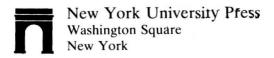


Frances Heidensohn



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To all my family

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Preface

In all the best books I have read, the introductory pages contain some of the most fascinating material. Here are to be found declarations of debts and commitments, both intellectual and personal, and often, the neatest précis of the author's argument which a busy reader can find. This one will not, I hope, prove disappointing.

In writing this text, I have analysed and presented major issues and debates in relation to women and crime. The framework within which this has been done consists of a series of propositions which derive from these discussions. These are that women have apparently no less a capacity than men for committing criminal acts, nor do they face formally different rules and laws, but their official criminality tends to be lower, less frequent and less serious. Moreover, convicted female offenders themselves resist and reject the label of criminal because of its damaging effects. When we examine the legal apparatus which is designed to deal with crime and criminals, we can clearly see how uneasily women fit into its categories and correctional system: they are not so much, when in court, police custody, or prison, in no-man's-land as in too-muchman's-land. Criminologists, too, for the most part, have dealt unfairly with women criminals, ignoring, and avoiding them and at best caricaturing their behaviour in clumsy stereotypes.

From these and further analyses we can, I suggest, derive some conclusions which can be further explored and tested. Briefly, it is not so much female criminality which seems to be distinctive, despite the efforts of a surprising coalition of authors to assert this, as the defining and controlling apparatuses which they face and which limit their public and private behaviour in gender-related ways.

x Preface

The study of women and crime has developed a great deal in the past twenty years, but there are still many unexplored areas and I hope that the ideas put forward in this book may stimulate others to take them further.

I have drawn mainly on British and North American sources and on easily accessible material, save where there are outstanding reasons for including unpublished or obscure sources.

The task of researching and writing a book is a curiously time-consuming, self-absorbed one which requires confidence and inspiration; for their encouragement and support in this work, I am especially grateful to Jo Campling, who persuaded me to write it, and to Gay Cohen, Evelyn Caulcott and Rita O'Brien. Eve Saville gave me invaluable help in many ways. Nigel Walker and the librarian and staff of the Institute of Criminology in Cambridge were most welcoming and helpful. David Downes and Paul Rock, while not involved with the present volume, have been my constant and cheerful criminological companions over many years and I owe them a great deal. Pat Arrowsmith generously gave me her time, many thoughts and ideas, and lent me copies of her poems and other writings. Iris Swain provided practical help with the manuscript, which Edmund and Lucy Pereira prepared with skill and efficiency.

At Goldsmiths' College, my undergraduate students in the Sociology of Sex and Gender, and the members of the post-graduate seminar in Women's studies helped to convince me of the need for such text.

It is customary to regret the burden and deprivations caused to families by authorship carried out in their midst. I should, however, like to record that, at least once in publishing history, this was not the case and that my sensible relatives, while pursuing their lives in uninterrupted fashion as I wrote this book, gained in a number of ways. These included acquiring an amusing topic of conversation, a dinghy sailing certificate, personal stereos and a portable television.

My parents and brothers were kind and enquiring; Christina and Martin Heidensohn worked on the references, collating and photocopying with zest and enjoyment. Klaus Heidensohn gave me happily every sort of practical and personal support. I am most grateful to them all for their humour and scepticism, their sense of reality and unstinted affection.

My thanks to everyone, but of course I am alone responsible for the contents of this book.

Editor's Introduction

Female crime has attracted great interest, in personalities such as Ulrike Meinhof, the Price sisters and Patty Hearst, as well as from academics examining the 'new female criminal'. Yet, while there has been a considerable growth in publications on the topic, there is no comprehensive text to guide students, professionals and interested observers through the complex issues. Women and Crime aims to fill this gap. It provides a unique survey of topics, sources and theories. Lively, well written and often amusing, the material is presented clearly with guides to all the major debates which have raged over one of the most controversial areas of women's studies.

Is there a 'new female criminal'? Do the police and the courts extend a protective chivalry to women offenders? Are women more harshly or more leniently treated in prison than men? Why have male criminologists neglected female criminals for so long? This book attempts to answer all these questions. As a guide to the literature and research on this topic it is without parallel.

Frances Heidensohn also uses a range of autobiographical material and other sources to explore deviant women's own experiences and their reactions to them. From these she puts forward a new explanation of the form and pattern of female crime, using not only criminological studies but also historical and literary sources. She presents the key issues of female criminality as seen by society and by the women themselves. She deals with women and justice, women and the courts, women and prison, and images of deviant women. The book contains a full account of criminology's contribution to the study of women's crime. In a novel analysis of women and social control, Frances Heidensohn shows how women's behaviour is confined and controlled in private and in public.

xii Editor's Introduction

This fascinating book is essential reading for professionals and students, but it is also compelling reading for those interested in feminism and its impact, and on the status of women in society today.

JO CAMPLING

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Introducing women and crime

One of the most remarkable developments in publishing in recent years has been the growth in the number of books for, about and by women. In particular, handbooks and guides of every sort have appeared, encouraging women to realise themselves emotionally and educationally and imparting skills in everything from building to banking. There is too a growing range of women's studies - books designed to explain and analyse aspects of women's experience both for the concerned general reader and for the increasing numbers of students of women's studies or sex and gender courses which are now offered. This book will, I hope, share some of the characteristics of both these types. While it is not intended to be a how-to-doit handbook for female criminals. I have included as comprehensive a selection as I could of what we know about women and crime. women and criminal justice, and women's experience of imprisonment. At the same time, I have tried to extend and develop an understanding of the deviance and conformity of women which will, I trust, prove useful both to students of women's studies and to the professional looking for a guide to the maze of assertions and counter-assertions about, for instance, the 'new' female criminal.

The plan of the book is as follows. In this chapter, I shall set out the main characteristics of women's contribution to criminality and the issues and problems associated with this. The next four chapters deal with the accounts women themselves have given of their experiences of crime and their reactions to these, with the impact on women both of the criminal justice system and of their imprisonment, and social reactions to female deviance. The subsequent three chapters present an account of developments in theorising

about women and crime and are followed by a chapter which analyses the social pressures to conform which affect women, through the images of deviant women and through the structuring of their social position. In short, the first part of this volume contains as full a description as possible of which women become officially defined as delinquent, how they feel about their stigmatisation, and what happens to them with the police and in court and in prison. The second section concentrates on presenting and analysing both conventional and feminist approaches to the understanding of female criminality and suggests some new perspectives.

The issues

There are probably two observations about female criminality with which many people will be familiar. First, and much the best known, is that over long periods of time and in many differing judicial systems, women have a consistently lower rate of officially recorded crimes than men. There are many ways of presenting this, but one clear one is given by Farrington (1981, p. 174) in estimating the accumulation of criminal convictions over a lifetime in England and Wales:

This analysis shows 11.70 per cent of males convicted up to the seventeenth birthday, 21.76 per cent up to the twenty-first birthday, and 43.57 per cent at some time in their lives. For females, the corresponding figures are 2.10, 4.66 and 14.70 per cent.

In other words, females are not only much less criminal than males, they are so much less criminal that whereas convictions are, statistically at least, 'normal' for males, they are very unusual for females. Indeed Farrington predicts a lifetime prevalence for males by 1989 in excess of 50 per cent (Farrington, 1981).

The second observation which has been increasingly stressed by feminist and other commentators since the 1960s is that this low criminal-participation rate has not been sufficiently remarked upon nor studied. Feminists have seen it as another example of the characteristic 'invisibility' of women in social science or social policy, while several non-feminist writers have pointed out that any

causal explanation of crime which does not include gender-related factors cannot be valid (Harris, 1977; Box, 1983). Female criminality is now a topic on the agenda and there have been very many more studies of it produced in the fifteen years up to 1984 than in any previous period. One purpose of this book is to present an accessible version of these findings.

While a 'hidden' group of women have, thus, to some extent, been rendered visible, this development does not, at first sight, seem to have the same broad relevance for all women as other parallel 'discoveries' have. The (re-) discovery of domestic violence in the early 1970s and the discussions of rape and of sexual harassment at work have been presented and analysed in ways which make them relevant to the oppression of all women and not just to those who are victims of these particular acts. Moreover, the first open consideration of all these issues led to a flood of revelations from women who had been silent sufferers before. In turn, there have been some changes in law, related social policies or trades union practices which acknowledge that these problems exist. Women's criminality, however, appears rather different. It does not look like a problem which connects with the experience of many women. I want now to look at what we know about female criminality and then to look at its main characteristics to see how we can understand them and make the topic a much broader and more widely relevant one than first it seems.

Crime and women

A cautionary note

Scepticism about both the validity and the reliability of criminal statistics is now more or less universal. The police themselves point to changes in recording procedures and public attitudes which can affect reporting of crime and the annual British *Criminal Statistics* publication makes a point of stressing the limitations of the data it presents (Home Office, 1983a, p. 218). The UK Home Office now undertakes a regular crime survey which gives a rather different picture from police records and surveys are increasingly used in Canada, the Netherlands, etc. Two principal features limit the official recording of crime: the iceberg effect and the dark figure.

While the tip of the iceberg – that is, the amount of reported and recorded crime – may be visible, there are many offences which go unobserved, unreported or unrecorded. Lack of a victim, or of witnesses or of sufficient evidence may all limit or prevent recording. The amount of unrecorded crime is not known, although attempts to measure it through victim and crime surveys or self-report studies all indicate that it is much larger than 'crimes known'. A further problem lies in the fact that the relationship between hidden and recorded crime can change, so that an apparent increase in crime may reflect an increase in offences reported and recorded rather than an increase in crimes actually committed. This, the Home Office itself suggests, is exactly what happened with offences of burglary and theft in a dwelling in the 1970s (Home Office, 1983a, p. 29) in England and Wales.

Even when crimes are known to the police, only a small proportion are 'cleared up' - that is, lead to arrest, conviction and sentence or other outcome which closes the case. There thus remains a dark figure of uncleared crimes about which very little detail is available, such as the sex, age or social characteristics of the perpetrator. In looking at available official data we must bear these general limitations in mind. There are also several factors which may have particular impact on the recording of female criminality. The only certain data on the sex of offenders comes either from police statistics of cautioning, or from judicial figures of those tried in the courts, in other words, at a fairly late stage in the process from commission to conviction, and it is a criminological truism that the further away one is from the act itself the more selected is the sample of people and events. Many early studies, for example, were seriously flawed by their exclusive use of incarcerated offenders as samples of criminals.

A further difficulty lies with the unknown dimensions of possible bias in reporting and recording offences by girls and women. It has often been suggested (see Chapter 3) that there is an innate 'chivalry' which protects women from the full rigours of policing and the courts, although as evidence put forward in that chapter shows, this is a doubtful contention. However there may be special features which affect the reporting of crimes committed by women. Pollak (1961) suggested that women's hidden crimes were massive, but he gave neither serious evidence for this contention, nor explanation for the tolerance of widespread female crime (see Chapter

6). It has also been contended that woman, especially young girls, are brought before the courts for trivial activities which would be tolerated in boys (see Chapter 3). All we can say is that the propensity to report women's crimes may differ from the propensity to report those of men but to what degree we cannot say. Two further rather technical points of interpretation also need to be stressed. First, since the numbers of women convicted of serious offences tends to be fairly small, a small numerical increase can mean a very large percentage change which should be interpreted with great caution. Second, the small numbers involved mean that various forms of analysis routinely applied to figures for males may either not be used on females or need to be treated with scepticism because of the small numbers. Thus the 1982 Criminal Statistics for England and Wales devote fourteen lines to variations in known offending by male juveniles in different police force areas and only four and a half to the same phenomenon in girls. With all these reservations in mind we can now look at official crime and delinquency by females.

The female share of crime

As I have already noted, the one thing most people know about women and crime is that women's contribution to total criminality is modest. Indeed this is an area of public achievement where women hardly compete with men.

In the analysis in this section I have used recent data for England and Wales. This data provides a reasonable example and has the advantage of coming from a single jurisdiction with a reasonably standard system of reporting and recording. Similar analyses for the USA can be found in Leonard (1982) and Simon (1975). Figures for the USA are complicated by the existence of State and Federal jurisdictions and the considerable variations in criminal law and in recording violations of it to which these lead. This presentation is therefore intended to be merely an example; while there are recent changes and local variations the patterns we shall find in recent British experience have a remarkable robustness and stability.

If we take the most recent year for which figures are available, 1982 (all the figures in this paragraph are from Home Office, 1983a) some 2 million offenders were found guilty by all courts in England and Wales. More than 1 million were found guilty of

summary motoring offences. Of all those found guilty 1 in 9 was female (11 per cent). For indictable offences (that is, broadly, more serious offences) 1 in 7 was female (14 per cent). However, when figures of cautions are included - that is, where a formal warning was given and recorded by the police - the picture changes somewhat, as females are more likely to be cautioned. Thus in 1982 as in previous years a higher proportion of female offenders - 34 per cent of females but only 17 per cent of male offenders were cautioned for indictable offences. Therefore 83 per cent of those found guilty of, or cautioned for, indictable offences were male and 17 per cent female. These represent nearly half a million males and nearly 100 000 females of whom about a third of both sexes were juveniles. For both sexes the peak age of offending is very young and related to the period of compulsory schooling - at 15 years of age for boys and 14 for girls. This proportionate share of crime has remained fairly stable during the past decade.

These ratios, although they suggest that women now take a larger part in crime than they did in the past, or in some other societies, are not very dissimilar from historically observed trends (Mannheim, 1965, pp. 678-89). Indeed women's low level of performance in crime has been regularly cited as the reason for the lack of attention given to them by criminologists, both because they seemed not to pose a problem (Smart, 1977) and because their small numbers made study difficult (Mannheim, 1965). However in recent years there has been something of a moral panic created about the allegations that women's share of crime was rising faster than that of men and rising particularly fast in unfeminine and untypical offences such as robbery and violence. This phenomenon was linked to the movement for women's liberation which, it was suggested, was leading to the emancipation of women into taking a bigger share of crime. (See Adler, 1975; Simon, 1975; and for a review, Box and Hale, 1983.) Box and Hale analysed trends over the past thirty years and showed that there had been overall a fairly stable ratio of female to male convictions since 1951 in England and Wales, although property crimes had shown some convergence, while for crimes of violence, the female contribution remained static. In reviewing the extensive popular and academic concern. they point out that most studies used absolute increases in female crime, rather than relative share and that this leads to an exaggeration of the female contribution.