Feminist Theories of Criminal Behavior

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Feminism has traversed 150 years in American history and has evolved dramatically across three major waves. Feminist criminology has its roots in the second wave feminism of the 1960s and 1970s, which is primarily defined in terms of women's rights and women's liberation. Feminism has three main schools of thought, namely Marxist, radical, and liberal. Despite the lengthy history and the three distinct camps of thought, no single theory of feminism prevails. Feminism has, however, influenced criminological thought. Therefore, before engaging feminist theories of criminality, a brief working definition of feminism is necessary. According to Delmar, "a feminist holds that women suffer discrimination because of their sex, that they have needs which are negated and unsatisfied, and that the satisfaction of these needs require a radical change" (1986: 8). Daly and Chesney-Lind (1988) agree with Delmar that beyond this call to recognize discrimination and evoke radical change, things become much more complicated. In consideration of liberal feminist thought and female offending, Daly and Chesney-Lind state that "the task of describing and changing a spectrum of women's experiences, which have been formed by particular and often competing allegiances to class, race, and other social groups, is not a straightforward, but a blurred and contingent enterprise" (1988: 6).

The impact of feminist theory upon criminology is best seen in the birth of feminist criminology. There is no agreed-upon date for its origin, but Heidensohn (1968) has often been credited with the first call for a feminist voice within mainstream criminology. Heidensohn (1968) contended that criminology was dominated by male researchers who studied male subjects. Within a few years, major works by feminist criminologists appeared that served to establish a feminist presence and perspective. The first work often associated with feminist criminology is Klein (1973); Adler (1975) was the first book written by a feminist criminologist that theorized female criminality. Furthermore, it was Smart (1976) that provided the first critique of the absence of women's offending within mainstream criminology and was the first to emphasize the newly recognized phenomenon of women as victims.

The influence of these early feminist criminology works has been realized on several fronts. The American Society of Criminology established a division of Women and Crime and this division has to its credit the Journal of Feminist Criminology. Throughout the 1960s and 1970s, articles by female criminologists and research that focused upon female offending were absent within the major journals. A study by Hannon and Dufour (1998) analyzed articles in four major criminology journals in the 1970s, and found that female criminologists were dramatically underrepresented and that the research samples were exclusively male. The influence of feminist criminology reversed this practice. Criminological journals and textbooks today as a rule contain feminist criminological research wherein female offenders are incorporated into the samples and theories of offending. Feminist criminology's contributions over the past 30 years have insured that female offending is no longer an afterthought, but a major focus of criminological research.

Beyond the historical underpinnings and the impact of feminist theory upon feminist criminology, a brief definition of feminist criminology will be helpful. According to Miller and Mullins, "feminist criminology refers to that body of criminological research and theory that situates the study of crime and criminal justice within a complex understanding that the social world is systematically shaped by the relations of sex and gender" (2009: 218). Daly and Chesney-Lind (1988: 218) offer five facets of feminist thought that serve to separate feminist criminology from traditional criminological inquiry:

1. Gender is not a natural fact simply derived from biological and sex differences, but
a complex social, historical, and cultural phenomenon.

2. Gender and gender relations in critical ways regulate social life and social institutions.

3. Gender relations and constructs of masculinity and femininity are not symmetrical, but are based on an organizing principle of men’s superiority and social, political and economic dominance over women.

4. Systems of knowledge reflect men’s views of the natural and social world and the production of knowledge is gendered.

5. Women should be at the center of intellectual inquiry, not peripheral, invisible, or appendages to men.

It is this last point that served as the foundation for feminist criminology. Women should be the focus of the inquiry and female offending cannot be understood through the theories of male criminality.

Heidensohn (1968) and other feminist criminologists in the 1970s initially collided with an immutable fact, namely that males dominate criminality (the gender ratio). So strong is the evidence that, according to Naffine (1996), it is one of the very few facts within criminology that is universally embraced. Naffine (1996) further maintains that the male domination of crime is so dramatic that maleness and criminality seem a natural phenomenon. A good example of male preeminence in a specific area of offending is homicide. A remarkable statistic finds that, consistently over the past decade, males have been responsible for 90% of homicides across Australia, Canada, England, and the United States (Brookman 2005). Why, then, do males criminally offend so much and why don’t females offend more often? Existing criminological theories, such as strain theory, struggle with this question.

The inherent practice of generalizing male criminal behavior theory to female offending was a major impetus for the feminist criminological endeavor. Chesney-Lind (1988) termed the practice as “add women and stir.” Throughout the 1970s and 1980s, there were challenges to this practice, which failed to demonstrate the relevance of boys’ and men’s theories of criminality for offending by girls and women. If existing theories for males were not relevant for females, perhaps retooling some theories such as conflict theory and labeling theory might yield relevance. However, Smith and Paternoster (1987) analyzed the two efforts and declared that the findings were varied and unconvincing. Theories derived from male samples simply could not explain female offending.

The gender ratio and the practice of a one-size-fits-all theory for males and females led to the notion of gender blindness. Writing over 50 years ago, criminologist Wootten stated that “the relative rarity of women offenders has for the most part been tactfully ignored by students of criminology, any clues suggested by this sex difference being generally neglected” (1959: 32). Thirty years later, Cain wrote that “the criminological gaze cannot see gender and the criminological discourse cannot speak men and women” (1989: 4). And 20 years after her initial call for a feminist criminology, Heidensohn contended that “criminology is poorer in all its forms because it has not yet fully accepted and integrated the importance of gender” (1987: 27).

Walker (1979) is a seminal work, which served to shed light upon domestic violence – an issue that had largely escaped public scrutiny in the West. Although Walker herself is a feminist psychologist, her depiction of the battered woman as understood through domestic violence, and her subsequent theory of the battered woman syndrome, drew the attention of feminist criminologists on two major fronts. It was recognized that many young girls who criminally offend have been subject to domestic violence and that many women who offend, particularly violent offending, have been subject to intimate partner violence. The charge to feminist criminology was to discern the relationship between young girls and women who offend and their victimizations.

Among the first feminist criminological works to address the issue among young girls was Chesney-Lind and Rodriguez (1983), who drew the association between violent offending by girls and histories of abuse. Later works, including Acoa (1999) and Rivera and Widom (1990), reinforced the view that young girls who violently offend have high rates of victimizations. Rivera and Widom (1990) reported rates of various child abuses ranging from 40 to 73% among girls who violently offended.
One year prior to Walker’s (1979) revelations regarding battered women, feminist criminologist Totman (1978) observed that the primary victim of women who kill is their violent male partner. Feminist criminology has extensively examined female homicide offending. One of the most consistent crime statistics reported throughout the West (including Australia, Canada, England, and the United States) is the rate of female homicide offending. The rate has held at approximately 10% of total homicides (Brookman 2005). Totman’s (1978) observation has remained a consistent finding through the 1990s and into the 2000s. Feminist criminology has therefore established a relationship between a young girl’s or woman’s physical victimizations and subsequent violent offending.

Another aspect of victimization has been associated with young girls and women who violently offend. Just as physical victimization is prominent in the histories of girls and women who violently offend, so is mental illness. Chesler (1972) asserted that it was commonplace to regard a woman who committed murder as possessing a deep-seated disease of mind or body. There is no denying that women who violently offend or perpetrate homicide have higher rates of pathology than their non-offending peers. However, as Worrall (1990) argued, by pathologizing a woman who violently offends, we victimize her further. Worrall contends that, according to societal discourse, men kill because they are bad, but a woman with a pathology or mental illness who kills does so because she is victimized by the disease. This further victimization was shown by Browne (1987)’s analysis of court, which shows that courts pay more attention to the mental health of women who kill than to the mental health of men who do so.

A theory that spun off of the victimization of women who violently offend is that of blurred boundaries or a victim–offender dichotomy. Can a woman who violently offends be both a victim and an offender? Chesney-Lind (1989) asserts that many young girls who flee violent homes are labeled as offenders. Many of these same young girls live on the streets and resort to crime for survival. With adult women, Browne (1987) noted that many who violently offend or perpetrate homicide within an intimate partner violence scenario do so as it may be their only means of escape or it may be in self-defense. However, Browne indicates that some women kill a former intimate weeks or months following a violent episode. In recent years, feminist criminologists have argued that the victim offender—dichotomy is shortsighted. This dichotomy does not allow for an examination of the larger social context of offending.

Intersectionality is a theory that emerged alongside the third wave feminism of the 1980s and 1990s. Naffine (1996) argued that systems of power, race, class, and gender do not operate independently, but intersect to create our experiences. In the words of Daly and Stephens, “the approach examines crime in demonstrating how class, gender, and race, construct the normal and deviant and how these inequalities place some societal members at risk to engage in law breaking” (1995: 193). Naffine herself avers that “only with a commitment to theoretically and analytically engage intersectionality, will we arrive at an understanding of gender and crime” (1996: 143).

Another theory promulgated by feminist criminology is that of “doing gender,” a term which has been credited to West and Zimmerman (1987). By the late 1980s, gender was recognized as a social construct and not a biological category. West and Zimmerman saw gender as an emergent feature of social interactions, implying that in these interactions one is “doing gender” (1987: 126). The first attempts at theorizing gender and crime essentially argued that when a male’s means of meeting normative scripts for masculinity are blocked, the male may engage in lawbreaking. There were many skeptics of this theory, according to whom if crime were a resource for doing gender, crime would then be the work of men. More compelling was the question: if man needs to produce masculinity through criminality, why don’t far more men engage in criminality?

Miller (2002) examined young girl’s criminality. One of her key findings was that young girls in gangs demonstrated a gender crossing. Miller argued that some girls in gangs “do masculinity” and subsequent crime. It was Miller’s contention that many of the gang girls were not intent upon accomplishing normative femininity as realized through an extensive range of social actions. This finding prompted Miller to argue that gender
dualisms are problematic in light of gender crossing. Her argument was grounded in the assertion that gender does not transpire in a systematic fashion in girls, boys, men, and women.

A much-less heralded accomplishment of feminist criminology is the impact it has had upon feminist methodology. Criminology has relied largely upon crime statistics to theorize offending. Feminist criminology has advocated providing a voice to the female offender. Accordingly, feminist criminological inquiry has increasingly engaged qualitative methodology. It has been argued that the best means to improve the status of the female offender is to give her a voice. The media, the court, and the societal discourse of normative femininity have all spoken for the female offender; what is seldom heard is her own voice. The qualitative methodological approach reveals more of the social dynamics and how meaning occurs within interactions.

There have been many detractors that maintain qualitative methodologies are understood as unsystematic, biased, and politically motivated. However, a collaborative partnership with the woman offender will give voice to her life and everyday experiences; it removes the traditional imbalanced power relationship between the researcher and the researched (Reinharz 1992). In the view of Renzetti, “what sets this type of research apart is that it is also good social science; that is, it seeks to give voice to and to improve the life conditions of the marginalized, and it transforms social scientific inquiry from an academic exercise into an instrument of meaningful social change” (1997: 143).

Looking back over the last 30 years of feminist criminology, it can be argued that the single overarching accomplishment of the endeavor has been to reverse the paradigm of mainstream criminology where men studying boys and men produced theories from which female criminality was completely absent. More specifically, gender has been recognized as a crucial aspect of crime. Key was the insight that the issue of gender relates not only to women, but also to men. Among the major theories introduced have been notions of victimization, pathways to crime, “doing gender,” and intersectionality. Intersectionality brings out the complexity of female lives and subsequent offending, and as such has helped move the inquiry beyond the quantitative analysis of crime statistics and into the qualitative analysis of women’s lives and offending.

Feminist criminological theory and advocacy has had an impact on legislation and the criminal justice system. It has spurred changes in the practice of assessment and classification of female offenders; it has led to increased availability of mental health and substance abuse services to female offenders; it has called attention to the plight of the children of incarcerated women; it has exposed women’s victimization in relation to domestic violence and other forms of oppression, including rape, sex trafficking, drug trafficking, and prostitution.

As for the criminal justice system, feminist criminology has helped dismantle several barriers that limited women from working in law, policing, and corrections. An example of this is revealed in statistics from the American Corrections Association (1984), wherein between 1983 and 1995 the number of female staff employed within corrections quadrupled. Additionally, in the past women were largely absent within criminological academic programs, while today they chair criminology and criminal justice programs. Any comprehensive analysis of the accomplishments of feminist criminology in the past 30 years shows that the endeavor has stayed true to its feminist principles, in keeping women at the focal point of their inquiry. The efforts have been fueled by the contention that any diminishing or misunderstanding of women’s criminality renders our understanding of crime incomplete.

SEE ALSO: Battered Woman Syndrome; Gender; Victim–Offender Relationship.

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