

Aspen College Series

# Women and Criminal Justice



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Wolters Kluwer  
Law & Business

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Law & Business

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## Dedication

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To Helena Angelica DeFina (1963-2014), who was always a compassionate advocate for women.

**MMC**

To my grandmother, Mei-Yuan Ou-Yang, a woman of immense courage who escaped from a Communist state to a free society, and to all the other women who joined her in that dramatic journey.

**MLH**

Although it is important to integrate women's issues into all courses across the criminal justice curriculum, a focus class such as Women and Criminal Justice provides the depth and discussion necessary to access the nuances involved in the evolution of gender equality. Allowing students to view the chronology of legislation, judicial intervention, law enforcement, and punitive corrections practices provides a clearer picture of the progress made but also points out continuing struggles and imbalances in the justice system. Thus this text informs a course that includes history, economics, law, political science, sociology, psychology, and of course criminal justice.

As authors, we are sensitive to the criticisms that have been raised about gender-based courses, particularly in a field as traditionally male-dominated as criminal justice. In *A Room of One's Own*, Virginia Woolf wrote about the difference between writing in the "red light of emotion" rather than the "white light of truth." While reading emotionally tinged work often helps to ignite us to critique and condemn, it prevents us from perhaps more constructively and objectively working within reality. Anyone teaching in this field has experienced the potential for spirited if not volatile discourse when issues of crime and gender are combined. In balancing the emotional and the factual, we attempt to spark our students into creative thinking and effective problem solving. Sensitizing is a delicate process, with the goal of building not only local and national, but global awareness of the barriers to gender equity that still remain.

As always, we welcome feedback and suggestions for future work in this area. We would like to thank the faculty of both our respective departments for their support and the opportunities to teach Women and Criminal Justice. We are grateful for the publishing efforts of Wolters Kluwer, particularly Kaesmene Harrison Banks, as well as our kind and gentle project manager, Christine Becker. And finally, we would like to express heartfelt appreciation to our female mentors in the field of criminology and criminal justice who have paved the way for the careers we enjoy today.

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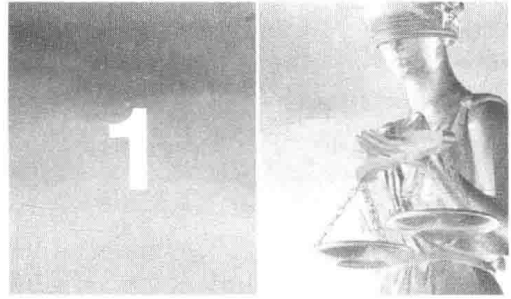
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# The Study of Women and Crime

## Introduction

In January 1930, a night watchman in Chandler, Arizona, lost his life in a gun battle with a small band of outlaws led by Irene “The Animal” Schroeder. Captured after a long chase across the desert, Schroeder was returned to Pennsylvania to be tried for an earlier murder of a lawman there (Wagner, 1999). Her moniker came from her own assessment that “I am not a woman. I’m nothing but an animal . . . full of nothing but animal instinct and self-preservation” (Shipman, 2002, p. 212). Newspaper coverage of her trial also referred to her as “Irene of the six-shooters” and “the chunky little trigger girl.” Reports also suggested that Schroeder had been a “canned heat addict” or sterno abuser, something alcoholics at the time often resorted to.

Schroeder testified that she had an irresistible impulse to steal and that the holdups . . . thrilled her. She said the impulses began at age ten, when she fell and injured her head. She testified that she had attempted suicide on three or four occasions. . . . Special Prosecutor Charles J. Margiotti told the jury in his closing arguments that Schroeder had masterminded a crime organization, and that she and her accomplices had been “carrion birds swooping into Pennsylvania to prey on fellow humans” (Shipman, 2002, p. 213).

Schroeder was convicted, and one year later she was executed. She was the only woman ever strapped into Pennsylvania’s electric chair.

Images of the female offender have ranged over time: from witches in the early American colonies to Wild West folk heroes to vixens in city brothels and

ruthless axe murderers in country cabins. From the Bible referring to woman as responsible for the fall from grace, to the fingers pointed at single mothers in city ghettos, we have long found ways to separate issues of crime into issues of gender. The public and the media have historically been captivated by the statistically rare, and therefore perhaps more intriguing, notion of women—wives, mothers, and sweet, young daughters who are capable of committing crimes.

It is the goal of any course of study on women and criminal justice to help students explore the realities of gender differences in issues of criminality, victimization, and employment in the justice system. One of the key tasks, then, is to separate real differences from those merely perceived as true or those with no evidence behind them. Data, research, and theory will guide us on this quest. Historical and contemporary accounts of women's experiences help illustrate points and sensitize us to gender's impact on personal interpretations of events. These lived accounts also suggest possible explanations for behavior, but they are, at best, anecdotal and should be weighed as such.

## Historical Criminology

In the earliest of criminological analyses, Dr. Cesare Lombroso wrote that although there were far fewer “born criminal” women than men, women were far more ferocious, revengeful, jealous, and inclined toward cruelty (1895, p. 150). He argued that because women are less sensitive to pain, they would also lack compassion. Because prostitution was not considered a “crime” at the time he wrote, such women were more likely to be viewed as impure, immoral, and weak. He distinguished this group from the truly criminal woman:

What terrific criminals would children be if they had strong passions, muscular strength, and sufficient intelligences; and if, moreover, their evil tendencies were exasperated by a morbid physical activity. And women are big children; their evil tendencies are more numerous and more varied than men's but generally remain latent. When they are awakened and excited they produce results proportionately greater.

... the criminal woman is consequently a monster. Her normal sister is kept in the paths of virtue by many causes, such as maternity, piety, weakness and when these counter influences fail, and a woman commits a crime, we may conclude that her wickedness must have been enormous before it could triumph over so many obstacles (Lombroso, 1895, p. 150).

It is no wonder that feminist criminologists have reviled the work of Lombroso over the years. Still, his theorizing represents common thinking of his time; it also illustrates the influence that his medical training must have had on his ideas and allows us to see how much our views have evolved in this area as well.



As Dorie Klein writes (1973, p. 6), early researchers like Lombroso did not credit women with the intellect of a master criminal, they were thought to be “inherently inferior to men at masculine tasks such as thought and production. . . .” Still, there are many examples of the criminal ingenuity and deviant talents of women, even in the early American colonial period. In the National Women’s History Project (<http://www.nwhp.org/resourcecenter/pathbreakers.php>), the following biography appears:

**Mary Peck Butterworth** (July 27, 1686, o.s.-February 7, 1775) was born in Rehoboth, Massachusetts, when it was part of the Plymouth Colony. This was during the conflict known as King Phillip’s War, which was one of America’s bloodiest wars. It was a time of resistance and great bravery on the part of the Massachusetts Indians and the settlers. In 1711, she married John Butterworth, Jr. This was a time of mixed political loyalty and by the time of her marriage, she along with other members of her family were counterfeiting money. She used her fine needlework skills, attention to detail and organization acumen to counterfeit at least eight types of bills. By 1716 she had perfected a method of counterfeiting the 5-pound bills of Rhode Island. Her new money was made by placing fine muslin on a genuine bill, transferring the image using a very hot iron to clean paper. The muslin was then quickly destroyed. One of her brothers made the pens from crow feathers for lettering the bills. Other brothers and their wives were part of the kitchen workshop industry. Friends in Rehoboth, including the town clerk and members of the county court bought her bills for half the face value. When one of the accomplices confessed to the governor, Mary’s house was searched but nothing was found. The confessions of the accomplice were impugned and charges were dropped (Zierdt, 2007).

As one of the first female superintendents of a women’s prison facility, Katherine Bement Davis (1860-1935) could not help but be influenced by the work of theorists like Lombroso. As a criminologist, Davis was a proponent of criminal theories that presented offenders as being of subnormal intelligence and biologically defective. Nonetheless, as an advocate of the medical model, she was concerned about the number of prostitutes, their lack of education and skills, and their high rates of disease. Fines for prostitution, she argued, usually placed the female offender further in debt to her male pimp and were therefore counterproductive. However, Davis was also not immune from the concerns of her day, particularly those about cultural adaptation to life in the melting pot of America. She pointed out the many Italian names on the rosters of incarcerated women and speculated that they emigrated with “their own primitive ideas of vengeance.” She lamented that some of the women murderers at her Bedford institution were caught up in the conflicts of their culture when their own codes make them “victims of the racial custom of revenge.”

While others at this time were staunch proponents of eugenics principles such as the labeling of moral defectives and the feeble-minded, Davis was more cautious. As a staunch advocate for the scientific study of crime, particularly the clinical assessment of the offender, Davis persuaded John D. Rockefeller, Jr., to donate \$50,000 to establish a Laboratory of Social Hygiene directly across