routinely violate the civil rights of women they suspect of prostitution".⁽³⁷⁾ Evidence that police prejudice against prostitutes may significantly inflate the number of females reported for offences against prostitution related laws comes from research conducted by Wayne Le Fave into police behaviour in Detroit. Chesney-Lind reports on his findings:

"In interviews with the officers, he discovered that police did not limit themselves to arresting women seen soliciting men for purposes of prostitution. All that was necessary was that a woman be found in an area in which prostitution is practiced and that the woman be 'known' as a prostitute... Occasionally, police would suspect and arrest women, even if their occupations were unknown, solely because they were 'found late at night' in areas with a high incidence of prostitution." (38)

The small proportion of women in the prison population has led criminologists to conclude that the courts treat women more leniently than men. Chesney-Lind contends that this conclusion is not warranted because it fails to take into account the type of offences for which men and women are incarcerated. Thus her second challenge to the chivalry thesis begins with an examination of the United States'

(36) Meda Chesney-Lind, "Chivalry Re-examined: Women and the Criminal Juvenile System", in Lee Bowker, op.cit. p. 197.

(37) Ibid, p. 204.

(38) Ibid, pp.205-6.

sentencing statistics for 1972:

"Nearly half of all the males incarcerated in the nation's jails were confined for offences which the Law Enforcement Assistance Administration classifies as 'major crimes of violence' (23.9%) or 'major property offences' (20.6%). Less than one-fourth of the incarcerated women were confined for either of these offence categories (22.9%). The remaining three-fourths of women in the nation's jails were charged with minor crimes such as petty larceny, drug offences, and 'other' offences." (39)

Although it could be argued that these statistics reflect the greater involvement of males than females in serious crime, they are also consistent with the notion that women are treated more punitively than males at the sentencing stage. However we interpret them, statistics such as these clearly indicate a need to scrutinise the nature of crime for which women are sentenced (its type and seriousness) before concluding, as several studies have done, that chivalrous sentencing practices ensure that women are treated more leniently than men. (40)

A further factor which should be taken into account by researchers testing the chivalry thesis is the previous record of the offender. In view of the nature of female crime (it is primarily petty) and the recidivism rates of females (they are mainly first offenders), Chesney-Lind suggests that we should expect to find women receiving lighter sentences than men without any recourse to notions of chivalry. In fact when these variables are controlled, the female offender is seen to fare no better than her male counterpart. Thus a study of plea bargaining in a typical court in New York between 1974 and 1975 (41) which controlled for offence type, criminal status and prior imprisonment record found that

(39) Ibid, pp.207-8.

(40) See for example, Stuart Nagel and Lenore Weitzman, "Women as Litigants", Hastings Law Review, (1971), 23, 171 and Rita James Simon, Women and Crime, Lexington, Mass., Lexington Books, 1975, pp.54-6.

(41) Ilene Bernstein, Edward Kick, Jan T. Leag and Barbara Schultz, "Charge Reduction: An Intermediary State in the Process of Labelling Criminal Defendants", Social Forces, (1977), 56, 362 cited in Chesney-Lind, op. cit., p. 215.

among defendants charged with larceny, burglary, assault and robbery whose cases were disposed upon first hearing, sex had no effect. Indeed further investigation revealed that the female subjects were being dealt with more punitively than the males. As Chesney-Lind observes:

"When the researchers examined the severity of the most serious charge for which the defendant was convicted (controlling for the severity of the most serious of the original charges), it was found that women were being convicted of more serious charges." (42)

The researchers concluded that when women are prosecuted for serious, "unfeminine" crimes, "they may be more severely responded to because they are violating expectations for appropriate sex-role behaviour, as well as appropriate law-abiding behaviour". (43)

The third stage of the criminal justice process, which Chesney-Lind considers, is prison. Here her argument is that, in addition to being imprisoned for less serious offences, women prisoners experience worse prison conditions than men. On account of their small numbers, female prisoners receive scant vocational training (it is usually restricted to basic domestic skills), while living, eating and exercise areas are often smaller and more poorly equipped than the larger scale male prison. The small number of women prisoners also means that they are usually housed together irrespective of the seriousness of their offence. This may well result in women who are remanded in custody coming in close contact with habitual and professional criminals.

The Sexualisation of the Delinquencies of Girls

A final word of caution about the official statistics on female crime concerns the 'sexualisation' of the offending of girls. For reasons of time and space this chapter is principally an analysis of female crime

(42) Chesney-Lind, op.cit. p.215.

(43) Bernstein et. al., op.cit. p.379, quoted in Chesney-Lind, ibid.

as evidenced by official and unofficial statistics, and not an attempt to speculate about how much female crime there might be were the law enforced with complete impartiality. Accordingly, the following assessment of the extent to which 'status' offences distort the officially recognized delinquency of girls will be kept brief.

In Australia,⁽⁴⁴⁾ the United States and the United Kingdom there exist what are commonly termed 'status' offences. These are laws which penalise juveniles for activities which would not be regarded as criminal were the offender an adult. This means that a juvenile can come before a court for no reason other than that s/he is regarded as uncontrollable. Moreover, where a juvenile has committed an adult crime, the status offence gives the court power to ignore the criminal action and focus on the unruliness of the child: thus a court may regard a juvenile as more neglected and in need of treatment than criminal and impose a sentence more punitive than the relevant criminal infraction warrants - for the sake of the child.

Amongst the literature on female crime there is a considerable body of opinion which alleges that, where the juvenile is female, law enforcement personnel are less concerned about petty criminal acts than about the morality of the 'offender' because girls are felt to require more protection from 'bad' influences than boys. The argument continues that this heightened awareness of the sexual transgressions of girls inflates their sexual delinquencies while the sexual promiscuity of boys is ignored. This means that girls primarily come before the courts as 'status' (sexual) offenders (Smart's analysis of the British statistics on juvenile crime later in this chapter will bear this out), thus receiving harsher

(44) With the exception of South Australia.

treatment than their promiscuous male counterparts, while boys are mainly punished for their criminal activities.

The literature which puts this argument is both prolific and persuasive. The main American exponent of this theory that the delinquencies of girls are sexualised is Meda Chesney-Lind.⁽⁴⁵⁾ The status offending of girls has also, however, attracted the attention of a number of Australian criminologists whose empirical research has highlighted the differential treatment of girl and boy offenders, notably June Fielding in Queensland,⁽⁴⁶⁾ Ros Omodei in South Australia,⁽⁴⁷⁾ and Linda Hancock in Victoria.⁽⁴⁸⁾ Further, Anne Hiller, in a recent review of Australian research on female crime presented an excellent overview of the Australian material on the judicial treatment of girls.⁽⁴⁹⁾

For the purposes of the following assessment of the data on female crime it is sufficient to note these findings - that official statistics present too much sexual delinquency on the part of girls and not enough criminality. The warning this provides about the biases inhering in the official statistics on juvenile crime means that particular attention

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- (45) Meda Chesney-Lind, "Juvenile Delinquency: The Sexualisation of Female Crime", Psychology Today, July 1974, 43; Meda Chesney-Lind, "Chivalry Re-examined: Women and the Criminal Justice System", in Lee H. Bowker, ed., Women, Crime and the Criminal Justice System, Lexington, Mass., Lexington Books, 1978; Meda Chesney-Lind, "Re-discovering Lilith: Misogyny and the 'New' Female Criminal", in Curt Taylor Griffiths and Margrit Nance, eds., The Female Offender: Selected Papers from an International Symposium, Criminology Research Centre, Simon Fraser Univ., 1980, p.1; Linda Hancock and Meda Chesney-Lind, "Female Status Offenders and Justice Reforms: An International Perspective", ANZJ Criminol, June 1982, 15, 109.
- (46) June Fielding, "Female Delinquency", in Paul Wilson, ed., Delinquency in Australia, Queensland, University of Queensland Press, 1977, 153.
- (47) Ros Omodei, "Delinquency in Girls in South Australia", ANZJ Sociology, 1979, 15, 1, 81; Ros Omodei, "The Mythinterpretation of Female Crime", in S. Mukherjee and J. Scutt, Women and Crime, Sydney, Allen and Unwin, 1981, 31.
- (48) Linda Hancock, "The Myth that Females are Treated More Leniently than Males in the Juvenile Justice System", ANZJ Sociology, 1980, 16, 3, 4.

should be paid to the self-report studies on the offending of girls which (as the following discussion will reveal) indicate the diversity rather than the exclusively sexual nature of female delinquency - thus directly challenging the official statistics.

To summarise this assessment of the statistics on female crime, there are clearly two conflicting conclusions one can draw. Either these statistics are subject to roughly the same selection processes as those for male offending, or the official data underrepresent the amount of female crime to a far greater extent than official records of male crime. Those who argue that more female than male crime is hidden attribute it to the inherent deviousness of women, the type of crimes they commit (perhaps because of their deviousness they tend to be more covert than male offences) and the chivalry accorded women by officials in charge of law enforcement and administration. The opposing school of thought is based on the notion that both sets of statistics fail to deal with, or filter out, the bulk of crime. The proposition here is that men are at least as well equipped as women to conceal their criminality. Moreover, that even if women are the beneficiaries of chivalry in relation to less serious offences, as soon as their offending becomes serious and/or puts their morality into question, they are likely to be dealt with more retributively than males who commit similar offences. Given this balancing effect, the extent to which official statistics represent (or under-represent) the total offender population is roughly the same for men and women. This means that Quinney's criticism of official crime statistics is equally applicable to records of male and female crime. That is, official statistics are less of an indicator of

(49) Anne Edwards Hiller, "Women, Crime and Criminal Justice: The State of Current Theory and Research in Australia and New Zealand", ANZJ Criminology, June 1982, 15, 69.

how much crime is being committed at any given time than a gauge of "society's reaction to specific kinds of offences". Crime statistics "reflect the policies and behaviours of the agencies administering the criminal law".⁽⁵⁰⁾

The following statistical analysis of female crime should be viewed in the light of these imperfections in the techniques for measuring crime. Despite the seriousness of the criticisms which have been levelled at the official records, this analysis will nevertheless make use of them because of the paucity of alternative sources of data, and because they provide useful information about the nature of public and law enforcement responses to crime and how these produce 'crime' as we know it. As was observed at the beginning of this chapter, this is the plight of every criminologist. The standard approach to the deficiencies in the data on crime is to note what they are and then proceed to use the records anyway. In fact it is probably safe to say that all criminologists make use of them to some extent. With a view to offsetting the problem of the selectivity or unreliability of official statistics, however, criminologists are beginning to supplement them with the results of self-report studies. According to the American criminologist, Darrell Steffensmeier, the problems inherent in official crime records have been "magnified by the tendency of researchers to ignore secondary data sources and localized studies of arrests, court referrals, and so forth".⁽⁵¹⁾

He contends that:

"By overlooking information available from other sources on the specific kinds of offenses for which persons are arrested within the broad categories inaccurate conclusions are likely to be drawn." (51a)

(50) Quinney, op.cit., p.20-1.

(51) Darrell J. Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-77: A Review and Assessment", Social Forces, June 1980, Vol.58: 4, 1080 at pp. 1082.

(51a) Ibid, pp. 1082-1083.

The following attempt to assess the nature of female crime will adopt Steffensmeier's advice. It will employ the best data that are available even though this will necessitate the use of a variety of data sources. Accordingly, depending on whichever provides the most detailed information, police or court records will be cited. Where possible, these official statistics will be supplemented with the findings of self-report studies.

England and Wales

The only source of information on crimes committed throughout the whole of England and Wales is the British Home Office. Each year it publishes a report on "criminal offences recorded by the 43 police forces in England and Wales and known offenders dealt with for such offences by formal police cautions or criminal court proceedings in these police force areas".⁽⁵²⁾ Although the Home Office fails to provide any data on the socio-economic status of female offenders (such as occupation, income and marital status) it does release information on the types of offences females commit as well as the age of offenders. The absence of tables indicating offence by age and by sex, however, makes it impossible to determine the type of offences females commit at different ages.⁽⁵³⁾

Table 1 shows the number of females who committed the offences of violence against the person, burglary, criminal damage, theft and fraud and forgery for the years 1970 to 1980. The offences of theft and fraud and forgery were selected because these are the two most common

(52) Home Office, Criminal Statistics England and Wales, London, Her Majesty's Stationery Office, 1980, p. 21.

(53) This is a failing which the British data have in common with the American crime statistics which will be considered later. The following tables therefore only disclose the contribution of women to selected offences as well as the age distribution of female offenders.

Table 1

1. PLACE England and Wales		2. PERIOD 1970-1980		3. STAGE IN CRIM.JUS.PROC. Found Guilty : All Courts											
4. DATA SOURCE Home Office, Criminal Statistics England and Wales, London.															
5. OFFENDERS SAMPLED		a) SEX Male & Female		b) AGE N/A		6. OFFENCES SAMPLED Selected									
7. EXPRESSION OF DATA Offenders in thousands; %FC.															
S E L E C T E D O F F E N C E S															
YEAR	VIOLENCE AGAINST THE PERSON			BURGLARY			CRIMINAL DAMAGE			THEFT*			FRAUD & FORGERY		
	M	F	%FC**	M	F	%FC	M	F	%FC	M	F	%FC	M	F	%FC
1970	22.1	1.3	5.6	66.2	1.9	2.8	20.5	1.0	4.7	163.6	35.6	17.9	13.0	2.9	18.2
1971	24.7	1.5	5.7	63.6	1.8	2.8	22.6	1.2	5.0	156.5	37.0	19.1	13.6	3.1	18.6
1972	26.4	1.8	6.4	59.2	1.7	2.8	25.3	1.4	5.2	151.9	37.1	19.6	14.1	3.5	19.9
1973	30.9	2.2	6.6	52.6	1.7	3.1	31.5	1.8	5.4	145.9	35.0	19.3	13.0	3.1	19.3
1974	30.8	2.3	6.9	62.1	2.0	3.1	34.2	2.1	5.8	162.2	41.8	20.5	14.0	3.7	20.9
1975	33.6	2.7	7.4	66.8	2.5	3.6	35.9	2.5	6.5	171.8	46.9	21.4	15.6	4.0	20.4
1976	35.3	3.0	7.8	65.3	2.5	3.7	38.0	2.8	6.9	175.8	50.2	22.2	16.9	4.5	21.0
1977#	39.1	3.5	8.2	67.7	2.4	3.4	8.3	0.6	6.7	179.8	54.0	23.1	16.4	4.5	21.5
1978	40.9	3.5	7.9	66.4	2.6	3.8	8.8	0.7	7.4	174.6	51.7	22.8	15.6	4.4	22.0
1979	44.6	3.9	8.0	56.9	2.2	3.7	8.6	0.6	6.5	172.6	48.0	21.8	16.3	4.6	22.0
1980	48.1	4.2	8.0	65.4	2.7	4.0	10.6	0.8	7.0	183.5	50.1	21.4	19.4	5.5	22.1

* Includes handling stolen goods

** Females as a % of the total offender population

In 1977 offences were redefined by the Criminal Law Act 1977 and a new counting procedure was instituted

offences committed by females. For each year of this period women constituted approximately one-fifth of offenders. These offences are both non-violent crimes against property. Violence against the person, burglary and criminal damage were all chosen because they represent the other end of the spectrum of female offending. They are all offences which involve the use of violence and, like all crimes in this category, are overwhelmingly male dominated.

In order to enable a quick determination of the extent to which females contributed to these offences, the number of females committing each offence in each year has been expressed as a percentage of the total number of offenders committing that offence (that is, both males and females) in that year (%FC). From these figures it is apparent that female involvement in crimes of violence varied between 2.8% and 8.2% of offenders with an overall average in 1980 of 5.8%.

What is also immediately clear is that the contribution of females to all five offences has not increased substantially over the eleven years presented. The greatest change in the contribution of females to these offences was for fraud where the percentage of females moved from 18.2 to 22.1. (Employing the American empirical criminologist Darrell Steffensmeier's 'rule of thumb' test of significance⁽⁵⁴⁾ a change of five percent to the contribution of females to any offence is regarded as significant.) It is interesting to note that a materially different impression about the extent to which female crime has increased is gained by examining changes in the numbers of female offenders independently of

(54) See Darrell J. Steffensmeier and Renee Hoffman Steffensmeier, "Trends in Female Delinquency; An Examination of Arrest, Juvenile Court, Self Report and Field Data", Criminology, May 1980, Vol.18, No.1, p.62 at p.68.

the total offender population. Calculating percentage increases⁽⁵⁵⁾ it is evident that there has been a 223% increase in crimes of violence by females and a 47% increase in burglaries committed by females. This impression of a massive increase in female offending is misleading, however, for the reasons given above in the critique of the use of percentage increases where there is a small baseline figure. These statistics are put in perspective by examining not only the changing percentages to which females contributed to the total offender population but by looking at the absolute numbers of males and females. For the offence of violence against the person there were 20,800 more males than females in 1970 while in 1980 the gap had increased to 43,900. In other words there were twice as many more males than females in 1980 compared with 1970, despite the massive percentage increase in female offending. Hence, although it is true that female crime has increased in a number of categories (and significantly so when we compute in percentages), relative to men and in absolute terms the female criminal - and particularly the violent offender - has yet to become the major problem for law enforcers that is implied by Adler and others.

Table 2 shows the age of male and female offenders found guilty or cautioned for indictable offences in 1978, 1979 and 1980. To facilitate analysis of the age distribution of male and female offenders, the grouped ages of 21 and under 25, 25 and under 30 and so on have been divided by the number of ages represented by each group (excluding the group of sixty and over). To enable an easy determination of the fluctuation in the contribution of females to the offending of each

(55) Laura Crites' method of computing percentage increases is used here. That is, the earlier figure is subtracted from the later figure and the result is calculated as a percentage.

age group, the number of females in each (age) group has been expressed as a percentage of the total (male and female) offenders in that (age) group (%FC). The male/female ratio of offenders of each age group has been computed twice: once using the absolute number of offenders and once using the number of offenders per 100,000 population of persons of the same sex and age. The aim of both calculations is to demonstrate the changes in the relative contribution of males and females to the offender population as it ages. The reason for calculating the sex ratio twice is to test whether the changing sex ratio of the non-offender population as it ages artificially inflates or deflates the contribution of females to the offender population. For example, the tendency of women to live longer than men means that there are more women than men in the age group of sixty and over. Accordingly, one would expect an increase in the contribution of females to the offender population of this age simply because there are more women about. This, however, would not necessarily be indicative of a greater propensity of women to offend with old age. By adjusting the statistics for the sex ratio of the population it is possible to eliminate this problem.

It is evident from the start that adjusting for the sex ratio of the population makes little difference to the sex ratio of offenders. The adjusted ratios are slightly smaller than those computed for the absolute number of offenders (that is the contribution of females is slightly greater) until offenders reach the age of forty. For the group aged forty and under fifty the ratios are the same in 1978 and 1979 (the adjusted ratio is still slightly smaller). For the two oldest age groups, as one would predict, the adjusted ratio is slightly greater (that is, there are fewer female offenders) because the effect of the greater number of late middle aged to older women in the population has been eliminated.

Table 2

1. PLACE England and Wales		2. PERIOD 1978, 1979 & 1980			
3. STAGE IN CRIM. JUS. PROC.		Found Guilty or Cautioned			
4. DATA SOURCE		Home Office, Criminal Statistics England and Wales London			
5. OFFENDERS SAMPLED		a) SEX Males & Females		b) AGE 10 - 60 & over	
6. OFFENCES SAMPLED		Indictable Offences			
7. EXPRESSION OF DATA No. per 100,000 pop.; Male/Female Ratio; Male/ Female Ratio adjusted for the sex ratio of the pop. for each age group(**); %FC; No. of persons expressed in thousands in 1980.					
1978					
Age	Males	Females	M/F Ratio	M/F Ratio**	%FC
10	6,659	1,441	4.6:1	4.4:1	17.8%
11	10,943	2,829	3.9	3.7	20.5
12	16,197	4,792	3.4	3.2	22.8
13.	22,682	6,302	3.6	3.4	21.7
14	29,713	7,056	4.2	4.0	19.2
15	35,579	6,805	5.2	5.0	16.1
16	31,835	5,183	6.1	5.9	14.0
17	30,541	4,098	7.4	7.1	11.8
18	28,365	3,667	7.7	7.4	11.4
19	23,233	3,077	7.5	7.3	11.7
20	19,205	2,605	7.4	7.1	11.9
21 and under 25	12,531*	2,086*	6.0	5.7	14.3
25 and under 30	7,815*	1,585*	4.9	4.9	16.9
30 and under 40	4,753*	1,186*	4.0	3.9	20.0
40 and under 50	2,362*	759*	3.1	3.1	24.3
50 and under 60	1,293*	618*	2.1	2.2	32.3
60 and over	7,297	5,609	1.3	1.9	43.5
1979					
10	5,445	1,387	3.9:1	3.7:1	20.3%
11	8,925	2,512	3.6	3.4	22.0
12	13,685	4,301	3.2	3.0	23.9
13	19,230	5,821	3.3	3.1	23.2
14	25,846	6,564	3.9	3.7	20.3
15	31,207	6,010	5.2	4.9	16.1
16	28,411	4,834	5.9	5.6	14.6
17	28,002	4,253	6.6	6.3	13.2
18	27,272	3,635	7.5	7.2	11.8
19	22,852	3,184	7.2	6.9	12.2
20	18,712	2,683	7.0	6.7	12.5
21 and under 25	12,537*	2,113*	5.9	5.7	14.4
25 and under 30	9,442*	1,569*	6.0	5.9	14.2
30 and under 40	4,697*	1,090*	4.3	4.2	18.8
40 and under 50	2,356*	684*	3.4	3.4	22.5
50 and under 60	1,333*	579*	2.3	2.4	30.3
60 and over	7,531	5,364	1.4	2.0	41.6

* Figure divided by number of years in group to enable an easy comparison of different ages and determination of trends.

** Adjusting for the sex ratio of the population for each age group.
(Ratio derived from figures indicating no. per 100,000 population.)

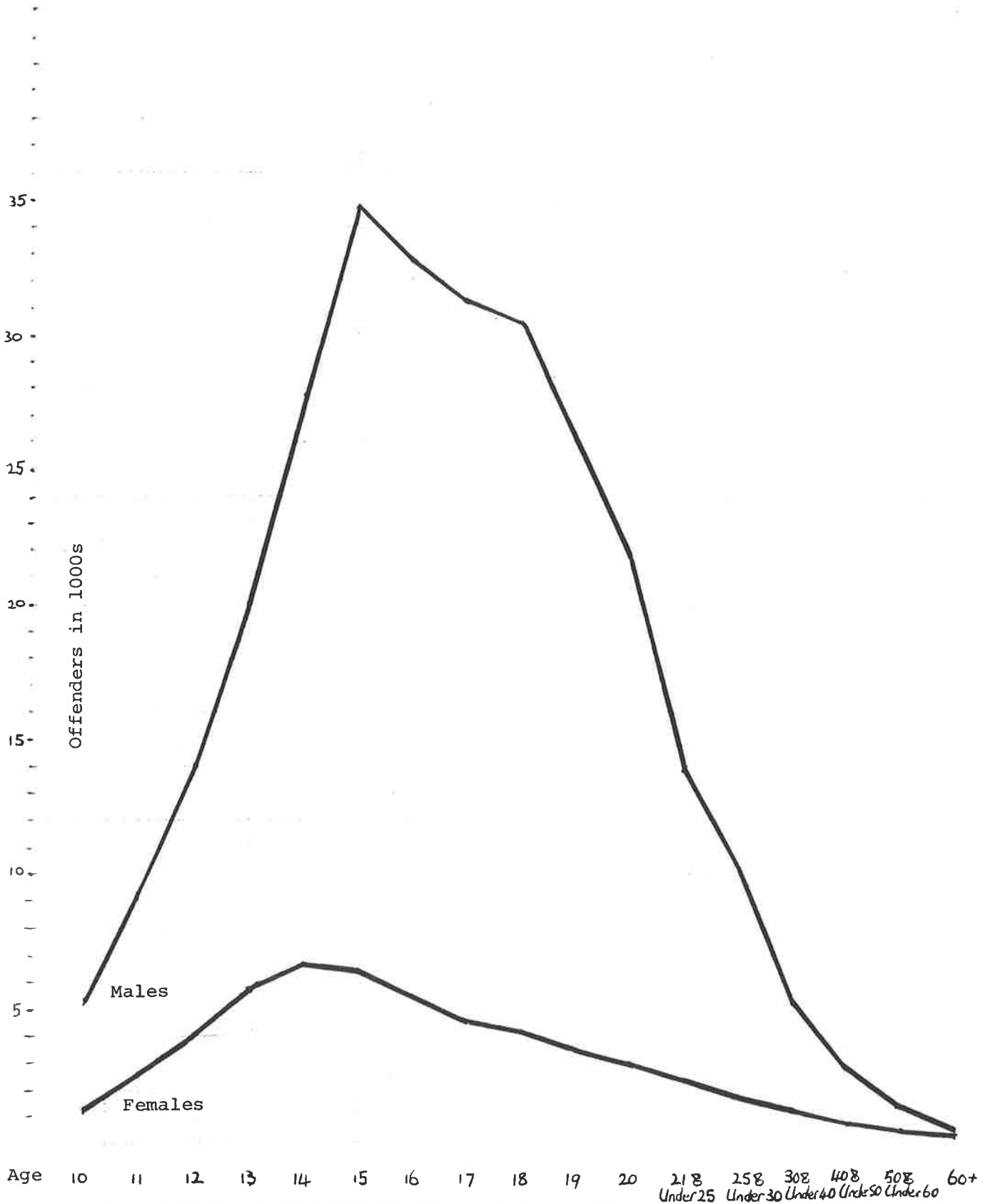
Table 2 cont.

1980					
Age	Males	Females	M/F Ratio	M/F Ratio	F as % of Total
10	5.4#	1.3	4.2:1	3.9:1	19.4%
11	9.4	2.5	3.8	3.6	21.0
12	14.0	4.0	3.5	3.4	22.2
13	20.0	5.6	3.6	3.4	21.9
14	27.7	6.7	4.1	4.0	19.5
15	34.6	6.5	5.3	5.1	15.8
16	32.9	5.3	6.2	6.0	13.9
17	31.2	4.5	6.9	6.7	12.6
18	30.4	4.2	7.2	7.0	12.1
19	26.0	3.6	7.2	7.0	12.2
20	21.7	3.2	6.8	6.5	12.9
21 and under 25	13.9*	2.4*	5.9	5.7	14.7
25 and under 30	10.2*	1.7*	6.1	5.9	14.3
30 and under 40	5.1*	1.2*	4.5	4.4	19.0
40 and under 50	2.6*	0.8*	3.5	3.4	23.5
50 and under 60	1.4*	0.6*	2.4	2.5	30.0
60 and over	8.3	5.7	1.5	2.1	40.7

Number of persons expressed in thousands in 1980

From this table it is clear that the peak age of offending for females is fourteen and that for boys it is fifteen. From then on the offending of both sexes steadily diminishes with the offending of males diminishing at a faster rate than that of females. The first peak occurs at the age of twelve, at which age females constitute 22.8%, 23.9% and 22.2% of offenders for the three years given. The smallest contribution of females to the offender population is at the age of eighteen for each of the three years sampled. The level of female involvement in crime then begins to rise fairly steadily (there is a small drop for the age group 25 and under 30 for the years 1979 and 1980) so that at the age of sixty and over women are contributing more to the offender population than at any other age. A final point about this table is that this peak contribution of females to the population of offenders, when age grouped in this way, coincides with the smallest absolute number of female offenders. This is a function of the relatively small number of old male offenders.

The data on sex by age by offending for the year 1980 is graphically represented in Figure 1. Here the extent of the difference in the amount of offending by males and females is dramatically illustrated - in particular, it highlights the size of the sex ratio for adolescent offenders. Although it is tempting to make much of the smallness of the sex ratio of offenders in their fifties and over, this graph makes it clear that this is very much a function of the small numbers of old offenders rather than a crime wave among older women. However it is still interesting to note that the pattern of offending of females does not parallel the age distribution of males at this end of the age spectrum. Were it to, the offending of females over fifty would diminish into insignificance.



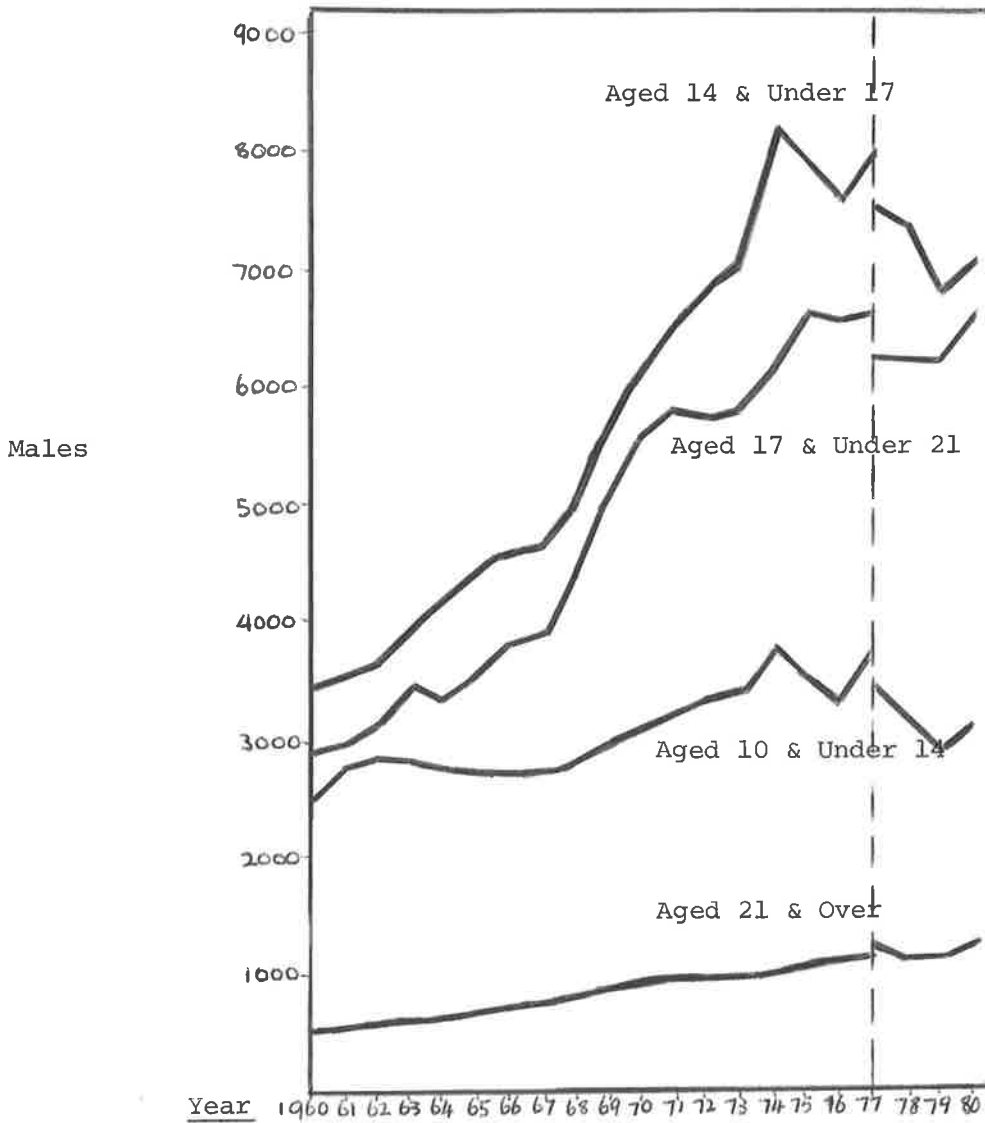
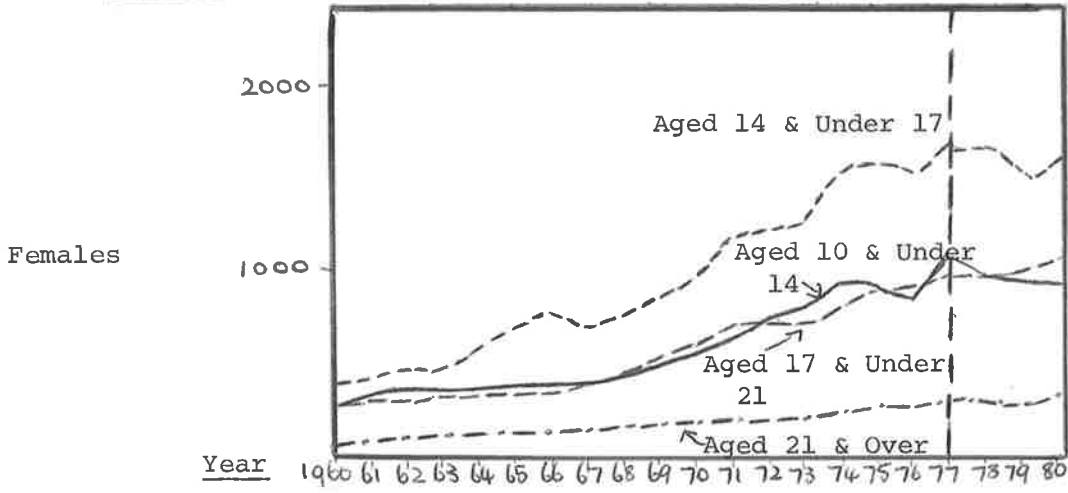
1. PLACE	England and Wales	2. PERIOD	1980
3. STAGE IN CRIM. JUS. PROC.	Found Guilty or Cautioned		
4. DATA SOURCE	Home Office, Crime Statistics England and Wales, London		
5. OFFENDERS SAMPLED	a) SEX	Males & Females	b) AGE
6. OFFENCES SAMPLED	Indictable Offences		
7. EXPRESSION OF DATA	Offenders in Thousands		

Figure 2 is taken directly from the report of the Home Office on Criminal Statistics for England and Wales for 1980. It demonstrates the differential changes in the offending of males and females for four different age groupings over a twenty one year period: 1960 to 1980. From these graphs it is possible to ascertain which age group or groups have been the main contributors to the changing levels of male and female offending for this period. For both males and females the smallest change in levels of offending occurred in the age group of 21 and over, that is, adults. For females the largest increase in the amount of offending occurred in the age group of fourteen and under seventeen. This was also the largest increase in offending for both sexes. However a word of caution is needed here concerning the dangers of computing percentage increases where the baseline figure is small. Although females experienced by far the greatest percentage increase (in the age group of fourteen and under seventeen), the largest increase in the absolute number of offenders occurred in the male offender population: the increase in the offending of males aged fourteen to under twenty overwhelmed any increases in the offending of females. A second note of warning is that the scale of the figure for female offenders is twice that of the figure for male offenders thus giving, at first glance, the impression that the increases in female offending have been more substantial than they really are relative to male increases. It is nevertheless still interesting to realise that there has been only a gradual increase in the absolute number of adult female offenders over the period given while the offending of girls aged fourteen and under seventeen has roughly trebled.

The British Empirical Literature on Women and Crime

When we move on to the analysis of statistics on female crime from the United States and Australia it will become apparent that the Criminal Statistics for England and Wales provide the best national data on the

Figure 2



1. PLACE	England and Wales	2. PERIOD	1960 - 1980	
3. STAGE IN CRIM. JUS. PROC.	Found Guilty or Cautioned			
4. DATA SOURCE	Home Office, Crime Statistics England and Wales, London			
5. OFFENDERS SAMPLED	a) SEX	Males and Females	b) AGE	10 & under 14; 14 & under 17; 17 & under 21; 21 & over.
6. OFFENCES SAMPLED	Indictable Offences			
7. EXPRESSION OF DATA	Offenders per 100,000 pop. in the age group of given sex by age.			

relationship between sex, offending and age. It is therefore curious that criminologists have made little use of these data on the age pattern of offenders in their theorizing about female crime. In fact there has been no serious attempt to explain the differential age distributions of male and female offenders. This is surprising, given that a decade ago the British criminologist P.T. d'Orban examined the crime statistics of England and Wales for 1969 and took special notice of "the relatively slower decline with age in the conviction rates of women".⁽⁵⁶⁾ He went on to suggest that it is because "the sex ratio becomes more even in the older age groups, so that over the age of fifty it is less than three to one" that "older women constitute a relatively important group among female offenders".⁽⁵⁷⁾ D'Orban pointed out that he was not the first to isolate the older female offender as an interesting subject of investigation. In response to the 1962 statistics H. Mannheim reached a similar conclusion when he observed that

"females aged thirty and over were responsible for nearly half of the indictable offences committed by women whereas men of the same age group constituted less than a quarter of the total number of male offenders".⁽⁵⁸⁾

It is therefore difficult to explain the absence of a flourishing literature on age patterns of male and female offending and why the most recent major work on female crime emanating from England, Carol Smart's Women, Crime and Criminology,⁽⁵⁹⁾ has made only limited use of the Home Office data on the ages of offenders.

Smart's analysis of the official statistics on the age pattern of

(56) P.T. d'Orban, "Female Crime", The Criminologist, 1972, 29, p.32.

(57) Ibid.

(58) Ibid.

(59) Carol Smart, Women, Crime and Criminology: A Feminist Critique, London, Routledge & Kegan Paul, 1976.

offending is restricted to a brief examination of the status 'offences' of girls. It will be recalled that status 'offences' "are applicable only to adolescents who require special attention"⁽⁶⁰⁾ and refer to behaviour such as being beyond the care of parents and being in immoral danger. This offence group, therefore, always differentiates the offending of young women and girls. Smart observes that the status offence most often committed by girls is "being in moral danger" which has connotations of sexual promiscuity. Her supporting evidence is drawn from the Home Office statistics on "Proceedings brought under the Children and Young Persons Act, 1969" for the period of 1973. These indicate that there were 377 proceedings against girls (aged 10 to 17) for being exposed to moral danger but only 48 such proceedings against boys. Smart concludes that

"the statistics present a picture in which female juvenile delinquency appears to be mainly sexual while male juvenile delinquency is apparently non-sexual but more aggressive and assertive". (61)

Beyond this reference to statistics on the status offending of girls (which she subsequently subjects to criticisms of unreliability because of the sexualization of female delinquency)⁽⁶²⁾ Smart does little more with the Home Office data than compute the percentage of the female contribution to five selected offences: prostitution related offences, shoplifting, larceny, car theft and burglary. These are chosen as illustrations of "sex related offences": the first three offences are those

(60) Ibid, p.11.

(61) Smart, op.cit., p.11.

(62) It should be noted that although Smart's analysis of the official statistics on the delinquency of girls is confined to a discussion of status offences, her critique of the reliability of these statistics is not so restricted. In fact Smart presents a sound critical analysis of the official data arguing that they amplify the sexual offending of girls and referring to the findings of self-report studies to support her argument. However, because at the time of her investigation "no specific studies ha[d] been carried out in the United Kingdom to discover whether female juvenile offences are

which attract large numbers of female offenders (in 1973 women contributed 81.5%, 50.2% and 19.3% to these offences respectively); the others are male-dominated crimes with a %FC of 2.3 and 3.3. Smart also takes a brief look at female crime trends by comparing the number of females found guilty of selected offences for the years 1959, 1969, 1973 and 1974. She concludes that "the official statistics give the impression that women are engaging more frequently in more varied forms of crime". (63)

In a follow-up study on the nature of changes in female crime in England and Wales from 1935 to 1975,⁽⁶⁴⁾ Smart puts the Home Office statistics to much greater use by not only considering a longer time period, but also by expressing her findings in three different ways. Smart compares simple percentage changes in female crime with the number of female (and male) offenders per 100,000 population as well as expressing the contribution of females to the offender population as a percentage.

Firstly, by computing percentage changes, Smart finds that there has not been a consistent increase in female crime over the four decades considered. In fact, during the period immediately following the Second World War (1946 to 1955), there was a decrease of 1.5% in the indictable offending of women. Smart also observes that increases in female crime are not an exclusively modern phenomenon. The percentage increases in female crime exceeded the percentage increases in male offending to a much greater extent from 1935 to 1946 and from 1955 to 1965 than from 1965 to 1975. Nevertheless, Smart does find that "every decade except

(62) sexualised" (p.22) her self-report data is derived from American (cont'd.) studies which will be considered later in this chapter in the discussion of the American crime data.

(63) Ibid, p.24.

(64) Carol Smart, "The New Female Criminal: Reality or Myth", op.cit.

1946 to 1955 shows women offenders to be increasing more rapidly than men". (65)

To correct the impression that female crime is now reaching crisis proportions, Smart expresses the increase in female crime in terms of the number of offenders per 100,000 of the female population. This reveals that, despite the massive percentage increases in female offending, females are still a small proportion of the offending population. In 1975 there were 1,694 males per 100,000 population found guilty of indictable offences but only 278 females. Smart also examines the changing contribution of females to the total population of indictable offenders and finds that from 1930 to 1975 there was only a small change: in 1930 women constituted 11% of persons found guilty of indictable offences; in 1975 they represented 15% of this population.

This attempt by Smart to assess whether female crime is on the increase is an effective challenge to Adler's theory of 'the new female criminal' outlined above. Although it is easy to construct female crime waves using percentage increases (as Adler demonstrated), if we examine crime trends over a substantial period (four decades here) and, as well, take account of the nature of the fluctuations in the relative contribution of females and males to the offending population, it becomes apparent that crime is still strongly male dominated. What Smart fails to do here, however, is make any use of the official statistics on the age pattern of male and female offenders. This is particularly unfortunate given the data on age patterns of offending presented in Figure 2 (above). From this graph it is clear that from 1960 to 1980 the offending of girls aged 14 and under 17 increased at a much faster rate than

(65) Ibid, p. 54.

the offending of women. The omission of these data from Smart's tables necessarily restricts her discussion.

Given the availability of Home Office Statistics on the ages of offenders, it is not only surprising that they have failed to provoke any critical statistical analyses, but that self-report studies seem to have been preferred as a source of data on the juvenile offender. (Criminologists usually begin their investigations with a review of the official data and, having cited their inadequacies, turn to the self-report study.) Even so, there are only a handful of criminologists conducting research into the self-professed offending of girls. Still, these studies serve as a valuable corrective to the impression given by the official statistics that there are many more times the number of boy offenders than girl offenders, and that those girls who do deviate tend to be sexually promiscuous rather than violent.

In 1976 Anne Campbell compared the self reported delinquencies of urban, working class, English school girls and boys and produced a male/female ratio of 1.33 to 1.⁽⁶⁶⁾ In 1977 R.N. Jamison presented the results of his inquiry into the self reported delinquencies of boys and girls living in southern England and came up with similar results.⁽⁶⁷⁾ Both studies therefore produced findings which contrast markedly with the official picture of juvenile offending which in 1976 indicated that males were offending at nine times the rate of females.⁽⁶⁸⁾

Differences in the pattern of the self reported criminality of girls and boys have formed the focus of two other British investigations.

(66) Anne Campbell, Girl Delinquents, Oxford, Basil Blackwell, 1981, p.22.

(67) R.N.Jamison, "Personality, Anti-Social Behaviour and Risk Perception in Adolescents", Paper delivered to the British Psychological Society, London, 1977. Cited in Campbell, ibid., p.23.

(68) Campbell, op.cit., p.22.

In 1978 Lesley Shacklady Smith published her findings on the self reported delinquencies of girls in the Bristol and Bath area of England⁽⁶⁹⁾ while in 1980 Rob Mawby presented his data on the hidden delinquencies of girls living in Sheffield, England.⁽⁷⁰⁾

Shacklady Smith examined the court case records of all girls aged fourteen to sixteen referred to Bristol juvenile courts during 1969 and interviewed thirty delinquent girls who had received probation and supervision orders as well as girls in local gangs. She found that girls engaged in all types of delinquencies rather than confining their offending to primarily sexual acts.

Mawby's investigation into hidden juvenile offending involved the administration of self-report questionnaires to children attending two schools in Sheffield. Subjects were asked whether they had committed any of nineteen offences listed in the questionnaire ranging from shop-lifting to robbery. Mawby found "consistent differences between the sexes, with statistical differences (at the 5% level of significance at least) on sixteen of the nineteen items. In each case, a higher proportion of boys than girls committed the offence in question."⁽⁷¹⁾

Despite this confirmation of the official crime picture of considerably more offending by boys than by girls, Mawby also found, in line with Shacklady Smith and the earlier investigations, that girls commit a wide range of offences. In fact they reported having engaged in all of the

(69) Lesley Shacklady Smith, "Sexist Assumptions and Female Delinquency; An Empirical Investigation", in Carol Smart and Barry Smart, eds., Women, Sexuality and Social Control, London, Routledge & Kegan Paul, 1978, p.74.

(70) Rob Mawby, "Sex and Crime: the Results of a Self-Report Study", British Journal of Sociology, Vol.31, No.4, Dec.1980, p.525.

(71) Ibid, p.534.

nineteen offences listed in the survey. In addition he observed that the most common offence engaged in by girls was a crime of violence: hitting or kicking causing bruising or bleeding.⁽⁷²⁾ Half the females admitted committing this offence. Again the official statistics on the sexual nature of female delinquency are seriously called into question.

The paucity of self-report studies on female crime which have employed British subjects, as well as the limited use which has been made of the official crime statistics, is indicative of the backward state of the British empirical literature on the female offender. In the following review of the American statistics and literature on female crime it will become apparent that the female offender has attracted a good deal more interest in the United States both by analysts of the official statistics and criminologists concerned with uncovering the amount of hidden crime via self-report studies.

The United States of America

The Uniform Crime Reports

In her controversial volume, Sisters in Crime, published in 1975, Freda Adler made the claim that female crime had increased dramatically since 1960 and now posed a serious problem for the police. Reference to Adler's analysis of the Uniform Crime Reports was made in the earlier critique of the statistical practice of using percentage increases with small baseline figures. Employing this technique to interpret the official statistics on female crime, Adler concluded that:

(72) A possible criticism of Mawby's investigation (and of self-report studies generally), is that this concern with minor peer group violence places too much emphasis on behaviour which, while technically criminal, is in practice outside the scope of the criminal law.

"Except for parity in the categories of murder and aggravated assault, the picture of female arrest rates rising several times faster than male arrest rates is a consistent one for all offences." (73)

Much of the literature on the nature of female crime in America since Adler's work has focussed on refuting her argument that there is such a phenomenon as 'the new female criminal'.⁽⁷⁴⁾ At the helm of this attack on Adler's theory is the American criminologist Darrell Steffensmeier whose statistical analyses of female crime in the United States employing the Uniform Crime Reports will form the substance of this assessment of the nature of female offending in America.

Steffensmeier describes the F.B.I.'s Uniform Crime Reports as

"the best available source of data on reported crime in the United States... [they] are the only continuous nationwide data available providing the number of arrests in a given year categorised by offense and indicating whether the arrestee is male or female, adult or adolescent (that is, whether under or over eighteen years of age)." (75)

Although it is important not to lose sight of Richard Quinney's criticisms of these statistics,⁽⁷⁶⁾ owing to a lack of alternative national data sources, the following examination of the American female offender will rely heavily on the Uniform Crime reports as interpreted by Steffensmeier.

(73) Adler, op. cit., p.16.

(74) It is worth noting that, despite the numerous attacks on her statistical methods, Adler has not deviated from her position on the new female criminal as evidenced by her most recent volume where she employs the same statistical techniques. See: Freda Adler, "The United States: International Concern in the Light of the American Experience" in Freda Adler, ed., The Incidence of Female Criminality in the Contemporary World, New York, New York Univ. Press, 1981, p.1.

(75) Darrell J. Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-77: A Review and Assessment", Social Forces, June 1980, Vol. 58, 4, 1080 at 1084.

(76) For Example, the fact that every state represents a different political jurisdiction makes the concept of national crime statistics a dubious one.

With the view to identifying the commonest offences committed by women, Table 3 presents the rank order of offences for which women were arrested in 1965 and compares them with female arrests for 1977. It also presents the number of female arrests as a percentage of the total number of (male and female) arrests for each offence (%FC), and the absolute difference between the number of males and females arrested for each offence (AD). In 1965 the top three female offences were drunkenness, disorderly conduct and larceny theft. In 1977 larceny theft had moved up to number one.⁽⁷⁷⁾ Despite such changes in the female rank order, a comparison of the %FC to arrests for 1965 with the %FC for 1977 reveals that there has been little change in the contribution of females to most offence categories:

"In only five categories - larceny, fraud, embezzlement, forgery and vagrancy - did the %FC increase more than five per cent." (78)

The column indicating the absolute difference between male and female arrests for the two years considered provides further evidence that increases in the criminality of women are generally overwhelmed by increases in male crime, so that almost all the offences listed here are still male dominated (the sole exception being prostitution). In fact the absolute gap between the number of female and male arrests widened in sixteen offence categories.

To determine whether women are moving into areas of crime which have traditionally been the province of males, Steffensmeier concentrates on testing women's changing involvement in five different categories of offences: masculine, violent, male-dominated, serious and petty property.⁽⁷⁹⁾ He computes the %FC, the AD and the percentage which female (and

(77) Steffensmeier suggests the reason for the displacement of drunkenness is "the growing pressures for decriminalisation and alternative ways of handling drunk cases" - Steffensmeier, op. cit., p. 1087.

(78) Ibid, p. 1090.

(79) Definitions of each crime category are provided in Table 4.

Table 3

1. PLACE U.S.A.	2. PERIOD 1965 & 1977		3. STAGE IN CRIM. JUS. PROC. Arrest							
4. DATA SOURCE		Uniform Crime Reports computed by Darrell J. Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-77: A Review and Assessment", <u>Social Forces</u> , June 1980, Vol. 58, 4, 1080 at 1088.								
5. OFFENDERS SAMPLED		a) SEX Male & Female		b) AGE Adults		6. OFFENCES SAMPLED Top 10 Female 1965				
7. EXPRESSION OF DATA		Offenders per 100,000 pop.;		%FC;		Absolute Difference (AD).		Rank Order		
Offences (Top 10 Female)	Female		Male		%FC		AD		FEMALE	
	1965	1977	1965	1977	1965	1977	1965	1977	1965	1977
Drunkenness	352.2	144.3	4506.3	2026.8	7.2	6.6	4154.1	1882.5	1	5
Disorderly conduct	180.1	154.7	1322.1	787.2	12.0	16.4	1142.0	632.5	2	4
Larceny-theft	135.6	358.5	401.9	704.9	25.2	33.7	266.3	346.4	3	1
All other offences	133.5	290.1	1027.1	1886.9	11.5	13.3	893.6	1596.8	4	2
Prostitution	84.3	96.4	25.3	41.3	76.9	70.0	-59.0	55.1	5	8
Other assaults	50.8	70.1	490.0	521.9	9.4	11.8	439.2	451.8	6	9
Driving under influence	45.8	159.9	704.1	1830.4	6.1	8.0	658.3	1670.5	7	3
Liquor laws	43.8	39.1	365.9	333.2	10.7	10.5	322.1	294.1	8	11
Aggravated assault	31.2	41.6	195.3	302.9	13.8	12.1	164.1	261.3	9	10
Vagrancy	30.5	26.7	291.6	46.5	9.5	36.5*	261.1	19.8	10	13

male) arrests for each category of offences contribute to the total number of female (and male) arrests. Table 4 reveals that there has been no significant increase in the %FC to violent, masculine and male dominated crimes. These offence categories remain the province of males who still constitute roughly ninety percent of offenders in each group. Although women have clearly made gains on males for the category of serious crimes, Steffensmeier is quick to point out that this finding is misleading because of the inclusion of larceny-theft in this group. Removing larceny-theft from 'serious crimes', the increase in the contribution of women to this group is found to be insignificant: the increase is from 7.4% to 8.5%. According to Steffensmeier, the reason why larceny-theft should not be regarded as a serious crime (despite the fact that it is defined as such by the U.C.R.) is that larceny covers a wide range of offences of varying degrees of seriousness. Steffensmeier maintains that studies have shown that female larcenies are predominantly shop thefts of items of little value.⁽⁸⁰⁾ Unfortunately the U.C.R. statistics on larceny fail to make this distinction between shoplifting and more serious thefts. The data on the contribution of women to 'petty property' crimes and 'forgery and embezzlement' indicate that women have made substantial gains even though these crimes are still male dominated. 'Forgery and embezzlement', however, account for only a small proportion of female arrests (1.9% in 1977) and the real increases in female crime therefore have been for larcenies and frauds (see the breakdown of 'petty property' crimes).

An earlier study of female property crime rates conducted by Steffensmeier provides further evidence that, although women are increasing their

(80) Studies cited are: Mary Cameron, The Booster and the Snitch, New York, Free Press, 1964; Dale Hoffman-Bustamante, "The Nature of Female Criminality", Issues in Criminology, 1973, 8,117.

Table 4

1.	PLACE U.S.A.	2.	PERIOD 1965 & 1977			
3.	STAGE IN CRIM. JUS. PROC. Arrest					
4.	DATA SOURCE Uniform Crime Reports computed by Darrell J. Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-77: A review and Assessment", <u>Social Forces</u> , June 1980, Vol.58, 4, 1080 at 1092.					
5.	OFFENDERS SAMPLED	a)	SEX Males & Females	b)	AGE Adults	
6.	OFFENCES SAMPLED Categories devised by Steffensmeier*					
7.	EXPRESSION OF DATA Offenders per 100,000 pop.; %FC; Absolute Difference (AD); % Male Total; % Female Total;					
	Selected Offences in Categories	Male Rate	Female Rate	%FC	AD	% of Male Total % of Female Total
	<u>Violent</u>					
	1965	909.1	99.7	9.9	809.4	8.1 7.8
	1977	1193.1	144.9	10.8	1048.2	10.9 8.2
	<u>Masculine</u>					
	1965	1388.3	124.1	8.2	1264.2	12.4 9.7
	1977	1830.2	192.7	9.5	1637.5	16.8 11.0
	<u>Male-Dominated</u>					
	1965	7750.3	645.7	7.7	7104.6	69.3 50.6
	1977	7088.0	676.7	8.7	6411.3	65.0 38.5
	<u>Serious</u>					
	1965	1109.8	191.9	14.7	920.6	9.9 15.0
	1977	1673.0	448.0	21.1	1225.0	15.4 25.5
	<u>Serious Without Larceny</u>					
	1965	707.9	56.3	7.4	764.2	6.3 4.4
	1977	968.1	89.6	8.5	878.5	8.9 5.1
	<u>Petty Property</u>					
	1965	607.7	183.5	23.2	424.2	5.4 14.4
	1977	1004.9	514.2	33.8	490.7	9.2 29.2
	<u>Forgery and Embezzlement</u>					
	1965	88.5	19.0	17.7	69.5	0.8 1.5
	1977	83.7	33.0	28.3	50.7	0.8 1.9

*Definitions are as follows:

Violent crimes are murder, aggravated assault, other assaults, weapons, and robbery.

Masculine crimes are murder, aggravated assault, other assaults, weapons, robbery, burglary, auto theft, vandalism, and arson.

Male-dominated crimes include the masculine crimes, plus stolen property, gambling, driving under influence, liquor law violations, drunkenness, narcotic drug laws, sex offences (except forcible rape and prostitution), and offences against family.

Serious crimes are murder, robbery, aggravated assault, burglary, larceny-theft, and auto theft.

Petty property crimes are larceny-theft, fraud, forgery, and embezzlement.

involvement in petty property crimes such as theft and fraud, they are still tending to avoid the more serious crimes against property which imply an element of violence.⁽⁸¹⁾ Selecting U.C.R. data for the time span of 1960 to 1975, Steffensmeier examined the female contribution to five crimes against property: burglary, auto theft, stolen property, larceny-theft and fraud-embezzlement. Table 5 shows that the only significant increases in the contribution of females to property offences were for larceny-theft and fraud-embezzlement. In 1975 females still only constituted 5% of burglaries (up from 2.8% in 1960), 6.5% of auto thefts (up from 3.5%) and 9.9% of arrests for the offence of stolen property (up from 8.2%).

The only systematic analysis of the U.C.R. arrest data for the whole period it is available, 1933 to 1979, has also been conducted by Steffensmeier in collaboration with Michael Cobb.⁽⁸²⁾ With a view to assessing the nature of the fluctuations in the contribution of females to the total urban offender population⁽⁸³⁾ Steffensmeier and Cobb calculated what they termed the 'sex differential' - female arrests expressed as a percentage of all arrests (both male and female) adjusting for the sex distribution of the urban population of the United States or what they had previously termed %FC - for the entire period of the U.C.R.

(81) Darrell J. Steffensmeier, "Crime and the Contemporary Woman: An Analysis of Changing Levels of Female Property Crime, 1960-75", Social Forces, Dec. 1978, Vol. 57, No. 2, 566.

(82) Darrell J. Steffensmeier and Michael J. Cobb, "Sex Differences in Urban Arrest Patterns, 1934-79", Social Problems, Oct. 1981, Vol. 29, No. 1, 37. Prior to this study the most detailed analysis of the U.C.R. arrest data on female crime (from 1953 to 1972) was that of Rita James Simon published in her volume, Women and Crime, Lexington, Mass., Lexington Books, 1975. Because Steffensmeier and Cobb cover this period it is unnecessary to present Simon's findings here. Moreover, Simon's data are not adjusted for population shifts making her statistics less refined than those of Steffensmeier and Cobb.

(83) Analysis was restricted to arrest trends in urban areas because data from rural areas was not available for the whole of the period considered.

Table 5

1. PLACE U.S.A.	2. PERIOD 1960 - 1965			3. STAGE IN CRIM. JUS. PROC.			Arrest		
4. DATA SOURCE Uniform Crime Reports computed by Darrell J. Steffensmeier, "Crime and the Contemporary Woman: An Analysis of Changing Levels of Female Property Crime, 1960-75", <u>Social Forces</u> , Dec. 1978, Vol. 57, Nos. 1-2, 566 at 572.									
5. OFFENDERS SAMPLED			a) SEX Males & Females		b) AGE N/A		6. OFFENCES SAMPLED Selected Property Offences		
7. EXPRESSION OF DATA Offenders per 100,000 pop.; %FC									
Year	3 Property-Crime Index			Burglary			Larceny-Theft		
	Female	Male	%FC	Female	Male	%FC	Female	Male	%FC
1960	101.9	961.3	9.6	9.3	324.7	2.8	87.3	487.4	15.2
1961	112.3	1002.9	10.1	10.9	349.3	3.0	96.0	502.3	16.0
1962	134.0	1040.5	11.4	11.9	342.7	3.4	115.5	530.8	17.9
1963	134.9	1044.3	11.4	10.9	342.5	3.1	117.6	529.8	18.2
1964	156.0	1102.0	12.4	12.7	355.1	3.5	135.6	563.2	19.4
1965	176.6	1138.1	13.4	13.4	369.2	3.5	155.4	579.6	21.1
1966	183.2	1128.5	14.0	13.6	361.1	3.6	162.0	576.6	21.9
1967	200.9	1210.0	14.2	16.0	406.8	3.8	176.6	602.7	22.7
1968	213.7	1265.0	14.5	17.6	434.1	3.9	186.0	620.3	23.1
1969	252.1	1313.3	16.1	18.4	434.8	4.1	222.8	667.0	25.0
1970	298.7	1400.5	17.6	20.8	455.3	4.4	267.8	742.9	26.5
1971	321.8	1470.1	18.0	23.4	468.1	4.6	286.7	786.3	26.7
1972	327.0	1387.4	19.1	23.6	464.8	4.8	293.3	743.6	28.3
1973	339.6	1364.7	19.9	25.4	479.6	5.0	303.6	706.8	30.1
1974	428.1	1708.0	20.0	31.7	592.9	5.1	384.5	930.5	29.2
1975	421.2	1657.1	20.3	31.0	588.4	5.0	379.6	913.8	29.3

cont...

Table 5 (continued)

Year	Auto Theft			Fraud Embezzlement			Stolen Property		
	Female	Male	%FC	Female	Male	%FC	Female	Male	%FC
1960	5.4	149.2	3.5	14.7	87.9	14.4	2.3	26.3	8.2
1961	5.5	151.3	3.5	16.1	89.7	15.2	2.4	27.3	7.8
1962	6.6	167.0	3.8	16.7	87.4	16.0	2.5	28.8	8.1
1963	6.3	171.9	3.5	18.7	90.9	17.1	2.4	28.7	7.8
1964	7.7	183.8	4.0	19.1	87.4	17.9	3.3	32.3	9.3
1965	7.7	189.2	3.9	21.7	92.7	19.0	2.9	33.9	7.9
1966	7.7	190.7	3.8	22.0	86.4	20.3	2.9	36.6	7.2
1967	8.3	200.5	4.0	24.2	87.8	21.6	3.6	46.9	7.0
1968	10.2	210.6	4.6	24.3	84.6	22.3	4.8	61.6	7.2
1969	10.9	211.5	4.9	29.6	92.0	24.3	6.5	75.0	7.9
1970	10.1	202.3	4.7	35.5	104.1	25.5	8.9	93.3	8.7
1971	11.8	199.6	5.6	44.0	119.3	26.9	10.6	111.0	8.7
1972	10.1	179.1	5.4	44.2	113.9	27.9	10.1	101.0	9.1
1973	10.5	178.4	5.6	41.9	101.0	29.3	10.5	101.2	9.4
1974	11.9	184.5	6.1	53.7	121.0	30.7	13.4	127.3	9.5
1975	10.6	155.0	6.5	67.1	142.2	32.1	13.7	124.9	9.9

Table 6 indicates that although women made small gains in most offence groups, with large gains in larceny-theft, fraud and forgery, "there is little evidence of a convergence in sex differences in crime".⁽⁸⁴⁾ Further, there has not been a consistent increase in female crime over the period studied. Depending on the time segment sampled, the contribution of women to various offences can be found to be increasing or decreasing. For example, from 1934-41 to 1942-45 and from 1946-51 to 1952-57 the contribution of women to the crime of robbery decreased. That is, the sex differential widened. Recall that similar fluctuations in the contribution of women to crime levels were recorded by Carol Smart in her analysis of the Home Office statistics from 1935 to 1975. For example Smart found that from 1946 to 1955 there was a small decrease in the indictable offending of women. Both the American and the British crime statistics therefore refute Adler's idea that any recent increases in female crime represent a uniquely modern phenomenon. A review of the Home Office and the U.C.R. data reveals that the contribution of females to crime levels has risen and fallen and risen again. Recent increases in female crime do not therefore necessarily predict a unilinear trend. Moreover, as Steffensmeier and Cobb are at pains to stress, recent increases in female crime are narrowly focussed on petty property offences. For the entire history of the U.C.R. (1934-79) 'masculine' crimes such as burglary and weapons violations have experienced only minor shifts in the level of female involvement (4.3% to 6.8% and 3.6% to 7.8% respectively).

Since 1963, the U.C.R. have included age by sex breakdowns. Unlike the Home Office statistics (which divide offenders into seventeen age

(84) Steffensmeier and Cobb, op. cit., p. 47.

Table 6

1. PLACE	U.S.A.	2. PERIOD	1934 - 1979	3. STAGE IN CRIM. JUS. PROC.	Arrest		
4. DATA SOURCE	Uniform Crime Reports computed by Darrell J. Steffensmeier and Michael J. Cobb, "Sex Differences in Urban Arrest Patterns, 1934-79", Social Problems, Oct. 1981, Vol. 29, No. 1, 37 at 41.						
5. OFFENDERS SAMPLED	a) SEX	Contribution of females to given offences			b) AGE	N/A	
6. OFFENCES SAMPLED	Selected Urban Offences		7. EXPRESSION OF DATA	As a sex differential or %FC			
Grouped Years							
Selected Offences	1934-41	1942-45 ^a	1946-51	1952-57	1958-66	1967-72	1973-79
Criminal Homicide ^b	9.6	8.8	11.8	13.4	15.6	14.7	13.8
Robbery	4.3	2.3	4.3	3.9	4.8	5.8	6.8
Burglary	1.2	2.2	2.4	2.1	3.2	4.3	5.5
Larceny-Theft	7.8	12.2	11.5	12.5	19.4	27.1	31.4
Auto Theft	1.7	1.4	2.2	2.4	3.7	5.0	7.2
Assaults ^c	8.4	8.9	9.6	12.3	11.2	12.6	13.4
Fraud ^d	4.9	11.1	8.9	14.7	17.5	26.2	34.3
Forgery	6.2	12.2	11.7	14.2	17.5	22.9	29.2
Stolen Property	7.5	7.3	8.2	9.2	8.3	8.7	10.4
Weapons Violations	3.6	4.4	4.3	5.4	6.0	6.6	7.8
Gambling	5.4	7.1	8.2	9.1	8.0	7.8	8.4
Prostitution	72.4	65.4	60.0	68.6	73.9	76.7	70.1
Disorderly Conduct	11.6	24.2	13.0	15.4	13.2	13.9	17.0
Vagrancy	7.7	30.4	15.8	10.7	8.2	16.0	23.9
Suspicion	8.4	14.3	10.3	9.6	11.2	15.8	13.6
Drunkenness	5.5	10.9	8.4	7.3	7.4	6.7	6.9
Driving while intoxicated	2.4	4.8	4.0	4.1	6.1	6.6	8.1
Liquor Law Violations	14.0	12.9	14.8	17.5	12.8	12.4	14.1
Narcotics	24.8	7.4	11.6	15.5	13.7	15.0	13.5
Offences Against Family	2.7	7.0	5.3	8.9	10.3	11.0	15.3
Total	7.6	13.8	9.6	9.8	10.1	12.6	15.1

a - d : For notes to table see Steffensmeier and Cobb op. cit.

groups), however, the American data only consider the offending of two age groups: those seventeen and under, and those eighteen and over. The few studies of female offenders which have employed these data have all identified important differences between the offending of women and girls. For example Noblit and Burcart⁽⁸⁵⁾ have observed that from 1960 to 1970 the offending of girls (and boys) increased at a significantly faster rate than the offending of women (and men) (see Table 7a) and that the rate of increase was faster for females than for males.⁽⁸⁶⁾ (It is important, however, to remember the problem of calculating percentage increases from small baseline figures when considering this Table.) Moreover, as Table 7b reveals, the increases in the offending of girls are not restricted to nonviolent property offences as Steffensmeier and Cobb found with adults. They also include the crimes of aggravated assault, robbery, burglary and auto theft.

Sampling over a longer period (1960 to 1975) Balkan and Berger have found that although the patterns of economic and property crimes committed by girls resemble those of women, this is not true for crimes of violence.⁽⁸⁷⁾ The authors found significant increases in the contribution of girls to the crimes of murder, manslaughter and aggravated and other assaults. For example, the percentage of girls among juvenile offenders arrested for aggravated assaults increased from 10.24 to 16.3 and for 'other assaults' it increased from 14.74 to 20.39. However, for all offences

(85) George W. Noblit and Janie M. Burcart, "Women and Crime: 1960-1970", Social Science Quarterly, 1976, 56, 650.

(86) Data were drawn from only those crime reporting units which used the same data reporting system in the two years considered. The authors treat these data "as generally representative of the nation as a whole" (p.651).

(87) Sheila Balkan and Ronald J. Berger, "The Changing Nature of Female Delinquency", in Claire B. Kopp, ed., Becoming Female: Perspectives on Development, New York & London, Plenum Press, 1979, 207.

Table 7a

1.	PLACE	U.S.A.	2.	PERIOD	1960 & 1970
3.	STAGE IN CRIM. JUS. PROC.	Arrest			
4.	DATA SOURCE	Uniform Crime Reports computed by George W. Noblit and Janie M. Burcart, "Women and Crime: 1960-1970", <u>Social Science Quarterly</u> , 1976, 56, 650 at 652.			
5.	OFFENDERS SAMPLED	a) SEX	Males & Females	b) AGE	Adolescents and Adults
6.	OFFENCES SAMPLED	Total Arrests			
7.	EXPRESSION OF DATA	Offenders per 100,000 pop.; Male/Female Ratio; Percent Increase			
<u>Age</u>	<u>Sex</u>	<u>1960</u>	<u>m/f ratio</u>	<u>1970</u>	<u>m/f ratio</u> <u>Percent Increase</u>
<u>Total</u>	Male	3573.8	8.4:1	4012.4	5.9:1 12
	Female	425.4		674.4	58
<u>Adolescents</u>	Male	1348.8	5.5:1	2453.2	3.6:1 82
	Female	244.1		686.4	181
<u>Adults</u>	Male	4876.3	9.3:1	4884.7	7.8:1 .2
	Female	521.8		628.4	20

Table 7b

1. PLACE	U.S.A.	2. PERIOD		1960 & 1970
3. STAGE IN CRIM. JUS. PROC.	Arrest			
4. DATA SOURCE	Uniform Crime Reports computed by George W. Noblit and Janie M. Burcart, "Women and Crime: 1960-1970", <i>Social Science Quarterly</i> , 1976, 56, 650 at 654.			
5. OFFENDERS SAMPLED	a) SEX	Females Only	b) AGE	Adolescents and Adults
6. OFFENCES SAMPLED	Selected Violent and Property Crimes			
7. EXPRESSION OF DATA	Offenders per 100,000 pop.; Percent Increase			
Selected Offences	1960	1970	Percent Increase	
Adolescent Women				
Violent crimes (total)	3.5	12.2	248	
Murder and non-negligent manslaughter	0.1	0.2	100	
Manslaughter by negligence	0.0	0.0	0	
Forcible rape	0.0	0.0	0	
Robbery	1.2	5.3	342	
Aggravated assault	2.2	6.6	200	
Property crimes (total)	56.3	185.1	229	
Burglary	5.5	13.0	136	
Larceny	46.5	164.0	253	
Auto theft	4.3	8.1	88	
Adult Women				
Violent crimes (total)	16.6	20.5	23	
Murder and non-negligent manslaughter	1.4	2.2	57	
Manslaughter by negligence	0.3	0.3	0	
Forcible rape	0.0	0.0	0	
Robbery	2.0	4.0	100	
Aggravated assault	13.3	14.5	9	
Property crimes (total)	38.0	104.8	176	
Burglary	3.8	7.1	87	
Larceny	49.9	94.9	90	
Auto theft	1.3	3.0	131	

committed by juveniles, the contribution of girls only increased from 14.8% in 1965 (or expressed as a male/female ratio, 5.8:1) to 18.2% (or 4.5:1) in 1975.

A more recent investigation into the U.C.R. age by sex data conducted by Harris and Hill found that from 1963 to 1977 there was a "greater movement toward offence rate parity by males and females under eighteen than by males and females eighteen and over".⁽⁸⁸⁾ Although the increases in the contribution of women to the property crimes of fraud and forging were found to be greater than those for girls, the reverse was true for the bulk of property related offences including burglary and motor vehicle thefts. Indeed, for all violence related offences, the increase in the level of involvement of girls exceeded that of women.

Darrell Steffensmeier, in collaboration with Renee Hoffman Steffensmeier, has also examined the UCR trends in juvenile offending for the period of 1965 to 1977.⁽⁸⁹⁾ They maintain that although it is indeed the case that the offending of girls has increased across the board at a faster rate than the offending of women, the only substantial increases in the contribution of girls to the juvenile crime total have been confined to petty property crime and, more particularly, to larceny.

The Steffensmeiers' data are useful in that they correct the impression which might have been created by the earlier studies that there has been a violent crime wave specific to adolescent females. Even though girls are committing more violent crime, when those offences with

(88) Gary D. Hill and Anthony R. Harris, "Changes in the Gender Pattern-
ing of Crime, 1953-77: Opportunity vs. Identity", Social Science
Quarterly, Dec. 1981, Vol. 62, No. 4, 658 at 665.

(89) Darrell J. Steffensmeier and Renee Hoffman Steffensmeier, "Trends
in Female Delinquency: An Examination of Arrest, Juvenile Court,
Self-Report, and Field Data", Criminology, May 1980, Vol.18, No.1,
p. 62.

a strong violent component are grouped as a category (the Steffensmeiers select murder, aggravated and other assaults, weapons violation and robbery) and the contribution of girls is considered as a percentage of the juvenile violent crime total, it becomes apparent that there has been only a small catching up. If one also considers the violent offending of girls as a percentage of the total offending of girls, it is clear that it remains a small percentage; it increased from 3.4% to 5.5% over the period examined.

The Steffensmeiers conclude that

"Generally, females are not catching up with males in the commission of violent, masculine or serious crimes." (90)

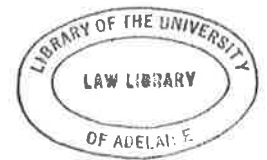
Outside of the categories of larceny, runaways and liquor law violations, the gain in the offending of girls has been small and has in fact levelled off in recent years.

Notwithstanding the Steffensmeiers' assessment of their findings, which tends to underplay the involvement of females, it should not be overlooked that over the period they considered there were significant increases in violent juvenile crime generally. In view of the fact that girls slightly increased their contribution to such offending, rather than dropping behind, they too were a part of this growing trend towards criminal violence among juveniles.

The Self Report Data

In the previous discussion of crime in England and Wales, the scarcity of British self-report data with which to buttress the official crime statistics was noted. Happily this is not the case in the United States.

(90) Ibid, p. 80.



Not only have a number of self-report studies been conducted by individual criminologists concerned about the reliability of the official statistics, but the United States Bureau of the Census, under the sponsorship of the United States Department of Justice, has administered a National Crime Survey to American householders and business representatives to determine the nature and extent of crimes of which they have been victim.⁽⁹¹⁾

Employing the findings of the National Crime Survey for the years 1972 to 1976, Michael Hindelang has examined the nature of female involvement in what is normally hidden crime (Survey subjects were asked to report whether they had been the victim of a crime committed by a female or a male), and compared these data with the U.C.R. statistics. His results are as follows:

"for the personal and household crimes⁽⁹²⁾ for which offender data are available, the U.C.R. arrest data and the perceptions of victims are in close agreement in the sense that males are very substantially over-represented in every offense category; by both criteria, males overwhelmingly outnumber females for these offenses." (93)

An interesting feature of Hindelang's findings is that the variance between the National Crime Survey and the U.C.R. figures for the violent crimes of aggravated assault and robbery was in the opposite direction to that predicted by the 'chivalry hypothesis' which maintains that women are underrepresented in the official crime statistics on account of the chivalry of law enforcement officials. In 1976 13% of the U.C.R. arrests for aggravated assault and 7% of the arrests for robbery involved females. The National Crime Survey indicated a female contribution to

(91) For details of the sampling methods employed in the National Crime Survey see Michael Hindelang, "Sex Differences in Criminal Activity", Social Problems, Dec. 1979, Vol.27, No.2, 143 at 145.

(92) Personal crimes are robbery, rape, assault and personal larceny. Household crimes are burglary, household larceny, and motor vehicle theft.

(93) Hindelang, op. cit., p.147.

these offences of 8% and 4% respectively. From these figures it would seem that the official statistics substantially overrepresent the contribution of women to these offences.

Notwithstanding these differences, Hindelang stresses that the two data sources "are in remarkably close agreement with each other regarding the relative frequency of involvement of women in the crimes considered".⁽⁹⁴⁾ In fact, figures were identical for rape, simple assault and burglary with a 1% difference for motor vehicle theft.

Self-report studies undertaken by American criminologists have almost invariably drawn their subjects from schools. Accordingly, the information they provide only acts as a corrective to the official statistics on juvenile crime. In view of the ongoing debate over whether the delinquency of girls is primarily sexual, however, this corrective has been important. It has thrown into question the views of criminologists such as P.T. d'Orban who maintains that

"whereas delinquent boys take to stealing and rowdiness in gangs, and only exceptionally to sex offences, the delinquent girl more often comes to notice because of sexual misconduct." (95)

Although the official statistics have begun to reveal that the offending of girls is not restricted to the sexual sphere, but is increasing significantly in the area of property crimes and crimes of violence (see Table 7b), the data yielded by self-report studies further highlight the similarities between the offending of girls and boys.

In 1968 Michael Hindelang administered self-report questionnaires to students enrolled in a Californian co-educational high school.⁽⁹⁶⁾

(94) Ibid.

(95) d'Orban, op. cit., p.34.

(96) Michael J. Hindelang, "Age, Sex and the Versatility of Delinquent Involvements", Social Problems, 1971, 18, 522.

Subjects were asked whether, and how many times, they had engaged in any of twenty four delinquent acts ranging from 'cutting school' to heroin use. Although more males than females were found to be involved in every delinquent act, the mean male/female sex ratio was only 2.56 - a significantly smaller ratio than that disclosed by official statistics.⁽⁹⁷⁾ Moreover, the pattern of female delinquency was remarkably similar to that of boys, although at a reduced frequency:

"The activities most frequently engaged in by the males [were], by and large, the activities most frequently engaged in by the females." (98)

Hindelang's study thus helped to corroborate the findings of earlier self-report investigations into the extent and pattern of female delinquency which had discovered that the offending of girls is both more generalised and a greater percentage of the crime total than official statistics indicate.⁽⁹⁹⁾

Several years later Joseph Weis made use of a questionnaire similar to Hindelang's in his investigation into the delinquent involvement of middle class American school children.⁽¹⁰⁰⁾ Subjects were asked to report the number of times they had engaged in each of thirty-four delinquent acts during the past three years. Again findings revealed that, although "more boys are more frequently involved in most delinquent acts",⁽¹⁰¹⁾

(97) For example Balkan and Berger's analysis of the official data for 1975 revealed a sex ratio of 4.5.

(98) Ibid, at p.526.

(99) See John P. Clark and Edward W. Haurek, "Age and Sex Roles of Adolescents and their Involvement in Misconduct: A Reappraisal", Sociology and Social Research, 1966, 50, 495; Nancy Wise, "Juvenile Delinquency Among Middle Class Girls", in Edmund W. Vaz, ed., Middle Class Delinquency, New York, Harper and Row, 1967 at 179; and Martin Gold, Delinquent Behaviour in an American City, Belmont, California, Brooks/Cole, 1970.

(100) Joseph G. Weis, "Liberation and Crime: The Invention of the New Female Criminal", Crime and Social Justice, 1976, 6, 17.

(101) Ibid, p. 23.

the male/female ratio was much smaller than the official statistic⁽¹⁰²⁾ and the pattern of male and female delinquency was similar.

"In short, those acts which are committed by boys also tend to be committed by girls and in a similar rank-order of frequency of commissions." (103)

In 1975 Pamela Richards investigated the self reported delinquencies of middle class, mid-western high school students.⁽¹⁰⁴⁾ She found that although, whenever a sex differential emerged in the frequency of an offence, it was generally in the expected direction, there were nevertheless substantial similarities in both the quantity and quality of offending of boys and girls. Richards concluded that

"Although the literature leads one to expect large and systematic sex differences in delinquency, few appear in this analysis." (105)

A sex ratio of delinquency even smaller than that reported by Weis has been uncovered by Cernkovich and Giordano.⁽¹⁰⁶⁾ In 1977 they administered self-report questionnaires to students attending two urban high schools in a large midwestern state. The overall sex ratio for the thirty six delinquent acts considered was found to be 2.18. According to the authors, their data revealed

"a striking male-female uniformity in delinquency involvement... The acts most frequently committed are virtually identical for males and females, tending to be the less serious, victimless status offenses." (107)

(102) In fact the same as Hindelang's ratio of 2.56.

(103) Weis, op. cit., p.21.

(104) Pamela Richards "Quantitative and Qualitative Sex Differences in Middle-Class Delinquency", Criminology, Feb. 1981, Vol.18, No.4, p.453.

(105) Ibid, p.466.

(106) Stephen A. Cernkovich and Peggy C. Giordano, "A Comparative Analysis of Male and Female Delinquency", The Sociological Quarterly, (Winter 1979), 20, 131.

(107) Ibid, p.139.

Despite the convergence of male and female delinquency consistently unearthed by these self-report studies, they also reveal, with equal consistency, a significant difference in the amount of delinquency committed by boys and girls. In line with the official data they show that the majority of juvenile crime is still committed by boys.

A recent attempt by Smith and Visher to review the findings of all the empirical data⁽¹⁰⁸⁾ on female crime from 1940 to 1975 confirms the principal finding of the self-report studies considered here.⁽¹⁰⁹⁾ This is that the official statistics underestimate the contribution of girls to the total crime figure. According to Smith and Visher, the aggregated data also reveal that the 'sex-deviance' relationship is larger for adults than for youths. Relative to males, there are fewer criminal women than girls. Further, in line with the findings of Steffensmeier, their data highlight the importance of specifying crime categories when describing female crime trends. Although the contribution of females to the crime total has increased over the period considered, the rates of convergence vary considerably from offence to offence. In fact females are not making gains on males in all offence groups. Although females are reducing the gap for petty property offences, they are a long way from equal representation in the area of serious and violent criminal behaviour.

(108) Despite the authors' claims, it is in fact a review of the American data only.

(109) Douglas A. Smith and Christy A. Visher, "Sex and Involvement in Deviance/Crime: A Quantitative Review of the Empirical Literature", American Sociological Review, August 1980, Vol. 45, 691.

Australia

Unlike the United States and England and Wales, Australia does not possess a uniform crime reporting system. Sources of data on crime vary from state to state as does the substantive criminal law. Accordingly, the criminologist interested in crime trends over the whole of Australia is severely handicapped. S/he must go to considerable effort to collect information from the various sources and endeavour to make it comparable across states. Fortunately one such study has recently been conducted and will form the basis of analysis of national trends in female crime.⁽¹¹⁰⁾

The best official statistics on a state level are, in the main, the only source of crime data - the police. In New South Wales and South Australia, however, the respective state governments have set up bureaux of crime statistics which provide more detailed information on female crime than the various Police Commissioners' Reports.

The dearth of national crime statistics is the reason that the following analysis of female crime in Australia is primarily concerned with crime at a state level. The type of information on female offenders to be presented here will therefore differ from state to state according to the degree of detail of the various data sources. An attempt will be made, however, to standardise these statistics by examining the same or similar crimes and by presenting the data in a similar form. It should be kept in mind, however, that the presentation of data at state level in the form of absolute numbers, rather than as rates per head of population, and the variation of definitions of offences from state to state, mean that the data to be considered here are not directly comparable. They provide only an indication of the most and least common crimes of

(110) Satyanshu K. Mukherjee, Evelyn N. Jacobsen and John R. Walker, Source Book of Australian Criminal and Social Statistics: 1900-1980, Canberra, Australian Institute of Criminology, 1981.

women, the extent of their contribution to the total population of offenders, and the age pattern of their offending.

It must also be said that in Australia self-report studies on female criminality have not been conducted at the national level. (111)

New South Wales

The most detailed information on female crime in any state of Australia comes from the New South Wales Bureau of Crime Statistics in the Department of the Attorney General and of Justice. The following statistics on female crime in New South Wales are drawn from the Bureau's annual report.

Table 8 reveals the nature of female crime at a lower court level. The female rank order, the %FC and the male/female ratios have been computed for people convicted in Courts of Petty Sessions for two years, 1978 and 1979 (the two most recent years available at the time of writing) to ensure that the latest year for which the figures were available was not totally untypical. The % F pop. is, however, presented for convictions in 1978 only.

What is immediately apparent is the similarity of both the female rank order and the %FC. For both years the most common female offence was larceny. It represented nearly half of the offences for which women

(111) One small self report study has been conducted in Brisbane. This study is briefly mentioned by Anne Edwards Hiller in "Women, Crime and Criminal Justice: The State of Current Theory and Research in Australia and New Zealand", Aust & NZ Journal of Criminology, June 1982, 15, 69. The results of another Australian self-report study, this time employing Tasmanian high school students, have just been published in the same journal, see Catherine Warner, "A Study of the Self-Reported Crime of a Group of Male and Female High School Students", A & NZJ Criminol., Dec. 1982, 15, 255. The decision not to include Tasmanian data in the body of this chapter means that Warner's research will not be considered here. Nevertheless, it is noted that she uncovered a 'hidden' male/female ratio of offending of 1.2:1 against the official figure of 6:1.

Table 8

1. PLACE	New South Wales		2. PERIOD	1978, 1979		3. STAGE IN CRIM. JUS. PROC.	Convicted: Courts of Petty Sessions					
4. DATA SOURCE	Dept. of A.G. & Justice, NSW Bureau Crime Stats. & Research, Court Statistics 1978, Stat. Report 10, Series 2, Feb. 1980; Court Statistics 1979, Stat. Report 11, Series 2.											
5. OFFENDERS SAMPLED	a) SEX	Males & Females		b) AGE	N/A		6. OFFENCES SAMPLED	Top 10 Female				
7. EXPRESSION OF DATA	Females as % Females Offender Pop.; %FC; Male/Female Ratio											
Offences (Top 10 Female)	1978							1979				
	M	F	% total F#	%FC*	F rank order	M/F ratio	M	F	%FC	F rank	M/F ratio	
Larceny	5986	3663	48.3	38.0	1	1.6:1	5991	3747	38.5	1	1.6:1	
Prostitution	46	1599	21.1	97.2	2	1:34.8	27	620	95.8	2	1: 23	
Offensive behaviour	6728	704	9.3	9.5	3	9.6:1	4592	505	7.9	3	9.1:1	
Fraud	1079	397	5.2	26.9	4	2.7:1	1012	388	27.7	4	2.6:1	
Offences against the person	2454	170	2.2	6.5	5	14.4:1	2477	177	6.7	5	14:1	
Serious driving offences	3655	109	1.4	2.9	6	33.5:1	4434	166	3.6	6	26.7:1	
Unlawful possession of property	883	96	1.3	10.0	7	9.2:1	837	94	10.1	7	8.9:1	
Property damage	1580	90	1.2	5.4	8	17.6:1	1465	85	5.5	8	17.2:1	
Break, enter, steal	751	39	.5	4.9	9	19.3:1	700	38	5.1	10	18.4:1	
Firearms & dangerous weapons	1041	16	.2	1.5	10	65.1:1	1108	23	2.0	11	48.2:1	
Total**	27889	7585		21.4		3.7:1	26110	6429	19.8		4.1:1	

% of total female offender population.

* % of total offenders in stated offence group

** Only the top ten offences of females convicted in Courts of Petty Sessions in 1978 are listed here.

The total number of offenders, however, refers to convictions for all offences.

were convicted in 1978. There was only a minor shift in the rank order over the two years considered. Betting and gaming (which is not included in the table) displaced 'break and enter' and 'firearms and dangerous weapons'. Women were only a small proportion of convictions for 'violent' and 'masculine' offences. They represented only 6.5% and 6.7% (%FC for 1978 and 1979 respectively) of convictions for offences against the person, 5.4% and 5.5% of 'property damage', 4.9% and 5.1% of 'break, enter and steal' and 1.5% and 2% of 'firearms and dangerous weapons'. Employing Steffensmeier's definitions, these are all 'masculine' offences, while 'offences against the person' and 'firearms' are also violent offences. The %FC for the non-violent, non-masculine crime of larceny was 38%.

The smallness of the contribution of females to the 'masculine' offences is also highlighted by its expression as a sex ratio. In 1978 the male/female ratio for 'firearms' was 65.1:1, for 'break and enter' it was 19.3:1 and for 'property damage' it was 17.6:1. Those offences with the highest %FC (excluding prostitution), larceny and fraud, were still male dominated. Ratios were 1.6:1 and 2.7:1 respectively for 1978.

Maintaining the female rank order of offending for 1978, Table 9 demonstrates the age patterns of male and female convictions in lower courts in 1978. No doubt the scant information released by the British Home Office and the United States Federal Bureau of Investigation on sex by age patterns of offending is the reason why this is the first time such a table has been presented.

Although criminologists have made rough comparisons of the offending of women and girls and noted the differences in the nature of their criminality,⁽¹¹²⁾ they have not examined the offending of women of

(112) Balkan and Berger have been particularly critical of the tendency of criminologists to blur the distinction between the offending of girls and women: see op. cit. p.220.

Table 9

1. PLACE		New South Wales		2. PERIOD		1978		3. STAGE IN CRIM. JUS. PROC.		Convicted: Courts of Petty Sessions	
4. DATA SOURCE		Dept. of A.G. & Justice, NSW Bureau Crime Stats. & Research, Court Statistics 1978, Stat. Report 10, Series 2, Feb. 1980.									
5. OFFENDERS SAMPLED		a) SEX Males & Females				b) AGE Under 18 - 40+		6. OFFENCES SAMPLED Top 10 Female.			
7. EXPRESSION OF DATA % of offenders of same sex committing stated offence - see bracketed figures.											
		A G E									
Offences (Top 10 Female)		Under 18 (sic)	19	20-24	25-29	30-39	40+	Not known			
Larceny	M	795 (13.3)	642 (10.7)	1556 (26.0)	731 (12.2)	809 (13.5)	1381 (23.1)	72 (1.2)			
	F	181 (2.2)	156 (4.3)	601 (16.4)	518 (14.1)	783 (21.4)	1364 (37.2)	60 (1.6)			
Prostitution	M	2 (4.3)	5 (10.9)	16 (34.8)	8 (17.4)	11 (23.9)	3 (6.5)	1 (2.2)			
	F	36 (2.3)	61 (1.7)	618 (39.6)	450 (28.1)	360 (22.5)	69 (4.3)	5 (.3)			
Offensive behaviour	M	758 (11.3)	724 (10.8)	2157 (32.1)	997 (14.8)	903 (13.4)	891 (13.2)	298 (4.4)			
	F	59 (8.4)	63 (8.9)	211 (30.0)	114 (16.2)	126 (17.9)	76 (10.8)	55 (7.8)			
Fraud	M	50 (4.6)	66 (6.1)	282 (26.1)	185 (17.1)	285 (26.4)	175 (16.2)	36 (3.3)			
	F	20 (5.0)	29 (7.3)	110 (27.8)	76 (19.1)	86 (21.7)	66 (16.6)	10 (2.5)			
Offences again- st the person	M	133 (5.4)	141 (5.7)	552 (22.5)	354 (14.4)	439 (17.9)	299 (12.2)	536 (21.8)			
	F	6 (3.5)	1 (.6)	22 (12.9)	21 (12.4)	24 (14.1)	16 (9.4)	80 (47.1)			
Driving offences	M	483 (13.2)	524 (14.3)	1317 (36.0)	496 (13.6)	437 (12.0)	347 (9.5)	51 (1.4)			
	F	4 (3.7)	7 (6.4)	34 (31.2)	21 (19.3)	16 (14.7)	24 (22.0)	3 (2.8)			
Unlawful poss- ession of property	M	86 (9.7)	90 (10.2)	290 (32.8)	153 (17.3)	134 (15.2)	115 (13.0)	15 (1.7)			
	F	0	0	3 (18.8)	4 (25.0)	3 (18.8)	3 (18.8)	3 (18.8)			
Property damage	M	197 (12.5)	179 (11.3)	548 (34.7)	237 (15.0)	202 (12.8)	140 (8.9)	77 (4.9)			
	F	8 (8.9)	6 (6.7)	23 (25.6)	19 (21.1)	20 (22.2)	4 (4.4)	10 (11.1)			
Break, enter, steal	M	127 (16.9)	115 (15.3)	293 (39.0)	103 (13.7)	69 (9.2)	34 (4.3)	10 (1.3)			
	F	5 (12.8)	7 (17.9)	14 (35.9)	5 (12.8)	6 (15.4)	1 (2.6)	1 (2.6)			
Unlawful poss- ession of weapon	M	77 (7.4)	75 (7.2)	284 (27.3)	142 (13.6)	165 (15.9)	139 (13.4)	159 (15.3)			
	F	0	0	3 (18.8)	4 (25.0)	3 (18.8)	3 (18.8)	3 (18.8)			
TOTAL (all offences)	M	2867 (10.3)	2715 (9.7)	7893 (28.3)	3795 (13.6)	4014 (14.4)	4156 (14.9)	2449 (8.8)			
	F	339 (4.5)	345 (4.5)	1728 (22.8)	1266 (16.7)	1476 (19.5)	1652 (21.8)	779 (10.3)			

different ages and drawn comparisons with the offending of men of similar ages. This means that criminologists have proceeded to theorize the causes of female crime without a basic understanding of the type of offences committed by females at different ages. In view of the findings of this Table, that the nature and extent of female crime varies considerably with age, this is a serious oversight.

Table 9 indicates the type and extent of offences committed by females and males of six different age groupings. Figures in brackets are the number of female or male offenders of the stated age and offence group expressed as a percentage of the total number of females or males of all ages convicted for that offence. The table is designed to be read horizontally so that reading from left to right (from younger to older) it is possible to determine whether the offending of females and males increases or decreases or randomly fluctuates with age.

It is clear from Table 9 that the age pattern of female offending is not simply the result of random fluctuations but that females of certain ages commit significantly more crime (and more crime of a certain type) than others. In fact the nature and extent of female crime varies dramatically with age. The Home Office Crime Statistics for England and Wales on the sex and age of persons found guilty or cautioned for indictable offences in 1980 were presented graphically in Figure 1. These made it plain that young adolescents commit more crime than any other age group. The peak was fifteen for boys and fourteen for girls. From this age onwards the offending of both males and females diminishes fairly steadily, with male crime diminishing at a faster rate than female crime. From Table 9 it is now apparent that it is not only the amount of female and male crime which changes with age (that is, diminishes) but also the

type of crime.⁽¹¹³⁾

For the offence of larceny over half of the female offenders are thirty and over, while 37.2% are forty and over.⁽¹¹⁴⁾ The pattern for male offenders convicted for larceny is quite different. There is a much smaller proportion of offenders in the older age groups. In fact there are more males in the 20-24 age group than there are in the group 40+. The female age pattern for larceny contrasts markedly with the female pattern for the 'masculine' crime of break, enter and steal where there is a concentration of offenders in the younger age groups. Two thirds of offenders are under 25,⁽¹¹⁵⁾ although it should be noted that this fraction represents only a small absolute number of offenders. A different female age pattern of offending is evidenced again for prostitution where over two thirds of offenders are in their twenties. Fraud, however, shows a female age pattern similar to larceny although offenders are more evenly spread across the four older age groups.

In order to ascertain the offence distribution of the different age groups, rather than the age distribution of females involved in the top ten female offences, Table 10a re-organises the data on female crime from Table 9, while Table 10b presents the top ten male offences in a similar form. Tables 10a and 10b are designed to be read vertically,

(113) A word of caution is needed here about the comparability of the Home Office and the New South Wales Statistics. The Home Office data on the sex and age of indictable offenders are drawn from all courts (including Children's Courts) whereas the New South Wales data are restricted to Courts of Petty Sessions (that is, they exclude Children's Courts). This means that offenders under eighteen are underrepresented in Table 10.

(114) Given that only 21.8% of female offenders are in this age bracket, the older female contributes more than her fair share to the crime of larceny.

(115) This is despite the fact that less than a third of female offenders are in this age group.

Table 10a

1. PLACE	New South Wales	2. PERIOD	1978	3. STAGE IN CRIM. JUS. PROC.	Convicted: Courts of Petty Sessions		
4. DATA SOURCE	Dept. of A.G. & Justice, NSW Bureau Crime Stats. & Research, Court Statistics 1978, Statistical Report 10, Series 2, Feb.1980.						
5. OFFENDERS SAMPLED	a) SEX	Females Only	b) AGE	Under 18 - 40+	6. OFFENCES SAMPLED	Top 10 Female.	
7. EXPRESSION OF DATA	%F pop. of Stated Age Group - Bracketed Figures.						
	<u>A G E</u>						
Offences (Top 10 Female)	Under 18 (sic)	19	20-24	25-29	30-39	40+	Not known
Larceny	181 (53.4)	156 (45.2)	601 (34.8)	518 (40.9)	783 (53.0)	1364 (82.6)	60 (7.7)
Prostitution	36 (10.6)	61 (17.7)	618 (35.8)	450 (35.5)	360 (24.4)	69 (4.2)	5 (.6)
Offensive behaviour	59 (17.4)	63 (18.3)	211 (12.2)	114 (9.0)	126 (8.5)	76 (4.6)	55 (7.1)
Fraud	20 (5.9)	29 (8.4)	110 (6.4)	76 (6.0)	86 (5.8)	66 (4.0)	10 (1.3)
Offences against the person	6 (1.8)	1 (.3)	22 (1.3)	21 (1.7)	24 (1.6)	16 (1.0)	80 (10.3)
Driving offences	4 (1.2)	7 (2.0)	34 (2.0)	21 (1.7)	16 (1.1)	24 (1.5)	3 (.4)
Unlawful possession of property	6 (1.8)	9 (2.6)	32 (1.9)	15 (1.2)	17 (1.2)	11 (.7)	6 (.8)
Property damage	8 (2.4)	6 (1.7)	23 (1.3)	19 (1.5)	20 (1.4)	4 (.2)	10 (1.3)
Break, enter, steal	5 (1.5)	7 (2.0)	14 (.8)	5 (.4)	6 (.4)	1 (.1)	1 (.1)
Unlawful possession of weapon	0	0	3 (.2)	4 (.3)	3 (.2)	3 (.2)	3 (.4)
TOTAL*	(96.0)	(98.2)	(96.7)	(98.2)	(97.6)	(99.1)	

* % of the total female offender population represented by the aggregate of the top ten offences.

Table 10b

1. PLACE	New South Wales	2. PERIOD	1978	3. STAGE IN CRIM. JUS. PROC.	Convicted: Courts of Petty Sessions		
4. DATA SOURCE	Dept. of A.G. & Justice, NSW Bureau Crime Stats. & Research, Court Statistics 1978, Statistical Report 10, Series 2, Feb. 1980.						
5. OFFENDERS SAMPLED	a) SEX	Males Only	b) AGE	Under 18 - 40+	6. OFFENCES SAMPLED	Top 10 Male	
7. EXPRESSION OF DATA	% M pop. of Stated Age Group - Bracketed Figures.						
		<u>A G E</u>					
Offences (Top 10 Male)	Under 18 (sic)	19	20-24	25-29	30-39	40+	Not known
Offensive behaviour	758 (26.4)	724 (26.7)	2157 (27.3)	997 (26.3)	903 (22.5)	891 (21.4)	298 (12.2)
Larceny	795 (27.7)	642 (23.6)	1556 (19.7)	731 (19.3)	809 (20.2)	1381 (33.2)	72 (2.9)
Driving offences	483 (16.8)	524 (19.3)	1317 (16.7)	496 (13.1)	437 (10.9)	347 (8.3)	51 (2.1)
Offences against the person	133 (4.6)	141 (5.2)	552 (7.0)	354 (9.3)	439 (10.9)	299 (7.2)	536 (21.9)
Damage to property	197 (6.9)	179 (6.6)	548 (6.9)	237 (6.2)	202 (5.0)	140 (3.4)	77 (3.1)
Fraud	50 (1.7)	66 (2.4)	282 (3.6)	185 (4.9)	285 (7.1)	175 (4.2)	36 (1.5)
Unlawful possession of a weapon	77 (2.7)	75 (2.8)	284 (3.6)	142 (3.7)	165 (4.1)	139 (3.3)	159 (6.5)
Unlawful possession of property	86 (3.0)	90 (3.3)	290 (3.7)	153 (4.0)	134 (3.3)	115 (2.8)	15 (.6)
Break, enter & steal	127 (4.4)	115 (4.2)	293 (3.7)	103 (2.7)	69 (1.7)	34 (.8)	10 (.4)
Betting & gaming	2 (.1)	1 (0)	48 (.6)	79 (2.1)	217 (5.4)	234 (5.6)	9 (.4)
TOTAL*	(94.3)	(94.1)	(92.8)	(91.6)	(91.1)	(90.2)	

* % of the total male offender population represented by the aggregate of the top ten offences.

from the top (the most common female or male offence) to the bottom. Figures in brackets indicate the number of females of the stated age group committing the stated offence expressed as a percentage of all female offenders of that age group.

Table 10a makes it plain that the offending of young females is more diverse than the offending of older women. Considering the oldest group first, 82.6% of women forty and over were convicted for the same offence: larceny. Only 34.8% of 20-24 year olds, however, were convicted for larceny, more were convicted for prostitution (35.8%) and a significant minority were found guilty of offensive behaviour (12.2%). When Table 10a is compared with Table 10b, it is apparent that the offending of females of all ages is spread across a smaller range of offences than the offending of males. This is particularly true of the older age groups.

The largest proportion of females of all ages (except 20-24) are convicted of larceny. Over half the females aged eighteen, 30-39 and forty and over are convicted of this offence. In no age by offence group do males even approach this percentage contribution. The largest single group of male offenders is forty and over and convicted of larceny (33.2%). Consequently, although it is possible to say that female offenders of most ages are typically shopstealers,⁽¹¹⁶⁾ it is impossible to typify males in this way. Male offending is dispersed over a range of offences with 'offensive behaviour', larceny and driving offences attracting the largest numbers.

The effect of these different age patterns of offending on the shape of the contribution of women to the total offender population (at

(116) Female offenders in their twenties are typically shopstealers or prostitutes.

the lower court level) of the six different age groupings considered above is demonstrated in Table 11. Here we see a steady diminution of the sex ratio (increase in the contribution of females) as the age of offenders increases. This increase in the %FC with age does not, however, mean an increase in the amount of female offending, as a brief look at the absolute number of female offenders reveals. The diminishing sex ratio and the increasing %FC is actually a function of the rate at which male offending diminishes with age relative to female offending. It does so much faster. For a graphic illustration of this point see Figure 1 which, although based on the British Home Office statistics, demonstrates this convergence of the offending of men and women as they get older by way of a steeper downward slope for men than for women.

Victoria

The most detailed information on female offending in Victoria comes from the Victorian Police's Statistical Review of Crime. Table 12, which is drawn from this source, shows the sex and age of people proceeded against in 1978 for the alleged commission of various offences. The %FC and the % of F pop. have been computed for the two most common offences for which women were proceeded against - larceny and 'obtain by deception' - as well as for the two offences to which women contributed the least: the 'masculine' offences of burglary and motor vehicle theft. Table 12 gives a much better indication of the relative involvement of girls and women in different types of offences than the New South Wales data because it is not restricted to convictions in lower courts (thus excluding children's courts) but includes all offenders proceeded against.

The juxtaposition of these four offences in the one table vividly demonstrates that girls commit considerably more masculine offences than

Table 11

1. PLACE New South Wales		2. PERIOD 1978 & 1979							
3. STAGE IN CRIM. JUS. PROC. Convicted: Courts of Petty Sessions									
4. DATA SOURCE Dept. A.G. & Justice, NSW Bureau of Crime Statistics & Research, Court Statistics 1978, Stat. Report 10, Series 2, Feb. 1980 & Court Statistics 1979, Stat. Report 11, Series 2.									
5. OFFENDERS SAMPLED		a) SEX Males & Females				b) AGE 18 - 40+			
6. OFFENCES SAMPLED All Convictions									
7. EXPRESSION OF DATA %FC; Male/Female Ratio; # indicates figure divided by number of years in age grouping.									
<u>YEAR</u>									
<u>Age</u>	<u>1978</u>				<u>1979</u>				
	M	F	%FC	M/F Ratio	M	F	%FC	M/F Ratio	
18	2867	339	10.6	8.5:1	2594	283	9.8	9.2:1	
19	2715	345	11.3	7.9	2408	331	12.1	7.3	
20-24	1579#	346#	18.0	4.6	1473#	277#	15.8	5.3	
25-29	759#	253#	25.0	3.0	729#	183#	20.1	4.0	
30-39	401#	148#	27.0	2.7	404#	112#	21.7	3.6	
40+	4156	1652	28.4	2.5	4013	1794	30.9	2.2	
Unknown	2449	799			2052	596			

Table 12

1. PLACE	Victoria	2. PERIOD	1978	3. STAGE OF CRIM. JUS. PROC.	People Proceeded Against											
4. DATA SOURCE	Victoria Police, <u>Statistical Review of Crime, 1978.</u>															
5. OFFENDERS SAMPLED	a) SEX Males & Females			b) AGE Juveniles - 25 & over.												
6. OFFENCES SAMPLED	Selected Offences															
7. EXPRESSION OF DATA	% total female offender population for stated offence; %FC (which is in this context the number of females in given age group expressed as a % of all offenders in that age group).															
<u>AGE</u>		<u>SELECTED OFFENCES</u>														
	<u>Burglary</u>				<u>Motor Vehicle Theft</u>				<u>Obtain by deception etc.#</u>				<u>Larceny</u>			
	M	F	% of F pop.	%FC	M	F	% of F pop.	%FC	M	F	% of F pop.	%FC	M	F	% of F pop.	%FC
Juveniles	2635	132	56.7	4.8	1345	29	46.0	2.1	144	67	14.0	31.8	3745	1657	33.7	30.7
17 - 20	867	53	22.7	5.8	1001	23	36.5	2.2	288	110	22.9	27.6	1631	513	10.4	23.9
21 - 24	394	27	11.6	6.4	235	4	6.3	1.7	222	61	12.7	21.6	635	378	7.7	37.3
25 & over	450	21	9.0	4.5	164	7	11.1	4.1	827	242	50.4	22.6	2305	2368	48.2	50.7

Includes "Offences Against Trust" and "Currency Offences".

women. Over half of the female burglaries were committed by girls under seventeen, while nearly 80% of female burglars were under twenty one. Over 80% of female motor vehicle thefts were committed by females under twenty one. While girls and young women also commit a large number of non-violent offences against property, women over twenty-five likewise contribute substantially to the crimes of larceny and 'obtain by deception'. Slightly more than fifty percent of larcenies were committed by women twenty-five and over. These findings are consistent with the New South Wales data which indicate that older women tend not to commit offences of violence but are, nevertheless, a large proportion of female offenders who steal.

Western Australia

Statistics released by the Western Australian Commissioner of Police provide further information on the nature and extent of the offending of young females. Data are provided on twelve age groups under twenty-five. Table 13 indicates the number of females and males involved in crimes 'reported to the police'. By employing data from the earliest stage at which offenders can be identified in the criminal justice process - when they come in contact with police - the effects of what Sellin identified as 'crime mortality' ⁽¹¹⁷⁾ are minimised.

The offences of 'break and enter' and 'motor vehicle theft' were again selected as examples of masculine offences with low female participation. In fact motor vehicle theft was the offence in which females

(117) The Victorian data were drawn from the next stage in the justice process - offenders proceeded against - while the New South Wales statistics were taken from an even later stage in the process - the conviction of the offender.

Table 13

1. PLACE Western Australia		2. PERIOD 1980-81 financial year				3. STAGE IN CRIM. JUS. PROC. Crimes Reported to Police.						
4. DATA SOURCE Annual Report of the Commissioner of Police (W.A.) for year ended 30 June, 1981.												
5. OFFENDERS SAMPLED		a) SEX Males & Females				b) AGE Under 14 - Over 24						
6. OFFENCES SAMPLED Selected Offences												
7. EXPRESSION OF DATA %F pop. (for stated offence); %FC (for stated offence)												
<u>SELECTED OFFENCES</u>												
<u>Age</u>	<u>Break & enter</u>				<u>Motor Vehicle Theft</u>				<u>Fraud</u>			
	M	F	% of F pop.	%FC	M	F	% F pop.	%FC	M	F	% F pop.	%FC
Under 14	812	96	37.2	10.6	123	16	21.6	11.5	22	5	2.3	18.5
14	408	61	23.6	13.0	123	22	29.7	15.2	13	2	.9	13.3
15	391	29	11.2	6.9	151	9	12.2	5.6	15	6	2.8	28.6
16	329	18	7.0	5.2	152	9	12.2	5.6	9	12	5.5	57.1
17	279	6	2.3	2.1	151	3	4.1	1.9	23	12	5.5	34.3
18	197	8	3.1	3.9	94	7	9.5	6.9	31	7	3.2	18.4
19	149	5	1.9	3.2	68	1	1.4	1.4	21	10	4.6	32.3
20	112	8	3.1	6.7	54	1	1.4	1.8	20	6	2.8	23.1
21	102	5	1.9	4.7	38	-	-	-	30	8	3.7	21.1
22	72	2	.8	2.7	20	1	1.4	4.8	23	10	4.6	30.3
23	57	3	1.2	5.0	19	2	2.7	9.5	19	6	2.8	24.0
24	42	1	.4	2.3	24	-	-	-	19	9	4.1	32.1
Over 24	287	16	6.2	5.3	83	3	4.1	3.5	393	124	57.1	24.0

participated the least. Fraud was selected as the commonest offence of females as larceny was not listed in the Commissioner's Report. The greatest female contributors to the masculine offences were very young girls. Slightly more than 60% of females reported for breaking and entering were fourteen years and under, while over 50% of females reported for motor vehicle thefts were in this age group. Only 3.2% of females reported for fraud, however, were under fifteen. The majority of frauds committed by females involved women over 24 (57.1%). This age group, however, constituted only a small proportion of females reported for the two masculine offences: 6.2% of reports of 'break and enter' and 4.1% of 'motor vehicle thefts'.

The smallness of the contribution of females to offences of violence is dramatically illustrated by Figure 3 which is taken directly from the Police Commissioner's Annual Report. The only offences in which women represent a significant minority are theft and fraud. Again women are found to figure least in the masculine offences of motor vehicle theft (6.3%), robbery with violence (6.6%), serious assault (7.14%) and breaking and entering (7.38%). Comparing the findings of Table 13 with Figure 3 it becomes clear that it is young girls of sixteen and less who make up the bulk of females committing both motor vehicle thefts and breaking and entering. And it is women of twenty-five and over who make up the majority of frauds. Of all 'breaking and entering' committed by fourteen year olds, 13% is accounted for by girls and therefore 87% by boys. This is almost twice the contribution of females of all ages to this offence as indicated in Figure 3. The %FC of fourteen year old girls to the motor vehicle thefts committed by all offenders of this age is 15.2% (Table 13), while the %FC to motor vehicle thefts committed by offenders of all ages is only 6.3% (Figure 3). The enormity of these discrepancies highlights the danger of generalising about the nature and extent of female crime without reference to the age of the offender. Crime statistics

Figure 3

1. PLACE	Western Australia	2. PERIOD	1980-81 financial year
3. STAGE IN CRIM. JUS. PROC.	"Persons Responsible for Offences" as defined by the W.A. Police.		
4. DATA SOURCE	Annual Report of the Commissioner of Police (W.A.).		
5. OFFENDERS SAMPLED	a) SEX Males & Females	b) AGE	N/A
6. OFFENCES SAMPLED	Selected Offences.		
7. EXPRESSION OF DATA	%MC; %FC.		
TOTAL OFFENDERS - 17033			
	80.72%	19.28%	
Males		Females	
HOMICIDE - 33	90.90%	9.10%	
SERIOUS ASSAULT - 392	92.86%	7.14%	
ROBBERY WITH VIOLENCE - 91	93.40%	6.60%	
BREAKING AND ENTERING - 3495	92.62%	7.38%	
MOTOR VEHICLE THEFT - 1174	93.70%	6.30%	
THEFT - 8302	70.72%	29.28%	
FRAUD - 855	74.60%	25.40%	
DRUGS - 1438	86.24%	13.76%	
ASSAULTING POLICE - 198	88.89%	11.11%	

which fail to provide an age breakdown of offenders disguise the important differences between not only the offending of women and girls, but also between the offending of girls of different ages as well as the offending of women of different ages.

Queensland

The Annual Report of the Commissioner of Police for Queensland does not indicate the sex of adult offenders. The Queensland Office of the Australian Bureau of Statistics does, however, produce statistics on the sex of persons appearing before higher and lower courts. These statistics for the financial year 1978-1979 show that no females appeared before higher courts on charges of motor vehicle theft (there were 82 males), and that only four women appeared on charges of breaking and entering (there were 127 men) at this court level. Although the %FC to appearances for larceny was 16.2%, this only amounted to 37 women.

Information on the sex and age of offenders brought before lower courts is available for the financial year 1974-1975.⁽¹¹⁸⁾ Statistics on the five age groups up to sixteen are drawn from Children's Courts, while information on the seven groups which comprise seventeen year olds to the over seventies are taken from Magistrates' Courts. The masculine offences of 'break and enter' and 'motor vehicle theft' have again been selected to indicate the bottom end of the female range of offending. 'Other stealing' and 'fraud' represent the top of the range.

Consistent with the findings of the other states considered here, Table 14 indicates that the young are the principal female offenders

(118) The Australian Bureau of Statistics ceased giving this information after the 1974-75 financial year.

Table 14

1. PLACE	Queensland	2. PERIOD	1974-75	3. STAGE IN CRIM. JUS. PROC. Persons Brought Before Lower Courts								
4. DATA SOURCE	Australian Bureau of Statistics, Queensland Office, <u>Queensland: Law & Order, 1974-75</u> , Cat.No.4502.3											
5. OFFENDERS SAMPLED	a) SEX Males & Females			b) AGE Under 13 - 70 and over.								
6. OFFENCES SAMPLED	Selected Offences.											
7. EXPRESSION OF DATA	%F pop.											
<u>SELECTED OFFENCES</u>												
Age	<u>Break, enter⁺</u>			<u>Motor vehicle theft</u>			<u>Other Stealing</u>			<u>Fraud & False Pretences</u>		
	M	F	%F pop.	M	F	% F pop.	M	F	% F pop.	M	F	% F pop.
under 13*	244	10	14.5	24	1	2.2	167	25	1.9	1	-	-
13	192	7	10.1	37	5	11.1	161	41	3.1	1	-	-
14	208	13	18.8	71	12	26.7	224	81	6.0	1	2	1.7
15	176	11	15.9	111	6	13.3	222	65	4.8	2	4	3.3
16	188	10	14.5	151	5	11.1	257	94	7.0	7	-	-
17-19**	325	11	15.9	282	7	15.6	930	275	20.5	70	23	19.0
20-29	276	7	10.1	196	8	17.8	1088	322	24.0	196	43	35.5
30-39	58	1	1.4	32	1	2.2	334	168	12.5	117	35	26.7
40-49	24	-	-	13	-	-	209	126	9.4	63	12	9.9
50-59	2	-	-	5	-	-	98	94	7.0	33	2	1.7
60-69	-	-	-	1	-	-	54	38	2.8	7	-	-
70 & Over	-	-	-	-	-	-	16	14	1.0	-	-	-

+ Of premises other than houses. * Up to 16 inclusive persons are brought before Children's Courts.

** From 17 inclusive persons are brought before Magistrates' Courts.

where the offence is masculine. For both 'break and enter' and 'motor vehicle theft' there was only one female over the age of twenty-nine. Further, 88.5% of females appearing on charges of 'breaking and entering' were under twenty, while 80% of female appearances for motor vehicle theft involved this age group. For both of the masculine offences, the most prolific offenders were fourteen year olds. The contribution of girls under seventeen to the crime of fraud was, however, only 5%. The largest group of females involved in frauds were in their twenties. This was also true for larceny, although this offence can be clearly distinguished from the other three by the substantial contribution of older women, a pattern which was also evident in the other states.

An investigation into the nature of female juvenile crime in Queensland conducted by June Fielding has also concluded that it is "not as limited as has been traditionally associated with females".⁽¹¹⁹⁾ Drawing on the Annual Reports of the Department of Children's Services for the previous financial year (1973-74), Fielding found that girls participated in 29 of the 62 offences listed, and that, although stealing was the commonest offence of girls, significant numbers were also involved "in what have been traditionally considered as the more aggressive 'masculine' delinquency offences against property such as car theft, breaking and entering, and vandalism".⁽¹²⁰⁾

Fielding's study also considered the extent and nature of the offending of girls in Queensland from 1953 to 1974. Consistent with the findings of the American criminologists, Balkan and Berger (who examined trends in the offending of American girls from 1960 to 1975), Fielding found that female delinquency had diversified over this period. It had

(119) June Fielding, "Female Delinquency", in Paul Wilson, ed., Delinquency in Australia: A Critical Appraisal, Queensland, University of Queensland Press, 1977, p.153 at 175.

(120) Ibid.

become more violent. Over the sixteen years considered, girls had added car theft, vandalism and 'break and enter' to their repertoire of offences.

South Australia

In South Australia the Office of Crime Statistics records the number of persons charged in higher (Supreme and District Criminal) and lower (Summary) courts. Table 15 shows the top ten offences for which females were charged in higher courts during the financial year 1980 to 1981. The %FC for each of these offences has also been computed.

The rather unexpected results of the rank order, which indicate that the commonest female offence is the 'masculine' offence of 'break and enter' and the third most common, 'house break and enter', make it important to examine the absolute numbers of female offenders to determine the extent of female offending. These reveal that there were few females involved in not only the masculine offences but all the offences tried at this higher court level. These small numbers (also evidenced by the %FC) have enabled a crime to which women contribute very little (the %FC is only 5.6%) to become number one in the rank order.

Table 16 makes it plain that women in South Australia still primarily come before the courts on charges of larceny and are tried at a lower court level. For the financial year 1979 to 1980, over 44% who came before lower courts were charged with larceny making up over half (51.4%) of the offender population for this offence. Consistent with the findings of the other Australian states, a comparison of the %F pop. and %M pop. reveals that female offending in South Australia is less varied than male offending and that the contribution of females to the masculine and violent offences is small. Common assault, wilful damage and

Table 15

1. PLACE	South Australia	2. PERIOD	1980-81 financial year		
3. STAGE IN CRIM. JUS. PROC.	Persons Charged: Supreme & District Criminal Courts				
4. DATA SOURCE	A.G.'s Dept., Office of Crime Statistics, Statistics from Supreme and District Criminal Courts, 1st July, 1980 to 30th June, 1981.				
5. OFFENDERS SAMPLED	a) SEX	Males & Females	b) AGE	N/A	
6. OFFENCES SAMPLED	Top 10 Female				
7. EXPRESSION OF DATA	%FC				
Offences (Top 10 Female)	M	F	%FC	F Rank Order#	
Break & enter excl. houses	336	20	5.6%	1	
Larceny	123	19	13.4	2	
House break & enter	191	12	5.9	3)	
Forge & Utter	25	12	32.4	3)	
Major Assault	146	10	6.4	5	
Embezzlement	29	9	23.1	6	
Cultivate Marijuana	108	7	6.0	7	
Possess Marijuana for sale	36	5	12.2	8	
Robbery excl. armed	27	3	10.0	9	
Attempt murder	6	2	25.0	10)	
Minor assault	24	2	7.7	10)	
Other narcotics sell etc.	16	2	11.1	10)	
Other narcotics use etc.	1	2	66.7	10)	

#Persons charged with the 13 other offences heard
in these courts were all male.

Table 16

1. PLACE South Australia		2. PERIOD 1979/1980 Financial Year		3. STAGE IN CRIM. JUS. PROC. Persons charged: Courts of Summary Jurisdiction.		
4. DATA SOURCE A.G.'s Dept., Office of Crime Stats., Statistics from Criminal Courts of Summary Jurisdiction, South Australia.						
5. OFFENDERS SAMPLED		a) SEX Males & Females		b) AGE N/A	6. OFFENCES SAMPLED Top 10 Female.	
7. EXPRESSION OF DATA Males as % Male Offender Pop.; Females as % Female Offender Pop.; %FC						
Offences (Top 10 Female)	M	%M Off. Pop.	F	F rank order	% F Off. Pop.	%FC
Simple Larceny - shop theft	881	8.1%	930	1	44.9	51.4%
Drunkenness	1723	15.8	211	2	10.2	10.9
Disorderly behaviour	1349	12.4	193	3	9.3	12.5
P.C.A.	2526	23.2	179	4	8.6	6.6
Offensive Language	806	7.4	132	5	6.4	14.1
Possess Drugs	870	8.0	122	6	5.9	12.3
Offences Relating to Prostitution	14	.1	81	7	3.9	85.1
D.U.I.	1003	9.2	70	8	3.4	6.5
Common Assault	832	7.6	68	9	3.3	7.6
Wilful Damage	581	5.3	44	10	2.1	7.0
Assault Police	307	2.8	41	11	2.0	11.8

assaulting police are the least common offences of females listed here.

National Crime Trends

Although Australia has yet to set up a uniform crime reporting system,⁽¹²¹⁾ criminologists working with the Australian Institute of Criminology have produced the next best thing. After examining all cases appearing before Magistrates Courts in four Australian states (New South Wales, Queensland, South Australia and Western Australia) from 1900 to 1975, Satyanshu K. Mukherjee and R. William Fitzgerald recently documented patterns in the offending of Australian women for four offence groups: offences against the person, offences against property, offences against good order and total offences (the other three offence groups combined).⁽¹²²⁾ Figures were made comparable from state to state by expressing the amount of crime as rates per 100,000 population.

Like Smart and Steffensmeier, Mukherjee and Fitzgerald found that there has not been a consistent and steady increase in female crime this century. Instead it has fluctuated. For some time segments it has increased. For others it has decreased. Thus,

"If we were to study the pattern of (total) crime during the first three decades of the century, we could not but come to the conclusion that female crime was declining. Equally, if we study the period 1940 to 1976, we would have most probably confirmed the hypothesis [that female crime is increasing]." (123)

Even though the net effect of any increases in female crime is only to return it to levels experienced at the beginning of the century, the authors note that the recent trend in female crime has been upward.

(121) A single data source on crime in all the states of Australia.

(122) Satyanshu K. Mukherjee and R. William Fitzgerald, "The Myth of Rising Female Crime", in S.K. Mukherjee and Jocelyne A. Scutt, Women and Crime, Sydney, Australian Institute of Criminology and George Allen & Unwin, 1981, p.127.

(123) Ibid, pp. 140-1.

"[A]ll the curves show an increase in the rate of crime since the most recent turning point which occurred between 1963 and 1965 in all the states except Queensland..." (124)

Property crime showed the most marked increase. In fact

"property crimes by females have been increasing at a faster rate than property crimes by males during the entire period of study." (125)

When the relative participation of females in crime is considered,⁽¹²⁶⁾ however, a somewhat different picture of female offending emerges. In relation to offences against the person, the relative participation of females has actually declined since the end of the Second World War, with the contribution of females since then being lower than any period prior to the mid 1940s. Female offences against property, however, demonstrate the reverse trend when expressed as a proportion rather than as a rate. As the authors observe,

"The relative participation by females in this offence category is the highest since the mid 1960s than any time before." (127)

A more recent contribution to the study of Australian crime trends by Mukherjee and his associates is a Source Book of Australian Criminal and Social Statistics: 1900 to 1980.⁽¹²⁸⁾ Here Mukherjee provides raw statistics on the number of males and females charged and convicted for various offences. These include the 'masculine' crime of burglary as well as the offence which women typically commit: larceny. In his earlier investigation Mukherjee combined these two offences under the heading of 'offences against property' and noted the significant increase in both the rates, and the relative participation, of female offending.

(124) Ibid, p: 148.

(125) Ibid, pp. 151 & 155.

(126) As opposed to an independent female figure indicating rates per 100,000.

(127) Ibid, p. 162.

(128) Satyanshu K. Mukherjee, Evelyn N. Jacobsen and John R. Walker, op.cit.

Although the more recent statistics are not adjusted for the sex ratio of the population (they are not expressed as rates per 100,000), they do provide a rough guide to the nature of the increases in female crimes against property. They indicate that although the mainly non-violent, property crime of larceny has begun to attract large numbers of women, the female involvement in the masculine and violent crime of burglary is still low.

Table 17 shows that the %FC to burglary has fluctuated this century but remained small. Trends for larceny, however, are quite different. In all of the four states considered, the most recent %FC is the highest ever. Moreover, larceny now represents a significant minority of female offenders in all states. By 'lumping' all offences against property together in his earlier study, Mukherjee effectively disguised these different trends for larceny and burglary and gave the impression that all female property offences had increased.

A comparison of Table 17 with Tables 15 and 16 brings into even closer focus the nature of changes in female property crime. From the South Australian figures it is clear that the principal female offence against property is petty shop theft,⁽¹²⁹⁾ while the %FC for more serious larcenies (those tried at a higher court level) is small. It follows that increases in female property crime have not only been restricted to the non-violent crime of larceny, but to the petty larceny of shoptheft. This interpretation is consistent with Steffensmeier's findings in that he also narrowed down the increase in the offending of American women to petty property crimes.⁽¹³⁰⁾ What Mukherjee's figures therefore probably establish is that, throughout Australia, or rather the four states considered, there have recently been substantial increases in female shop-theft.

(129) It is petty in the sense that offenders are normally tried at the lower court level.

(130) See Steffensmeier and Cobb, op.cit., p.42 and Steffensmeier (1978), op. cit.

Table 17

1. PLACE South Australia, New South Wales, Queensland and Western Australia												
2. PERIOD 1900-1976			3. STAGE IN CRIM. JUS. PROC. Convicted.									
4. DATA SOURCE Satyanshu K. Mukherjee, Evelyn N. Jacobsen and John R. Walker, <u>Source Book of Australian Criminal and Social Statistics: 1900 - 1980</u> , Canberra, Australian Institute of Criminology.												
5. OFFENDERS SAMPLED			a) SEX Males & Females			b) AGE N/A			6. OFFENCES SAMPLED Selected Offences			
7. EXPRESSION OF DATA %FC												
<u>Selected Offences</u>												
<u>BURGLARY*</u>												
<u>Year</u>	<u>South Australia</u>			<u>New South Wales</u>			<u>Queensland</u>			<u>Western Australia</u>		
	M	F	%FC	M	F	%FC	M	F	%FC	M	F	%FC
1900	1	-	-	8	1	11.1	33	0	0.0	-	-	-
1910	0	0	0	69	5	6.8	67	1	1.5	18	0	0
1920	1	0	0	131	2	1.5	46	0	0	13	1	7.1
1930	67	1	1.5	815	11	1.4	23	0	0	36	0	0
1940	69	4	5.5	1141	13	1.1	6	0	0	359	4	1.1
1950	88	4	4.3	898	16	1.8	2	0	0	235	2	.8
1960	474	11	2.3	4059	83	2.0	8	2	20.0	920	21	2.2
1970	931	18	1.9	5370	97	1.8	340	7	2.0	2278	98	4.1
1976	707	32	4.3	-	-	-	647	25	3.7	4152	269	6.1

*"Includes burglary, break, enter and steal, housebreaking, break and enter." (Mukherjee et al. p.x)

cont...

Table 17 (cont.)

<u>Year</u>	<u>Selected Offences</u>											
	<u>LARCENY*</u>											
	<u>South Australia</u>			<u>New South Wales</u>			<u>Queensland</u>			<u>Western Australia</u>		
	<u>M</u>	<u>F</u>	<u>%F</u>	<u>M</u>	<u>F</u>	<u>%F</u>	<u>M</u>	<u>F</u>	<u>%F</u>	<u>M</u>	<u>F</u>	<u>%F</u>
1900	267	-	-	1986	247	11.1	681	59	8.0	-	-	-
1910	194	11	5.4	2192	292	11.8	598	65	9.8	413	42	9.2
1920	182	15	7.6	3032	499	14.1	1224	111	8.3	709	65	8.4
1930	410	29	6.6	5886	894	13.2	1699	134	7.3	1249	86	6.4
1940	529	72	12.0	6118	923	13.1	1290	169	11.6	1543	139	8.3
1950	574	73	11.3	6696	817	10.9	1496	185	11.0	1697	170	9.1
1960	1553	177	10.2	12701	1684	11.7	2562	476	15.7	3252	443	12.0
1970	3047	809	21.0	14660	3441	19.0	3040	738	19.5	6737	1210	15.2
1976	2095	1046	33.3	-	-	-	2856	1019	26.3	6264	1131	15.3

* "Includes larceny, stealing in company, attempt to steal, stealing from the person, stealing from dwelling/shop, stealing from a vessel/wharf, larceny as bailee/agent/co-partner/servant/public servant, simple larceny, shoplifting, larceny of postal articles. (Excludes larceny of grown crops/stock.)" (Mukherjee et. al. p.x)

Summary and Conclusions

The aim of this chapter has been to describe the nature of female crime in four countries - England and Wales, the United States of America and Australia - using the best empirical data available. Unavoidable reliance on official sources of statistics demanded the expenditure of some time on an assessment of their merits and deficiencies. This critique of official crime figures focussed, in particular, on the possible distortions of crime patterns caused by the offender being female. To offset the problems of the official crime figures, as much use as possible was made of alternative sources of data which took the form of self-report studies.

The picture of female crime which emerged from this review of the statistics was remarkably consistent from country to country. The offending of females was found to be largely restricted to petty, property crimes. In fact, a review of investigations into trends in female crime revealed that any significant increases in the contribution of women to the crime total over the past several decades have been restricted to the offence of larceny, and that these larcenies were probably, in the main, shop thefts. The theory of 'the new violent female criminal' was thus found to be more myth than reality with females still contributing very little to either 'masculine' or violent crimes such as burglary and car theft.

After noting the failure of criminologists to take account of age patterns of female offending, statistics from the Home Office and some states of Australia have been used to demonstrate the differential age distributions of male and female criminality. The aim was to ascertain

the nature and extent of crime committed by females (and males) at different ages. Both the type and amount of female crime were found to vary significantly with the age of the offender, with young females engaging in more violent crime than older women, and older women engaging, almost exclusively, in shop thefts. Further, the female age pattern of offending was found to differ from the male pattern in that the sex ratio was greatest (the contribution of females was the least) for late adolescents and young adult offenders, and smallest (the contribution of females was the greatest) for very young and very old offenders.

CHAPTER 4

The Nature of Female CrimePart II: Surveying Shoplifters in South Australia

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CHAPTER 4

The Nature of Female CrimePart II: Surveying Shoplifters in South Australia

The absolute and relative involvement of women in crimes committed in England and Wales, the United States of America and Australia was examined in the previous chapter together with the nature of trends in female crime. It was shown that the principal offence committed by women was petty theft and that recent increases in female criminality have been largely the result of a rise in the rate of shoplifting. So far, nothing has been said about the socio-economic backgrounds of female offenders: whether they tend to be married or single; and whether they are salaried workers, housewives or unemployed. Nor has discussion considered the criminal background of female offenders.

The reason for these lacunae in the preceding statistical analysis of female crime is the limits of the official data. Crime statistics simply do not provide this level of detail. It is therefore the aim of this chapter to narrow the focus on the female offender using an alternative source of data. This is a survey of women appearing before Adelaide (South Australia) Magistrates' Courts on charges of shoplifting - the commonest offence of women. The findings of this survey will be supplemented with the results of other investigations into shoptheft conducted in England, America and Melbourne (Australia).

It was noted in the previous chapter that, ideally, an assessment of the nature of female crime should consider the effects of the factors of age, class and race. Although considerable data on the age of the offender were presented in Chapter 3, the variables of class and race were

omitted on account of the general unavailability of information on these aspects of female crime. In this chapter, although some information will be presented about the class as well as the age of women who shoplift, race will unfortunately again be excluded owing to the failure of the court hearing to disclose these facts about the offender.

The Survey

Aims

The aims of the survey were several. They included an attempt to ascertain the socio-economic and criminal (previous offending) profiles of shoplifters and a determination of their *modus operandi*. Other aims of the survey, concerning the motives given for offending, will be considered later.

The Sample

The sample for the survey comprised females and males pleading guilty to charges of shop theft before Adelaide Magistrates' Courts from the beginning of February to the end of May, 1982. Most larceny hearings are set for a Wednesday. To minimise time wasted in court, the sample was drawn from the cause list⁽¹⁾ for this day only. As only one person conducted the survey (the author) the sample was also restricted to shoplifters appearing in courts hearing the most larceny cases. In many instances larceny cases were held in several courts simultaneously and therefore a number of defendants were unavoidably eliminated from the sample: those whose cases were set for hearing in courts with the least number of larceny cases.

Subjects were restricted to defendants pleading guilty. These

(1) The list of defendants to be heard or tried is posted at the front of the court.

were the vast majority of people charged with larceny⁽²⁾ and their cases were usually heard immediately, while 'not guilty' pleas were always remanded for trial.

The Survey Form

The survey form (see Appendix 1) was designed around the type of information on the offender and the offence which is disclosed in court. The attendance by the author at a number of larceny cases prior to the survey enabled a determination of the type of data consistently revealed by defendants and police about the thefts. The form was consequently divided into three parts. Part 1 deals with the offender: his or her (a) sex, (b) age, (c) employment status, (d) marital status and (e) prior convictions. Details of the offence are recorded in Part 2. These include (a) items stolen, (b) value of property stolen and (c) *modus operandi* - that is whether the offender was alone at the time of committing the offence and how the property was removed from the store. Part 3, which concerns the defendant's explanation for the offence, will be discussed later in this thesis together with the relevant findings.

Findings

Part 1: The Offender

Sex Ratio

The survey was conducted over a four month period and resulted in a sample of 120 offenders, 80 of whom were women. To determine whether this is a statistically significant sample from which to generalise about shoplifters,⁽³⁾ the number of offenders in the sample was calculated

(2) Less than four percent of offenders pleading to charges of shop theft in South Australian courts of summary jurisdiction in the first half of 1981 pleaded not guilty.

(3) Whether the sample is representative of offenders appearing before the Adelaide Magistrates' Courts.

as a percentage of the total number of shoplifters appearing before Adelaide Magistrates' Courts during previous four month periods. These figures were obtained by dividing the number of shoplifters appearing in Adelaide Magistrates' Courts in 1980⁽⁴⁾ by three. The sample was found to represent approximately 59% of all offenders appearing on charges of shop theft before Adelaide Magistrates' Courts for the period of the survey. This was judged to be an adequate sample by the standards of recent criminological studies.

Due to the skewed sex ratio of the sample - a female/male ratio of 2:1 - the data on the female subjects are more reliable than those on the male offenders. Females surveyed represent a much greater portion of the total female offender population for the given period than do males of the total male offender population. This skewing of the sex ratio does, however, reflect the skewed nature of the total offender population appearing before Adelaide courts. In previous four month periods in 1979 and 1980 female/male ratios of shoplifters have been as high as 1.5:1. Although the sex ratio of the sample is greater than this, it is skewed in the right direction which means that sampling methods did not cause an inordinate bias in favour of females. It should be noted however that for the whole of South Australia the sex ratio is generally smaller: there is a larger proportion of male shoplifters (see Table 16, Chapter 3).

(4) Source: Attorney-General's Department, Office of Crime Statistics, Statistics from Courts of Summary Jurisdiction, Selected Returns from South Australian Courts: 1st January to 30th June, 1980 and 1st July to 31st December, 1980.

To determine whether the age distribution of the survey subjects reflected the age distribution of shoplifters throughout South Australia, as well as to ascertain the age patterns of the male and female subjects, information on the ages of subjects were coded in two ways. First, using the age groupings employed by the Office of Crime Statistics, female survey subjects were compared with female offenders appearing before South Australian lower courts in the first half of 1981 (see Figure 1). The survey was found to produce too many female offenders at the extremes of the age spectrum and not enough offenders in the young adult (25-39) bracket. There were also significant differences between the age patterns of the male offenders of the two samples. Males appearing before Lower Courts tended to be younger than survey subjects.

A second method of coding the ages of offenders is used by the South Australian Police Department in its report on the number of persons involved in crimes cleared in South Australia.⁽⁵⁾ For the reasons identified by Sellin in his theory of crime mortality,⁽⁶⁾ shoplifters documented by police represent a much larger sample of offenders than that of the Office of Crime Statistics derived from court statistics. Comparing the police figures for the first nine months of 1981 with the survey subjects, the age patterns of the two groups are found to be remarkably similar (see Figure 2). The one important difference is the over-representation of males and females of sixty and over among the survey sample. It would therefore appear that the age distribution of survey subjects does reflect the age distribution of shoplifters throughout the state. Accordingly, it is valid to generalise about the

(5) South Australian Police Department, "Statistics of Selected Crime Reported to the Police", The South Australian Government Gazette.

(6) Discussed in Chapter 3.

% of Female Population

% of Male Population

30.
25.
20.
15.
10.
5.

18-24 25-29 30-34 35-39 40-49 50-59 60+

18-24 25-29 30-34 35-39 40-49 50-59 60+

- : Age of Females and Males Charged with Shoplifting Appearing Before S.A. Lower Courts, 1 Jan - 30 June, 1981, expressed as % of Population of Same Sex.
- : Age of Female and Male Subjects in Adelaide Magistrates Survey, expressed as % of Population of Same Sex.

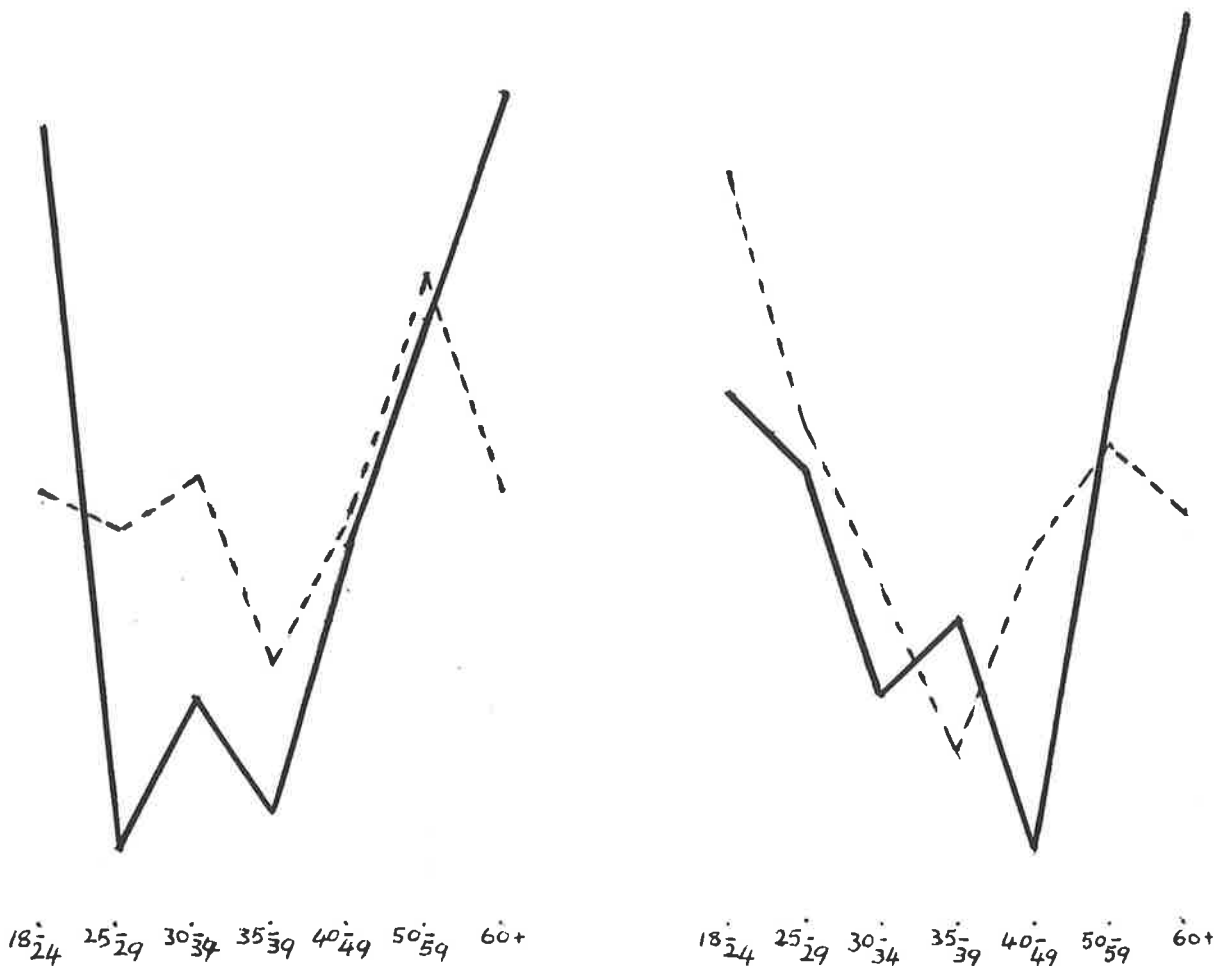
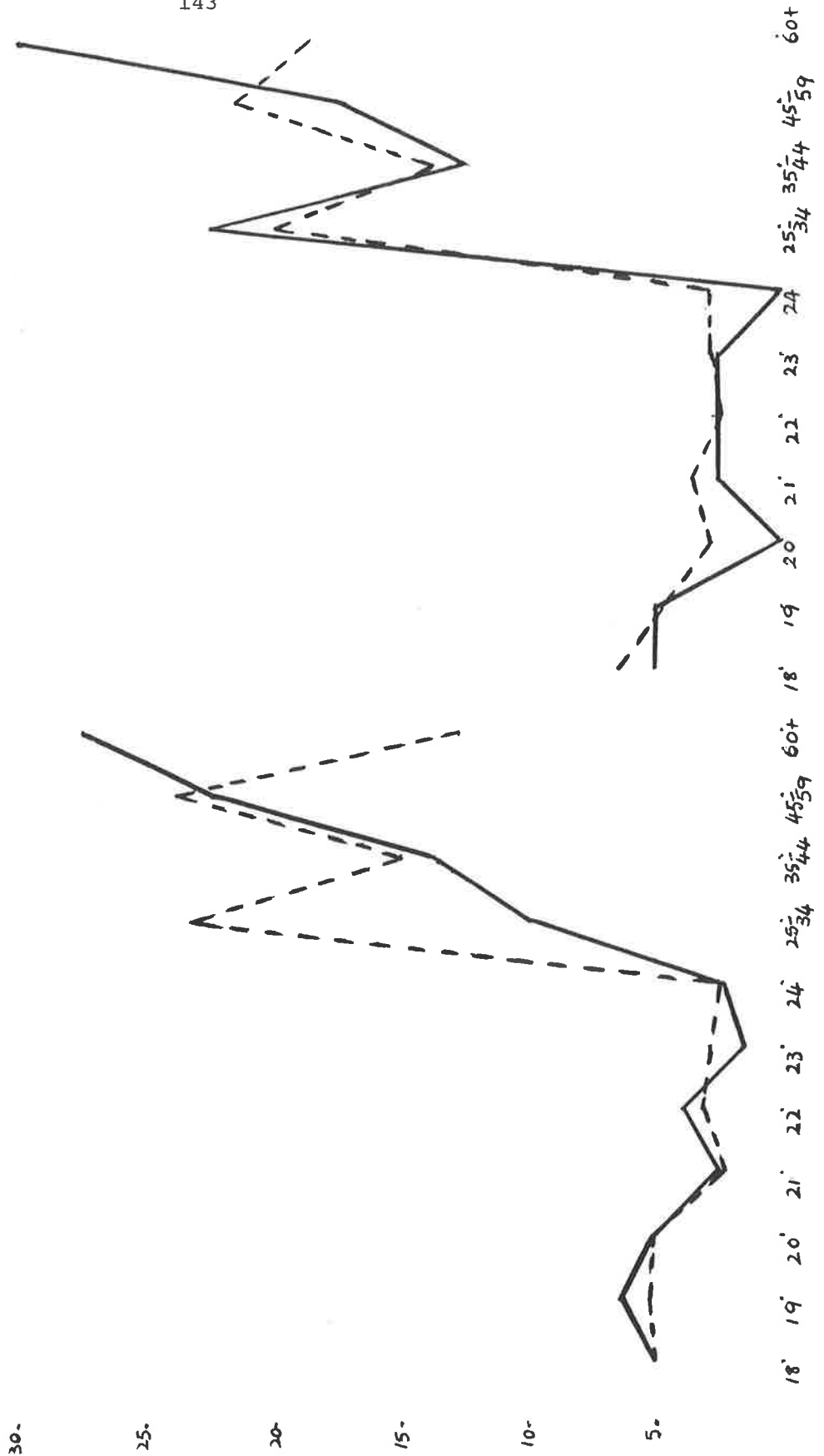


Figure 2

% of male population

% of female population



- : Age of Female and Males Involved in Offences of Shopstealing Cleared: Jan 1 - Sept 30, 1981, expressed as % of Population of Same Sex. (Source: S.A. Police Dept., "Statistics of Selected Crime Reported to the Police", The South Aust. Govt. Gazette).
- : Age of Female and Male Subjects in Adelaide Magistrates Court Survey, expressed as % of Population of Same Sex.

nature of at least South Australian shoplifters and shop theft from the findings of the survey.

Consistent with the crime statistics of other Australian states and England and Wales (see Chapter 3), survey findings indicate that, relative to age patterns for most crimes, there are large numbers of middle-aged and old female and male shoplifters. As Table 1 shows, the peak age of South Australian offenders other than shoplifters is the early twenties. From this age on there tends to be a steady and rapid diminution of offending so that persons aged forty and over represent a small proportion of offenders. This is particularly true of 'masculine' and 'violent' offences. For example, Table 1 reveals that 16.7% of persons charged with offences against the person in South Australian Lower Courts in the first half of 1981 were forty and over. Only 2.3% of robberies involved this age group. The age pattern for the offence of shop theft, however, was quite different. 34.4% of shoplifters were forty and over. An even larger proportion of female survey subjects were in this age group (see Figure 1).

Employment Status

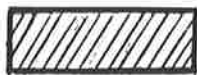
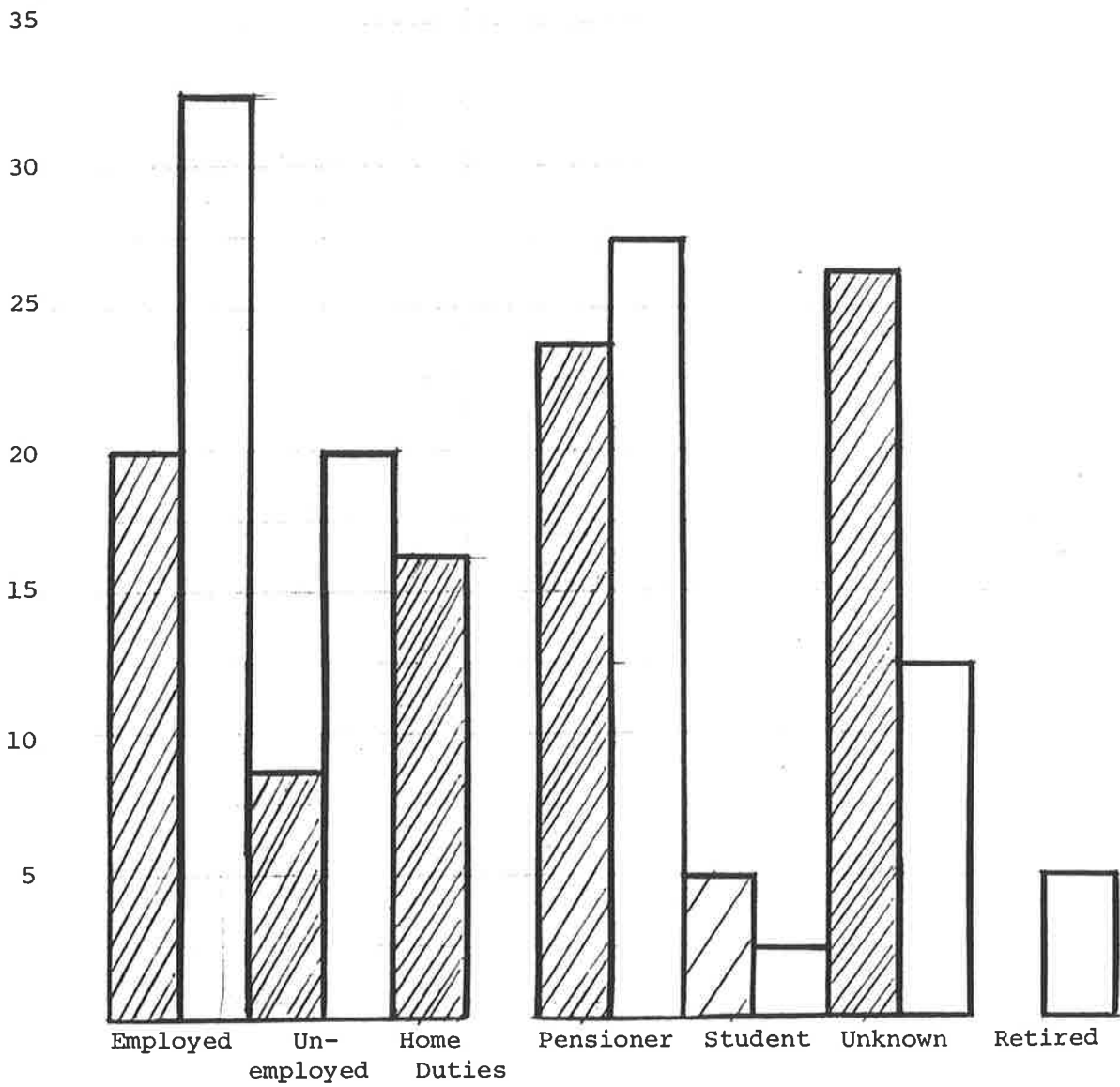
The categories chosen by which to analyse the employment status of subjects are those of the Office of Crime Statistics. They are 'employed', 'unemployed', 'home duties', 'pensioner', 'student' and 'unknown'.⁽⁷⁾ As Figure 3 indicates, the large majority of both male and female shoplifters are not employed and are therefore probably on low incomes. Women who are classified as 'home duties' should possibly be distinguished from the unemployed poor, although it is still arguable that as they are not in direct receipt of a fixed salary, they are not guaranteed an

(7) One other category used by the Office of Crime Statistics, 'self employed', was not recorded at the time of the survey.

Table 1

Ages of Persons Appearing Before South Australian Courts of Summary Jurisdiction, 1st January - 30th June, 1981.											
Offence Type	19 &							60		Total	
	Under	20-24	25-29	30-34	35-39	40-49	50-59	Plus	Unknown	No.	%
Offences Against the Person	23	219	139	94	58	94	45	19	254	945	7.4
Robbery and Extortion	0	9	2	4	0	0	0	0	10	25	0.2
Sexual Offences	1	19	10	10	7	8	4	2	14	75	0.6
Drug Offences	12	325	130	50	10	13	6	3	277	826	6.5
Fraud and Deception	41	92	96	57	34	51	25	5	160	561	4.4
Break and Enter	8	90	37	17	2	4	3	0	137	298	2.3
Unlawful Use, Theft of Vehicle	5	93	33	11	9	8	2	0	147	308	2.4
Shop Theft	10	145	115	102	55	102	147	110	258	1044	8.2
Other Larceny	11	136	34	26	14	13	11	2	164	411	3.2
Unlawful Possession of Property	2	64	24	29	12	12	10	1	76	230	1.8
Found with Intent	0	6	0	4	0	0	0	0	10	20	0.2
Driving Offences - Includes Drink/Drive	97	846	449	296	199	276	149	60	831	3203	25.0
Betting and Gaming	5	7	18	14	9	25	14	10	11	113	0.9
Unlawful Use or Possession of Guns, Explosives	2	39	15	10	13	11	8	3	47	148	1.2
Environmental Offences	0	4	4	4	3	2	5	3	4	29	0.2
Damage Property	8	84	37	33	13	19	13	2	130	339	2.7
Prostitution	0	18	3	5	4	2	0	0	13	45	0.4
Offensive Behaviour, Vagrancy, Drunkenness & Liquor Offences	43	561	395	260	193	420	284	188	787	3131	24.5
Offences Against Order	17	280	115	55	29	35	15	9	291	846	6.6
Other Offences	150	7	9	3	4	3	2	2	10	190	1.5
TOTAL	435	3044	1665	1084	668	1098	743	419	3631	12787	
Percentage	3.4	23.8	13.0	8.5	5.2	8.6	5.8	3.3	28.4		100.0

Source: Attorney-General's Department, Office of Crime Statistics, Statistics from Courts of Summary Jurisdiction, Selected Returns from South Australian Courts: 1st January - 30th June, 1981, p. 51.



Females



Males

Employment Status of Female and Male Subjects in Adelaide Magistrates Court Survey, expressed as % of Population of Same Sex.

income and are therefore financially insecure.⁽⁸⁾ Of those cases where the occupations of the husbands of housewives were known (6 cases), all were blue collar workers and hence, arguably, on relatively low incomes.

From Table 2 it is clear that the occupational pattern of the shoplifter subjects differs appreciably from that of other offenders appearing before South Australian courts. For example, there are few pensioners among 'violent' and 'masculine' offenders: only 2.3% of persons charged with break and enter and only 6.8% of persons involved in weapons violations are pensioners while 23.8% of female (survey) shoplifters and 27.5% of male (survey) shoplifters fit into this group (see Figure 3).

The small proportion of 'employed' shoplifters (Figure 3) contrasts markedly with the employment profile of persons involved in driving offences. 65.5% of driving offenders are employed (Table 2) as opposed to only 20% of female shoplifters and 32.5% of male shoplifters (Figure 3).

The small number of employed shoplifters and the large number of pensioners apprehended for shop theft relative to the other offenders considered in Table 2 supports a typification of the shoplifter as a person with considerable unstructured time and little money. This finding is not surprising when one considers the opportunity factor: shopping hours are such that housewives, the unemployed and the retired are more able to take advantage of shops than employed persons. Accordingly, one would expect this type of property offence to contain higher proportions of these categories than other types of property offence.

(8) This issue of the financial insecurity inherent in the housewife's role will be taken up later in this thesis.

Table 2

Employment Status of Offenders Appearing Before South Australian Courts of Summary Jurisdiction, 1 Jan. - 30 June 1981									
Offence Type	Occupational Status							Total	
	Employed	Unemployed	Pensioner	Student	Home Duties	Self Employ or Other	Unknown	No.	%
Offences Against the Person	407	343	56	5	33	2	99	945	7.4
Robbery and Extortion	7	12	0	0	1	0	5	25	0.2
Sexual Offences	32	29	9	0	1	0	4	75	0.6
Drug Offences	414	314	17	14	20	0	47	826	6.5
Fraud and Deception	218	171	26	6	68	0	72	561	4.4
Break and Enter	67(22.5)*	177(59.4)	7(2.3)	4(1.3)	4(1.3)	0	39	298	2.3
Unlawful Use, Theft of Vehicle	58	197	7	2	6	0	38	308	2.4
Shop Theft	318(30.5)	266(25.5)	158(15.1)	18(1.7)	239(22.9)	3(.3)	42	1044	8.2
Other Larceny	139	191	13	10	12	0	45	411	3.2
Unlawful Possession of Property Found with Intent	84	94	9	7	13	0	23	230	1.8
Driving Offences - Includes Drink/Drive	4	12	3	1	0	0	0	20	0.2
Betting and Gaming	2099(65.5)	620(19.4)	94(2.9)	40(1.2)	32(1.0)	3	315	3203	25.0
Unlawful Use or Possession of Guns, Explosives	73	15	11	3	1	0	10	113	0.9
Environmental Offences	84(56.8)	48(32.4)	10(6.8)	2(1.4)	0(0)	0	4	148	1.2
Damage Property	19	2	4	0	3	0	1	29	0.2
Prostitution	142	129	22	3	11	0	32	339	2.7
Offensive Behaviour, Vagrancy, Drunkenness & Liquor Offences	31	4	4	2	2	0	2	45	0.4
Offences Against Order	855(27.3)	1458(46.6)	399(12.7)	30(1.0)	115(3.7)	4	270	3131	24.5
Other Offences	323	365	35	16	29	1	77	846	6.6
TOTAL	23	10	4	1	1	0	151	190	1.5
Percentage	5397	4457	888	164	591	13	1277	12787	
	42.2	34.9	6.9	1.3	4.6	0.1	10.0		100.0

Source: Attorney-General's Department, Office of Crime Statistics, Statistics from Courts of Summary Jurisdiction, Selected Returns from South Australian Courts: 1st January - 30th June, 1981, p. 53.

* Bracketed figures represent percentages.

Marital Status

About offenders appearing before Lower Courts in the first half of 1981 the Office of Crime Statistics reports that

"Information was available for almost 90% of defendants. Of these, less than three in ten (28.7%) were married or living in a de facto relationship."

From these data it is concluded that "most offenders are young, single males". (9)

Once again survey findings indicate that the shoplifter is not a typical offender. 45% of both male and female subjects were married at the time they appeared in court, while 13.8% of males and 17.6% of females had been married but were now separated, divorced or widowed.

Prior Convictions

According to the Office of Crime Statistics:

"Six out of ten (58.3%) defendants appearing in South Australian Courts of summary jurisdiction during the first half of 1981 had a prior criminal history, and for minor crimes like offensive behaviour, language and vagrancy the figure was even higher (75%)." (10)

These high recidivism rates prompt the Office of Crime Statistics to suggest that

"Clearly, each year a considerable proportion of criminal justice resources is devoted to processing and reprocessing the same relatively small group of relatively minor offenders." (11)

Survey results again indicate that shoplifters differ from the bulk of offenders. The large majority of subjects (78.8% of females and 67.5% of males) were first offenders, while only 7.6% of females and 12.5% of males had more than one previous conviction. In summary, unlike most other offenders, shoplifters tend to be first offenders and this is true for both men and women.

(9) Attorney-General's Department, Office of Crime Statistics, Statistics from Courts of Summary Jurisdiction, Selected Returns from South Australian Courts: 1st Jan. - 30th June, 1981, at p. 17.

(10) Ibid.

(11) Ibid.

A Profile of the Shoplifter

The nature of the differences between shoplifters and other offenders is effectively summarised in Table 3. Here the eleven most frequent offences of females charged in Courts of Summary Jurisdiction from 1st July to 31st December 1980 are presented together with the median age of offenders, their marital status, employment status and prior convictions. Although it is impossible to distinguish male offenders from female offenders for much of the data in this Table, it does allow a comparison of some aspects of the socio-economic profiles of offenders involved in offences with relatively high, medium and low levels of female participation with the profile of the shoplifter. (12)

This comparative analysis of offenders reveals that, of these eleven types of offenders, shoplifters have the highest median age, the largest proportion of marriages, the largest proportion of 'other employment' (outside the salaried workforce) and the smallest proportion of previous convictions. In short, shoplifters tend to be older than other offenders and, more so than other offenders, tend to be married, outside the workforce (and therefore probably on low incomes) and first offenders.

The uniqueness of the shoplifter is also highlighted by further comparison with different types of offenders. For example, what one might imagine are clearly distinguishable offenders, persons charged with driving with a proscribed concentration of alcohol and persons charged with prostitution related offences, both tend to be young, single, and employed, with a 50% chance of a prior conviction. 'Masculine' and 'violent' offenders, on the other hand, such as those charged with wilful damage and assault police, tend to be young, single, unemployed

(12) It should be noted that the profile of the shoplifter which emerges from this Table is similar to that revealed by the survey. Accordingly it is appropriate to compare these data with survey findings.

Table 3

Characteristics of Persons Charged in South Australian Courts of Summary Jurisdiction, 1st July - 31st December 1980													
	M	F	%FC	Median Age	Marital Status (%)			Employment Status(%)			Previous Convictions(%)		
					M*	NM**	O***	E#	UE##	O###	0	1-2	3+
Simple Larceny - shop theft	496	587	54.2	35	49.8	30.6	19.6	28.8	22.1	49.1#	67.7	14.0	14.2
Drunkenness	1015	149	12.8	33	16.9	59.1	24.0	24.1	44.2	31.7	17.6	11.4	69.4
Disorderly Behaviour	694	101	12.7	23	13.2	67.3	19.5	40.7	42.0	17.3	33.5	18.2	46.5
P.C.A.	1839	109	5.6	25	27.9	55.2	16.9	70.1	18.3	11.6	48.5	23.4	25.4
Offensive Language	399	58	12.7	23	13.8	66.3	19.9	34.4	44.6	21.0	24.9	16.2	56.5
Possess Drugs	433	57	11.6	22	13.1	73.1	13.8	48.6	37.8	13.6	48.6	19.6	28.4
Offences Rel. to Prostitution	18	45	71.4	25	12.7	55.6	31.7	69.8	15.9	14.3	49.2	22.3	27.0
D.U.I.	599	30	4.8	28	31.3	48.5	20.2	66.8	18.9	14.3	40.5	23.4	33.4
Common Assault	381	31	7.5	26	26.9	50.1	13.0	48.4	32.4	19.2	32.4	17.2	48.2
Wilful Damage	313	28	8.2	23	14.7	66.3	19.0	42.2	37.8	20.0	31.1	16.4	48.4
Assault Police	160	28	14.9	24	14.9	55.9	29.2	38.8	39.9	21.3	22.9	17.0	57.4

* Married ** Never Married *** Other # Employed ## Unemployed ### Other

Note: The category "Other" (for both Marital and Employment Status) includes "Unknown". Also, the figures for "Previous Conviction" do not necessarily add up to 100 because of a portion of the population which was unknown.

Simple Larceny - shop theft is the only offence group where a significant number of offenders have the "Employment Status" of Home Duties. For this period the figure was 24.2%.

Source: Attorney-General's Department, Office of Crime Statistics, Statistics from Courts of Summary Jurisdiction, Selected Returns from South Australian Courts: 1st July - 31st December, 1980.

recidivists. These socio-economic profiles all differ markedly from that of the shoplifter.

Part 2: The Offence

Items Stolen

'Clothing' and 'cosmetics and jewellery' account for the majority of items stolen by women: 41.3% and 26.3% respectively. Food was stolen by 8.8% of female subjects. Items stolen by males were more varied. 22.5% stole food, another 22.5% stole car or garden accessories, 17.5% stole cosmetics or jewellery and 12.5% stole clothing.

Value of Property Stolen

Over half (52.7%) of females stole items worth less than twenty dollars and over a quarter (26.4%) stole items worth less than five dollars. Only 8.8% of females stole items worth one hundred dollars and over. Males tended to steal property of even less value. Well over half (57.5%) stole items worth less than ten dollars, while three quarters stole items valued at less than twenty dollars.

Modus Operandi

Information on the *modus operandi* of shop thefts (how the offenders went about committing the offence) was not consistently available. Findings are therefore necessarily impressionistic.

Most females seemed to conceal items in their bags, some in their clothing and a few in prams. Since only one pair of female defendants was jointly charged, the vast majority of female thefts were sole enterprises. The use of prams to conceal stolen goods indicates that in a few instances female shoplifters were accompanied by children. In the main, however, it seems that female thefts were carried out alone.

Male shoplifters tended to conceal goods in their clothing rather than in bags. No males were jointly charged and only in a few instances was the presence of others at the offence mentioned.

It would therefore appear that both female and male shoplifters tend to carry out the theft alone and conceal items on their person, either in bags (females) or in clothing (males).

Other Investigations into Shoplifting

The findings of the few empirical investigations into female shoplifting conducted in England, America and Australia tend to confirm those of the Adelaide Magistrates' Court Survey. In 1962 a British psychiatrist, T.C.N. Gibbens, published the results of his review of the records of 522 women offenders appearing before three London courts between July 1959 and August 1960.⁽¹³⁾ He found that over two thirds (67.2%) of goods stolen by these women were worth five pounds or less, that they stole mainly food or clothing (68.8%), that they tended to carry out the theft alone (73.1%) and have no previous convictions (80%).

Two years later Mary Owen Cameron published the findings of her survey of the records of all women charged with shoplifting by all stores in Chicago from 1948 to 1950 together with the results of her interviews with one in four shoplifters arrested by store detectives from 1943 to 1950.⁽¹⁴⁾ Cameron characterised her subjects as first offenders who stole small items of clothing or jewellery of an average value of \$16.40. These findings led her to conclude that most women arrested were amateur shoplifters.

(13) T.C.N. Gibbens, Shoplifting: A Report on Research Carried Out for the Study and Treatment of Delinquents, London, I.S.T.D., 1962

(14) Mary Owen Cameron, The Booster and the Snitch: Department Store Shoplifting, New York, Fress Press of Glencoe, 1964.

A study of persons caught shoplifting from a Melbourne (Australia) store between the beginning of July 1968 and the end of March 1969 produced similar findings.⁽¹⁵⁾ Women were found to steal mainly clothing and jewellery while items stolen by both sexes tended to be of small value: over 57% of items stolen were worth less than five dollars and less than 2% were worth more than fifty dollars. The inclusion of juveniles in this study allowed the authors to observe how the *modus operandi* of offenders changed with age. They discovered that there was a strong tendency for juveniles to steal in the company of others while adult offenders tended to be apprehended alone. Indeed, "over the age of twenty years there was a steady and marked relationship between increasing chronological age and the proportions of shoplifters arrested without accomplices or companions".⁽¹⁶⁾ Consistent with the results of the Adelaide survey, the Melbourne study uncovered low levels of recidivism. Only 5.3% of all (male and female) offenders had previous convictions for shoplifting while only 2.4% of females had offended (and been detected) before.

A twelve month survey of shoplifters convicted in Plymouth (England) from 1974 to 1975 conducted by Redding further corroborates this description of the female shoplifter.⁽¹⁷⁾ Redding's female subjects were mainly first offenders: 66.8% had never been convicted. Food and clothing were found to be the principal items stolen by both males and females. Food accounted for 46.7% and clothing 32.7%, of goods stolen by women and 37.2% and 20.6% respectively of male thefts. The average value of goods stolen was only five pounds thirty pence.

(15) J.F. Brady and J.G. Mitchell, "Shoplifting in Melbourne", Aust. & New Zealand Journal of Criminology, Sept. 1971, 4, 3, 154.

(16) *Ibid*, p.161.

(17) R.G. Redding, "The Social Evil", Justice of the Peace, Jan. 10th, 1976, Vol. 140, p.17.

Conclusions

The survey conducted by the author and the investigations into the nature of shoplifting in England, Chicago and Melbourne have produced consistent findings about female shoplifters. These offenders tend to be married, on low incomes, their theft is a singular and un-repeated episode engaged in alone and the property stolen is of small value. An interesting finding is that male shoplifters can also be characterised in this way. Further, both female and male shoplifters are clearly discernible from other criminal types. To the extent that it is meaningful to typify offenders, the average shoplifter can be distinguished from, say, the average violent offender who tends to be a young, single, unemployed, recidivist male.

Female (and male) shoplifting is perhaps best characterised as petty, amateur and individualistic rather than organised or professional crime embedded in a criminal subculture. To the extent that these findings enable some basic observations to be made about the socio-economic status of the 'typical' female shoplifter and the *modus operandi* of her offending, they serve to give body to the bones of Darrell Steffensmeier's characterisation of the female offender as predominantly a petty, property offender.

CHAPTER 5

Explaining Female Crime:
Gender Role Theory from the late 1960s to mid 1983

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CHAPTER 5

Explaining Female Crime:
Gender Role Theory from the late 1960s to mid 1983

I. INTRODUCTION

In Chapters 3 and 4 it was revealed that the bulk of female crime is shoplifting and that the contribution of women to most other crimes, particularly those of a violent nature, is small. The following review of theory will consider, *inter alia*, how criminologists have set about explaining these two key findings: that is (a) why women principally engage in petty, property crime and (b) why there is so little other female offending or, put differently, why women are so much more conformist or law-abiding than men.

The scope of this review of theory is restricted to social theory on female crime from about the late 1960s to mid 1983 - although the need to trace the roots of these ideas will force discussion as far back as the 1930s. The reason for this restriction of focus is that the key figures in the criminology of women up to the late 1960s⁽¹⁾ have already been considered in some detail by a number of other reviews of theories of female crime.⁽²⁾ The essential biologism of traditional

(1) These include Lombroso, Thomas, Pollack, Konopka, Cowie, Cowie and Slater and Vedder and Somerville.

(2) Paula M. Newberg, "'The Female of the Species' A Systematic Review of Theories, Evaluations and Studies of the Female Criminal", Interdiscipline, 1967, Vol. 4, 29; Christine E. Rasche, "The Female Offender as an Object of Criminological Research", Criminal Justice and Behaviour, Dec. 1974, Vol.1, No.4, 301; Dorie Klein, "The Etiology of Female Crime: A Review of the Literature", Issues in Criminology, Fall 1973, Vol.8, No.2, 3; Carol Smart, Women, Crime and Criminology: A Feminist Critique, London, Routledge and Kegan Paul,

thinking on the female offender has been identified and criticised at length. Further assessment of this body of theory would therefore appear to be redundant.

Critics of the criminology of women have also argued that the biological interpretation of female crime is still dominant in current theorizing about women and crime.⁽³⁾ One of the principal aims of this chapter is to demonstrate that this is a misconstruction of the literature - that the biological interpretation of female offending, in fact, is no longer acceptable to contemporary criminologists. Another aspect of the accepted doctrine on the criminology of women this chapter will challenge concerns the supposed paucity of the literature on female offending.⁽⁴⁾ It will be argued that since the late 1960s the female offender has become the focus of a quickly expanding body of books and articles and that a strictly sociological, not biological, account of her behaviour is now being developed. One can now expect criminologists to identify the female gender role as the key to the greater conformity of women and the particular pattern of their offending.

It is this common focus of current criminological theory on the gender role of women which gives this chapter its title. However, an explanatory note is needed about the use of the word 'gender'. There has been some inconsistency in the terminology employed by both sociologists

(2) 1976; Sheila Balkan and Ronald J. Berger, "The Changing Nature of (cont.) Female Delinquency", in Claire B. Kopp, ed., Becoming Female: Perspectives on Development, New York and London, Plenum Press, 1979, p.207.

(3) Carol Smart, for example, has voiced this opinion several times. See Women, Crime and Criminology, op. cit. pp.27-30 and Smart's "Criminological Thinking: Its Ideology and Implications Concerning Women", Brit. J. of Sociology, March 1977, 28, 29.

(4) N. Shover and S. Norland, "Sex Roles and Criminality: Science or Conventional Wisdom?", Sex Roles, 1978, 4/ 1, 111, cite a number of examples of this tendency.

and criminologists to describe the social roles of men and women. In line with the reasoning of Gould and Kern-Daniels this thesis will prefer 'gender' (role) over 'sex' (role). It will regard 'sex' as "the biological dichotomy between female and male, chromosomally determined, and for the most part, unalterable",⁽⁵⁾ while 'gender' will be defined as "that which is recognised as masculine and feminine by a social world".⁽⁶⁾ As Gould and Kern-Daniels stress, "the word gender itself implies inherent sociality: it is best perceived as a continuum of human attitudes and behaviors, socially constructed, socially perpetuated and socially alterable".⁽⁷⁾

The prevalence of the myth that female crime is still understood as a biological phenomenon is evident from the still common practice of gender role theorists of commenting upon the newness and originality of their own thinking. The persistence of this belief that they are path-breaking is a function of the remarkable insularity of each of the strands of gender role theory, coupled with the willingness of each new gender role theorist to collude with the myth that the study of female offending is still a backwater in criminology. All this has meant that no-one has yet conducted a comprehensive review of this recent theorizing.⁽⁸⁾ Thus a further aim of this chapter will be to bring together

(5) Meredith Gould and Rochelle Kern-Daniels, "Toward a Sociological Theory of Gender and Sex", The American Sociologist, Nov. 1977, Vol. 12, 182 at 183.

(6) Ibid.

(7) Ibid, p. 184.

(8) An attempt to review the recent theory on female crime has in fact been undertaken by Eileen B. Leonard in Women, Crime and Society: A Critique of Criminology Theory, (New York and London, Longman, 1982). This volume does not, however, fulfil the promise of its title. It is, in the main, a review of the major social theories of male crime to which is appended some brief speculation about the possible application of those theories to the criminology of women.

for the first time the various strands of gender role theory on female crime as well as trace the intellectual roots of each idea. It will then be possible not only to identify common sources of ideas but also to assess their originality. We will thus be able to address the issue of whether the recent thinking on the female offender is really breaking new ground, as it professes to do, or whether it is simply an amalgamation of old and borrowed theories.

In the course of this chapter it will become apparent that the flourishing literature on women and crime is typified more by a tendency to denounce previous theorizing than by constructive and original theory building. Although criminologists are increasingly making demands for a new criminology of women, and beginning to map out some directions of study, there are really very few new ideas in the literature. The sophisticated theoretical debates between mainstream and radical criminologists, which are beginning to fill the pages of the new socio-legal journals, have yet to trickle down to the conventional criminology of women. (9)

The central proposition to be developed in this chapter will be that current writings on criminal women have become so preoccupied with gender role, that they have lost sight of their original aim of breaking down the narrow (biological) focus of theories of female offending. Repeating the errors of their predecessors, modern gender role theorists have reduced all speculation about the reasons for female behaviour to a single

(9) For example, the following overviews of current theory either fail to consider female offending at all or refer to it only very briefly: Robert M. Bohm, "Radical Criminology", Criminology, Feb. 1982, Vol. 19, No.4, 565; Stuart Hall and Phil Scraton, "Law, Class and Control", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, Crime and Society, Readings in History and Theory, London & Henley, Routledge and Kegan Paul & The Open University Press, 1981 at p.460;

issue - in their case, gender role socialisation. Everything women do is seen to be determined by a gender role which is narrowly conceived as the domestic functions of wife and mother. Women are either conditioned by their role into mindless conformity, or frustrated by it into committing crimes characterised more by hysteria and emotional responses than by rational thought, or they are illegitimately attempting to fulfil their role when legitimate channels to its achievement are blocked. Like their forbears, gender role theorists leave those theories which ascribe rational economic or political motives to the lawbreaker to male criminologists concerned with male crime. Meanwhile they remain content to deal with static caricatures of women based on popular and commonsense stereotypes.

The form that this review of theory will take is as follows. The earliest social theory of deviance to exert a major influence on the criminology of women was Edwin Sutherland's 'differential association' (1939). With the aim of constructing a chronology of the main ideas of mainstream sociology which still inform the current theory on female offending (and conformity), discussion begins with an exposition of this theory that crime is learned by interpersonal association, and that it is women's exclusion from criminal subcultures that ensures their greater conformity.

The next key work in the sociological literature to shape the thinking on female crime was Albert Cohen's Delinquent Boys published in 1955.⁽¹⁰⁾ This volume gave rise to two strands of theory in the criminology of women. One was that women, in the main, choose not to offend

(9) Stanley Cohen, "Footprints on the Sand: A Further Report on Criminology and the Sociology of Deviance in Britain", in Fitzgerald et. al., *ibid*, p.220.

(10) New York, The Free Press, 1955.

because of crime's symbolic masculinity (the 'masculinity hypothesis'); and that those few women who do offend confine themselves to the symbolically feminine crime of shoplifting, with its close associations with the housewife's role of shopper for the family. The other theory was based on the idea of stress or 'strain'. It argued that female conformity could be attributed to the fact that the female role is so much less stressful than the male role that women do not have the need to vent their frustrations by turning to crime. The few stresses which were seen to affect women were strictly of a 'relational' nature. Thus it was theorized that when females are experiencing unhappy and unsuccessful relations with significant others they sometimes engage in crime.

Although in its earliest forms it was contemporaneous with the emergence of strain theory,⁽¹¹⁾ the idea that the key to understanding crime resides in the offender's treatment by agents of social control represented a radical conceptual departure from Cohen's notion that the source of crime was to be located within the frustrated individual. Indeed, the movement of criminological interest away from the 'problems' of the individual offender towards her or his interactions with the society, which sought to 'control' her or his behaviour, served ultimately to modernise criminology. For this reason, the various schools of gender role theory which have been influenced by the 'control' approach are grouped together in the present review and considered as a later and innovatory development in the history of ideas on female crime.

The Women's Liberation Thesis - the theory that the feminist movement has contributed significantly to an increase in both the volume and

(11) Reckless was writing about the significance of self-concept for criminality at the same time that Cohen brought out Delinquent Boys.

seriousness of female crime - which emerged in the mid '70s - is perhaps less appropriately conceived as an explanatory theory of female crime than a new focus within the already existing theory, and, in particular, that body of theory influenced by the 'masculinity hypothesis'. The reason for it being treated discretely here is the considerable literature it has generated, and, in fact, still continues to generate. This preoccupation of criminologists with the impact of feminism on crime makes it important to situate the Women's Liberation thesis in the main body of literature on the female offender, and assess the effects of this new direction in theory on the intellectual development of the criminology of women.

The final body of theory to be considered is described here as 'The Unfulfilled Promise'. This was chosen as an umbrella title for the various calls for a radical revision of the criminology of women which both acknowledges the importance of socio-economic and political factors in structuring the lives of women, and seeks to have the study of female crime located in a larger historical inquiry into the origin and nature of these constraints on women. These entreaties for change began in the late sixties but are now a hallmark of the current writings of criminologists of a feminist persuasion.

This chapter ends with a brief overview of the current state of theory. The scene is thus set for the challenge to the gender role theories of female crime which begins in the next chapter and is developed in later chapters. In particular, what will be taken to task is the linking theme of determinism in the literature which will be highlighted throughout this review of theory. More particularly what will be challenged is the tendency of criminologists to date to reduce the reasons for female offending to a function of simple gender role stereotypes and gender role conditioning.

II DIFFERENTIAL ASSOCIATION:

The theory that women are excluded from criminal milieux

The theory of differential association when applied to women is this. Women do not mix in criminal circles. Their gender role defines them as wives and mothers and restricts their sphere of influence and experience to the home. As a consequence, women and girls do not roam the streets learning to fight and steal. They do not enter organised crime by acquiring the skills of those who have already infiltrated criminal sub-cultures. Nor do they learn the language of the criminal. Shielded from these influences, women's involvement in crime is considerably less than that of men who have entrée into the criminal underworld. In the words of the Australian criminologist Jocelyne Scutt,

"...the female, because of her isolated position in the household ... is in no position to acquire attitudes accepting of criminal mores - or is not in such an advantageous position as is the male. The sphere in which the male moves in current Western society is so much wider than that of the female, that his opportunities in contact with both social and antisocial standards and activities are considerably greater." (12)

(a) Intellectual Roots

The idea that criminality is normal, learned behaviour goes back to 1939 when Edwin Sutherland introduced the theory in Criminology⁽¹³⁾ (although an historian might want to argue that it goes back further still - to the eighteenth century and the notion of the "dangerous classes"). Over a number of revisions of his text Sutherland's theory of 'differential association' crystallised into nine propositions which together explained "the process by which a particular person comes to engage in criminal behaviour".⁽¹⁴⁾

(12) Jocelyne Scutt, "Toward the 'Liberation' of the Female Lawbreaker", Int. J. of Criminology and Penology, 1978, 6, 5 at pp. 10 & 11.

(13) Philadelphia, J.B. Lippincott Co., 1924.

(14) E.H. Sutherland and D.R. Cressey, Criminology, Philadelphia, Lippincott, 1974, 9th ed., 75. The following excerpts from the text are from pp. 75 & 76.

First, "criminal behaviour is learned". The notion that criminality is innate or inherited is thus immediately repudiated. This also means that a person does not knowingly engage in crime without some training.

Second, "criminal behaviour is learned in interaction with other persons in a process of communication". This communication is both verbal and nonverbal (gestures).

Third, "the principal part of the learning of criminal behaviour occurs within intimate personal groups". The impersonal mass media play only a small part in 'criminogenesis'.

Fourth, "when criminal behaviour is learned, the learning includes (a) techniques of committing the crime, which are sometimes very complicated, sometimes very simple; (b) the specific direction of motives, drives, rationalizations, and attitudes".

Fifth, "the specific direction of motives and drives is learned from definitions of the legal codes as favorable or unfavorable". Sutherland saw American society as culturally mixed and therefore harbouring both criminal and law-abiding attitudes.

Sixth, "a person becomes delinquent because of an excess of definitions favorable to violation of law over definitions unfavorable to violation of law". This is the essence of differential association. Isolation from law-abiding influences or mores and exposure to those who endorse criminality lead to an individual becoming criminal.

Seventh, "differential associations may vary in frequency, duration, priority, and intensity". For example, associations with criminal parents

will have greater effect than the criminality of a passing acquaintance.

Eighth, "the processes of learning criminal behaviour by association with criminal and anti-criminal patterns involves all the mechanisms that are involved in any other learning".

Finally, ninth, "while criminal behaviour is an expression of general needs and values, it is not explained by those general needs and values, since non-criminal behaviour is an expression of the same needs and values". Sutherland saw what were usually supposed to be criminal motives, such as economic need, as explaining both criminal and law-abiding behaviour. These motives did not therefore differentiate the offender from the non-offender. What did was exposure to criminal influences, the availability of which was dependent on the individual's location in society.

(b) Adoption of "Differential Association" by Gender Role Theory: From Morris (1965) to Simons, Miller and Aigner (1980).

The first explicit application of differential association to females was by Ruth Morris in her bid to explain female conformity. She hypothesised that

"There is a relative absence of a deviant subculture for female delinquents, and absence of subcultural as well as cultural support for female delinquency." (15)

To test her thesis, Morris looked for evidence of greater social disapproval of female than male delinquency as well as the manifestation of greater shame in female delinquents than in boys who offended. Her data came from samples of male and female delinquents and non-delinquents (56 quartets) living in an American, industrial city who were matched for social class,

(15) Ruth Morris, "Attitudes Toward Delinquency By Delinquents, Non-delinquents and Their Friends", Brit. J. of Criminology, 1965, 5, 249 at 251.

intelligence, age and grade in school. The idea behind her investigation was that as "Sutherland maintains... an individual will become delinquent when attitudes among his intimate friends favoring delinquent behavior outweigh those opposing it."⁽¹⁶⁾ Both delinquent and non-delinquent subjects were asked how they "would feel toward their best friends if these friends had committed specific delinquent acts ... how they thought most of their friends would feel toward them if they themselves were to commit these delinquencies ... [and] to estimate what proportion of their friends actually had committed each of the typical delinquent offences included".⁽¹⁷⁾

The delinquent acts which Morris listed in her questionnaire were not, however, identical for males and females. Like other criminologists at the time of writing,⁽¹⁸⁾ Morris believed that female delinquency was primarily sexual. Accordingly, where males were asked about motor vehicle thefts and assaults, females were asked about 'heavy petting' and sexual promiscuity. Other items such as truancy and running away from home were administered to both male and female subjects. As a further indicator of shame felt about delinquencies, all subjects were asked to divulge whether they had ever come into contact with the police.

Overall, Morris' findings confirmed her hypotheses. Delinquent girls were more hesitant to report their delinquencies than delinquent boys, while non-delinquent boys were significantly more likely to admit to police contacts than non-delinquent girls. Boys were more tolerant of male delinquency than of female delinquency, while girls were more critical of delinquency in general than were boys. Girls were not, however,

(16) Ibid.

(17) Ibid, pp. 251 & 252.

(18) For example, Cohen and Grosser.

more critical than boys of delinquency in girls. Boys, and delinquents as a group, believed their friends to be more tolerant of delinquency than did non-delinquents and girls. Delinquents were observed to have more delinquent friends than non-delinquents. And although delinquents were found to generally commit offences with others of the same sex (boys failing to know more delinquent girls than female subjects did), non-delinquent boys had more delinquent friends of both sexes than did non-delinquent girls.

From these findings Morris concluded that "non-delinquents live in a social atmosphere with fewer cultural and subcultural supports for delinquency"⁽¹⁹⁾ as Sutherland's differential association predicts. The sex differential in crime was also, according to Morris, at least partly explained by differential association. Thus she noted that "all girls, delinquents and non-delinquents, are continuously faced with a relative absence of subcultural support for delinquency and a much more stringent social disapproval of delinquency than are boys".⁽²⁰⁾

A somewhat different approach to gender role and differential association was adopted by Shirley Merritt Clark in her investigation into the offending of American, institutionalised, delinquent boys and girls in 1960 and 1961.⁽²¹⁾ Like Morris, Clark was concerned to explain the more 'restricted focus' of female delinquency (which she, too, believed to be essentially sexual) by the paucity of delinquent companions for girls. Her hypotheses were that "female delinquency will be less extensive than male delinquency" and that "the association

(19) Morris, op. cit., p. 265.

(20) Ibid.

(21) Shirley Merritt Clark, "Similarities in Components of Female and Male Delinquency: Implications for Sex-Role Theory", in W.C. Reckless and C.L. Newman, eds., Interdisciplinary Problems in Criminology: Papers of the American Society of Criminology, Columbus Ohio State Uni. College of Commerce and Administration, 1964, p. 217.

between delinquency onset and companionship will be less for female delinquents than male delinquents".⁽²²⁾

Clark's findings failed to support either hypothesis. Consistent with the results of later self-report studies (documented in Chapter 3), she found a "strikingly similar pattern" in the frequency of male and female delinquency. This led her to conclude that "the extensity of female delinquency is much greater than previously supposed and the difference between male and female extensity is evidently not great".⁽²³⁾ And instead of the delinquencies of girls being unrelated to their type of companions, Clark discovered that "companionship seems to be as much a part of the delinquent act for girls as for boys".⁽²⁴⁾

Although Clark's findings were not as she expected, they nevertheless point to the utility of differential association as an indicator of female criminality. Instead of the greater conformity of girls being attributed to a dearth of delinquent companions (Clark's complex hypothesis), the female subjects are found to be similar to boys in the amount of delinquency they engage in and also, like boys, they are reliant on delinquent companions.

Clark framed her hypothesis in a curious manner. An hypothesis entirely consistent with Sutherland's theory would predict that recidivist offenders (which Clark's subjects were), whether they be male or female, should be well-endowed with friends at least equally committed to delinquency. True, for girls in general, differential association would predict less subcultural support than for boys given that girls are more law-abiding than boys. But for those girls who have committed

(22) Ibid, p. 218.

(23) Ibid, p. 220.

(24) Ibid, p. 224.

enough delinquencies to be institutionalised, it is not unlikely that they have managed to find delinquent companions to support their habitual offending. In other words, there is no reason to expect girls who have adopted a delinquent lifestyle to not have been subjected to the same criminogenic influences as boys.

In fact, one could well reason that, given the greater conformity of girls in general, they need a greater 'push' into delinquency, via delinquent peers, than boys. This means that differential association may be a factor in the offending of both boys and girls. It can also be consistently reasoned that the explanation for the non-offending of girls and boys is their being unable to find subcultural support for delinquency. Girls offend less than boys because they are more conformist, and this inhibits the growth of a female delinquent subculture. Although this smacks of tautology, it is at least consistent with Sutherland's propositions.

A more ambitious study conducted by Michael Hindelang in 1971 examined the relationship between the criminality and conformity of nearly a thousand American school boys and girls and the delinquent behaviour of their friends.⁽²⁵⁾ Again, findings tended to support the theory of differential association.

"Eighty per cent of the ... males who report having no close friends picked up by the police score low on reported delinquent involvement, while twenty six per cent of the males who report having few or more friends picked up by the police score low on reported delinquent involvement." (26)

(25) Michael J. Hindelang, "Causes of Delinquency: A Partial Replication and Extension", Social Problems, Spring 1973, Vol. 20, No. 4, 471.

(26) Ibid, p. 478.

Although the relationship between the delinquency of girls and their association with delinquent companions was not as strong, Hindelang's findings still lent support to the principle of differential association that "the delinquent behaviour of one's own friends is strongly related to one's own delinquent behaviour". Thus the "comparable figures are seventy three percent and thirty one percent respectively".⁽²⁷⁾ In other words, a large majority of those girls reporting the least delinquent involvement had no delinquent friends.

The attempt to trace the influence of differential association on the evolution of gender role theory is at times confounded by the failure of criminologists to make explicit their debt to Sutherland when a learning theory clearly guides their thinking. For example, Carol Smart does not list differential association amongst the theories of female crime she reviews, although the influence of Sutherland's work is manifest throughout Women, Crime and Criminology.⁽²⁸⁾ Thus she contends that

"The realization of a lack of access to illegitimate opportunity structures for adolescent girls and women is of course a most perceptive insight into an understanding of female criminality." (29)

Smart also employs a version of differential association to account for the pattern of female offending: that is, why women tend to be shoplifters rather than burglars.

"Women are predominantly shoppers for household items and food and the techniques of shoplifting, unlike the techniques which might be required for other offences such as car theft or burglary, are available to them as to all shoppers." (30)

(27) Ibid.

(28) Smart, 1976, op. cit.

(29) Ibid, p. 68.

(30) Ibid, pp. 9 & 10.

The behaviour of women who confine themselves to petty, property crimes is therefore a function of their daily routine as housewives which both normalises petty theft from shops and provides experience in the removal of goods from stores. In another statement, which demonstrates most clearly the influence of Sutherland's learning theory on her writing, Smart elaborates:

"The women involved [in petty property offending] have not required training in violence, using weapons or tools, or in specialised tasks like safe-breaking. On the contrary the skills required can be learned in everyday experience, and socialization in a delinquent subculture or a sophisticated criminal organisation is entirely unnecessary." (31)

Here we see Smart employing differential association to explain both the conformity of women - why they do not engage in serious, organised and violent crime - as well as why they engage in the crime they do - that is, petty, property offending.

A more recent and explicit application of differential association to the delinquency of girls comes from Peggy Giordano. Maintaining that female delinquency has recently both increased and become more versatile⁽³²⁾ (her contention is borne out by the findings of Chapter 3), Giordano hypothesises that these changes can be traced to increased peer group support for female crime:

"It is suggested that at the very least the more delinquent, aggressive girls are receiving some kind of reference group support from other females, and possibly from other reference groups as well. This is contrasted with the traditional situation where girls may have curtailed their behaviour in part because of concern over what the other girls thought, or because their boyfriends would disapprove." (33)

(31) Ibid, pp. 15 & 16.

(32) It is unfortunate that, in order to support her contention, Giordano makes use of percentage increases. Recall that this method of presenting increases in female offending was criticised at length in Chapter 3.

(33) Peggy C. Giordano, "Research Note: Girls, Guys and Gangs: The

Differential association explains both the previous conformity of girls - they were the recipients of an excess of definitions unfavourable to violation of the law - as well as the recent increase in female delinquency - there is now more subcultural support for delinquency in girls.

To test her predictions, Giordano administered a self-report delinquency questionnaire to a sample of institutionalised delinquent girls and to a group of high school students. Subjects were asked how various reference groups (boys, girls and boyfriends) would react if they (the subjects) were to commit delinquencies ranging from 'picking up guys' to 'beating up on somebody'. Subjects were also asked to describe their usual associates.

Giordano's failure to research changes over time in the peer group support of the delinquencies of girls, by confining herself to current influences, means that her idea that there is now more subcultural support for criminality in girls was never tested. Notwithstanding this limitation, a significant relationship was observed between the self reported delinquencies of girls and 'group affiliation'. In addition, challenging the common assumption that when girls do offend they are only being led on by boys, Giordano found that although "groups which include both males and females were particularly conducive to delinquency... the perception of approval from other girlfriends was significantly correlated with actual delinquency involvement".⁽³⁴⁾ In other words, the greater the approval of girls perceived, the greater the

(33) Changing Social Context of Female Delinquency", J. of Criminal (cont.) Law and Criminology, 1978, Vol. 69, No. 1, 126 at 128.

(34) Ibid, p. 132.

delinquency involvement. Indeed, only a small percentage of all respondents felt that trouble was most likely to occur with 'one guy'. Further, over half of the delinquent sample had been members of gangs of girls.

Although the research considered thus far has consistently demonstrated the value of differential association as a predictor of delinquency in females, sample subjects have all been juveniles. Explicitly in response to this failure of the empirical literature to consider women, Douglas Smith has conducted an ambitious survey of self-report crimes⁽³⁵⁾ sampling from residents of three American states.⁽³⁶⁾ Nearly two thousand citizens aged fifteen and over were interviewed.

An interesting aspect of Smith's survey is that instead of asking the members of his sample to report past offending (with its usual problems of the recollection of the subject), they were required to predict the probability of their future (tomorrow) offending given the 'need' or 'desire'. In view of Sutherland's formulation of differential association, which includes the learning of delinquent motives, this particular wording was perhaps unfortunate. It meant that the influence of differential association on the decision to offend was left untested; subjects were already provided with a hypothetical motive and so did not need to consider this aspect of their offending.

Smith's measure of differential association was the subjects' assessment of the amount of deviance committed by their 'reference' group. They were asked "what proportion of the people you know personally do each of the deviances [listed in the survey form] at least once a year".⁽³⁷⁾

(35) "Delinquency" included some non-criminal but nevertheless anti-social behaviour such as lying.

(36) Douglas A. Smith, "Sex and Deviance: An Assessment of Major Sociological Variables", Sociological Quarterly, 1979, 20, 183.

(37) Ibid, p. 188.

Not surprisingly, the self-report survey revealed a greater propensity to offend among male subjects. The male: female ratio of offenders was 1.4:1. Notwithstanding the greater conformity of female subjects, delinquent subcultural support was found to be at least as good an indicator of the likelihood of female offending as of a male offending. It accounted for twenty two per cent of the variance in offending by males and twenty five per cent of the variance among females. It was not, however, a sufficient explanation of the sex disparity in offending (the significantly greater conformity of females) as Smith demonstrated by holding constant subcultural involvement and continuing to find considerably more male than female offending. These findings make clear that although association with delinquent friends is related equally to the offending of males and females, when both sexes have the same number of delinquent friends, males still offend more than females.

Remarkably similar results were produced by Simons, Miller and Aigner who also hypothesised that the sex differential in crime was due to females having fewer delinquent friends.⁽³⁸⁾ Using an even larger sample of nearly four thousand school boys and girls, Simons and his associates administered self-report delinquency tests as well as asking subjects "to comment upon the values of their friends and upon the way their friends would be likely to react to various delinquent acts".⁽³⁹⁾ They found that differential association predicted delinquency in females as well as it predicted male offending. Moreover the greater conformity of girls revealed by the self-report questionnaire

(38) R.L. Simons, M.G. Miller and S.M. Aigner, "Contemporary Theories of Deviance and Female Delinquency: An Empirical Test", J. Research in Crime & Delinquency, 1980, 17/1, 42.

(39) *Ibid*, p. 45.

(8.8% of males and 3.5% of females had high delinquency scores) was found to be associated with their having fewer friends who approved of delinquency. Males were therefore observed to be significantly more delinquent than females and to have more delinquency supportive friends.

To summarise this review of the theoretical and empirical literature on differential association and the female offender, since the mid-sixties criminologists have argued that the small contribution of females to the total crime figure can be explained in terms of the absence of subcultural and cultural support for female offenders. Those theorists who have attempted to test this theory empirically have met with some success. They have consistently found that females have fewer delinquent friends than males and that those females who do offend have generally managed to find some delinquent companions.

(c) Critique

Over its relatively long life, differential association theory has met with a number of criticisms. In that gender role theorists have adopted differential association in a wholesale manner, they are equally susceptible to all those objections to the model as it has traditionally been applied to males. This critique will confine itself to the major flaws in the theory.

Perhaps the most conspicuous deficiency of differential association, and certainly one that gender role theorists are guilty of perpetuating, is its failure to examine the causes of society being so structured that some social groups become entrenched in a criminal sub-culture while others are only exposed to law-abiding influences.

According to Nanette Davis, this oversight is a product of differential association having "stagnated at the social psychological level". Its focus has been limited to "the learning mechanisms involved in a criminal act".⁽⁴⁰⁾ As a consequence, it has failed to analyse the political and legal system, an analysis which would reveal who has the power to define the sort of behaviour which is regarded as criminal. Instead of criminal careers being considered in their social and political contexts, they have been treated as isolated and nonpolitical events, while the state has been depicted as "a disinterested party that negotiates the inevitable conflicts between groups".⁽⁴¹⁾

Extending this criticism to the way differential association has been applied to the female offender, the issue that it fails to probe is why women are allocated a place in society which insulates them from criminal influences. All we are offered is speculation as to why this is so. For example, Smart contends that it is a function of women's principal roles of wife and mother which restrict the female sphere of influence and experience to the home.⁽⁴²⁾ It has also been suggested that men actively exclude women from the criminal underworld.⁽⁴³⁾ The theory is that, even more so than in conventional society, organised criminals regard women as unreliable, weak, dependent and more in need of protection themselves than able to provide support in any sort of criminal enterprise. Of course, this still leaves unanswered the original and most interesting question which differential association and its gender role version simply do not address. This is, why is society so

(40) Nanette J. Davis, Sociological Constructs of Deviance: Perspectives and Issues in the Field, Dubuque, Iowa, Wm. C. Brown Co. Publishers, 1975, p. 127.

(41) *Ibid*, p. 130.

(42) Smart, 1976, *op. cit.*, pp.8-18.

(43) D.J. Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-1977: A Review and Assessment", Social Forces, 1980, 58/4,

structured that criminal subcultures are comprised of men who have come to regard it as inappropriate that women should play any important part in their activities?

Perhaps, in defence of differential association, it might be argued that it never set out to explain the evolution of criminal subcultures - only how they are sustained. Still, it is unfortunate that it has self-consciously addressed such a narrow set of questions.

Another problem with differential association is that it is too mechanistic in its conception of human nature. It overlooks the human being as actor and decision maker, preferring a deterministic view of people manipulated and controlled by their associates. The individual is simply a factor in a formula of criminogenesis. Given sufficient information about the criminality of one's friends and relatives, it is possible to predict how one will behave. An excess of definitions favourable to deviance will, in all likelihood, lead to a criminal action. Individual human motives are redundant. Criminality is simply the product of a surfeit of criminal influences. Steven Box puts this colourfully when he maintains that differential association

"subscribes to the view that a person is a vessel. S/he is viewed as an object into which various definitions are poured, and the resultant mixture is something over which s/he has no control". (44)

A further problem posed by the application of differential association to females is the failure of girls brought up in criminal subcultures (delinquent boys have sisters and mothers; criminal men have wives) to become as criminal as the male members of their family. Perhaps some

(44) Steven Box, Deviance, Reality and Society, London, Holt, Rinehart and Winston, 1981, 2nd ed. p. 111.

obvious retorts are that female gender role socialisation ensures that girls receive greater encouragement to conform than boys or that when they are within the walls of the family home, criminal males modify their conversation and actions for female family members. But this simply begs another question: why should this be the case? Gender role theory has yet to address these issues.

A final comment on differential association is that there has been no attempt to reconcile its central tenets with the *modus operandi* of the most common offence committed by women: shoplifting. In the previous chapter it was observed that shoplifters usually offend alone. Women do not seem to rely on delinquent companions for their impetus to shoplift. Although, as Smart has pointed out, the techniques of stealing from stores are no different from those of the law-abiding shopper and therefore shoplifters do not depend on a criminal subculture in this respect, no-one has tackled the problem of the proliferation of women who shoplift without associates. Differential association does not seem to be able to cope with the lone offender unless it is argued that the criminal learning experiences can precede and therefore be separate from the actual criminal act. But advocates of the theory can hardly turn to latent criminogenic influences in the home for the catalyst to the shoplifter's offending, since the essence of differential association's interpretation of female conformity is that females are insulated from criminal mores. All that it has managed to offer up is the negative theory that, if it were not for the absence of a female, criminal subculture, female crime would be much more serious than it is - that is, petty, sporadic shoplifting. But this is inadequate to explain why so many women are willing or able to offend without the support of delinquent companions.

The next two theoretical developments in the criminology of women, masculinity theory and strain theory, have a common provenance in Albert Cohen's Delinquent Boys published in 1955 - hence their juxtaposition and placement in this chronology. Notwithstanding this connection, by tracing further the intellectual roots of these theories, the present task, one discovers the significance of treating them as independent schools of thought with distinctly different intellectual foundations.

III THE MASCULINITY HYPOTHESIS

"The most significant ideology which informs both classical and contemporary accounts of female criminality is a sexist ideology. It is sexist not because it differentiates between the sexes but because it attributes to one sex socially undesirable characteristics... commonsense understandings are taken for granted as a suitable platform from which to commence theorizing... the theorists concerned provide merely a scientific gloss... Myths about... [women's] 'natural' passivity... are used uncritically to supply 'evidence' for either the greater or lesser involvement of women in crime." (45)

Although the 'theorists concerned' who form the butt of Smart's attack are biological determinists (such as Lombroso, Pollak and Cowie, Cowie and Slater), her comment could equally have been addressed to contemporary criminologists who theorize a relationship between socialised 'masculinity' and 'femininity' and the nature and extent of female crime. As the following analysis of gender role personality theories will endeavour to show, most recent attempts to link male and female personality traits to the sex differential of offending (including Smart's) have relied more on popular stereotypes of the sexes than proven personality differences. This reliance on commonsense rather than science has also flowed on to the tests of the relationship between these assumed differences between the sexes and criminal propensity.

(45) Smart, 1977, op. cit., p. 91.

(a) Intellectual Roots

In 1947 the American social scientist, Talcott Parsons, offered an explanation of the greater delinquency of boys than girls - particularly delinquency of a violent or aggressive nature - based on the structure and function of the American nuclear family.⁽⁴⁶⁾ According to Parsons the primary role of women was to care for and socialise children in the home while men were charged with the responsibility of providing financial support for all family members by public, salaried work outside the home. This sex-based allocation of function of adult family members, Parsons argued, exerted powerful and different influences on the behaviour of male and female children which accounted for the greater rebelliousness of boys.

For boys, the main concern generated by the different roles performed by their parents was to divorce themselves from the feminine function (the mother's role) and identify themselves with the masculine function (the father's role). But this was not an easy task given the omnipresence of the mother and the absence of the father. As Parsons explains their conundrum:

"The boy... has a tendency to form a direct feminine identification, since his mother is the model most readily available and significant to him. But he is not destined to become an adult woman. Moreover, he soon discovers that in certain vital respects women are considered inferior to men, that it would hence be shameful for him to grow up to be like a woman." (47)

The boy's solution is to engage in behaviour which he feels will demonstrate both his independence from and difference from his mother:

(46) Talcott Parsons, "Certain Primary Sources and Patterns of Aggression in the Social Structure of the Western World", Psychiatry, May 1947, X, 167.

(47) Talcott Parsons, Essays in Sociological Theory, Glencoe Ill., Free Press, 1954, rev. ed.

"Hence when boys emerge into what Freudians call the 'latency period', their behaviour tends to be marked by a kind of 'compulsive masculinity'. They refuse to have anything to do with girls. 'Sissy' becomes the worst of insults. They get interests in athletics and physical prowess, in the things in which men have the most primitive and obvious advantage over women. Furthermore, they become allergic to all expression of tender emotion; they must be 'tough'. This universal pattern bears all the earmarks of a 'reaction formation'." (48)

Thus the adolescent boy's solution to this insecurity about his masculinity is to positively strive for a reputation for toughness and aggression. And herein lies the key to the delinquency of boys. Flowing from the attempt to eschew femininity "is a strong tendency for boyish behaviour to run in anti-social if not directly destructive directions". (49)

As the ever present mother-figure is seen as precipitating the delinquency of boys, so she is also the reason for the greater conformity of girls. Like her brother, the female child is provided with a ready model of feminine behaviour but in her case this poses no problem for the obvious reason that she is the same sex as her mother. The daily contact with someone performing the roles of housewife and mother is in fact beneficial. She "has a more favourable opportunity for emotional maturing through positive identification with an adult model". (50) However, the tendency of girls to be more law-abiding than boys is not entirely due to the absence of anxiety about their femininity. More positively, it is due to the acquisition of 'feminine' attributes such as passivity, piety and probity. These traits are encouraged by the mother who "above all, focuses in herself the symbols of what is 'good' behaviour, of conformity with the expectations of the adult respectable world". (51)

(48) Ibid.

(49) Parsons, 1947, op. cit., p. 172.

(50) Parsons, 1954, op. cit., pp.304-5.

(51) Parsons, 1947, op. cit., p. 172.

(b) Adoption of the Masculinity Hypothesis By Gender Role Theory:
From Grosser (1951) to Klein and Kress (1976)

Despite the tendency of criminologists currently writing about female crime to assume that a focus on the female gender role is new, as early as 1951 an American sociologist, George Grosser, devoted his doctoral dissertation to the exposition of Juvenile Delinquency and Contemporary American Sex Roles.⁽⁵²⁾ Although Grosser's paper remains unpublished it has, nevertheless, exerted a considerable influence on contemporary interpretations of female crime.

Grosser's central idea is simple. Both male and female delinquency are expressions of gender role. Because of their future role as breadwinner, the main concerns of boys are power, prestige and money. As future wives and mothers, girls are preoccupied with relationships rather than material accumulation or self-aggrandizement. It follows, that when a boy commits a delinquent act such as stealing, he is expressing his concern with material gain. When a girl engages in delinquent behaviour, she, too, is expressing an interest (in boys) which is appropriate to her gender role. This means that girls are less likely to steal than to engage in sexual promiscuity, while those girls who do steal are, nevertheless, engaging in 'role-supportive' behaviour. They steal items which will make them more attractive to the opposite sex. Grosser, therefore, interprets the same delinquency in boys and girls in entirely different ways. A male thief is expressing his gender role interest of acquiring money. A female thief is enhancing her chances of getting a boy.

Acknowledging a debt to both Parsons and Grosser, the idea that

(52) George H. Grosser, Juvenile Delinquency and Contemporary American Sex Roles, Unpublished Ph.D. Dissertation, Harvard Univ., 1951.

delinquency is gender role expressive received strong endorsement in 1955 when Albert Cohen published Delinquent Boys.⁽⁵³⁾ Although the principal theme developed by Cohen is the effect of thwarted aspirations on working class male youth (this 'strain' theory will be considered later in this chapter), he also spent some time advancing the thesis that crime is a masculinity verifier, with its necessary corollary that it is, in the main, an unsuitable activity for girls. According to Cohen:

"The delinquent response, however it may be condemned by others on moral grounds, has at least one virtue: it incontestably confirms, in the eyes of all concerned, his [the delinquent boy's] essential masculinity." (54)

Cohen points to the glamour and romance inherent in antisocial and rebellious behaviour stressing that delinquency is "well within the range of responses that do not threaten [a boy's] identification of himself as a male".⁽⁵⁵⁾

Cohen also specifically addresses the issue of female offending. Believing, like Grosser, that girls are essentially law-abiding, Cohen develops Parsons' idea that girls effectively socialise into conformity. He maintains that girls positively avoid violent forms of delinquency which have masculine connotations. Delinquency, he argues, is "at best, irrelevant to the vindication of the girl's status as a girl, and at worst ... it positively threatens her in that status in consequence of its strongly masculine symbolic function".⁽⁵⁶⁾

The delinquency in which girls do engage, which Cohen maintains is essentially of a sexual nature, is also explicable in terms of girls' training for womanhood. The social fact that girls are destined to become wives and mothers ensures their preoccupation with the task of finding

(53) Albert Cohen, Delinquent Boys: The Culture of the Gang, New York, Free Press, 1955.

(54) Ibid, pp. 139-140.

(55) Ibid, p. 140.

(56) Ibid, pp. 143-144.

a mate. To achieve this goal they must make themselves attractive and cultivate their social and sexual skills.

Although Cohen developed his explanation of female sexual delinquency within the context of his "strain theory" (to be considered later), it is, nevertheless, an autonomous theory of female offending. It is a theory that maintains that the delinquency of girls is gender role expressive. Cohen argues that "sexual delinquency is one kind of meaningful response to the most characteristic, most central and most ego-involved problems of the female role: the establishment of satisfactory relationships with the opposite sex".⁽⁵⁷⁾ But it is not just this preoccupation of girls with boys - coupled with a desire to avoid masculine activities - which provides a disincentive to aggressive or antisocial behaviour. Like Parsons, Cohen also claims that girls are actively socialised to behave in passive and conformist ways. To illustrate this point he quotes a reviewer of third grade text books:

"Female characters ... are relatively more frequent among those displaying affiliation, nurturance and harm avoidance. On the other hand, females are less frequent, relatively, among characters displaying activity, aggression, achievement construction and recognition. Girls are thus being shown as sociable, and timid, but inactive, unambitious and uncreative." (58)

One of the first penetrating criticisms of masculinity theory - one which still holds for most of the current writing on women and crime - came only five years after Delinquent Boys. The most conspicuous failing of the masculinity hypothesis, according to Cloward and Ohlin, is its

(57) Ibid, p. 147.

(58) Irwin L. Child, Elmer H. Potter and Estelle M. Levine, "Children's Textbooks and Personality Development: An Exploration in the Social Psychology of Education", Psychological Monographs, 1946 LX, No. 3, pp. 35, 46, 47 & 48.

imprecision in its designation of the type of delinquency it explains.⁽⁵⁹⁾ In his original formulation Parsons spoke broadly of aggressive and anti-social behaviour. What he identified was "a strong tendency for boyish behaviour to run in antisocial if not directly destructive directions, in striking contrast to that of pre-adolescent girls".⁽⁶⁰⁾ Although Cohen explicitly concerned himself with the issue of delinquency, he failed to designate the type of offending he was attempting to explain. He spoke loosely of "malicious, non-utilitarian, negativistic, and hedonistic behaviour". It is Cloward and Ohlin's point that it does not inevitably follow that a boy's insecurity about his masculinity will lead to aggressive deviance of a delinquent nature. It could just as well resolve itself in athletic prowess on the sporting field.

A construction of certain delinquencies of boys in terms of Cohen's theory was nevertheless attempted by John Clark and Edward Haurek, *ex post facto* to their investigation into the nature and extent of the self reported delinquencies of girls and boys in 1966.⁽⁶¹⁾ Having observed the significantly greater tendency for the delinquencies of boys to increase to mid-adolescence and then decrease, the authors theorized that this was "a reflection of the male adolescent's verifying his masculinity and male sexual identity..."⁽⁶²⁾ Insecurity about masculinity sprang from "the lack of definitive puberty rites in American society" and manifested itself in delinquencies which showed particular daring. For example, vandalism required a boy to deliberately expose himself to risk

(59) Richard Cloward and Lloyd Ohlin, Delinquency and Opportunity: A Theory of Delinquent Gangs, New York, Free Press, 1960.

(60) Parsons, 1947, *op. cit.*, p.172.

(61) J.P. Clark and E.W. Haurek, "Age and Sex Roles of Adolescents and their Involvement in Misconduct", Sociology and Social Research, 1966, 50, 495.

(62) *Ibid*, p.503.

of detection. Similarly unprovoked assaults and refusing to comply with institutional authorities (delinquencies which also increased at mid-adolescence) "are perhaps even more direct symbols of masculine self-assertion". (63)

The problem with this sort of reasoning is that, as the authors concede, it comes as a convenient afterthought and is never empirically tested. Having uncovered different patterns of male and female offending, Clark and Haurek simply draw on a theory which seems to be tailor-made for their findings. They at no stage attempt to ascertain whether boys in mid-adolescence actually do feel anxious about their masculinity nor whether this anxiety is the catalyst to their offending.

The interest in masculinity theory as an explanation of the delinquencies of boys and the conformity of girls has perhaps been greatest among a new breed of criminologists, whose focus is what they believe to be the inequalities inherent in the sexual division of labour described by Parsons. In 1969 the Canadian criminologist, Marie Andree Bertrand, offered a variety of conspiracy theory of female conformity in her suggestion that

"While our culture condones and even expects a certain amount of acting out and aggressive behaviour in young boys, it is less tolerant of the foibles of young girls. Physical strength, shrewdness in business matters, for instance, are very compatible with our 'ideal typus' of the 'normal' adult male, while such attributes - oftentimes necessary for the performance of recurrent crimes - are not usually associated with femininity because society does not want women trained or practiced in such matters." (64)

In 1973 Dale Hoffman Bustamante observed that the differential socialisation of boys and girls encouraged girls to be more obedient and law-

(63) Ibid, p. 504.

(64) Marie-Andree Bertrand, "Self Image and Delinquency: A Contribution to the Study of Female Criminality and Woman's Image", Acta Criminologica, Jan. 1969, 71 at 74.

abiding:

"females have been taught to conform to more rigid standards and rewarded for such behaviour, whereas males are told to conform, yet rewarded for flouting many conventional standards". (65)

Dorie Klein and June Kress put this thesis in even stronger terms:

"Women's lack of participation in 'big time' crime highlights the larger class structure of sexism that is reproduced in the illegal marketplace." (66)

That their thesis is informed by a version of masculinity theory is clear from their explicit contention that most female crime is an expression of gender role. To Klein and Kress female shoplifting is simply a reflection of women's position as housewives in 'straight' society. The few females who engage in such inappropriate gender role behaviour as robbery still manage to maintain their gender prescribed passivity by merely acting as accomplices. And when women prostitute themselves they are serving "the same functions of sexual work and nurturance that other women do". In other words, they are engaging in gender role expressive behaviour. Although Klein and Kress make constant reference to the need to analyse this "sexism ... in the illegal marketplace" in terms of the oppression of women as a class, their own theorizing about why women offend owes more to the thinking of Grosser and Cohen than any sort of class or social stratification theory.

Sometimes the geneology of ideas in the evolution of these criminological theories is obscure or understated, or merely implicit. For instance, Carol Smart, the self-professed feminist criminologist, employs lines of argument which have a strong kinship with Cohen's theory, but the connection is never fully articulated.⁽⁶⁷⁾ The influence of

(65) Dale Hoffman Bustamante, "The Nature of Female Criminality", Issues in Criminology, Fall 1973, Vol.8, No.2, 117 at 120.

(66) Dorie Klein and June Kress, "Any Woman's Blues: A Critical Overview of Women, Crime and the Criminal Justice System", Crime and Social Justice, Spring-Summer, 1976, 34 at 41.

(67) Parsons, Cohen and Grosser do not appear in her bibliography.

masculinity theory is nevertheless manifest throughout her book Women, Crime and Criminology. Like Klein and Kress, Smart suggests that shoplifting, especially the theft of clothes, is linked to the female gender role:

"This is particularly evident where pressure is placed on women to be well dressed and fashionable... Shoplifting can therefore be seen as an extension of the feminine role, it is 'role expressive' both in method and in its object." (68)

Critical of the crime statistics which disclose that girls are, in the main, sexual offenders,⁽⁶⁹⁾ Smart remains unwilling to take issue with the notion that "promiscuity in both girls and women is, like shoplifting, ...'role-expressive' behaviour".⁽⁷⁰⁾

Smart's elaboration of this theory is identical to Grosser's.

"In other words a concern with sex as a means to a desired goal is seen as fitting to the typical feminine role." (71)

Even when women engage in what at first sight would appear to be unfeminine crimes, Smart is quick to point out that their offending can still be "related to the typical female role, if only in terms of the techniques adopted for the implementation of the offence or the choice of victim".⁽⁷²⁾ Thus those few women who receive stolen goods manage to keep faith with the dictates of their gender role by remaining passive associates: they do not take part in the original theft or burglary. Smart explains.

(68) Smart, 1976, op. cit., p. 10.

(69) See Chapter 3.

(70) Smart, 1976, op. cit., p. 11.

(71) Ibid, pp. 11 & 12.

(72) Ibid, p. 13.

"The 'passivity' is in keeping with the woman's role especially where stolen goods are hidden or used in the home. Furthermore it is frequently the case that women will conceal stolen goods for those with whom they have some kind of personal relationship, for example husbands, lovers or sons, and they therefore become implicated in criminal behaviour through 'family loyalty.'" (73)

The doggedness of Smart's adherence to the notion that all female crime can be construed as gender role expressive is made even plainer when she declares that female criminals are never expert when they step outside the wife-mother role. To illustrate: when women steal from machines⁽⁷⁴⁾ it is because the offence "requires no great skill, strength or aggression so consequently it is in keeping with the culturally ascribed characteristics of the female role. Similarly theft from an employer does not necessarily require much planning or skill."⁽⁷⁵⁾ Even the crime of murder is, to Smart, gender role expressive. Citing the findings of Wolfgang's investigation into patterns of homicide,⁽⁷⁶⁾ which revealed that the majority of their women homicide offenders killed family members or 'paramours' at home and tended to use kitchen implements, Smart interprets female homicide as "in keeping with the feminine stereotype" both in "the choice of victim and *modus operandi*".⁽⁷⁷⁾

What is ironic about these fervent attacks on a sexism seen to be so powerful that even criminal women are powerless to do anything but act out their gender role (albeit in illicit ways), is that these feminist writers thereby unwittingly perpetuate the same view of women as their predecessors whom they condemn as the agents of sexism. For, in

(73) Ibid, p. 15.

(74) Smart draws this crime category from the Home Office statistics.

(75) Ibid.

(76) M.E. Wolfgang, Patterns in Criminal Homicide, Univ. of Pennsylvania Press, 1958.

(77) Smart, 1976, op. cit., p. 16.

conceiving of crime as a reflection of male and female personality traits, both the old and the new school of criminologists depict women as passive, timid victims. Put another way, although the feminists clearly take issue with the assumptions underlying Parsons' account of gender roles, in particular the implication that they are positively functional, they end up caricaturing and stereotyping women in precisely the same way as the early 'masculinity' theorists. Both schools depict conforming and criminal women as the products of powerful gender role conditioning.

(c) Testing the Masculinity Hypothesis

Despite the regularity with which masculinity theory continues to crop up in the literature on women and crime, there have been surprisingly few attempts to verify the hypothesis. Considering first that strand of masculinity theory which maintains that the delinquency of boys is a reaction to the threat of becoming feminized by over exposure to an adult female, the investigations of Silverman and Dinitz provide some empirical support.⁽⁷⁸⁾ Employing a sample of institutionalised delinquent boys they examined the relationship between, *inter alia*, 'compulsive masculinity' and matriarchal homes using their own measure of this trait. The test instrument was designed to determine "the boys' self-identification with tough behavior" as well as "sexual athleticism".⁽⁷⁹⁾ It included such items as weapon carrying, drinking, kicking a fallen opponent and maintaining a reputation as a tough guy. Subjects were also asked to assess their own masculinity as were the supervisors from the home from

(78) Ira J. Silverman and Simon Dinitz, "Compulsive Masculinity and Delinquency: An Empirical Investigation", Criminology, 1974, 11, 498.

(79) *Ibid*, p. 505.

which the boys were drawn. Finally, subjects were tested for their impulsiveness, hostility and their predisposition to engage in excitement-oriented, high risk activities.

Consistent with Parsons' theory that boys who are deprived of male role models become compulsively masculine, Silverman and Dinitz found that "delinquent boys from female-based households were more hyper-masculine than delinquents from other types of households".⁽⁸⁰⁾ These boys were also observed to be more impulsive, more hostile, and more prone to engage in exciting high risk activities.

The impact of the masculinity hypothesis on the criminology of women was not felt in the empirical literature until 1979 when the results of three investigations were reported. Although all three studies were conducted in the United States of America, a different test of 'masculinity' was used by each investigator.

Students attending a midwestern university (99 men and 83 women) were surveyed by Cullen, Golden and Cullen in their research into the relationship between self reported delinquency and masculinity.⁽⁸¹⁾ Subjects were asked about their involvement in violent, property, drug and status offences and then tested for "self-perceived male-behavioral traits"⁽⁸²⁾ which comprised a selection from the attributes identified by Rosenkrantz⁽⁸³⁾ as "stereotypically masculine traits". These were aggression, independence, objectivity, dominance, competitiveness and self-confidence in relation to which subjects were asked to rate

(80) Ibid, p. 511.

(81) F.T. Cullen, K.M. Golden and J.B. Cullen, "Sex and Delinquency: A Partial Test of the Masculinity Hypothesis", Criminology, 1979, 17/3, 301.

(82) Ibid, p. 305.

(83) P. Rosenkrantz, S. Vogel, H. Bee, I. Broverman and D.M. Broverman, "Sex Role Stereotypes and Self Concepts in College Students", J. of Consulting and Clinical Psychology, 32, 287.

themselves on a four point scale ranging from 'not at all' to 'a large extent'.⁽⁸⁴⁾

Although findings were in the direction predicted by the masculinity hypothesis, the possession of masculine traits was not a complete explanation of the greater amount of offending admitted to by male subjects. Notwithstanding the fact that male traits significantly and positively predicted delinquency in all but the drug category, when the factor of masculinity was held constant, males still committed more delinquencies. In other words, males with male traits reported more delinquency than females with male traits. Thus the greater delinquency of male subjects was not fully explained by the possession of masculine traits. The authors tentatively concluded that "in general, our data lend some support to the masculinity hypothesis".⁽⁸⁵⁾

Instead of confining herself to a simple measure of masculinity, Cathy Spatz Widom made use of both masculine and feminine traits (the Bem Sex-Role Inventory) as well as adjectives indicating social desirability in her research into the effects of masculinity and femininity on delinquency.⁽⁸⁶⁾ Her subjects comprised seventy-three women in custody awaiting trial and a control group of twenty non-offending women who were roughly matched for socio-economic status, race and education. According to their responses subjects were sorted into four personality types: 'androgynous' or high masculinity and high femininity; 'masculine'

(84) The authors do not explain why they chose these six personality traits. One presumes that they were thought to represent the essence of masculinity. Whatever the underlying reasoning, to reduce the concept of masculinity to six characteristics is necessarily simplistic.

(85) Cullen et. al., op. cit., p. 308.

(86) Cathy Spatz Widom, "Female Offenders: Three Assumptions About Self-Esteem, Sex Role Identity and Feminism", Crim. Jus. Behav., 1979, 615, 365.

or high masculinity and low femininity; 'feminine' or high femininity and low masculinity; and 'undifferentiated' or low masculinity and low femininity.

Widom's findings were mixed. Although the offender group were observed to be no more masculine than the non-offending women, within the sample of criminal women, femininity was found to be inversely related to criminal involvement. In other words, the less feminine the offender,⁽⁸⁷⁾ the greater the number of kinds of previous convictions. This means that although the more 'masculine' women were not necessarily more criminal, the less 'feminine' women were. Widom determined that

"The existing data... are not persuasive that... high levels of masculinity are major factors in female criminality." (88)

The third test of the masculinity hypothesis reported in 1979 was conducted by Shover, Norland, James and Thornton.⁽⁸⁹⁾ In terms of the number of subjects (over a thousand), this is by far the largest investigation into masculinity theory undertaken. It is therefore unfortunate that it made use of what are probably the crudest measures of masculinity and femininity of those considered here.

Shover and his colleagues drew their sample from male and female students attending eighteen schools in Nashville who were administered a self-report delinquency test. *Inter alia*,⁽⁹⁰⁾ subjects were required to respond to two scales designed to test their masculinity and

(87) That is, the less affectionate, loyal, sympathetic, sensitive to the needs of others, understanding, compassionate, eager to soothe hurt feelings, gentle and so on.

(88) Widom, *op. cit.*, pp. 376 & 377.

(89) Neal Shover, Stephen Norland, Jennifer James and William Thornton, "Gender Roles and Delinquency", Social Forces, Sept. 1979, 58, 162.

(90) The authors were also interested in testing Hirschi's control theory. These findings will be considered later in this chapter.

femininity. In view of the small number of items comprising each scale it is worthwhile listing them in full. The 'Traditional Masculinity Expectations Scale' consisted of the following five items:

- "1. I expect to pay for activities when on a date.
2. I expect to fix things like the car.
3. If I marry, I would expect to provide most of the income for my family.
4. I expect to ask someone for a date rather than being asked.
5. If I marry, I would expect to take responsibility for major family decisions, such as buying a home or a car." (91)

The 'Traditional Femininity Expectations Scale' comprised these items:

- "1. If I marry, I would expect to be mainly responsible for housework, whether working outside the home or not.
2. Before going out at night, I expect to tell my parents where I am going.
3. I expect to help take care of younger children in the family or neighbourhood.
4. I expect to get married and raise a family rather than get a job in the business world.
5. If I marry, I would expect to move to another city if my spouse changed jobs." (92)

The results of this investigation were reported in several articles published by various combinations of the researchers and several other colleagues. Each of these papers has considered slightly different aspects of the survey.

In their discussion of the survey, Thornton and James (1979) considered only the masculinity scale together with subjects' comments on how strongly they felt each behavioural expectation was held for their own behaviour by parents and friends.⁽⁹³⁾ Replicating the results of

(91) Shover et. al., op. cit., p. 166.

(92) Ibid, p. 167.

(93) William E. Thornton and Jennifer James, "Masculinity and Delinquency Revisited", Brit. J. Criminology, July 1979, Vol.19, No.3, 225.

other self-report studies (see Chapter 3), they found that

"The greatest percentage of girls are involved in a comparatively low amount of delinquency, while the largest proportion of boys are highly delinquent." (94)

Those girls who were delinquent, however, were not, as expected, observed to be more masculine than law-abiding girls. For boys, the relationship between masculinity and delinquency depended on whether the referent was self or others. Although boys who evinced masculine expectations were no more delinquent than those with lower scores on this scale, those males who believed that others held comparatively weak masculine expectations of them were found to be highly involved in delinquency.

The implications of these findings for masculinity theory are, as the authors note, mixed. Although they fail to lend support to the thesis that the possession of masculine expectations predicts delinquency in boys and girls, they are consistent with Parsons' idea of 'reaction formation': that antisocial behaviour is a solution to a boy's anxiety about others perceiving him as unmasculine. This is of course unhelpful for an explanation of female crime.

In 1979 all four authors of this investigation also presented an interpretation of their findings.⁽⁹⁵⁾ Here the effects of both masculinity and femininity scales were considered. In addition, self reported delinquencies were divided into aggressive and property offences.

Again the inquiry disclosed that for both boys and girls, masculine expectations were unrelated to delinquency, irrespective of whether it

(94) Ibid, p. 231.

(95) Shover et. al., op. cit.

was aggressive or property offending. In other words, subjects with masculine self expectations were not significantly more involved in aggressive or property crime than those with low masculinity scores. Relationships between femininity scores were not, however, as straightforward. Consistent with masculinity theory's prediction, there was an inverse relationship between girls' feminine expectations and aggressive delinquency. Girls with strong feminine expectations were less involved in aggressive delinquencies than were those with low scores on this scale. This was, however, the only statistically significant relationship observed between the two gender personality scales and the two types of delinquencies for both sexes. Summarising the implications of their findings, Thornton and colleagues concluded that "taken as a whole there is only limited support for masculinity theory".⁽⁹⁶⁾

More recently Pamela Loy and Stephen Norland put the results of this investigation to further use.⁽⁹⁷⁾ This time subjects' responses to the masculinity and femininity scales were classified into four groups. Like Widom, who used the Bem inventory, Loy and Norland designated answers as 'androgynous' (high masculinity and high femininity), 'traditionally masculine' (high masculinity and low femininity), 'traditionally feminine' (high femininity and low masculinity) and 'undifferentiated' (low masculinity and low femininity). Self reported delinquencies were also regrouped into status offences as well as property and aggressive offences.

Instead of predicting a direct and positive relationship between masculine expectations and delinquency and an inverse relationship

(96) Ibid, p. 169.

(97) Pamela Loy and Stephen Norland, "Gender Convergence and Delinquency", The Sociological Quarterly, Spring 1981, 22, 275.

between feminine expectations and delinquency, the authors hypothesized that the offending of androgynous and undifferentiated males and females would be more similar in frequency than that of traditional males and females. Framing the hypothesis in this way, the inquiry this time produced significant relationships between gender role expectations and offending. As predicted, androgynous males and females were more similar in the frequency of each type of delinquency than traditional females and males. Also as expected, less differentiated females and males displayed more similar patterns of delinquency than their traditional counterparts. A further finding which Loy and Norland considered noteworthy was that

"undifferentiated females report more involvement in some forms of delinquency than undifferentiated males. For property and aggressive offenses, the delinquency scores for females exceeded those reported by males."(98)

Moreover, within-sex comparisons revealed that undifferentiated females had the highest level of involvement in all delinquencies while the reverse was true for males.

After the elimination of 'masculine' females (there were too few cases) the researchers theorized that masculinity theory should predict that androgynous females (the next 'most masculine' group) would report the highest level of delinquency involvement because they held the most traditionally male expectations of the remaining groups tested. But this was not the case. In fact androgynous females reported the lowest level of involvement in two of the offence groups, a finding which strikes at the foundation of masculinity theory. As a consequence the authors were forced to concede that

"Something other than simple masculinization is operating to produce these within sex patterns. The issue of why

(98) Ibid, p. 279.

undifferentiated females tend to be more involved in delinquency compared to other females while undifferentiated males report relatively fewer incidents of delinquency compared to other males remains." (99)

These unanswered questions in the findings of Loy and Norland are worrying enough - but even more disturbing is a further fundamental flaw in the inquiry relating to the key analytic concepts. Although sorting subjects' responses into 'androgynous', 'undifferentiated' and so on does manage to produce significant relationships between delinquency and masculinity, where earlier categorisation of these data failed, it is by no means clear what these findings reveal about the nature of juvenile delinquents and juvenile crime. As Loy and Norland candidly explain:

"[these concepts] lack an informative theoretical meaning. They represent nominal categories whose theoretical meaning is at best vague." (100)

A basis for further concern is the test instrument which the authors of this inquiry offer up as a substantial improvement on all previous measures of masculinity. Loy and Norland are highly critical of other attempts to test the masculinity hypothesis. They accuse Cullen and his colleagues of employing a measure of gender which is "bi-polar and unidimensional"⁽¹⁰¹⁾ (recall that Cullen's subjects rated themselves according to six masculinity traits). Moreover the Bem inventory (which was used by Widom although her investigation is not mentioned here)

(99) Loy and Norland, op. cit., p.279. The authors' suggestion that these differences may be related to different attitudes toward authority figures and conventional others will be considered later in this chapter.

(100) Loy and Norland, op. cit., p.283.

(101) Ibid, p.278.

is attacked for treating gender "solely as self-judged personality attributes".⁽¹⁰²⁾ But does the instrument used by Loy and Norland represent any real improvement?

Although they denounce the concepts of masculinity employed by their predecessors, Loy and Norland offer no convincing reasons why their own test is any better. Their claim that their measure alone "reflects variations in feminine and masculine role expectations" rather than simply "defining convergence as masculinization of females"⁽¹⁰³⁾ ignores the fact that the Bem inventory also has masculinity and femininity scales and, as Widom demonstrated, allows results to be analysed in terms of 'androgyny' and 'undifferentiated sex'. Moreover the Loy and Norland test is actually less subtle than Bem in that it reduces gender differences to ten as opposed to forty characteristics. Also its ability to be used in a fourfold analysis in terms of 'androgyny' and so on should not obscure the fact that it relies on crude caricatures of the sexes. Although Loy and Norland conduct some comparatively sophisticated statistical analyses of their findings, these analytic insights are necessarily limited by their reliance on sex stereotypes. While condemning others for polarising the sexes and adhering to unidimensional concepts of masculinity and femininity, the view of masculinity to which the authors subscribe focusses exclusively on initiating and paying for dates, fixing cars and anticipating the role of a breadwinner who makes decisions for the family. And the quintessence of femininity is apparently a girl's expectation that she will grow up to be a housewife (rather than a breadwinner) who is willing to change city if her husband changes job and who displays an interest in children.

(102) Ibid.

(103) Ibid.

Now it is perfectly conceivable that an assertive, independent girl, one whom the Bem inventory would characterise as high on masculinity, would appear to be a traditional female on the Loy and Norland scale simply because of a realistic appraisal of the limited occupational opportunities for women and the enforced dependence which comes with having to assume total responsibility for children. Indeed, it is highly probable that the Loy and Norland test taps something in its respondents quite different from the Bem test and there is no obvious reason why the trait it measures is closer to the essence of femininity (whatever that might be) than Bem or any other test of gender related personality. The origin of the items comprising the Loy and Norland test certainly does not inspire confidence in its ability to strike at the core of masculinity and femininity. Items were supplied by a 'pre-test' sample of adolescents who were asked to select behaviour they thought to be masculine and feminine. The authors apparently believed that such a sample would provide a more reliable measure of personality differences between the sexes than any standard measure developed by psychologists.

(d) Implications of the Empirical Literature

What all the empirical tests of masculinity theory considered here have in common is their reliance on traditional stereotypes of the sexes and therefore a lack of subtlety in their conceptualisation of masculinity and femininity. Otherwise there are few bases of comparison. For example, the type of subjects interviewed in each inquiry varied considerably. Whereas Silverman and Dinitz used an all male sample of institutionalised delinquents with no controls, Widom employed an all female sample of women in prison and a small control group. While the Cullen and Shover studies both administered tests to both male and female subjects, the former inquiry considered the self reported delinquencies of adults

(university students) while the latter relied on interviews with school children.

A second variable which distinguishes each piece of research discussed above is the measure of masculinity employed. Silverman and Dinitz and Cullen and his associates only considered masculinity traits. Widom and Shover and colleagues investigated both masculinity and femininity. No two studies used the same test.

Despite these dissimilarities between the various attempts to test the masculinity hypothesis, making comparative analysis of their findings inappropriate, it is still possible to ascertain whether the data generally tend to prove or disprove masculinity theory. In view of the lack of collaboration between researchers it is perhaps not surprising that even this limited undertaking is unable to produce an unambiguous result. The observations of Silverman and Dinitz and those of Thornton and James go some way to supporting Parsons' theory of reaction formation: that boys who believe that others perceive them as unmasculine compensate by engaging in delinquent acts. Also, although it was not a complete explanation of the greater conformity of girls, Cullen and colleagues did find support for the theory that masculine traits predict delinquency. The findings of Widom and Shover and associates, however, ran in the opposite direction. Their inquiries revealed that masculine traits were unrelated to delinquency, although less feminine (as opposed to more masculine) women were more delinquent than their more feminine counterparts. In other words, that research which made use of a femininity index found this scale, rather than the masculinity index, to be predictive of delinquency for females but in a negative direction. This means that while females who exhibit male traits are not likely to be more delinquent than those who do not, those who fail to display feminine

traits are more prone to delinquency.

(e) Critique

The use of a variety of measures of masculinity (and femininity) to test the masculinity hypothesis does not simply reflect the personal preferences of the social scientists working in the field. There is a problem which runs much deeper. There is indeed a professional failure to reach any agreement about the nature of masculinity and femininity. And herein lies the fatal flaw of masculinity theory. Ann Constantinople explains the conundrum:

"we are dealing with an abstract concept that seems to summarize some dimension of reality important for many people, but we are hard pressed as scientists to come up with any clear definition of the concept or indeed any unexceptionable criteria for its measurement." (104)

The dilemma for the criminologist in adopting such terms as masculinity and femininity with a view to scientifically predicting criminality is that, as Constantinople puts it, "both theoretically and empirically they seem to be among the muddiest concepts in the psychologist's vocabulary".⁽¹⁰⁵⁾ They are slippery concepts because at first glance common-sense would seem to dictate that they must be related to criminality, while on closer scrutiny, the relationship is less clear. Those who theorize the significance of masculinity for criminality (and femininity for conformity) have never really managed to specify exactly what it is about masculinity and femininity which triggers off this behaviour let alone define these concepts in a consistent and convincing manner. Furthermore the empiricists, as we saw above, can agree about neither the appropriate tests of masculinity and femininity, nor the type of subjects

(104) Ann Constantinople, "Masculinity-Femininity: An Exception to a Famous Dictum", Psychological Bulletin, 1973, Vol. 80, No. 5, 389 at 390.

(105) Ibid.

to administer them to, nor even the sort of behaviour to test them for. Is it frequency of all criminal behaviour which relates to masculinity, or does masculinity only explain particular delinquencies? To clarify, if 'aggressiveness' is the aspect of masculinity which criminologists maintain leads to delinquency (and Cohen certainly argues that a tough, rebellious image is what boys equate with masculinity and that the desire for such an image is what precipitates criminality), it seems foolish to argue that all types of criminal behaviour are thus motivated when one considers the variety of activities outlawed. Jocelyne Scutt illustrates this point well when she queries:

"Could it be said that every act of murder is 'aggressive'? Or that murder 'with a blunt instrument' is aggressive, murder by painless poisoning 'passive' or 'non aggressive'? Is writing a false cheque passive? aggressive? Is persuading an American to buy the Tower Bridge, or a Londoner to buy the Brooklyn Bridge, or either to buy the Sydney Harbour Bridge, aggressive? Shoplifting aggressive? passive?" (106)

A further quandary for the criminologist interested in empirically testing the masculinity hypothesis concerns the failure of social scientists up to now to mesh a clearly articulated theory of masculinity (and femininity) with a measure of the concept. As we have seen, Loy and Norland are refreshingly candid about the "theoretical meaning" of their concepts of gender-related personality types as being "at best vague". The problem is that should a certain score on a so-called 'masculinity index' consistently predict a certain amount of delinquency in the respondent, this can not provide conclusive proof of the masculinity hypothesis. The reason is this. While it is clear that something is being measured by the test, and that there is a correlation between that something and delinquency, it is by no means clear that that something is

masculinity, nor that the relationship between the indicator of delinquency and the delinquency itself is a causal one. Certainly none of the attempts to prove the masculinity hypothesis to date have bothered to ascertain whether the subjective meaning of a particular delinquent act was related to some aspect of masculinity or femininity by actually putting the question to delinquent subjects.

Another oversight of the empiricists of masculinity theory concerns those whose work has focussed exclusively on females. Although the masculinity hypothesis as originally conceived by Parsons, Grosser and Cohen fostered two ideas relevant to the explanation of female crime - women did not offend as much as men because crime was a masculinity, not a femininity, verifier and, second, those few women who did offend were nevertheless being gender role expressive - later writers have only considered one strand of the theory. They have tested males and females for the presence of 'masculinity' or the absence of 'femininity' and attempted to relate these traits to criminal propensity. The idea that crime is gender role expressive for females who do offend has not, however, been pursued. Given that two pieces of research have made use of 'femininity scales', it is surprising that they remained steadfast in their exclusive interest in the effects of masculinisation on the behaviour of females. That is, they refused to let go of the original hypothesis that there is something about masculinity which conduces to criminality, instead of exploring the idea that when women do offend their socialised femininity pushes them in certain deviant directions and steers them away from others.

The persistence with which these researchers have ignored the relationship between femininity and patterns of female offending means that

comments such as those of Smart - that when women shoplift they are expressing their gender role by fulfilling their wish to dress fashionably for men - have remained untested. Women offenders have not been asked whether their motives for engaging in crime are so sex stereotyped. Theory has rested on commonsense rather than scientific verification.

Indeed, although those tests of masculinity theory which employed both masculinity and femininity scales were not administered with this hypothesis in mind, it is possible to interpret their findings as tending to disprove the notion that when women offend they are doing so for traditionally sex stereotyped reasons. Both Widom's inquiry and the research of Loy and Norland revealed that the less feminine female subjects - those scoring low on the femininity scale - were the most criminal. For at least these women, it seems unlikely that their criminality was a simple expression or extension of their gender role. And to the extent that these findings that criminal women are not particularly feminine can be generalised, the theory of the gender role expressive female offender (the idea that the female offender is preoccupied with feminine concerns) is called into question.

A final comment on masculinity theory is that it is dangerously appealing. The basis of its appeal is its use of ideas which have been adopted wholesale from the public domain: 'masculinity' and 'femininity' mean something to everyone. The existence of popular meanings of these terms has enabled criminologists to theorize and make themselves understood with little conceptual precision. They have too easily been able to convince their audience that something called 'masculinity' causes crime and that something called 'femininity' either conduces to conformity or to a particularly narrow and feminine mode of criminality.

The strength of masculinity theory's appeal amongst criminologists is demonstrated by the fact that whether the writer endorses (Parsons and Cohen) or opposes (Smart and Klein and Kress) currently prescribed gender roles, s/he still makes use of a supposed dichotomy between masculine and feminine personalities.

IV STRAIN

The essence of strain theory, as the name indicates, is that criminality is caused by pressure or tension. The source of this tension is stimulated aspirations to achieve certain goals coupled with obstacles to their achievement. The frustrated individual turns to crime as a release from this tension and/or to achieve her or his goals via illegitimate avenues.

(a) Intellectual Roots

The father of strain theory is the American social scientist Robert Merton. Although he borrowed ideas and terminology from the French sociologist, Emile Durkheim, strain as the basis of a detailed typology of crime and deviance is largely his own invention. The key concept of strain, coined by Durkheim but adopted (and adapted almost beyond recognition) by Merton, is 'anomie'. Durkheim in fact had resurrected the term from the Greek word meaning 'without law'. He used it to denote the human condition flowing from those events which he observed in industrialising France: the disintegration of a widely accepted normative code which led to ungoverned aspirations and unregulated egoistic behaviour.

Although under the sway of Durkheim's thinking, Merton used the word 'anomie' in quite a different sense. To Merton anomie was not a state of

normlessness which precipitated antisocial behaviour, but the condition experienced by an individual taught to want the goals of his culture but denied access to them. American society, according to Merton, was dominated by a concern for material wealth. The accepted means of achieving this monetary goal were education and then upward mobility through employment. Merton conceived the whole of (American) society as sharing this goal but not equally sharing the means of its achievement. Inequities in the social structure meant that the undereducated were limited in their occupational opportunities and were bound to feel frustrated by their disadvantages and consequently to turn to deviance.

Merton found support for his theory in the official crime statistics in which a disproportionate number of the poor and socially underprivileged were represented. He did not question the nature and meaning of the crime figures but took them to be evidence and proof of his theory of strain.

It was another American social scientist, however, who clearly identified 'the great American dream' as one suitable for males only and who thereby turned strain into a gender role theory. In a landmark work, Delinquent Boys, Albert Cohen observed that:

"The requisites for the achievement of social class status in the adult role are not quite the same for men and women." (107)

Although both men and women derive their class from that of their family of procreation, it is the man, not the woman, who determines this status by his occupational achievements. Women take their status from men. Men achieve their status from their own endeavours. And these are assessed according to very particular middle class standards which place value on

ambition, responsibility, resourcefulness, self-reliance, tangible achievement, ability to defer gratification, rationality, courtesy, the control of physical aggression, and respect for property.

Taking Merton's concept of strain, Cohen theorized that the delinquency of working-class boys is primarily a reaction against being judged and found failing according to the standards of the middle classes. The 'status frustration' stemming from this clash between cultures leads working-class boys to develop a culture of their own which inverts middle-class values by embracing short term hedonism and malicious and negative behaviour. In such a delinquent subculture the working-class boy can achieve status in the eyes of other boys of his class.

Cohen believed that girls, on the other hand, are not expected to be ambitious, high achievers and accordingly they do not experience the same criminogenic stresses as boys.

"Dating, popularity with boys, pulchritude, 'charm', clothes and dancing are preoccupations so central and so obvious that it would be useless pedantry to attempt to document them... It is no accident that 'boys collect stamps, girls collect boys'." (108)

If a girl is subject to stress, hers is of a different kind. Her focal concerns being primarily boys and relationships, the girl who fails in these areas does not turn to the delinquent subculture for the solution to her problems. For "it is, at best irrelevant to the vindication of the girl's status as a girl, and at worst,... it positively threatens her in that status in consequence of its strongly masculine symbolic function".⁽¹⁰⁹⁾ She might however turn to delinquency of a different kind. Observing that female offending "consists overwhelmingly of sexual

(108) Ibid, p. 142.

(109) Ibid, pp. 143 & 144.

delinquency"⁽¹¹⁰⁾ Cohen maintained that

"sex delinquency is one kind of meaningful response to the most characteristic, most central and most ego-involved problems of the female role: the establishment of satisfactory relationships with the opposite sex." (111)

Cohen never developed a fully articulated strain theory of female crime. As he conceded, his ideas about female delinquency were made *en passant*, his central concern being the delinquent boy. But in the course of exploring the working-class male delinquent subculture, he found it necessary to distinguish the cultural goals, and therefore the delinquency, of girls. Cohen never specifically maintained that sexually promiscuous girls were, like delinquent boys, responding to blocked opportunities to achieve their cultural goals. His sole point was that for a girl to make the most of her feminine assets she must guard her chastity (or risk jeopardising her chances of snaring an upwardly mobile, middle-class male) but that there were "powerful, socially structured motivations to use overt sexuality for quick dividends".⁽¹¹²⁾

Another variant of strain theory which makes much of the different cultural expectations of girls and boys is that developed by Richard Cloward and Lloyd Ohlin. In their pivotal volume, Delinquency and Opportunity,⁽¹¹³⁾ published in 1960, they amalgamated the ideas of Merton, Cohen and Sutherland to produce their synthesis of 'differential opportunity'. Accepting the notion that there are shared aspirations of material wealth in American society, but that structured inequalities ensure

(110) Ibid, p. 144.

(111) Ibid, p. 147.

(112) Ibid.

(113) Cloward and Ohlin, op. cit.

that only some are likely to achieve this goal, Cloward and Ohlin advanced the theory that, likewise, the delinquent response is not equally available to everyone. Just as the avenues to a middle-class style of living are closed to some, so are delinquent subcultures. Both legitimate and illegitimate opportunities are differentially available to different members of society depending on such factors as class, race, age and sex.

Of import for gender role theory is that aspect of 'differential opportunity' theory that maintains that girls must be culturally distinguished from boys. The push towards delinquency from thwarted aspirations for material goals, it argues, is confined to boys.

"It is primarily the male who must go into the marketplace to seek employment, make a career for himself, and support a family..." (114)

The delinquent subculture is, therefore, a male solution to an exclusively male problem. Girls are neither pressured to achieve material wealth nor afforded the delinquent solution to any stresses they might experience. Like Cohen, Cloward and Ohlin are convinced that the delinquent response is positively inappropriate for girls. By example, in their discussion of the ethos of fighting gangs they maintain that the immediate aim of gang members is to acquire a reputation for violence and toughness.

"A 'rep' assures not only respectful behavior from peers and threatened adults but also admiration for the physical strength and masculinity which it symbolises." (115)

In view of the primarily familial concerns of females, a reputation of this nature is of no value. In fact it is likely to prove positively detrimental to affective relationships.

(114) Ibid, p. 106.

(115) Ibid, p. 24.

(b) Adoption of "Strain" by Gender Role Theory:
From Morris (1964) to Simons, Miller & Aigner (1980)

The cultural objectives of boys and girls as defined by Cohen and Cloward and Ohlin were accepted without question by Ruth Morris in the mid 1960s when she shifted the focus of strain theory to the delinquent girl. Maintaining that blocked access to legitimate means of achieving culturally defined success goals precipitates delinquency, Morris hypothesised that

"...obstacles to economic power status are most likely to lead to delinquency in boys, while obstacles to maintaining positive affective relationships are most likely to lead to delinquency in girls". (116)

Morris's was the first formulation of a strain theory specific to female crime. The main concern of Cohen and Cloward and Ohlin had been the delinquent boy. Their references to the delinquencies of girls were intended to throw light on the delinquencies of boys rather than provide any important insights into the nature of female offending. This notwithstanding, from Delinquent Boys and Delinquency and Opportunity it is still possible to glean the following theory about female delinquency: there is considerably less of it than male delinquency because girls are not subjected to the financial pressures of the breadwinner; that which exists is mainly sexual because the goals of girls are relational; and girls avoid, and are excluded from, delinquent subcultures whose inherent violence is symbolically masculine. In the course of her research Morris synthesised these ideas to develop a discrete strain theory of female delinquency. This involved an analysis of the nature of the obstacles to feminine fulfilment and the consequent hypotheses that delinquent girls would tend to come from broken homes and/or families with many tensions, and would "be rated low in personal appearance and in grooming skills". (117)

(116) Ruth Morris, "Female Delinquency and Relational Problems",
Social Forces, 1964, 43, 82 at 83.

(117) Ibid.

Morris conceived female goals as being broader than those depicted by her predecessors. She believed that girls are not solely concerned with boys and the search for a husband. Theirs is a general interest in affective relationships, with family members and boyfriends as the focal points.

To test her predictions Morris interviewed delinquent boys and their controls (fifty six quartets matched for class, intelligence and race) about their home backgrounds as well as assessing their personal appearance and grooming. Generally, her findings were as expected. Delinquent girls came from broken homes more often than non-delinquent girls, while broken homes did not clearly distinguish the delinquent boys from their controls. Delinquents more than non-delinquents, and delinquent girls more than delinquent boys, rated their family's relationships as unhappy. Personal appearance, however, was not found to differentiate delinquent girls from their controls although the delinquents displayed slightly poorer grooming.

Morris's pioneering research is less than satisfactory because it skims over important and interesting issues. As Cohen regarded it as "useless pedantry" to document with any degree of specificity the preoccupations of girls, so Morris deems it unnecessary to consider whether delinquent girls suffer from "significantly" worse "relational" handicaps than delinquent boys. Instead she reasons that

"it seemed more appropriate to anticipate merely clearer differences between the female delinquents and non-delinquents than between the male groups". (118)

This commonsense rather than empirical approach forms the basis of Morris's claim that "the evidence is strong that girls are particularly susceptible to relational problems".⁽¹¹⁹⁾ This is notwithstanding the finding that

(118) Ibid, p. 89.

(119) Ibid.

the tendency for non-delinquents to be more satisfied with their relationships with their parents is only "somewhat clearer for girls than for boys", while the tendency for delinquents to be more poorly groomed than non-delinquents is likewise only "somewhat clearer for the girls' groups than for the boys' groups".

The tenacity of the idea that the failure of girls to succeed with boys causes them to adopt delinquent behaviour is demonstrated by another American investigation which followed closely on Morris's footsteps. This time Harjit Sandhu and Donald Allen hypothesised that obstacles to "acquiring, marrying, and retaining a husband" cause girls to turn to crime.⁽¹²⁰⁾ Subjects were all female (there was no attempt to test whether delinquent males are equally disadvantaged in the marriage stakes) and comprised a group of institutionalised delinquents and a control group of high school students. As well as a marriage related obstacle index, questionnaire items included an anxiety scale and a measure of anomie.

In diametric opposition to the original hypothesis,

"the delinquent girls showed significantly less commitment to marital goals, expressed less desire to marry, and perceived fewer obstacles in the fulfillment of their marital goals as compared to nondelinquent girls".⁽¹²¹⁾

Not surprisingly, delinquent girls were found to be more delinquent as well as more anxious and more anomic than the control group. In spite of the conspicuous absence of evidence that the delinquents' anxiety and anomie stemmed from concerns about marriage - indeed responses clearly indicated otherwise - Sandhu and Allen proceeded to maintain that their data provided partial support for their

(120) Harjit Sandhu and Donald Allen, "Female Delinquency: Goal Obstruction and Anomie", Can. Rev. of Sociology and Anthropology, May 1969, 107.

(121) Ibid, p. 109.

hypothesis. This partial support was derived in a curiously circuitous way. It was suggested that the delinquent sample really was experiencing and suffering from obstacles to marriage attainment but simply did not realise it.

"Psychologically speaking, they are using a mechanism of denial to maintain homeostasis." (122)

More realistically, the authors conceded that their observations were equally consistent with the anti-thetical theory that female delinquency and obstacles to mate selection were unrelated.

In Chapter Three above it was noted that a spate of self-report studies of the delinquencies of girls in the 1970s revealed that their criminality is not confined to sexual promiscuity but resembles the delinquency of boys in all aspects except frequency. With this new understanding of the nature of female crime, strain theorists of the seventies no longer found it appropriate to characterise female delinquency as a product of 'relational' problems. They proceeded instead to test samples of delinquent girls for signs of frustration of a more general nature.

Female and male delinquents from a Family Court and school students were accordingly tested by Datesman and her colleagues for their perceptions of their opportunities by their agreement with, or dissension from, items such as "I won't be able to finish high school because my family will want me to get a job" and "I do/don't have opportunities that most teenagers have". (123) Responses indicated a stronger relationship between perceptions of blocked opportunities and delinquency in girls than in boys. In other words, strain was a better predictor of delinquency in girls than in boys. Datesman concluded that "girls who engage in

(122) Ibid, p. 110.

(123) Susan K. Datesman, Frank R. Scarpitti and Richard H. Stephenson, "Female Delinquency: An Application of Self and Opportunity Theories", J. Res. Cr. & Delinquency, July 1975, 107.

delinquent conduct must perceive their opportunities as relatively circumscribed compared to other girls".⁽¹²⁴⁾

Given that Datesman's test instrument (with its focus on general life opportunity rather than on narrow relational goals) produced results more supportive of strain theory than those of Morris and Sandhu and Allen, it is curious that she falls back on a construction of female crime reminiscent of her predecessors in her analysis of findings. By way of comment on the ambiguity inherent in the opportunity index which she employed, she states that she had assumed *ab initio* that "males were defining opportunity as the probability of success in work, while females were assessing their chances of achieving meaningful interpersonal goals".⁽¹²⁵⁾ That this assumption is perverse becomes apparent after a scrutiny of test items which reveals that those which specifically relate to what have traditionally been conceived as male goals (that is, a good education and remunerative employment), are nevertheless better predictors of female than male delinquency. In view of the absence of any 'relational' goals in the test instrument (it was originally designed for male subjects) a more obvious conclusion to draw from these findings is that girls are at least as concerned as boys about their thwarted aspirations in the public world of education and work, and that these concerns push them in the direction of delinquency.

The difficulty with such a construction of Datesman's data is that it poses another set of problems. Strain made sense as a theory of female conformity (or of the restriction of female delinquency to sexual promiscuity) when based on the premise that girls do not experience the pressures of the breadwinner. Thus it was reasoned that girls are

(124) Ibid, p. 116.

(125) Ibid, p. 121

worried about neither performance at school nor employment prospects. Their entire concern is acquiring boyfriends and ultimately husbands. It therefore follows that they are not as delinquent as boys. Now if the empirical research discloses that girls are anxious about their occupational opportunities, or lack thereof, strain should predict more female than male delinquency in view of labour statistics which consistently indicate that the work opportunities of women are much worse than those of men. Most women tend to be employed in lower paid, lower skilled jobs than men, or not employed at all. But, as Chapter 3 demonstrated, this does not cause women to offend more than men.

Douglas Smith's recent inquiry into the efficacy of various social theories of criminality as predictors of female crime was mentioned in the discussion of differential association. During his investigations Smith also tested the concept of strain by asking subjects the non-sex specific question of whether they "personally have had enough opportunities in this country to reach [their] goals".⁽¹²⁶⁾ Recall that Smith's sample comprised citizens of three American states aged fifteen and over who were asked to report delinquencies they might commit tomorrow given the need or desire. Answers disclosed that strain (perceptions of blocked opportunities) was "equally useful in accounting for estimated future probability of deviance for males and females".⁽¹²⁷⁾ What strain was unable to do, however, was explain the greater conformity of girls revealed by the survey. Although there was a similarity of correlation between self reported delinquencies and perceptions of blocked opportunities for male and female subjects, when strain was held constant, the sex differential in offending failed to disappear.

(126) Smith, op. cit., p. 187.

(127) Ibid, p. 191.

More recent investigations into strain as an indicator of female crime have focussed on yet another set of goals and obstacles: what were conceived by the early strain theorists as the traditionally male pursuits of schooling and jobs.

Over thirteen hundred American high school students of both sexes were the subjects of an inquiry into the effects of strain on female offending conducted by Cernkovich and Giordano.⁽¹²⁸⁾ A self-report test of delinquency was administered to students together with scale items designed to measure "awareness of blocked or limited access to legitimate educational and occupational opportunities".⁽¹²⁹⁾ Subjects were also asked whether they attributed any obstacles placed in the way of their success to sex discrimination (against females) and whether these perceptions of being discriminated against had triggered a delinquent response.

Although it was clear enough that girls' perceptions of being discriminated against bore no relationship to their delinquency, other results were less straightforward in their implications for strain theory. Unexpectedly race, rather than sex, determined the utility of strain as a predictor of delinquency. That is to say, blocked opportunities constituted a better predictor of delinquency among whites than among non-whites regardless of the factor of sex. Even though, as the authors concede, these findings are difficult to interpret, they do at least indicate that strain is virtually as good at predicting female delinquency as it is at predicting delinquency in boys when the success goals in question are defined as educational and occupational. From these data it would therefore appear to follow that strain should not be regarded as a sex specific explanation of crime.

(128) S.A. Cernkovich and P.C. Giordano, "Delinquency, Opportunity and Gender", J. Crim. Law and Criminology, 1979, 70/2, 145.

(129) Ibid, p. 147.

Perceived access to educational and occupational opportunities also formed the focus of the measure of strain employed by Simons, Miller and Aigner.⁽¹³⁰⁾ In this case the association between strain and delinquency was observed to be less significant for females than for males. Although female subjects were substantially more conformist than males, this did not reflect greater optimism about their opportunities, as strain theory would suggest. Instead "the females in the sample were slightly less likely than the males to perceive that they would have sufficient opportunity to fulfil their occupational aspirations".⁽¹³¹⁾ In fact generally findings provided little support for strain. Even though results were in the expected direction for males, strain was not a powerful predictor of their delinquency.

In an effort to make sense of the greater conformity of girls given their greater pessimism, Simons and associates consider the possibility that girls are less concerned about their educational and occupational opportunities than boys. They also suggest an alternative interpretation of their findings, one which has already been offered by Cloward and Ohlin in their formulation of differential opportunity. This is that strain alone is insufficient to push an individual in a delinquent direction. There must also be opportunities to engage in criminal enterprises. And as Cohen, Cloward and Ohlin all stress, the delinquent subculture is predominantly a male domain.

It is clear that the few attempts to test the illegitimate opportunity hypothesis on female subjects have revealed that where girls are given the same chances to offend as boys, the frequency of the offending of the two sexes is remarkably similar. Research into the nature and extent of the

(130) Simons, Miller and Aigner, op. cit.

(131) Ibid, p. 48.

self reported delinquencies of American school children conducted by Joseph Weis (see Chapter 3) indicated that although boys generally offended significantly more than girls, where the delinquency was a "sex-shared activity" - such as violating curfew, getting drunk and smoking marijuana - the percentage of male and female offenders in each grade was roughly the same.⁽¹³²⁾ Similarly Rob Mawby's study of the self reported delinquencies of English school children (see Chapter 3) suggested that opportunity was an important variable in the offending of girls. This information was obtained by asking subjects to describe their play activities, whereby girls revealed that they had fewer opportunities to offend than boys. Girls were "significantly more likely to 'play or muck about' in the home, and boys more likely to 'play or muck about' on deserted land".⁽¹³³⁾ Mawby also discovered that when girls were in a similar position to offend as boys they tended to be as delinquent. This was evident from the finding that although the overall frequency of male offending (including theft) was considerably greater than the delinquencies of girls, in those situations where girls were most likely to be found, that is, at school and in the home, girls were as likely to commit thefts as boys. By contrast, the more marked differences between the offending of girls and boys related to those offences associated with the male dominated outdoor play activities. Mawby surmised that the greater conformity of girls was perhaps a consequence of their more circumscribed play activities out of school.

The value of strain as a predictor of female delinquency is by no means proven. This review of the empirical literature has revealed that researchers have not been consistent in their measure of

(132) Weis, op. cit., p. 20.

(133) Mawby, op. cit., p. 540.

the phenomenon and that their findings have been ambiguous. Indeed each inquiry has used different samples, different test instruments and worked with slightly different hypotheses. And, not surprisingly, results have been as variable as the tests employed.

An important methodological flaw in the research of Morris and Datesman is that both made use of officially labelled delinquents to fill their delinquent samples and assumed that their student controls were non-offenders. Since the students were not administered self-report tests for delinquency, there is no guarantee that this was, in fact, the case. Other inquiries avoided this pitfall by deriving delinquent samples from students who admitted to committing delinquent acts. This cautionary move does not, however, get around an additional problem of these investigations - indeed of all research which seeks to test a theory of criminality on subjects who are already identified as delinquent. This is the problem of temporal sequence and the attribution of cause and effect. In other words, these investigations do not tell us whether strain caused delinquency, or whether delinquency (or the official detection thereof) caused strain, or indeed whether there is any important correlation between the two.

For those authors who conceived strain for girls as blocked access to relational goals, findings conflicted. While Morris observed that delinquent girls perceived obstacles to these goals as 'somewhat' worse than non-delinquent girls and boys, Sandhu and Allen found that their delinquent girls were actually less worried about marriage, and saw fewer obstacles to its achievement, than non-delinquents. When female goals were defined in a gender neutral way (that is, 'your goals'), strain proved to be a better predictor of female delinquency than of the offending of boys (for Datesman) and as good a predictor of female delinquency

(for Smith) although it was an insufficient explanation of the greater conformity of girls. Those researchers who tested girls for what have traditionally been defined as male goals - work and education - discovered that race rather than sex determined the efficacy of the theory (Cernkovich and Giordano) and that strain was a worse predictor of delinquency in girls than in boys (Simons et. al.).

The research which has produced the most straightforward and helpful findings for strain theory was not specifically designed to test this theory but, instead, addressed the issue of opportunities to offend. Although it is arguable that opportunity theory is more appropriately considered in the context of differential association than strain, it was adopted by the strain theorists Cloward and Ohlin as an integral part of their thesis of differential opportunity.⁽¹³⁴⁾ Research into the delinquent opportunities of girls reveals that their offending is remarkably similar to that of boys in those locales where girls congregate as much as boys - that is, the school and the home - and in those situations where social activities are mixed.

(c) Critique

The critics of the theories about strain have a number of strings to their bows. Perhaps the commonest criticism concerns the assumption of strain theorists that there are shared goals and aspirations in society - that society is culturally homogeneous. With the burgeoning of conflict theory and its challenge to the consensual view of society,⁽¹³⁵⁾ proponents of strain theory have been accused of turning a blind eye to the

(134) Research into the effects of illegitimate opportunities on the offending of girls was reported here and not in the context of differential association because of the latter's principal emphasis on positive learning experiences rather than simply the availability of opportunities.

(135) Recall the discussion of conflict theory in Chapter 2.

fact that different social groups are in fundamental disagreement about success goals. The delinquent individual who spurns the material goals of the middle class may not simply be displaying frustration precipitated by blocked opportunities but may be actively choosing criminality as a conscious mode of protest against a system with which s/he takes issue. Strain seems to deny the possibility, for example, that crime may exist as a form of social protest.

Another general criticism of strain explanations is that they appear to suggest that those who are not socially disadvantaged have no reason to offend. Strain theorists often take official crime statistics as an unproblematic basis from which to commence theorizing and therefore are able to demonstrate that crime is largely a working-class phenomenon. But this ignores the findings of self-report studies which unearth considerable middle-class crime.⁽¹³⁶⁾

A third attack on strain theory is based on its inability to explain the diminution of male delinquency with the onset of adulthood. If delinquency is a response to blocked avenues to middle-class success goals, for a large portion of the population, these obstacles are permanent. Why, then, is a criminal response to them more common among juveniles?

In its application to females, the theory of strain has revealed other problems. It was mentioned previously that Cohen so took for granted the gender role concerns of girls that he thought it "useless pedantry" to document them in any detail, let alone provide any empirical support for his suppositions. Faithful to Cohen, strain theorists continue to pay scant attention to the nature of the female gender role. They refuse to

(136) See Chapter 3 for a discussion of self report studies and middle class crime.

consider the aspirations of women flowing from their gender role. They also ignore the structural opportunities of women achieving their goals. In keeping with the literature of the 1950s and '60s, the most recent inquiries into female crime employing strain as a central hypothesis have relied instead on commonsense assumptions about gender role concerns. They have assumed that women either want to be wives and mothers (Datesman and associates assumed this) or that they increasingly want the traditional male goals of a good education and satisfying paid employment (an assumption underlying the work of Cernkovich et. al. and Simons et. al.). And yet they have made no attempt to test empirically exactly what women regard as success. Thus the possibility has been ignored that women's concerns are neither solely focussed on the wife/mother role nor the breadwinner function but are a subtle blend of the two or something altogether different.

A further cause for dissatisfaction with this approach, one already attributed to masculinity theory, is that none of the strain theorists has considered it necessary to produce evidence of how offenders construe their own offending.⁽¹³⁷⁾ Indeed this is not surprising in the light of Cohen's original description of criminality in boys as "reactive", "negativistic" and "malicious". Such terminology would seem to imply that little thought goes into the commission of delinquent acts and that consequently it would be pointless asking offenders about the reasons for their behaviour. Accordingly, meanings of delinquent acts have simply been inferred from correlations between, say, poor relationships and sexual promiscuity. Such correlations, however, do not amount to proof of causal relationships. Without interviewing subjects about their reasons for offending

(137) Shover and Norland, 1978, op. cit., p. 119 level this criticism at strain.

we can not be sure whether any particular delinquent act has anything to do with frustrated goals.

But perhaps the most penetrating criticism of strain as an explanation of female behaviour is that, unless female goals are narrowly conceived as marriage and motherhood, it is illogical. That is, as soon as strain theorists concede that females also have educational and occupational aspirations (as Cernkovich and Giordano and Simons and associates clearly do), they are forced into a position of predicting more, not less, criminality amongst women because women are more disadvantaged than men in these spheres. It is therefore only in its original formulation by Cohen, Cloward and Ohlin, and Morris that strain makes sense as a theory of female criminality and conformity. Here women are depicted as immune to stresses in the extrafamilial public world.

Yet the original theory of strain gives rise to another set of problems. If women are believed to be solely concerned with family matters, are the strain theorists maintaining that there are no stresses associated with the role of wife and mother (or potential wife and mother)? Once a girl is guaranteed marriage and a family, does she live happily and unstressfully ever after? This would seem to be the necessary implication of strain as a theory of the greater conformity of women. This ignores, however, a considerable body of literature by psychologists and psychiatrists which highlights the stresses and strains which are inherent in the wife/mother role. For example, in their assessment of the effects of 'sex roles' on mental illness, the American psychologists, Gove and Tudor⁽¹³⁸⁾ argue persuasively that rates of mental illness are much higher among married women than unmarried women and attribute this

(138) W.R. Gove and J.F. Tudor, "Adult Sex Roles and Mental Illness", Am. J. of Sociology, Jan. 1973, 78, No.4, 812.

to the greater stresses experienced by wives and mothers.⁽¹³⁹⁾ Their specific thesis is that the married woman's role of housewife is more frustrating than the male breadwinner role. For housework is, *inter alia*, unstructured, invisible, and socially devalued.

Since Gove and Tudor use the stresses of the female role to explain mental illness in women, there is obviously some conflict between the strain theory that women are more law-abiding than men because they are not subject to the same stress, and this explanation of mental illness in women as a response to stress. These issues of the nature of the stresses of the female role and their implications for mental illness in women will be returned to in Chapters 7 and 8. For the moment it is sufficient to point out that a strain theory of female conformity (that women do not experience strain and are therefore conformist) can only be sustained by maintaining this insularity of criminology from other disciplines concerned with reasons for human behaviour.

The many problems which have been identified here as endemic to attempts to prove that the sex differential in crime is a function of the different levels, and different types, of stress experienced by men and women have been easily overcome by a diverse group of theorists who decided to reject outright the notion that criminality has anything to do with individual pathology. These criminologists began to agitate for a radical change in the focus of criminology because they were convinced that it was more fruitful to examine the interactions of the individual with society and, in particular, with society's agents of 'control', than to diagnose the psychological problems of the individual offender. Although at least one exponent of this perspective (Walter Reckless) was

(139) This thesis will be considered in greater detail in the next chapter.

publishing at about the same time as Cohen, the influence of the 'control' approach on modern day criminology has been more far-reaching and enduring than strain theory. This is the reason for the current decision to treat the 'control' perspective as a later intellectual development in the study of female crime.

V NORMATIVE CONTROL: Self Concept, Social Bonds and Labelling

The body of theory to be considered under this heading spans a wide range of ideas on why people offend. They are grouped together here because they share assumptions about human nature and human behaviour which distinguish them from most other work on the etiology of crime. These assumptions are, first, that people will by nature engage in a wide range of behaviour, some of which will be criminal and some of which will be law-abiding, unless they are 'controlled' or restrained by the norms of 'conventional' society - hence the term 'normative control' theory. In other words, individuals do not have to be subjected to stress before they will deviate. Rather, crime will come naturally to them because human beings are naturally diverse in their behaviour. The second assumption is that a person's self-perception governs her or his behaviour. The person who has a positive self concept or who sees her or himself as a conventional, law-abiding citizen, will tend not to offend. On the other hand, those individuals who negatively evaluate themselves or who see themselves as unconventional, rebellious or 'bad' are likely to engage in crime. As will become evident in the following discussion, these normative control theories overlap into other areas of theorizing about the causes of crime, and borrow a number of ideas from criminologists outside their school. The shared assumptions of the control theorists nevertheless make it sensible to consider them together.

(a) Intellectual Roots

The roots of normative control theory can be traced to three American social scientists: Walter Reckless, Travis Hirschi and Howard Becker. The ideas which have come to be attributed to them are respectively known as 'self concept' or 'containment' theory, 'control' theory and 'labelling' theory. With a view to making the integrity of these concepts plain, the following discussion will treat them separately. Their essential similarity and shared suppositions will nevertheless be apparent throughout.

The weighting which will be given to each of these theories will not reflect their impact on, nor importance for, mainstream criminology for the simple reason that the concern here is the female offender and the study of female crime has tended to be insulated from the ferment of ideas generated within criminology proper. Hence the fact that labelling theory revolutionised the mainstream of criminological thinking in the 1960s will not be evident from its treatment here.

(b) Self Concept Theory

In 1956 Walter Reckless and his colleagues published the results of a pilot study designed to identify "What insulates an early teenage boy against delinquency?"⁽¹⁴⁰⁾ Subjects were obtained by asking school teachers from a high delinquency area to select students they regarded as unlikely to ever experience police or juvenile court contact. The resultant 125 'good boys' were administered tests of delinquency proneness, social responsibility, occupational preference and concept of self,

(140) Walter C. Reckless, Simon Dinitz and Ellen Murray, "Self Concept as an Insulator Against Delinquency", Am. Soc. Rev., 1956, 21, 744.

their family and 'other interpersonal relations'. In addition, mothers of subjects were interviewed about the boys' family backgrounds and friends.

What were found to typify this sample of good boys were high levels of social responsibility, self evaluations of being law-abiding and obedient, stable homes, close parental supervision, intense parental interest in their welfare, and friends of whom the mother approved. Reckless concluded that what insulated these boys against delinquency was "an ongoing process reflecting an internalization of non-delinquent values and conformity to the expectations of significant others".⁽¹⁴¹⁾ He felt that these results pointed to the existence of "a socially acceptable concept of self" and "a well-developed concept of self as a 'good boy'" which militated against a boy's involvement in delinquency.

Four years later these boys were interviewed again and found to be still essentially law-abiding. Only four boys had had any police contact.⁽¹⁴²⁾

As a further test of their 'good self concept' theory, Reckless and associates conducted a similar study of 101 sixth graders nominated by teachers as 'bad boys' and discovered that they scored very differently from 'good boys' on the same scales and in the predicted direction.⁽¹⁴³⁾ A follow-up study four years later, which succeeded in locating seventy of these boys, revealed that their mean delinquency proneness and social responsibility scores had not changed and that 39% had had serious and frequent police and court contacts.⁽¹⁴⁴⁾ Reckless interpreted these

(141) Ibid, p. 746.

(142) F.R. Scarpitti, E. Murray, S. Dinitz and W.C. Reckless "The 'Good' Boys in a High Delinquency Area: Four Years Later", Am. Soc. Rev., 1960, 25, 555.

(143) S. Dinitz, W.C. Reckless and B. Kay, "A Self-Gradient Among

findings as providing strong support for the original idea that it is the quality of the self concept which differentiates law-abiding from delinquency prone boys. The former see themselves (as do their mothers) as 'bad' and as likely to get into trouble.

In 1962 Reckless elaborated upon this idea of the delinquency resistant and delinquency prone self concept and renamed it 'containment theory'.⁽¹⁴⁵⁾ At pains to stress that his was not a causal theory of crime, merely an 'explanation',⁽¹⁴⁶⁾ he claimed that 'the delinquency-resistant individual' was 'contained' by an 'external social structure' and an 'internal buffer', both of which held him in line. External containment incorporated, *inter alia*, "a role structure which provides scope for the individual", "a sense of belongingness" and "identification with one or more persons within the group". The internal buffer comprised 'self components' which determined "the strength of the self as an operating person". They included "a favorable image of self in relation to other persons" and "strongly internalized morals and ethics".⁽¹⁴⁷⁾ When both external and internal containments were strong, the individual was well insulated from delinquency.

(143) Potential Delinquents", Crim. Law, Criminology and Police Science, (cont.) 1958, 49, 231.

(144) S. Dinitz, F.R. Scarpitti and W.C. Reckless, "Delinquency Vulnerability: A Cross Group and Longitudinal Analysis", Am. Soc. Rev., 1962, 27, 515.

(145) Walter Reckless, "A Non-Causal Explanation: Containment Theory", Excerpta Criminologica, 1962, Vol. 2, 131.

(146) Whether it makes sense to talk about a "non-causal explanation" of crime will be considered later in the critique of this theory.

(147) Reckless, 1962, op. cit., p. 132.

(i) Adoption by Gender Role Theory

Attempts to apply containment theory to the female offender have led to a curious range of inquiries into what have been variously named the 'self concept', the 'self image' and the 'self esteem' of delinquent females. This research is curious in the sense that common assumptions about a positive view of self conducing to conformity, and a negative view of self causing criminality, have led to the formulation of diametrically opposing hypotheses.

In response to the contemporaneous research of Reckless and associates, in 1960 and 1961, Shirley Merrit Clark tested, *inter alia*, the hypothesis that "female delinquents will score more favorably than male delinquents on measures of socialization, self-concept with regard to the law and self-concept with regard to themselves."⁽¹⁴⁸⁾ Thus Clark hoped to explain what she believed to be the less serious delinquent involvement of girls compared with boys. She reasoned that girls possessed better self-concepts than boys and that this explained why those who offended did so in a less serious manner.

Clark administered a variety of tests to institutionalised delinquent girls and boys. These included a legal self-concept test which assessed subjects' attitudes towards the law, a general self-concept test, a self-report delinquency index and the delinquency proneness scale used by Reckless. Both her assumptions and predictions were contradicted by her findings. The 'extensivity' of female delinquency was much greater than she expected. Girls were not less 'delinquency prone' than boys. Boys had only a 'slightly' less favourable legal self-concept than girls. And girls displayed only a marginally more favourable

(148) Clark, *op. cit.*, p. 219.

general self-concept than boys.

In 1966 the Canadian criminologist, Marie Andrée Bertrand, hypothesised an entirely different relationship between the offending of females and self image.⁽¹⁴⁹⁾ She maintained that society labels law breakers as 'wicked' and that, as a consequence, all delinquents suffer loss of self-esteem and come to see themselves as objects rather than agents, but females more so than males. The reason why women suffer more than men when they are labelled 'criminal' is that criminal women are so far from fulfilling society's expectations of the feminine stereotype that they are forced to perceive themselves as failures.⁽¹⁵⁰⁾

To test her theory Bertrand administered a test of 'agency' - the extent to which the subject perceived him or herself as agent or object - to institutionalised delinquents and controls living in Canada and northern Europe.⁽¹⁵¹⁾ Findings were mixed and confusing. What they seemed to indicate was that, while many of the delinquent girls (that is the Anglo-Canadians, the French speaking Belgians, and the French) and the majority of the Canadian criminal women saw themselves as victims and objects, French Canadian delinquent girls were "creative" and "unbroken in initiative", their competence surpassing that of their non-delinquent peers.

Employing a different hypothesis, from 1967 to 1970 Bertrand conducted another major international investigation⁽¹⁵²⁾ into the relationship between self image and female crime.⁽¹⁵³⁾ Again her findings were

(149) Bertrand, 1969, op. cit.

(150) The reasoning behind this hypothesis is scattered throughout a long (some 64 pages) and at times confusing paper. Indeed it is not absolutely plain what Bertrand is trying to prove.

(151) This test comprised three questions: "What has been, according

ambiguous and confusing. In those countries where women are allocated more egalitarian economic roles (the Soviet bloc countries), there was not a consistent tendency for them to perceive themselves more as objects. In fact the only clear finding which Bertrand managed to extract from her research was that women everywhere regard themselves as remarkably powerless.

In 1972 a New Zealand criminologist, Jocelyn Roberts, published the results of her inquiry into the self image of delinquent girls.⁽¹⁵⁴⁾ The hypothesis which guided her study was similar to Bertrand's. She too predicted that her sample of institutionalised delinquent girls would display a more negative self concept than her control group of non-offending girls. The test she used was, however, quite different. It comprised a general interview and an open ended questionnaire to which subjects were asked to respond to the stimulus "I am ..." twenty times. From these responses Roberts derived a locus or social anchorage score (what Reckless referred to as a sense of belonging to a social group) as well as a general self evaluation.

Again findings were ambiguous and failed to support consistently the hypothesis. Although delinquents achieved lower locus scores than

(151) to you, the most important step or most important decision you (cont.) have taken in the last three years?"; and "Which man or which woman has done the most harm (question 2)/ the most good (question 3) to humanity in the last twenty years?"

(152) France and Belgium, Hungary and Poland, and Canada and Venezuela were compared.

(153) M.A. Bertrand, "The Insignificance of Female Criminality in the Light of the Hegemonic Conceptions of Sexual Roles and the Privatization of Women", Unpublished paper presented at the First Conference of the European Group for the Study of Deviance and Social Control, Florence.

(154) Jocelyn Roberts, Self Image and Delinquency: A Study of New Zealand Adolescent Girls, Research Section, Justice Department, Wellington, Government Printer, 1972.

controls, the difference was not large, and some non-offenders had lower average scores than the Borstal girls. In view of Roberts' hypothesis, which hinged on a comparative analysis of the self image of delinquent and conformist girls,⁽¹⁵⁵⁾ it is strange to discover half way through her report that controls were not asked to attend a general interview but were only administered the "Who am I?" test. The net effect of this is that they were not rated for self image. However, this does not prevent Roberts reporting her 'general impressions' about the controls' view of self derived from their "Who am I?" tests. She suggests that none of them would have been rated 'poor' and then goes on to claim that "one of the major differences between Borstal and non-Borstal girls lies in their image of themselves".⁽¹⁵⁶⁾ But this does not receive strong support from her finding that only 17% of the delinquents presented a 'poor' self image. It would therefore seem that Roberts' data are best described as inconclusive.

A modified "who am I?" test was also employed by Susan Datesman and her colleagues, this time using American subjects comprising girls and boys appearing before a Family Court with school children as controls.⁽¹⁵⁷⁾ The stated aim of this study was to "assess the operational utility" of applying to females a theory of delinquency which the authors believed had previously been confined to males - that is, self concept theory.⁽¹⁵⁸⁾

(155) Roberts does not make her hypothesis completely clear. This is how it is interpreted by the author.

(156) Roberts, op. cit., p. 26.

(157) Datesman et. al., op. cit.

(158) The research into the self image of the female offender discussed above is not acknowledged.

This statement is the full extent of Datesman's theorizing before presenting the results of her survey. She does not attempt to predict the nature of this relationship between self concept and female offending. Nor does she hazard a guess about how the self concept of delinquent girls compares with that of their non-delinquent counterparts.

Whatever the hypothesis, responses to the "Who am I?" were unable to distinguish clearly the delinquents from the controls. Self concepts were rated as high, medium or low to reveal that delinquents of both sexes were only 'somewhat' more negative in their evaluation of themselves than controls. Moreover, white, delinquent girls fared no worse than their non-delinquent controls.

After noting the 'scant' and 'unconvincing' evidence supporting the notion that poor self-concept is associated with female delinquency, Cathy Spatz Widom, in the most recent attempt to test the theory, maintained that if there were any substance to it her offender sample (of institutionalised women) should display "significantly lower levels of self-esteem" than her controls.⁽¹⁵⁹⁾ Her test instrument was the ten item Guttman scale of self-esteem developed by Rosenberg.⁽¹⁶⁰⁾

Widom's findings were refreshingly straightforward: "there were no significant differences in self-esteem" between the offenders and the controls.

(ii) Critique

In view of the vagueness and variability of self-concept theory it is hardly surprising that the empirical work in the area has been unable

(159) Widom, op. cit.

(160) The Guttman scale of self-esteem was developed by M. Rosenberg, Society and the Adolescent Self-Image, Princeton, N.J., Princeton Univ. Press, 1965.

to uncover any consistent or positive relationship between low self-concept, self-image or self-esteem and the delinquency of females. In fact the idea that self-concept is linked to delinquency has proved so elusive that Reckless, in one of the most detailed expositions of the model, refuses to call it a 'causal' theory, dubbing it instead an 'explanation' of delinquency.⁽¹⁶¹⁾

From the outset, Reckless maintains that, instead of looking for 'causes' of crime, criminologists would find it more useful to "formulate hypotheses about or explanations of delinquent and criminal behaviour which do not require the concept of cause".⁽¹⁶²⁾ The distinction between a 'causal theory' and an 'explanation' of an event, however, is far from clear. Certainly The Shorter Oxford English Dictionary⁽¹⁶³⁾ does not seem to recognise one, defining 'cause' as the 'reason' for an action and 'explanation' as 'that which accounts' for an action.

Reckless' subsequent elaboration of his theory throws no more light on the idea of a 'non-causal explanation'. During his discussion of external and internal containments, he takes care to note that they are not 'causes', merely 'buffers' against pressures to engage in crime. But this cautious terminology simply obscures and hedges around the most interesting questions. All containment or self-concept theory seems to allege is that conventional, law-abiding people derive a positive self-image from being conventional and law-abiding, and that offenders are not law-abiding citizens who feel comfortable about their *niche* in conventional society and that their awareness of this leads them to evaluate

(161) Reckless, 1962, op. cit.

(162) Ibid, p. 131.

(163) The Shorter Oxford English Dictionary, London, Oxford Univ. Press, 1973.

themselves negatively. The fact that Reckless is adamant in his refusal to identify a positive image of oneself as a conventional person as a 'cause' of conformity would appear to indicate that he is at one with this author's interpretation of his theory as little more than a description of the psychological states of offenders and non-offenders. If this is all self-concept theory is, it does not appear to contribute much to the etiology of crime.

This confusion about the status of self-concept theory - is it purely descriptive? is it explanatory? - is reflected in the empirical literature considered here. Not only have researchers been unsure what to call the central construct - is it self-concept, self-image or self-esteem? - but they have also failed to produce any coherent account of exactly what they are trying to test before testing it. And this is why the empirical literature is so confusing.

To the extent that consistent hypotheses have emerged, they interpret self-concept theory as the postulate that labelled offenders are likely to evaluate themselves negatively because of their criminal label. Even if it is true that detected offenders possess poor images of themselves, and the research considered here indicates that it is not, this insight does little to further the understanding of female offending. It merely serves to describe an aspect of being adjudicated a criminal which is common knowledge.

(c) The Theory of Social Bonding or Control Theory

By way of contrast, Travis Hirschi is unambiguous in his assertion that his is a theory of crime causation.⁽¹⁶⁴⁾ He is also clear about what

(164) Travis Hirschi; Causes of Delinquency, Berkely, Univ. of California Press, 1969.

he feels distinguishes his model from other criminologists' accounts of criminality. This is his focus on why people remain law-abiding or what 'controls' their behaviour. Critical of his predecessors, in particular the strain and learning theorists of crime, Hirschi declares that criminal behaviour does not need explaining. It is unnecessary to look for the 'push' to commit a crime because human beings are by nature amoral animals who will engage in both social and antisocial activities unless something social intervenes.

The explanation of an individual's decision not to commit crime is based upon four key concepts: attachment, commitment, involvement and belief. To the extent that a person is attached to conventional people, is committed to and involved in conventional institutions and behaviour (through, say, work and leisure activities), and believes in the rules of conventional society, s/he will choose not to offend. The essence of the theory is succinctly explained by a latter day exponent of Hirschi's ideas, Steven Box:

"Occurrence of special circumstances is not necessary to bring about freedom to deviate; freedom is there all the time as a human possibility. It is lost when human beings surrender themselves to others' reputations and moralities. It is regained, perhaps only momentarily, when they cease to care about others or their own social selves, or find segments of conventional morality distasteful." (165)

Although the term 'anomie' has come to be associated with Robert Merton and strain theory in criminological circles, in the sense in which Durkheim originally conceived it, it is of more intrinsic importance to control theory than to any modern day conception of strain. Indeed in Causes of Delinquency, Hirschi prefaces his exposition of his theory with an excerpt from Durkheim's Suicide:

(165) Box, op. cit., p. 132.

"The more weakened the groups to which [the individual] belongs, the less he depends on them, the more he consequently depends only on himself and recognizes no other rules of conduct than what are founded on his private interests." (166)

To verify his theory, Hirschi administered self-report delinquency tests to thirteen hundred American, metropolitan, school boys in 1964 together with questions designed to measure their attachment to parents (for example, does your parent know where you are when you're out and who you're with?), to their school (assessed by school performance and liking for school), to delinquent and non-delinquent peers, as well as their commitment to, and involvement in, conventional actions (like homework) and respect for the law (in particular, the police).

Results were generally as predicted. Thus "the intimacy of communication between child and parent" was strongly and inversely related to delinquency. Good school records and liking school predicted low delinquent involvement. Boys with delinquent friends were significantly more delinquent than those with law-abiding friends. While boys with high conventional aspirations tended to be non-delinquent as did those who "respected the law".

(i) Adoption by Gender Role Theory

The first attempt to hypothesise and test the relationship between the greater conformity of girls and their conventional commitments was made by Gary Jensen and Raymond Eve in 1964 and 1965 employing samples of American school children and a self-report delinquency test.⁽¹⁶⁷⁾ They took the view that

(166) Emile Durkheim, Suicide, trans., John A. Spaulding and George Simpson, New York, The Free Press, 1951, p. 209, quoted p. 16 of Hirschi, op. cit.

(167) Gary J. Jensen and Raymond Eve, "Sex Differences in Delinquency: An Examination of Popular Explanations", Criminology, Feb. 1976, Vol.13, No.4, 427.

"the sex differential is obviously compatible with a control perspective at the theoretical level. Compared to boys, girls are typically depicted as more closely bound to conventional persons, values, and institutions, and such sex differences in attachment, commitment, involvement, and belief should, according to control theory, lead to a sex differential in delinquent behaviour." (168)

Survey findings did not, however, unequivocally support this assertion. For the various components of control theory were not able to fully account for the lesser involvement in delinquency (depending on the seriousness of the offence, the male/female sex ratio varied from 1.6:1 to 6:1) reported by girls. Controlling for parental supervision, boys were still more delinquent than girls. The same was true for "emotionally supportive parent-child relationships", attachment to the law, time spent on homework, school grades, and attachment to teachers and school. A combination of these factors when subjected to a multiple regression analysis, however, was able to reduce but not eliminate the sex differential of offending.

More promising results were obtained by Michael Hindelang several years later when he attempted to replicate Hirschi's study using samples of American rural school boys and girls.⁽¹⁶⁹⁾ Hindelang was able to establish substantial correspondence between his subjects' responses and the pioneer survey. Thus control theory was able to predict both male and female delinquency although there was a tendency for relationships to be stronger with male subjects.

Adults were included in the sample employed by Douglas Smith in 1972⁽¹⁷⁰⁾ to investigate what he termed 'social bond' theory as an

(168) Ibid, p. 433.

(169) Hindelang, 1973, op. cit.

(170) Smith, op. cit.

explanation of female crime.⁽¹⁷¹⁾ Framing his hypothesis around Durkheim's theory of social integration, rather than Hirschi's model of control, Smith questioned subjects about such social bonds as their number of children, the number of dwellings lived in, and their sense of belonging to their neighbourhood.

Notwithstanding the success of social bonding at predicting the variance in female criminality at least as well as the variance in male offending,⁽¹⁷²⁾ controlling the factor of social bonds only slightly diminished the sex differential in offending observed by Smith. To clarify, even when females demonstrated weak social bonds they were still more conformist than males. Social bonds were, therefore, not sufficient to account for the greater conformity of females.

A partial test of Hirschi's control theory was undertaken more recently by Robert Mawby in one of the rare pieces of research making use of English subjects.⁽¹⁷³⁾ Interested in the effect of attitudes toward police on subjects' propensity to engage in delinquency, Mawby asked school girls and boys from Sheffield such questions as whether they felt the majority of police did a good job and whether police were dishonest. As control theory predicts, the sex with the smallest involvement in delinquency, females, were significantly less cynical about police, believing them to be interested in helping them. As with previous inquiries, however, holding constant the social bond variable of attitude towards police did not eliminate the sex differential of delinquency.

(171) For details of this inquiry, see the discussion of differential association.

(172) Delinquency and conformity were at least as associated with either the lack of, or the availability of, social bonds with female subjects as with male subjects.

(173) Mawby, op. cit.

Like Jensen and Eve, Mawby concluded that other factors must account for the greater conformity of girls.

A different slant on control theory's interpretation of the offending of girls was taken by four American criminologists whose work has already been considered in the context of the masculinity hypothesis. Flowing from their interest in the effects of masculine and feminine traits on delinquency proneness, Neal Shover, Stephen Norland, Jennifer James and William Thornton complicated their test instrument by introducing Hirschi's elements of control: attachment (to parents and to school as well as parental control), commitment (to conventional educational and occupational goals), involvement (in conventional activities like homework) and belief (in the law).⁽¹⁷⁴⁾ Recall that Thornton and James, who tested for 'masculinity' of subjects, found that the presence of these characteristics had no effect on the frequency of the delinquency of girls.⁽¹⁷⁵⁾ It is hardly surprising then that, when each of the social bond variables was related to masculine expectations in girls, it did "little to influence the original finding that masculine expectations are not related to delinquency among females".⁽¹⁷⁶⁾

Evidence of the effect of social bonding on the delinquency of girls, albeit of an indirect nature, can be gleaned, however, from a later report on this survey which also focussed exclusively on the effects of masculinity on delinquency. While it was observed that the data "provide no support for the hypothesis that masculinity is directly associated with females' delinquent activity",⁽¹⁷⁷⁾ when 'attachment to conventional

(174) Shover, et. al., op. cit.

(175) Thornton and James, op. cit.

(176) Ibid, p. 235.

(177) Stephen Norland, Randall C. Wessel and Neal Shover, "Masculinity and Delinquency", Criminology, Nov. 1981, Vol.19, No.3, 421 at 427.

others' was included in the formula, masculine females reported more conventional attachments and this appeared to reduce their delinquency. The trouble with this finding, that social bonds exert a "small, indirect effect" on the offending of girls, is that, as the authors themselves concede, the direction of the influence is the opposite of that expected. That is, control theory would predict that girls who are most like boys ('masculine' girls), would offend as much as boys because of a similarity of strength of social bonds - which should be weaker than those of more feminine, more conforming girls. However, the more masculine girls here were the most conventional in their attachments and consequently less delinquent.

In a further report on the same investigation the relationship between masculinity theory, control theory and the delinquency of girls was theorized more clearly.⁽¹⁷⁸⁾ This was an attempt to make plain exactly what it is about being female that conduces to greater commitment to conventional others and therefore greater conformity. It took the approach that from an early age girls are touched, handled and talked to more than their brothers with a view to fostering their dependence. Girls are actively encouraged to find self-affirmation in the love and acceptance of others, while boys are rewarded for independent, objective achievements. A major consequence of girls being taught to care about, and be sensitive to, the reactions and opinions of others is that they are more conformist than boys. Put another way, boys are exhorted to be independent and accordingly their social bonds are weaker than, and their propensity for delinquency greater than, that of girls.

(178) Shover, et. al., op. cit.

Having theorized thus, Shover and his colleagues predicted "a positive relationship between traditional feminine expectations and belief in the validity of rules and law and a negative relationship between traditional masculine role expectations and the latter variable".⁽¹⁷⁹⁾

Only the first part of the hypothesis was confirmed by the findings. These indicated that for both boys and girls traditional feminine expectations were positively related to a belief in the law as well as attachment to conventional others (teachers and mother). They also revealed that the more traditionally feminine the expectation, the less involved was the subject in property offences. Traditional male expectations, however, proved to be unimportant as indicators of the conventionality, or rather the unconventionality, of respondents.

Another interpretation of this research was also mentioned earlier. Loy and Norland imposed concepts of androgyny, undifferentiated gender, traditional femininity and traditional masculinity on subjects' responses and discovered that undifferentiated females were the most delinquent girls.⁽¹⁸⁰⁾ (Recall that 'masculine' females were excluded from the sample through lack of numbers.) Employing these same concepts they also examined subjects' attitudes toward legal authority as well as their relationship with their mothers. Undifferentiated females were found to be less likely to respect the police than their traditional and androgynous counterparts and also less likely to identify closely with their mother. Undifferentiated males, on the other hand, were the least delinquent boys. They were also more likely than other males to respect police and more likely to identify with their mother.

(179) Ibid, pp. 64 & 65.

(180) Loy and Norland, op. cit.

It is unfortunate that the significance of these findings for either the masculinity hypothesis or control theory is not made plain. It was predicted that androgynous females would be the most delinquent because they would be the most like males. Instead it was observed that undifferentiated females engaged in the most delinquency and were the least bonded to conventional others through attitudes to the police and their mothers. The furthest that Loy and Norland are willing to venture about the meaning of these data is that the two variables of gender and social bonds are in some way related. They are quick to warn, however, that their concepts of 'androgyny' and 'undifferentiated gender' lack an "informative theoretical meaning". That "they represent nominal categories whose theoretical meaning is at best vague". (181)

Considering together these four reports on the one investigation, the implications for control theory as an explanation of female conformity are far from clear. Some conclusions though can be advanced. Firstly, becoming more masculine does not weaken the social bonds of girls or conduce to delinquency (Thornton and James). On the contrary, masculinity seems to strengthen girls' conventional commitments and militate against delinquency (Norland, Wessel and Shover). A strong commitment to femininity, however, does seem to be related to stronger social bonds and greater conformity (Shover, Norland, James and Thornton). Secondly, girls who are neither particularly feminine nor particularly masculine in their expectations have the weakest social bonds among females and are the most delinquent (Loy and Norland). To sum up, as girls move away from traditionally feminine expectations, but not necessarily towards masculine expectations, their social bonds weaken and their delinquency increases. It would seem, therefore, that feminine expectations at least partially account for female

(181) Ibid, p. 283.

conformity in that they are associated with a tendency to greater commitment and attachment to conventional others.

(ii) Critique

Two major flaws in control theory as an explanation of conformist and criminal behaviour have been identified by its leading contemporary advocate, Stephen Box. The first is probably the most important. This is the "situational subjectivity" of control theory or its tendency to 'decontextualize' delinquency by focussing exclusively on "perceptual variables" such as commitment, attachment and belief.⁽¹⁸²⁾ By concerning itself solely with the conventionality of delinquents and non-delinquents, control theory turns a blind eye to the social context in which bonding to conventional society occurs. It thereby fails to address the issue of why some people develop powerful conventional bonds while others remain free to deviate. Notwithstanding the insights of gender role theory - that parents encourage girls to be sensitive to the opinions of others and to develop bonds of dependence - there has been scant exploration of the social, economic and political conditions under which certain people are allocated roles conducive to involvement in, and concern about, conventional society.

A second failing of control theory is that it can not cope with the offences of serious, habitual criminals nor the crimes of the rich and powerful. For here we are not simply concerned with the absence of attachment to the conventional order but must deal with a positive, self-conscious commitment to an alternative criminal way of life. Control theory does not throw light on the motives of those who engage in sustained and planned crime. This kind of offending is not explained adequately by the idea of the freedom to deviate.

(182) Box, op. cit., p. 150.

In spite of these deficiencies, control theory has managed to throw into question the central tenet of its predecessors: that there is a monolithic, all-embracing and consensual social order in which crime is inevitably regarded as aberrant behaviour which must be explained in terms of negative factors such as stresses and pressures. It introduces a view of human beings as having choices: to commit themselves to conventional society or to remain free to pursue their own interests, whether they be social or antisocial. Disappointingly, it does not take this notion of human freedom any further. Nor does it reject the idea that there is a prevailing, consensual social order. For, in that a concept of 'conventional' activities and 'conventional' others is essential to it, control theory never departs from the notion that there is a dominant set of conventions whose meanings are shared by everyone even if we do not all choose to abide by them.

Control theory's divergence from strain theory is, therefore, not as fundamental as it would at first appear. Whereas strain theory begins with the notion of the socialized, and therefore conventional, law-abiding person (who subsequently experiences stress and turns to crime), control theory presupposes individuals who are free to engage in whatever behaviour they please but who, from their first exposure to conventional others, stand a good chance of becoming committed to their mores. The freedom is, therefore, fleeting if not illusory.

In its application to the female offender control theory poses additional problems. Ever since Hindelang discovered that the presence or absence of social bonds bore a weaker relation to female delinquency than to male delinquency - even though the correlation in the expected direction was apparent - criminologists have consistently observed that,

although the greater social bonding of girls goes some way to explain their greater conformity, it is not a sufficient explanation of the sex differential in offending. This is not to diminish the significance of the discovery that girls tend to be more committed to conventional others than are boys and that this is correlated with lower rates of offending.

A more salient shortcoming of control theory is its failure to consider the reasons for the differential social bonding of girls and boys. It pays scant attention to the origins of, and reasons for, gender role socialisation which bonds girls more powerfully to the conventional social order than boys. Instead, the induction of girls into the conventional social order is treated as unproblematic.

(d) Labelling Theory

Whereas control theory attributes conformity to the individual's decision to attach her or himself to conventional others - that is, the individual has control over her or his actions - the focus of labelling theory is external control and the manipulation of people's definition of themselves as either law-abiding or criminal. Some of the key ideas of labelling theory were introduced in Chapter 2 where this approach to the study of crime was juxtaposed with the other major criminological perspectives. Therefore the present discussion of this theory will be confined to a brief statement of its essential elements.

It is possible to trace labelling theory as far back as Husserl (1859-1938) and his philosophy of phenomenology. Within criminological circles, however, the idea that external social stigmata or 'labels' make 'the criminal' is usually attributed to the American social scientist,

Howard Becker. It was the publication of Outsiders,⁽¹⁸³⁾ in 1963, which launched labelling theory as a powerful force in sociology and its sub-discipline, criminology. Here Becker examined the perceptions of jazz musicians as fringe members of society. He asserted that, although there was nothing intrinsically deviant about the life of a musician, conventional society labelled jazz players as bohemian and 'different' and, as a consequence, the musicians came to see themselves in this light. This feeling of difference then became a positive force for solidarity among the musicians and entrenched their deviance.

The essence of labelling theory is simply this process of the application and receipt of deviant labels. It considers how the powerful members of society make labels (such as 'criminal' or 'bohemian') and apply them with such efficacy to the powerless that the latter internalise the message and reconstruct their self-image and behaviour accordingly. In other words, 'give a dog a bad name'.⁽¹⁸⁴⁾

(i) Adoption By Gender Role Theory: Harris (1977) to Steffensmeier and Kramer (1980)

Chapter 3 raised the criticism of official statistics on female crime concerning the supposed chivalry of law enforcement personnel towards women. The debate centred on whether female offenders benefit from police and judicial gallantry or whether they are penalised for their failure to adhere to the feminine ideal. It was concluded that, given the probable extensiveness of hidden male crime (as revealed by self-report studies), the chivalry factor means that female crime statistics are in this respect no more or less biased overall than those on male

(183) Howard Becker, Outsiders, in Earl Rubington and Martin S. Weinberg, The Study of Social Problems: Five Perspectives, New York, Oxford Univ. Press, 1977, p. 199.

(184) For a chronology of the development of labelling theory in America and Britain see Chapter 2, p. 25, footnote (11).

offending.

The relevance of this controversy for the present purpose is that the argument is really about whether women and men experience different kinds of criminal labelling. It points to the existence of different factors at work in the labelling process when the offender is female.

Notwithstanding the interest generated by the possibility of the different treatment of women by a chivalrous criminal justice process, only a handful of criminologists have placed the discussion squarely within the context of labelling theory.

One of the few attempts to formulate a labelling theory specific to the conformist and criminal behaviour of women was made recently by an American criminologist, Anthony Harris.⁽¹⁸⁵⁾ Dubbing his model "a functional theory of deviant typescripts", Harris theorized that the reason for the greater conformity of females is that they are manipulated by powerful men into believing that crime is a wholly inappropriate activity for women. Why these powerful men want women law-abiding is that women perform vital social functions - those of child rearing and home-making. Women would not be able to perform these functions if they were sent to prison. And if no-one were home looking after the children the "institutional hegemony of the socially dominant" would be threatened by the possibility of the break-up of the nuclear family. Black, ghetto males, on the other hand, are dispensable. They can be sacrificed to the criminal justice system because their imprisonment represents no real loss to their families: "the vacated role will presumably be filled easily by the black woman".⁽¹⁸⁶⁾ Nor are they any loss to the economy given that,

(185) Anthony Harris, "Sex and Theories of Deviance: Toward a Functional Theory of Deviant Type-Scripts", Am. Soc. Rev., Feb. 1977, 42, 3.

(186) *Ibid*, p. 13.

chances are, they are unemployed.

How the "institutional hegemony" manages to ensure that the indispensable (women as homemakers) remain law-abiding while the dispensable (unemployed, black males) fill the prisons is by fostering an image of the criminal type which fits the socio-economic and physical characteristics of the latter group and positively excludes the former. In other words, "dominant typifications about what kinds of actors 'do' criminal behavior...have played a crucial...role in...keeping men in crime and women out of it".⁽¹⁸⁷⁾ Women do not offend or do not appear to offend as much as men because the 'type scripts' of the sort of people who act in the roles of criminals dictate that one prerequisite is that the actor be male.

Harris is clear that his is an extension of, and an improvement on, labelling theory, not a new and independent model of crime causation. But whereas mainstream labelling theorists declare that it is when the powerful label the powerless as criminal that the latter assumes a negative and deviant self evaluation, Harris focusses on an earlier stage in the process of criminogenesis. Official labelling is not vital to Harris' model because he believes that the powerful make so widely known their idea of criminal and non-criminal types that those who are 'scripted' as criminals assume the role even before they come into contact with law enforcement agencies.

Although not explicit in her debt to labelling theory, Greer Litton Fox presents another interpretation of why women are more conformist than men based on the idea that women are controlled by social constructs of

(187) Ibid, p. 15.

appropriate feminine behaviour.⁽¹⁸⁸⁾ In Fox's version of labelling theory, women choose not to offend for two reasons. Because the criminal label is too costly for them:

"The message in literature is unfailingly clear: misfortune, misery, and public ostracism are the lot of the fallen woman..." (189)

And more positively, because social value constructs such as 'good girl', 'lady' and 'nice girl' exhort them to be gentle and law-abiding or risk negative social evaluation.

As with Harris' model of deviant type scripts, Fox's 'nice girl' construct does not depend on acts of labelling of women as 'good' or 'bad' by external agents of control for its efficacy. Women are controlled, instead, by society's willingness to withdraw the 'good girl' label for the slightest infraction. Theirs is a lifelong quest for the 'good girl' label and avoidance of the 'bad girl' construct. Where Fox clearly dissents from Becker is that Becker conceives of people as free to pursue their own desires until they are confronted with a criminal label. A negative and deviant self-image may then be acquired and a deviant way of life entrenched. It is Fox's view that women do not even have this 'pre-labelling' freedom accorded men:

"There is no front stage/back stage dichotomy...women are 'on' whenever and wherever they are, whether in the company of men, strangers, or other women." (190)

Hence it is not the case that women are considered 'nice' until labelled otherwise. Rather, the prized 'nice girl' label is something to be striven for at all times. Wherever she is, a woman must prove she is a lady. Her status as a 'nice girl' is in constant jeopardy and this threatened loss is sufficient to keep her behaving in a conventional,

(188) Greer Litton Fox, "'Nice Girl': Social Control of Women Through a Value Construct", *Signs*, 1977, Vol. 2, No. 4, 805.

(189) *Ibid*, p. 807.

(190) *Ibid*, p. 811.

conformist way most of the time.

The idea that official criminal labelling is something reserved for men because women can be kept conformist in this sort of informal and subtle way also underpins the thinking of Hagan, Simpson and Gillis.⁽¹⁹¹⁾ It is their view that whereas the stigma of the criminal label is used in the public sphere to deal with the criminality of men, females are kept in line by the exhortations of family members (mainly their mothers) to confine themselves to the private sphere of the home and be dependent, compliant and passive.

In 1976 Hagan and associates set out to test their idea that girls experience more informal controls than boys and that boys are most subject to formal controls than girls. They interviewed over 600 Canadian high school students about, *inter alia*, the extent to which their parents knew of their whereabouts when they were away from home (informal control), their police contacts (formal control) and their self-reported delinquency. As predicted, boys had more police contacts than girls. And this was so even when the amount of delinquency was held constant. That is, boys were more likely than girls to be picked up by police even when girls were equally delinquent. Put another way, differential criminal labelling of boys and girls (by police) resulted in the official statistics representing boys as more delinquent even when they were committing the same amount of delinquency as girls. Consistent with the hypothesis, girls were also observed to be more controlled by their parents, particularly their mothers, than were boys. Thus an inverse relationship was discovered between informal and formal controls.

(191) John Hagan, John H. Simpson and A.R. Gillis, "The Sexual Stratification of Social Control: A Gender-Based Perspective on Crime and Delinquency", Brit. J. Sociology, March 1979, Vol. 30, No. 1, 25.

A reason for the different criminal labelling of boys and girls has recently been suggested by Darrel Steffensmeier and John Kramer. (192) By investigating levels of stigmatization of samples of convicted female and male felons, they found that males were victimised to a greater extent. This they attributed to "fear of the male offender and naiveté concerning the female offender". (193) To clarify:

"Because of the definitions surrounding the male role (the greater aggressiveness and autonomy) and because of the greater physical strength of the male, the male felon is seen as being more capable and more likely to use force, to harm or threaten someone, that is, as being more dangerous than his female counterpart." (194)

In describing attitudes toward the female offender as naive, Steffensmeier and Kramer mean that women are seen as less capable of serious criminal action and as less responsible for their behaviour than men.

(ii) Critique

The labelling theory of female conformity lacks both theoretical precision and sustained empirical testing. The two most thorough expositions of the theory, those of Harris and Fox, are also the most vague in the constructs they employ. These authors also make no attempt to empirically verify their ideas.

To the extent that it is possible to make comprehensible Harris's model from his unique vocabulary of terms, all he seems to be saying is that because the powerful in society (who are men) prefer women to be home acting as the bedrock of the nuclear family, they (powerful men) popularise stereotypes of criminals which are so at odds with the feminine ideal that most women can not conceive of themselves offending. Why it is in

(192) Darrell J. Steffensmeier and John H. Kramer, "The Differential Impact of Criminal Stigmatization on Male and Female Felons", Sex Roles, 1980, Vol. 6, No. 1, 1.

(193) Ibid, p. 7.

(194) Ibid.

the interests of the powerful to foster any 'type scripts' of offenders at all is not clear. For if crime can be eliminated by simply defining it as inappropriate for certain types of people, why not make it inappropriate for all types? And if the solution to crime were really this simple, surely criminologists would have unearthed it after about a century of research and theorizing?

Another problem with Harris's formulation is that it is difficult to imagine how it could be tested. Certainly Harris makes no attempt to do this. Nor does he offer any suggestions indicating how it might be done. Would it involve black, unemployed male offenders being asked whether they offended because they are unemployed, black and male? And how would the researcher cope with such anomalies as the white, middle-class housewife who commits a serious theft?

Finally, Harris's model seems to be based on circular reasoning. In fact it is almost a tautology. It is maintained that women do not offend because there are no stereotypes, models or type scripts for them to cast themselves into. And working-class, black males do offend because they know full well that other working-class, black males fill the courts and prisons. Surely all this is saying is that women do not offend because women do not offend. And poor, black males do offend because poor, black males offend. If this interpretation of Harris's reasoning is correct, the concept of the deviant type script does not appear to be very helpful. If, on the other hand, Harris is wishing to take his theory beyond this tautology by examining the socio-economic and political structures in society which conduce to a small minority having sufficient power to channel certain groups into certain forms of behaviour, and others into others (an interpretation not incompatible with his theory of deviant typescripts), he fails to do so here.

Although Fox's model does not seem to suffer from this circularity of reasoning, it, too, appears to be more descriptive than explanatory. Women do not offend because they are taught to be 'good girls' and powerfully stigmatised for deviation from this stereotype. Women are conformist because they are more effectively restricted and hence forced to be conformist. But again the more fundamental question is begged: why should women and not men be singled out for such successful socialisation into conformity? A detailed analysis of gender roles would seem to be needed here. And again, if society already knows how to achieve a crime free citizenry - socialise people to be 'nice' - why isn't everyone taught to be 'nice', thereby eliminating crime and social disorder? Perhaps, it can be argued, such selective socialisation is a function of competitive, capitalist societies being unable to afford too many people with such passive and accommodating characteristics. Unfortunately, Fox does not explore the politics behind this differential training of the sexes.

A further flaw in Fox's theory concerns her belief that women are more seriously stigmatised than men for any form of deviance. Employing Becker's reasoning, the greater the stigma, the more the victim of labelling will internalise this negative evaluation and consequently turn to more serious forms of deviance. It follows that if women are stigmatised more than men when they break the law, they are also more likely than men to become serious habitual criminals. But this is simply not the case. The finding of Chapter 4 that women are in the main, and far more so than men, first offenders would suggest that women are either not subjected to the same degree of labelling as men or that, if they are, it does not have the same effect on them. For after women come before a court they tend not to reoffend. Fox might respond to this by claiming that the overarching requirement to be a 'lady' keeps the

vast majority of women on the straight and narrow so that they never attract a criminal label. But this does not help to explain the behaviour of that small minority of women who do offend. These women who are officially designated 'criminal' must realise that they have fallen short of the 'nice girl' model. A negative and criminal self-image should result, entrenching deviance and conducing to further offending. But the statistics on the recidivism of men and women reveal that it is mainly men who reoffend.

At least a partial solution to this dilemma is provided by Hagan and Steffensmeier. It is Hagan's view that social control is sexually stratified so that the official criminal label is reserved for men while informal familial controls are used for errant females - even when they engage in crime. And as we have seen, Hagan offers empirical support for this claim. Steffensmeier, too, feels that when women offend they are not stigmatised to the same extent as men because they (women) are perceived as neither threatening nor dangerous. Notwithstanding that this view of labelling seems to be diametrically opposed to Fox's, the two can perhaps be reconciled by maintaining that, although women are encouraged to perceive the consequences of deviance as dire (which manages to keep most of them law-abiding), those few who nevertheless offend are in practice not treated as dangerous villains. Their offending is likely to be too trivial and non-violent to warrant this response. Instead, the 'nice girl' construct persists so that errant females are soon guided back to the informal controls of the family - their criminality viewed as an aberration - and the admonitions to be a lady return with even greater force. It is interesting to note here that the handful of women who end up in prison, where one could reason that criminal stigmatisation would be at its worst, are not treated as failed women who are

beyond redemption. Instead, the strength of the 'nice girl' construct is manifest with prison staff encouraging prisoners to use cosmetics, to groom themselves and to acquire domestic, as opposed to vocational, skills. (195)

Another way of reconciling Fox's version of labelling theory (with its necessary implication of the powerful stigmatisation of women who deviate), with the data that criminal women are principally first offenders who are quickly steered back to conformity rather than having their deviance entrenched by labelling, is offered by Tudor, Tudor and Gove. (196) They argue the case for some major exceptions to labelling theory's central tenet that powerless groups, such as women, are highly susceptible to deviant labelling. Although these authors are mainly concerned with the deviant label of mental illness, their ideas make just as much sense in a discussion about the application of the deviant label of 'criminal'. Their suggestion is that when women begin to behave in ways which society regards as deviant, society is slower to respond with a deviant label than in the case of the male deviant for the reason that society deems it less important that women, as wives and mothers, function effectively. The pre-eminence of the male role of breadwinner and worker in the public sphere, however, ensures that agents of social control respond with alacrity at the first sign of male disfunction. Tudor and associates present data on the age at which men and women are first admitted to hospitals for mental illness (it is earlier for men) as well as the length of their stay (men stay longer) as evidence of the greater seriousness with which deviance is regarded in the male.

(195) For a discussion of the treatment of women by the British penal system, see Smart, 1976, op. cit., pp. 140 - 145.

(196) William Tudor, Jeannette F. Tudor and Walter R. Gove, "The Effect of Sex Role Differences on the Social Control of Mental Illness", J. of Health and Social Behaviour, June, 1977, Vol. 18, P. 98.

Although theirs is a more explicitly feminist and therefore a political perspective, the American criminologists, Klein and Kress, also advance a theory not dissimilar to that of Tudor and his colleagues to explain why, for certain crimes, women may not be subject to the same labelling as men.⁽¹⁹⁷⁾ According to Klein and Kress, whereas women who are construed as sexual offenders are probably treated more punitively by the agents of the law for jeopardising their socially prescribed reproductive function (recall Chesney-Lind's analysis of police attitudes towards prostitutes in Chapter 3), women who engage in property crimes are treated more leniently. The reason is that women are perceived as economically marginal and docile and, as such, their non-sexual offending is not regarded as a serious threat to the social order.

Over and above these specific criticisms of the theories of Fox and Harris, there are a number of other problems with the model generally which the critics of mainstream labelling theory have identified. Briefly, labelling theory does not specifically address the initial motives of any act which is subsequently dubbed criminal. It simply assumes that they are diverse, ubiquitous and of no great criminological importance. By restricting its focus to the labelling process, it seems to imply that people have no foreknowledge that certain acts are proscribed by the law. It suggests that one can not be criminal in a sense which is of interest to criminologists, without getting caught. By considering exclusively the development and application of criminal labels, it therefore neglects the undetected criminal. Another criticism which can be levelled at the view that criminal labels inevitably entrench deviance is that labelling theory thereby subscribes to an overdetermined view of man. Moreover, this model of man, ineluctably pushed into deviance by his labellers, is

(197) Klein and Kress, op. cit.

strangely at odds with pre-labelled man who seems to be free to act as he pleases. Finally, labelling theory seems to concentrate too exclusively on the interactions between labellers and the labelled at the expense of a structural analysis of why some people wield so much power that they can devise and apply criminal labels while others are inevitably cast as the victims of the labelling process.

Notwithstanding the various problems thrown up by the labelling approach, few of its critics would deny that it revolutionised criminological thinking in the 1960s. It challenged the strain theorist's belief that there was something wrong with the criminal; that her or his behaviour was necessarily the result of stress. It refocussed the attention of the criminologist - away from the social pathology of the individual offender towards the interactions between law enforcement officials and the lawbreaker. It also questioned the assumption that the law inevitably flows from a value consensus in society, maintaining instead that the content of the law depends on the values and interests of the powerful. What is unfortunate is that the sources of power and powerlessness, as well as the place of factors such as race, class and gender in questions of power, were given short shrift if acknowledged at all.

(e) Theory Arrested: A New Focus for Criminologists

In spite of the many flaws in the ideas and methods of the diverse group of theorists considered here under the collective title of 'normative control', all were at least engaged in the intellectual task of theorizing the nature of criminality and conformity of women. Theirs was a serious, if not entirely successful, endeavour to explain the significance of the relationship between the behaviour of women and the formal and informal agents of social control. It is therefore unfortunate that a new development in the criminology of women in the mid 1970s drew attention away from

these efforts to theorize the interactions of criminal and conformist women with society's control agencies by raising a sensational side issue of the larger and more important inquiry into the reasons for the overwhelming conformity of women and their limited involvement in certain property crimes.

VI THE WOMEN'S LIBERATION THESIS

Since 1975, the impact of the Women's Liberation Movement on the nature and extent of female crime has become the basis of a heated debate in the criminological literature on women. The catalyst for this polemic was Freda Adler's Sisters in Crime.⁽¹⁹⁸⁾ Here the proposition that women's liberation was causing women to engage in more violent crime was first expounded at length. In the most oft cited passage of this work Adler put her thesis in vigorous and colourful terms:

"Like her legitimate based sister, the female criminal knows too much to pretend, or return to her former role as a second-rate criminal confined to 'feminine' crimes such as shoplifting and prostitution." (199)

To Adler, the liberation of women in western society is a *fait accompli*. Women have fought and won their battle for equality. They have "come of age" and "the phenomenon of female criminality is but one wave in this rising tide of female assertiveness".⁽²⁰⁰⁾

That women criminals today represent a "new breed" can be demonstrated, argues Adler, by statistics indicating the nature of female involvement in a wide variety of crimes. About prostitutes, Adler claims that they are no longer the passive objects of male needs:

"Like other modern women, today's prostitute is better educated, better accepted, and more independent of men..."⁽²⁰¹⁾

(198) Adler, op. cit. (Chapter 3).

(199) Ibid, p. 15.

(200) Ibid, p. 1.

(201) Ibid, p. 83.

As illegal drug takers women "have shed much of their reluctance to pursue sources of supply into illicit channels, and they are becoming as eager as males to reach out for thrills rather than just relief."⁽²⁰²⁾

A further example of the burgeoning of female crime involves the white collar worker. Women in the work force are no longer "token females" or "window dressing". They are now "socially climbing up the business ladder"⁽²⁰³⁾ and making use of their "vocational liberation" to pursue careers in white collar crime.

Evidence that it is 'liberation' that is causing women to engage in more crime is, according to Adler, provided by the official crime statistics on the sex ratio of black offenders. It is Adler's view that this ratio has always tended to be smaller than that for white criminals (meaning a greater involvement of black women in crime) because, "in a grimly sardonic sense the black female has been 'liberated' for over a century".⁽²⁰⁴⁾ Often the sole breadwinner for her family, the black woman's lot in America has not been a happy one. But it has at least made her independent.

"Aggressiveness, toughness, and a certain street wise self-sufficiency were just a few of the characteristics necessary for the black woman to shepherd her beleaguered flock of children, siblings, and consorts through the wastelands of educational, social, financial and cultural deprivations." ⁽²⁰⁵⁾

In Sisters in Crime, Adler's lengthy analysis of the nature of the new female criminal seems to rest on two points. One is that Women's

(202) Ibid, p. 123.

(203) Ibid, p. 167.

(204) Ibid, p. 140.

(205) Ibid, p. 142.

Liberation has brought out women's competitive instincts. Women are now more assertive, more aggressive and, indeed, more 'masculine'. The other thrust of her argument is that Women's Liberation has opened up structural opportunities for women to offend. For example, women now have more illicit opportunities to engage in crime in the work place.

It is probably both the provocative tone of Adler's writing as well as the enthusiasm with which she declares that the Women's Movement has wrought such profound changes to the behaviour of women that have stimulated the numerous rebuttals of the idea of 'the new female criminal'. What is wrong with her theory, it is argued, is that Adler provides the most meagre evidence of what she depicts as a female crime wave. Those figures which she does employ depend on statistical techniques which have since been denounced. And more fundamentally, most of the assumptions upon which her thesis is based - that female criminals are now competitive, masculine and aggressive, and that this is due to women having achieved equality with men - are wrong.

Before proceeding to a discussion of the various challenges to Adler's 'new female criminal', a variant of the Women's Liberation thesis which was developed contemporaneously by another American criminologist deserves some consideration. This is Rita James Simon's idea that the Women's Movement influenced the nature and extent of female crime in two ways. It caused an increase in the amount of property crime. And it reduced the violent offending of women. (206)

Simon's reasoning is this. Increased occupational opportunities for women flowing from their 'liberation' mean that they now have more

(206) Simon, 1975, op. cit. (Chapter 3).

occasion to commit crimes against property. Hence female property crime has flourished. The opening up of vocational opportunities for women has had a second pronounced effect on their behaviour. It has diminished the frustrations of the stifling and unsatisfying role of housewife. This diminution of tension has had the beneficial effect of reducing the likelihood of women being violent towards their loved ones.

For all that Simon maintains that women's perceptions of their increased opportunities have reshaped their offending, she does not believe that female criminals today are self-consciously and actively competing with men. She is therefore clearly at variance with Adler when she maintains that:

"given the characteristics of the members of the women's movement, it is unlikely that it has had a significant impact or...indeed that it has made much of an impression on women already involved in crime. Indeed, most of these women have yet to hear of consciousness raising, and of sisterhood in a political sense." (207)

And whereas Adler contends that women are becoming more violent, Simon takes the opposite view. This does not mean, however, that she attempts to verify empirically her proposition that women now experience less gender role frustration because of greater occupational opportunities. Nor does she try to prove that there is any causal relationship between these diminished frustrations and what is posed as the lesser violence of criminal women.

What Simon does attempt to verify empirically however is whether women's occupational opportunities have already increased by examining the demographic characteristics of American women. In fact Simon devotes an entire chapter of Women and Crime to considering changes in women's

participation in the labour force and concludes that

"The picture that emerges from these statistics about the current status of the American woman is not radically different from the picture that could have been drawn one or even two decades ago." (208)

It is therefore odd that, in spite of this finding, Simon proceeds to theorize later in her volume that women's increased involvement in property crimes is a function of changes in their contribution to the labour force and more specifically that "in the past their opportunities have been much more limited". (209)

(a) Critique

Despite the tendency of the key issues in the Women's Liberation debate to be conflated in the literature, it is essential to isolate and analyse each strand of the polemic before attempting any useful critique.

In view of the important points of divergence in the theses of Adler and Simon, it should be noted from the outset that there is not a clear and consistent theory of the relationship between Women's Liberation and the nature of female crime. Still, the central arguments are as follows. First, the Liberation Movement is responsible for an increase in female crime (the thesis of both Adler and Simon). However, while Adler would maintain that all of women's offending has increased, and is significantly more violent than before the Movement, Simon avers that it is only female property crime which has increased and that women are tending to become less violent. Second, the increment in female crime is due to women becoming more masculine. Gender roles have begun to converge and women are consequently becoming more aggressive and assertive (Adler's

(208) Ibid, p. 29.

(209) Ibid, p. 47.

theory). The greater volume of female crime is also a result of increased opportunities to offend because of increasing equality in the work place (Adler believes women are now equal: Simon asserts that so far the changes have been minor). Finally, it is due to women becoming actively competitive with men as they absorb, either consciously (Adler's theory) or unconsciously (Simon's theory), the rhetoric of the Women's Movement. *À propos* Simon's theory that women are becoming less violent, the argument is that increased job options should lessen the frustrations inherent in the housewife role and diminish the violence of female offenders.

The analysis of the official and unofficial statistics on female crime conducted in Chapter 3 made it plain that, despite some alarming reports in newspapers about female crime waves, when changes in the amount of female offending are expressed as changes in the percentage of women's contribution to the crime total - instead of as percentage increases within sex groupings (Adler's method) - any substantial increases are found to be limited to petty, property crime. Adler's theory of the new violent, female crime is thus easily disposed of.

Simon's notion that changes in the structural opportunities of women have created a tendency for women to become less violent can be similarly dealt with by a brief look at the statistics. Indeed, although Simon talks of a tendency towards a diminution of violent, female crime as women's occupational opportunities unfold, she herself concedes that over the past two decades she considers (1953 to 1972), the contribution of women to the total figure has remained stable. And the findings of Chapter 3 confirm this. It follows that Simon's theory that women are already experiencing less frustration and therefore tending to become less violent is unfounded.

The second proposition identified above, that women have become more masculine, and that this is reflected in the nature and the extent of their offending, can also be quickly dealt with. The review of the empirical literature on the masculinity hypothesis conducted earlier revealed that criminologists have had little success at uncovering a relationship between masculinity in females and criminality. 'Masculine' females do not engage in more crime than 'unmasculine' females. So whether or not the Women's Movement is making females more like males, this masculinization is unrelated to their offending.

One way of testing the contention that substantial increases in female crime - and as we have seen, these are confined to crimes against property - are the result of improved occupational opportunities, is to ascertain the demographic characteristics of women criminals. Such an analysis has already been conducted by Laura Crites.⁽²¹⁰⁾ In 1976 she studied the socio-economic and racial characteristics of American female offenders. She discovered that most were from minority racial groups, were employed in poorly paid and low status jobs, and were undereducated. Crites concluded that the typical female offender was not a recipient of the benefits of the Women's Movement. That "employment benefits derived from the feminist push for equal employment opportunities accrue predominantly to white, middle-class females".⁽²¹¹⁾

The data on female shoplifters presented in the previous chapter also serve to confirm that the typical offender is not likely to be a salaried employee. She is much more likely to be a housewife or a

(210) Laura Crites, "Women Offenders: Myth vs. Reality", in Laura Crites, ed., The Female Offender, Lexington, Mass., Lexington Books, 1976, p.33.

(211) Ibid, p. 36.

pensioner than a professional business woman grasping all licit and illicit opportunities to advance herself. What the thesis of the new white collar female criminal overlooks is that increases in female crime have not been in the business area. Instead, they have been, in the main, confined to the offence of shoplifting. More particularly, the burgeoning of female store theft has involved larcenies of a trivial nature (in the value of the item stolen) typified by their amateurishness: the vast majority of female shoplifters are first offenders who use unsophisticated methods to conceal and remove goods from stores. As Crites puts it, the crimes of women "continue to mirror their traditional role in society".⁽²¹²⁾

The statistical profile of female crime presented in Chapter 3 indicated that increases in the offending of women have not, however, been solely confined to shoplifting but that fraud and forgery are also expanding areas. At first glance, this might seem to provide some support for the notion of the new, female, white collar criminal. It is Darrell Steffensmeier's view, however, that a closer scrutiny of the type of women engaging in this crime reveals that this tends not to be an occupationally related offence.⁽²¹³⁾ He maintains that most arrests of women for fraud concern passing bad cheques, credit card frauds and welfare frauds. While arrests for forgery usually involve forged credit cards and cheques.⁽²¹⁴⁾

In line with Crites (as well as Simon in parts of Women and Crime), Steffensmeier believes that the Women's Movement has not opened up illegitimate opportunities in the work place for the simple reason that women are still employed in the same traditionally female jobs. Speaking of the

(212) Ibid, p. 38.

(213) Darrell Steffensmeier, "Sex Differences in Patterns of Adult Crime, 1965-1977", op. cit.

(214) Ibid, p. 1095.

American experience, Steffensmeier cites labour force statistics which show that women are still concentrated in a narrow range of occupations: teaching, clerical, service and retail sales work. He concludes that

"From at least the early sixties...women have made few gains in terms of the occupational distribution, the relative earnings of men and women, or in terms of the pattern of women's participation in the labour force with respect to age and life cycle." (215)

Recent labour statistics for Australia confirm that here, too, women are still employed in only a narrow range of jobs. (216)

Another recent endeavour to quash the notion that female offenders are liberated women who have moved into the male occupational sphere is that of Jane Roberts Chapman. (217) Noting the paucity of data on the socio-economic status of women criminals, Chapman proceeded to conduct her own inquiry into the effects of women's involvement in the labour force on their criminality. She did this by comparing the United State's figures for women's labour force participation from 1930 to 1970 with the number of female arrests for the same period. Her findings were as follows:

Firstly, women arrested were "an extremely small element" of the female population compared with the number of working women expressed as a percentage of the population. Secondly, arrests rose more than labour force participation (and therefore it could be argued that female crime was the result of a greater demand for employment than the number of jobs available). And, thirdly, the smallest increases in arrests coincided with those periods of the greatest increase in economic activity.

(215) Ibid, p. 1100.

(216) Women's Bureau, Dept. of Employment and Youth Affairs, Facts on Women at Work in Australia 1980, Canberra, Aust. Govt. Publishing Service, 1981, p.23. Indicates that women are still employed in large numbers in the clerical (32.4%), sales (13.1%), and service (16.9%) areas.

(217) Jane Roberts Chapman, Economic Realities and the Female Offender, Lexington, Mass., Lexington Books, 1980.

Considered together, these findings would seem to support a theory of the relationship between employment and crime diametrically opposed to that offered by the Women's Liberation thesis. That is, if anything, these data would seem to indicate that it is the absence rather than the availability of employment opportunity for women which has increased their involvement in crime for when times are good, female offending stabilises rather than escalates.

A theory which sets out to explain data such as these has been developed by Carol Smart in yet another attempt to debunk the 'myth' of the new female criminal.⁽²¹⁸⁾ Smart first lays the foundations for her theory by suggesting that any improvements in the labour market generated by the Women's Movement have been limited to middle-class positions and are therefore unlikely to have had any effect on the uneducated, working-class, female offender. Like Crites, Smart observes that if women criminals are employed at all, they are likely to be engaged in unskilled manual labour. And this represents no change at all for "working-class women have always worked outside the home: this is not an achievement of a relatively recent women's movement".⁽²¹⁹⁾ What the real relationship between changing occupational patterns and female crime might be, suggests Smart, is the reverse of the Adler/Simon thesis. Submitting evidence of a worsening occupational position for women,⁽²²⁰⁾ she suggests that they are increasingly being channelled into low paid, unrewarding and insecure work at a time when the economy is in a state of decline. Women are the reserve labour force. They are made redundant at

(218) Carol Smart, "The New Female Criminal: Reality or Myth?", Brit. J. Criminology, Jan. 1979, Vol.19, No.1, 50.

(219) Ibid, p.57.

(220) See R.D. Barron and G.M. Norris, "Sexual Divisions and the Dual Labour Market", in S. Allen and D. Barker, eds., Dependence and Exploitation in Work and Marriage, London, Longmans, 1976 (cited by Smart, 1979,) for a discussion of the worsening economic position of women.

times of high unemployment, argues Smart. Because of this she advocates an alternative line of inquiry into the effect of employment on female crime. This is an assessment of the impact of redundancy, unemployment and monotonous, unskilled and low paid work on women's propensity to offend. With this suggestion Adler's theory of the new female criminal is not only rejected but turned on its head to reveal a potentially more fruitful source of information on the female offender. The growth of female shoplifting may thus be explained by greater financial pressures experienced by working-class women who, finding themselves redundant, turn to petty theft to alleviate the economic strain.

A final aspect of the Women's Liberation debate we need to consider is the attribution of changes in the pattern of female crime to women becoming actively competitive with men as they strive for equality. Several criminologists have attempted to empirically validate this proposition with little success. They have consistently observed that female criminals do not display 'liberated' attitudes, do not sympathise with the Women's Movement, nor favour the rejection of the traditional female role.

In an effort to test offenders for feminist attitudes, Gloria Leventhal administered questionnaires designed to measure attitudes toward women to samples of incarcerated criminal women and college women. (221) The offending group reported a view of women as weak, less capable than men and unable to control their emotions. Tending to perceive themselves as unfeminine, they nevertheless advocated a traditional role for women:

(221) Gloria Leventhal, "Female Criminality: Is 'Women's Lib.' to Blame?", Psychological Reports, 1977, 41, 1179.

they should be submissive and faithful housewives. Queried about their view of the Women's Liberation Movement, most adopted a clearly anti-feminist stance. The responses of the college sample indicated a very different attitude:

"that women should assert themselves, play a leading role where applicable, and maintain their equality in social-sexual matters, employment, education, and family decisions. (222)

Attitudes to traditional and non-traditional female roles also formed the focus of an inquiry into the relationship between 'liberation' and delinquency conducted by Giordano and Cernkovich.⁽²²³⁾ Employing samples of institutionalised delinquent girls and high school students, these researchers came to the view that "there did not appear to be a strong link between liberated attitudes and actual involvement in delinquency".⁽²²⁴⁾ In fact those correlations which were discovered were either insignificant or in the wrong direction. That is, "the more 'liberated' the response the less delinquent".⁽²²⁵⁾ This meant that those girls who believed that women should enter the workforce and that a woman's role was not necessarily confined to childrearer were the least delinquent. A complicating factor, however, was that when asked about their reasons for offending, delinquents tended to give traditionally unfeminine rationalizations - such as 'to compete with men' and 'for the thrill of it' - rather than indicating that theirs was a passive role.

An Attitude Toward Women Scale was administered to a small sample of incarcerated women and their non-criminal controls in Cathy Spatz

(222) Ibid, p. 1181.

(223) Peggy C. Giordano and Stephen A. Cernkovich, "On Complicating the Relationship Between Liberation and Delinquency", Social Problems, April 1979, Vol.26, No.4, 467.

(224) Ibid, p. 477.

(225) Ibid.

Widom's investigation into the impact of feminist beliefs on female criminality.⁽²²⁶⁾ Again the offenders proved to be significantly less pro-feminist in their attitudes. Suspecting this to be a result of a variance in educational level of offending and non-offending subjects, Widom proceeded to control for this variable and managed to eliminate the significant difference between the two groups. She was not able, however, to reverse her results to produce a finding which would accord with the Women's Liberation thesis.

Items designed to measure opinions on feminism were employed by Thornton and James in the most recent attempt to test the effects of the Women's Movement on the criminality of women.⁽²²⁷⁾ Delinquent and non-delinquent subjects were drawn from samples of male and female high school students administered a self-report delinquency questionnaire. Girls who agreed with the aims of the feminist movement were about as delinquent as its detractors, with any differences being in the direction opposite to that predicted by the Women's Liberation thesis. More significantly, girls who reported high opportunity to offend and strong support for delinquency were less likely to engage in aggressive delinquency when they held attitudes favourable to feminism. Thornton and James inferred from this that "positive attitudes toward feminism tend to inhibit rather than promote delinquency involvement".⁽²²⁸⁾

When considered together, the several propositions which have been identified here as the component parts of the Women's Liberation thesis

(226) Widom, op. cit.

(227) Jennifer James and William Thornton, "Women's Liberation and the Female Delinquent", J. of Res. in Crime and Delinquency, July 1980, 230.

(228) Ibid, p. 240.

have all tended to be disproved by the attempts to empirically verify them. Women are not substantially more violent than before the Women's Movement, although female, petty, property offending has flourished. Masculinity in women does not appear to be related to criminal propensity, or at least not in the direction predicted by Adler and her followers. The complex hypothesis that white collar, female crime is expanding because of improved occupational opportunities for women is undermined by crime statistics which show that women are still principally shoplifters - not business or white collar criminals - and demographic data which indicate that the Women's Movement has not brought about any significant change in women's occupational mobility. And this is particularly true of the socio-economic bracket of women who go to make up the population of offenders. Finally, efforts to uncover the aggressively competitive nature of criminal women looking for their "piece of the action" or to find signs of feminism amongst female offenders have met with no success. The typical female offender holds highly traditional views about women and their role: the proper place for women is as housewives in the home. Together these findings indicate that the Women's Movement has wrought little structural or psychological change on the lives of women who offend. Women remain essentially small scale, property offenders with conventional views about what is appropriate behaviour for their sex.

None of this is helpful in explaining, however, why petty, property offending has increased. One explanation already mentioned is the worsening economic position of women. Notwithstanding the claims of Adler and Simon that women are moving into male occupations, a brief review of recent, labour statistics reveals that women are still confined to a narrow range of traditionally female jobs (though the range is greater than before) and that they experience higher rates of unemployment than

men. (229) Economic pressures could therefore be providing the impetus for women to steal from stores.

Another theory is that opportunities for store theft now abound. Changes in marketing techniques, in particular, the introduction of vast, impersonal, self-service stores coupled with skilful advertising mean that women now have every chance to steal as well as the stimulated desire for items they cannot afford. The increasing reliance of stores on credit card sales could also be responsible for higher rates of forgery and fraud.

It was noted at the beginning of this discussion of the Women's Liberation thesis that it was essentially an unfortunate development in the criminology of women. It shifted the interest of criminologists away from theorizing the conformity and criminality of women, focussing their attention on a peripheral and dead-end debate. Exactly how much of a dead-end it was has been revealed here as each of the constituent propositions of the thesis have been found to be flawed. It is now apparent why the Women's Liberation thesis has done so little to advance the state of knowledge on the female offender.

Well before the liberation thesis became dominant, a handful of criminologists were voicing their dissatisfaction with the standard of theory on female crime. Allegations of the poverty of theory in the criminology of women continued throughout the Liberation debate, and with the failure of the Liberation thesis to contribute anything of significance to the understanding of female crime they have, not surprisingly, increased

(229) Facts on Women at Work in Australia 1980, op. cit., p.29 indicates that in 1979 approximately 5% of males and 8% of females were unemployed in Australia.

rather than diminished. It is these suggestions for a revision of the criminology of women which we will now consider with a view to discovering whether any of the advocates for change offer a solution to the current stagnation of theory.

VII THE UNFULFILLED PROMISE

Declarations of the need for a radical revision of the criminology of women began in the late 1960s with the rise of the Women's Movement and have become a regular feature of the literature. The first and most frequently cited call for change came from the British criminologist, Frances Heidensohn. Having reviewed the slim body of theory to date, she maintained that:

"a much more meaningful approach would take female deviance as an aspect of the female sex role and its relationship with social structure, rather than trying to make it conform to patterns apparently observed in the male role and its particular articulation with social structure. It would analyse components of the role, alternative role sets, opportunities for role playing in society, supportive agencies available for aid in role playing, and would view the deviance of women as related to and within this perspective." (230)

Although Heidensohn's succinct statement of the need for a structurally based analysis of female crime in terms of gender role might have heralded a new era in the study of women and crime, one which rejected the dominant but facile generalisations about gender differences, only a handful of criminologists has even attempted to rise to her challenge. The preoccupation of theoreticians with the Women's Liberation debate has meant that even those few criminologists who have expressed alarm at the stagnation of theory have failed to embark upon any sustained endeavour

(230) Frances Heidensohn, "The Deviance of Women: A Critique and an Enquiry", Brit. J. of Sociology, 19, 2, 160 at 170.

to reconstruct the field. Worse still, as the following review of the most recent theory in the criminology of women will reveal, it has become commonplace for criminologists to identify the need for radical change while still working within the traditional mould with its simple gender stereotypes.

In 1973, Dorie Klein concluded her assessment of the theory on female criminality by arguing the need for "a new kind of research on women and crime - one that has feminist roots and a radical orientation".⁽²³¹⁾ The focus of this new criminology would be "human needs, rather than those of the state".⁽²³²⁾ It would therefore conjure up "new definitions of criminality, women, the individual and his/her relation to the state".⁽²³³⁾

Three years later, in association with June Kress, Klein demanded that one look "not to traditional criminology for an understanding of women and crime, but rather to the emerging movements of radical criminology and feminism".⁽²³⁴⁾ Claiming that 'radical' and 'progressive' criminologists had already made the study of female crime a priority, Klein and Kress spoke of confronting "the economic, social and political conditions that have a direct bearing on the incidence of crime".⁽²³⁵⁾ The offending of women was to be explained by analysis of "the historical and contemporary role of women in society".⁽²³⁶⁾

Notwithstanding their radical claims and demands, the theorizing of Klein and Kress is neither extensive nor profound. And surprisingly,

(231) Klein, 1973, op. cit., p. 28.

(232) Ibid.

(233) Ibid.

(234) Klein and Kress, op. cit., p. 36.

(235) Ibid.

(236) Ibid.

on closer scrutiny, nor is it outside of the traditional mould. The thinking of these authors seems to hinge on a single idea: that women are so oppressed by sexism that their criminality is only ever an illegitimate expression of their role as passive and downtrodden housewife/lover. Thus women shoplift and pass bad cheques because these activities are not far removed from normal housewifely duties. Women act as accomplices and not as principals in criminal enterprises because they have had all initiative socialised out of them. As prostitutes they are simply surrogate wives and lovers. And when they kill, their victims are husbands and lovers because murder is an expression of frustration with the family role. Unfortunately these insights are not even the bare bones of a radical theory of women and crime. They are certainly not the gleanings of the foreshadowed economic, social and political analysis of conditions which are conducive to criminality and conformity in women. Indeed they would seem to bear a closer relationship to the gender role theory advanced by Grosser and Cohen than to any revolutionised model of female crime to which the authors allude.

Carol Smart was possibly more realistic in her appraisal of the state of play in the criminology of women when, in the same year that Klein and Kress were writing, she pointed to the "dearth of material which even considers women, let alone analyses their deviant and criminal behaviour in non-sexist terms".⁽²³⁷⁾ Despite her more pessimistic assessment of current theory, Smart's suggestion for the directions of future research is remarkably similar to that of Klein and Kress. Smart wishes to locate the concept of gender role within a theory "which first can account for the existence of specifically differentiated roles as well as

(237) Smart, 1976, op. cit., p. 183.

other features of human activity (like criminality) and second treats both as the outcome of socio-economic, political and historical factors, rather than treating one (crime) as the outcome of the other (sex roles)".⁽²³⁸⁾ As a reviewer of Smart's volume was later to comment, however, despite her reference to the paucity of theory she is not forthcoming with even "a rough adumbration for the reader to ponder".⁽²³⁹⁾

A recent invective against the sexism inherent in all aspects of the criminal justice system attributes the failure of criminologists to make plain the causes of the criminality and conformity of women to their unwillingness to analyse critically capitalism. Indeed it is argued that crime will only be eliminated with the overthrow of the capitalist state:

"equality and freedom for women will not be fully realized until the capitalist system is superceded and we develop a classless society - an economic and political system in which men and women share equally in production and its rewards". (240)

Rafter and Natalizia believe that the new, radical criminology of women "would shift the focus from individual deviance to systematic oppression and exploitation".⁽²⁴¹⁾ Criminal women do not endanger society. They are too oppressed and hence their offending is too petty. The focus of the criminologist should therefore be those acts and actors who are seriously dangerous: "war-making for profit, inequities between rich and poor, racial and sexual discrimination, denial of basic human rights".⁽²⁴²⁾

(238) Ibid, p. 70.

(239) Anne K. Peters, "Carol Smart: Women, Crime and Criminology", Crime and Social Justice, Spring-Summer 1978, 86 at 88.

(240) Nicole Hahn Rafter and Elena M. Natalizia, "Marxist Feminism: Implications for Criminal Justice", Crime and Delinquency, Jan. 1981, 81 at 82.

(241) Ibid, p. 91.

(242) Ibid.

Another criminologist who wishes to see the criminology of women "draw[ing] away from the individual and concentrat[ing] on the social structure and recognition of the criminal justice system as a class phenomenon" is Margaret Wallace.⁽²⁴³⁾ Advocating a multidisciplinary approach to the study of the female offender, she contends that the reasons why women offend will become apparent only after we have "a thorough understanding of the working of the law through a heightened consciousness of its nature".⁽²⁴⁴⁾

All these exponents of a new criminology of women have in common a desire to have women's position in society fully understood before any theorizing about the reasons for female criminality is begun. There is an emphasis on concepts of class and power, a push for a thorough going historical analysis of what is seen as the oppression of women within the female gender role. Another common feature of these writings is that their admonitions are vague, and not surprisingly so. For the demand for a comprehensive analysis of the economic, social and political conditions of women's role as a precondition to the study of criminal women suggests that the riddle of human existence (or at least of the nature of social stratification) must be solved before female offending can be considered.

The net result of such austere demands is that all of these writers have stopped short of new theorizing. They have concentrated their efforts on loosely formulating what needs to be done rather than doing it. Or as Paul Rock puts it in his review of Smart's volume, "there is a promise of structural and historical explanation which is not realised".⁽²⁴⁵⁾

(243) Margaret Wallace, "Is Criminology Helping Women? Notes on the Literature", Paper presented to the 51st ANZAAS Conference, Brisbane, 1981.

(244) Ibid, p. 14.

(245) Paul Rock, "Review Symposium on Smart, C., 'Women, Crime and Criminology'", Brit. J. of Criminol., (1977), 17, 392 at 395.

Meanwhile radical criminology's key theorists appear to have washed their hands of the female offender. Notwithstanding the claims of Klein and Kress that radical criminologists are now focussing their efforts on female crime, a brief perusal of the main texts in this area quickly confirms the absence of theory on women. (246)

All of this is not to say that the recent feminist critiques of the criminology of women have not identified real needs of theory making. It does mean, however, that for too long the paucity of theory has been noted and directions for research pinpointed while no new theory has been forthcoming. Moral indignation about sexism in criminology's past has been offered as a substitute for scholarly theory building.

VIII A FINAL COMMENT ON THE CURRENT STATE OF THEORY

"Although the attempt to raise the question of gender in a discipline which has been remarkably gender blind is laudable and necessary, the tendency has been to get quite caught up in the sort of questions that have long been discarded by the most contemporary critical work on criminology and sociology of deviance." (247)

This comment from a review of a recent collection of papers on women and crime usefully sums up the current state of play in the criminology of women. For, having traced current theory about the nature of female crime back to its intellectual roots, the necessary conclusion is that, over the past fifteen years or so, few new ideas have been generated about why women offend. The incorporation of gender into some well worn

(246) For example, Ian Taylor, Paul Walton and Jock Young, The New Criminology: For a Social Theory of Deviance, London, Routledge and Kegan Paul, 1973; and Ian Taylor, Paul Walton and Jock Young, eds., Critical Criminology, London and Boston, Routledge and Kegan Paul, 1975.

(247) Angela McRobbie, "Book Reviews: Alison Morris, ed., Women and Crime: Papers Presented to the Cropwood Round Table Conference, Dec., 1980 (1981); Curt Taylor Griffiths and Margrit Nance, eds., The Female Offender: Selected Papers from an International Symposium, Jan. 1979 (1981), Anne Campbell, Girl Delinquents, (1981)", in Int. J. of the Sociology of Law, 1982, 10, 217.

theories of crime - Sutherland's differential association, Cohen's masculinity theory, Hirschi's control theory and so on - has not been sufficient to raise the level of theorizing about female offending to the standard of argument on the criminality of men. Clear evidence of this intellectual inferiority comes from the continuing remarks of feminist criminologists about the need to revitalize the study of the female offender. It is also evident from the steadfast refusal of those engaged in current theoretical debates about the appropriate directions of criminology proper to address the issue of female crime.⁽²⁴⁸⁾ Hence the task of the following chapters will be to take up where the gender role theorists of female crime have left off and commence to build new theory on the criminality and conformity of women.

(248) See, for example, Robert M. Bohm, "Radical Criminology An Explication", Criminology, Feb. 1982, Vol. 19, No. 4, 565; Jock Young, "Thinking Seriously About Crime: Some Models of Criminology", 1981, op. cit.; Richard F. Sparks, "A Critique of Marxist Criminology", Norval Morris and Michael Tonry, eds., Crime and Justice: An Annual Review of Research, Vol. 2, Chicago and London, The Univ. of Chicago Press, 1980, p. 159.

CHAPTER 6

The Oversocialised Conception of Woman
in Modern Criminology

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CHAPTER 6

The Oversocialised Conception of Woman
in Modern Criminology

"...at no time do people ever live up to the ideal version of any role. At best (or at worst) they approximate them ... By treating the ideal sex role as if in some point in time, it had ever been the actual sex role, we may, ironically, strengthen the very cultural ideal that we wish to eliminate." (1)

"The problem is that, unable to embrace reality in all its complexity, the social scientist resorts to...very simplistic ideas and assumptions...thus perpetrating inadequate views of gender roles." (2)

INTRODUCTION

This chapter borrows its title from a paper now over twenty years old. In "The Oversocialized Conception of Man in Modern Sociology"⁽³⁾ Dennis Wrong maintained that the then dominant schools of sociology worked with a concept of man which was overdetermined and which therefore failed to take account of human agency. Wrong went on to correctly forecast a series of radical changes which were about to take place in sociology and criminology. These changes, in essence, shifted the focus of theory away from a concentration upon the individual, and away from the study of the external social forces which were said to control people's behaviour, towards an enlarged appreciation of the complex interactions

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- (1) Margrit Eichler, The Double Standard: A Feminist Critique of Feminist Social Science, London, Croom Helm, 1980, p. 62.
- (2) David Tresemer, "Assumptions Made About Gender Roles", in Marcia Millman and Rosabeth Moss Karter, eds., Another Voice: Feminist Perspectives on Social Life and Social Science, New York, Anchor Books, 1975, p. 308 at p. 319.
- (3) Dennis H. Wrong, "The Oversocialized Conception of Man in Modern Sociology", Am. Sociol. Rev., 1961, 26, p. 183.

between individuals and society and their significance for the understanding of criminality and conformity.

In that the gender role theories of the previous chapter relied heavily on the sort of sociological thinking which formed the butt of Wrong's critique, it is perhaps not surprising that his commentary is still pertinent to this discussion of the contemporary criminology of women. Indeed, the first and major proposition to be advanced in this chapter is that, despite the attempt to build a modern criminology of women by investing the leading sociological theories of the fifties and sixties with the concept of gender, the current theorizing on female crime is still in the old mould and has therefore failed to keep pace with the newer approach. Although a number of interesting and useful ideas have emerged from gender role theory over the past fifteen years, the salient and continuous theme in the literature is of a stereotype of woman who is not only controlled by the criminogenic influence identified by the theories borrowed from mainstream criminology, but who is also controlled by the mediations of her gender role. Not only have gender role theorists employed the determinism underlying adopted theories of male behaviour such as "strain" or "differential association" - the over-socialised conception of man described by Wrong - but on this deterministic model of man they have overlaid a model of woman fully conditioned by her gender role socialisation. Gender role theories have, accordingly, extended and entrenched the determinism inherent in the ideas they have taken from the mainstream of criminology thereby instituting a sort of 'double determinism'.

To clarify, the attempts to construct a criminology of women from the mainstream of social theories on male crime have been characterised by a general failure to import into the new gender role theories all the social mediations said to be relevant to male behaviour by the original theorists - such as Cohen and Sutherland. As a consequence,

gender role theorists have underplayed the social aspects of these borrowed theories when applying them to women and brought to the fore their latent or explicit determinism. On top of this they have introduced a 'double' or second determinism to supplant the neglected social factors. This secondary determinism has taken the form of a set of commonsense assumptions about the 'natural' functions of women.

As Wrong recognised, the determinism of sociology was not explicit. The 'oversocialized model of man' was to be discovered by examining the key assumptions underlying each theory. Thus the task of this chapter will be to identify and examine the deterministic model of human nature underpinning the standard criminological theories employed by gender role theorists and then examine the assumptions about the significance of gender, and in particular about female nature, that have been appended to the original formulations. In this way it will become apparent that gender role theorists have brought to their subject preconceived ideas about the diverging and fixed natures of men and women which have inevitably informed and restricted their explanations of female criminality and conformity.

In the previous chapter the essentials of each of the gender role theories were presented along with a specific critique of their ideas and methods. In the following pages the assessment of the same body of theory will be synoptic. It will examine a shared *motif* of all the gender role theories: an oversocialised or over-controlled view of woman. This theme will be traced through the theories of both the criminologists and sociologists who provided the core ideas for gender role theory and the gender role theorists themselves in their characterization of their female subjects.

DIFFERENTIAL ASSOCIATION

By recognizing that crime was a legitimate and meaningful way of life in certain subcultures, Edwin Sutherland went some way towards investing the offender's actions with purpose. Where Sutherland invoked determinism, however, was in his learning theory, his depiction of an almost mechanical process in which criminal attitudes and motives were transmitted by the coming together of the criminal and the non-criminal. Instead of interpreting the decision to offend in terms of a social process in which individuals exchanged and evaluated ideas, Sutherland advanced the theory that it was a much more automatic process in which criminal *morés* simply 'rubbed off'. Or as Muncie and Fitzgerald describe it,

"Sutherland's theoretical advances were limited because they regarded the actor as a passive recipient of criminal and non-criminal motives and omitted a notion of human purpose and meaning." (4)

Steven Box is even more explicit in his characterization of "differential association" as both oversimplified and deterministic. He argues that

"[differential association] subscribes to the view that a person is a vessel. S/he is an object into which various definitions are poured, and the resultant mixture is something over which s/he has no control". (5)

In gender role theory's version of differential association the feminine ideal defines criminality as inappropriate for women. Women in the ideal should be passive, dependent and conventional. Women's conformity is attributed to the fact of women being taught neither the motives

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- (4) John Muncie and Mike Fitzgerald, "Humanising the Deviant: Affinity and Affiliation Theories", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, eds., Crime and Society: Readings in History and Theory, London, Routledge and Kegan Paul, 1981, p. 403 at p. 416.
- (5) Steven Box, Deviance, Reality and Society, East Sussex, Rinehart and Winston, 1981, 2nd ed., p. 111.

nor the methods of criminality because they are conventionally excluded from criminal subcultures. Hence, they are not educated in the skills required for a life of crime (or legitimate career achievements). Gender role theorists also offer a learning theory of why women engage in the few crimes that they do commit. These theorists suggest that women are shoplifters because this offence requires only the minimal skills of shopping, a routine function of housewives. The role of housewife, however, equips women for little more than this simple crime. As Smart observes,

"The women involved have not required training in violence, using weapons or tools, or in specialised tasks like safe-breaking. On the contrary the skills required can be learned in everyday experience, and socialization in a delinquent subculture or a sophisticated criminal organization is entirely unnecessary." (6)

What gender role theorists have done to women in their application of differential association is simply to assign to them fewer learning experiences and therefore fewer skills than men. The reason why women engage in such a narrow range of criminal activities is that they are seen to lack training opportunities. Although Sutherland depicted his male subject, in a mechanical fashion, as simply the sum total of his lessons of life, he at least acknowledged the diversity of those experiences; they might equip the individual for a life of crime or conformity or both. Gender role theory, on the other hand, strips women of access to criminogenic experiences and therefore denies them the ability to behave as diversely as men. Women are more conformist than men because they are deemed to be not as well educated in all the ways of the world.

(6) Carol Smart, Women, Crime and Criminology: A Feminist Critique, London, Routledge and Kegan Paul, 1976, pp. 16 and 17.

THE MASCULINITY HYPOTHESIS

The point of departure for masculinity theory is the concept of the fully socialised male preoccupied with his ability to meet the demands of his gender role. This, too, is the first premise of the gender role theorist's version of the hypothesis. That is, girls do or do not engage in crime depending on whether they are thereby able to 'express' their gender role. Girls avoid violent, aggressive crime because it is inimical to the feminine ideal. Girls are promiscuous or petty property offenders only when such behaviour may enhance their chances of obtaining a mate.

Where masculinity theory, in its female oriented form, presents an even more socialised conception of its subject than the original formulation is in so narrowly defining the gender appropriate behaviour of girls that it leaves little room for them to act with any initiative or assertiveness, whether this involves either law-abiding or criminal activity. The female stereotype posited by Cohen in the mid-fifties in an early formulation of the theory seems to have undergone few subsequent changes in the hands of criminologists of a more feminist persuasion. Recall that Cohen described the typical female as "sociable, and timid, but inactive, unambitious and uncreative".⁽⁷⁾ Accordingly, he believed that delinquency was "at best irrelevant to the vindication of the girl's status as a girl, and at worst...it positively threatens her in that status in consequence of its strongly masculine symbolic function".⁽⁸⁾ The images of women employed by latter day exponents of the masculinity

(7) Irwin L. Child, Elmer H. Potter and Estelle M. Levine, "Children's Textbooks and Personality Development: An Exploration in the Social Psychology of Education", Psychological Monographs, 1946, LX, No. 3, pp. 35, 46, 47 & 48, Quoted in Albert Cohen, Delinquent Boys: The Culture of the Gang, New York, Free Press, 1955.

(8) Cohen, *ibid*, pp. 143 - 144.

hypothesis are in the same mould or style. Although these modern theorists talk in terms of the pernicious effects of the gender roles imposed on women, rather than women's innate characteristics, they nevertheless advance a stereotype of women as even more controlled, more conformist and more ineffectual than Cohen conceived. Thus in 1969 the Canadian criminologist, Marie Andrée Bertrand maintained that

"Physical strength, shrewdness in business matters... attributes - oftentimes necessary for the performance of recurrent crimes - are not usually associated with femininity because society does not want women trained or practised in such matters". (9)

In 1973 Dale Hoffman Bustamante claimed that "females have been taught to conform to more rigid standards [than boys] and rewarded for such behaviour".⁽¹⁰⁾ Three years later Klein and Kress spoke of female offenders as hapless victims of a sexist society. Their offending was a reflection of this oppression. Women were accomplices in crime because of their socialised passivity. As shoplifters, they were merely acting out their housewife role, albeit in a deviant fashion. As prostitutes they were surrogate wives and mothers providing sexual services and nurture.

The feminist criminologist, Carol Smart, was even more explicit in her depiction of female offenders as passive victims of their gender role socialisation. She interpreted shoplifting "as an extension of the feminine role, it is 'role expressive' both in method and in its object".⁽¹¹⁾ Women act as the receivers of stolen goods because of the inherent passivity of this offence which "is in keeping with the woman's role especially

(9) Marie Andrée Bertrand, "Self Image and Delinquency: A Contribution to the Study of Female Criminality and Woman's Image", Acta Criminologica, Jan. 1969, p. 71 at p. 74.

(10) Dale Hoffman Bustamante, "The Nature of Female Criminality", Issues in Criminology, Fall 1973, Vol. 8, No. 2, p. 117 at p. 120.

(11) Smart, op. cit., p. 10.

where stolen goods are hidden or used in the home".⁽¹²⁾ In fact Smart is convinced that women's socialisation disqualifies them from any criminal undertaking demanding more than a modicum of intelligence and calculation. Thus women steal from machines because it "requires no great skill, strength or aggression so consequently it is in keeping with the culturally ascribed characteristics of the female role".⁽¹³⁾ Similarly, women steal from their employers because "it does not necessarily require much planning or skill".⁽¹⁴⁾

This kind of stereotyping of women is even more pronounced amongst the empirical criminologists who subscribe to masculinity theory. In their efforts to show that a feminine personality is inimical to criminality and that masculinity conduces to law-breaking, they have reduced the essence of femininity (and masculinity) to a handful of personality traits, consistently portraying women as dependent, submissive, uncompetitive and passive,⁽¹⁵⁾ in short, as over-controlled.

STRAIN

Strain theory's key supposition about human nature is that we all so thoroughly internalise the norms of our culture that the application of strain, stress or pressure is required before we will deviate. It starts with the assumption that under 'normal' circumstances, when strain is absent, the individual will automatically obey the law. For the healthy, well-adjusted citizen has been effectively socialised to respect the law and share its values with his fellow citizens. Hence,

(12) Ibid, p. 15.

(13) Ibid.

(14) Ibid.

(15) For example, see the personality test employed by F.T. Cullen, K.M. Golden and J.B. Cullen, in "Sex and Delinquency: A Partial Test of the Masculinity Hypothesis", Criminology, 1979, 17/3, p. 301.

the sole motive for crime is stress. The necessary corollary of this sort of reasoning is that crime is never a rational and legitimate form of social protest. Or, as Wrong puts it,

"The presence in man of motivational forces bucking against the hold social discipline has over him is denied." (16)

In their interpretation of strain, gender role theorists take its image of the socialised and conforming individual and present it as a complete assessment of women in society. In other words, they suggest that females are generally conformist because this is their normal socialised condition. Women's behaviour is more uniform and conventional than men's because women are not subjected to the stresses of the male role. Women are insulated from the pressures of public life, their role is less demanding than the male role and thus they do not experience pressures causing them to deviate.

Gender role theory's explanation of female offending focusses on its triviality and its relation to the narrow range of concerns or anxieties generated by the female role. Female offending is trivial because nothing of public significance is demanded of women. Their criminality is narrow in scope because female concerns are sharply focussed on one issue. As Cohen explains, the exclusive concerns of girls are "dating, popularity with boys, pulchritude, 'charm', clothes and dancing".⁽¹⁷⁾ It follows then, as Morris observes, that "obstacles to maintaining positive affective relationships are most likely to lead to delinquency in girls".⁽¹⁸⁾ Similarly Sandhu and Allen declare that

(16) Wrong, op. cit., p. 152.

(17) Cohen, op. cit., p. 142.

(18) Ruth Morris, "Female Delinquency and Relational Problems", Social Forces, 1964, 43, p. 82 at p. 83.

obstructions to "acquiring, marrying and retaining a husband" turn women to crime.⁽¹⁹⁾ Although gender role theorists have more recently attempted to test female subjects for stresses of a more general nature, there has been no sustained attempt to revise Cohen's original account of the central preoccupations of girls.

It is the narrow range of goals which gender role theorists persist in regarding as the focus of the female role, and their consequent claim that women are relatively well insulated from stress which forms the basis of the claim that their rendition of strain theory harbours an image of woman which is even more circumscribed than the model of humanity implicit in the original theory.

LABELLING AND CONTROL THEORY

In that it recognises both the freedom and diversity of the behaviour of the pre-labelled individual, the labelling school has fostered a voluntaristic conception of human nature.⁽²⁰⁾ Labelling theorists contend that there are no rigid and absolute standards of conformity and deviance which are either universally recognised or universally internalised. People behave in various ways for a variety of reasons. People are determined by neither the *morés* of their culture or the leviathan of the state.

It is at the point at which the individual is officially designated a criminal by the authorities that the labelling theorists switch from a

(19) Harjit Sandhu and Donald Allen, "Female Delinquency: Goal Obstruction and Anomie", Canad. Rev. of Sociology and Anthropology, May 1969, p. 107.

(20) Voluntarism also characterises some interactionists, for example Matza. See Footnote 1, p.6, Chap. 2.

voluntaristic to a determined view of human nature. Labelled offenders are the passive recipients of a criminal identity. Society ceases to accommodate a diversity of values. A consensus view is imposed in which the power of the criminal label is generally recognised and abhorred. To Frances Fox Piven, this leaves us with empty shells of human beings stripped of any rationality or conviction that their actions are right.

"What [is] forfeited [is] some understanding, however reluctant and incomplete, that even the vicious and defective might be acting with motive and purpose." (21)

Piven believes that in its endeavour to 'buy' pity for deviants, labelling theory extirpated their intelligence and their agency.

"Only the powerful had a capacity to act purposefully by enacting and enforcing rules. [Labelling] thus defined away the ubiquitous evidence that women and men can resist the rules of their society." (22)

Turning to gender role theorists' adaptation of the labelling perspective, it has already been noted that it effectively extinguished that part of its interpretation of human behaviour which rested on a concept of the free-willed individual. That is, the self determination and purpose of the pre-labelled offender was never seen as applicable to women. Thus both Harris and Fox maintained that official labelling was not needed to control the behaviour of women. For women were controlled well before they attracted criminal epithets. Harris's 'type-script' of the offender and Fox's 'good girl' construct depicted women as either constrained from offending by the conspicuous masculinity of powerful stereotypes of criminals or as compelled to be conformist by society's

(21) Frances Fox Piven, "Deviant Behavior and the Remaking of the World", Social Problems, June 1981, Vol. 28, No. 5, p. 489 at p. 491.

(22) Ibid.

normative restrictions and exhortations to be 'nice'. Indeed Fox was explicit about the completeness of society's control over women using the 'nice girl' construct:

"There is no front stage/back stage dichotomy... women are 'on' whenever and wherever they are, whether in the company of men, strangers, or other women." (23)

The completeness of the subjection of women was also the theme of Hagan and his associates. They suggested that whereas society relies on its public institutions to pull its male members into line, females are more informally but more thoroughly subordinated by the private institution of the family. Here they are socialised to be compliant, passive and home-centred. In fact, having examined the application of formal and informal sanctions to boys and girls, these authors concluded that "if our findings are generalizable, then there may be reason to assume that women are oversocialized; more specifically, overcontrolled". (24)

Those gender role theorists who adopted the ideas of the 'control' theorist, Travis Hirschi, indeed commenced their theorizing with precisely this idea that girls are 'overcontrolled'. Recall from the previous chapter that Hirschi considered people to be free to behave as they wish until they come to care about the expectations and affections of conventional others. At this stage social bonding occurs and the individual is thenceforth loathe to incur the ostracism of loved ones which will necessarily result from a life of crime. In other words, once 'bonded' human beings so care about maintaining the approval of their friends and

(23) Greer Litton Fox, "'Nice Girl': Social Control of Women Through a Value Construct", *Signs*, 1977, Vol. 2, No. 4, p. 805 at p. 811.

(24) John Hagan, John H. Simpson and A.R. Gillis, "The Sexual Stratification of Social Control: A Gender Based Perspective on Crime and Delinquency", *British J. of Sociology*, March 1979, Vol. 30, No. 1, p. 25 at p. 34.

family that they will only behave in ways which they feel these significant others will regard as acceptable.

In applying the theory to women, gender role theorists have simply reiterated the point that females are more conformist than males because they are more controlled.

"Compared to boys, girls are typically depicted as more closely bound to conventional persons, values and institutions, and such sex differences in attachment, commitment, involvement, and belief should, according to control theory, lead to a sex differential in delinquent behaviour." (25)

Some reasons for the powerful bonding of girls are offered by Shover and his colleagues. They submit that from an early age girls are touched, handled and talked to more than their brothers with a view to fostering their dependence. Girls are thereby encouraged to be more sensitive to, and to care more about, the reactions and opinions of others. (26)

STEREOTYPING THE SEXES

To synthesise these insights into the oversocialised conception of woman in gender role theory, it should now be plain that the contemporary criminology of women has promoted polarised stereotypes of the sexes. Its preoccupation with the sex differential in crime has led gender role theorists to exaggerate the significance of gender roles and thereby they have reified them. Focussing on disparities in the behaviour of men and women - why women are more conformist and why they engage in particularly

(25) Gary J. Jensen and Raymond Eve, "Sex Differences in Delinquency: An Examination of Popular Explanations", Criminology, Feb., 1976, Vol. 13, No. 4, p. 427 at p. 433.

(26) Neal Shover, Stephen Norland, Jennifer James and William Thornton, "Gender Roles and Delinquency", Social Forces, Sept. 1979, 58, p.162.

feminine types of crimes - they have overlooked large tracts of human activity where the sexes are much the same. The paradox of the criminology of women of the past fifteen years is that, despite the impact of feminist theory on the politics of its protagonists, its conception of the female offender and of the law-abiding woman has remained extraordinarily constant. In the 1950s, women were being stereotyped as passive, dependent and family centred with a view to demonstrating the functionality of gender roles. In the 1970s and 1980s a similar construction of women was put forward by feminist criminologists eager to demonstrate the oppressive effects of women's gender role conditioning. The 'Catch 22' of this sort of reasoning is described by Margrit Eichler:

"In order to be able to reject an ideal sex role, we must first prove its existence and prevalence, so that we can repudiate it. In the process of proving its existence and prevalence, a reification may set in in which we treat the ideal sex role as if it represented the actual behaviours of men and women." (27)

In other words, feminist criminologists have set out to criticise sex roles but, in the process, they have constructed equally powerful stereotypes which have underscored the polarity of the sexes and the gender role itself.

It is Eichler's view that it is a mistake to so caricature the sexes. It reinforces a perspective in which everything we do is differentiated on the basis of sex. Eichler asserts that this is misleading because it overlooks the obvious facts that "we all eat, sleep, drink, play, rejoice, are ashamed, sad, envious etc."⁽²⁸⁾ It therefore effects "a distortion of the differences over the similarities of the sexes".⁽²⁹⁾

(27) Eichler, op. cit., p. 61.

(28) Ibid, p. 13.

(29) Ibid, p. 14.

A critique of this tendency of social scientists to advance a view of men and women as diametrically opposed in behaviour and attitude has also been undertaken by David Tresemer.⁽³⁰⁾ It is Tresemer's view that, notwithstanding the conspicuous failure of the empirical work in the area to produce evidence of clear and consistent differences between the sexes (or perhaps because of this), social scientists continue to work with concepts of male and female nature which have more to do with "folk models" or commonsense than scientific fact. In the face of the evidence, or rather the lack of it, social scientists doggedly persist in clinging to the idea that "sex differences are strong and do exist".⁽³¹⁾ Thus, as the review of gender personality testing conducted in Chapter 5 revealed, the measures of gender employed by social scientists are still constructed on the assumption that:

"masculinity-femininity is a bipolar, unidimensional, continuous, normally distributed variable that is highly important and consistently viewed within the sampled population" (32)

The problem with these measures, and with the models of men and women assumed by those who employ them, is that, as Tresemer is at pains to stress, they obscure the fact that "On many characteristics of central importance to human personality, there is great overlap between the sexes."⁽³³⁾

A striking example of gender role theorists underlining the differences between men and women, when the similarities are more salient, is the crime of shoplifting. It was made clear in Chapters 3 and 4 that roughly equal numbers of men and women steal from shops, that they steal items of

(30) Tresemer, op. cit.

(31) Ibid, p. 313.

(32) Ibid, p. 314.

(33) Ibid, p. 315.

about the same value, that they both tend to be poor and that they both usually commit the crime alone. Instead of these statistics stimulating research into shoplifting which would highlight the patent similarity of male and female offending, gender role theorists have sought to interpret it as a crime which is essentially gender role expressive and hence different in intent. Thus Carol Smart has chosen to describe the theft of clothes as "clearly linked to the feminine role" stressing that this is "particularly evident where pressure is placed on women to be well-dressed and fashionable".⁽³⁴⁾ Identical behaviour, where the subject is male, has been construed as a mode, albeit deviant, of meeting the demands of the masculine breadwinner role.⁽³⁵⁾

All this is not to controvert the significant differences in the nature and the extent of the crimes that men and women commit. If we are to believe the official figures, many more men than women engage in crimes of violence. And males make up the bulk of the total crime figure. What is being proposed here is that the differences between the behaviour of men and women are not absolute. They are only differences of degree. A simple demonstration of this comparability between the sexes is the negative fact that the vast majority of both men and women do not become part of the crime statistics. It is a premise of this thesis that any attempt to explore the reasons for the offending of males and females should, from the outset, assume that the subject is first and foremost a human being who possesses all the characteristics of the species. It is also contended that the criminologist has a duty to address this issue of

(34) Smart, *op. cit.*, p. 10.

(35) See the discussion of Grosser's theory of crime as an expression of gender role in Chapter 5.

the nature of the human condition, to make plain underlying assumptions about human nature, before commencing theorising. This has not been done by gender role theorists. Their assumptions that women are thoroughly socialised into a gender role which has limited goals and concerns, that their behaviour is more programmed than purposive, remain latent in their theory building. Hence the necessity of exposing their fundamental premises which has been the aim of the preceding discussion. The next task is to make explicit the view of human nature which has provided the intellectual foundation for this challenge to gender role theory's oversocialised conception of woman and which will guide future discussion of the female offender.

CHAPTER 7

Explaining the Interpretive Framework:
The Dialectic of Wo/Man as Agent (the
thesis) and Wo/Man as Object (the anti-thesis)

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CHAPTER 7

Explaining the Interpretive Framework:
The Dialectic of Wo/Man as Agent (the
thesis) and Wo/Man as Object (the anti-thesis)

"The paradox of human agency is hardly a new discovery, although from Hobbes onwards many people have unveiled it as solemnly as though it were. In effect it is the empirical common denominator of a vast body of social analysis which has always obstinately refused to be relegated or confined to a single formal academic discipline...The problem of agency is the problem of finding a way of accounting for human experience which recognises simultaneously and in equal measure that history and society are made by constant and more or less purposeful individual action and that individual action, however purposeful, is made by history and society." (1)

INTRODUCING THE DIALECTIC

In place of the 'oversocialized' conception of women sustaining the main gender role theories of female crime (with their focus on the manipulation of women by external social forces) this thesis offers an interpretive framework for the study of criminality and conformity in women which centres inquiry on the internal, rational processes involved in decisions to act. This new approach to the criminology of women assumes that we improve our chances of producing useful insights into reasons for behaviour - be it criminal or conformist, male or female - if we recognise the voluntaristic side of human beings. It maintains that the study of female crime will produce more fruitful results if it acknowledges the concept of human agency or free will, rather than persisting in its construction of its subjects as thoroughly controlled social objects. Both conforming and criminal women are better viewed as decision-makers capable of construing and evaluating their circumstances. As intelligent and self-

(1) Philip Abrams, Historical Sociology, Shepton Mallet, England, Open Books, 1982, p. xiii.

conscious agents they should be seen to reason and deliberate. They should no longer be depicted as the hapless victims of a total process of social conditioning.

At the same time, however, the proposed interpretive framework concedes that women's freedom, like men's, is not unbounded. Their free will is not complete. Rather, women find themselves confronted with the structures of their society which spell out for them appropriate modes of conduct and appropriate attitudes. These structures differentiate the sexes and rest on the expectation that women will perform certain functions and display certain personality characteristics. In other words, the agency or free will of women is constrained by gender roles and gender stereotypes imposed on them from without.

The interpretive framework offered here therefore takes the form of a dialectic. It posits the central idea (or thesis) that women function in society as subjects, that is, as agents and actors in social milieux acting on and shaping the social phenomena about them. Juxtaposed with this notion is its anti-thesis, namely, that women are simultaneously social objects, that they are profoundly influenced by the rules and regulations of society. The synthesis of these two opposing sides of woman - rational woman whose decisions are guided and constrained by the structures of her society - will be explored and employed in the next chapter which will theorize the conformity and criminality of women. The present task is to make clear the two parts of the proposed dialectical view of woman: woman as agent and woman as object.

THE THESIS: WOMAN AS AGENT. THE CASE FOR AGENCY.

To advance a view of human beings as agents rather than objects is to demand an initial leap of faith. But such a leap, it may be argued, is inevitable. For any attempt to explain why people behave as they do rests

on a particular conception of human nature. In the previous chapter it was maintained that gender role theory is flawed because it clamps a rigid stereotype upon its subject, making her a creature totally controlled by social conditioning. This notion has impeded the understanding of woman as a human being, and it has prevented criminologists from making substantial inroads into the understanding of female crime. For it has committed them to an interpretation of offending which denies any complexity and subtlety and forces a construction of the behaviour of both men and women as inevitably sex stereotyped and polarised. The thesis to be put here is that the processes of decision-making should form the focus of the criminologist and that these processes are not sex or gender specific.

Agency Examined

A review of the received literature on human agency is a considerable undertaking. This discussion of the concept is selective and restricted to assessing the pivotal ideas on agency of the most prominent writers on the subject. Even limiting the issue thus, an analysis of agency must cope with the fact that its interpreters have written prolifically and that, over the course of their lifetimes, they have continued to modify their opinions on the subject. It is therefore inevitable that the following inquiry into agency which seeks to introduce the concept to the criminology of women not only omits a good deal of the available material but that, in its attempt to explicate the concept within the confines of this chapter, it skirts important distinctions and subtleties both between the various schools of thought and within the works of individual authors. (2)

(2) For a fuller discussion of agency as interpreted by major philosophers of the nineteenth and twentieth centuries see Richard Bernstein, Praxis and Action, Philadelphia, Univ. of Philadelphia Press, 1971, of which this chapter makes extensive use.

Although not always called by the same name, the idea of human agency has exercised philosophers since Plato explored the composition of the soul. It is in the writings of major thinkers of the nineteenth and twentieth century, however, that we see agency becoming a linking and converging theme. We find that philosophers of radically different orientation - here we look at Marx, Weber, the existentialists and the pragmatic school - advance a voluntaristic conception of man which focusses on human purpose and action.

In contemporary psychology and sociology a growing preoccupation with human agency can also be discerned. Dubbed by some 'the new psychology',⁽³⁾ what has been conceived as a mechanistic paradigm of 'man',⁽⁴⁾ dominating the study of the human personality has been challenged by a model of man as inquirer and scientist. A focus on man's ability to interact with and shape his environment has also become 'a significant minority paradigm',⁽⁵⁾ among sociologists since the 1930s. To demonstrate this confluence of certain schools of psychology and sociology on the theme of agency, the work of George Kelly and George Herbert Mead will be outlined here.

The purpose of this selective review of the literature on agency is not only to present a case, and to show how thinkers whose intellectual training has clearly diverged have nevertheless found the idea of human agency compelling, but also to explore the implications of this interpretation of man for the understanding of human behaviour and, of course,

(3) Rudi Dallos and R.J. Sapsford, "The Person and Group Reality", in Mike Fitzgerald et. al. op. cit., p. 429 at p. 431.

(4) All the theorists to be dealt with in the body of this chapter treat the word 'man' as a generic term for human. It could be argued, however, that some did not intend to include women.

(5) Dallos and Sapsford, op. cit., p. 432.

criminal behaviour in particular. It will be maintained here that a voluntaristic conception leads to a certain approach to the explanation of behaviour, and that determinism leads to another. The significance of a commitment to agency for the study of behaviour is perhaps thrown into sharpest relief by juxtaposing it with a purely determinist interpretation. Accordingly, this discussion of agency will begin with a brief look at the ideas of two psychologists who have attracted considerable attention in the social sciences with their express rejection of the concept of free will.

John Watson and B.F. Skinner

The principal aim of both Watson and Skinner was to convert the study of the human mind into a natural science. Observing the successes of research in medicine, chemistry and physics, Watson and Skinner sought to impose the same methods, laws and principles on psychology. The prerequisite of this endeavour was to exorcise from the psychologist's vocabulary "all subjective terms such as sensation, perception, image, desire, purpose, and even thinking and emotion as... subjectively defined".⁽⁶⁾ The task of the new 'behavioural' scientist was to investigate only those aspects of human beings that could be observed, in other words, their behaviour. The 'consciousness' of the individual was "neither a definable nor a usable concept".⁽⁷⁾

Defining the goals of psychology thus, John Watson set out to predict and control human activity. His disciple, B.F. Skinner, even more clearly articulated the need to discard the concept of free will if psychology were to be as intellectually rigorous as the natural sciences. He argued that:

(6) J.B. Watson, Behaviorism, W.W. Norton, 1st ed., 1925, Chapter 1. Reprinted in Leslie Stevenson, ed., The Study of Human Nature, New York & Oxford, Oxford Univ. Press, 1981, p. 193 at p. 196.

(7) *Ibid*, p. 194.

"We cannot apply the methods of science to a subject matter which is assumed to move about capriciously... If we are to use the methods of science in the field of human affairs, we must assume that behavior is lawful and determined. We must expect to discover that what a man does is the result of specifiable conditions and that once these conditions have been discovered, we can anticipate and to some extent determine his actions." (8)

To Skinner, "a scientific conception of human behavior dictate [d] one practice, a philosophy of personal freedom another".⁽⁹⁾ The interpretation of human behaviour which Skinner developed employing his scientific methods was based on a theory of stimuli and responses to rewards and punishments. Skinner claimed that "The community functions as a reinforcing environment in which certain kinds of behavior are reinforced and others punished".⁽¹⁰⁾ The community controlled the individual by rewarding some forms of behaviour and punishing others. With this construction of behaviour Skinner eliminated man the actor.

By contrast with this mechanistic model of a human being responding in a predictable fashion to the various stimuli to which he is exposed, the following analysts of the human condition have, in their different ways, embraced concepts of purpose, intention and freedom by maintaining a dialectic of man engaged in a self-conscious and self-controlled exchange with other agent beings.

Karl Marx

Since the discovery of the writings of the young Marx in the 1930s, one of the most vigorous areas of debate among analysts of Marx has centred

(8) B.F. Skinner, Science and Human Behavior, Macmillan, 1953, Chapters 1, 3, 5, 27, 28 & 29, Reprinted in Stevenson, op. cit., p. 200 at p. 201.

(9) Ibid, pp. 203-204.

(10) Ibid, p. 215.

on his early views on the nature of human freedom and human fulfilment and their significance for his later work. The position adopted in this thesis is that the ontology of Marx which emerged from The Economic and Philosophical Manuscripts of 1844⁽¹¹⁾ underscored all his later writings and formed the linchpin of his theory of alienated labour under capitalism. Unfortunately, a detailed exposition of this debate is beyond the scope of this thesis. Expert and close accounts of the key issues, however, are contained in a number of texts.⁽¹²⁾

It was the young Marx's contention that it made no sense to regard man as simply a natural being who could be studied alongside other living creatures. For he believed that man possessed a unique character. He was a 'human natural being'.

"That is to say, he is a being for himself. Therefore he is a species being, and has to confirm and manifest himself as such both in his being and in his knowing." (13)

Coining his own terms for the concepts he wished to express, Marx spoke of the 'species being' as a way of making plain his view of the self-conscious agency of human beings which distinguished them from the rest of nature.

To Marx the fulfilment of human freedom resided in the processes by which man as a self conscious being interacted with and acquired mastery over his surroundings. Freedom was men "rationally regulating their interchange with Nature, bringing it under their common control,

(11) Karl Marx, The Economic and Philosophical Manuscripts of 1844, ed. by Dirk J. Struik, New York, International Publishers, 1964.

(12) For a discussion of the significance of Marx's early views on human nature for his later works see John Plamenatz, Karl Marx's Philosophy of Man, Oxford, Clarendon Press, 1975; Lucien Sève, Marxism and the Theory of Human Personality, London, Laurence and Wishart, 1975; and Istvan Meszaros, Marx's Theory of Alienation, London, Merlin Press, 1975, 4th ed.

(13) Karl Marx, Capital, Vol. 1, Trans., by Samuel Moore and Edward Aveling, Moscow, 1958, p.76. Quoted in Meszaros, op. cit., p.169.

instead of being ruled by it as by the blind forces of Nature".⁽¹⁴⁾ Freedom was therefore grounded in experience. It was not an abstract ideal to be realised outside of the situational confines of a specific time and place. It could not be "conceived in abstraction from, or in opposition to, nature".⁽¹⁵⁾ By employing the term 'nature' Marx was not looking backwards to some pastoral idyll but referring to "the actual degree of civilization, and the social practice that corresponds to it, to which [the individual] belongs".⁽¹⁶⁾ Convinced of the situational determinateness of man's fulfilment as he realises his freedom, Marx rejected the idea of a fixed human nature, advancing, instead, the theory that it is "made by man in his acts of 'self-transcendence' as a natural being".⁽¹⁷⁾

Summing up, Marx repudiated both an essentialist and a determinist view of human nature in his bid to have man understood as a creature possessed of freedom and agency. He was committed to an ontology which located man in his social and historical context self-consciously both responding to and acting on his environment, though within historically variable, constraining material and social conditions.

Max Weber

Central to Max Weber's theory of human nature was the notion of man's "ultimate irreducibility".⁽¹⁸⁾ This meant that Weber rejected a science of man which endeavoured to stand outside the phenomenon and objectively dissect and analyse all its component parts. For Weber

(14) Karl Marx, Capital, Vol. 3, ed., by Frederick Engels and trans. by Samuel Moore and Edward Aveling, New York, International Publishers, 1967, p. 820. Quoted by Bernstein, op. cit., p. 66.

(15) Meszaros, op. cit., p. 171.

(16) Ibid.

(17) Ibid, p. 170.

(18) Donald G. MacRae, Weber, Glasgow, Fontana, 1974, p. 63.

believed that man was a deliberating being, a creature of intention and purpose whose behaviour could only be understood by taking the whole man and seeking the meanings he attributed to his own actions.

To Weber, society was to be explained not in terms of external forces acting on and constraining each individual, compelling certain forms of social behaviour, but in terms of the intentional actions of each person as a unit of society. These intended actions combined to constitute the infinitely complex and ultimately unknowable human world.

More specifically, Weber theorized that human actions could be conceived on a continuum of greater and lesser degrees of rationality, keeping in mind that, in every instance, an action held meaning for the actor. Human behaviour was therefore not to be explained without reference to that meaning.

The most rational or *zweckrational* action, according to Weber, was that in which the actor had fully weighed up its costs and benefits taking into account all the information he had available to him.⁽¹⁹⁾ The least rational action was one whose ends and means were both affective. Conduct was affective in this pure sense if its exclusive function was the expression of emotion, for example, the expression of fear in response to a threat. Between these two polarised modes of behaviour Weber identified two further important types of action: the value-rational or *wertrational* and the traditional.

With the value-rational action values affected either the ends or

(19) These categories are given fuller treatment in Percy Cohen, Modern Social Theory, London, Heinemann, 1968, pp. 81-85.

the means. In his analysis of this concept, the sociologist, Percy Cohen, cites the example of "the performance of a ritual to achieve a state of mystical union with some spirit or god".⁽²⁰⁾ Here the means part of the action is rational because it is based on the assumption that it will achieve a certain goal, whereas the goal is solely a matter of the actor's values:

"the goal is an end which is valued in itself, and not a means to a further end". (21)

Finally, the traditional action was conceived by Weber as performed for the simple reason that it had been performed by generations past. In this case, the means and the goals were adopted by the actor as a matter of course, without due consideration of alternative actions.

The various types of actions which make up this continuum of human behaviour were not seen by Weber to be fixed and rigid categories but as "complexly related".⁽²²⁾ Their common element was the "intentional reference" of the actors whose perceptions of their own actions Weber sought to illuminate by constructing these ideal types. In so doing, Weber implicitly rejected the deterministic and atomistic view of people colliding with their environment and being propelled into certain ultimately predictable courses of action.

Existentialism

Perhaps an even more dramatic challenge to the unity of scientific method and the study of human nature comes from that body of philosophical doctrine known as existentialism. For the central tenet of existentialism is that human freedom is absolute.

(20) Ibid, p. 82.

(21) Ibid.

(22) MacCrae, op. cit., p. 68.

The Danish philosopher, Soren Kierkegaard, was the first to develop and proselytize the body of ideas which has come to be known as "existentialism". To Kierkegaard, the fact of human consciousness was that which distinguished man from other existing entities. In this he was at one with Marx. Kierkegaard depicted man as a being who can think and imagine. As the American philosopher, Richard Bernstein interprets Kierkegaard, man was deemed capable of projecting "alternative existential possibilities, alternative ways of living his life, of facing his future. With imagination, wit, and dialectical skill, he can sketch these alternatives in the minutest detail."⁽²³⁾ Kierkegaard's thesis of man is diametrically opposed to that of Marx in its repudiation of external constraints on the individual; Kierkegaard believed human freedom to be complete. The individual's choice "is radically contingent and free".⁽²⁴⁾ Nothing determines man. As Bernstein explains:

"Nothing makes him what he is to become - there is no necessity here - except his own radically free choice. Yet everything that is momentous and important for him as an existing individual depends on his choice; his own decisiveness determines what he is to become." ⁽²⁵⁾

With a focus on this idea of radical freedom, the French philosopher, Jean Paul Sartre, also expounded the nature of man as a self conscious or self reflecting being engaged in a continuous process of making choices about how he is to live his life. With Marx, Sartre believed that man was thus equipped to "...modify the shape of the world".⁽²⁶⁾ By this Sartre did not however intend to imply that human

(23) Bernstein, op. cit., pp. 111-112.

(24) Ibid, p. 112.

(25) Ibid.

(26) Jean Paul Sartre, Being and Nothingness: An Essay on Phenomenological Ontology, trans. and with an introduction by Hazel C. Barnes, New York, Philosophical Library, 1956, p. 433. Quoted in Bernstein, op. cit., p. 141.

choice is random and wild nor that behaviour is wholly unpredictable. For he realised that "At every moment of existence we are living out projects by which we choose what we are to be".⁽²⁷⁾ By ascertaining the intentional thrust of the individual as he pursues his choices, Sartre felt that it would be possible to predict how he would be likely to act in the future. Indeed he believed that "Because most of us are so caught up and hemmed in by our fundamental projects, a large measure of what we do is perfectly predictable".⁽²⁸⁾ But this in no way undermines our ultimate freedom of choice. For even as we take up certain options and absorb ourselves in them, thereby lending predictability to our actions, there remains the possibility that we might have done otherwise.

Pragmatism

A concern with making lived experience, rather than pure mental or imaginative processes (taken outside of their social context), the focal point of the analysis of human agency preoccupied the American pragmatists, C.S. Peirce and John Dewey. Convinced that every-day life was the basis of man's discovery and use of his intelligence, the pragmatists stressed the practical effects of human action as the source of the information with which man intelligently makes decisions about his future actions. In contradistinction to Kierkegaard, and his declaration of the infinity of choice, the pragmatists, with Marx, grounded human freedom in concrete experience rather than in the imagination.

Permeating the theories considered in Chapter 5 was a sense of the unique ability of the social scientist to stand back from the human

(27) Bernstein, op. cit., p. 146.

(28) Ibid, p. 147.

subject and rationally identify and dissect the reasons for human behaviour. Implicit in this approach to the offender was the superior rationality of the criminologist. S/he possessed insights and abilities denied to her or his subject. Offenders were deemed incapable of deliberation or any intelligent assessment of their own reasons for action. Thus rather than asking their subjects for their interpretation of their behaviour, the criminologist imposed on offenders what s/he believed to be their goals, their concerns and therefore their motives.

Put another way, the oversocialised model of man inhering in gender role theory was assumed not to apply to the criminologist who, with all critical faculties intact, could rationally and disinterestedly observe and analyse offenders and creatively offer up reasons for their actions.

It was with the realization that the curiosity, creativity and critical ability of social scientists were not unique to this elite group that C.S. Peirce sought to generalise these capacities to the objects of their inquiries. Peirce maintained that all human beings were engaged in a scientific process of inquiry. They were all actively navigating their own lives. Possessed of all the critical facilities of scientists, they were constantly monitoring, evaluating and controlling their own behaviour. As scientists they sought solutions to their problems which were not apparent without experiment and investigation. Thus the individual had "no direct, intuitive cognitive access to reality".⁽²⁹⁾ Instead he engaged in a "self-corrective process of inquiry".⁽³⁰⁾

(29) Bernstein, op. cit., p. 189.

(30) Ibid.

This theme of the deliberative character of man was taken up by John Dewey in his attempt to throw light on man's ability to act intelligently in his choices and his actions. Dewey explicitly set up his model of intelligent man as a direct challenge to the mechanistic, stimulus/response interpretation of human action. To Dewey, man did not collide with and respond to his environment in a billiard ball fashion, the Skinnerian thesis, but was instead selective. Shotter interprets Dewey's philosophy thus:

"As an agency, an organism acts not, like a machine, blindly, according to predetermined principles, but as a being that can continually modify and adjust its own activity in relation, not only to its circumstances, but also to its own needs and interests." (31)

Dewey refused to conceive man as an object propelled into a single course of action by a programmed response to a given stimulus. Rather, he saw man as perfectly capable of choosing from a range of real, practical options which he could both intelligently perceive and evaluate.

Dewey used the word 'intelligence' in a somewhat unconventional sense. By intelligence he meant not only the faculty of reasoning and understanding but also "the sum total of impulses, habits, emotions, records, and discoveries which forecast what is desirable and undesirable in future possibilities".⁽³²⁾ Hence Bernstein interprets Dewey's philosophy as not inconsistent with the idea that choices can "be blind, motivated by impulse, convention, or rigid habit".⁽³³⁾ But most importantly, choices can also be rational.

(31) John Shotter, Images of Man in Psychological Research, London, Methuen, 1975, p. 54.

(32) John Dewey, "The Need for a Recovery of Philosophy", p. 68 of "Creative Intelligence: Essays in the Pragmatic Attitude", Reprinted in Richard Bernstein, ed., John Dewey: On Experience, Nature and Freedom, New York, The Liberal Arts Press, 1960. Quoted in Bernstein, op. cit., p. 211.

(33) Bernstein, op. cit., p. 213.

The principal characteristic of intelligent man, argued Dewey, was his purposiveness. As Bernstein translates his point:

"We are creatures who can imaginatively construct new possibilities and by intelligent inquiry we can reconstruct our experience so that the goods that we most deeply desire can be achieved and made stable." (34)

A brief look at the ideas of a modern day English philosopher much persuaded by pragmatism, Stuart Hampshire, will complete this selection of philosophers' interpretations of human agency.

Hampshire propounds the theory that human freedom resides in the individual, self-consciously assessing or construing his position in the world, and, on the basis of this construction, deciding what is best for himself in the future. Man's reasoning ability, to Hampshire, is paramount. It is a faculty which can be applied to both the behaviour of others and to the behaviour of the self. That is:

"A man can examine the record of his own performances disinterestedly, and notice regularities in them, as he would examine the record of another." (35)

Here we see the pragmatist's idea of man the rational empiricist.

Hampshire maintains that as we observe ourselves in a variety of situations we increase our self-knowledge. We thereby develop our ability to make choices which are best for ourselves. For we can refer to an expanding body of knowledge of how we have fared in similar situations in the past each time we are confronted with a decision. Self-knowledge, and the consequent capacity for rational action, is therefore grounded in experience. We observe ourselves in different situations. We observe the results of our behaviour by which we arrive at some sort of assessment of

(34) Ibid.

(35) Stuart Hampshire, Thought and Action, Chatto and Windus, 1959; in the U.S. Humanities Press, Chap. 3. Reprinted in Stevenson, op. cit., p. 297 at pp. 298-299.

our capabilities. With this information we make better informed decisions about appropriate courses of action for the future. As Hampshire expresses it:

"A man becomes more and more a free and responsible agent the more he at all times knows what he is doing... and the more he acts with a definite and clearly formed intention." (36)

The boundaries of human freedom also form an important part of Hampshire's ontology. Human agency is not conceived by Hampshire as illimitable for the simple reason that we do not have free access to all experience. He identifies two major constraints on experience: the actions and institutions of other human beings which make ineligible some options and the human imagination.⁽³⁷⁾ As Hampshire explains:

"It seems artificial to speak of a wide range of courses of action as being open to a man, if there is not the slightest possibility (in the sense of likelihood) of his thinking of them as possible courses of action." (38)

What determine whether we are likely to perceive an option open to us are the interests we have developed as a result of our past experiences.

A final comment on Hampshire's theory of man is that, like Dewey, he recognises that not every decision to act is made with full reflection about its probable consequences. Although man is able to act both deliberately and intelligently, with due consideration of the costs and benefits of different courses of action, he is also capable of acting impulsively or on the basis of mindless habit.

How people construe reality, and how that construction shapes their decisions to act, has also formed the focus of a psychology and sociology

(36) Ibid, p. 300.

(37) Ibid, p. 303.

(38) Ibid, p. 304.

of human agency whose immediate origins are the thoughts of an American psychologist and counsellor, George Kelly, publishing in the mid-fifties, and a Chicago based sociologist, George Herbert Mead, who lectured in the first third of this century. The writings of these theorists deserve attention because they represent concerted attempts to challenge the dominant view of man in the authors' respective disciplines by bringing to the fore a notion of the limited free will of the individual.

George Kelly

In The Psychology of Personal Constructs⁽³⁹⁾ George Kelly set forth his theory of the personal construction of reality which represented a radical challenge to the deterministic model of man subscribed to by most psychologists of his day. In clear opposition to Skinner, Kelly maintained that individuals do not react to the world directly in a sequence of stimuli and responses, but that they interpret or construe events. With the American pragmatists Kelly believed that human beings could be likened to scientists whose task it was to make sense of a mass of data guided by their past experiences and their theories about the nature of the world. Kelly felt that human lives could be regarded as ongoing experiments with each human action representing a test of a "theory" to be rejected, modified, or verified, depending on the results of the action.

"The individual is seen not as a passive recipient of experiences and as passively reacting to internal or external 'forces', but as actively making sense of the world and taking action in order to discover it or to change it." (40)

Kelly was convinced that each person's construction of the world was personal and therefore unique. He believed in a multiplicity of

(39) George Kelly, The Psychology of Personal Constructs, 2 vols., New York, Norton, 1955.

(40) Dallos and Sapsford, op. cit., p. 435.

realities rather than imposing his interpretation of events and behaviour on his subjects. For he was convinced that each person's construction of reality was as legitimate as the next person's (as well as his own) because it had been arrived at by a scientific process of theory testing via empirical investigation.

George Herbert Mead

Running through the theories of agency considered so far (with the exception of Kierkegaard) has been the idea that human freedom is inevitably fettered by man's corporeality. Man must live out his life as a physical being in a physical world in a particular place at a particular time. All experience is not available to each person. As Marx put it, the realization of human freedom involves man assuming mastery over his immediate environment or "the actual degree of civilization, and the social practice that corresponds to it, to which [he] belongs".⁽⁴¹⁾ Sartre identified the tendency of people to immerse themselves in projects which tended to constrain their choices - while doing one thing they could not be doing another - and invested their behaviour with some predictability. The pragmatists focussed on lived experience. Rejecting the notion of an abstract human essence, they defined the boundaries of human freedom as the extent of the individual's awareness of his options, an awareness derived from practical, past experiences. The common *motif* of these writers is their conviction that human beings are constrained by their location within a culture and the limited experiences it offers up. It is in the sociology of George Mead that we see developed this idea of the inevitable finitude of real experiences, in particular, those of a social nature.

(41) Meszaros, op. cit., p. 171.

The concept of man developed by George Herbert Mead places emphasis on the process by which the individual perpetually modifies his world view as he acquires fresh information about himself from the consequences of each new action. Where it differs from Kelly's scheme is in the significance it invests in social exchange as the basis of this information-gathering process. Mead suggests a theory of social as well as individual behaviour. He is concerned with the interdependence of personal constructions of reality imbedded in a social context. Expressed differently, with Mead we are given a sense of social setting and the reactions of others impinging on the beliefs and behaviour of the individual. Mead explains the operation of the constraints upon human action inherent in the expectations and attitudes of those with whom we interact.

Whereas Kelly expounded the uniqueness of individual experience, Mead theorizes a shared reality informed by the culture and, more specifically, the social and economic role allocated us. Although Mead never lets go of the idea that reality is negotiated and construed, rather than directly perceived by the individual, he is also of the mind that how we come to see ourselves and the world is constantly influenced by how others see us and the world.

We are not born with a sense of our position in society, argues Mead. Instead, we acquire our social self as an integral and normal part of our daily contact with parents and later friends and associates. Before the development of the social self, human beings can be likened to Skinner's creature of direct stimulus and response. Young infants largely respond to direct, physical stimuli in an immediate, non-reflective manner. It is through social interaction that we move beyond this stage and become aware of the social import of our behaviour. We discover whether society, via its agent parents, regards it as worthwhile or otherwise. Through

social interaction we gather information about ourselves as social objects. As others respond to us in certain ways, they give us a sense of ourselves in relation to them. Thus we learn of our social position, of our appropriate attitudes and behaviours in the light of this position, and whether we are positively or negatively evaluated. From social interactions we also come to realise that what we do affects others. We find that we can influence their behaviour and even their view of themselves.

It is this sense of ourselves relative to the rest of society that Mead designated 'the self'. Our view of society and what we think it expects of us Mead called 'the generalised other'. And because Mead considered the symbols of language to be the vehicle for this whole process, his account of human development and human nature was named "symbolic interactionism".

The human agency implicit in interactionism stems from the individual's sense of being able to act on others and thereby change his environment or 'the I'. The social control aspect of interactionism resides in what Mead termed 'the Me' or the self as social object. 'The Me' describes ourselves when others act on us, elicit a response and change our self assessment and consequently our behaviour. As John Shotter summarises the interactionist paradigm:

"Here as elsewhere in living processes, it must be presumed that there is a continuing dialectic, a continual back and forth of distinguishable but inseparable processes reciprocally determining one another's character." (42)

Although Mead's interpretation of social exchange has never been dominant in sociology, it has nevertheless exerted considerable influence

(42) Shotter, op. cit., pp. 120-121.

on the study of deviance and criminality, importantly influencing the development of the labelling perspective.⁽⁴³⁾

THE IMPLICATIONS OF AGENCY FOR GENDER ROLE THEORY

Notwithstanding the common themes which have emerged from this analysis of theories of human agency, the absence of a dominant, orthodox view of the concept has become clear. Not only is the idea of human agency unacceptable to some interpreters of human behaviour, hence the behavioural school, but adherents of the voluntaristic concept of man have approached their subjects from radically different perspectives and have employed different vocabularies. The extent of the polemic surrounding agency bespeaks the nature of the issue which, as it has been argued here, is not susceptible to scientific proof and is therefore always open to new interpretations and philosophical controversy.

What all this means is that theorists setting out to explain the reasons for human behaviour are free to offer their own interpretation of the human condition as the starting point of their undertaking. This 'leap of faith' is unavoidable. It is the *sine qua non* of the whole exercise of explaining people. The point of the foregoing discussion has been threefold: first, to demonstrate that the best one can do when confronting this initial stumbling block is to elaborate one's own ontological premises; secondly, to show that a number of major thinkers of the nineteenth and twentieth century have converged on a model of man as agent and let it form the basis of their account of human actions; and, thirdly, to indicate that the reason for this confluence of ideas

(43) As noted earlier, however, the sense of fluid and reciprocal social interactions in which we are free to act and be acted upon by others was not adopted across the board by labelling theorists. For they believed that, upon the official act of labelling, the agency of the offender was extinguished.

is the compelling nature of the concept. Why the contributors to the literature on agency come from such a variety of disciplines - philosophy, psychology and sociology - is because of the enormous appeal of this view of man. One does not have to be a Marxist, an existentialist, a pragmatist or an interactionist to be persuaded by the idea that man has some control over himself and his environment. Such a view can be arrived at via a multiplicity of intellectual routes and it accords with most people's perceptions of life, at least since the Enlightenment.

Given the several constructions of agency outlined above, the present task is to explain the nature of this author's commitment to the concept. This will involve the selection of those aspects of the theories considered here which the author has found most persuasive. Together these will form a paradigm of human nature which will constitute the thesis of the proposed dialectical interpretive framework.

This thesis of human agency is as follows. Human beings are capable of rationally construing their situation in relation to others and of controlling and changing their behaviour in the light of that construction. The behaviourist models of human conduct offered by Watson and Skinner are therefore expressly rejected. People are not controlled in a mechanical fashion by systems of rewards and punishments. Instead, men and women are equipped with an ability to intelligently reflect on their position in the world and the meaning of the events which comprise their daily life. In fact they are constantly engaged in a process of making sense of their experience. Like scientists, men and women seek to make intelligible each new experience in the light of theories they have developed as a result of past experiences. They are aware of their power to shape events and people. They are also aware that to others they are

social objects and that their reactions to their attitudes and behaviour shape their view of themselves. Hence they are engaged in a reciprocal exchange with others in which each shapes the other's attitudes and actions. Human beings are constantly faced with choices about how they are to live their lives. Although these choices are not infinite,⁽⁴⁴⁾ but constrained by the actions and institutions of past and present generations as well as by the limits of the imagination, they are nonetheless real. It is when people confront their options and intelligently choose one over another that they assume some mastery over their lives. They are, to this extent, free agents.

A final point of clarification about the present author's position on human agency relative to the existing body of philosophical thought on this issue is that classic rationalism, though not necessarily the theorists considered here, did assume that reason, and hence free will, could only be exercised by males. The view of agency adopted here does not make this assumption.

With human nature thus construed, the gender role theories considered in Chapter 5 can be seen to divest women of their endowment to act rationally, to make sense of their circumstances and intelligently choose courses of action which meet their needs and interests. Sutherland's learning theory saw the individual propelled into a life of crime by an excess of criminal definitions. Deprived of criminogenic milieux, females were deemed incapable of engaging in criminal enterprises more ambitious than shoplifting which required only what were seen as the minimal skills of the housewife. Talcott Parsons' vocabulary was even more explicit in its determinism. Antisocial behaviour in boys indicated 'compulsive

(44) Here Kierkegaard would clearly differ.

masculinity'. It was a 'reaction formation' to insecurity about their ability to meet the demands of their gender role. Girls were conformist because they were 'conditioned' to be passive, pious and honest. The girl who engaged in delinquent behaviour was not breaking free from her socialisation. She was simply expressing her gender role concerns in a deviant manner.

Attempts to verify empirically masculinity theory heightened the impression that criminality is involuntary. 'Masculinity' and 'femininity' were conceived as sets of fixed personality traits which were both classifiable and quantifiable. Gender roles were polarised and stereotyped. Sample subjects were forced to fit predefined personality typologies.

The power of social conditioning to determine human aspirations also underpinned "strain". Healthy, well-adjusted individuals were imbued with the goals of their culture and provided the opportunity to achieve them. These model citizens had no cause to offend and would therefore automatically obey the law. The thwarted individual, on the other hand, would 'react' to this stress by turning to crime. Criminality was therefore simply a measure of frustration. Because girls were conditioned to achieve either lesser, or more easily attainable goals than boys, they tended to be well-insulated from stress and were consequently more law-abiding. Those few females who did offend were nevertheless expressing frustration at being unable to achieve their limited gender role goals.

Hirschi's control theory, with its initial glimpse of the free person unconcerned about the expectations of others, swiftly imposed the monolith of conventional society bonding the individual to its *morés*.

The puissance of conventional society to mould the individual to its requirements also informed Becker's labelling theory and its latter-day exponents. Social constructs and labels guaranteed the conformity of women preoccupied with being seen to be ladylike.

What these gender role theorists have uniformly neglected is their subjects' interpretation of their own behaviour. Both their assumptions and their methods have made this plain. They have rarely interviewed criminal or conforming women to ascertain their thoughts about themselves and their behaviour. The obvious implication of this is that criminologists know better than their subjects why their subjects behave as they do. Offenders can not offer useful insights into their own offending. Gender role theorists have not attempted to make their constructions of criminal behaviour sensible and meaningful from the point of view of the actor. What has prevailed instead is an image of the offender unwittingly propelled into action by all-powerful social forces either in the form of norms, values and beliefs internalised as part of socialisation or as material constraints on their freedom of action. Thus the offender has been deemed incapable of evaluating the worth of criminal definitions (differential association), gender stereotypes (masculinity theory), conventional morality (strain), or social labels (labelling theory). She has therefore been stripped of her intelligence, her ability to reflect on the nature of herself in the world, and her agency.

To reiterate a point made in the previous chapter, when social theories of deviance which have conventionally been applied to males have been taken over by gender role theory, any determinism in the core or adopted theory has been amplified and entrenched to create a sort of

'double determinism'. As a consequence, the concept of female human nature offered up by gender role theory has not been seen to be socially mediated in the same way as it was for males in the core theory. To clarify, whereas with males, social factors are deemed to mediate what they do, women are still assumed to be 'naturally' wives and mothers. The net effect of this is that the adopted social theories of (in effect male) crime have become almost non-social in their application to women. This is certainly true for strain theory, if less so for differential association.

Notwithstanding the radical challenge to the current theory on women and crime implicit in the case for agency, the thesis to be offered recognises the importance of the endeavour to make sense of behaviour which is the outcome of such a complex and dialectical decision-making process. A commitment to agency implies neither that human behaviour is unpredictable nor random, illogical nor unfathomable. On the contrary, it suggests that people follow logical steps in arriving at decisions about how to act. Moreover, the construction of agency given here, that decisions are grounded in experience, means that our knowledge of an individual's former actions can provide us with information about her or his future actions. For we know that the insights acquired during those experiences will influence her or his future decision to act. Further, as Sartre explained, people do immerse themselves in projects which also lends consistency and predictability to their actions.

Further reasons for not discarding the study of the criminality of women as too difficult when the subject is perceived as agent flow from the present author's rejection of the existentialist position that human freedom and choice are absolute. Marx, Weber, Hampshire and Mead, from

different perspectives, all pointed to a number of constraints on human beings, in particular, constraints of a social nature. This means that information about the normative and material conditions under which individuals exercise their agency will give us some idea of their likely actions. We are therefore not compelled to rely on pure conjecture and speculation when explaining crime.

This notwithstanding, the task of discerning reasons for action when the subject is an agent is still not easy. It requires the criminologist to seek the subject's own view of her or his actions. The status of subjective meanings and motives and how to get at them are unresolved problems for researchers trying to employ the agency approach. And yet the alternatives offered by the positivists (of imputing motives to offenders on the basis of some correlation observed between their external conditions and their behaviour which is simply assumed to be one of cause and effect) and by the ethnomethodologists (of relying exclusively on attempts by offenders to make sense of their experiences without recourse to an interpretive framework which acknowledges the importance of structural factors in shaping the individual's view of things) have so many problems of their own that one can still operate with this sort of approach, while recognising its difficulties.

THE LIMITS OF HUMAN AGENCY: DEVELOPING THE ANTI-THESIS OF WOMAN AS OBJECT

So far we have recognized that human freedom or agency exists, but is not absolute. For human beings are strongly influenced by the rules and regulations of society. They are affected by the actions and institutions of other people, even though they have some say in the development and perpetration of these very constraints on their agency. Our next task

in constructing a framework in which to interpret human action (and more particularly the criminal and conformist action of women), a framework which is sensitive to this complex interaction between the agency of the individual and the constraining structures set up by the rest of society, is to explore the second half of this dynamic of human action: the structures which control the individual.

To clarify, to date we have considered the limits and nature of human freedom or agency. To complete the construction of the suggested perspective from which to study women, one which focusses on the tension between women's self-determination and the controls on their agency, it now remains to consider the social structures which impinge on the lives of women, urging them to curtail their freedom by assuming certain functions and displaying certain concerns and attitudes.

The central theme or thesis of agent wo/man is now juxtaposed with, and modified by, its anti-thesis of wo/man as object. Agent woman, or woman controlling, now becomes woman controlled.

The Social Structures of Women's Lives

The structures of society which regulate the lives of women differ in important ways from the structures of men's lives. Women and men are allocated different functions in society and, as a consequence, have different characteristics attributed to them. The following discussion addresses the conditions of women's lives. It considers the way that these gender related structures have come about as well as the way they control women, laying normative guidelines for their behaviour and their attitudes and imposing material constraints on their freedom to act.

Although historians have yet to agree about the origins of gender

roles, there is a high degree of accord about the nature of changes in women's role over the past two centuries and its implications for the contemporary position of women in society. By examining this recent history of women's role, it is possible to gain a perspective on why and how women perform the functions that they do today. To keep discussion brief, this historical review will be restricted to women's role in pre- and post-industrial Britain and in the Australian colonies. Suffice it to say that the developments in the role of women in the United States during this period roughly paralleled the British experience.

Women in Pre-Industrial Britain

In pre-industrial Britain the family was the basic economic unit. All family members - men, women and children - worked to produce the means of subsistence. There was no clear differentiation of the role of worker and role of family member, nor of the work place and the home. Women as well as men were regarded as productive workers. As the historian, Eric Richards, observes:

"There are very many descriptions that indicate that female labour was universal and that it was normal for women to share in the heaviest manual work." (45)

Ann Oakley also stresses the productivity of women in pre-industrial Britain. She maintains that:

"In their role as agriculturists, women produced the bulk of the country's food supply." (46)

(45) Eric Richards, "Women in the British Economy Since About 1700: An Interpretation", History, Oct. 1974, Vol. 59, No. 197, p. 337 at p. 339.

(46) Ann Oakley, Housewife, Harmondsworth, Penguin Bks., 1974 (a), p.14.

She also claims that:

"Until the eighteenth century, women performed virtually every kind of agricultural labour, including thatching and sheepshearing." (47)

Although the work hours of both men and women were long and hard, there is evidence that women fared worse. Richards illustrates this vividly by citing a description of the work of a Highland community written in 1823:

"It is the part of the husband to turn up the land and sow it; the wife conveys the manure to it in a square creel with a slip bottom, tends the corn, reaps it, hoes the potatoes, digs them up, and carries the whole home on her back." (48)

Patricia Grimshaw likewise makes it clear that "... the male patriarchal head directed both the labour and personal destinies of wife and children". (49)

The involvement of women in the "ageless toil on the land"⁽⁵⁰⁾ obviously precluded them from full-time mothering of the modern kind. But this was not perceived as a problem. Although it was common for women to bear large numbers of children (between twelve and twenty suggests Oakley,⁽⁵¹⁾ usually only a few survived. Such high mortality rates militated against the development of strong affective ties and cossetting. Thus, from an early age, children were regarded as "diminutive adults"⁽⁵²⁾ and put to work in the family industry. Indeed, so central was work to family life in pre-industrial times that the marital tie itself was more a practical than an emotional arrangement⁽⁵³⁾ with women

(47) Ibid, p. 15.

(48) Richards, 1974, op. cit., p. 341.

(49) Patricia Grimshaw, "Women and the Family in Australian History", in Elizabeth Windshuttle, ed., Women, Class and History: Feminist Perspectives on Australia 1788-1978, Fontana/Collins, 1980, p.37 at p.39.

(50) Richards, 1974, op. cit., p. 341.

(51) Oakley, 1974 (a), op. cit., p. 25.

(52) Ibid.

(53) Shirley Weitz, Sex Roles: Biological, Psychological and Social Foundations, New York, Oxford Univ. Press, 1977, p. 123.

and men coming together as producers to create a family enterprise. A final point about the pre-industrial family as economic unit is that it was likely to incorporate relatives beyond the immediate family and to have a firm base in the surrounding community.

The Impact of the Industrial Revolution

What is commonly referred to as the Industrial Revolution (a process which was most intense in Britain from 1750 to 1850⁽⁵⁴⁾) saw the destruction of the family as an economically productive unit and the remaking of the role of women. The home-centred mode of production was forced to give way to the more efficient city-based factory industries where goods could be produced more cheaply *en masse*. As cottage workers became redundant, they were bound to follow work to the towns and factories. The effects of this movement on family life are described by Grimshaw:

"Families were torn from settled community living and often from close proximity to a wide range of kin. The male head of the household no longer directed the family's economic enterprise, but became himself an employee of other men." (55)

In the early stages of industrialisation there was, nevertheless, a general resistance to factory work with its associations with the workhouse.⁽⁵⁶⁾ Women and children, who were believed to be more tractable than men,⁽⁵⁷⁾ were therefore seized by employers as a ready source of cheap labour.⁽⁵⁸⁾ As industries became more efficient and less labour intensive with mechanization, unemployment grew and women found themselves

(54) Oakley, 1974 (a), op. cit., p. 14.

(55) Grimshaw, op. cit., p. 39.

(56) Richards, op. cit., p. 344.

(57) Leonore Davidoff, "The Rationalization of Housework", in Diana Leonard Barker and Sheila Allen, eds., Dependence and Exploitation in Work and Marriage, London and New York, Longman, 1976, p. 121 at p. 133.

(58) Rosalind Delmar, "Looking Again at Engels 'Origins of the Family, Private Property and the State'", in Juliet Mitchell and Ann Oakley, eds., The Rights and Wrongs of Women, Harmondsworth, Penguin Bks., 1976, p. 271 at p. 282.

in competition with men. The upshot of this was the easing out of women from factory jobs as men sought to establish their right to be sole providers by the earning of a 'family wage'.⁽⁵⁹⁾

This attempt to move women out of the paid workforce was aided by the emergence of a new ideology which defined it as unhealthy and undesirable for women to work. Lord Shaftesbury put this view in unambiguous terms. Observing that "In the male the moral effects of the [factory] system are very bad" he went on to stress that:

"in the female they are infinitely worse, not alone upon themselves, but upon their families, upon society; and, I may add, upon the country itself. It is bad enough if you corrupt the man, but if you corrupt the woman, you poison the waters of life at the very fountain." (60)

Legislation passed from about 1840 onwards responded to this growing public concern about the ill effects of industry on women by making them 'protected persons' and by restricting their right to work.⁽⁶¹⁾ The impact of this legislation on women's employment was dramatic:

"In 1851, one in four married women (with husbands alive) was employed. By 1911, the figure was one in ten." (62)

The notion of the male as sole breadwinner was further bulwarked by the emergence of a new ideal of women as guardians of domestic tranquillity with the home now conceived as a refuge from the corrupting influences of the workplace.⁽⁶³⁾ Victorian Britain saw a rush of sentiment

(59) Patricia Grimshaw, "Reflections on Engels 'The Origin of the Family, Private Property and the State'", Hecate, 1979, Vol.V, No.1, p.65 at p.70.

(60) Quoted in Oakley, 1974 (a), op. cit., p.45.

(61) Oakley, 1974 (a), op. cit., p.44.

(62) Ibid.

(63) Margaret Stacey and Marion Price, Women, Power and Politics, London and New York, Tavistock, 1981, pp. 37, 38.

to do with all things domestic. No longer a partner in production, the Victorian woman was now deemed to be lover and companion,⁽⁶⁴⁾ a creature to be cossetted. Indeed the middle class, Victorian gentleman came to regard his ability to ensure that his wife led a life of conspicuous leisure and refinement as a positive measure of his standing and success in the community.

To ensure that women remained "free from the taint of market forces"⁽⁶⁵⁾ houses became increasingly private, with domestic architecture reflecting this desire for sanctuary. Whereas rooms had once opened into one another, they were now enclosed and separated according to their function.⁽⁶⁶⁾

The effects of the romanticized, domestic idyll were eventually to spill over into the relations between mothers and their children. Freed of their responsibilities outside the home, women were now expected to provide a repository of morals and emotions. Their function was now the nurture of both the marital relationship and the products of that union.⁽⁶⁷⁾

A further consequence of the domestic idyll was the growth of the view that it was unseemly for domestic functions to be performed with the same efficiency and rationality as work in the public sphere. Any work that women might perform as mothers and wives was now deemed to be

(64) Weitz, *op. cit.*, p. 124.

(65) Davidoff, *op. cit.*, p. 122.

(66) Anne Summers, Damned Whores and God's Police: The Colonization of Women in Australia, Harmondsworth, Penguin, 1975, p. 160; Davidoff, *op. cit.*, p. 134.

(67) For a more detailed discussion of the "revolution in sentiment" in the post-industrial family see Weitz, *op. cit.*, pp. 123-128.

a labour of love and was therefore resistant to monetary evaluation. Together with the real diminution of the domestic function occasioned by the transfer of family industries to the factories,⁽⁶⁸⁾ the new ethic that whatever women did at home was of affective rather than financial value served to undermine the worth of women's position as a whole.⁽⁶⁹⁾ The Victorians' payment of homage to the feminine virtues veiled the realities of the new market economy in which a person's value was effectively his earning ability.⁽⁷⁰⁾

In truth, for at least the first half of the nineteenth century, only the middle and upper-class husband managed to ensure that his wife need not concern herself with any real (house) work by employing other women to do it for her.⁽⁷¹⁾ By the turn of the century, however, the ideal of the non-working wife had trickled down to the working classes⁽⁷²⁾ contributing to a servant shortage for the middle class and making the domestic lives of women of all classes more alike. Notwithstanding this, the idea that women's domestic function should not be regarded as work was now so entrenched that the realities of women's lot as housewives was subsumed by the more powerful romantic ideal of the home.

Women in the Australian Colonies

The formative influences on the roles of men and women in the Australian colonies were the early stages of industrialization in Britain.⁽⁷³⁾

(68) Richards, 1974, op. cit., pp. 351, 352.

(69) Davidoff, op. cit., p. 139.

(70) For the view that such an evaluation of the roles of men and women still holds good today see C.C. Perucci and D.B. Targ, Marriage and the Family: A Critical Analysis and Proposals for Change, New York, David McKay, 1974, pp. 22, 23.

(71) Summers, op. cit., p. 170.

(72) Oakley, 1974 (a), op. cit., p. 50.

(73) Miriam Dixson, The Real Matilda: Woman and Identity in Australia 1788 to 1975, Harmondsworth, Penguin, 1976, p. 64.

Like her British sister, the middle class Australian woman of the mid-nineteenth century was required to perform few domestic chores but rather administer her servants.⁽⁷⁴⁾ The successful nineteenth century Australian man was able to maintain his wife at home.⁽⁷⁵⁾ Indeed, as Encel, MacKenzie and Tebbutt observe, it was only by associating herself with a man that the Australian woman was able to pursue her only two options: marriage or domestic service.

"The subordinate role of women in Australia was firmly established in the nineteenth century. Throughout the century, and well into the twentieth, there was a great preponderance of males in the Australian population. They provided a demographic basis for the restricted opportunities open to women..." (76)

In addition, Encel and his colleagues maintain that "the harsh conditions of rural pioneering in Australia" also served to constrain the options of women:

"[They] had the effect of tying women closely to the homestead and the family, both as workers and as mothers." (77)

The vassallage of women was further entrenched by the fact that, as Grimshaw remarks, the Australian family was "born modern" in the sense of an absence of kinship ties.⁽⁷⁸⁾ With the intensification of industrialisation and the consequent spread of homes from principal towns to the suburbs, the Australian housewife found herself isolated in private, nuclear families.⁽⁷⁹⁾

Beverley Kingston confirms that, at least until the 1930s, the employment opportunities of Australian women were probably poor. She

(74) Beverley Kingston, My Wife, My Daughter and Poor Mary Ann, Melbourne, Nelson, 1975, p. 15.

(75) Ibid, p. 139.

(76) S. Encel, N. McKenzie and M. Tebbutt, Women and Society: An Australian Study, Melbourne, Cheshire, 1974, p. 42.

(77) Ibid.

(78) Grimshaw, 1980, op. cit., p. 41.

(79) Ibid, p. 46.

identifies a number of factors at work:

"The high wages paid to men, the emphasis on the family in the wage structure and on children in the national wage system ... and the lack of child-care facilities all combined to keep married women with children at home." (80)

Like their British counterparts, Australian women also had to contend with protective factory legislation which undermined their ability to compete with men in the workplace. (81)

The Contemporary Role of Women

To bring this discussion of women's role up to the present day, the steady growth of industry during the twentieth century, as well as two world wars⁽⁸²⁾ have seen the extension and expansion of women's employment in Britain and Australia. Indeed, this growth has been so substantial that women in Britain, Australia and the United States now represent approximately forty per cent of the work force. Behind these statistics, however, there remains the legacy of the domestic idyll of the nineteenth century. Women today are still primarily defined as wives and mothers whether or not they work. The contemporary married woman still assumes responsibility for the upbringing of children. Her participation in the workforce and pursuit of a career is, accordingly, broken by bouts of full-time and/or part-time mothering. And when she returns to work the modern woman tends to prefer part-time over full-time employment so that she can fit her day around her children's schooling. The commitment of women to their maternal role makes for a willingness to take poorly paid work with flexible hours rather than spend considerable

(80) Kingston, op. cit., p. 62.

(81) Ibid, p. 63.

(82) Large numbers of women were taken back into the workforce when their men went off to war: Oakley, 1974 (a), op. cit., pp.56-58.

time away from home and family employed in a full-time job with good career prospects.

Evidence that the familial focus of females still results in their failure to regard their roles as workers seriously has recently been provided by an Australian survey of young people aged between twelve and twenty.⁽⁸³⁾ Encel and his associates have reported the results of this study:

"In reply to a question about work and marriage, seventy two per cent [of female subjects] said they would work until they had children; fourteen per cent declared their intention of continuing to work in any case; nine per cent said they would give up work on marriage; and five per cent did not intend to marry." (84)

Ann Oakley is adamant about the enduring consequences of industrialisation for women. These she identifies as:

"The separation of the man from the intimate daily routines of domestic life; the economic dependence of women and children on men; the isolation of housework and child care from other work." (85)

Of Australian gender roles today, Encel contends that what is most notable "is their clear and rigid segregation".⁽⁸⁶⁾ Perhaps even less sanguine than Oakley in his assessment of the long-term implications of industrialisation for women, Encel makes the claim that:

"Family life in Australia...has remained closer to the Victorian model [than in Britain or America]; and even where the facts of family life have changed, the family ideology has been slow to reflect the new situation. The traits, desires, capabilities, interests and social potential of the modern woman are treated as if she were still leading the life her grandmother led." (87)

(83) W.F. Connell, et. al., Cited in Encel, McKenzie and Tebbutt, op. cit., p. 56.

(84) Encel, McKenzie and Tebbutt, *ibid.*

(85) Oakley, 1974 (a), op. cit., p. 59.

(86) Encel et. al., op. cit., p. 53.

(87) *Ibid*, p. 40.

Grimshaw drives home the deleterious effects of the domestic idyll on the Australian woman. She declares that:

"In a society in which status derives so often from involvement in structures in which women participate only vicariously, a lower status for women has inevitably resulted, and both men and women have internalised that female inferiority." (88)

The Feminine Ideal

The Industrial Revolution served not only to sharply differentiate the roles of men and women but also gave rise to a new conventional wisdom about the nature and the capacities of the sexes:

"men were 'naturally' aggressive, competitive, and protective; women were passive, nurturant, and in need of protection ... it was the task of men to protect such weak creatures from the outside world." (89)

As the domestic role of women became entrenched, so did gender stereotypes. It came to be widely accepted that women, by nature, were possessed of a certain set of personality characteristics, men another.

A number of tests of the tenacity of these stereotypes - the extent to which they are still held - have been undertaken since the late 1940s. (90) Research has consistently revealed that men and women see men and women differently. For example, in 1968, Rosenkrantz and colleagues asked college students to identify the personal qualities of the sexes. (91) The typical female was described as tactful, gentle, sensitive to the feelings of others, quiet and expressive of tender feelings. The typical male was seen to be, *inter alia*, aggressive, independent and unemotional.

(88) Grimshaw, 1980, op. cit., p. 49.

(89) Stacey and Price, op. cit., p. 38.

(90) See, for example, J. McKee and A. Sherriffs, "The Differential Evaluation of Males and Females", J. of Personality, 1957, 25, 356; S. Fernberger, "Persistence of Stereotypes Concerning Sex Differences", J. of Abnormal and Social Psychology, 1948, 43, 97.

(91) P. Rosenkrantz, S. Vogel, H. Bee, I. Broverman and D. Broverman, "Sex Role Stereotypes and Self Concepts in College Students", J. of Consulting and Clinical Psychology, 1968, 32, 287.

Another investigation into gender stereotypes has revealed that not only are the sexes perceived as having different personality characteristics, but that certain traits are regarded as ideal for women while others are thought to be ideal for men. In 1970 Elman and his associates reported the findings of questionnaires administered to men and women asking them to identify ideal female and male characteristics.⁽⁹²⁾ Not surprisingly, the ideal was found to be close to the popular stereotype for both women and men. Thus the ideal woman was

"significantly less aggressive, less independent, less dominant, less active, more emotional, having greater difficulty in making decisions, etc., than the ideal man; the ideal man [was] perceived as significantly less religious, less neat, less gentle, less aware of the feelings of others, less expressive etc., than the ideal woman". (93)

In 1972, Inge Broverman and associates summarised the findings of the existing literature on sex stereotyping, including their own series of investigations of health professionals, and confirmed "the contemporary existence of clearly defined sex-role stereotypes for men and women...".⁽⁹⁴⁾ Rebutting the theory that a 'unisex' view of the sexes had gained currency in the '60s, Broverman discovered the old stereotypes emerging:

"Women are perceived as relatively less competent, less independent, less objective, and less logical than men; men are perceived as lacking interpersonal sensitivity, warmth, and expressiveness in comparison to women." (95)

(92) J. Elman, A. Press and P. Rosenkrantz, "Sex-Roles and Self-Concepts: Real and Ideal", J. of Social Issues, 1970, 28, 59; cited in Inge K. Broverman, Susan Raymond Vogel, Donald M. Broverman, Frank E. Clarkson & Paul S. Rosenkrantz, "Sex Role Stereotypes: A Current Appraisal", J. of Social Issues, 1972, Vol.28, No.2, p.59 at p.68.

(93) Broverman, Vogel, et. al., 1972, *ibid.*, p. 69.

(94) *Ibid*, p. 75.

(95) *Ibid*.

SUMMARISING THE TWO PARTS OF THE INTERPRETIVE FRAMEWORK: WO/MAN AS AGENT (THE THESIS) AND WO/MAN AS OBJECT (THE ANTI-THESIS)

The aim of this chapter was to establish the two parts of the proposed interpretive framework whose synthesis will guide the following attempt to theorize the conformity and criminality of women. These two parts were conceived as a dialectic of wo/man as agent or subject (the thesis) and wo/man as object (the anti-thesis).

The case for agency was framed in general rather than sex-specific terms. By tracing the various intellectual routes by which major thinkers of the nineteenth and twentieth century have arrived at a view of wo/man as agent, discussion endeavoured to make plain the compelling nature of this conception of the human condition. On account of important variations in these interpretations of agency, the version of the concept to be employed here was also explained.

The analysis of the anti-thesis of this view of wo/man as agent - woman controlled by the normative and material structures of her society - took the form of a discussion of the immediate origins of the female gender role, its current composition, as well as the nature of the stereotyping of women's personalities which it supports. Thus were established some of the boundaries of women's freedom - the prescriptions and proscriptions attached to being female in a sex-differentiated society.

CHAPTER 8

Employing the Interpretive Framework to Theorize Female
Conformity, Deviance, Criminality and Social Protest:
The Synthesis of Wo/Man as Agent (the thesis) and
Wo/Man as Object (the anti-thesis)

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CHAPTER 8

Employing the Interpretive Framework to Theorize Female
Conformity, Deviance, Criminality and Social Protest:
The Synthesis of Wo/Man as Agent (the thesis) and
Wo/Man as Object (the anti-thesis)

"What I speak of is the real decision as we experience it; and here the movement away from theory and generality is the movement towards truth. All theorising is flight. We must be ruled by the situation itself and this is unutterably particular. Indeed it is something to which we can never get close enough, however hard we may try as it were to crawl under the net." (1)

I INTRODUCTION

In this chapter the two parts of the interpretive framework explained in the previous chapter - wo/man as agent and wo/man as object - will be brought together in theories of the behaviour of women. Women in control (the thesis) and women controlled (the anti-thesis) will become synthesis in this inquiry into the mental processes of women deciding whether to conform to the rules and regulations of society or to engage in deviant or criminal acts of defiance. The focus of this synthesis will be the tensions inhering in this dialectic of women seeking to gain mastery over their circumstances and women finding themselves confronted with, and blocked by, the structures of their society. The thesis and anti-thesis are synthesised when women, attempting to resolve these tensions, make decisions to pursue various courses of action.

Clearly the task of theorizing the conformist and criminal behaviour of women in the light of this dialectic is not inconsiderable.

(1) Iris Murdoch, Under the Net, Harmondsworth, Penguin, 1954, pp. 80 - 81.

It is with a view to laying at least the groundwork of this new criminology of women within the confines of this thesis that the form and content of discussion will be organised and limited in the following ways.

The review of crime statistics in Chapter 3 established that what is most notable about the criminality of women as we know it is that its volume is so much smaller than that of male crime. In Chapter 5 it was pointed out that, in response to these figures, most of the theory in the criminology of women is in fact concerned with why women do not offend rather than why they do. It is this preoccupation of criminologists with the conformity, rather than the criminality of women, which prompted the decision to commence discussion with this negative theme of why women would choose not to offend - and more particularly, to begin with a direct challenge to the image of women fostered by these theories.

This thesis does not consider the conformity of all women, however. Instead, it is specifically concerned with adult females who have assumed traditional female roles. There are two reasons for this restriction of focus and choice of subject. Firstly, it was explained in Chapter 3 that the criminality, and therefore the conformity of females, varies greatly according to age. Adolescent females commit proportionately more crime, and more violent crime, than do adult females. As a consequence, it is inappropriate and misleading to generalise about the offending of females *en masse*, although this is usually done. The focus of this assessment of female conformity is narrowed by selecting for consideration the large mass of non-offending adult women.

The sample to be considered here is further restricted for another

reason. In Chapter 7 it was maintained that the behaviour of women is strongly influenced by the rules and regulations of their gender role. There it was also explained what these guidelines are, and how they affect the thoughts and actions of women. Having developed an understanding of the structures of society particular to women, it was decided that it would be most fruitful to limit discussion to those women who are experiencing the maximum effects of these constraints - that is, women who assume traditional gender roles by marrying and then taking primary responsibility for any children of that marriage.

The analysis of the nature and extent of female crime in Chapter 3 also established that, according to the statistics, the bulk of female offending is of a petty non-violent nature. It was concluded in that chapter that it is probably fair to characterise the typical female offender as a shoplifter. In response to this finding, Chapter 4 sought to increase our understanding of women who steal from shops by reporting the results of a survey of Adelaide shoplifters. The natural narrowing of focus onto the female shoplifter which occurred in these chapters made it appropriate that she should also form the subject of the proposed analysis of female offending.

Two other forms of female behaviour will be considered in the body of this chapter. These are mental illness and social protest.

The reason for the inclusion of mental illness in this thesis is that it has become common for criminologists concerned with explaining the small numbers of female offenders to link this phenomenon with the relatively large numbers of women who become mentally ill. A simple and direct but inverse relationship has come to be posited between the two modes of "deviant" behaviour. In view of the poor fit between

this theory - which offers a mechanistic view of women - and the interpretation of female behaviour offered here - with its focus on the rationality of women as agents - it is important to address this issue and examine the significance of mental illness in women for their conformity and their offending.

The final form of female behaviour to be dealt with is social protest. Unlike the issue of mental illness, it is most unusual to find any reference to women who have engaged in sustained criminal and often violent social protest in the criminology of women. The reason for this omission is the ahistoricity of the discipline. By sustaining a narrow focus on the recent crime statistics, which reveal women as petty property offenders, criminologists have effectively removed from discussion a number of dramatic examples of women engaging in large scale, political and criminal violence. It is with the aim of enlarging the conventional view of the female criminal - as essentially an amateur shoplifter - by introducing an historical dimension to the subject that the involvement of women in a wide range of social protest movements will complete this discussion of women's reasons for their conformity and their criminality.

As stated above, the task of theorizing the behaviour of women in the light of the dialectic outlined in the previous chapter begins with a challenge to the standard view of women offered by the current criminology of women. Thus will be made plain, from the outset, how the proposed interpretive framework departs from the conventional image of female offenders and therefore what it has to offer the study of female crime.

II THE APPROACH UNDER CHALLENGE

The preceding discussion of woman as object, with its analysis of the immediate origins of the female gender role, and the stereotype of women to which it gave rise, makes it possible to throw further light on the linking element in the various gender role theories of crime which this thesis seeks to challenge. This is their tendency to work with over-determined caricatures of women as capable of neither constructing their circumstances, nor intelligently deliberating their behaviour. For, having traced the roots of women's contemporary role, it is now possible to identify the commitment of gender role theorists to the notion that men and women have fundamentally different natures as a product of the ideologies of gender and domesticity, which took form in the later stages of the industrial revolution, and gave birth to a conventional wisdom that such gender-based differentiation of function was appropriate and even natural. Although the gender role theorists have conceded that the 'female essence' might be more a matter of conditioning than genetics, the simple stereotypes of women with which they have worked seem to stem directly from the Victorian ideal. Employing popular and commonsense notions of women absorbed in their familial functions, their theories have failed to question the channelling of all women into such an homogeneous role. Nor have they critically assessed the effects of such a restricted existence on the female personality.

Recalling the key ideas of each theory it becomes plain that this is indeed the case. The theorists who adopted Sutherland's 'differential association' located women within the home, insulated from a criminal learning environment. Likewise, the strain theorists saw the domestic confinement of women as removing them from criminal influences, in this case stress. Women's role was defined as both less demanding and more

accessible than the male role. All women need do to find fulfilment and immunity from stress was marry and procreate. The control theorists also saw the female's association with the home - her supervision by family members and her tendency to spend much of her time 'indoors' - as binding her to conventional others and ensuring her commitment to conformity. Labelling and 'masculinity' theorists both subscribed to the feminine stereotype. Both depicted women as effectively conditioned by a social convention which defined women as passive, timid and 'nice'. Conformity was therefore unproblematic for women. It simply involved the normal adoption of gender appropriate characteristics and concerns.

What this thesis challenges is the uniform assumption of gender role theorists that conformity is unproblematic for women and problematic for men. Gender role theorists assign women the role of home-centred wife and mother, assume they possess complementary personality traits of passivity, nurturance and dependency, and are then able to maintain that women need only live out their lives as 'normal' women to avoid confrontation with the criminal justice system. The cultural diversity of the male role, on the other hand, is seen to greatly increase the chance of men clashing with the authorities during the normal course of events. Men are more mobile and more likely to come in contact with criminal influences (differential association). Offered a wide variety of roles beyond that of husband and father, men are less likely to find themselves bound to a conventional way of life (control theory). Expected to achieve success in the competitive public world, it is more probable that men will meet with failure and, thwarted, turn to crime (strain). Encouraged to develop their independence and aggression, men may well find that simply acting out the healthy male role involves the commission of criminal acts (masculinity theory). In other words, the

male role is so much more versatile and demanding than that of the female, men are exposed to so many more tensions, that criminality may be a natural concomitant of normal male activity. On the other hand, to be female is, almost by definition, to be conformist.

III A THEORY OF FEMALE CONFORMITY WHICH CHALLENGES THIS STANDARD DETERMINED VIEW OF WOMEN

The following interpretation of female conformity seeks to highlight the fact that gender role theorists have over-simplified the relationship between the female gender role and women remaining law-abiding. Working with an idealised and stereotyped conception of women's domestic role and nature, they have construed their subject as uncritically and unthinkingly assuming a role and its attendant personality traits which effectively insulate them from criminality. The argument to be advanced here is that conformity for women is not simply a matter of assuming a gender role which is free from internal tensions and complications. Women are not assured of a secure, trouble-free existence where criminality is beyond contemplation. Rather, when women conform it is more likely that they have engaged in complex mental processes in which, as self conscious and intelligent agents confronted with a restricted range of options (the agent/object dialectic), this style of behaviour is chosen as the best or the most acceptable or the most practical option.

One such theory of female conformity, whose focus is this complex interaction between woman as agent and woman as object, can be conceived in terms of the following set of propositions. These have been constructed on the basis of what we have already learned about the nature of women as agents (that they are rational decision makers) and

women as objects (that they are constrained by the rules and regulations of their gender role). In developing this theory and expounding these propositions in some detail, however, further information will be sought about those aspects of women's lives as social objects (the structures of their gender role) which are likely to conduce to decisions to conform.

The constituent propositions of this theory of female conformity are as follows:

Proposition 1: Women are allocated a role which undermines their potential agency.

- a) It keeps them ignorant of public affairs.
- b) It ensures their financial dependence.
- c) It ensures that they acquire only a narrow range of skills.

Proposition 2: The diminished agency of women would, as the gender role theorists have it, lead almost by definition to unreflecting conformity (for the reasons identified above by the gender role theorists) were it not for (a) the social devaluation of that role resulting from its tendency to diminish agency and (b) the feelings of inadequacy this engenders in women. Conformity therefore becomes problematic.

Proposition 3: As problem-solving agent beings, women are moved to seek a way out of this unhappy state but find themselves confronting those very obstacles to their agency which gave rise to their dissatisfaction. Accordingly, the vast majority of women decide that the best course of action is simply to endure stress and conform.

The various ways women might construe the obstacles to their fulfilment, together with the details of the considerations which make up the decision to conform, will be theorized later in this chapter and supported with empirical evidence. The immediate task in establishing the foundations of this interpretation of female conformity is to present the case for each of the above propositions.

- a) Proposition 1: Women are allocated a role which undermines their potential agency: women's powerlessness.

It has been noted that the idealisation of the home, which began in Victorian England, set up women as the upholders of the morality of the family and as the source of emotional succour in a world increasingly characterised by cut-throat competition. Women became the 'still point' in the world,⁽²⁾ guardians of the home to which the wearied male worker returned for emotional succour. The home became a private sphere, "free from the taint of market forces".⁽³⁾ And women became private persons. Men, alone, inhabited the public world of the work place.⁽⁴⁾

It was this designation of the female's function as essentially familial and her consequent confinement to the home and segregation from the public world which effected her exclusion from the strongholds of power. The public sphere, the area where history is made and world affairs controlled, became exclusively the male's domain. Owing to the access of males to both worlds - the home and the workplace - they also assumed the role of mediator between the public and private spheres.⁽⁵⁾ They became the representatives of the family in the world outside the home, thereby enhancing their own power and increasing the dependency of women.⁽⁶⁾ The separation of the home from the public sphere and the relegation of women to the home was therefore instrumental in the removal of power from women, placing it squarely in the hands of men. As both

(2) Leonore Davidoff, Jean L'Esperance and Howard Newby, "Landscape with Figures: Home and Community in English Society", in Juliet Mitchell and Ann Oakley, The Rights and Wrongs of Women, Harmondsworth, Penguin, 1976, p. 139 at p. 175.

(3) Davidoff, op. cit., p. 122.

(4) Stacey and Price, op. cit., p. 4.

(5) Ibid, p. 5.

(6) Heidi I. Hartmann, "The Family as the Locus of Gender, Class and Political Struggle: The Example of Housework", Signs, 1981, Vol. 6, No. 3, p. 366 at p. 376.

breadwinners and family members, men now had a say in public affairs, mediating or controlling the influence of the outside world on the family, and thereby strengthening their role of head of the household.

The privatisation of women's role stripped women of much of their power, and therefore agency, in two other ways. It removed them from the arena where money was made and thereby ensured their financial dependence on men. It also limited the skills of women to a narrow range of domestic functions while men acquired all the other skills necessary to run the world.

i. Women's role keeps them ignorant of public affairs

"Within the home and within the community subordinates 'know their place' because their self-contained situation allows them only limited access to alternative conceptions of their 'place' from outside." (7)

According to Davidoff, L'Esperance and Newby, the seclusion of women increased the authority of the male breadwinner by ensuring that women did not have access to ideas above their station.⁽⁸⁾ In another place, Newby and another colleague, Bell, elaborate this interpretation of male power in terms of the control of information. They maintain that males augment their authority "where the superordinate [male] interpretations of her [his wife's] situation are the only ones available".⁽⁹⁾ This, they argue, is the relation of men and women today when the male adopts the role of breadwinner and the female is a house-bound housewife. The authority of the male over the female comes to

(7) Davidoff, L'Esperance and Newby, op. cit., p. 143.

(8) Ibid.

(9) Colin Bell and Howard Newby, "Husbands and Wives: The Dynamics of the Deferential Dialectic", in Diana Leonard Barker and Sheila Allen, eds., Dependence and Exploitation in Work and Marriage, London and New York, Longman, 1976, p. 152 at p. 158.

appear natural when "definitions coincide or are commensurate".⁽¹⁰⁾ The housewife's second-hand experience of the world - through her husband - ensures the inevitability of her deference to and acceptance of her husband's interpretation of public events. His position as head of the household flows automatically from this control of information. It is only natural that he should assume command given his superior immediate knowledge of events outside the home.

One might want to argue that the grasp of many men of public and political affairs is imperfect and therefore that the power they derive from such limited knowledge is also incomplete. Nevertheless, it is still not unreasonable to maintain that in traditional marriages, where the wife is housebound, the woman's knowledge of public matters is less than the man's even when his knowledge is fragmentary, if not minimal. What we are therefore identifying is the relatively more informed position of the male rather than his absolute grasp of public affairs.

ii. Women's role ensures their financial dependence

A second basis of male power which can be attributed to the relegation of women to the private role of housewife is the male's ultimate control of family finances. The idealisation of the home as emotional refuge from the excessive rationality of the workplace deemed it inappropriate that husbands and wives should enter into contractual relations which would guarantee the unsalaried housewife an income. With the domestic services of women depicted as a labour of love, the economics of marriage were effectively concealed. The passage of money from husbands to wives was regarded as a private arrangement. It was unnecessary

(10) Ibid.

to legislate for the financial security of women because of the mutual affection existing between husbands and wives. The long term consequences of these informal relations for women were, according to Dahl and Snare, dire:

"The housewife [today] has no regulated work time but is supposed to be on duty all day long and during all seasons. She has little chance of moving around and is to a large degree dependent on the husband's consent when it comes to employment and leisure activities." (11)

Furthermore, housewives have no recourse to "political action for improving working conditions".⁽¹²⁾ *In toto*, this means that "The housewife is thus placed in a quasi-feudal work arrangement...".⁽¹³⁾

Leonore Davidoff has also remarked on the complete dependence of women on male caprice. She observes that should the male withhold his support, "for whatever reason, from personal spite to unemployment, there is no money for the housewife to live on or for the support of the dependent children".⁽¹⁴⁾ In her analysis of the implications of the economic dependence of women, Micheline Wandor extends this argument. She contends that the housewife's survival "is as dependent on her husband's feelings for her as that of a slave is on his master's estimate of how useful the slave is to him. In both cases the husband/master has the ultimate power".⁽¹⁵⁾

All this is not to deny that, as a matter of practice, many husbands and wives may perceive the male wage as shared property, or even that the female may control the family's spending. The key point is that this financial arrangement is not enforceable in a court of law (at least

(11) Tove Stang Dahl and Annika Snare, "The Coercion of Privacy: A Feminist Perspective", in Carol Smart and Barry Smart, eds., Women, Sexuality and Social Control, London, Routledge and Kegan Paul, 1978, p.8 at p.17.

(12) Ibid.

(13) Ibid.

(14) Davidoff, op. cit., p.140.

(15) Micheline Wandor, "The Conditions of Illusion" in Sandra Allen, Lee Sanders and Jan Wallis, eds., The Conditions of Illusion, Leeds, England, Feminist Bks., 1974, p.186 at p.196.

while the couple remains married) and that when husbands and wives disagree about financial matters, it is the man who ultimately assumes control because he is the legal recipient of the pay cheque.

iii. Women's role ensures that they acquire only a narrow range of skills

Further sources of male power over women are the diverse skills and knowledge and therefore status men acquire in the workplace, while women are confined to domestic functions. In what has been described as an over-sanguine interpretation of the power relations of men and women,⁽¹⁶⁾ Blood and Wolfe note the link between power and skills and competence.⁽¹⁷⁾ They suggest that it is only reasonable that a wife should defer to a husband in view of the fact that "in his work he becomes familiar with some of the complexities of life outside the home".⁽¹⁸⁾ They regard it as natural that, with this realization, a wife should defer to her husband's "superior knowledge in decisions about politics, taxes, and cars".⁽¹⁹⁾

In their investigation into the decision-making of American husbands and wives, Blood and Wolfe discovered that whichever party worked gained power and that women's withdrawal from the public world, with the birth of children, significantly reduced their authority within the family. Shirley Weitz's comprehensive review of the literature on gender roles leads her to conclude that even if women work, they are unable to compete with men in terms of the skills they develop, the money they can earn, or the prestige they can attract.⁽²⁰⁾ For whether or not women work,

(16) For example, Dair L. Gillespie ("Who has the Power? The Marital Struggle", in H.P. Dreitzel, ed., "Family, Marriage and the Struggle of the Sexes", Recent Sociology, No.4, p.121) is highly critical of the Blood and Wolfe analysis.

(17) Robert O. Blood and Donald M. Wolfe, Husbands and Wives: The Dynamics of Married Living, U.S.A., The Free Press, 1960.

(18) Ibid, p. 13.

(19) Ibid.

(20) Weitz, op. cit., pp. 134, 135.

the domestic ideal applies and women are defined, and define themselves, as principally wives and mothers. This ensures that both employers and women as employees fail to take women's work role as seriously as that of men.

Although labour force statistics reveal that most women work before the birth of children, and then after they have reached school age, the domestic role still shapes the life plans of women.⁽²¹⁾ Accordingly, when women work they are willing to fill low paid, low skilled and low status positions which mesh well with their domestic responsibilities. As Encel and his colleagues observe about the roles of men and women in Australia:

"Men dominate the field of employment, holding virtually all the senior positions in commerce, the professions and public service, and the skilled jobs in industry, while women are largely confined to subordinate, less-skilled and less-rewarding employment." (22)

An indication of the extent to which women's work outside the home is regarded as secondary to their familial role is the amount of housework performed by husbands and wives who both engage in paid work. Suggesting that time spent on housework is indeed a useful measure of the power relations between the sexes, Heidi Hartmann reviews the findings of research into the contribution of men to housework when their wives work and the extent to which women, as a consequence reduce their domestic work time.⁽²³⁾ Findings consistently indicate that the vast majority of housework is done by women whether or not they work, that the contribution of men increases only marginally if their wives

(21) Ibid.

(22) Encel, McKenzie and Tebbutt, op. cit., p. 41.

(23) Hartmann, op. cit.

work, and that working women therefore take on a double burden when they enter the paid workforce.⁽²⁴⁾

iv. An Analysis of Power

It has been argued that the almost exclusive access of men to information from the public realm, to money and to a diverse range of skills gives them power over women and therefore diminishes the agency of women. Do these three resources of men mesh with any conventional interpretations of the bases of power? Does the literature on power provide support for the theory that men wield power over women? If not, the preceding discussion may simply have established that men and women assume different but equal roles. In other words, have gender differentiation and a sexual division of labour been mistaken for power relations?

Power, according to Steven Lukes, is "an essentially contested concept".⁽²⁵⁾ The problem, he maintains, is that both its definition and use are inevitably tied to "value-assumptions". For this reason a brief analysis of power is probably best confined to the most commonly used and therefore most widely accepted interpretation of the concept - that of Max Weber.

Weber defined power as "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance".⁽²⁶⁾ Weber recognised two types of power: one based on coercion and another based on legitimacy. The former he

(24) Ibid, p. 385.

(25) Steven Lukes, Power: A Radical View, London and Basingstoke, The MacMillan Press, 1974, p. 26.

(26) Max Weber, The Theory of Social and Economic Organisation, New York, The Free Press, 1957, p. 152.

regarded as weak and unstable. Legitimate power, however, was stable because the resistance of the powerless or less powerful had been overcome by their own consent to their position. The basis of legitimate power was, therefore, according to Weber, a grant of authority by the powerless to the powerful. Weber identified three types of authority - three types of rights to make decisions on behalf of others. These were traditional, charismatic, and legal-rational. (27)

Traditional authority, suggested Weber, was the oldest form of power. It depended for its support on a widespread and unquestioned belief in the sanctity of the customary order. Traditional authority was handed down from generation to generation and demanded personal loyalty to the ruler purely by virtue of long established practice.

Charismatic authority derived its legitimacy from "a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman or at least specifically exceptional powers or qualities". (28)

Authority exercised on legal-rational grounds stemmed from the power which inheres in an adopted role. The powerful person, in this instance, is able to make decisions on behalf of others because his allocated role or position or office, which demands a certain expertise, defines it as appropriate that he should do so. The obligation to obey is no longer based on personal loyalty, or a belief in the unique qualities of the ruler, but on the recognition that the person with authority has the necessary qualifications to fill a role which comes

(27) Ibid, p. 329.

(28) Ibid.

with a grant of power. The tribute is paid to the role, which demands certain technical skills of the role holder, rather than to the individual role holder himself.

v. The Bases of Male Power

Returning to the analysis of the power allegedly exercised by men over women, it is now possible to see whether the sources of male power identified above fit into the Weberian scheme. Sociologists Bell and Newby have already begun this assessment.⁽²⁹⁾ They suggest that the power that men wield over women is based on tradition. Husbands extract personal loyalty from their wives by ensuring that they (wives) have more limited contact with other people. Thus wives tend to rely on husbands for an interpretation of the socially prescribed social relations between the sexes. And, as Davidoff has noted, the male interpretation of appropriate relations between the sexes not surprisingly defines the husband as the superordinate. Lack of alternative definitions guarantees the appearance of this interpretation as natural and immutable. It is presented as an unquestionable, established tradition.

A similar characterisation of the power relations between the sexes comes from Glynn Huilgol. She identifies "the absence of any information network which would supply alternatives" as a common and key feature of relationships between dominant and subordinate groups such as men and women.⁽³⁰⁾

The strength and stability of male power, according to these authors, stem from the ability of males to control information (about

(29) Bell and Newby, op. cit.

(30) Glynn Huilgol, "Stratification by Sex: Developing a Theoretical Model", Women's Sociological Bulletin, April 1978, Vol. 1, No. 2, p.2 at p.5.

alternative roles women might adopt) based on women's confinement to the home and their consequent ignorance of extra-familial affairs. The first basis of male power identified above - information control - therefore appears to mesh well with Weber's analysis of the concept.

The second basis of male power which has been suggested - the economic dependence of women coupled with the fact that women are provided no legal guarantees of financial support - is also an interpretation of the relations between men and women which accords with Weber's conceptualisation of power. What have been described as feudal ties between husbands and wives, with women depending on the personal generosity and benevolence of men for their survival, fall squarely within Weber's definition of a traditional relationship of authority in which

"In place of regular salaries, household officials and favourites are usually supported and equipped in the household of the chief and from his personal stores." (31)

Male power can also be seen to rest on what Weber identified as rational authority. With their wives restricted to the domestic function, husbands are expected to pursue an occupation in the public sphere which leads to the acquisition of skills and competence. As Blood and Wolfe observed, the superior accomplishments of men springing from their role of breadwinner make it appear only natural that a wife should defer to her husband. He possesses experience and expertise which she lacks.

Analysis of male sources of power in terms of Weber's construction of the concept reveals that the control of women by men is both thorough and stable. Men wield power over women by controlling information and

(31) Weber, op. cit., p. 345.

money and by developing diverse capacities in their role of breadwinner. The bases of the legitimacy of male power, employing Weber's exposition of the concept, are therefore twofold. They are traditional authority and rational authority.

b) Proposition 2: The Devaluation of Women:
Women as a Minority Status Group.

The second proposition of this thesis of female conformity has two parts. It maintains, first, that as a consequence of their powerlessness relative to men, women are devalued and, second, that this devaluation causes women to devalue themselves. Is there any support for these claims?

A direct and positive relationship between women's powerlessness and their devaluation has been specifically theorized by Glynn Huilgol. She bases her claim on what she sees as parallels between the stereotype and the behaviours of other powerless groups and women. She cites, for example, the investigation into the demeanour of English agricultural labourers conducted by Bell and Newby.⁽³²⁾ The social location of this group, remarks Huilgol, is, like the female gender role, characterised by a state of "close interpersonal dependency...low monetary rewards, [and] the absence of a viable alternative route to survival...".⁽³³⁾ In other words, agricultural labourers are powerless, dependent persons. The behavioural traits they develop as a consequence are, according to Bell and Newby, deferential and accommodating. These patterns of behaviour, Huilgol suggests, "are astonishingly identical with behaviours which, if seen in a female person, are said to be absolutely natural and womanly".⁽³⁴⁾

(32) Howard Newby, "Agricultural Labourers in Rural England", Unpublished Seminar Paper, Flinders Univ. of South Australia, 1976.

(33) Huilgol, op. cit., p.5.

(34) Ibid.

A similar point has been made by Helen Mayer Hacker in a paper she entitled "Women as a Minority Group".⁽³⁵⁾ Hacker puts together a chart paralleling the castelike status of women and negroes. She contends that both groups are regarded as weak, childlike and irresponsible and that both have developed a deferential manner with a view to making themselves appear ignorant and helpless, thereby flattering the dominant group (whites and men).

More direct evidence of the devaluation of women (proposition 2a) and their consequent tendency to devalue themselves (proposition 2b) comes from Inge Broverman and associates. In 1972 they commented on the considerable body of literature indicating "that men and masculine characteristics are more highly valued in our society than are women and feminine characteristics".⁽³⁶⁾ They also noted that the research consistently revealed a much greater tendency on the part of females to prefer to be males than the other way around.⁽³⁷⁾

One such inquiry was conducted by Polk and Stein. They asked college students to list the advantages and disadvantages of the opposite gender role and found that "women see more advantages than disadvantages for the male role, while men see more disadvantages than advantages for the female role".⁽³⁸⁾ Moreover, subjects specifically related the disadvantages of being female to being powerless and the advantages of being male to being powerful. The male role was associated with power, decision-making, independence, initiative, dominance, and aggression. The female role was linked with, *inter alia*, low pay, fewer educational opportunities,

(35) Helen Mayer Hacker, "Women as a Minority Group", in Sue Cox, ed., Female Psychology: The Emerging Self, Chicago, Science Research Associates, 1976, p. 156.

(36) Broverman, Vogel, et. al., 1972, op. cit., p. 65.

(37) Ibid.

(38) Barbara Bovee Polk and Robert B. Stein, "Is the Grass Greener on the Other Side?" in Constantina Safilios-Rothschild, Toward a Sociology of Women, Lexington Mass., Xerox College Publishing, 1972, p.10.

deprivation of authority positions, restricted mobility and dependence.

A piece of research by Goldberg, however, perhaps more than any other, demonstrates the tendency of women to devalue women. Goldberg devised a simple test in which a sample of female students were asked to evaluate the scholarship of an essay attributed to a Joan McKay, while another group assessed the same essay, this time authored by John McKay. There was general agreement that John was a much better scholar than Joan.

Having expounded the two foundation propositions of this thesis of female conformity - that women are powerless (proposition 1) and are therefore devalued (proposition 2a) and therefore devalue themselves (proposition 2b) - it now remains to consider how women construe these circumstances and how this construction might relate to the decision to conform (proposition 3).

c) Proposition 3: The Decision to Endure and Conform

It will now be theorized that the devaluation of women's role and women's consequent devaluation of themselves generate feelings of dissatisfaction which, in turn, move women as problem-solving agents to seek a solution to their unhappy condition. This leads to a confrontation with the options available to them which serves to bring home the practical implications of the powerlessness which has given rise to this unsatisfactory state. Women become aware that their options are severely circumscribed. The upshot of this 'stock taking', for the vast majority of women, is the decision to endure and conform.

There is a variety of routes by which women might arrive at a decision to conform after perceiving and trying to make sense of their dissatisfaction and having assessed their options. Put differently, there are several ways of construing conformity in women as the result of a rational, decision-making process in which this adopted mode of behaviour is deemed the most appropriate in the light of the individual's construction of her circumstances. Four of these will be hypothesised here.

i. Construction No. 1: The Hypothesis

Having experienced dissatisfaction with her devalued gender role, a woman may consider the possibility of nonconformity but reject it outright, believing that she is already performing her only legitimate function. Accordingly, she decides to endure. Her conviction that it would be inappropriate for her to deviate from her role of moral guardian of the family and dedicated homemaker can be traced directly to the first base of male power considered above: the man's control of information. Dependent on a male's interpretation of the world which defines the male as superordinate and the female as subordinate, the traditional woman's role assumes an aspect of naturalness and inevitability. Our hypothetical woman fails to develop ideas above her station (as defined for her by her husband) owing to a dearth of imaginative material.

ii. Construction No. 2: The Hypothesis

Another way a decision to conform might be made after the recognition of the unsatisfactory nature of the female gender role and after, in this hypothetical instance, the recognition that it is also iniquitous, is by a woman coming to the view that there is no real avenue of

escape. To clarify, a woman may well feel that it is unfair that she is expected to adhere to a restrictive and socially devalued role but conclude that that very restriction has stripped her of her ability to do anything about her position. She is economically dependent. She lacks experience in the public world. She lacks the skills necessary for a successful career in the paid workforce. Aware of her vulnerability, she opts to maintain the *status quo*.

iii. Construction No. 3: The Hypothesis

A third reason for conformity in the face of pressures to change arises from a woman evaluating the repercussions of her rejection of the housewife/mother role for other family members. Given that women, as a rule, assume sole responsibility for children, they may well decide that even iniquitous conditions must be endured in order to safeguard the welfare of the family as a whole.

iv. Construction No. 4: The Hypothesis

A fourth motive to conform is closely related to the first in that it is contingent on a dearth of information about alternative roles and about the lives of other women. With scant knowledge of how life might be conducted under different conditions, and ignorant of the similar experiences of other women, a woman may come to the conclusion that her dissatisfactions are more to do with personal inadequacy than any structurally-produced problems attached to the gender role itself.⁽³⁹⁾ The rational response to this interpretation of events is to strive harder to make a success of the housewife/mother role or capitulate and accept personal failure.

(39) This is to be distinguished from Construction No. 1 where the defects of the female gender role were perceived but regarded as legitimate.

Are these constructions of the female decision to conform pure conjecture or is there evidence that they describe real reasons for action or inaction?

These interpretations of female conformity in terms of conscious decision-making, rather than unreflecting gender role conditioning (the view of the gender role theorists), would be supported by evidence of the following:

- (a) The dissatisfaction of women with their role (a notion underpinning all four constructions).
- (b) A conviction on the part of women that it is nevertheless appropriate and legitimate that they perform their gender role functions (supports Construction No. 1).
- (c) A sense of powerlessness amongst women (Construction No. 2).
- (d) Expressions of loyalty and commitment by women to their families (Construction No. 3).
- (e) A tendency in women to perceive their problems as personal and to locate the sources of stress in themselves rather than in external conditions (Construction No. 4).

v. Evidence of Female Dissatisfaction

Information on women's view of their role is slight. Some evidence that women perceive the male role as more advantageous than the female role has already been presented. Further evidence of female dissatisfaction comes from Gerald Gurin and associates.⁽⁴⁰⁾ In 1960 they reported the findings of their inquiry into the attitudes of married men and women to marriage. These revealed that women found marriage less satisfactory than men. Women indicated that they were less happy with their marriages and identified more problems. Summarising the

(40) Gerald Gurin, Joseph Veroff and Alexander McEachern, Americans View Their Mental Health, New York, Basic Books, 1960.

results of this study Walter Gove reports that:

"In general their information suggests that married women find their role limited and frustrating and that their circumscribed range of activities... (and/or opportunities for brooding) tend to magnify their problems." (41)

Speculating about the reasons for this dissatisfaction, Gove suggests that it is attributable to, *inter alia*, women's confinement to the relatively unskilled and housebound role of housewife and women's consequent powerlessness and low status. (42)

A review of the small body of literature on women's view of their roles conducted by Jessie Bernard in 1973 concluded that wives are more dissatisfied with their lives, their marriage, and their mental and physical health than men and single women. (43) Of women's attitude to housework, in 1974 Ann Oakley observed that her small sample of English housewives tended to view it as monotonous, repetitious and boring. (44) In 1976 Susannah Ginsberg reported similar findings. Inquiring into housewives' attitudes to their role, she discovered that most of her subjects were dissatisfied with full-time housewifery and motherhood. Moreover, they were observed to experience an intense conflict between feeling obliged to stay home and yet finding it unsatisfactory. (45) Finally, Ann Oakley's most recent investigation into women's view of their role, this time involving interviews with women having babies and observations of mothers in general practitioners' clinics, produced the following results:

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- (41) Walter R. Gove, "The Relationship Between Sex Roles, Marital Status and Mental Illness", Social Forces, Sept. 1972, Vol. 51, p. 34 at p. 35.
- (42) *Ibid*, p. 34.
- (43) Jessie Bernard, The Future of Marriage, New York, Bantam Bks., 1973; Cited in Fay Fransella and Kay Frost, On Being a Woman: A Review of Research on How Women See Themselves, London, Tavistock, 1977, p. 108.
- (44) Ann Oakley, The Sociology of Housework, Martin Robertson, 1974(b), p. 44.

"a third were not satisfied with the social role of mother, and two thirds experienced negative feelings and ambivalence in their relationship with their babies." (46)

vi. Empirical Support for Construction No. 1: Women's Belief in the Legitimacy of the Housewife/Mother Role

There is a considerable body of literature which has consistently revealed that women regard the housewife/mother role as their primary legitimate function. Accordingly, only a selection of the literature will be presented below.

In 1960, Ruth Hartley published the results of her survey of the attitudes of working women to their jobs. She discovered that these women perceived their work "as an extension of the nurturant, mothering role" and that "they were working to improve the welfare of their families".⁽⁴⁷⁾ In 1965, Davis and Olsen interviewed college girls about their attitude to their gender role. Results clearly indicated that subjects took the conventional view:

"They considered the women's primary role as being in the home, over 87 per cent of the girls in the study ranking 'home and family' as top priority."⁽⁴⁸⁾

Helen Lopata, in 1971, presented the findings of her interviews with 268 suburban housewives, 200 urban, non-working housewives and 100 working wives.⁽⁴⁹⁾ Asked to list the most important roles of women in order of

- (45) S. Ginsberg, "Women, Work and Conflict", in N. Fonda and P. Moss, eds., Mothers in Employment, Brunel Univ. Management Programme, 1976.
- (46) Ann Oakley, "Normal Motherhood: An Exercise in Self Control", in Bridget Hutter and Gillian Williams, eds., Controlling Women: the Normal and the Deviant, London, Croom Helm, 1981, p. 79 at p. 99.
- (47) Ruth E. Hartley, "Children's Conceptions of Male and Female Roles", Merrill-Palmer Quarterly, 1960, Vol. 6, No. 3, 153.
- (48) R. Davis and Virginia Olsen, "The Career Outlook of Professionally Educated Women", Psychiatry, 1965, No. 28, p. 334.
- (49) Helen Lopata, Occupation Housewife, New York, Oxford Univ. Press, 1971; Cited in Fransella and Frost, op. cit., pp. 37, 38.

importance, the vast majority of subjects, including those who worked, identified the roles of mother, wife and housewife as women's principal roles. Indeed working women were even less likely than housewives to regard extra-familial roles as important for women. The attitudes of over 170,000 male and female college students to women's role were reported by Wasserman in 1973.⁽⁵⁰⁾ A third of these educated women and half the men believed that "The activities of married women are best confined to the home and family".⁽⁵¹⁾ Finally, in their comprehensive review of the literature Fransella and Frost confirm that "It is very unusual, at any stage, for a woman to say that she does not intend being a wife, or mother".⁽⁵²⁾

vii. Empirical Support for Construction No. 2:
Women's Sense of Powerlessness

Mention has already been made of the investigation into the decision-making of husbands and wives conducted by Blood and Wolfe. They discovered that on account of the superior education and work experience of their male subjects, as well as their greater mobility, they tended to make more decisions than their wives. Although these data can be construed as providing evidence of male power and female powerlessness, they do not indicate how women perceive their degree of control over their lives. Are there any empirical data of this nature?

The one study which has attempted to ascertain whether women feel self-determining, or whether they feel powerless to control events, involved a measure of the degree of accuracy with which women assessed

(50) E. Wasserman, "Changing Aspirations of College Women", J. of Am. College Health Associations, 1973, 21, 333.

(51) Ibid.

(52) Fransella and Frost, op. cit., p. 81.

the real extent of their decision making. Olsen asked couples in which the wife was pregnant to indicate who made decisions in a variety of hypothetical situations. They were then tested for their actual decision-making in experimental situations. The majority of males (73%) were found to overestimate their decision-making while the majority of women (70%) underestimated it.⁽⁵³⁾ Commenting on this survey, Fransella and Frost interpret it as providing evidence "...that women perceive themselves as relatively powerless to control events".⁽⁵⁴⁾

viii. Empirical Support for Construction No. 3: Women's Loyalty to their Families and their Commitment to their Role

Stacey and Price tender the view that the privatization of women in the home divided women by cultivating their allegiance to their families whose interests were defined by their husbands.⁽⁵⁵⁾ Wally Secombe observes that women's loyalty to their families was strengthened by the post-industrial definition of their role as nurturing wife and mother - the repository of emotions and absorptive sponge of family tensions:

"[Women's] primary responsibility is to sustain and orchestrate the private implosion of public tension. She co-ordinates family activity to manage tension." ⁽⁵⁶⁾

Stacey and Price make the additional point that the resistance of the family to the rationality of the public sphere ensured that traditional ties of loyalty and allegiance were maintained.⁽⁵⁷⁾

(53) D. Olsen, "The Measurement of Family Power by Self Report and Behavioural Methods", J. of Marriage and the Family, 1969, 31, 549; Cited in Fransella and Frost, p. 184.

(54) Fransella and Frost, op. cit., p. 184.

(55) Stacey and Price, op. cit., p. 86.

(56) Wally Secombe, "The Housewife and Her Labour Under Capitalism", The New Left Review, Jan. - Feb. 1974, p. 3 at p. 21.

(57) Stacey and Price, op. cit., p. 39.

One source of evidence of women's greater commitment to the parental role than men comes from statistics on the sex ratio of single parents who continue to care for children after marriages terminate. These generally reveal that it is primarily women who assume sole responsibility for children in the absence of the other parent.

More dramatic evidence of the extent to which women are willing to sacrifice themselves for family members comes from reports of women, in times of dire poverty, going without food in order to preserve the health of the rest of the family.⁽⁵⁸⁾

ix. Deductive and Empirical Support for Construction No. 4:
The Female Tendency to Blame the Self

The segregation of women from the public sphere is, according to Wally Secombe, the basis of their inability to appreciate the social construction of the defects of their role. He maintains that, as a consequence,

"[the housewife] finds it extremely difficult to locate the ultimate source of her oppression beyond her husband, the immediate agent of a portion of it." (59)

For the housebound housewife, her isolation makes her struggle to cope with her dissatisfaction with her role a uniquely personal one. It is securely located within the four walls of the marital home, which both society and the law regard as sacrosanct. Women's limited opportunities for sharing their problems with other women conduces to a personal construction of their dissatisfaction rather than an objective and critical assessment of the nature of their gender role. In other words,

(58) See, for example, Norman Dennis, Fernando Henriques and Clifford Slaughter, Coal is Our Life: An Analysis of a Yorkshire Mining Community, London, Tavistock, 1969, 2nd ed.

(59) Secombe, op. cit., p. 21.

women who are ignorant of the similar experiences of other women are likely to attribute their dissatisfaction to their own deficiencies rather than to the deficiencies of their role.

It is the opinion of Cloward and Piven that the ideal of the ornamental woman, fostered by the Victorian English, supported an interpretation of female problems as personal ones. Women were regarded as "frail and decorative"; their malfunctioning was directly attributable to the condition of their sexual organs:

"The nature of women was thus said to be rooted in their private and biological nature, and particularly in their childbearing selves." (60)

This tendency to perceive the problems of women as internal to the individual, argue Cloward and Piven, has persisted:

"It is perpetuated as an ideology by the cosmetic and drug industry and, more important, by the health-care industry..." (61)

Is there any empirical evidence of what has been reasoned here as a tendency on the part of society and women themselves to diagnose female problems as personal rather than structural?

It is conventional to employ statistics on the numbers of women who succumb to mental illness, particularly that which takes the form of depression, as an indication of women's tendency to blame themselves for their dissatisfactions. Mental illness is viewed as an attempt by women to change their own perception of reality rather than challenge their gender role.⁽⁶²⁾ Indeed this idea, that women's tendency to blame

(60) Richard A. Cloward and Frances Fox Piven, "Hidden Protest: The Channeling of Female Innovation and Resistance", Signs, 1979, Vol. 14, No. 4, p.651 at pp.655, 656.

(61) Ibid, p.656.

(62) Cloward and Piven, op. cit., p.652; Sheila Balkan and Ronald J. Berger, "The Changing Nature of Female Delinquency", in Claire B. Kopp, ed., Becoming Female: Perspectives on Development,

themselves rather than others results in mental illness rather than rebellion, has gained sufficient currency to constitute a standard interpretation of the relationship between the sex ratio of the mental illness and crime statistics. This is the 'mental illness-as-female-equivalent-to-male-crime thesis' or, in the shorter title, 'the mental illness thesis'. Briefly, the theory is that women resort to non-criminal deviance in the form of mental illness in those circumstances which dispose a male to crime.

The problem with this sort of use of the statistics, for the purposes of this discussion, is that it assumes a view of woman antithetical to that presupposed by any of the hypothesised constructions. Specifically, Construction 4 maintains that women who are unable to perceive the structural basis of their dissatisfaction are likely to attribute it to their own deficiencies. Grounded in a thesis of human agency, Construction 4 asserts that people who interpret their problems as personal will, because it is rational to do so, either try harder to make a success of the *status quo*, or resign themselves to their failings and endure the dissatisfactions they perceive them as precipitating. Although couched in similar terms of the female tendency to blame the self, 'the mental illness thesis' reverts to the idea of the 'oversocialised' woman who, as an integral part of her gender role conditioning, develops the stereotypically female trait of intro-punitiveness. Even though statistics on the sex ratio of the mentally ill might well be used to support Construction 4 by maintaining, for example, that a perception of failure or of inability to remedy

(62) New York and London, Plenum Press, 1979, p. 207 at p. 208.
(contd.)

distressing conditions is likely to conduce to psychiatric depression (and this will be argued below), this is not how they are conventionally interpreted.

Accordingly, the ensuing analysis of the mental-illness thesis takes issue with its key assumption that, as a result of their gender role conditioning, women choose to hurt themselves when subject to stress, while men turn hostility outwards.

d) The Thesis of Female Conformity: A Summary

For the moment, however, it is necessary to bring together the insights of this analysis of conformity in women. The foundation premise of this interpretation of female conformity was that it should be understood as the outcome of a process of reasoning of an agent being attempting to construe and make sense of her circumstances. It is not, as conventionally interpreted, the result of effective and total conditioning.

As a direct challenge to the gender role theory that female conformity is unproblematic, it was argued that, taking account of the many constraints on women, the consequent devaluation of their gender role and the dissatisfaction this engenders, women do not uncritically and unthinkingly act in accordance with its dictates. Instead, women as agent beings arrive at a decision to conform in the midst of considerable tension. They are torn between a desire to act to change their unsatisfactory conditions and (a) a belief that it would be wrong of them to do so because these conditions underpin their socially prescribed and legitimate gender role; and/or (b) a belief that there are no real alternatives to assuming a minority status;

and/or (c) a belief that it would be wrong to challenge the *status quo* because of the detrimental consequences for loved ones; and/or (d) a belief or suspicion that the cause of their dissatisfaction with their conditions is more to do with personal inadequacy than objective defects in their role.

IV NON-CRIMINAL DEVIANCE IN WOMEN: MENTAL ILLNESS

a) The Mental Illness Thesis Stated

The relationship between criminality and mental illness in women has come to be posed as a direct and inverse one. The theory is that there are many more mentally ill women than men because women do not have a criminal outlet for their stress and because sickness in women is gender role expressive. Women turn to mental illness as a 'functional equivalent' of male crime. Although, as it will become apparent, the key ideas of the various versions of the thesis could apply just as well to physical illness, to keep discussion manageable and also to keep to the terminology conventionally employed (that is, the 'mental illness' thesis) the proposal here is to concentrate on mental illness defined as non-organically caused psychological and psychiatric conditions.

The mental illness thesis has been put a number of ways. Marie Andrée Bertrand has suggested heuristically that:

"Mental illness as an alternative or female equivalent to male antisocial and aggressive behaviour could be explored as a promising (partial) explanation of the female crime rate and of the nature of female criminality. (63)

According to Balkan and Berger, women are "inhibited from aggressive

(63) Marie Andrée Bertrand, "The Insignificance of Female Criminality in the Light of the Hegemonic Conceptions of Sexual Roles and the Privatization of Women", Unpublished paper presented at the First Conference of the European Group for the Study of Deviance and Social Control, Florence, 1973, at p. 17.

actions" and therefore "find their outlet in the 'sick role' more often expressing feelings of depression and suicide".⁽⁶⁴⁾ Laura Crites has remarked on the tendency of women "to inflict self-directed rather than outward-directed injury".⁽⁶⁵⁾ More recently, Cloward and Piven expounded the view that:

"the only models of female deviance which our society encourages or permits women to imagine, emulate, and act out are essentially privatized modes of self-destruction." (66)

b) The Reasoning

The principal idea of these criminologists is that in those circumstances, or under those stresses and pressures, when a man would turn to crime, women become self-destructive and, hence, mentally ill. Despite some minor variations in the reasoning of these writers, all are based on an interpretation of the way gender role conditioning controls the behaviour of women.

Bertrand takes the view that it is women's role of nurturer within the family which makes aggression an inappropriate response to stress and causes women to turn, instead, to mental illness. She maintains that:

"women being defined [by men] as the functional harmonizers of conflicts within the family, the happiness provider - they could hardly be expected to act out their well repressed hostility." (67)

In similar vein, Balkan and Berger assert that, while "males are more likely to hold others responsible for their problems and channel their

(64) Balkan and Berger, op. cit., p. 208.

(65) Crites, op. cit., p. 38.

(66) Cloward and Piven, op. cit., p. 660.

(67) Bertrand, op. cit.

frustrations toward external agents", females tend to inhibit their aggression, to "internalise their frustrations".⁽⁶⁸⁾

Cloward and Piven offer at least two interpretations of the thesis. Firstly, they suggest that "privatized and self-destructive" forms of deviance are "consistent with ideological definitions of the female nature".⁽⁶⁹⁾ They also contend that a legacy of the Victorian ideal of the frail and ornamental woman is the tendency to define female problems as biological rather than sociological. Women, today, are still encouraged to regard the effects of stress as symptoms of illhealth. Accordingly, women fail to look to external sources of tension which could provide targets for the expression of frustration. Instead, they look to themselves and diagnose sickness. The net effect of this is female stress or dissatisfaction resolving itself in mental illness rather than in a challenge to the social structure.

At another point, however, these authors take a different view of mental illness in women. Maintaining that women's gender role precludes a violent solution to stress, they suggest that women are therefore forced to choose the only deviant option left to them: mental illness. In other words, stresses experienced by men can resolve themselves in violence but because gender norms define such behaviour as inappropriate for women, women must seek other forms of deviance. Mental illness is "the sole form of female deviance that remains available".⁽⁷⁰⁾

It is not easy to reconcile the two versions of the mental illness

(68) Balkan and Berger, *op. cit.*, p. 208.

(69) Cloward and Piven, *op. cit.*, p. 656.

(70) *Ibid*, p. 668.

thesis offered by these authors. At one point Cloward and Piven seem to be arguing that women are duped into believing that problems, which in fact have a social basis, are symptoms of illhealth - that they are manipulated into believing that they are mentally ill. At another point these authors depict mental illness as a mode of deviance actively sought by women who are prevented from expressing their dissatisfaction in any other way. In this interpretation mental illness is seen as functional. It is the female outlet for stress.

Considered as a single body of theory, the linking theme in these writers' views of the relationship between crime and mental illness in women seems to be a crude blend of strain theory and masculinity theory. Although it is never clearly articulated, these writers seem to be saying the following. Strain or stress is the catalyst common to deviance in men and women. The resolution of this stress in the two sexes, however, is different. The reason for this differential response is that society deems different behaviour appropriate for men and for women. Overt aggression is socially construed as 'masculine'. Accordingly the social defiance or release of tension represented by aggressive crime is acceptable in a man. It is therefore functional in two senses: it vents frustration and reinforces masculinity.

The deviant option of crime is, for this very reason, not available to women. Women are expected to be weak, passive and nurturant. As a consequence, the only gender role consistent way they have of releasing their frustration is by playing on and extending these 'feminine' traits and becoming ill. But this, in effect, turns their hostility inwards. By becoming sick they hurt themselves instead of others and thereby keep faith with their femininity. Gender role consistency is thus maintained

under the most extreme forms of stress and at all costs: mental illness, as an extension of the female role, is preferred to the symbolic masculinity of violence.

In view of the symbolic femininity implicit in illness and especially mental illness, it follows that, even when men do succumb to illhealth, they will deny or attempt to conceal their symptoms while women will willingly discuss their health problems. To clarify, the female stereotype defines women as weak, passive and dependent. Men, on the other hand, are supposed to be strong, aggressive and independent. Men are therefore loath to define their problems as sickness, for this can only be construed as a sign of weakness. In fact criminality is a much more attractive response for men. The opposite is true for women. As Smart explains the theory:

"expressiveness and help-seeking behaviour is a sex-appropriate response for women who are socialized into accepting such a role." (71)

Thus construed, the mental illness thesis not only points to the inappropriateness of criminality as a female solution to stress but to the positive appropriateness of mental illness given the type of personality traits deemed desirable in women. The American psychologists, Phillips and Segal, elaborate this idea. They suggest that:

"'sensitive' or 'emotional' behaviour is more tolerated in women, to the point of aberration, while self-assertive, aggressive, vigorous physical demonstrations are more tolerated among men." (72)

Phillips and Segal go on to maintain that 'the ethic of health' is

(71) Carol Smart, Women, Crime and Criminology: A Feminist Critique, London, Henley and Boston, Routledge and Kegan Paul, 1976, p.161.

(72) Derek L. Phillips and Bernard E. Segal, "Sexual Status and Psychiatric Symptoms", American Sociological Review, Feb. 1969, 34, pp. 58, 59.

masculine and, by implication, that the ethic of ill health is feminine. It follows that women are more likely to report sickness and more likely to be diagnosed as sick than men who will prefer to contain their symptoms (or express them in criminal ways) and resist seeking medical help. Men are therefore less susceptible to diagnoses of psychological disturbance.

Parallels observed between the personality characteristics of the supposedly ideal woman and the mentally ill have prompted some psychologists to extend this idea even further, and to claim that to aspire to the female stereotype is to embrace psychological ill-health. Women are trapped in a double bind. As Phyllis Chesler puts it:

"What we consider 'madness', whether it appears in women or in men, is either the acting out of the devalued female role or the total or partial rejection of one's sex-role stereotype." (73)

In their inquiry into gender role stereotypes, Broverman and colleagues also advance this theory. Noting that the stereotype of women is that they are "relatively less competent, less independent, less objective and less logical than men",⁽⁷⁴⁾ Broverman suggests that with the adoption of these feminine traits women "are necessarily deficient with respect to the general standards for adult behaviour".⁽⁷⁵⁾

A convincing demonstration, that women who seek to fulfil the stereotype thereby jeopardise their mental health, is provided by Broverman's now famous investigation into the attitudes of mental health professionals

(73) Phyllis Chesler, Women and Madness, New York, Avon Bks., 1972, p.56.

(74) Broverman, Vogel et. al., 1972, op. cit., p. 75.

(75) Ibid.

to men and women.⁽⁷⁶⁾ Seventy-nine practising mental health clinicians were interviewed about their concepts of a healthy male, a healthy female and a healthy adult. Clinicians' ratings of a healthy adult and a healthy male were similar. They were characterised by, *inter alia*, independence, objectivity, aggression and competitiveness. Women, however, were perceived as significantly less healthy. They were "more submissive, less independent, less adventurous, less objective, more easily influenced... more excitable in minor crises, [and] more emotional".⁽⁷⁷⁾ Broverman interpreted this as evidence of a double standard of mental health.

c) The Evidence

The mental illness thesis clearly rests on the assumption that significantly more women than men are diagnosed as mentally ill and that the opposite is true for criminality. Do the crime statistics and the statistics on the number of mentally ill support this?

Statistics on mental illness in the United Kingdom, the United States of America and Australia consistently reveal that women are the principal sufferers. Statistics for England and Wales are presented by Carol Smart in Women, Crime and Criminology.⁽⁷⁸⁾ Here she declares that "women are much more subject to mental illness than men"⁽⁷⁹⁾ and that they tend to dominate "the depressive psychoses, psycho-neuroses and non-psychotic, non-neurotic depressions".⁽⁸⁰⁾

(76) Inge K. Broverman, Donald M. Broverman, Frank E. Clarkson, Paul S. Rosenkrantz and Susan R. Vogel, "Sex-Role Stereotypes and Clinical Judgements of Mental Health", J. of Consulting and Clinical Psychology, 1970, Vol. 34, No. 1, p. 1.

(77) Broverman, Vogel et. al., 1972, op. cit., p. 70.

(78) Smart, 1976, op. cit., pp. 150-153.

(79) Ibid, p. 153.

(80) Ibid, p. 163.

The mental health of American men and women has been documented by Gove and Tudor.⁽⁸¹⁾ Employing data from community surveys, first admissions to mental hospitals, psychiatric outpatient clinics, private outpatient care and the practices of general physicians, they consistently found significantly greater numbers of mentally-ill women.

Data for Australia have been presented by Anne Summers. She cites the findings of a mental health survey conducted by the Australian Capital Territory's Health Services Branch in 1971. Subjects comprised a sample of the population of Canberra. Considering results in three categories, all revealed higher levels of psychiatric disturbance amongst women:

"Not disturbed: 70% men, 69.3% women;
mildly disturbed: 15.7% men, 20.8% women;
moderately-severely disturbed: 5.3% men, 9.9% women."⁽⁸²⁾

The problem with the statistics, according to Phillips and Segal, is that they inflate the number of women and fail to reveal the true extent of mental illness in men. Advancing their theory of the 'masculine health ethic', these writers produce evidence that, with men and women of comparable levels of physical health,

"women are more likely than men to report feelings and behavior that are seen by mental health investigators as signs of psychiatric disturbance."⁽⁸³⁾

If women are significantly more willing than men to admit to mental illness, are the official statistics on mental illness of any value?

According to other writers on the subject, Phillips and Segal are wrong and the official statistics are a reliable indication of the greater

(81) W. Gove and J. Tudor, "Adult Sex Roles and Mental Illness", American J. of Sociology, Nov. 1972, 78.

(82) Summers, op. cit., p. 99.

(83) Phillips and Segal, op. cit., p. 63.

incidence of illness among women. Clancy and Gove, for example, have specifically tested and challenged the thesis that women are more likely than men to report ill health.⁽⁸⁴⁾ They focussed on what they considered to form the basis of a willingness to report: a desire to please and agree with the interviewer and a tendency to see psychiatric symptoms as socially acceptable. Subjects were administered a short test of psychiatric symptoms as well as a test of the need for social approval. Bernice Lott interprets the findings of this inquiry.

"Analysis of the responses given by the women and men indicated no difference between them in perceived social desirability of the items of the psychiatric questionnaire, little difference between them on their need for social approval... and a greater tendency on the part of the women to disagree than to agree." (85)

Women, nevertheless, reported more psychiatric symptoms than men moving the investigators to conclude that:

"the consistent findings in community surveys that women are more likely than men to suffer from emotional problems appear to reflect actual differences and not to be an artifact of response bias... In fact it appears that community surveys and possibly even the statistics on treated mental illness may tend to mask the higher rates of women." (86)

d) Evaluating the Mental Illness Thesis

An important critic of the mental illness thesis has been the British criminologist, Carol Smart. Exercised by what she sees as the too-ready acceptance of the notion that when women deviate, they do so in sick, irrational ways, Smart levels at least two important criticisms at the thesis. Firstly, she contends that the mental-illness thesis

(84) K. Clancy and W. Gove, "Sex Differences in Mental Illness: An Analysis of Response Bias in Self Reports", American J. of Sociology, 1974, 80, 205.

(85) Bernice Lott, Becoming a Woman: The Socialization of Gender, Springfield Illinois, Charles C. Thomas, 1981, p.330.

(86) Clancy and Gove, op. cit., quoted in Lott, *ibid*, pp.330, 331.

caricatures the sexes, depicting all men as potentially violent and all women as self-destructive:

"This neat division between the sexes is somewhat unrealistic, however, because it ignores the fact that not all members of society accept uncritically their socially assigned gender roles." (87)

Support for this proposition comes from studies disclosing a disparity between men's and women's conceptions of the stereotypical man and woman and their view of their own personalities. Although men and women have been observed to possess a clear sense of the characteristics of the stereotyped man and woman,⁽⁸⁸⁾ this is not synonymous with their adoption of these traits. People are able to take a critical perspective and discern the various ways they differ from and/or disagree with the ideal.⁽⁸⁹⁾

Smart's other major objection to the mental-illness thesis is that, by depicting criminality and mental illness as interchangeable, it assumes that the content of deviance is meaningless. As Smart explains:

"Becoming neurotic, for example, is a qualitatively different act from robbing or assaulting a person. It has a different meaning and consequence for both the actor and others who may be involved." (90)

The mental-illness thesis overlooks the importance of the content of deviant acts, divesting the behaviour of women of meaning.

In line with Smart, the interpretation of mental illness in women to be advanced here takes issue with the conventional thesis. It concurs

(87) Smart, 1976, op. cit., p. 173.

(88) See the research of Broverman cited above.

(89) See A. Steinmann, J. Levi and D. Fox, "Self-Concept of College Women Compared with their Concept of Ideal Woman and Men's Ideal Woman", J. of Counseling Psychology, 1964, 11, 370 (Cited in Fransella and Frost, op. cit., p. 50); Rosenkrantz et. al., 1968, op. cit.

(90) Smart, 1976, op. cit., p. 173.

with Smart that the standard view strips deviance of its meaning to the actor. But, more than this, it argues that because women are rational and do act in meaningful ways, they do not opt for mental illness simply because it is gender role expressive. The relationship between gender roles, crime and mental illness is much more complex than this because of women's capacity to review their circumstances and evaluate their options. Women are not mindlessly propelled into modes of deviant behaviour which fit stereotyped conceptions of femininity, whatever their consequences for the individual.

e) Alternative Interpretations of Mental Illness in Women

In view of the willingness with which they depict women as the hapless victims of physicians who wish to cast them in the sick mould, it is curious that Cloward and Piven have at the same time displayed a strong commitment to the agency of deviant women by condemning the mental-illness thesis for its necessary implication that women are irrational - in that they choose to become sick. It is that part of the reasoning of Cloward and Piven which highlights the self-determination of women, rather than their susceptibility to manipulation, which meshes with the agency perspective of the present thesis and therefore serves as a useful starting point in the development of an alternative interpretation of mental illness in women. Cloward and Piven explain their view of human agency and its import for the mental-illness thesis in the following way:

"If the only socially-structured deviations available to a group are essentially killing and disabling, why would not people shrink from them? If the options consist of suicide, mental and physical illness, and addictions of one kind or another, it seems reasonable to think that people would tend to avoid them. To suppose otherwise is to consider people incapable of thinking, of appraising and evaluating, of acting purposively... But if people do think, do appraise and evaluate, and do act purposively, then what more purposive action might be taken than to avoid the most self-destructive modes of deviation?" (91)

(91) Cloward and Piven, op. cit., p. 663.

At this stage in their theorizing it is clear that Cloward and Piven take issue with the mental-illness thesis explicitly on the basis of its denial of the rationality of the actor. Further, they go on to suggest that if the only deviant options available to women involve their self-destruction, women will prefer to endure stress rather than be propelled in a deviant direction. Accordingly, when women are confronted with the sort of stress which would turn a man to crime, women will simply put up with it since they are not offered the violent outlets available to men.

This thesis parts company with Cloward and Piven when they begin to argue that the expansion of the medical profession, and the consequent improved access of women to physicians, has been instrumental in women abandoning their rationality - their decision to endure - and "engag[ing] in modes of deviation which they would otherwise tend to avoid".⁽⁹²⁾ The reasoning behind this thesis is that, when subject to stress, women will either choose to endure it (with or without the help of mood-altering drugs) or only passively resist it, for the reasons identified in the previous section. They regard the role which induces stress as legitimate. They feel powerless to change the stressful conditions. They are committed to the welfare of family members which they feel might be jeopardized were they to respond more overtly to stress. Or they believe themselves, and not external conditions, to be responsible for the stress. Unfortunately the consequence of this endurance may be illness.

i. Construction No. 1: Mental Illness as 'Choicelessness'

One relationship between women's decision to endure stress (and conform) and mental illness to be theorized here is that the latter is an undesired and unchosen consequence of the former. Women do not choose

(92) Ibid, p. 664.

to deviate via mental illness simply because it is their only gender role appropriate option. If women succumb to mental illness it is not out of choice. It is, rather, an unhappy result of having endured too much. Forced into the untenable position of having to submit to adverse conditions, some women become ill.

One of the most common forms of mental illness in women is depression.⁽⁹³⁾ An analysis of depression - what are generally considered to be its causes and how it manifests itself - lends support to this interpretation of mental illness in two ways. Firstly, such an analysis demonstrates that, in view of the primary characteristic of depression of disabling the sufferer, it is inappropriately interpreted as a deviant option women would wish to pursue for its symbolic femininity. Secondly, it makes plain that depression is a condition of 'choicelessness' and therefore, by definition, not an actively chosen form of deviance, as Cloward and Piven would seem to imply.

According to Seligman, depression sets in when the individual comes to believe in the futility of action.⁽⁹⁴⁾ Depression, he maintains, is the natural response to the discovery that one is unable to effect change in one's life. As a test of his theory, Seligman subjected animals to inescapable pain and then observed their behaviour when later they were given an opportunity to escape. Some animals became helpless and no longer attempted to flee. Seligman likened this experience and response to that of depression, noting that "when depressives are asked about what they

(93) See Ellen Berah, "Men, Women and Mental Illness", Australian Society, Nov. 5 1982, p. 23; Chesler, op. cit., pp. 42, 43; Smart, 1976, op. cit., p. 163; Summers, op. cit., pp. 98, 99.

(94) M. Seligman, Helplessness: On Depression, Development and Death, New York, W.H. Freeman and Co., 1975.

feel, the most prominent feelings they report are helplessness and hopelessness". (95)

In a more recent inquiry into women and madness, Belote suggested that "depression signifies passivity, giving up, helplessness...".⁽⁹⁶⁾ She interprets depression as the response of women who no longer feel that they have any control over their lives:

"People susceptible to depression may have too often experienced situations in which they could not influence the outcome; too seldom experienced situations in which they could be successfully influential... In our society women, not exclusively but more often than men, have experienced such powerlessness by virtue of membership in a low status group." (97)

Further evidence that depression is less the deviant choice of women experiencing stress than an unwanted side effect is provided by Brown, Brolchain and Harris. Depression is unlikely to be pursued as a deviant option because it is an inherently unpleasant condition:

"When, as in depressive disorders, distress-anguish is associated with complaints such as early-morning waking, lack of energy, feelings of worthlessness and so on, and they persist for months on end, the experience becomes scarcely endurable." (98)

Another observation about depression which lends support to the thesis that it is not actively sought by women as a suitably feminine form of expressing frustration is that, as Chesler makes clear, it does

(95) Ibid.

(96) Betsy Belote, "Masochistic Syndrome, Hysterical Personality and the Illusion of a Healthy Woman", in Sue Cox, ed., Female Psychology: The Emerging Self, Chicago, Science Research Associates, 1976, p. 335 at p. 345.

(97) Ibid, p. 346.

(98) G. Brown, M.N. Brolchain and T. Harris, "Social Class and Psychiatric Disturbance Among Women in an Urban Population", Sociology, May 1975, Vol. 9, No. 2, p. 226, (quoted in Smart, 1976, op. cit., pp. 170-171.

not serve as a release of tension. Depression does not provide an effective solution to stress, deviant or otherwise, because it involves the sufferer turning all feelings of dissatisfaction inwards.

An attempt to verify empirically a thesis about the relationship between female conformity and psychosomatic symptoms closely resembling the present construction has been undertaken by René Levy.⁽⁹⁹⁾ Indeed Levy's working hypothesis theorizes this relationship in even greater detail in that it identifies the precise conditions of women's endurance which lead to illness. Recalling the earlier discussion of female conformity, it will become apparent that she is suggesting a construction equivalent to that posed above as the first possible reason for female conformity (Construction No. 1). In other words, Levy maintains that when women adhere to the traditional role with all its attendant tensions, because they regard it as legitimate, they stand a good chance of becoming ill. Levy also offers the theory that when women who are living traditional lives perceive that the stresses of their role have a structural basis, that they contain inequities, the response is more likely to be attitudes of protest.

Levy tested her theories on Swiss couples in 1974. Although she was unable to establish the general mutual exclusiveness of these two responses, she did find, consistent with her prediction, that psychosomatic symptoms were most common among the traditional women who believed in the legitimacy of their role. Also as expected, attitudes of protest tended to be manifested by women who held more modern views. Levy's

(99) René Levy, "Psychosomatic Symptoms and Women's Protest: Two Types of Reaction to Structural Strain in the Family"; J. of Health and Social Behav., June 1976, Vol. 17, p. 122.

findings therefore support the notion of a relationship between endurance engendered by a belief that stressful conditions are legitimate and the development of psychological ill health in women. As Levy observes:

"As long as women's options are not substantially broadened ... transference of structural tensions into the organic system instead of attempts at structural changes will remain an important type of reaction in women." (100)

The primary contention of the above construction of mental illness in women was that it is dysfunctional - it serves no good purpose. There are, however, alternative interpretations of mental illness in women which also manage to resist the popular notion that it is employed as a feminine, stress-releasing mode of deviance, while nevertheless acknowledging that there might be a functional aspect to it. These alternative theories are important for the agency dialectic posed by this thesis in that they focus inquiry on the self-conscious struggle of women to find a solution to perceived dissatisfaction. The rational processes of thinking individuals, rather than the more mechanical operations of gender role conditioning, form the basis of these theories of why women become mentally ill.

ii. Construction No. 2: Mental (or Physical) Illness as Temporary Escape

Women may cope with roles which involve dissatisfaction and stress by seeking medical advice to address their symptoms, without tackling the more fundamental cause of their problem. Translating their stress into an identifiable medical problem produces fast, palpable benefits for the women - they are able to obtain mood-altering drugs, and they are equally able to recruit the sympathy of their doctor, family and friends.

(100) Ibid, pp. 131, 132.

Talcott Parsons says that sick people (and this would include women in this predicament) are often entirely exempt from the normal obligations of their role.⁽¹⁰¹⁾ The decision to conform and endure would therefore remain intact while some of the pressures, as well as some of the unpleasant side-effects of those pressures, would, at least temporarily, be alleviated.

This is not the same as conceiving women as already so close to the sick role, by virtue of their gender role conditioning, that illness is the obvious and gender role consistent option to be resorted to, in a spasm-like fashion, under conditions of stress. The interpretation is more complex and less deterministic than this in that it highlights the intellectual processes of women coming to grips with a clearly perceived problem. Women are being seen here to evaluate their conditions as stressful, to decide to endure them (for one or more of the variety of reasons identified above), but nevertheless to offset some of the unwanted effects of stress by medication and sympathy. The statistics on the numbers of women who seek prescriptions for mood-altering drugs lend some support to this idea.⁽¹⁰²⁾

iii. Construction No. 3: Mental Illness as Passive Resistance

Another way of interpreting illness in women is as the construction

(101) Talcott Parsons, Social Structure and Personality, London, Collier-Macmillan, 1964. For a brief review of Parsons' theory of the function of the sick role, see Eva Procek, "Psychiatry and the Social Control of Women" in Allison Morris and Loraine Gelsthorpe, eds., Women and Crime: Papers Presented to the Cropwood Round-Table Conference Dec. 1980, Cropwood Conference Series No. 13, Cambridge, 1981, p. 19 at p. 27.

(102) For a review of the Australian statistics on women's drug consumption see Anne Summers, Damned Whores and God's Police, Harmondsworth, Penguin, 1975, pp. 103-111. The limits of this thesis prevent a close analysis of what is a considerable literature on women's abuse of prescribed medication.

society, and in particular the medical profession, places on their condition when they decide that, although they will endure the stresses of their role, they will nevertheless offer up some passive resistance. When women refuse to co-operate fully by withdrawing their affections and retreating from family members, they are seen to be sick.

A view of mental illness in women not dissimilar to this has been suggested by Eva Procek.⁽¹⁰³⁾ She reasons thus. Women are placed in the untenable position of being restricted to the private sphere of the home where they are kept financially insecure and ignorant of public affairs. Thus confined, their only way of expressing dissatisfaction and engaging in a struggle for self-determination is by withdrawing. Procek conceives the woman's struggle as a form of "internal withdrawal and passive, resentful resistance, characterised by hostility and the strategies of manipulation".⁽¹⁰⁴⁾ By thus construing women's response to their conditions, Procek brings to the fore the tension between women as agents, attempting to assert some form of control over their lives and women as objects, the victims of a severely restricted and therefore unsatisfactory gender role.

Where mental illness enters the picture for Procek is in society's reaction to women's passive resistance. Like Cloward and Piven,⁽¹⁰⁵⁾ Procek depicts the medical profession as an agent of social control which interprets problematic behaviour as illness. Thus defined, it can be confined and treated, and thereby controlled.

The Australian sociologist, Moni Storz, has also argued the case

(103) Procek, op. cit.

(104) Ibid, p. 25.

(105) Their theory of the manipulation of women by the medical profession was discussed above.

for a social construction of mental illness in women.⁽¹⁰⁶⁾ After interviews with twenty Australian couples in which the wife had been diagnosed as mentally ill, Storz concluded that the application of this label was less to do with any inherently deviant quality of the wife's behaviour than whether the husband (and the wife) felt that the wife was not behaving in what had become an expected manner. The women in Storz's sample had been designated "sick" when they had stepped outside the tacit rules and regulations of the marriage. In one case, for example, psychiatric treatment was sought when housework became a burden to the wife and she failed to adhere to her usual "meticulous" standard.

f) The Mental Illness Debate in Summary

To summarise the key points of this analysis of mental illness in women, discussion began with the rebuttal of the standard mental-illness thesis: that mental illness is the female functional equivalent of male crime. Drawing on the insights of the previous section in which the female decision to endure dissatisfaction and conform was explored, the main thrust of the argument here was that women, as rational agents, are not propelled into mental illness simply because it is the only suitably feminine mode of deviance open to them when they are subject to stress. Instead, three alternative constructions of mental illness in women were offered, constructions which highlighted the decision-making processes of women, and interpreted 'deviance' as meaningful social action.

(106) Moni Lai Storz, "The Social Construction of Mental Illness", in Anne R. Edwards and Paul R. Wilson, eds., Social Deviance in Australia, Melbourne, Cheshire, 1975, p. 215.

The agency of women implicit in these three interpretations is perhaps best described as a continuum. Firstly, those women whose illness (in particular depression) was construed as a result of being placed in a position of 'choicelessness' were seen to be all but stripped of their agency. Secondly, those women who chose to endure, but sought medication and medical help to alleviate the deleterious effects of this endurance, displayed limited agency in their decision to 'make the best of a bad lot'. The greatest display of agency was by women who stood by their decision to endure but who nevertheless decided to simultaneously put up a show of passive resistance. Although none of these women were seen to fully assert themselves as agents in control of the conditions of their lives, likewise none were depicted as passive deviant products of gender conditioning. Instead of construing sick women as extending, but still simply reflecting, their gender stereotype, the women here were seen to be decision-makers (or potential decision-makers in the case of the first construction) faced with problems of existence, pursuing solutions they perceived to be the most desirable or feasible given the constraints on their actions.

V CONDITIONS OF FEMALE CRIMINALITY: WHY WOMEN SHOPLIFT

We may bring together the ideas already established in this chapter by saying that women conform from a determination, or indeed a decision, to adhere to their gender role, that is to be a housewife and a mother, and that they adopt this role despite the tensions it creates. Women conform because they believe in the legitimacy of their role; they feel that rebellion would be injurious to loved others; they see no viable alternatives; or they are convinced that the solution to stress lies in changing themselves, not their situation. It has also been reasoned

that these decisions to endure stress sometimes appear to result in mental illness and that it is likely to take the form of depression. We may ask, if the vast majority of women actively choose to adhere to the female role on the basis of varying amounts of information about alternative ways of life, under what conditions will a woman decide to step outside this model and commit a crime? Is this indeed a legitimate way of regarding the female motive for offending? Is it correct to assume, *ab initio*, that the crimes of women represent a rejection of the good housewife/mother ideal? Or are they committed for different reasons?

The review of the literature presented in Chapter 5 revealed that, with the single exception of the Women's Liberation thesis, the principal gender role theories of female offending do not construe the criminality of women as a challenge to the traditional female gender role. Recall that strain is primarily a theory of female conformity: in this theory women are insulated from strain and therefore remain law-abiding. Control theory and labelling theory likewise lay emphasis on the conformity rather than the criminality of women. There remain three gender role theories which actively endeavour to explain female crime: the idea that crime is symbolically masculine, so that when women offend, they are trying to compete with men (the Women's Liberation thesis); the theory that crime can be 'gender role expressive' for both sexes and that women who offend are therefore acting out their feminine role in a deviant fashion; and 'differential association', which maintains that the criminal means and skills of women, by virtue of their restricted role, are confined to a domestic orientation. Hence, women primarily steal from shops because, as housewives who do the family shopping, they know how to do it, and as wives and lovers, they are motivated by a desire to make themselves attractive for their men. Concomitantly,

female crime does not, according to these theories, stem from economic need as only the male, as breadwinner, is deemed to be concerned with financial matters. Even those women who are believed to turn to crime as a means of competing with men are viewed as having the restricted aim of seeking male status, by becoming 'first-rate criminals', rather than as expressing the traditionally male concern with things financial and material.

a) The Thesis

The following interpretation of female crime takes issue with such rigid gender stereotyping of female motives of offending. Keeping at the forefront of discussion the notion of the subject as agent, it suggests reasons for actions based on the offender's experience and the offender's probable construction of events.

It was argued above that women's primary experience of feeling powerless and devalued, and the tension it generates, is reflected in their conformity. It will now be theorized that this insight is also of value in interpreting the criminality of women. Integrating this assessment of the female decision to conform, but also foreshadowing the findings of the survey and interviews (to be presented in the body of this discussion) the thesis is this. The female offender is an individual undergoing severe stress generated by unsatisfactory family relationships and/or ill health and/or economic dependence. She is not committed to challenging the role or the conditions underpinning these tensions; the petty nature of her shoplifting, the fact that it is not repeated and that she goes to some lengths to conceal it are all evidence of this. A further indication that female shoplifting is not a concerted challenge to social impotence is provided by its *modus operandi*.

Women usually steal alone and in a relatively unpremeditated, spur-of-the-moment fashion. They do not share their experience - either in planning it or recounting it to others. The evidence is quite clear that there is no subculture of shoplifters. Rather, women are ashamed of their actions and conceal them.

Although it seems likely that shoplifting is committed for a variety of reasons (which will be explored in the following discussion), for many offenders it seems best conceived as a moment of defiance or anger or frustration in a more general overriding experience of unhappiness and powerlessness. Shoplifting may well be a short-lived decision not to endure at a time of unusually great stress.

b) The Problems of Evidence and 'Proof'

In the previous chapter some of the difficulties of discerning reasons for actions where the subject is conceived as agent were mentioned briefly. It was noted that the agency approach requires criminologists to seek people's views of their own actions. For it is the meaning which individuals attribute to their own actions, what Weber called their "intentional reference", which is of principal concern to the proponent of agency. In this dissertation, however, the focus on the actor's meanings is modified in the light of the dialectic of wo/man posed already in Chapter 7. There the self-determination or agency of the individual was juxtaposed with the constraining structures of society to create a tension between wo/man seeking to act freely and wo/man restricted by the normative and material conditions of society. Our concern with the actor's intentions therefore did not confine inquiry to the subjective meanings of the subject. Rather, analysis extended to the social context of the actor which made possible an assessment of the opportunities,

information, obligations and incentives of our decision-maker.

With our interpretive framework thus constructed, we are now looking at decision-making in a fuller context. We are recognising that actions have meaning to actors and therefore must be interpreted with a regard to that meaning. But, in addition, because we have discovered that the experience of our actor is restricted, and therefore allows her only a limited insight into her situation, we know that to rely exclusively on her assessment of her options and her actions will result in only a partial explanation of her behaviour. To complete the picture, our analysis of our subject's conduct must consider the limits of her experience, and hence her knowledge, before it can begin to tell us anything important about her 'true' reasons for action. For an exclusive reliance on our actor's meanings will not reveal the influences on her actions of which she is unaware (for example, those conditions which prevented her from obtaining a complete knowledge of her options and opportunities).

All this notwithstanding, we are still left with the problem of discovering our actor's view of things. Our concession to the importance of external social structures in defining the limits of action does not negotiate the problem that, with a commitment to agency, an understanding of the social conditions which provide the context of our subject's actions is not sufficient to explain those actions. For we must also discover what our subject intended by them. Only then are the two sides of the dialectic complete. With knowledge of the actor's meanings it may be possible to discern the nature of the complex interplay between what our subject intended to achieve, and the structural factors which not only governed the feasibility of the achievement of that goal but which were instrumental in our subject wanting that goal in the first place.

As noted in Chapter 7, criminologists committed to the agency approach have yet to produce a fully satisfactory method of ascertaining subjects' own meanings of their actions. As a matter of expedience, as soon as a voluntaristic view of people is adopted, priority tends to be accorded to what individuals say about their reasons for their behaviour. And indeed this is manifestly preferable to inferring motives from correlations observed between various external conditions of the action or behaviour under study - the method of the positivists which, in effect, denies the importance of offenders' own view of their conduct.

Unfortunately there is a wide range of philosophical problems which flow from a reliance on the subject's own account of her or his actions. A number of these has been identified in a recent paper by Laurie Taylor.⁽¹⁰⁸⁾ Here he discusses the polemic surrounding the issue of whether actors' statements indicate the 'real' reasons for their actions, or whether they are better viewed as rationalisations which serve, *inter alia*, to justify actions by lending them rationality and/or legitimacy. The controversial nature of the status of subjects' statements explaining their actions does not seem to be a good enough reason, however, for rejecting the agency approach, or abandoning its main empirical method of seeking actors' views of their behaviour. The present author acknowledges that she is unable to solve the problems which inhere in this approach. She does attempt to minimise them, however, by employing additional data sources.

The following attempt to test empirically the thesis of female criminality outlined above, for want of a better method, places some reliance on what offenders say about their own offending. The problems

(108) Laurie Taylor, "Vocabularies, Rhetorics and Grammar: Problems in the Sociology of Motivation", in David Downes and Paul Rock, eds., Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979, p.145.

of the veracity of offenders' own testimony, identified by Taylor, will be partially offset, however, by recourse to two other sources of information which will tell us something about the social position of the offender as well as the way she is viewed by professionals working within the justice system. These are (a) the facts obtained about the socio-economic status and *modus operandi* of shoplifters during the survey conducted at the Adelaide Magistrates Court (see Chapter 4) and (b) the results of interviews with lawyers whose opinions were sought about the reasons for shoplifting.

c) The 'Evidence'

i. A Comment on the Method Chosen for Obtaining Offenders' Accounts.

In the course of the Adelaide Magistrates Court Survey, the reasons that defendants gave for their actions were documented whenever given. Recalling that the sample comprised guilty pleas, reasons given necessarily took the form of pleas in mitigation of sentence rather than defences to the charge. Given that the express intention of these explanations is to put the defendant's case in the most favourable light, clearly these data must be treated with some caution. There is a strong case to be made that they are very much rationalisations which seek to put the offender's behaviour in the most favourable light.

The reason for relying on court room observations for offenders' verbalisations was the difficulty of obtaining offender subjects who were willing to be interviewed. In a pilot survey, offenders had been approached as they were leaving court and consistently found to be too upset to be interviewed. First-offender shoplifters are not imprisoned, so the frequently used method of obtaining a captive audience of offenders by using prison inmates was ruled out. Another method which

met with little success (despite being enormously time-consuming) was that of compiling a list of offenders' addresses from the court hearing and then approaching them later at home. Most refused to be interviewed despite assurances of confidentiality.

ii. A Profile of the Offenders

It was observed in Chapter 4 that the socio-economic profile and *modus operandi* of male and female shoplifters were surprisingly similar. Most offenders were not in the workforce and therefore not in receipt of a direct income. They were unsophisticated first offenders who stole items of small value. Considering now offenders' reasons for their actions, it will become apparent that the explanations offered by males and females are, again, remarkably similar, a finding which immediately throws into question the gender role theory that the motives of male and female offenders are polarised by their gender roles.

iii. Reasons given

Of the eighty women defendants observed in court, thirty-five cited ill health as a factor in their offending. Evidence that many of these women were in fact suffering severe medical and psychiatric problems was provided by the reports of doctors and psychiatrists (fifteen were tendered). Psychiatrically disturbed defendants attributed their disorders to nerves and depression. Twelve of the forty male defendants mentioned health problems, five submitting doctors' reports as evidence.

Family problems were mentioned by nineteen women and seven men as a reason for the theft. These ranged from being ignored by a spouse, to caring for sick relatives and deaths in the immediate family.

A substantial minority of offenders attributed their offending to financial pressures. Indeed, contrary to the prediction of the gender role theorists, more women (14 out of 80) than men (6 out of 40) gave this as a reason for the theft. Survey findings presented in Chapter 4, which indicated that most defendants were not in direct receipt of a wage, suggest that these offenders were responding to a real economic need.

Further reasons given by female defendants for the theft were chasing children out of the store and then finding themselves in possession of unpaid goods which they then decided to keep. Others said they were running late and so decided not to wait for service but simply to take the goods. Still other defendants declared that they had no intention to steal. They forgot they had put items in bags or clothing, were apprehended by store detectives and by the time their case came up for hearing simply wanted to get the whole matter 'over and done with' and so pleaded 'guilty'.

Nearly a quarter of the female defendants and nearly half of the men made no attempt to justify their actions. For these offenders it might be reasonable to construe their motive as the most obvious one: the desire for the possession of an object without payment.

iv. The Opinions of Lawyers

A sense of the oppressive circumstances confronting individuals who shoplift was also gained from interviews which were conducted by the author with three lawyers (Lawyers A, B and C) and a legal worker (employed by the Legal Services Commission of South Australia). The purpose of these interviews was to ascertain lawyers' perceptions of

the shoplifter with a view to providing an alternative and comparative impression of the phenomenon. It is acknowledged from the outset that the results of these interviews are more illuminating of what lawyers think of shoplifters than of shoplifters' actual reasons for their actions. This evidence is therefore more suggestive and impressionistic than definitive about the reasons for shoplifting.

Lawyer A performed as duty solicitor at the Adelaide Magistrates Court and represented up to a dozen shoplifters per week. When asked what she felt were the reasons for shoplift she suggested there were three types of offenders. A small minority were unemployed, had insufficient money to pay for items they wanted and so decided to steal them. Another group she characterised as 'simply dishonest'. These were premeditated offenders who stole for the most obvious reason: they preferred not to pay for goods. The large majority of offenders, however, were depressed people experiencing considerable stress in their lives. Although more women than men fitted into this group, it was true for both sexes. Lawyer A considered that these were individuals who no longer felt in control of their lives because, for example, children had just left home and they were no longer performing a parental function or they were simply starved of company. Their offending was a small and relatively passive response precipitated by these feelings of noncontingency. Lawyer A thought that the shop theft itself was an expression of powerlessness because of its inherent passivity. She concluded that the criminal justice response was inappropriate in these cases since it was designed to deal with 'dishonest' individuals in the sense that they were premeditated in their offending.

Lawyer B had also performed services as a duty solicitor and was currently employed as a criminal lawyer by the Legal Services Commission.

He, too, suggested that most shoplifting was not premeditated. Defendants did not leave home with the intention of breaking the law. Refuting what he believed was a common theory, that female shoplifting is a form of attention-seeking, he suggested that the phenomenon could be attributed to stress precipitated by loneliness and a feeling of being cut off from family members. After the offence, a woman would frequently tell no-one. A further reason for shoplifting, suggested by Lawyer B, was financial pressure. For example, supporting mothers would steal presents for their children.

Lawyer C ran his own private practice but had served as duty solicitor once a month for four years appearing in most of the suburban courts of Adelaide. He typified both male and female shoplifters as desperately unhappy people experiencing chronic domestic problems. He believed that shoplifting was largely an unpremeditated, spur-of-the-moment offence. Many male offenders, he observed, were retrenched and poor and many had problems at home. Women offenders, he suggested, often had matrimonial problems and were being prescribed medication to help them cope. He claimed that shoplifting was therefore a passive response to stress. It was passive because of the absence of any individual as victim. It was not seen to hurt anyone because the victim was an inanimate store.

The final person interviewed was employed by the Legal Services Commission to review applications for legal aid. It was her job to assess the nature of complaints and refer them to appropriate lawyers in the Commission. She maintained that, whenever she had asked shoplifters why they had committed the offence, they had replied that they did not know. When further questioned, they usually responded with

stories of ill health and domestic problems. The Legal Worker suggested that, in many instances, the theft was an expression of anger with troubles at home. It was not, however, an unthinking, reflexive reaction to domestic strife but a conscious risk-taking. The Legal Worker believed this to be the case in view of offenders' responses to being caught. She said that most were immediately concerned about publicity and going to prison. She hypothesised that this high degree of consciousness of the consequences of being caught was due to offenders having considered the risks and costs beforehand. Another motive for shop theft, she thought, was a reduction in income which stimulated a desire 'to get back at' the stores for flaunting expensive and therefore unattainable products.

d) The Interpretation

The profile of the female shoplifter which can be pieced together from these different sources of information is complex. Nevertheless, there appears to be a significant concurrence between the image of the offender produced by (a) the data collected in court on the socio-economic status and *modus operandi* of offenders, (b) offenders' verbalisations, and (c) lawyers' opinions. What all three measures seem to reveal is that women engage in this form of offending for diverse reasons. Moreover, a similar range of motives seem to be behind the offending of men. Considering these data in the light of the gender role theories of female crime, it appears that criminologists have over-polarised the sexes in seeking to explain the behaviour of both men and women in terms of a narrow range of gender role concerns. The indication of these findings is that, for at least the most common female offence of shoplifting, the motives of men and women seem to be remarkably similar. In fact it might be reasonable to say that when men shoplift

it is because they are placed in circumstances in which women also commonly find themselves. In other words, a minority of men (male shoplifters) are like the majority of women. For the general impression of both male and female shoplifters gained from this inquiry is of individuals experiencing economic dependence, powerlessness and unhappiness. Accordingly, instead of characterising male shoplifters as illicitly acting out their role of breadwinner and construing female shoplifters as deviant housewives (shopping in a deviant fashion), it seems more appropriate to treat both men and women as a single category of people undergoing a common experience and therefore responding in a similar and rational manner.

This interpretation of shoplifting among men and women receives some support from the preceding analysis of women's experience of powerlessness. There it was pointed out that when other social groups are placed in positions similar to women - for example, agricultural labourers - they behave in similar ways. They too become deferential and accommodating. The common experience of many female and male shoplifters seems to be financial dependence (on spouses or the state), a sense of failure in their domestic lives and (possibly as a consequence) physical and psychological ill health.

It was previously remarked that the most usual response of women to their experience of powerlessness is endurance. In view of what seem to be the particularly aggravated conditions of powerlessness experienced by shoplifters, shop theft may well be a method of momentarily expressing defiance, anger or frustration which, in less dolorous circumstances, is kept in check. It may be a method of retrieving agency, albeit temporarily. Construed thus, it is not simply a 'spillage' of tension which is normally contained (although it may well be

this too), but a moment of challenging a position of powerlessness and taking charge of events. Admittedly, this interpretation of shop theft is by no means proven by the data presented here. However, in view of the problems of discerning people's reasons for behaviour from an agency perspective, with its inevitable reliance on the verbalisations of actors (see the earlier discussion), there is no way of ever identifying reasons for offending with perfect confidence. This notwithstanding, a commitment to human agency and the information on hand about the social and economic experiences of the shoplifter would sensibly lead to this construction. Shoplifting is inappropriately construed as a sustained or radical challenge to the *status quo* because defendants are almost invariably contrite,⁽¹⁰⁸⁾ and they tend to refrain from telling anyone else about it - and in fact go to some lengths to conceal it.⁽¹⁰⁹⁾ In addition, female shoplifters usually express surprise that shoplifting is regarded as a sufficiently serious infraction of the law to warrant the term 'crime'.⁽¹¹⁰⁾ This is not to imply, contrary to the agency thesis, that when women shoplift, they do not know what they are doing. Rather, the argument is that when women steal from shops they are intending to break the rules in a manner, or at a level, which lacks the gravity of popular notions of "crime" and "criminality".

Other reasons for offending suggested here are so commonplace and obvious that they have tended to be overlooked by criminologists

(108) Most police prosecutors commenting on the demeanour of the defendants when they first came in contact with the police noted their contrition.

(109) Fourteen of the women, but only three of the men, informed the court that they had concealed the offence from spouses and family members. Several women expressed concern that they would be forced to leave their home by irate family members were their offending exposed.

(110) This was the observation of the Legal Worker who required defendants to complete a form in which shoplifting was described as a 'crime'.

interested in proving the association between the female gender role and the criminality and conformity of women. Shoplifting, in fact, all theft, is a crime involving the acquisition of property without expenditure and often with little effort. It follows that, unless there are ethical objections, it is perfectly rational for a person of either sex to steal if he or she feels that the risks are slight or worth taking. Indeed, the conspicuous wealth of large stores may serve to undermine any ethical objections to theft, and even generate a belief on the part of the potential thief that it is actually immoral for wealth to be so unevenly distributed. Theft then becomes a form of social or moral protest. The tendency of criminologists to reduce all female offending to a function of gender role has meant that these ordinary, commonsense reasons for actions (conventionally attributed to men only) have been neglected. Women's supposed preoccupation with familial, rather than financial, concerns has also ensured that the precarious economic position of many women has tended to be overlooked and, thus too, the economic motive for offending. The few exceptions to this overall neglect of the economics of female offending (recall the discussion of Crites, Chapman and Smart in Chapter 3) have failed as yet to make substantial inroads into such gender role stereotyping and reductionism.

In summary, the several bases for female offending suggested here bring into question the gender role theory that criminality in women is inevitably an expression of gender role. They demonstrate that women, as well as men, are capable of arriving at a decision to offend via a number of intellectual routes - not all of which are related to gender role. Furthermore, substantial similarities in the lives of male and female shoplifting subjects, which suggest that at the time of offending defendants were at a particularly low ebb, would seem to signify that,

for many offenders, irrespective of their sex, a sense of powerlessness and misery is a part of the decision to offend. Whether the theft represents an attempt to regain agency or an expression of anger with unbearable conditions or extreme frustration, the decision to deviate is, however, shortlived. Confrontation with the criminal justice system quickly leads to contrition and a similar challenge is unlikely to be repeated.

VI CONDITIONS OF SOCIAL PROTEST

Notwithstanding that this interpretation of the female shoplifter is framed in terms of "a decision-making individual" responding rationally (that is, with reason) to events, the overriding theme is one of oppression. The shoplifter is not committed to criminality as any sort of permanent or appropriate solution to her problems. When her offending becomes public knowledge she does not declare the legitimacy of her actions. She is not resolute in her defiance of the *status quo*. Hers is not a serious bid for power. It is better conceived as a minor, transitory and symbolic gesture of a desperate individual appalled at the extent of her powerlessness.

Put thus, the construction of female shop theft being offered here is not substantially different from the gender role theorists' stereotype of the passive and ineffective female. Both interpretations of female offending dwell on the dependency and impotence of the shoplifter. For this reason it could be argued that the preceding analysis of shoplifting does not represent much of a challenge to the view of women conveyed by gender role theory. Both versions of women's offending deem them incapable of taking effective control of their circumstances. Both versions are far removed from, say, Hampshire's agent beings

consciously reflecting on their circumstances and intelligently planning courses of action which will best meet their needs and interests. On a continuum of free will to determinism, the shoplifter appears to make scant use of her potential agency. Although the act of theft signifies a decision to act, this decision is often made by a desperate person against a background of psychological ill health, economic dependence and even poverty. Moreover, the theft does not strike at the heart of the problem. More symbolic than real as a challenge to impotence, it is immediately renounced upon detection.

It is as a corrective to what might be construed as the more deterministic than voluntaristic conception of female offending presented here that the following analysis of women who rebel is conducted. The best way to break down the dominant criminological paradigm of women - as dependent and passive and confined to a narrow range of gender role concerns - is to turn to past and present examples of women engaging in behaviour which throws this view into question. Modern gender role theory is devoid of images of women behaving in ways which clearly demonstrate their agency because it is ahistorical. By sustaining a selective focus on the present, criminal women whose actions have been rational, planned, organised and even violent have been almost completely omitted from the literature.⁽¹¹¹⁾ The female criminal has consistently been depicted as a petty, non-violent and once-only offender whose behaviour is more expressive of, rather than deviant from, the stereotype of the ideal female. Similarly, the conformist woman has been construed as

(111) Although Adler is clearly an exception, her violent criminal women were confined to a handful of terrorists whose behaviour was more aberrant than representative of any organised group of female offenders.

unthinkingly acting out the dictates of her gender role, rather than engaging in a conscious decision to endure her conditions - the thesis advanced above.

The following is an attempt to introduce an historical perspective to the study of the female offender by exploring those moments in history when women have engaged in organised, collective and violent and/or criminal actions. The aims of this analysis are several. It endeavours to inquire into the complex relationship between the female stereotype and (a) what both criminologists and historians have variously deemed to be the reasons for female behaviour, (b) the justifications women have put forward for their own behaviour and (c) the actual reasons for the actions of women. It argues against the inevitability of female conformity induced by gender role conditioning by demonstrating that, under certain conditions, women will rebel. By highlighting the reasoning and rationality underpinning aspects of female rebellion, it lends weight to the thesis that female conformity is also a matter of deliberated action, rather than automatic behaviour in women. Finally, it attempts to show that, irrespective of sex, people behave as the direct result of their perception of their circumstances. These include their interests, their opportunities and their obligations.

a) The Perpetuation of Stereotypes by Criminologists and Historians

Historians exploring the reasons for women's involvement in collective violence, until recently have, like criminologists, tended to reduce female concerns to a narrowly conceived stereotype. Such reductionism has underplayed the degree of rationality and intelligent planning that has gone into much organised female protest and has tended to homogenise and conflate women's reasons for action. With criminologists, historians

have readily accepted motives for female behaviour stemming directly from women's family role, deeming them to be private concerns and therefore non-political. Likewise, they have turned a blind eye to women's extra-familial interests. This has led to a willingness to accept uncritically women's own justifications for their actions whenever they are couched in terms of their domestic role. It has also contributed to a reticence to acknowledge women's awareness of their class interests, even when these have been salient catalysts of revolt.

In the following discussion, this tendency to theorize in stereotypes will be noted and examined within the context of each protest movement considered. The purpose of this critical analysis is to show that, where the subject is female, even historians of a more radical persuasion have tended to fall back on an interpretation of behaviour as more reflexive than rational. It is also to demonstrate the ability of women intelligently to make use of this uncritical acceptance of stereotypes by invoking them whenever they served as convenient justifications for unconventional action. Thus will be highlighted the agency and rationality of women who have resorted to violence to achieve their goals.

This critique of historians' tendency to stereotype women will also endeavour to uncover the real political content in many of the grievances of women which has turned them to violence. This will put pay, once and for all, to the commonplace that women are thoroughly conditioned or controlled by their gender role and that even their acts of protest are simply conditioned responses. Women can and have perceived their class rights and interests as family members and have fought side by side, as wives and as mothers against injustice. Women

have also acted for non-familial reasons when given the opportunity to do so and when they have viewed the cause as one legitimately fought for.

b) The Significance of The Construction of Events

A commitment to agency precludes the orthodox interpretation of both criminality and conformity as unreflective and spasmodic responses to stimuli, the identification of which is the principal undertaking of the criminologist. Human behaviour is deemed, instead, to be the outcome of a conscious decision-making process. Only a handful of criminologists have acknowledged the rationality of offenders and explored their capacity to construe their circumstances. In 1960, Richard Cloward and Lloyd Ohlin employed these ideas in developing their theory of differential opportunity.⁽¹¹²⁾ Nineteen years later Cloward collaborated with Frances Fox Piven in a bid to invest the offending and conformity of women with rationality.⁽¹¹³⁾

In his earlier work, Cloward with Ohlin identified the key factor in the individual's decision about how to respond to stress (with criminality or endurance) as her or his perception of the cause of that stress. If oppressive conditions are perceived as a function of unfair discrimination, the individual will blame the social order and not her or himself. If s/he is provided access to others feeling similarly victimised, s/he is likely to become part of a collective solution to this unfair treatment by way of a challenge to the established order.⁽¹¹⁴⁾ In 1979 Cloward, with Piven, reiterated and elaborated this point:

(112) Richard Cloward and Lloyd Ohlin, Delinquency and Opportunity, New York, The Free Press, 1960.

(113) Cloward and Piven, op. cit.

(114) Cloward and Ohlin, op. cit., pp. 111-139.

"Whether people kill themselves or take to the barricades or passively endure will be determined in part by who or what they think it is that is responsible for the problems they confront and by what they think they can do about these problems, if they can do anything about them at all." (115)

A further consideration, they contended, is whether the individual regards her or his stressful conditions as legitimate or illegitimate. People's interpretations of their circumstances are paramount. The decision to rebel is contingent on a perception of the possibility of change as well as its legitimacy and desirability. Again Cloward suggested that a collective criminal solution was likely to be adopted only in circumstances where the oppressed had ready access to each other, could exchange ideas, and organise for change. Cloward and Piven summarised their position as follows:

"...whether people respond to stress at all is socially structured. How stress is experienced is mediated by features of the historically specific social context in which people find themselves: by the interpretations they develop of the conditions they confront and by the assessment they make of their options in dealing with these conditions." (116)

Amongst historians, the interpretation of criminal behaviour as a rational response to external conditions has gained a stronger footing going under the title of 'history from below'. A leading member of this movement is the British historian, E.P. Thompson.

In his analysis of "The Moral Economy of the English Crowd in the Eighteenth Century",⁽¹¹⁷⁾ Thompson repudiated what he termed the 'spasmodic view' of crowd behaviour offering, in its place, his own

(115) Cloward and Piven, op. cit., p. 655.

(116) Ibid, p. 662.

(117) E.P. Thompson, "The Moral Economy of the Crowd in the Eighteenth Century", Past and Present, Feb. 1971, No. 50, p. 76.

conception of the crowd participant as 'self-conscious or self-activating'.⁽¹¹⁸⁾ Thompson's assessment of the English food riots of the eighteenth century explicitly rejected the conventional wisdom that they were 'instinctive' or 'compulsive' reactions to hunger. Thompson believed such reasoning "obliterated [ed] the complexities of motive, behaviour, and function...".⁽¹¹⁹⁾ He opposed to this standard interpretation his view that the food rioters were guided by a 'legitimizing notion' of defending their traditional rights to grain at a fair price and that their 'rioting' was in fact self-consciously disciplined, planned and rational.

Introducing a recent volume on Class Conflict and Collective Action, Charles Tilly, another exponent of the new social history from below, further brings into focus these historians' view of their subjects:

"The analogy of actors choosing among the limited number of performances with which they are familiar, and of audiences prepared to jeer, cheer, and understand the actor's interpretations, nicely captures the learning and circumscribed choice involved in real-life collective action..."⁽¹²⁰⁾

What is being posited here is an approach to the study of behaviour in terms of the individual's construction of her or his social position and available options. Clearly this method of investigating human behaviour is not sex specific. Isolating the factors which these criminologists and historians regard as essential to the decision to rebel or to accept existing conditions they include (a) a basis for

(118) Ibid.

(119) Ibid, p. 78.

(120) Charles Tilly, "Introduction" to Charles Tilly and Louise A. Tilly, eds., Class Conflict and Collective Action, Beverly Hills, London, Sage Publications, 1981, p. 19.

dissatisfaction with the *status quo*, (b) an awareness that the cause of the unsatisfactory situation is external rather than peculiar to the individual (c) a realisation of its mutability, and (d) a conviction that change is legitimate. Factors (b) and (d) are, in turn, largely dependent on the individual having access to others undergoing a similar experience. For only thus does the idea germinate that a problem is widely experienced and therefore likely to be structural or external rather than personal in origin. This attribution of a problem to external conditions and the support of fellow sufferers may well then lead to a perception of the problem's mutability as the group provides an organisational base for change. The legitimacy of change becomes increasingly apparent to each individual in the group as ideas and experiences are shared. Such discourse is also likely to give rise to the collective solution of political action or protest. As Charles Tilly remarks about the significance of (modern) organisations:

"[They] help shape the aspirations and grievances of their members, define their enemies, determine the occasions on which they will assemble and the occasions on which they will confront their antagonists, and thus the occasions on which violence can occur." (121)

The perception of a basis for dissatisfaction or an injustice which can be challenged has depended, historically, on some change in the class order bringing to the attention of oppressed groups the disadvantages of their position. Observing others acquiring power or losing rights previously enjoyed makes it clear to the victimised that the status order can change and that rights can be fought for with some effect. Again, as Tilly sees it:

"...collective violence clusters in those historical moments when the structure of power itself is changing

decisively - because there are new contenders for power, because several old groups of power holders are losing their grips, or because the locus of power is shifting ... in some drastic way. Violence flows from politics, and more precisely from political change." (122)

A method of organising the literature on collective violence is also provided by Charles Tilly. He identifies three types of group violence which tend to evolve over historical time: primitive, reactionary and modern. Primitive violence is poorly articulated and unpolitical in motive and engaged in on a small scale, community level.⁽¹²³⁾ Reactionary violence also tends to be small in scale but involves a challenge by community groups or members to the holders of power and a critique of their methods of rule.⁽¹²⁴⁾ It is reactionary in the sense that it is concerned with the loss of rights rather than the acquisition of new privileges. Modern forms of collective violence are distinguished by their reliance on "specialised associations with relatively well-defined objectives, organised for political or economic action"⁽¹²⁵⁾ rather than on community groups. Modern group violence is also 'forward looking'. It is based on a demand for rights not yet held.

The following inquiry into the conditions under which women decide to rebel collectively in a violent and/or criminal manner will consider several examples of both reactionary and modern group action by women. The analysis of each incident will identify the organisational base which has enabled women to come together to protest, the situation they perceived to be unsatisfactory, and why they regarded it as both unjust

(122) Ibid, p. 41.

(123) Ibid, pp. 13, 14.

(124) Ibid, p. 16.

(125) Ibid, p. 24.

or illegitimate and mutable. From this discussion it will become apparent that these conditions are absent in the cases of both the contemporary female shoplifter (considered above) and the present day law-abiding woman. This review of women's collective protest therefore will serve also to throw further light on the conditions of female conformity. For it will become clear that under those conditions where women are segregated and dispersed, where, accordingly, they perceive the bases of their dissatisfaction as personal rather than structural, and/or where they feel that their position is immutable and/or legitimate, women conform.

c) Women and Reactionary Violence: Food Riots and Clearances

i. Food Riots

Women played the leading role in food riots in eighteenth and nineteenth century France, England and Scotland.

The Role of Women

The bread riots which immediately preceded the revolution of 1789 in France, and included the march to Versailles to bring the King back to Paris, were initiated and dominated by women. As George Rudé, a leading historian of the French Revolution observes, by September 1789 it was women who played the leading role:

"On 16 September ... women had stopped five carts laden with grain at Chaillot and brought them to the Hôtel de Ville in Paris. On the 17th, at midday, the Hôtel de Ville was besieged by angry women complaining about the conduct of the bakers... The next day the Hôtel de Ville was again besieged ... This movement was to continue up to and beyond the political demonstration of 5 October." (126)

(126) George Rudé, The Crowd in the French Revolution, Oxford at the Clarendon Press, 1959, p. 69.

On this day the women of Paris marched to Versailles to present their grievances to the King. Rudé describes the composition of the crowd:

"On the morning of 5 October the revolt started simultaneously in the central markets and the Faubourg Saint-Antoine; in both cases women were the leading spirits; and, from numerous and varying accounts, it appears that in the activities that followed, women of every social class took place - both fishwives and stall-holders of the market, working women of the *faubourg*, smartly dressed *bourgeoises*, and 'des femmes à chapeau'". (127)

The violence and weaponry of these women is also described by Rudé:

"...large numbers of women, with men amongst them...broke into all the offices of the building [the Hôtel de Ville]. One witness said they bore sticks and pikes, while another insisted that they were armed with axes, crowbars, bludgeons, and muskets." (128)

As the women moved on towards Versailles they gathered strength and were at times 6,000 or 7,000 strong. (129)

In his analysis of the English food rioters of the eighteenth century, E.P. Thompson also remarks on the principal role of women as initiators and actors:

"In 1693 we learn of a great number of women going to Northampton market, 'with knives stuck in their girdles to force corn at their own rates'. In an export riot in 1737 at Poole (Dorset) it was reported: 'The numbers consist in so many Women, and the Men supporting them...'The mob was raised in Stockton (Durham) in 1740 by a 'Lady with a stick and a horn'. ...In dozens of cases it is the same - the women pelting an unpopular dealer with his own potatoes..." (130)

The violence and vehemence of the female British food rioters have also been interpreted by Malcolm Thomis and Jennifer Grimmett:

(127) Ibid, p. 73.

(128) Ibid, p. 74.

(129) Ibid, p. 75.

(130) E.P. Thompson, op. cit., p. 115.

"The degree of violence and the degree of strength displayed by women in food riots seem to have been determined by the needs of the situation... If verbal taunts or stone-throwing was sufficient, then they were all that occurred. If, however, market stalls needed to be overturned, then women were quite ready and able to overturn them... And if it was a case of direct physical confrontation between soldiers and an assembly of women, then this too was not beyond their courage." (131)

"The prominence of women was common to most 'pre-industrial' crowd action", writes Eric Richards. (132) In his account of the last Scottish food riots of 1847, Richards makes plain the considerable involvement of women in attempts to prevent the movement of grain from local districts:

"They were noticed in strength at Aberdeen; at Invergordon it was the women who prevented the carts from getting to the quayside and sustained the worst injuries; at Avoch they covered the pier; at Balintraid women received bayonet wounds; at Elgin they defied the military and two were arrested; at Hopeman an immense crowd of women engaged in unstripping grain; at Garmouth 'the female population mustered'; while at Findhorn there was 'a mischievous and turbulent woman' who was first in all the attacks on the carters." (133)

The Injustice Perceived

The principal aims of the food riot were to keep food - usually grain for bread - which had been produced locally from leaving the district and to ensure that it was sold at a fair price to members of that community. By resisting the movement of food to places where it could be sold at the highest prices, the food rioters were attempting to arrest the development of a free-trading market economy which would mean unregulated food prices. (134)

(131) Malcolm I. Thomis and Jennifer Grimmett, Women in Protest 1800-1850, London and Canberra, Croom Helm, 1982, p. 38.

(132) Eric Richards, A History of the Highland Clearances: Agrarian Transformation and the Evictions 1746-1886, London and Canberra, Croom Helm, 1982, p. 21.

(133) Ibid.

(134) Thomis and Grimmett, op. cit., p. 30.

The overriding rationality of the motives and methods of the food rioters has been argued most cogently and originally by E.P. Thompson. It was noted above that Thompson countered the 'spasmodic' interpretation of crowd behaviour, maintaining that the most characteristic feature of this form of protest was its self-discipline and restraint.⁽¹³⁵⁾ Food riots were not, as many historians had it, an inarticulate reaction to 'empty bellies'. Rather, food rioters strove to demonstrate the legitimacy of their cause by setting what they regarded as an appropriate price when shipments of grain or bread were waylaid, rather than simply ransacking provisions. They also engaged in a number of symbolic acts designed to demonstrate the nature of their grievances, for example, "the practice of draping black crepe over loaves and carrying them around on poles".⁽¹³⁶⁾

The realisation that food was inevitably neither scarce nor expensive (outside of times of natural shortage) came from the traditional right of the people to an adequate supply of food at a fair price. The food riots were reactionary in nature in that they were looking back to a time when the dominant classes had guaranteed their access to sufficient and affordable food. The rioters believed they had a legitimate grievance: the ruling classes were defaulting on their traditional obligations by allowing food to be exported out of local districts and that which remained to be sold at exorbitant prices.

The Organisational Base

The shared solution to this perceived injustice was facilitated by

(135) E.P. Thompson, *op. cit.*, p. 30.

(136) Thomis and Grimmett, *op. cit.*, p. 39.

the coming together of women in the market places. As E.P. Thompson points out:

"In eighteenth-century Britain or France... the market remained a social as well as an economic nexus... The market was the place where the people, because they were numerous, felt for a moment that they were strong." (137)

Stereotyping Women's Motives

Notwithstanding the attempts of historians such as Thompson to argue the essential rationality of the food rioters, it is a curious fact that, whenever the motives of women are specifically being theorized, there is a powerful tendency to assume that their reasoning is less sophisticated than that of men, and to reduce their impetus to protest to a function of a narrowly defined gender stereotype. For example, although Thompson, from the outset, rejects as 'spasmodic' conventional interpretations of food riots in terms of 'rebellions of the belly',⁽¹³⁸⁾ at the same time he suggests that:

"It is probable that the women most frequently precipitated the spontaneous actions." (139)

Where the rioting was "more carefully prepared" he indicates that the men were the main activists.⁽¹⁴⁰⁾

In his assessment of the reasons for women's involvement in the food riots of revolutionary France, George Rudé reduces it to a matter of 'bread and butter' issues being women's domain, while what he construes as the more political and military activities (for example, the assaults on the Bastille) remained the province of men.⁽¹⁴¹⁾ Cloward and Piven

(137) E.P. Thompson, op. cit., pp. 134, 135.

(138) Ibid, p. 77.

(139) Ibid, p. 116.

(140) Ibid.

(141) Rudé, op. cit., p. 184.

are even more explicit in suggesting that women only organise for violent purposes when it is "consistent with their socially defined responsibility for the care and feeding of families".⁽¹⁴²⁾

In spite of the adherence of each of these theorists to a philosophy which assumes the rationality and agency of human beings, in their treatment of women, they seem to assume a lesser degree of agency and a greater degree of social conditioning in their behaviour. Although it is not unlikely that women's involvement in food riots was in fact related to their principal self-definition as wives and mothers, this does not mean that they were behaving unthinkingly or reactively or for non-political reasons. True, it is not unlikely that the women food rioters would have perceived it as legitimate that, when the issue was feeding families, they had a leading role to play in fighting for the rights of the people. But if the female food rioters did perceive their position thus, if they were fighting for the common interests of their class - as wives and mothers - against what they saw as the encroachments of the ruling class, then, in spite of what the social historians would seem to imply, this lends support to, rather than destroys the case for both the rationality and the political nature of their actions. To clarify by invoking the rhetoric of current-day feminism, the principal concern of these women with matters domestic, rather than matters public, simply meant that when they combined to fight for what they perceived to be their shared interests, these shared interests were of a domestic or private or even personal nature and hence "the personal became political". It did not mean that they were mindlessly acting out their gender role conditioning.

(142) Cloward and Piven, *op. cit.*, p. 657.

This construction of women's involvement in the food riots is, however, materially different from the one conventionally put forward by historians in which women are interpreted in terms of their 'natural' responses as wives and mothers. The irony of this is that, by so constructing the women food rioters, the new social historians undermine their dominant philosophy of treating the subjects of their inquiries as if they were behaving with detachment, purpose and rationality. Politics and the perception of class interests are depicted by them as a male preserve while the interpretation of female protest remains in the 'spasmodic' mould.

The argument here is that the wife/mother role was both a basis of, and a justification for, women's involvement in the stereotypically unfeminine activity of rioting - in their eyes and in the eyes of others. The essential rationality of the rioters spoken of by Thompson was the rationality of women as well as of men. And this rationality can not be reduced to a purely reactive, maternal response. The people's construction of their mistreatment by the ruling class and their controlled response depended on an intelligent appraisal of power-relations and exploitation. The 'people' comprised men and women. And even if women felt it socially necessary to talk in terms of the 'natural' responses of mothers to justify their actions, it seems probable that they nevertheless engaged in the same mental processes as men to arrive at the conclusion that theirs was a legitimate class struggle (particularly in view of their leading role in so many of the riots). As Louise Tilly makes clear in her analysis of women's collective action in France, the issue is one of politics: it is a matter of women defining their interests and acting against governments to enforce

their rights. Accordingly, Tilly defines the collective action of women in, *inter alia*, food riots as "a struggle over control of resources among groups".⁽¹⁴³⁾ She elaborates thus:

"Groups which have identified their interests and see the opportunity to act apply what resources they can muster to other groups or to governments." (144)

Women food rioters, claims Tilly, acted as members of a class: as householders and as members of communities.⁽¹⁴⁵⁾

ii. The Clearances

The Role of Women

The role of women in efforts to resist the enclosure and clearing of land by Scottish landlords in the nineteenth century has been documented in the greatest detail by Eric Richards. He observes that:

"In the majority of Highland disturbances women took an extraordinarily prominent, often a dominant, role. At Durness in 1841 the women assaulted and humiliated the sherriff's officers. At Sollas in 1849 the women confronted the officers; at Lochsiel in 1842 the eviction party was driven off by the womenfolk; at Glencalvie in 1843 it was the women who took the lead. At Greenyards in 1854 the local women bore the brunt of the armed attack by the constables, and the women sustained the worst injuries." (146)

The violence of the Scottish women is undisputed. In fact Richards suggests that the form their violent protest took became 'almost stylised'. It habitually involved the stripping of the officer who served the eviction order and upon the return of the police, the women would line up at the front of the protesters armed with stones and sticks.⁽¹⁴⁷⁾ The violence of the women in the Greenyards eviction

(143) Louise A. Tilly, "Women's Collective Action and Feminism in France 1870-1914", in Tilly and Tilly, op. cit., p. 207 at p. 211.

(144) Ibid.

(145) Ibid, p. 212.

(146) Eric Richards, "How Tame were the Highlanders During the Clearances?", Scottish Studies, 1973, Vol. 17, p. 35 at p. 40.

(147) Ibid, p. 39.

is described in some detail by a sherriff of the day cited by Richards:

"In the present instance it was the women, who, according to custom, maltreated the officers sent to execute the summonses by stripping them naked and burning their papers; and who violently obstructed the police in the execution of their duty, so as to leave them no alternative but to repel force by force, or allow themselves to be defeated as their predecessors were at Coigach." (148)

The Reasons for Women's Involvement

The involvement of women in the Highland Clearances has yet to be theorized with any precision. The few references there are to the reasons for women's contribution, not surprisingly, are couched in terms of women's traditional concern with home and family. Thomis and Grimmett, for example, briefly allude to "a commonly accepted view that the issues at stake were traditionally women's concerns". (149) They explain the dominant role of women in resisting the clearances in terms of "the need to defend the home, the family and the land, which had an almost sacred quality in Scottish peasant culture..." (150) In view of the breadth of interests which Thomis and Grimmett see women defending, it is odd that they should speak in terms of 'traditionally women's concerns'. In their endeavour to ascribe gender stereotyped motives to the women involved in the clearances, Thomis and Grimmett seem to overlook the fact that the roles of defender of the home and worker of the land are traditionally regarded as the province of men. If Thomis and Grimmett are right, if these, too, were the concern of the Highland women, it seems that they were not acting for gender typical reasons and that these authors therefore are mistaken in their initial argument.

(148) Richards, 1982, op. cit., p. 466.

(149) Thomis and Grimmett, op. cit., p. 54.

(150) Ibid.

Why women should have been consistently at the forefront of resistance is unclear.⁽¹⁵¹⁾ What is more obvious, however, is that men and women responded for similar reasons: they perceived themselves as having legitimate interests to protect, interests which were common to both the sexes threatened with eviction. Moreover, neither felt constrained by gender stereotypes in their mode of response to the landlords. Indeed, the Highland Clearances are an interesting and yet poorly understood example of gender role reversal, with women (or men dressed as women) in the front lines engaging in manifestly unfeminine violence and men, in the rear, supporting their womenfolk.

iii. Women and Modern Forms of Collective Action

The Chartists: Women's Role and Rationale

It was the failure of the 1832 Reform Bill to fully enfranchise the English working-man that gave rise to the People's Charter and the Chartist Movement.⁽¹⁵²⁾ The demands of the Charter included, *inter alia*, full male suffrage, secret ballots and annual parliaments.

The part that women took in Chartism was both considerable and violent. According to Thomis and Grimmett, "to talk in tens of thousands of actively organised female Chartists is to express a cautious judgement".⁽¹⁵³⁾ The nature of women's participation is described by Dorothy Thompson:

"They joined in protests and actions against the police, the established Church, the exploitation of employers and the encroachment of the state." (154)

(151) However some people feel that women were prominent because the police were less likely to injure them than men.

(152) Dorothy Thompson, "Women and Nineteenth-Century Radical Politics: A Lost Dimension", in Juliet Mitchell and Ann Oakley, The Rights and Wrongs of Women, Harmondsworth, Penguin Bks., 1976, p. 112 at pp. 114, 115.

(153) Thomis and Grimmett, *op. cit.*, p. 126.

(154) D. Thompson, *op. cit.*, p. 131.

The violence of Chartist women is documented by Thomis and Grimmett.

They note, for example, that:

"At Rochdale, in August 1838, a crowd of thousands contained a large contingent of women, said to be 'ten times more furious than the men'..." (155)

If it is difficult to prove the political motives (in the public sense) of women food rioters, this is not so with the Chartist women. Even before the post-Reform Bill period, attests Dorothy Thompson, women were "assuming a radical stance".⁽¹⁵⁶⁾ They either formed separate organisations or joined their men in demonstrations.⁽¹⁵⁷⁾ The organisational base of the female Chartists would therefore seem to be clear. They came into the Movement with the men and then, with the support of their menfolk, often set up their own organisations.⁽¹⁵⁸⁾

Although the political motivation of the female Chartists is paramount, the tendency to search for a gender stereotyped rationale for their actions has been displayed by at least two historians. Conceding the readiness of women "to argue on behalf of both a class interest and political principles",⁽¹⁵⁹⁾ Thomis and Grimmett, at the same time, suggest that they were happy "to see politics as a man's world".⁽¹⁶⁰⁾ They were content with "perpetuat[ing] the *status quo* between the sexes".⁽¹⁶¹⁾ In view of the overtly political nature of the female Chartists' organisations and rhetoric, Thomas' and Grimmett's assessment of the nature of women's involvement appears almost perverse.

(155) Thomis and Grimmett, op. cit., p. 129.

(156) D. Thompson, op. cit., p. 123.

(157) Ibid.

(158) Ibid, p. 125.

(159) Thomis and Grimmett, op. cit., p. 64.

(160) Ibid, p. 11.

(161) Ibid.

These historians are willing to admit, however, that Chartists women probably felt a need to justify their participation in politics by invoking their traditional gender role - an observation which may well come closer to the truth. The message of these women, they maintain, was "restrained, defensive, almost apologetic, but still pointing to a clear link between the role prescribed for them, the reasons why this could not be properly fulfilled, and the reasons which now prompted them towards politics as the remaining option".⁽¹⁶²⁾ But Thomis and Grimmett go on to suggest that this was more than empty justification, that usually the Chartist women "accepted that the domestic role was the normal and natural one...".⁽¹⁶³⁾ In this way they effect a major qualification to their concession that "politics did become the business of women in 1838-9, to an extent never previously known and still not accurately measured".⁽¹⁶⁴⁾

By arguing that Chartist women were principally concerned with fostering the rights of their men, content with their own lot, Thomis and Grimmett overlook the general philosophy and expectations of the Chartist Movement as a whole. As Dorothy Thompson affirms, the Chartist vision of a new, reformed society in which women would assume a more equal role meant that Chartist women were, in fact, fighting for the improvement of their own position.⁽¹⁶⁵⁾

An even more direct challenge to the sort of view of women in the Movement offered by Thomis and Grimmett comes from David Jones. In his analysis of the Chartist women's motives he notes the concern of

(162) Ibid, p. 112.

(163) Ibid, p. 118.

(164) Ibid, p. 123.

(165) D. Thompson, op. cit., p. 115.

many women with advancing the rights of their sex. Although, he grants, "A few women played the part which some historians have given them, being deferential in their language and self-sacrificing in their activities", he also claims that "female Chartism was more than simply a mirror-image of male Chartism".⁽¹⁶⁶⁾ Jones elaborates:

"For example, in the many addresses and speeches of these radical women, there is a distinctly female approach and order of priorities. They often begin by establishing the role of women in history... They were proud of Mary Wollstonecraft, Harriet Martineau, Frances Wright ... In particular, these women appealed to the Queen and other powerful representatives of their sex for assistance." ⁽¹⁶⁷⁾

To summarise the conditions of rebellion underpinning women's involvement in the Chartist Movement, the sense of injustice catalyzing their actions stemmed from the granting of political rights to middle and upper class men and their denial to the working classes. The granting of 'universal' (male) suffrage seemed both a legitimate and an attainable goal: franchise had already been extended to include some but not others. Women were caught up in the politics of this struggle as members of the community and also, suggests Dorothy Thompson, as workers.⁽¹⁶⁸⁾ Women went on to form their own associations which strengthened their commitment to the cause.

The Suffragettes

In common with the Chartist Movement, the female suffragists or 'suffragettes' sought rights proactively: they claimed power which they had not held previously. The female Suffrage Movement was a violent and political protest with aims, unlike the protests considered so far,

(166) David Jones, "Women and Chartism", History, 1983, Vol. 68, p. 1 at p. 5.

(167) Ibid, pp. 5, 6.

(168) D. Thompson, op. cit., p. 118.

specifically and principally directed at the advancement of women's rights. The following discussion of the suffragettes will confine itself to England, the most interesting site of the movement for present purposes in that here the militancy and criminal violence of its participants took the most extreme form. (169)

Briefly, the English Suffragette Movement began in Lancashire with the Women's Social and Political Union (W.S.P.U.) - a group of radical feminists. (170) It was in 1904, when the W.S.P.U. saw a bill to grant women suffrage rejected, that the women turned to direct action and with it, as Sheila Rowbotham observes, "the legal confrontation with the state". (171) The violence of the suffragettes was both imaginative and extreme. Richard Evans records it thus:

"Window-breaking on a massive scale began in 1911-12. Arrests and hunger strikes in prison followed, and the movement went underground. By 1913 the suffragettes were engaged in a full-scale campaign of arson and destruction, digging up golf courses, burning railway carriages and destroying property worth tens of thousands of pounds every month. This level of violence continued unabated until the beginning of August 1914, when the First World War broke out." (172)

The sources of inspiration of the suffragettes, according to Evans, were several. He numbers amongst them the Enlightenment - with its ethic of the fulfilment of the individual - the French Revolution, and the social ideal of Liberal Protestantism. (173) Rita James Simon

(169) For a discussion of the Suffragette Movement in the United States of America, Australia and Europe see Richard J. Evans, The Feminists: Women's Emancipation Movements in Europe, America and Australasia 1840-1920, London, Croom Helm, 1977, Chap. 2.

(170) Evans, *ibid*, p. 190.

(171) Sheila Rowbotham, Hidden From History: Three Hundred Years of Women's Oppression and the Fight Against It, Ringwood Victoria, Penguin, 1974, p. 78.

(172) Evans, *op. cit.*, p. 191.

(173) *Ibid*, p. 17.

identifies a further ideological catalyst. She maintains that:

"the antislavery movement preceded the first major women's rights movement, that black male suffrage preceded women's suffrage..." (174)

The imagination of both the possibility and legitimacy of change therefore sprang from a general atmosphere of social reform as well as specific historical incidents in which the powerless had fought for and won new rights.

The organisational base of the suffragette movement, the opportunity to meet and exchange ideas, was provided, paradoxically, by the exclusion of women from the public sphere and their enforced indolence in the home. The middle class women of Victorian England had time to read and talk. As Louise Tilly explains:

"They had occasion to develop networks of friendship and companionship in causes such as charity or moral reform movements. Women in earlier periods, due to their greater involvement in small-scale units of production, were more isolated from other women and did not act collectively in these ways." (175)

The conditions of female rebellion and criminal violence under which the suffragette movement flourished were therefore these: a clearly identified basis for dissatisfaction (denial of suffrage); a realisation that the problem was structural not personal; an awareness that the situation could be changed (black and working-class men had already been seen to win the vote through a process of social struggle, while the French Revolution provided a clear precedent for the successful challenge to the powerful by the underdog); and a perception of the legitimacy of the cause flowing from the ideology of social

(174) Rita James Simon, Women and Crime, Lexington Mass., Lexington Bks., 1975, p. 13.

(175) L. Tilly, op. cit., p. 229.

reform and the rights of the individual then prevalent in England. In addition, the suffragettes had a way of meeting, sharing ideas and organising.

iv. Some Current Examples of Female Protest

That conditions of unlawful social protest persist for women today is evidenced by a number of groups of women around the world who have come together to struggle for their civil rights and to fight injustice. Two examples will be considered here. These are the women who are currently protesting against the placement of American Cruise missiles on Greenham Common, England, and the El Salvadorian Committee of Mothers.

The protest at Greenham organised at a shopping centre at Greenham where a group of women decided that they must resort to non-violent, direct action to prevent the installation of American missiles on the American missile base located in their district. These women were motivated by a fear of nuclear war and a conviction that this was the only way they could make a public stand against it. They say that the protest is an endeavour to take control of the situation and act. (176)

The spread of support for these women was by telephone and, eventually, the mass media. It led to 30,000 women linking hands to ring the fourteen kilometre perimeter of the base in December, 1982. Since then a number of women have been arrested for scaling the perimeter fence. Some have been imprisoned in Holloway for non-violent action on the base. (177)

(176) Jean Stead, "A Ring of Resolve to Block Cruise Missiles", The Age, Wed. 5th Jan. 1983, p. 8.

(177) Ibid.

A 'life and death' issue has also prompted the actions of the El Salvadorian Committee of Mothers. This group comprises the mothers of the dead and missing who have combined to form a revolutionary force against the government. Their work is denouncing and petitioning the authorities in an effort to locate lost relatives. Their struggle is, however, part of a broader movement throughout Latin America for social change. Eileen Haley reports in The National Times:

"In Nicaragua, it [the organisation of mothers] was an important part of the movement that led to the triumph of the Sandinistas in 1979; in Argentina, mothers have made of the 5th of May Plaza in Buenos Aires a permanent forum; in Mexico, they founded the National Front Against Repression and continue to be its most committed nucleus." (178)

The justification employed by the women of the Committee for their participation in such overtly political activity is in terms of their traditional role of wife and mother:

"It is not easy for the State to repress those who, as mothers, wives, daughters, confront it in the very roles which constitute the pillar and foundation of domination." (179)

The reality of the broad political nature of their activities, however, takes these women well beyond their traditional role. In the words of a Committee member:

"The women who are in the Committee have suffered in their own flesh and blood, with their children, their husbands; that's why they're in the Committee. But the struggle isn't now for our own child; we are fighting for the children of the others too; for all the young people." (180)

(178) Eileen Haley, "Undercover Mothers", The National Times, Nov. 7th to 13th, 1982.

(179) Ibid, p. 11.

(180) Ibid, p. 12.

The organisational base of the Committee is the village and market place. It is here that women can move about, unremarked, to attend meetings and exchange information. Family members and relatives are 'comrades' in the Movement.

In summary, the conditions of the involvement of Salvadorian women in criminal (outlawed) social protest include the opportunities provided by pitching action at a community level (the sort of opportunities available to the women food rioters in eighteenth century England) and the perception of the legitimacy of struggle which, in the first instance, arose from these women's traditional concerns as mothers, but then broadened to become a self-declared political movement:

"The Committee of Mothers has allowed women to combine their activism with their motherhood, and to blend a sense of identification with other women with a solidarity based on common political ideals." (181)

d) Women's Protest in Review

The preceding analysis of women's involvement in a wide range of social protests was intended as a challenge to the dominant criminological paradigm of women as passive and relatively unimportant offenders. When considered together, the diverse historical evidence which has been presented here points to the fact that women have an active record which has been overlooked by criminologists. It is a record of planned, political and often violent defiance of those perceived as oppressors. It is a record of agency.

(181) Ibid.

VII THE CHAPTER IN SUMMARY

The aim of this chapter has been to draw together the threads of all previous chapters in the reconstruction of a criminology of women which had as its focus the idea of human agency. Rejecting the 'over-socialised' conception of women advanced by gender role theory, this chapter has endeavoured to focus analysis on the dialectic of women as agents, confronting the constraints of their gender role. It considered the tensions inherent in this dialectic and the solutions sought by women. It endeavoured to theorize the type of reasoning women might employ in the light of these tensions which could lead variously to conformity, deviance, criminality and rebellion.

Conformity was theorized as problematic for women. It was interpreted as an outcome of the decision to endure the tensions inhering in the female gender role rather than, as the gender role theorists have it, a natural concomitant of successful gender role conditioning.

Mental illness was depicted as essentially an undesired product of this decision to endure. The standard interpretation of mental illness in women, as the functional equivalent of male crime, was thereby repudiated.

The 'female' crime of shoplifting was also related to conformity in women via the decision to endure. It was suggested that when endurance is no longer possible, women engage in momentary acts of defiance which may take the form of shoplifting.

It was in the discussion of female acts of rebellion, however, that the gender role theorists' view of the conditioned female was most

fundamentally challenged. Here it was claimed that the introduction of an historical perspective to the criminology of women makes it immediately apparent that criminologists have been blind to the fact that, time and again, large numbers of women have combined in violent and criminal protests when they have perceived the possibility and the legitimacy of social change. Any theory of female behaviour must address the historical record which demonstrates the extraordinary range, rather than the alleged narrowness, of political action, protest and non-conformity among women.

Taken together, these attempts to theorize the decisions of women which lead to law-abiding as well as criminal behaviour constitute a new interpretation of the subject - one which credits women with the capacity to construe their circumstances and, in a reasoned fashion, to pursue the course of action they deem to be the most suitable in the light of that construction.

CHAPTER 9

The Thesis in Review: Its Contribution to the
Criminology of Women and Its Implications for
Future Research

This thesis has opened up a number of new horizons in the subject of female criminality. It does not pretend to exhaust the subject, nor does it consider all the implications that derive from its most fundamental theoretical propositions. Its primary purpose has been the construction of a relatively new interpretive framework within which to investigate the behaviour of offending and deviant women. Central to this framework has been an holistic approach organised about the concept of human agency.

The criminology of women, it may reasonably be said, has languished for too long in a condition of theoretical torpor. It was as late as the 1970s that there emerged a substantial new literature on female criminality. Yet even the most recent work in the field, however welcome as a breath of fresh air, has focussed too narrowly. Only a limited set of propositions has emerged - mainly relating to the notion that female criminals have become more masculine, or more competitive, or more liberated. Interesting though such propositions are, they spring from a theoretical void; the groundwork of the study of female criminality has remained underdeveloped.

From as early as the mid 1960s there have been concerted efforts devoted to the translation of social theories of male crime to the problem of female deviance. The benefits of such analysis so far have been relatively small. A range of theories - including those of differential association, 'strain', and labelling - has been employed by many

criminologists to explain simultaneously why men turn to crime, and why women offend so much less. Such theories require sophisticated usage, and careful juxtaposition with systematic empirical data. Mostly, it must be stated candidly, these standards have not been met. Too often the theory of female crime has fallen back on commonsensical and received conceptions of the nature of women and their roles. Too often theories of female crime continue to depend on the notion that women are weak, passive, reliant and emotional, and that women's place is in the home. Theories of female crime repeatedly return to ancient clichés about the intrinsic domestic orientation of the woman.

The most recent literature, that addressed itself to the impact of the 'liberation movement' on female offending, has likewise done little to question the longstanding stereotype. Indeed, the concentration of analysis in recent work upon the effects of masculinity and femininity on crime, ironically, has served to reinforce the polarised perception of women as mainly associated with all that is affective and domestic. Consequently there has been a continuing neglect of the origins and nature of gender roles; similarly the relationship between gender roles and women's thought processes and social behaviour has remained unanalysed.

The current state of female criminology, therefore, is built upon a somewhat fragmented and derivative set of theories together with a body of scholarship which considers the impact of modern feminism on the level of female criminality. It has been argued that these preoccupations have produced an unwanted degree of theoretical stagnation, and an excessively narrow focus. The thesis presented here is intended to introduce greater intellectual rigour into the broad framework of the theory of female crime. This, centrally, has required an approach which invests women with the full range of complex motives normal to humanity,

and with an equal ability to conduct reasoned thought. This is an approach which permits us to acknowledge the susceptibility of women (like men) to social conditioning, while giving simultaneous cognizance to their capacity to act rationally as agents within a social context. Conditioning is tempered by autonomy.

The intention of this final chapter is to review the thesis as an integrated whole, and to ask critically whether it produces a coherent framework which enhances our ability to understand the problem of criminal and conformist behaviour among women. Naturally this exercise requires us to assess also the degree to which the new foundation extends the theory of female criminality, and its limitations. It may suggest an agenda for future research, ways of employing the new perspective, and lines of thought which avoid the besetting stereotypes of women, crime and criminology.

The reconstruction of the theory of female crime offered in this thesis has required a series of prior steps. It has been argued throughout that the employment of imported theoretical constructs needs care and clear specification. It is particularly important to lay bare all basic assumptions contained in the introduced propositions. At their most fundamental they demand definitional statement. For example, what is crime? How is society organised? And what is the moral nature of human beings?

The second step has been the development of a statistical profile of the female criminal, drawn from all the official and unofficial crime data, to determine the dimensions of the problem of female crime. More specifically, the aim has been to develop a detailed working knowledge of the extent and nature of female crime from which to commence theorizing.

This has enabled a narrowing of focus on the subject onto the explanation of criminality and conformity in women; we are able to start from propositions about the sort of women who commit crime and the types of crimes they commit. We thereby avoid the common pitfall of loose and poorly informed generalisations about the 'typical' offending of women. This assessment of the female crime statistics has enabled us also to examine the nature of their distortions and their flaws in the empirical base of the study.

The definition and identification of the female criminal in the data provides the *sine qua non* for the re-development of a theoretical criminology derived from a systematic and critical review of the existing literature. The criminology of females, though in many respects fragmentary and even superficial, nevertheless has yielded a series of diverse ideas which, when brought into connection, become susceptible to a thematic critique. More specifically the synopsis of these newly juxtaposed ideas exposes stereotypes of the female, as well as uncritical ideas about the impact of 'liberation' on female crime.

The interpretive framework offered as an alternative to the fixed image of woman, and as a guide to future theory, countered the tendency of criminologists to treat women as social objects by conceiving women as agents. Drawing on the ideas of influential philosophers of the nineteenth and twentieth century, the argument has been developed that women should be regarded as reasoning and deliberating subjects capable of reflecting on and construing their circumstances and behaving in ways they deem to best meet their needs, interests and obligations. The currently dominant criminological paradigm of women controlled by the dictates of their gender role, however, has not been rejected in its

entirety. For, against this notional self-determining woman (the thesis) has been juxtaposed its antithesis of woman as object, hemmed in and constrained by the structures of her society and in particular, those of her gender role.

The principal contribution of the new interpretive framework, when compared with the old approach, is the recognition of the two sides of woman. It establishes a complex interaction between the individual with free will and purpose, acting with rationality and deliberation, and the individual determined in some degree.

The dialectical view of woman, critical to this entire thesis, entails an explanation of female behaviour without recourse to standard gender stereotypes. It emerges from a synthetic perception of woman both as agent and object, specifically in its analysis of the mental processes which cause women to pursue conformist or criminal modes of behaviour. This procedure allows an understanding of female behaviour in terms of women's own construction of their circumstances. Women may be seen to both exercise and find the limits of their agency by continuously reviewing their options and deciding to act on those they regard as feasible, legitimate and/or desirable.

The dialectic has been developed by a series of propositions which challenge the gender role theory, that is that 'normal' women are conditioned into conformity: hence the normal woman is automatically law-abiding. Conformity is here posed instead as a problem in the sense that for many women it demands an active decision to endure conditions perceived as unsatisfactory. As self-reflecting and self-conscious agents women are capable of assessing their role and noting the way that it curtails their freedom and diminishes their status. And yet,

it has been theorized, the vast majority of women nevertheless choose to endure these conditions and conform. The reasons for such endurance are varied. However, all those identified here are consonant with the idea that women, like men, are problem-solvers rather than simply the victims of conditioning. They range from a conviction that loved ones would suffer should acts of defiance be turned to as a way of alleviating tension, to a construction of suffering as legitimate in view of the fact that it flows from a socially approved and socially prescribed role.

The interpretive framework has been particularly valuable in this inquiry into the nature of female conformity in its rejection of the simple gender reductionism of previous theorizing, and in its recognition of the complexity of the decision-making of women, even when their decisions have been to maintain the *status quo*. Notwithstanding the outcome of the various decisions hypothesised here (to endure and conform), the interpretations of the mental processes leading up to these decisions all acknowledge the instrumentality of women in grappling with some fundamental existential problems, instead of simply conceiving them as unthinking or programmed social objects.

Any consideration of the problem of conformity in women necessarily entails the verification of propositions about the voluntaristic conception of human action (or inaction for that matter). To be sure, there exists evidence that some women find their ascribed role as unsatisfactory; it is also possible to produce data that many women nevertheless choose to conform (and regard their behaviour as legitimate); yet the evidence can not be regarded as definitive. It is indeed no more than simply suggestive. For, if we deem people to have some control over the reasons for their actions, if they have some say in the way they will behave, the best one can do in endeavouring to verify empirically any

theory of their actions is to identify factors which are likely to have influenced their decisions in the light of what we know about the external conditions of their lives. However, there is always the possibility that they might act, and might have acted, for different reasons. From this it follows that we can never prove conclusively whether any single person has ever acted for the reasons that we identify in our theory. Unfortunately, for the moment, this is an unresolved problem, intrinsic to all voluntaristic approaches to the study of human behaviour.

The thesis has also indicated a way in which the deviance of mental illness may be assimilated into the suggested framework of analysis. Once more it has been possible to demonstrate an approach which avoids the use of simple stereotypes of women. Hence the thesis has rejected the notion that women with psychiatric symptoms are acting out their gender role conditioning to be weak and dependent in a deviant fashion (this being the only feminine deviant outlet of their stress), and has conceived them instead as either the victims of unusually oppressive conditions who resign themselves to their social impotence, or as active problem solvers. Those women in the latter category were either seen to be engaged in a form of social protest, or as adopting a readily available method of alleviating their symptoms, if not the actual cause of their stress. Reasoning thus, the interpretive framework becomes instrumental in repudiating a common view of mental illness in women which involves a simple equation of ideals of femininity with irrationality. By sustaining a focus on the agency of these deviant women it is possible to indicate several ways in which mental illness might be perceived as the outcome of rational decisions - rational in the sense that they are based on the individual construing her circumstances and

deciding how best to deal with them.

A besetting problem faced in the proposed theory of female criminality presented here is that of constructing any form of satisfactory empirical test of its validity. Notwithstanding that our offender's intentions are deemed to be modified by external and therefore observable constraints (the object part of the agency dialectic), as soon as we seek to invoke our actor's motivational or intentional reference (what she means by her offending) we are faced with the problem of discerning the reasons for her actions. The net effect of this has been an unavoidable reliance on offenders' accounts - the reasons that they give for their own behaviour. But as we noted, this may simply involve us in a study of their justifications or rationalisations. What our offenders say about their actions may bear no relationship to the 'real' reasons for their behaviour.

The problem has presented insuperable difficulties, but a number of preliminary tests have been employed in this study which examine the relationship between what offenders said, and data obtained about their socio-economic circumstances, their recidivism and their *modus operandi*. Offenders' own reasons have also been tested against the observations of lawyers about the nature of shoplifting.

The empirical evidence, coupled with self-report testimony, provides considerable *prima facie* support for the aptness of the interpretive theory for criminology. Nevertheless there can be no final verification of the case. Perhaps the most fruitful direction for further analysis of motivation and the claims on behalf of agency is that suggested by the research of E.P. Thompson, the social historian, whose work on the related question of women in social protest was considered at the end of Chapter 8.

Recall that the principal reason for examining the collective criminal violence of women of different historical periods was to demonstrate the selectivity of the focus of criminologists today - to show that their principal concern has been the passive and petty woman offender of modern times. This does not accord well with much of the historical record. The contribution of the agency dialectic here has been to bring to the fore the intelligence and the rationality of women who have been overlooked too often in the criminology of women. The literature of social history demonstrates clearly enough that women have frequently acted outside any female stereotype, and have engaged vigorously in large scale, organised and violent protests. Nevertheless, even among the new wave of social historians (who are generally cognizant of the great participation of women in protest) there has been a tendency to understate the authentic deliberation involved in criminal acts of defiance when the subject has been female.

E.P. Thompson, despite some surprising attachment to a stereotype of women, has analysed eighteenth century crowd behaviour in a manner that carries import for the current agency perspective. His methods are highly suggestive for criminologists interested in female offending. Not only does Thompson make every use of the people's own statements - he refers to messages pinned to buildings and accounts of the rioters' words of protest documented at the time - but he also derives evidence of rational intentions from the symbolism of actions, for example, the women food rioters draped loaves with black crepe. But more important still, Thompson seeks the actors' meanings in the events leading up to their protest, in their interests at the time - indeed, in all that there is to be known about the social, economic and political context of their actions.

Finally, it may reasonably be asked, how can the interpretive framework developed in this thesis be extended most usefully? It is already clear that the criminology of women could well be reconsidered in the manner suggested by the analyses pioneered by the new school of social historians. In other words, what historians such as Thompson have done to invest rationality in the actions of crowds previously deemed 'spasmodic' might be extended to the study of female crime using not dissimilar methods. Only a start has been made here to theorize various constructions of female deviance which are consistent both with a notion of their rationality and the limited information presented in Chapters 7 and 8 about the nature of their social experience.

Perhaps the most fundamental and time-consuming task of future researchers interested in extending the ideas of this thesis might therefore be the construction of social biographies of offending and conforming women. We need considerably more information than has been offered here about the social structures which impinge on the lives of women and shape their decision-making. We need to know how these structures affect women's view of their situation and what they think they should and can do. We need to know more about what (and why) women perceive to be their appropriate goals, their responsibilities and so on.

An investigation of this kind might well reveal that the gender role theorists (whose work was reviewed in the body of the thesis) have in fact already identified a number of factors material to the decisions of women to conform or to deviate. It may well be the case, for example, that contact with delinquent friends influences the decision to offend (that is, differential association) or that feelings of attachment to

conventional others militate against a decision to engage in crime (that is, control theory). Put differently, the manner in which women interpret their conditions and the means by which they evaluate their options may well be mediated by such factors as the norms and values of their friends (an observation which would draw on the ideas of differential association) or by the extent to which they care about the reactions of significant others (to employ the insights of the control school). Whether or not women decide to put up with stressful conditions might indeed depend on a complex blend of parts of all the theories considered above. They might combine elements of their frustration in achieving their goals (strain), together with their interpretation of the gender symbolism of various modes of behaviour (masculinity theory), or even their response to the ideas of the feminist movement (the Women's Liberation thesis).

It has been argued that the theories which make up the current literature in the criminology of women have yet to undergo sufficiently rigorous assessment. A more thorough going review than that undertaken here would not only subject prevailing philosophies of the fixed and polarised natures of men and women to a more detailed and systematic critique (perhaps by developing and extending the notion of double determinism suggested earlier), but also extricate from the total body of theory those ideas which might be of value to an holistic approach to the offender.

Within the agency framework those ideas would take on a new relevance. No longer conceived as external determinants of behaviour, or external forces acting on the individual, they would be construed instead as constituent elements of the actor's decision (not compulsion) to engage in various modes of behaviour. What is currently a body of

discrete and monocausal theories of female crime would become a complex and interrelated set of indicators of whether and how and why the individual comes to regard certain courses of action as legitimate and/or desirable and/or feasible.

With the criminology of women re-interpreted thus, the principal exercise of an analyst would be to trace the complex dialogue between women attempting to make sense of their circumstances and control their lives, and the social, political and economic variables which shape their perceptions and thereby impinge on their desire for autonomy. Discarding simple formulae of cause and effect ("strain causes delinquency") theory would centre on the relationship between these fluid permutations of external constraints on action and the will of the human agent. The task of the criminologist would be to identify the range of conditions which results in the individual arriving at such a view of things that a decision to defy or conform is the logical result. As Cloward and Piven explain some of the implications of the agency perspective:

"If deviance is purposeful behaviour, then it follows that the diverse ways in which people react to the stressful conditions they confront, or indeed whether they react at all, will be influenced by the way in which they think about these conditions. Whether people kill themselves or take to the barricades or passively endure will be determined in part by who or what they think it is that is responsible for the problems they confront and by what they think they can do about these problems, if they can do anything at all." (1)

Further directions for future research are suggested by the historical perspective introduced by this thesis. Unfortunately the

(1) Richard A. Cloward and Frances Fox Piven, "Hidden Protest: The Channeling of Female Innovation and Resistance", Signs, Summer 1979, Vol. 4, No. 4, p. 651 at p. 655.

limits of the present inquiry allowed little more than some general allusions to some of the historical conditions under which women, in certain circumstances, have regarded violent social protest as appropriate. The next logical step in this discussion would be a comprehensive comparative analysis of the social and political contexts of, on the one hand, those women identified in Chapter 8 who defied the law in such dramatically 'unfeminine' ways, and on the other, the modern day petty property offender. The function of such a parallel would be to identify the salient features of such divergent modes of deviance. It would explore the conditions required for women to assert themselves and engage in large scale, violent and sustained criminal defiance (for example, the food rioters) and, by contrast, the conditions which conduce to minor, short lived, ineffective and individualistic deviance (modern shoplifting).

The issues which such an analysis would raise would not only be inherently interesting (indeed they promise to considerably enliven debate by introducing to the criminology of women some truly spectacular examples of female deviance) but fundamental to improving our understanding of female conformity and criminality. For the social and political contexts in which women have been violently criminal in the past are important untapped sources of data for criminologists inquiring into women's current behaviour. They might well enable responses to such basic criminological questions as: What are the circumstances which allow women to perceive the structural causes of their dissatisfaction? When do women feel capable of challenging those they see as their oppressors? How do they organise for change?

A comparative study of modes of female deviance, past and present, almost certainly would reveal a variety of important features

of the female experience. It is likely, for instance, that race, age, class and ethnicity operate as important mediators of women's perceptions of the world, and are probably instrumental in shaping their decisions in society. Such relationships form an important part of any future agenda for female criminology.

The most important ambition for this thesis, and its main contribution to criminology, has been a reconstruction of the central concept of gender. Gender is interpreted as a powerful mediator between women and their experience of the world, rather than a role and a set of attitudes into which women are mechanically conditioned. Gender restricts women's access to information and to other people. Gender shapes their perceptions of problems - as structural or personal. Gender therefore exerts a good deal of influence on their decisions about how they will behave. But gender does not exert total control - for, it has been contended, women possess their own autonomy of behaviour in society. With all the limits on their freedom, women, like men, still reason, deliberate and reflect on their position in the world.

APPENDIX 1

ADELAIDE MAGISTRATES COURT SURVEY
Persons Pleading Guilty to Shop Theft

1. The Offender

- (a) Sex (b) Age (c) Employment Status
- (d) Marital Status
- (e) Prior Convictions (number and offence(s))

2. The Offence

- (a) Item(s) Stolen
- (b) Value of Property Stolen
- (c) *Modus Operandi* (Alone/With Others; How Property Concealed)

3. Explanation for Offence

- (a) Given to Police
- (b) Given to Magistrate by Defendant/Defendant's Lawyer

BIBLIOGRAPHY

- Abrams, Philip, Historical Sociology, Somerset, England, Open Bks., 1982.
- Adler, Freda, Sisters in Crime: The Rise of the New Female Criminal, New York, McGraw-Hill Book Co., 1975.
- Adler, Freda, "The Interaction Between Women's Emancipation and Female Criminality: A Cross Cultural Perspective" in Susan K. Datesman and Frank R. Scarpitti, Women, Crime and Justice, New York, Oxford, Oxford Univ. Press, 1980, p. 150.
- Adler, Freda (ed.), The Incidence of Female Criminality in the Contemporary World, New York, New York Univ. Free Press, 1981.
- Adler, Freda, "The United States: International Concern in the Light of the American Experience", in Freda Adler (ed.), The Incidence of Female Criminality in the Contemporary World, New York, New York Univ. Press, 1981, p. 1.
- Adler, Freda and Rita James Simon (eds.), The Criminology of Deviant Women, Boston, HoughtonMifflin, 1979.
- Allen, S. and D. Barker (eds.), Dependence and Exploitation in Work and Marriage, London, Longmans, 1976.
- Angrist, Shirley S., "The Study of Sex Roles", in C.C. Perucci and D.B. Targ, Marriage and the Family: A Critical Analysis and Proposals for Change, New York, David McKay, 1974, p. 182.
- Balkan, Sheila and Ronald J. Berger, "The Changing Nature of Female Delinquency", in Claire B. Kopp (ed.), Becoming Female: Perspectives on Development, New York and London, Plenum Press, 1979, p. 207.
- Barker, Diana Leonard and Sheila Allen, Dependence and Exploitation in Work and Marriage, London and New York, Longman, 1976.
- Bart, Pauline B., "Depression in Middle-Aged Women" in Sue Cox (ed.), Female Psychology: The Emerging Self, Chicago, Science Research Associates, 1976, p. 349.
- BECKER, Howard S., "Outsiders", in Earl Rubington and Martin S. Weinberg, The Study of Social Problems: Five Perspectives, New York, Oxford Univ. Press, 1977, p.199.
- Bell, Colin and Howard Newby, "Husband and Wives: The Dynamics of the Deferential Dialectic", in Diana Leonard Barker and Sheila Allen (eds.), Dependence and Exploitation in Work and Marriage, London and New York, Longman, 1976, p. 152.
- Belote, Betsy, "Masochistic Syndrome, Hysterical Personality and the Illusion of a Healthy Woman", in Sue Cox (ed.), Female Psychology: The Emerging Self, Chicago, Science Research Associates, 1976, p. 335.

- Berah, Ellen, "Men, Women and Mental Illness", Australian Society, Nov. 5, 1982, p. 23.
- Berger, Peter L., Invitation to Sociology: A Humanistic Perspective, Harmondsworth, Penguin Bks., 1963.
- Berger, Peter L. and Thomas Luckmann, The Social Construction of Reality, Harmondsworth, Penguin Bks., 1967.
- Bernard, Jessie, The Future of Marriage, New York, Bantam Bks., 1973.
- Bernstein, Richard J., Praxis and Action, Philadelphia, Univ. of Pennsylvania Press, 1971.
- Bertrand, Marie-Andrée, "Self Image and Delinquency: A Contribution to the Study of Female Criminality and Woman's Image", Acta Criminologica, Jan. 1969, p.71.
- Bertrand, Marie-Andrée, "The Insignificance of Female Criminality in the Light of the Hegemonic Conceptions of Sexual Roles and the Privatization of Women", Unpublished Paper presented at the First Conference of the European Group for the Study of Deviance and Social Control, Florence, 1973.
- Beyleveld, Deryck and Paul Wiles, "How to Retain your Soul and Be a Political Deviant", in David Downes and Paul Rock, Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979, p. 122.
- Biderman, Albert O. and Albert J. Reiss, "On Exploring the 'Dark Figure' of Crime", Amer. Acad. Pol. Sc., 1967, 374, p. 1.
- Black, Donald J., "Production of Crime Rates", Am. Sociol. Rev., 1975, 35, p. 733.
- Blood, Robert O. and Donald M. Wolfe, Husbands and Wives: The Dynamics of Married Living, U.S.A., The Free Press, 1960.
- Bohm, Robert M., "Radical Criminology: An Explication", Criminology, Feb. 1982, Vol. 19, No. 4, p. 565.
- Bourke, Paul F., "Philosophy and Social Criticism: John Dewey 1910 - 1920", History of Education Quarterly, Spring 1975, p. 3.
- Box, Steven, Deviance, Reality and Society, London, Holt, Rinehart and Winston, 1981, 2nd ed.
- Brady, J.F. and J.G. Mitchell, "Shoplifting in Melbourne", A.N.Z.J. Criminol., Sept. 1971, 4, 3, 154.
- Broverman, I.K., D.M. Broverman, F.E. Clarkson, P.S. Rosenkrantz and S.R. Vogel, "Sex-Role Stereotypes and Clinical Judgements of Mental Health", J. of Consulting and Clinical Psychology, 34, 1 - 7.

- Broverman, I.K., S.R. Vogel, D.M. Broverman, F.E. Clarkson, and P.S. Rosenkrantz, "Sex Role Stereotypes: a Current Appraisal", J. of Social Issues, (1972), Vol. 28, No. 2, 59-78.
- Cameron, Mary Owen, The Booster and the Snitch, New York, Free Press of Glencoe, 1964.
- Campbell, Anne, Girl Delinquents, Oxford, Basil Blackwell, 1981.
- Cernkovich, Stephen A. and Peggy C. Giordano, "Delinquency, Opportunity and Gender", J. Cr. Law, Criminology, 1979, 70/2, 145.
- Cernkovich, Stephen A. and Peggy C. Giordano, "A Comparative Analysis of Male and Female Delinquency", The Sociological Quarterly, (Winter 1979), 20, 131.
- Chambliss, William J., "Functional and Conflict Theories of Crime: The Heritage of Emile Durkheim and Karl Marx", in William J. Chambliss and Milton Mankoff (eds.), Whose Law? What Order? A Conflict Approach to Criminology, New York, John Wiley and Sons, 1976, p. 1.
- Chapman, Jane Roberts, Economic Realities and the Female Offender, Lexington Mass., Lexington Books, 1980.
- Chesler, Phyllis, Women and Madness, New York, Avon Books, 1972.
- Chesney-Lind, Meda, "Juvenile Delinquency: The Sexualization of Female Crime", Psychology Today, July 1974, 44.
- Chesney-Lind, Meda, "Chivalry Re-examined: Women and the Criminal Justice System", in Lee H. Bowker (ed.), Women, Crime and the Criminal Justice System, Lexington Books, 1979, p. 197.
- Chesney-Lind, Meda, "Re-discovering Lilith: Misogyny and the 'New' Female Criminal", in Curt Taylor Griffiths and Margrit Nance (eds.), The Female Offender: Selected Papers from an International Symposium, Criminology Research Centre, Simon Fraser Univ., 1980, p. 1.
- Clancy, K. and W. Gove, "Sex Differences in Mental Illness: An Analysis of Response Bias in Self Reports", Am. J. of Sociology, 1974, 80, 205.
- Clark, J. P. and E.W. Haurek, "Age and Sex Roles of Adolescents and their Involvement in Misconduct", Sociology and Social Research, (1966), 50, 495.
- Clark, Shirley Merritt, "Similarities in Components of Female and Male Delinquency: Implications for Sex-Role Theory", in W.C. Reckless and C.L. Newman (eds.), Interdisciplinary Problems in Criminology: Papers of the American Society of Criminology, Columbo Ohio State Univ. College of Commerce and Administration, 1964, p.217.

- Cloward, Richard and Lloyd Ohlin, Delinquency and Opportunity: A Theory of Delinquent Gangs, New York, 1960, Free Press.
- Cloward, Richard A. and Frances Fox Piven, "Hidden Protest: The Channeling of Female Innovation and Resistance", Signs, 1979, Vol. 4, No. 4, p. 651.
- Cohen, Albert K., Delinquent Boys: The Culture of the Gang, New York, Free Press, 1955.
- Cohen, Percy S., Modern Social Theory, London, Heinemann, 1968.
- Cohen, Stanley, "Footprints in the Sand: A Further Report on Criminology and the Sociology of Deviance in Britain", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, Crime and Society: Readings in History and Theory, London and Henley, Routledge and Kegan Paul, and the Open Univ. Press, 1981, p. 220.
- Constantinople, Anne, "Masculinity - Femininity: An Exception to a Famous Dictum", Psychological Bulletin, 1973, Vol. 80, No. 5, 389.
- Crites, Laura, "Women Offenders: Myth vs. Reality", in Laura Crites (ed.), The Female Offender, Lexington, Massachusetts, Lexington Bks., 1976.
- Cuff, E.C. and G.C.F. Payne (eds.), Perspectives in Sociology, London, George Allen & Unwin, 1979.
- Dahl, Tove Stang and Annika Snare, "The Coercion of Privacy: A Feminist Perspective" in Carol Smart and Barry Smart (eds.), Women, Sexuality and Social Control, London, Routledge and Kegan Paul, 1978, p.8.
- Dallos, Rudi and R.J. Sapsford, "The Person and Group Reality", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, Crime & Society: Readings in History and Theory, London, Routledge and Kegan Paul, 1981, p. 429.
- Datesman, Susan K. and Frank R. Scarpitti, Women, Crime and Justice, New York, Oxford, Oxford Univ. Press, 1980.
- Datesman, Susan K., Frank R. Scarpitti and Richard H. Stephenson, "Female Delinquency: An Application of Self and Opportunity Theories", J. Res. Crime and Delinquency, July 1975, 107.
- Davidoff, Leonore, "The Rationalization of Housework", in Diana Leonard Barker and Sheila Allen (eds.), Dependence and Exploitation in Work and Marriage, London and New York, Longman, 1976, p.121.
- Davidoff, Leonore, Jean L'Esperance and Howard Newby, "Landscape with Figures: Home and Community in English Society" in Juliet Mitchell and Ann Oakley (eds.), The Rights and Wrongs of Women, Harmondsworth, Penguin Books, 1976, p. 139.

- Davis, Nanette J., Sociological Constructions of Deviance: Perspectives and Issues in the Field, Dubuque, Iowa, Wm. C. Brown Company Publishers, 1975.
- Davis, R. and Virginia Olsen, "The Career Outlook of Professionally Educated Women", Psychiatry, 1965, No. 28, 334.
- de Beauvoir, Simone, The Second Sex, Harmondsworth, Penguin, 1972.
- Delmar, Rosalind, "Looking Again at Engel's 'Origins of the Family, Private Property and the State'", in Juliet Mitchell and Ann Oakley (eds.), The Rights and Wrongs of Women, Harmondsworth, Penguin Books, 1976, p. 271.
- Dennis, Norman, Fernando Henriques and Clifford Slaughter, Coal is Our Life: An Analysis of a Yorkshire Mining Community, London, Tavistock, 1969, 2nd. ed.
- Dinitz, S., W.C. Reckless and B. Kay, "A Self-Gradient Among Potential Delinquents", Crim. Law, Criminol. and Police Science, 1958, 49, 231.
- Dinitz, S., F.R. Scarpitti and W.C. Reckless, "Delinquency Vulnerability: A Cross Group and Longitudinal Analysis", Am. Soc. Rev., 1962, 27, 515.
- Dixson, Miriam, The Real Matilda: Woman and Identity in Australia 1788 to 1975, Harmondsworth, Penguin, 1976.
- d'Orban, P.T., "Female Crime", The Criminologist, 1972.
- Downes, David, "Praxis Makes Perfect: A Critique of Critical Criminology" in David Downes and Paul Rock (eds.), Deviant Interpretations, Oxford, Martin Robertson, 1979, p.1.
- Downes, David and Paul Rock (eds.), Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979,
- Dreitzel, Hans Peter, "Introduction: Family, Marriage, and the Struggle of the Sexes", in Hans Peter Dreitzel (ed.), "Family, Marriage, and the Struggle of the Sexes", in Recent Sociology, No. 4, p. 5.
- Eichler, Margrit, The Double Standard: A Feminist Critique of Feminist Social Science, London, Croom Helm, 1980.
- Emmet, Dorothy, "The Concept of Power", in John R. Champlin (ed.), Power, New York, Atherton Press, 1971, p. 78.
- Encel, S., N. MacKenzie and M. Tebbutt, Women and Society: An Australian Study, Melbourne, Cheshire, 1974.
- Engels, F. Origin of the Family, Private Property and the State, Moscow, Progress Publishers, 1970.
- Evans, Richard J., The Feminists: Women's Emancipation Movements in Europe, America and Australasia 1840-1920, London, Croom Helm, 1977.

- Fernberger, S., "Persistence of Stereotypes Concerning Sex Differences", J. of Abnormal and Social Psychology, 1948, 43, 97.
- Fielding, June, "Female Delinquency", in Paul Wilson (ed.), Delinquency in Australia: A Critical Appraisal, Queensland, Univ. of Queensland Press, 1977, p. 153.
- Figueira-McDonough, Jose Loren and Elaine Selo, "A Reformulation of the 'Equal Opportunity' Explanation of Female Delinquency", Crime and Delinquency, July 1980, 333.
- Fine, Bob, Richard Kinsey, John Lea, Sol Picciotto and Jock Young (eds.), Capitalism and the Rule of Law: From Deviancy Theory to Marxism, London, Hutchinson of London, (1979).
- Fine, Bob, "Law and Class", in Bob Fine, Richard Kinsey, John Lea, Sol Picciotto and Jock Young, Capitalism and the Rule of Law: From Deviancy Theory to Marxism, London, Hutchinson of London, 1979, p. 29.
- Fitzgerald, Mike, Gregor McLennan and Jennie Pawson, Crime and Society: Readings in History and Theory, London and Henley, Routledge and Kegan Paul and The Open Univ. Press, 1981.
- Fox, Greer Litton, "'Nice Girl': Social Control of Women through a Value Construct", Signs, 1977, Vol. 2, No. 4, p. 805.
- Fransella, Fay and Kay Frost, On Being a Woman: A Review of Research on How Women See Themselves, London, Tavistock Publications, 1977.
- Galliher, John F. and James L. McCartney, Criminology: Power, Crime and Criminal Law, Illinois, The Dorsey Press, 1977.
- Gavron, Hannah, The Captive Wife: Conflicts of Housebound Mothers, Routledge and Kegan Paul, 1966.
- Gibbens, T.C.N., and Joyce Prince, Shoplifting, London, Institute for the Study and Treatment of Delinquency, 1962.
- Gibbs, Jack P. "Conceptions of Deviant Behaviour: The Old and the New", in Pacific Sociological Review, 1966, Spring, p. 9.
- Gillespie, Dair L. "Who has the Power? The Marital Struggle", in H.P. Dreitzel (ed.), "Family, Marriage and the Struggle of the Sexes", Recent Sociology, No. 4, p. 121.
- Ginsberg, S., "Women, Work and Conflict", in N. Fonda and P. Moss (eds.), Mothers in Employment, Brunel Univ. Management Programme, 1976.
- Giordano, Peggy C., "Research Note. Girls, Guys and Gangs: The Changing Social Context of Female Delinquency", J. of Crim. Law and Criminol., (1978), Vol. 69, No. 1, p. 126.

- Giordano, Peggy C. and Stephen A. Cernkovich, "On Complicating the Relationship Between Liberation and Delinquency", Social Problems, 1979, 26 (4), 467-481.
- Goffman, Erving, "The Nature of Deference and Demeanour", in Kenneth Thompson and Jeremy Tunstall, Sociological Perspectives, Harmondsworth, Penguin Books, 1971, 188.
- Gold, Martin, Delinquent Behaviour in an American City, Belmont, California, Brooks/Cole, 1970.
- Gold, Martin and David Reimer, "Changing Patterns of Delinquent Behavior Among Americans 13-16 years old: 1967-72" Crime and Delinquency Literature, (1974), 6, 483-517.
- Goldberg, Philip, "Are Women Prejudiced Against Women?" in Safilios-Rothschild, Constantina, Toward a Sociology of Women, Lexington, Mass., Xerox College Publishing, 1972, p. 10.
- Gould, Meredith and Rochelle Kern-Daniels, "Toward a Sociological Theory of Gender and Sex", American Sociologist, (Nov.) 1977, Vol. 12, 182-189.
- Gove, Walter R., "The Relationship Between Sex Roles, Marital Status and Mental Illness", Social Forces, Sept. 1972, Vol. 51, p. 34.
- Gove, Walter R., and J.F. Tudor, "Adult Sex Roles and Mental Illness", Am. J. of Sociology, Jan. 1973, 78, No. 4, 812.
- Grabiner, Virginia Engquist and Lynn Barbara Cooper, "Towards a Theoretical Orientation for Understanding Sexism", Insurgent Sociologist, Fall 1973, Vol. IV, No. 1, p. 3.
- Graham, Ruth, "Loaves and Liberty: Women in the French Revolution", in Renate Bridenthal and Claudia Koonz, Becoming Visible: Women in European History, Boston, Houghton Mifflin, 1977, p. 236.
- Greenberg, Hazel, "Sisters in Crime: The Rise of the New Female Criminal, by Freda Adler", Crime and Delinquency, April 1977, Vol. 23, No. 2, 219.
- Greenberg, Hazel, "Women, Crime and Criminology: A Feminist Critique, by Carol Smart; The Female Offender, ed. by Laura Crites", Crime and Delinquency, Jan. 1978, Vol. 24, No. 1, 93.
- Grimshaw, Patricia, "Reflections on Engels' 'The Origin of the Family, Private Property and the State'", Hecate, 1979, Vol. V, No. 1, 65.
- Grimshaw, Patricia, "Women and the Family in Australian History - A Reply to the Real Matilda", Historical Studies, April 1979, Vol. 18, No. 72, 412.

- Grimshaw, Patricia, "Women and the Family in Australian History", in Elizabeth Windschuttle (ed.), Women, Class and History: Feminist Perspectives on Australia 1788-1978, Fontana/Collins, 1980, p. 37.
- Grosser, George H., Juvenile Delinquency and Contemporary American Sex Roles, Unpublished Ph.D. Dissertation, Harvard Univ., 1951.
- Hacker, Helen Mayer, "Women as a Minority Group" in Sue Cox (ed.), Female Psychology: The Emerging Self, Chicago, Science Research Associates, 1976, p. 156.
- Hagan, John, John H. Simpson and A.R. Gillis, "The Sexual Stratification of Social Control: A Gender-Based Perspective on Crime and Delinquency", Brit. J. of Sociology, March 1979, Vol. 30, No. 1, p. 25.
- Haley, Eileen, "Undercover Mothers", The National Times, No.7 - 13, 1982, p. 10.
- Hall, Stuart and Phil Scraton, "Law, Class and Control", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson (eds.), Crime and Society: Readings in History and Theory, London, Routledge and Kegan Paul, 1981, p. 460.
- Hampshire, Stuart, Thought and Action, Chatto and Windus, 1959, in the U.S. Humanities Press, Chap. 3: Reprinted in Leslie Stevenson (ed.), The Study of Human Nature, New York, Oxford Univ. Press, 1981, p. 297.
- Hancock, Linda, "The Myth that Females are Treated More Leniently than Males in the Juvenile Justice System", A.N.Z.J. Sociology, 1980, 16, 3, 4.
- Hancock, Linda and Meda Chesney-Lind, "Female Status Offenders and Justice Reforms: An International Perspective", A.N.Z.J. Criminol., June 1982, 15, 109.
- Harris, Anthony, "Sex and Theories of Deviance: Toward a Functional Theory of Deviant Type-Scripts", Am. Soc. Rev., (Feb. 1977), 42, 3.
- Hartley, Ruth E., "Children's Conceptions of Male and Female Roles", Merrill-Palmer Quarterly, 1960, Vol. 6, No. 3, 153.
- Hartmann, Heidi I., "The Family as the Locus of Gender, Class, and Political Struggle: The Example of Housework", Signs, 1981, Vol. 6, No. 3, 366.
- Heidensohn, Frances, "The Deviance of Women: A Critique and an Enquiry", Brit. J. of Sociology, 19, 2, 160.

- Heidensohn, Frances, "Women and Crime. By Rita James Simon", Brit. J. of Criminol., July 1976, Vol.16, No.3, 313.
- Heidensohn, Frances, "Review Symposium: Women, Crime and Criminology. By Carol Smart", Brit. J. of Criminol., 1977, Vol.17, 390.
- Henly, Nancy and Jo Freeman, "The Sexual Politics of Interpersonal Behaviour", in Sue Cox (ed.), Female Psychology: The Emerging Self, Chicago, Science Research Associates, 1976.
- Hill, Gary D. and Anthony R. Harris, "Changes in the Gender Patterning of Crime, 1953-1977: Opportunity vs. Identity", Social Science Quarterly, Dec. 1981, Vol. 62, No.4, p.658.
- Hiller, Anne Edwards, "Women, Crime and Criminal Justice: The State of Current Theory and Research in Australia and New Zealand", A.N.Z.J. Criminol., June 1982, 15, 69.
- Hindelang, Michael J., "Age, Sex and the Versatility of Delinquent Involvements", Social Problems, 1971, 18, 522-34.
- Hindelang, Michael J., "Causes of Delinquency: A Partial Replication and Extension", Social Problems, Spring 1973, Vol. 20, No.4, 471.
- Hindelang, Michael J., "Sex Differences in Criminal Activity", Social Problems, Dec. 1979, Vol. 27, No. 2, 143.
- Hirschi, Travis, Causes of Delinquency, Berkeley, Univ. of California Press, 1969.
- Hobson, Dorothy, "Housewives: Isolation as Oppression", in Women's Studies Group, Centre for Contemporary Cultural Studies, Univ. of Birmingham, Women Take Issue: Aspects of Women's Subordination, Hutchinson of London, 1978, p. 79.
- Hoffman-Bustamante, Dale, "The Nature of Female Criminality", Issues in Criminology, (Fall, 1973), Vol. 8, No. 2, 117.
- Huilgol, Glynn, "Stratification by Sex: Developing a Theoretical Model", Women's Sociological Bulletin, April 1978, Vol.1, No.2, 2.
- Hutter, Bridget and Gillian Williams, "Controlling Women: The Normal and the Deviant", in Bridget Hutter and Gillian Williams (eds.), Controlling Women: The Normal and the Deviant, London, Croom Helm, 1981, p.9.
- James, Jennifer and William E. Thornton, "Masculinity and Delinquency Revisited", Brit. J. Criminol., July 1979, Vol. 19, No.3, 225.
- James, Jennifer and William E. Thornton, "Women's Liberation and the Female Delinquent", J. Res. Crime and Delinquency, 1980, 17/2, 230.

- Jenson, Gary J. and Raymond Eve, "Sex Differences in Delinquency: An Examination of Popular Explanations", Criminology, Feb. 1976, 13, 179.
- Jones, David, "Women and Chartism", History, 1983, Vol. 68, p. 1.
- Kelly, George, The Psychology of Personal Constructs, 2 vols., New York, Norton, 1955.
- King, Michael, The Framework of Criminal Justice, London, Croom Helm, 1981.
- Kingston, Beverley, My Wife, My Daughter and Poor Mary Ann, Melbourne, Nelson, 1975.
- Klein, Dorie, "The Etiology of Female Crime: A Review of the Literature", Issues in Criminology, (Fall, 1973), Vol.8, No.2, p. 3.
- Klein, Dorie and June Kress, "Any Woman's Blues: A Critical Overview of Women, Crime and the Criminal Justice System", Crime and Social Justice, Spring - Summer, 1976, p. 34.
- Leonard, Eileen B. Women, Crime and Society: A Critique of Theoretical Criminology, New York and London, Longman, 1982.
- Leventhal, Gloria, "Female Criminality: Is 'Women's Lib.' to Blame?", Psychological Reports, 1977, 41, 1179.
- Levy, René, "Psychosomatic Symptoms and Women's Protest: Two Types of Reaction to Structural Strain in the Family", J. of Health and Social Behav., June 1976, Vol.17, 122.
- Lopata, Helen, Occupation Housewife, New York, Oxford Univ. Press, 1971.
- Lott, Bernice, Becoming a Woman: The Socialization of Gender, Springfield, Charles C. Thomas, Illinois, 1981.
- Loy, Pamela and Stephen Norland, "Gender Convergence and Delinquency", The Sociological Quarterly, Spring 1981, 22, 275.
- Lukes, Steven, Power: A Radical View, London and Basingstoke, The MacMillan Press, 1974.

- Marx, Karl, The Economic and Philosophical Manuscripts of 1844, ed. by Dirk J. Struik, New York, International Publishers, 1964.
- Mawby, Rob., "Sex and Crime: The Results of a Self-Report Study", Brit. J. of Sociology, Dec. 1980, Vol. 31, No. 4, p. 525.
- McCormack, Thelma, "Toward a Non-Sexist Perspective on Social and Political Change", in Marcia Millman and Rosabeth Moss Kanter (eds.), Another Voice: Feminist Perspectives on Social Life and Social Science, Garden City, New York, Anchor Bks., 1975, p.1.
- Macrae, Donald G., Weber, Glasgow, Fontana/Collins, 1974.
- McIntosh, Mary, "Sisters in Crime: The Rise of the New Female Criminal. By Freda Adler", Brit. J. of Criminol., July 1976, Vol.16, No.3, 312.
- McKee, J. and A. Sherriffs, "The Differential Evaluation of Males and Females", J. of Personality, 1957, 25, 356.
- McKenzie, Norman, Sol Encel and Margaret Tebbutt, Women and Society: An Australian Study, Melbourne, Cheshire, 1974.
- McRobbie, Angela, "Book Reviews: Alison Morris (ed.), Women and Crime: Papers Presented to the Cropwood Round Table Conference, Dec. '80. (1981); Curt Taylor Griffiths and Margrit Nance (eds.), The Female Offender: Selected Papers from an International Symposium, Jan. '79. (1981); Anne Campbell, Girl Delinquents (1981)" in Int. J. of Sociol. of Law, 1982, 10, 217.
- Mead, G.H., Mind, Self and Society, Uni. of Chicago Press, 1934.
- Mercer, Jan. (ed.) The Other Half: Women in Australian Society, Ringwood, Vic., Penguin Bks., 1975.
- Meszaros, Istvan, Marx's Theory of Alienation, London, Merlin Press, 4th ed. 1975.
- Michalowski, Raymond J., "Perspective and Paradigm: Structuring Criminological Thought", in Robert F. Meier (ed.), Theory in Criminology: Contemporary Views, California, London, Sage, 1977.
- Miller, Eleanor M., "International Trends in The Study of Female Criminality: An Essay Review", Contemporary Crises, 1983, 7, 59.
- Millett, Kate, Sexual Politics, London, Rupert Hart-Davis, 1969.
- Millman, Marcia, "She did it All for Love: A Feminist View of the Sociology of Deviance", in Marcia Millman and Rosabeth M. Kanter (eds.), Another Voice: Feminist Perspectives on Social Life and Social Science, Garden City, New York, Anchor Bks., 1975, p.251.

- Mitchell, Juliet and Ann Oakley (eds.), The Rights and Wrongs of Women, Harmondsworth, Penguin, 1976.
- Morris, Allison and Loraine Gelsthorpe, Women and Crime: Papers Presented to the Cropwood Round-Table Conference Dec. 1980, Cropwood Conference Series No. 13, Cambridge, 1981.
- Morris, Ruth, "Female Delinquency and Relational Problems", Social Forces, 1964, 43, 82-89.
- Morris, Ruth, "Attitudes toward Delinquency by Delinquents, Non-Delinquents and their Friends", Brit. J. Criminol., 1965, 5: 249.
- Mukherjee, Satyanshu K., Crime Trends in Twentieth-Century Australia, Sydney, Aust. Inst. of Criminol. and George Allen and Unwin, 1981.
- Mukherjee, Satyanshu K. and R. William Fitzgerald, "The Myth of Rising Female Crime", in S.K. Mukherjee and Jocelyne A. Scutt, Women and Crime, Sydney, Aust. Inst. of Criminol. and George Allen and Unwin, 1981, p. 127.
- Mukherjee, Satyanshu K., Evelyn N. Jacobsen and John R. Walker, Source Book of Australian Criminal and Social Statistics 1900-1980, Canberra, Aust. Institute of Criminology, 1981.
- Mukherjee, S.K. and Jocelyne A. Scutt (eds.), Women and Crime, Sydney, Aust. Inst. of Criminol. and George Allen and Unwin, 1981.
- Muncie, John and Mike Fitzgerald, "Humanising the Deviant: Affinity and Affiliation Theories", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson (eds.), Crime and Society: Readings in History and Theory, London, Routledge and Kegan Paul, 1981, p. 403.
- Naffin, Ngaire, "Theorizing About Female Crime", in S.K. Mukherjee and Jocelyne A. Scutt (eds.) Women and Crime, Sydney, Aust. Inst. of Criminol. and George Allen and Unwin, 1981, p. 70.
- Nagel, Stuart and Lenore J. Weitzman, "Double Standard of American Justice", Society, March 1972, p. 18.
- Nettler, Gwynn, "A Critique of Labeling", in Earl Rubington and Martin S. Weinberg, The Study of Social Problems: Five Perspectives, New York, Oxford Univ. Press, 1977, p. 228.
- Newberg, Paula M., "'The Female of the Species' A Systematic Review of Theories, Evaluations and Studies of the Female Criminal", Interdiscipline, 1967, Vol. 4, 29.
- Noblit, George W. and Janie M. Burcart, "Women and Crime: 1960 - 1970", Social Science Quarterly, (1976) 56: 650.

- Norland, Stephen and Neal Shover, "Gender Roles and Female Criminality: Some Critical Comments", Criminology, May 1977, Vol. 15, No. 1, 87.
- Norland, Stephen, Randall C. Wessel and Neal Shover, "Masculinity and Delinquency", Criminology, Nov. 1981, Vol. 19, No. 3, 421.
- Oakley, Ann, Housewife, Harmondsworth, Penguin Books, 1974.
- Oakley, Ann, The Sociology of Housework, Britain, Martin Robertson, 1974.
- Oakley, Ann, Woman's Work: The Housewife, Past and Present, New York, Pantheon Bks., 1974.
- Oakley, Ann, "Normal Motherhood: An Exercise in Self Control", in Bridget Hutter and Gillian Williams (eds.), Controlling Women: The Normal and the Deviant, London, Croom Helm, 1981, p. 79.
- Olsen, Marvin E., The Process of Social Organization, London, Holt, Rinehart and Winston, 1968.
- Omodei, Ros, "Delinquency in Girls in South Australia", A.N.Z.J. Sociology, 1979, 15, 1, 81.
- Omodei, Ros, "The Myth Interpretation of Female Crime", Paper Presented at Women and Crime Seminar, June, 1979, Aust. Inst. of Criminology, Canberra.
- Palmer, Stuart and Arnold S. Linsky, Rebellion and Retreat: Readings in the Forms and Processes of Deviance, Columbus, Ohio, Charles E. Merrill, 1972.
- Parsons, Talcott, "Certain Primary Sources and Patterns of Aggression in the Social Structure of the Western World", Psychiatry, May 1947, X, 167.
- Parsons, Talcott, Essays in Sociological Theory, Glencoe, Ill., Free Press, 1954, rev. ed.
- Parsons, Talcott, Social Structure and Personality, London, Collier-MacMillan, 1964.
- Passmore, John, A Hundred Years of Philosophy, Harmondsworth, Penguin Bks., 1957.
- Pearson, R. "Women Defendants in Magistrates' Courts", Brit. J. Law and Society, 1976, 2/3, 265.

- Pearson, Rose, "The Female Offender. Ed. by Laura Crites", Brit. J. of Law and Society, Winter 1977, Vol.4, No.2, 297.
- Pearson, Rose, "Laura Crites (Ed.): The Female Offender. Carol Smart and Barry Smart (Eds.): Women, Sexuality and Social Control", Int. J. of Criminol. and Penology, Nov. 1978, Vol.6, No.4, 388.
- Perucci, C.C. and D.B. Targ, Marriage and the Family: A Critical Analysis and Proposals for Change, New York, David McKay, 1974.
- Peters, Anne K., "Freda Adler: Sisters in Crime", Crime and Social Justice, Fall - Winter, 1977, 8, 74.
- Peters, Anne K., "Carol Smart: Women, Crime and Criminology", Crime and Social Justice, Spring - Summer, 1978, p.86.
- Phillips, Derek L. and Bernard E. Segal, "Social Status and Psychiatric Symptoms", Am. Soc. Rev., Feb. 1969, 34, 58-72.
- Piven, Frances Fox, "Deviant Behavior and the Remaking of the World", Social Problems, June 1981, Vol. 28, No. 5, 490.
- Plamenatz, John, Karl Marx's Philosophy of Man, Oxford, Clarendon Press, 1975.
- Plummer, Ken, "Misunderstanding Labelling Perspectives", in David Downes and Paul Rock, Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979, p.85.
- Polk, Barbara Bovee, "Male Power and the Women's Movement", in Warren G. Bennis, Kenneth D. Benne, Robert Chin, and Kenneth E. Cory, The Planning of Change, U.S., Holt, Rinehart and Winston, 1976, 3rd ed., 404.
- Polk, Barbara Bovee and Robert B. Stein, "Is the Grass Greener on the Other Side?" in Constantina Safilios-Rothschild, Toward a Sociology of Women, Lexington, Mass., Xerox College Publishing, 1972, p.14.
- Pollak, Otto, The Criminality of Women, New York, Barnes, 1961.
- Pollock, Joy, "Early Theories of Female Criminality", in Lee H. Bowker, Women, Crime and the Criminal Justice System, Lexington Bks., 1979, p.25.
- Price, Ray R., "The Forgotten Female Offender", Crime and Delinquency, April 1977, Vol.23, No.2, 101.
- Procek, Eva, "Psychiatry and the Social Control of Women", in Allison Morris and Loraine Gelsthorpe, (eds.), Women and Crime: Papers Presented to the Cropwood Round-Table Conference Dec. 1980, Cropwood Conference Series No. 13, Cambridge, 1981, p. 19.

- Quinney, Richard, Criminology: Analysis and Critique of Crime in America, Boston/Toronto, Little, Brown & Co., 1975.
- Radloff, Lenore Sawyer, "Depression and the Empty Nest", Sex Roles, 1980, Vol. 6, No. 6, 775.
- Rafter, Nicole Hahn and Elena M. Natalizia, "Marxist Feminism: Implications for Criminal Justice", Crime and Delinquency, January 1981, 81.
- Rasche, Christine E., "The Female Offender as an Object of Criminological Research", Criminal Justice and Behaviour, Dec. 1974, Vol. 1, No.4, 301.
- Reckless, Walter, "A Non-Causal Explanation: Containment Theory", Excerpta Criminologica, 1962, Vol. 2, p.131.
- Reckless, Walter C., Simon Dinitz and Ellen Murray, "Self Concept as an Insulator Against Delinquency", Am. Soc. Rev., 1956, 21, 744.
- Redding, R.G., "The Social Evil", Justice of the Peace, January 10, 1976, Vol. 140, p.17.
- Richards, Eric, "How Tame were the Highlanders during the Clearances?" Scottish Studies, 1973, Vol. 17, 35.
- Richards, Eric, "Women in the British Economy Since About 1700: An Interpretation", History, Oct. 1974, Vol. 59, No. 197, 337.
- Richards, Eric, A History of the Highland Clearances: Agrarian Transformation and the Evictions, 1746-1886, London & Canberra, Croom Helm, 1982.
- Richards, Eric, "The Last Scottish Food Riots", Past and Present, Supplement 6, 1982.
- Richards, Janet Radcliffe, The Sceptical Feminist: A Philosophical Enquiry, Harmondsworth, Penguin, 1980.
- Richards, Pamela, "Quantitative and Qualitative Sex Differences in Middle-Class Delinquency", Criminology, Feb. 1981, Vol. 18, No. 4, 453.
- Riseley, Ann C., "Sex, Housework and the Law", Adelaide Law Review, May 1981, Vol. 7, No. 4, 421.
- Roberts, J., Self Image and Delinquency: A Study of New Zealand Adolescent Girls, Research Section, Justice Dept., Wellington, Government Printer, 1972.
- Rock, Paul, Deviant Behaviour, London, Hutchinson Univ.Library, 1973.

- Rock, Paul, "Review Symposium on Smart, C., 'Women, Crime and Criminology'", Brit. J. of Criminol., (1977), 17, 392.
- Rock, Paul, "The Sociology of Crime, Symbolic Interactionism and Some Problematic Qualities of Radical Criminology", in David Downes and Paul Rock (eds.), Deviant Interpretations, Oxford, Martin Robertson, 1979, 52.
- Rosenblum, Karen E., "Female Deviance and the Female Sex Role: A Preliminary Investigation", Brit. J. of Sociology, (1975), 26, 169.
- Rosencrantz, P., S.Vogel, H. Bee, I. Broverman and D.M. Broverman, "Sex Role Stereotypes and Self Concepts in College Students", J. of Consulting and Clinical Psychology, 32, 287.
- Rowbotham, Sheila, Hidden from History: 300 years of Women's Oppression and the Fight Against It, Ringwood, Vic., Penguin, 1974.
- Rubington, Earl and Martin S. Weinberg, Deviance: The Interactionist Perspective, London, Collier-Macmillan Ltd., 1968.
- Rubington, Earl and Martin S. Weinberg, (eds.), The Study of Social Problems: Five Perspectives, New York, Oxford Univ. Press, 1977, (2nd ed.).
- Rudé, George, The Crowd in the French Revolution, London, Oxford Univ. Press, 1959.
- Sagarin, Edward, Deviants and Deviance: An Introduction to the Study of Devalued People and Behavior, New York, Praeger, 1975.
- Sampson, Shirley N. "Socialisation into Sex Roles", in F.J. Hunt, (ed.), Socialisation in Australia, Melbourne, Aust. International Press & Publications, 1978, p.265.
- Sandhu, Harjit and Donald Allen, "Female Delinquency: Goal Obstruction and Anomie", Can. Rev. of Sociology and Anthropology, May 1969, 107.
- Scanzoni, John, Sex Roles, Women's Work and Marital Conflict: A Study of Family Change, Lexington Bks., Lexington, Mass., 1978.
- Scanzoni, John and Greer Litton Fox, "Sex Roles, Family and Society: The Seventies and Beyond", J. of Marriage and the Family, November 1980, Vol. 42, No. 4, 743.
- Scarpitti, F.R., E. Murray, S. Dinitz and W.C. Reckless, "The 'Good' Boys in a High Delinquency Area: Four Years Later", Am. Soc. Rev., 1960, 25, 555.

- Scutt, Jocelyne A., "Role Conditioning Theory: An Explanation for the Disparity in Male and Female Criminality?", A.N.Z.J. of Criminol., (March 1976), 9, (25-35).
- Scutt, Jocelyne A., "Psychiatry and the Creation of Female Criminality", Aus. J. Forensic Sciences, Dec. 1976, p. 64.
- Scutt, Jocelyne A., "Debunking the Theory of the Female 'Masked Criminal'", A.N.Z.J. of Criminol., (March 1978), 11 (23-42).
- Scutt, Jocelyne A., "Toward the Liberation of the Female Lawbreaker", International J. of Criminol. and Penology, 1978, 6, 5-18.
- Scutt, Jocelyne A., "The Myth of the 'Chivalry Factor' in Female Crime", Aust. J. of Soc. Issues, 1979, Vol. 14, No. 1, 3.
- Scutt, Jocelyne A., "Crime and Sexual Politics", Elizabeth Windschuttle, (ed.), Women, Class and History: Feminist Perspectives on Australia, 1788-1978, Fontana/Collins, 1980.
- Secombe, Wally, "The Housewife and Her Labour Under Capitalism", The New Left Review, Jan-Feb., 1974.
- Seligman, M., Helplessness: On Depression, Development and Death, New York, W.H. Freeman, 1975.
- Sellin, Thorsten, "The Basis of a Crime Index", J. of Crim. Law and Criminol., (Sept. 1931), 22, 335.
- Sève, Lucien, Marxism and the Theory of Human Personality, London, Lawrence and Wishart, 1975.
- Shacklady Smith, Lesley, "Sexist Assumptions and Female Delinquency: An Empirical Investigation", in Carol Smart and Barry Smart (eds.), Women, Sexuality and Social Control, London, Routledge and Kegan Paul, 1978, p. 74.
- Shotter, John, Images of Man in Psychological Research, London, Methuen, 1975.
- Shover, Neil and Stephen Norland, "Sex Roles and Criminality: Science or Conventional Wisdom?" Sex Roles, 1978, 4/1, 111.
- Shover, Neal, Stephen Norland, Jennifer James and William Thornton, "Gender Roles and Delinquency", Social Forces, Sept. 1979, 58, 162.
- Silverman, Ira J. and Simon Dinitz, "Compulsive Masculinity and Delinquency: An Empirical Investigation", Criminology, 1974, 11, 498.
- Simon, Rita James, Women and Crime, Lexington, Mass., Lexington Bks., 1975.
- Simon, Rita James, "Women and Crime Revisited", Social Science Quarterly, 1976, 56, 658.

- Simons, R.L., M.G. Miller and S.M. Aigner, "Contemporary Theories of Deviance and Female Delinquency: An Empirical Test", J. Res. Cr. Delinquency, 1980, 17/1, 42.
- Singer, Peter, Marx, Oxford Univ. Press, Oxford, 1980.
- Sistrunk, Frank and J.W. McDavid, "Sex Variable in Conforming Behaviour", J. of Personality and Social Psychology, 1971, 17, 200.
- Skinner, B.F., Science and Human Behavior, Macmillan, 1953, Selected Chapters, Reprinted in Leslie Stevenson (ed.), The Study of Human Nature, New York and Oxford, Oxford Univ. Press, 1981, p.200.
- Smart, Carol, Women, Crime and Criminology: A Feminist Critique, London, Routledge & Kegan Paul, 1976.
- Smart, Carol, "Criminological Theory: Its Ideology and Implications Concerning Women", Brit. J. of Sociology, March 1977, 28, 89.
- Smart, Carol, "The New Female Criminal: Reality or Myth?" Brit. J. Criminol., Jan. 1979, Vol.19, No.1, 50.
- Smart, Carol, "Law and the Control of Women's Sexuality", in Bridget Hutter and Gillian Williams (eds.), Controlling Women: The Normal and the Deviant, London, Croom Helm, 1981, p.40.
- Smith, Douglas A., "Sex and Deviance: An Assessment of Major Sociological Variables", Sociological Quarterly, (1979), 20, 183-196.
- Smith, Douglas A. and Christy A. Visher, "Sex and Involvement in Deviance/Crime: A Quantitative Review of the Empirical Literature", Am. Soc. Rev., August 1980, Vol.45, 691.
- Sparks, Richard F., "A Critique of Marxist Criminology", Crime and Justice, 1980, Vol. 2, 159.
- Stacey, Margaret and Marion Price, Women, Power and Politics, London and New York, Tavistock Publications, 1981.
- Stead, Jean, "A Ring of Resolve to Block Cruise Missiles", The Age, Wed. 5 Jan. 1983, p.8.
- Steffensmeier, Darrell J., "Crime and the Contemporary Woman: An Analysis of Changing Levels of Female Property Crime, 1960-1975", Social Forces, 1978, Vol. 57, No. 1 - 2, 566.
- Steffensmeier, Darrell J., "Assessing the Impact of the Women's Movement on Sex-Based Differences in the Handling of Adult Criminal Defendants", Crime and Delinquency, July 1980, (a), 344.
- Steffensmeier, Darrell J., "Sex Differences in Patterns of Adult Crime, 1965-77: A Review and Assessment", Social Forces, 1980, (b), 58/4, 1080.

- Steffensmeier, Darrell J. and Robert E. Clark, "Sociocultural vs. Biological/Sexist Explanations of Sex Differences in Crime: A Survey of American Criminology Textbooks, 1918-1965", American Sociologist, November 1980, Vol. 15, 246.
- Steffensmeier, Darrell J. and Michael J. Cobb, "Sex Differences in Urban Arrest Patterns, 1934-79", Social Problems, Oct. 1981, Vol. 29, No. 1, 37.
- Steffensmeier, Darrell J. and C. Jordan, "Changing Patterns of Female Crime in Rural America", Rural Sociology, 1978, 43, 87-102.
- Steffensmeier, Darrell J. and John H. Kramer, "The Differential Impact of Criminal Stigmatization on Male and Female Felons", Sex Roles, 1980, Vol.6, No.1, 1.
- Steffensmeier, Darrell J., Alvin S. Rosenthal and Constance Shehan, "World War II and Its Effect on the Sex Differential in Arrests: An Empirical Test of the Sex-Role Equality and Crime Proposition", The Sociological Quarterly, Summer 1980, 21, 403.
- Steffensmeier, Darrell and Renee Hoffman Steffensmeier, "Trends in Female Delinquency: An Examination of Arrest, Juvenile Court, Self Report and Field Data", Criminology, (1980), 18, 62.
- Stevenson, Leslie (ed.), The Study of Human Nature, New York, Oxford, Oxford Univ. Press, 1981.
- Storz, Moni Lai, "The Social Construction of Mental Illness", in Anne R. Edwards and Paul R. Wilson (eds.), Social Deviance in Australia, Melbourne, Cheshire, 1975, p. 215.
- Summers, Anne, Damned Whores and God's Police: The Colonization of Women in Australia, Harmondsworth, Penguin Bks., 1975.
- Sutherland, E.H. and D.R. Cressey, Criminology, Philadelphia, Lippincott, 1974, 9th ed.
- Syme, G.J., "Paternalism in Australian Courts?" Aust. Journal of Social Issues, 1976, Vol. 11, No. 4, p. 287.
- Taylor, Ian, Paul Walton and Jock Young, The New Criminology: For a Social Theory of Deviance, London, Routledge and Kegan Paul, 1973.
- Taylor, Ian, Paul Walton and Jock Young (eds.), Critical Criminology, London, Routledge and Kegan Paul, 1975.
- Taylor, Laurie, "Vocabularies, Rhetorics and Grammar: Problems in the Sociology of Motivation", in David Downes and Paul Rock, Deviant Interpretations: Problems in Criminological Theory, Oxford, Martin Robertson, 1979, p. 145.

- Thomas, Charles W. and Jeffrey M. Hyman, "Compliance Theory, Control Theory and Juvenile Delinquency", in Martin D. Krohn and Ronald L. Akers (eds.), Crime, Law and Sanctions: Theoretical Perspectives, U.S.A., Sage Publications, 1978, p.73.
- Thomis, Malcolm I. and Jennifer Grimmett, Women in Protest 1800-1850, London and Canberra, Croom Helm, 1982.
- Thompson, Dorothy, "Women and Nineteenth-Century Radical Politics: A Lost Dimension", in Juliet Mitchell and Ann Oakley, The Rights and Wrongs of Women, Harmondsworth, Penguin Bks., 1976, p. 112.
- Thompson, E.P., "The Moral Economy of the English Crowd in the Eighteenth Century", Past and Present, Feb. 1971, No. 50, p.76.
- Thompson, E.P., Whigs and Hunters: The Origin of the Black Act, London, Allen Lane, 1975.
- Thompson, Kenneth and Jeremy Tunstall (eds.), Sociological Perspectives, Harmondsworth, Penguin Bks., 1971.
- Thornton, William E. and Jennifer James, "Masculinity and Delinquency Revisited", Brit. J. Criminol., July 1979, Vol. 19, No. 3, 225.
- Tilly, Charles, "Collective Violence in European Perspective", in Hugh Davis Graham and Ted Robert Gurr (eds.), Violence in America: Historical and Comparative Perspectives, New York, Bantam Bks., 1969, p.4.
- Tilly, Charles, "Introduction", to Louise A. Tilly and Charles Tilly (eds.), Class Conflict and Collective Action, Beverly Hills, London, Sage, 1981.
- Tilly, Louise A., "Women's Collective Action and Feminism in France, 1870-1914", in Louise A. Tilly and Charles Tilly (eds.), Class Conflict and Collective Action, Beverly Hills, London, Sage, 1981.
- Tresemmer, David, "Assumptions Made About Gender Roles", in Marcia Millman and Rosabeth Kanter (eds.), Another Voice: Feminist Perspectives on Social Life and Social Science, New York, Anchor Books, 1975, p. 308.
- Tudor, William, Jeannette F. Tudor and Walter R. Gove, "The Effect of Sex Role Differences on the Social Control of Mental Illness", J. of Health and Social Behavior, June 1977, Vol. 18, 98.
- Velimesis, Margery L., "The Female Offender", Crime and Delinquency Lit., (1974), 7, 94.
- Vold, George, Theoretical Criminology, New York, Oxford Univ.Press, 1979, 2nd ed.

- Wallace, Margaret, "Is Criminology Helping Women? Notes on the Literature", Paper Presented at the 51st ANZAAS Conference, Brisbane, 1981.
- Wandor, Michelene, "The Conditions of Illusion", in Sandra Allen, Lee Sanders and Jan Wallis (eds.), Conditions of Illusion, Leeds, Eng., Feminist Bks., 1974, p.186.
- Warner, Catherine, "A Study of the Self-Reported Crime of a Group of Male and Female High School Students", A.N.Z.J. of Criminol., Dec. 1982, 15, 255.
- Warner, R., "The Diagnosis of Antisocial and Hysterical Personality Disorders: An Example of Sex Bias", J. Nerv. Ment. Disease, 1978, 166/12, 839.
- Wasserman, E., "Changing Aspirations of College Women", J. of Am. College Health Associations, 1973, 21, 333.
- Watson, J.B., Behaviorism, W.W. Norton, 1925, 1st ed., Chap. 1, Reprinted in Leslie Stevenson (ed.), The Study of Human Nature, New York and Oxford, Oxford Univ. Press, 1981, p.193.
- Weber, Max, The Theory of Social and Economic Organisation, New York, The Free Press, 1957.
- Weber, Max, "Power and Bureaucracy", in Kenneth Thompson and Jeremy Tunstall, Sociological Perspectives, Harmondsworth, Penguin, 1971.
- Weis, Joseph, "Liberation and Crime: The Invention of the New Female Criminal", Crime and Social Justice, 1976, 6, 17-27.
- Weis, Joseph G., "Sisters in Crime: The Rise of the New Female Criminal, By Freda Adler; Sexist Justice By Karen De Crow; The Female Offender. Ed. by Annette M. Brodsky; Women and Crime. By Rita James Simon", Criminology, May 1977, Vol.15, No. 1, 127.
- Weisstein, Naomi, "'Kinder, Kuche, Kirche' as Scientific Law: Psychology Constructs the Female", in Robin Morgan (ed.), Sisterhood is Powerful: An Anthology of Writings from the Women's Liberation Movement, New York, Random House, 1970, p.205.
- Weitz, Shirley, Sex Roles: Biological, Psychological and Social Foundations, New York, Oxford Univ. Press, 1977.
- Widom, Cathy Spatz, "Female Offenders: Three Assumptions about Self-Esteem, Sex Role Identity and Feminism", Crim. Jus. Behav., 1979, 6/5, 365.
- Wilson, Nanci Koser and Constance M. Rigsby, "Is Crime a Man's World? Issues in the Exploration of Criminality", J. of Crim. Justice, (1975), 3, 131.

- Windschuttle, Elizabeth, "Women, Crime and Punishment", in S.K. Mukherjee and Jocelyne A. Scutt (eds.), Women and Crime, Sydney, Aust. Inst. of Criminology and George Allen and Unwin, 1981, p. 31.
- Wise, Nancy, "Juvenile Delinquency Among Middle Class Girls", in Edmund W. Vaz (ed.), Middle Class Delinquency, New York, Harper and Row, 1967, p. 179.
- Women's Bureau, Dept. of Employment and Youth Affairs, Facts on Women at Work in Aust. 1980, Aust. Govt. Publishing Serv., Canberra, 1981.
- Wrong, Dennis, "The Oversocialized Conception of Man in Modern Sociology", Am. Sociol. Rev., 1961, 26, 183.
- Young, Jock, "Left Idealism, Reformism and Beyond: From New Criminology to Marxism", in Bob Fine, Richard Kinsey, John Lea, Sol Picciotto and Jock Young, Capitalism and the Rule of Law: From Deviancy Theory to Marxism, London, Hutchinson of London, 1979, p. 11.
- Young, Jock, "Thinking Seriously About Crime: Some Models of Criminology", in Mike Fitzgerald, Gregor McLennan and Jennie Pawson, Crime and Society: Readings in History and Theory, London and Henley, Routledge and Kegan Paul and The Open Univ. Press, 1981, p. 248.