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## FEMALE CRIMINAL OFFENDERS – A THEORETICAL PERSPECTIVES

**Dr. A. Ramesh**

Department of Sociology

Kakatiya University, Warangal – 506 009

### **Abstract:**

Gender orientation is currently a set up and focal point in criminology and investigations of criminal equity. It was accepted till a couple of decades back that wrongdoing is predominately a male marvel and the universe of wrongdoing is just a man's reality. The subject of female guiltiness was absolutely a disregarded wonder. No consideration was paid to look into on women' wrongdoing which brought about scarcity of hypothetical materials on wrongdoing among women. Female criminality is one of the important phenomena in popular media and also in academic discourse of contemporary scholastic arena like sociology, criminology, psychology and anthropology. The changing nature of female's roles in capitalist system instigate female more to involve in violent and property crimes. The main intent of the study is to review the major theories of female criminality such as masculinization, opportunity, marginalization and chivalry. The authors also tried to shed light on the acceptability and validity of female criminality theories on female criminal activities. This study mainly relies on secondary sources. Data have been collected from journal articles, books, research reports, government documents and so on.

Keywords: Behaviour, criminality, gender, psychology, sociology

### **Introduction**

In the past, women were virtually invisible in the literature on crime. Until recently, the problems posed by female criminality were generally ignored in most textbooks or were added as a footnote to the discussion of male criminality. In these accounts the experience of women has generally been marginalised, and their criminality has been distorted to fall in whatever male theory was being expounded. In such accounts criminality was assumed to be

a male characteristic. Since earlier times the theories formulated for explaining the criminal behaviour are based on the 'male' model since the subjects studied are male and also the one who conducted such studies were composed of male dominated population. Hence attempts were made to fit these theories to females.

Theories about crime have been propounded from time to time. Many writers have explained the deviant behaviour of a person. We have writers of the biological school, the psychological school as well as of the sociological school. Writers of the biological school explain deviant behaviour in terms of inherited traits - physical and mental. According to the psychoanalytical school, deviance is not problematical because this theory starts with the postulate about human nature according to which the tendency to deviance is 'given'. But sociologists look at it as problematical and as a tendency that is not given but learned. They explain deviant behaviour as the function of social environment and as one which is learned through group associations. We shall consider in this chapter major theoretical explanations of criminal behaviour.

## **Methodology**

The study is mainly qualitative in nature and is based on secondary materials (available literature). Mainly relevant theories of female criminality has been reviewed from available and accessible books, articles etc. Besides, data and information have been collected from available secondary sources such as journal articles, research reports, books, newspaper and periodicals. Furthermore, the contents has been analyzed descriptively and a comparative analysis of the theories has been done to describe the nature of female criminality.

## **Analysis**

Generally classical theories of crime emerged to find out the answer to the following questions, 'Why does a person commit a crime?' and/or 'What factors contribute to committing crime?' In the early periods of the classical theories, any types of crime and criminality were treated as male crime. Day by day, with the increasing the rate of female criminality, rationally a question arises- Is it possible to understand female criminality by male dominating theories? If it possible, how much will it be relevant or rational?" 'Besides distinct biological characteristics, women also bear a different and/or unique socio-

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psychological personality. Another question is, Shall we consider all the female crimes from the same theoretical point of view? In criminological research and its related literature there are four theoretical traditions of female criminality and its causation: (i) Theories of Anomie, (ii) Strain theories, (iii) Labeling theories, (iv) Learning theory (v) Control Theory, (vi) Masculinity Theory, (vii) Role Theory and (viii) Social Bond Theory.

### **Early Theories of Crime:**

Early explanations of criminality amongst women reflected prevailing views regarding crime and human behaviour more generally. During the late 1800s and early 1900s, theories of human behaviour tended to be deterministic. In criminology this perspective was apparent in theories attributing crime to either biological or social factors beyond the control of individuals. Psychological explanations of crime emerged as psychological theories gained prominence. At the same time, major sociological explanations of crime (differential association, anomie, social disorganisation) were emphasizing social and cultural factors that could account for female as well as male criminality. There are various theories formulated by the social scientists for explaining the causes of criminality amongst women. Firstly we will discuss some early theories for explaining criminal behaviour of male or female.

### **Lombroso and Ferrero**

Lombroso postulated a biological theory of crime. Cesare Lombroso and William Ferrero wrote 'The Female Offender'. It gives us an account of their much debated analysis about 'female criminality'.

Lombroso and Ferrero applied the thesis that crime was biologically predisposed and recognizable by physical stigmata to female criminality. The criminal was a primitive breed, recognizable by physical, atavistic qualities. Women were, on the whole less inclined to criminality because of constitutional and psychological factors. Women, in Lombroso's scheme of things, are less likely to be born a criminal type and are more likely to display the characteristics of an occasional criminal. This type only committed crime under the influence of a male or in a situation of extreme temptation - but most of such female criminals are not entirely deficient in the moral sense. The small majority of female criminals whom Lombroso described as "born criminal" type tended to display greater criminal propensities

and perversities from the psychological and behavioural standpoint than the male born criminal type. In this sense, when a woman is bad or worse, she is really worse or more perverse than man. The criminal woman, said Lombroso, is a monster who surpasses man when she wants to be wicked, cruel or diabolical. As criminal, she is an exception among criminals and her perversity knows no bounds.

Lombroso's work on female criminality has served to create an ideological framework in which later, more contemporary studies have developed variations on the belief in biological determinism, on the sexist beliefs in the inferiority of women; and an implicit support of double standards of morality, coupled with the failure to take into account of the socio-economic, political and legal context in which crime occurs, all appear in later works on female criminality.

### **W.I. Thomas**

Thomas's most important work in regard to female criminality is 'The Unadjusted Girl', Thomas lays emphasis on individualistic, psycho-physiological and socio-cultural approach. However, he failed to consider the secondary and low social status of women. Thomas deals with female delinquency as a normal response under certain social conditions, using assumptions about the nature of women. He rejects economic causes as a possibility at all, denying its importance in criminal activity.

Thomas's theory was primarily a pseudo-psychological justification for continuing rehabilitative methods to treat offenders and make only minor changes in the structure of society. The works of Thomas, said Carol Smart still herald the development of a liberal tradition in criminology. This liberalism, she said, rests upon the individualization of social problems and ultimately on methods of individual treatment and cure. She further observed that this liberalism carries over from Lombroso's work in the sense that like Lombroso, Thomas too believes that criminality or deviance is pathology. But Thomas differed with Lombroso when he preferred to treat it as a biological abnormality. His work on delinquent girls incorporates the familiar nature-nurture debate, in which nature is viewed as a supportive of environmental factors. Thomas believed that women had varieties of love in their nervous system and consequently their desire for response is more intense than that of men. Thomas argued that the inherent maternal instinct in women, buttressed by the intense

need to give and feel love, leads women to crime, particularly of a sexual nature, including prostitution. Referring to the treatment of offenders, Thomas finally suggested that they be treated as unsocialized, as not fully adapted to social issues of society which represent their interest, and ultimately as being sick rather than inherently evil or rationally opposed to the dominant values of society.

### **Otto Pollak**

In his book 'The Criminality of Women', Poliak has challenged the so-called disproportion between male and female criminality. He claimed that women engage in hidden crimes like abortions, murders by poisoning, offences against children, etc., because of their greater skill at deceit and cunning behaviour acquired through sexual socialization. Besides the superstitious and cunning nature of women acquired through differential socialization process, Poliak also suggested that biological factors including lesser physical strength, as well as psychological concomitants of menstruation, pregnancy, etc. enter into the etiology of female crime.

Poliak's major concern was the 'masked' character of female criminality. This masked character is achieved in three ways: firstly, female criminality is concealed by the under-reporting of offences committed by women; secondly by the lower detection rates of female offenders compared to male offenders; and thirdly, by the greater leniency shown to women by police and courts. Keeping in mind the masked character of female crime, Poliak advanced the theory of the 'hidden' female criminal to account for what he considered unreasonably low official crime rates for women. A major reason for the existence of hidden crime, as he sees it, lies in the nature of women. Women are instigators rather than perpetrators of criminal activity. The masked character of female criminals, Poliak observed, results in gross under-reporting and bolsters the official belief that females are a very low risk for crime. Generalizing on the basis of arrest data on female crime, he maintained that women offenders have lesser chance to be reported to be arrested, to be convicted and to be committed than men.

Carol Smart believes that, Poliak's theory is heavily influenced by Freudian analysis and therefore is subject to the same criticism that has been raised against the Freudian theory. The 'sexual passivity' in females, said Smart, has no proof and is poorly chosen for use in a

casual theory. The criticism of Poliak's views on female criminality revolves round the fact that he made no substantial departure from the Lombroso tradition and displayed a kind of common-sensical approach to the study of female crime. With all his limitations, we should not forget that the history of female criminological theories cannot be completed without a mention of Poliak's contribution.

### **Theory of Anomie**

American Sociologist Robert Merton, borrowed ideas from the French Sociologist Emile Durkheim. Durkheim defines crime as acts which 'offend strong and definite states of the collective conscience'. Crime for him is a social fact. It is normal and universal in its varying forms, in all cultures and societies, at all stages of their development. A certain amount of crime is inevitable, normal and healthy in any society. Crime is inevitable because not every member of society can be equally committed to the collective sentiments, the shared values and ethics of society. Since individuals in society are exposed to various influences, it is impossible for all to be alike. Durkheim further argues that crime is not only inevitable, it can also be functional. Social change begins with some form of deviance and society itself generates deviance for its own wellbeing. Repressing criminal behaviour completely is not desirable, for that would create a situation that is inimical to innovation and social change.

Robert Merton borrowed ideas from Emile Durkheim. According to Merton, 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. Frustrated individuals turn to crime either to release this tension or to achieve their goals via illegitimate avenues. Merton used the word 'Anomie'. To Merton, anomie was not a state of normlessness which precipitated anti-social behaviour, but the condition experienced by individuals taught to want the goals of their culture but denied access to them.

Merton distinguished between social and cultural structures. Cultural structures refer to goals and interests men pursue, while social structures refer to means or approved methods which regulate and control the pursuit of goals and interests. The cultural system of society enjoins all men to strive for goals by means of normatively approved forms of behaviour. However, opportunities to reach these goals through socially approved means are unequally

distributed. Deviant behaviour occurs when social structure restricts or completely closes a person's access to the approved models of reaching these goals. Some social structures exert a definite pressure on some persons to engage in non-conformist rather than conformist conduct.

This theory has been criticized by Cohen Clinard and Lemert. Their main arguments are (1) only structure has been given importance and the individual's personality ignored, (2) tensions do not necessarily lead to deviant behaviour, (3) Merton's assumption that deviant behaviour is disproportionately more common in lower classes is not correct, (4) Merton has failed to account for 'non-utilitarian' crime and juvenile delinquency in which people engage only for fun and not to meet specific goals of the society, (5) it does not take into account the social-psychological variables or the social structural elements, which might explain the priority of one adaptation over the other by individuals.

### **Strain Theory**

American Social Scientist Albert Cohen, in his work, 'Delinquent Boys', took up Merton's idea of 'strain' explicitly to explain the different patterns of male and female crime, in particular the crimes of youth. He interpreted strain as the main catalyst in the formation of delinquent gangs by male working-class American youth. Cohen unintentionally extends this theory by proposing that when their aspirations for status are frustrated in the middle-class milieu, lower class boys tend to set up a delinquent structure, whereas Cloward and Ohlin intentionally extend Merton's theory by suggesting that whether the potentially delinquent lower-class youth will actually become delinquent depends on the factor of differential illegitimate opportunity.

This theory has been criticized for lacking in empirical support, for ignoring value pluralism, and for slighting the fun element in delinquency. But the theory has been praised for replacing the psychological approach with the sociological approach to deviance and for offering a valid premise concerning the aspiration opportunity gap.

### **Theory of Differential Opportunity**

Instead of discussing pressures and motivations leading to criminal acts, this theory gives importance to adoption of particular kind of criminal act. This theory is presented by Richard Cloward and Lloyd Ohlin. The theory attempts to answer the question why different

criminals adopt different forms of crime to express or fulfill their wishes or resistance. They consider that all individuals live in two kinds of opportunity structures. One is the legitimate opportunity structure and other is the illegitimate opportunity structure. As some people in society have limited access to achieve goals by legitimate ways or means, they may turn to illegitimate opportunities. A person may even directly turn to illegitimate opportunities. But the nature or pattern of illegitimate behaviour depends upon the access to a learning environment of such behaviour. Describing the importance of theory of differential opportunity Cloward and Ohlin contended that the concept of differential opportunity structures permits us to unite the theory of anomie, which recognizes the concept of differentials in access to legitimate means and the 'Chicago tradition', in which concept of differentials in access to illegitimate mean is implicit. We can now look at the individual not simply in relation to one or the other system of means but in relation to both legitimate and illegitimate systems.

Thus, the theories of status frustration and opportunity draw our attention to structured inequalities, which lead to variations in crime rates. These theories also explain why a particular class of society turns to a particular kind of crime pattern. In short these theories analyze societal and structural roots of crime and criminal behaviour.

### **Labeling Theory**

The most notable contribution about this theory is made by Franklin Tahnenbaum in his book 'Crime and the Criminality'. Criminologist Howard Becker has stated his theory in his volume 'The Outsiders'. According to the labeling theory, super-ordinate parties apply the deviant label to subordinate parties; being labeled deviant produces unfavourable consequences for the individual so labeled; and labeling others as deviant generates favourable consequences for the individuals, groups or communities that do the labeling. But the labeling theory has been criticized by some sociologists for being unable to tell us the causes of deviant behaviour and for over - simplifying and exaggerating the influence of labeling on the development of a deviant career.

Becker observed that, society itself creates 'outsiders' by generating the rules that define crime and other kinds of deviance. He noted the importance of the process of stigmatization and labeling. He also tried to trace out political intentions working behind the process of law or rule-making.

## **Differential Association Theory/Learning Theory**

Edwin Sutherland introduced the theory of 'Differential Association'. He gave two explanations for criminal behaviour Situational and genetic or historical. Situational crime is crime on the basis of the situation that persists at the time of crime and genetic crime on the basis of a criminal's life experiences. He himself used the second approach in developing the theory of criminal behaviour. Sutherland's main thesis is that individuals encounter many inharmonious and inconsistent social influences in their life-time and many individuals become involved in contact with carriers of criminalistic norms, and as a consequence become criminals. He called this process 'differential association'.

The theory states that criminal behaviour is learnt in a process of communication with other persons, principally in small intimate groups. This learning includes the techniques of committing the crime. The specific direction of motives, drives, rationalizations and attitudes is learned from definitions of the legal codes as favourable or unfavourable.

This theory states that a person will become a criminal if he or she associates more with criminal than with anti-criminal people and ideas. The first explicit application of differential association to females was by Ruth Morris in her effort to explain female conformity. She hypothesized that, 'there is a relative absence of a deviant sub-culture for female delinquents, and absence of sub-cultural as well as cultural support for female delinquency'. Glaser extends differential association theory by suggesting that 'differential identification' is the determining factor for turning the differential association into criminal action.

Sutherland's theory has been criticized for its failure to explain the behaviour of lone criminals, for offering an empirically vague concept and a tautological explanation, and for wrongly assuming the learning of special skills as necessary for committing crime and delinquency. But the theory has inspired substantial empirical research.

## **Control Theory**

The control theory perspective suggests that, every person has bad and good qualities only because of the social environment, social values and norms around him. This theory states that what cause conformity is control and therefore the lack of control causes deviance. The group of control theorists consists of three sociologists – Walter Reckless, Ivan Nye, and Travis Hirschi. Reckless refers to the casual factor of conformity as containment, Nye as

‘social control’ and Hirschi as ‘bond to society’. This theory has been well supported by empirical data, but it is applicable to unsophisticated delinquent behaviour only. This theory seems unable to explain more sophisticated adult deviant behaviour, aside from presenting an oversimplified view of social control. Control theory differs from both the anomie and the differential association theorists who approach the problem of explaining deviant behaviour asking ‘What causes deviance?’ Control theorists on the other hand approach the problem in a roundabout way and ask ‘What causes conformity?’ They will automatically find out what causes deviance. For, what causes deviance is simply the absence of what causes conformity. This control theory differs from Anomie theory.

The literature applying control theory to women is inconclusive. However, ever since Hindelang discovered that, ‘the presence or absence of social bonds bore a weaker relation to female delinquency than to male delinquency’ 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 confirming girls’.

### **Masculinity Theory**

This theory comprises of two ideas: Crime is symbolically masculine and masculinity supplies the motive for a good deal of crime. The qualities demanded of the criminal-daring, toughness, aggression all exemplify maleness. As an explanation of female behaviour, masculinity theory expounds the unsuitability of crime for women, thereby explaining their conformity. The masculinity theory of offending was first expounded by Talcott Parsons. Parsons offered an account of the greater delinquency of boys as compared to girls based on nuclear family. He stated that, ‘The tendency of girls seems to be more law-abiding than boys’. In contemporary criminology, there has been a remarkably high degree of fidelity to Parsons’s original conception of sex roles among both feminist and more traditional writers. Criminologists assume that crime for females is a form of expression of gender role. Modern theorists speak in terms of the pernicious effects of the gender roles imposed on women and rather than regarding them as appropriate and functional, they advanced nevertheless a view of women at least as controlled, as conformist and as ineffectual as Parsons conceived.

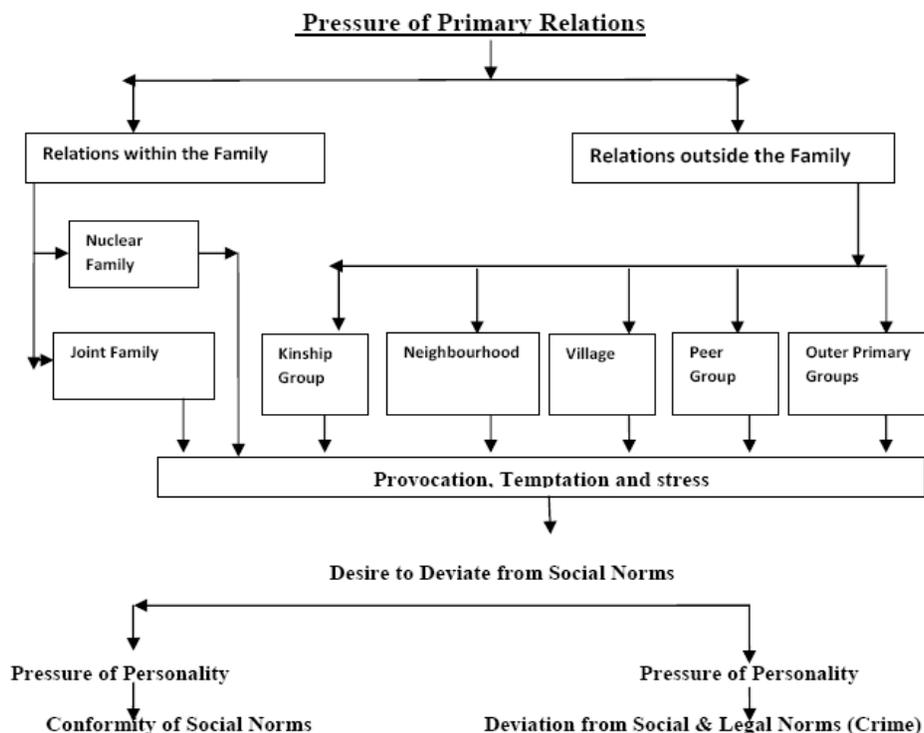
## **Role Theory**

Recently, criminologists have used role theory to explain women's crimes. While advocating this theory, it is pointed out by scholars like Frances Heidensohn and Marie-Andree Bertrand that owing to close supervision and social restrictions on women, socialization, development of consciousness, and self-perception vary considerably between boys and girls. Girls are usually trained to be passive, domesticated and nonviolent and are not allowed to learn how to fight or use weapons. Contrary to this, boys are aggressive, ambitious and out-going. Girls thus shrink from violence and do not possess the necessary technical ability or strength to engage in crimes of violence, armed robberies, gang fights, etc. At worst, they engage in petty or domestic offences. Different expectations of standards of behaviour appear to be important in the genesis of women's crime. Normally girls are expected to adhere strictly to moral standards whereas boys are considered as normal violators of moral standards. So it is seen that women are less involved in immoral behaviour.

The Role theorists highlight the way in which opportunity structures predispose males rather than females to delinquency. Woman's criminality can be theorized in terms of 'contradictory or ill-defined roles in the family'. However, there are some inbuilt limitations to the role theory. Carol Smart observes that, role theory fails to discuss motivation or intention as an integral part of female criminality. For example role theory does not explain why even though women are socialized into primarily conforming patterns of behaviour a considerable number of them still engage in crime.

## **Social Bond Theory**

Ram Ahuja has put forth an explanation from an Indian perspective for women's crime. His work attracted the attention of a number of sociologists and criminologists to the area of female criminality in India. This perspective is primarily concerned with the pattern of family relationships. Through analyzing the structural problems of family organization and the types of functional problems in women's families of procreation, crimes committed by women are examined in terms of maladjustment in interpersonal relationships within the family. This 'family-centred explanation' or more broadly the 'Pressure of primary relations perspective'.



The diagram shows that factors endogenous or exogenous to family create provocation, temptation, strains and stresses in a woman's life. These provocations or stresses produce a desire or a need to deviate from social and/or legal norms. The personality structure or the biological and psychological characteristics like temperament, attitudes, frustrations, deprivations or dominant underlying need prevent this deviation in some women, but fail to do so in other cases. Thus, both personality system and pressures of environment in which woman functions, contribute to woman's criminality. Ahuja has analyzed intra-family problems of relationships that is the structural problems of family organizations. He presented his theory on the basis of interaction of women with their family members. He tried to explain etiology of female crime in terms of 'maladjustment' in interpersonal relationships within the family.

**Conclusion:**

The impact of the women's liberation movement on female crime has become the basis of a heated debate in the criminological literature on women. 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". Adler's analysis of the nature of the new female criminal seems to rest on two points. One is that women's liberation

has brought out women's competitive instincts. Women are now more assertive, more aggressive, and, indeed, more 'masculine'. Her other argument is that women's liberation has opened up structural opportunities for women to offend. For example, women now have more opportunities to engage in crime in the workplace. Thus, liberation is causing women to engage in more crime.

Different theories and explanations for the causes of crime have been suggested by writers at different times. However, no single theory can explain all crimes and delinquency. Different patterns of crime require different explanations. Therefore, understanding criminal behaviour requires examining the individual and the situation because basically criminal behaviour depends upon how the individual perceives and interprets a situation.

Thus, the validity of any social science theory depends upon its verification based on the empirical data. Like other social science theories, criminological theories are always being challenged by new empirical evidence. Naffine examines in his review various theories of criminality and explores the idea of 'female voice' for the construction of women in criminology. However, theories discussed above, have given the proper perspectives to researchers in understanding the nature of crime and criminals. These theoretical frameworks have been taken as guidelines for the present study.

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