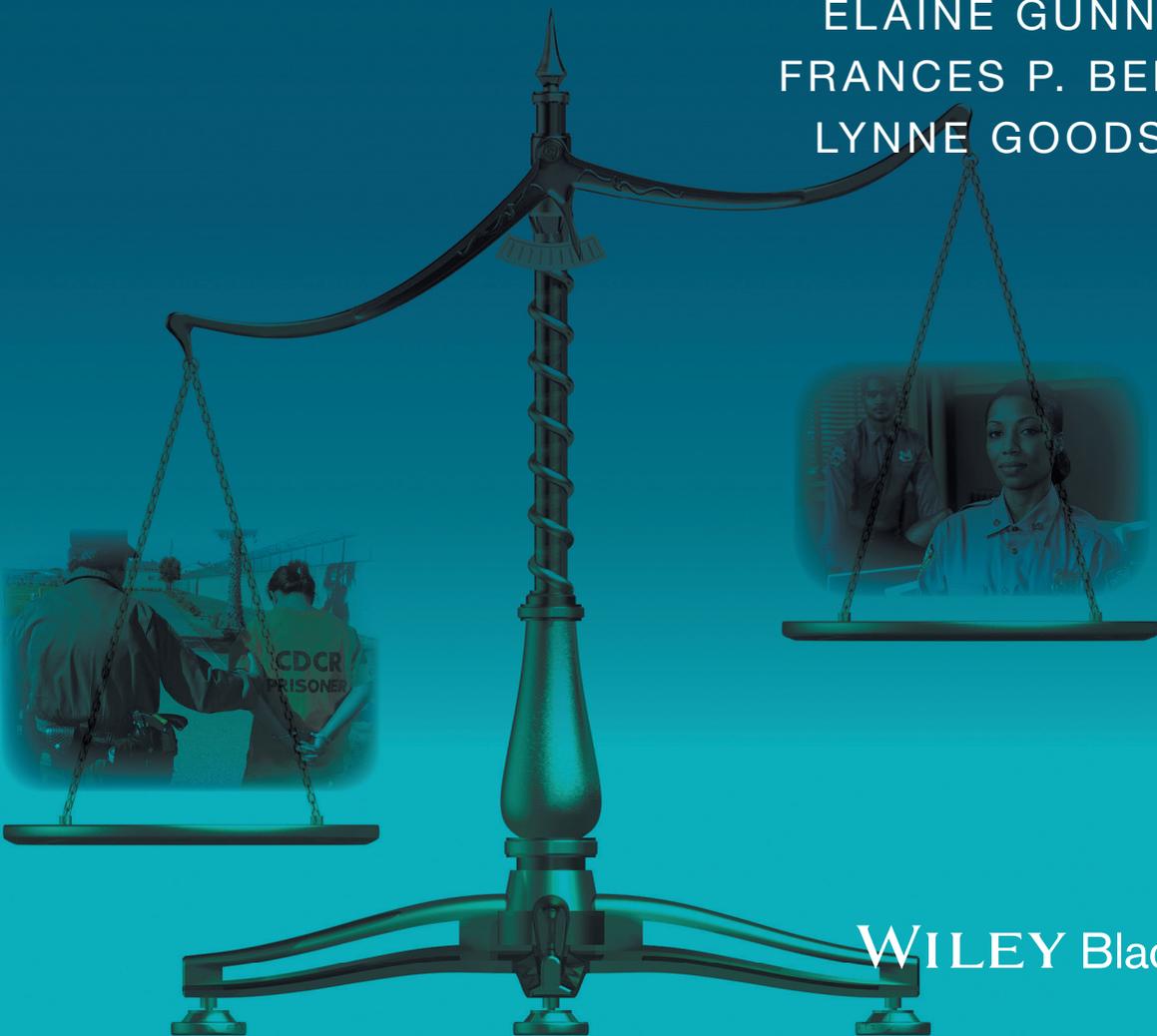


WOMEN, CRIME, AND JUSTICE:

Balancing the Scales

ELAINE GUNNISON
FRANCES P. BERNAT
LYNNE GOODSTEIN



WILEY Blackwell

Women, Crime, and Justice

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**Elaine Gunnison, Frances P. Bernat,
and Lynne Goodstein**

WILEY Blackwell

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*For the wonderful boys in my life who make each day special:
Daniel, Zachary, and Evan*

For my parents: Walter and Jane

—E. G.

*To Nick and Emily, may your days be as filled with love and joy
as mine have been with you in my life.*

—F. B.

*To Grace, whose love of reading will be a source of great joy
throughout your lifetime.*

—L. G.

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About the website

www.wiley.com/go/gunnison

The *Women, Crime, and Justice: Balancing the Scales* companion website features resources created by the authors to help you use this book in university courses, whether you're an instructor or a student.

For Instructors

- PowerPoint slides
- Essay questions
- Quiz questions with answer key
- Chapter outlines
- Media suggestions

For Students

- Chapter outlines
- Media suggestions
- Student engagement activities
- Further reading suggestions
- Glossary

CHAPTER 1

Foundations for understanding women and crime

Student learning outcomes

After reading this chapter, you should be able to:

- Explain why a text on women and crime issues is important.
- Describe the difference between the terms “sex” and “gender.”
- Identify core dimensions affecting our understanding of women and crime.
- Summarize the feminist movement in the United States and globally incorporate the role of feminist theory and feminist criminology.

Introduction

Each day, all elements of the criminal justice system (i.e., police, courts, corrections) are allied in a battle to reduce crime and obtain justice for victims. As citizens, we understand that there are both offenders and victims, and we also know that offenders and victims can be of any gender, race/ethnicity, or sexual orientation. However, the acceptance and acknowledgment of women as being both offenders and victims by society has not always been the case. One of the first infamous cases that put women in the limelight and captured the attention of the American public was the case of Lizzie Borden. In 1892, Borden’s father and step-mother were killed in their home in Massachusetts with a hatchet. Due to the brutality and shocking circumstances surrounding the crime, it soon garnered national attention when Borden was arrested and charged with the murders (Unknown 1892). After all, it was certainly shocking that a woman could be the perpetrator of such a horrific crime. Following an intense trial and media circus, Borden was found not guilty of the murders in 1893 (Howard 1893). Despite her acquittal, she was still ostracized from society and speculation has continued for over 100 years regarding her innocence. While Borden’s case highlighted the fact that women could indeed be criminals, criminologists of the time were neither interested nor inspired to begin examining women offenders and the crimes they committed.

The plight of women as victims of domestic abuse seemed to go unnoticed by the American public or researchers until the case of Francine Hughes. Hughes had experienced 13 years of domestic violence by her ex-husband and had finally reached her breaking point in the late 1970s (McNulty 1980). In 1977, Hughes gathered her children into her car and then went back into the house and set her ex-husband's bedroom on fire, which killed him in his sleep (McNulty 1980). While Hughes certainly was not the first woman to experience domestic abuse, her case garnered national attention and prompted a greater awareness of domestic violence – particularly when actress Farrah Fawcett portrayed Hughes in a television movie called *The Burning Bed*. Since Hughes' case, other victims of domestic violence have further fueled the awareness that domestic violence exists and it can occur to any woman regardless of her status. For instance, the murder of Nicole Brown Simpson by O.J. Simpson, her ex-husband, in 1994 created a media sensation at the time (Rimer 1994). Nicole had a history of experiencing domestic abuse at the hands of Simpson. More recently, South African Olympic athlete Oscar Pistorius shot and killed his girlfriend, Reeva Steenkamp, in 2013 (Alter 2014). While Pistorius claims the shooting was accidental, many believe Steenkamp was a victim of domestic abuse.

The aforementioned cases highlight the fact that women are an integral part of the criminal justice system as offenders or victims. Yet, these cases are reminders that the media picks and chooses which cases to highlight and report on, creating an incomplete portrait of the modern-day female offender and victim. This text provides a detailed investigation into the role of women in the criminal justice system as offenders, victims, and working professionals. Specifically, in this chapter, we explore the reasons why a text and courses on the subject matter are so critical. Next, we define concepts to enable a better understanding of women and crime issues. Finally, we describe the importance of gender in criminology and criminal justice.

Reasons for the focus on women and crime

While you may be able to quickly recount examples of women as offenders, victims, and working professionals in the criminal justice system, you might be surprised to learn that most of what we know about women in these realms has emerged from researchers only in the past several decades. Wait, how can that be? To fully grasp why our knowledge of women in these areas is rather sparse, we first have to examine why our understanding of women as offenders, victims, and professionals has been historically limited. Within the field of **criminology**, the study of the causes of crime and criminal behavior, women were largely overlooked. Throughout the 1800s and most of the 1900s, criminologists were primarily interested in understanding why men committed crime (Chesney-Lind 1989; Heidensohn 1985). This was due, in part, to the fact that men were exhibiting more criminal behavior and committing more serious crimes. Thus, it was argued by many that understanding male offending was the logical place to start in order to understand offending and subsequently reduce crime. Unfortunately, this line of thinking resulted in the examination of female offending being brushed aside. Also, it should be noted that many of the early criminologists were male. Thus, their gender may have played a role in their approach to examine male criminal behavior first. Whatever the true underpinnings of the historical failure to try to understand female offending, the result of this initial oversight has carried over into other areas of research regarding women. For instance, historically, women were left out of the discussion and analysis of crime in many criminology and criminal justice texts as offenders, victims, or even as workers within the criminal justice system. Although textbooks in the field have evolved over time to integrate gender into topics of discussion, many researchers argue that the inclusion of such discussions is still limited. For example, in some cases, the inclusion of women in a topic on criminal justice may be biased. One of the authors of this book can recall using an Introduction to Criminal Justice text within the past decade that featured

a section within one chapter entitled “Do women make good police officers?” Besides the obvious problem of the aforementioned section title, the book failed to include another section asking the same question regarding male police officers. Given the oversight of women in the many criminology or criminal justice texts or biased presentations of women presented in these texts, this book is devoted to a detailed examination of women as offenders, victims, and professionals.

Along with books specific to women and crime, courses on women and crime are critical. Reflect on your career goals. Do they include working at all with offenders or victims? If so, it is critical that you understand the population that you likely will be working with. By acquiring knowledge of women and crime issues, it will greatly improve your preparation for professions in law and in the criminal justice system. Besides the acquisition of knowledge of various problems and how they impact women and men, you will be able to articulate the steps that you and others may need to take in order to ameliorate or eliminate these problems through the use of **policy implications**. Policy implications refer to policies that can be implemented to combat a social problem. In the future, you may find yourself working in the criminal justice profession and will need to suggest policies to help the population you may be working with. Today, it is not enough to recognize that a problem exists in the criminal justice system, and think that the problem is unfortunate or that you are powerless to make a difference. Rather, there are many ways in which you can get involved in some form of activism on the topic, whether it is through knowledge dissemination to the public or more formal types of activism such as establishing a grassroots campaign to change a law or institute a policy.



CASE STUDY: Chibok kidnappings

In mid-April 2014, over 200 female students were kidnapped from their school in the town of Chibok in Nigeria (McCoy 2014). The kidnappers broke into their school with brute force and shot at guards. The female students that were captured were loaded into trucks to either be later killed, or required to work as domestic servants or sex slaves. Some female students were able to escape but many students are still missing. The Islamic terrorist group that claimed responsibility for this atrocity is known as Boko Haram. Apparently, the rationale for their actions was their quest to stop Westernization, which includes the education of women (McCoy 2014). These kidnappings have gained international attention, with the slogan “#BringBackOurGirls” being placed all over the Internet, including social media sites, and mentioned by celebrities and political officials (Dixon 2014). Additionally, the kidnappings have captured the attention of US government officials, who are now planning to send in troops to assist in the search of the missing girls (Londoño 2014).

Concepts of importance

To obtain a better grasp on women and crime issues presented in this book, it is important to understand the critical concepts – not only their definitions but also how these concepts are interwoven throughout the text. In the 1970s and 1980s, feminist scholars began to articulate the difference between the concepts **sex** and **gender** (Daly 1997). Today, the distinction between these two terms is still relevant and very important. One reason that scholars were beginning to make distinctions between the concepts was due to concerns that the term “sex” was being utilized to not only reinforce stereotypes about women in society, but even as a justification for discrimination against women in society.

Let’s examine the stereotypes circulating about women during these decades. Before Sarah Palin became a household name in 2008, when she was selected as John McCain’s running mate for the presidential election, another woman had already blazed the trail – Geraldine Ferraro. Ferraro, in 1984,

was selected as the vice-presidential running mate for Walter Mondale. When Ferraro was selected as the vice-presidential running mate, concerns arose about whether she had gone through menopause yet – yes menopause! The reasoning behind the “concern” was that if she had yet to undergo this biological transformation and if she underwent it as a vice-president and even became president, she might be more likely to exert power and perhaps even be compelled to start a war (Goodman 1992). West and Zimmerman (1987, 127) define sex as “a determination made through the application of socially agreed-upon biological criteria for classifying males and females.” Using this definition, you can consider the biological differences such as genitalia, chromosomes, or other physical features as the main distinguishers between males and females. However, examining women and crime issues in the context of only their sex, or biological differences, was considered too simplistic by many feminist scholars, who expressed concern that the role of biology was too intertwined with the term “sex” (Daly 1997). Due to the limited scope of the sex definition, more scholars began to utilize the term “gender” as a better method of distinguishing between males and females. As described by West and Zimmerman (1987, 129), gender is “not a set of traits, nor a variable, nor a role” but rather a product of social interactions. In other words, gender depends on social factors and interactions such as the role or position that an individual has in society, as well as the identity that he/she has formed. Hence, the gender definition helped remove the biological connotation associated with the term “sex.” In popular culture, you can find limitless examples of social interactions that are meant to shape a gender identity. Take the “reality” television show *The Bachelor*, in which a single man looks for love while countless young and attractive women compete against one another each episode in hopes of being chosen and proposed to in the end, as a prime example of the shaping of gender identities. When reflecting on women in society, as offenders, or even as victims, think about how their power in society and how social interactions with others might shape their gender. Today, feminist scholars more commonly utilize the term “gender,” and in this book, the term “gender” is utilized as opposed to the term “sex.”

Another concept of importance to understand as you read this book is the law – particularly the impact it has on women. Without a clear comprehension of the role of law and how it impacts women, your ability to understand women and crime issues would be limited. Whether you agree or disagree with the *Roe v. Wade* (1973) decision, the historic Supreme Court ruling permitting abortion, you likely understand the impact this legal decision has had on women across the United States. **Laws** that define particular acts as illegal, known as **criminal law**, are not intentionally created to harm women but sometimes do. In the 1980s, policymakers re-ignited a “war on drugs” campaign. While regulating the distribution of drugs had already been a concern in the United States in the early 1900s, during the 1980s renewed attention on outlawing drugs became the new national concern for policymakers. As a result of this campaign, drug penalties increased for those in possession of drugs whether for personal use or distribution. Although the new penalties were theoretically intended to be applied equally across race, class, and gender, this, unfortunately, was not the case. Ultimately, from arrest to incarceration, women of color were swept up in the drug war – more so than other groups in society (Bush-Baskette 2000). Other laws that are not criminal also impact women and may even be established to prevent women from being victimized. For example, you may have noticed that the media and news outlets do not report the names of rape victims. However, this was not always the case. Prior to the adoption of **rape shield laws**, not only were rape victims identified in the media, but they also often underwent a form of sexual interrogation when testifying in court during questioning by the defendant’s attorney. That is, defense attorneys would ask the victim about the number of sexual partners that she had had before the victimization and would typically try to paint a picture that the victim was promiscuous or was a spurned lover – particularly if the victim and offender were acquaintances. By the late 1970s and early 1980s, most states had adopted rape shield laws, prohibiting rape victims from being identified in the media as well as rape victims being questioned about their prior sexual history when testifying in court (Haddad 2004). Additionally, laws impact women even outside of crime and victimization. Women working in the United States have benefited from laws that have allowed them to have greater

access to predominately male-dominated professions as well as equal pay – although despite these laws women are still trying to break barriers into professions and receive equal pay.



SPECIAL LEGAL ISSUES: Legal considerations for the burqa and niqab

Due to cultural and religious beliefs, many Muslim women wear an Islamic veil such as a hijab, a headscarf, or a burqa or niqab that covers their entire head, face, and body (Chesler 2010). The difference between the burqa and the niqab is that the niqab has a small space cut out for the eyes, allowing the woman's eyes to be seen. Women who wear burqas for their entire lives may experience adverse health outcomes such as eye damage, osteoporosis, heart disease, hypertension, and depression (Chesler 2010). Apart from the physical and mental health concerns, some view the wearing of a burqa by women not as freedom of choice but rather as a symbol of the oppression of women and misogyny (Chesler 2010). Lévy (2010) argues, "The burqa is not a dress, it's a message, one that clearly communicates the subjugation, the subservience, the crushing and the defeat of women." Because of such viewpoints, many countries have implemented legal reforms in regard to the wearing of burqas or niqabs.

Several countries in the Middle East, as well as Tunisia, Malaysia, and Morocco, have legally banned the wearing of Islamic dress. In 2010, Syria became the latest Middle East country to ban the burqa and niqab in public spaces (Chesler 2010). The first European country to tackle the issue of religious dress was France. In 2004, France outlawed the wearing of any religious clothing in public schools, including the hijab, veils, and even Christian crosses (Chesler 2010). Several years later, in 2010, Belgium outlawed the wearing of burqas and niqabs in public. By 2011, France had also banned the wearing of burqas or niqabs in public spaces. Unfortunately, this has resulted in an increase of attacks on Muslim women who reside in France and still wear their burqas or niqabs (Chrisafis 2011). More recently, in 2013, the Netherlands outlawed the wearing of burqas and niqabs in public (Nikolas 2012).

When exploring women and crime topics, it is important to recognize that these topics cannot be merely examined from a lens only focused on gender. Race/ethnicity, social class, sexual identity, and even nationality/immigration status play a significant role in our understanding of women and crime issues. It is imperative to recognize the **intersectionality** of gender with other core status dimensions when examining the relationship between women and offending, victimization, and professional employment (Crenshaw 1991; Daly 1993; Daly and Stephens 1995). Daly and Stephens (1995, 193) explain that utilizing an intersectional approach to examining crime allows for explorations into "how class, gender, and race (and age and sexuality) construct the normal and deviant ... how these inequalities put some societal members at risk to be rendered deviant or to engage in law-breaking, and ... how law and state institutions both challenge and reproduce these inequalities." For instance, examining crime and victimization issues for African-American women in terms of how they relate only to gender or race provides for a conceptually incomplete understanding of these issues. As explained by Crenshaw (1991, 1244),

the experiences Black women face are not subsumed within the traditional boundaries of race or gender discrimination as these boundaries are currently understood, and ... the intersection of racism and sexism factors into Black women's lives in ways that cannot be captured wholly by looking at the race or gender dimensions of those experiences separately.

Richie (1996), in a classic study of 37 African-American women incarcerated at Rikers Island Correctional Facility in New York, lends support to Crenshaw's (1991) assertions that crime and victimization issues must be examined through the intersectionality of race, class, and gender. In her study, she discovered that approximately one-half of her offender sample were also victims of

domestic violence and that intertwinement of race, class, and gender can propel battered African-American women to engage in criminal offending. As Richie (1996, 133) explains, “some women are forced or coerced into crime by their culturally expected gender roles, the violence in their intimate relationships, and their social position in the broader society.” When Richie (1996) further explored the link between victimization and offending, and the impact of domestic violence on African-American women, it became clear that race, class, and gender were critically intertwined. Similarly, in order to understand hate crime victimization, it is also necessary to examine the intersectionality of various status dimensions. While there have been many instances of hate crimes in our society, especially against African-Americans, one particular case brought renewed attention to hate crime victimization as it related to gender and sexuality, and even resulted in a Hollywood film entitled *Boys Don’t Cry* (Fairyrington 2013). In 1993, Brandon Teena, born a female but self-identified as a male, was targeted for victimization and raped in Nebraska due to his sexual status. When Brandon reported the rape to the police, this infuriated the perpetrators, which subsequently resulted in them murdering him (Fairyrington 2013). This case is a key example of why it is crucial for scholars to avoid examining hate crime victimization only through the lens of gender or sexuality, so that they are able to obtain a more comprehensive understanding of the issue.

Along with the need to examine women and crime issues with an intersectionality focus, there is also a need to recognize that victimization and criminality cannot be examined separately from each other. Research has consistently supported prior sexual abuse as a moderate to strong predictor of female offending (Siegel and Williams 2003). For example, numerous researchers have explored female offending and have linked prior sexual abuse to the onset and persistence of criminal offending patterns (Bailey and McCloskey 2005; Chesney-Lind and Pasko 2004; Comack 2005; Goodkind, Ng, and Sarri 2006; Gunnison and McCartan 2005; Widom 1995). The link between victimization and offending has been found for female offenders in the United States and across the world. Stathopoulos and colleagues (2012) report that incarcerated women in Australia have high rates of sexual victimization histories. For some women, there is a direct link between victimization (i.e., sexual and physical) and criminal involvement, but for other offenders the link between victimization and offending is indirect (DeHart 2005). In a study of 60 incarcerated women, DeHart (2005) discovered that for some of the incarcerated women the abuse contributed to their further marginalization in society, resulting in blocked access to legitimate institutions. For example, some abused women used drugs and/or alcohol as a coping tool for the abuse, and this use led them to become addicted. The addiction then blocked them from participating fully in society, such as derailing their ability to obtain legal employment. Thus, they became involved in crime to support themselves and their addiction.

Gender in criminology and criminal justice

When one of the authors of this text was in graduate school, a faculty member told her that researching women was just not that important. Imagine the shock the author had upon hearing that statement. Unfortunately, many in society, including academics, politicians, and even citizens, adhere to this same idea – that somehow women are unworthy of our attention. Why does this happen? It could be a reflection of society in general. If women are not valued in society, which was the situation during Borden’s case, then it should not be surprising that concerns regarding their plights as offenders, victims, or working professionals in the criminal justice system may also be dismissed. On the other hand, oftentimes such statements are made due to a lack of knowledge about the importance of researching women in society in roles such as offenders, victims, or professionals. Some scholars have asserted that because women offenders are a smaller percentage of the offending population, it is not a priority to study this group. However, the smaller percentage of women in the offending population does not justify lack of research, especially when considering that women offenders are living among us right

now. They are driving on the same roads you and I drive on and perhaps are sipping coffee near you at your local coffee shop. If they are not already among us, they will likely be released from prison back into society. Thus, what happens to them before, during, or after incarceration may impact you in small or large ways – or perhaps ways you will never know. Women who experience victimization are also worthy of our attention. Only by understanding the nature of the victimization that they experience, can we work towards policies and laws to assist victims, such as Hughes, and also help prevent future victimizations. Further, women have had to break down barriers to work not only in society in general but also to obtain employment in various areas of the criminal justice system. Thus, the question today should not be “why is it important to examine women in the criminal justice system?” but rather “why would it *not* be important to examine women in the criminal justice system today?”

Women’s roles – past and current

When you think of the role women had in society in the past, what images pop into your mind? In the 1950s, a popular television show called *Leave it to Beaver* dominated airwaves. The show depicted a contemporary family, in which the mother of the children stayed home, took care of the children, baked cookies, and did not work outside the home – after all, that was the expectation at the time. This portrayal of mothers was a bit of a throwback, though, because when World War II broke out, a dramatic shift in women’s roles began to occur, with many women entering the workforce during that time. After the war was over, many women continued to work in their jobs. However, it seems that despite these trends, many in the entertainment industry could not relinquish their tendency to portray women in stereotypical roles. Despite such portrayals, the trend of women entering the workforce continued steadily thereafter. Today, what roles pop into your mind for women today? The new mantra for women today seems to be that “you can have it all.” That is, you can work, be married if you choose, and also raise your children – it is no longer a choice between work and family. Stronger images of women in television and film now appear more frequently. That is, women are being portrayed less as damsels in distress. Perhaps the movies *Kill Bill* or *The Hunger Games* come to mind. In the *Kill Bill* movie, a strong female character played by Uma Thurman exacts justice on her terms through killing with impressive martial arts maneuvers. Women have made great strides in society, and their greater representation as a focus of study in regard to their offending and victimization is due to the feminist movement.

The feminist movement in Western countries

In the United States, the feminist movement can be viewed as unfolding in three distinct waves over a 100-year time span (Burgess-Proctor 2006). During the mid- to late 1800s, the first wave of feminism began in the United States (Burgess-Proctor 2006). At this time, women began to reflect on their roles in society as well as the inequalities they were experiencing, such as the inability to work outside the home and attend school – all because of their gender. Women of this era became disillusioned by not having the same constitutional rights as men, such as the right to vote. This disillusionment with their position in society culminated in the first women’s rights convention known as the **Seneca Falls Convention** held in New York in 1848 (Wellman 2004). Following the convention, a document called the **Declaration of Sentiments** was drafted, signed by both women and men, and released to the public. The Declaration of Sentiments outlined the disenfranchisement of women in society by men through the articulation of 18 points, or sentiments. Wellman (2004, 192) describes the Declaration of Sentiments as a “second Declaration of Independence” due to its importance and impact on society. According to Wellman (2004, 192), the document captured both the imagination and spirit of women of the time and was “the single most important factor in spreading the news of the women’s rights movement around the country in 1848 and into the future.” The document and convention sparked the **suffrage movement**, the organized movement established to advocate the right for women to vote, some 20 years later (DuBois 1998). However, it was not until 1920 and the creation of the Nineteenth Amendment that women would be permitted to vote (DuBois 1998) (Figure 1.1).

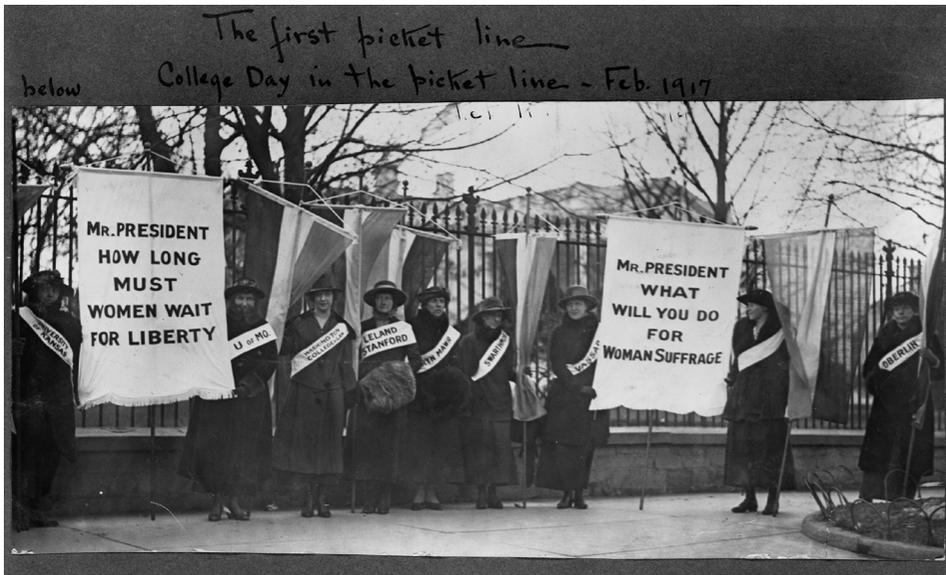


Figure 1.1 Women suffragists picketing in front of the White House, 1917. *Source:* National Woman's Party Records, Manuscript Division, Library of Congress, LC-USZ62-31799.

The second wave of feminism, occurring in the 1960s, 1970s, and ending in the 1980s, was a continuation of the earlier feminist movement (Whelehan 1995). The spark that created the examination of gender issues during this period can be attributed to the social context of the time. With the Civil Rights movement underway in the 1950s and 1960s, a greater social awareness emerged as many in society began to examine other marginalized groups, such as prisoners and women. During this second wave, feminists recognized that there was a wide range of issues to tackle that impacted women, including family, employment, education, reproductive rights, and inequalities not only in society but also in laws (Whelehan 1995). Employment opportunities, for example, were limited for women in that most options available to them were for positions predominately female dominated such as nursing, teaching, or secretarial work. Women also found themselves discriminated against when pursuing post-baccalaureate education. Supreme Court Justice Ruth Bader Ginsburg recalled entering Harvard Law School in the 1950s and being asked by the dean why she was in law school and “occupying a seat that could be held by a man” (Ginsburg 2010).

Feminists of this era were divided as to how to tackle the aforementioned issues. On the one hand, some feminists argued that women are the same as men and should be treated equally (Burgess-Proctor 2006). However, on the other hand, some feminists disagreed with the “sameness” approach and believed that women are distinct from men and, thus, should be treated differently and argued for a “difference” approach (Burgess-Proctor 2006). Regardless of which approach feminists favored to ameliorate inequities facing women, scholars noted that both perspectives recognized the subordinate role that women had in society and that whatever differences women had they were by no means equal to male differences (Burgess-Proctor 2006; MacKinnon 1991). Despite the tension in the perspectives, significant changes materialized for women, such as the passage of the **Equal Pay Act of 1963** which established equal pay for equal work for women and men, **Title VII of the Civil Rights Acts of 1964** which prohibited employment discrimination, and **Title IX of the Education Amendments of 1972** which prohibited educational discrimination by gender for those institutions receiving federal aid (Mezey 2011). Other significant changes impacting women during this time

were the establishment of **battered women's shelters**, safe housing for women who were victims of domestic violence, the removal of **marital rape exemption** laws that had permitted a man to rape his wife, and the establishment of **correctional programming**, or treatment programs, in prisons for women (Dobash and Dobash 1992; Ryan 1995). While improvements had been gained for women offenders, victims, and professionals, many feminists did not view these gains as impacting all women in the same ways. This concern led to the third wave of feminism in the United States.

The third wave of feminism began in the 1990s and continues to the present time (Burgess-Proctor 2006). At the onset of this third wave, feminist scholars were largely concerned that individuals who were spearheading the fight for issues impacting women were Caucasian and heterosexual women who came from a higher socioeconomic background. Essentially, the group of women who were championing for changes lacked perspectives from women of color, women of different ethnicities, women of lower socioeconomic backgrounds, and lesbian women (Burgess-Proctor 2006; Sokoloff, Price, and Flavin 2004). The oversight of not examining additional perspectives from women led feminist scholars to encourage researchers to examine the intersectionality of gender, race, social class, and sexuality when either discussing issues impacting women or rallying for any change that might impact women offenders, victims, or professionals. Research soon emerged on the intersecting inequalities of gender, race, social class, and sexuality in regard to women's experiences as criminal offenders, victims, and workers in the criminal justice system (Renzetti 2013). For example, researchers have found that women of color who live in impoverished neighborhoods may engage in violent offending, but they also may be victims of violent victimization (Renzetti 2013). Hence, researchers examining women engaging in violent offending without also inspecting their victimization experience and socioeconomic status will not obtain a conceptually complete understanding of violent female offenders. Additionally, researchers have found that women of color who are victims of intimate partner violence are less likely to seek out help from family, friends, social service agencies, or report the abuse to police (Kaukinen 2004; Potter 2006). Such findings reveal that not all victims of domestic violence reach out for help in the same manner and policymakers must consider race and ethnicity when developing programs to assist victims. Further, research has emerged that lesbian and gay police officers encounter employment barriers on the job that are similar to barriers experienced by minority officers (Colvin 2009). Hence, the role of sexuality is also an important one to consider in relation to gender and race. Besides research that emerged on intersectionality of various criminal justice topics, significant legal reforms were made during the third wave of feminism that impacted all women. These included the **Family and Medical Leave Act of 1993**, which required employers to provide leave and job security to employees who needed a period of absence from work for medical and family reasons. In 1994, the **Violence Against Women Act (VAWA)** was passed. This allocated federal funding to the investigation and prosecution of violence crimes against women (Renzetti 2013). At the time of the passage of this act, the focus was on domestic violence and sexual assault crimes against women. Since its initial passage, the act has been re-authorized and additional forms of victimization experienced by women besides domestic violence and sexual assault are also now a focus, such as violence experienced in dating relationships and stalking. Moreover, feminists are rallying against the **glass ceiling**, the invisible barrier that blocks working women from advancing into senior positions in the workplace (Morrison, White, and Van Velsor 1992). Today's third-wave feminist scholars are continuing to explore female offending, victimization, and workplace issues impacting females using an intersectional lens and working to implement policies that will benefit all women – not just Caucasian women.

The feminist movement worldwide

Some feminist movements worldwide were already underway in some form or fashion before the feminist movement in the United States emerged. However, the feminist movement in the United States is still considered to be officially the first feminist movement and the one that helped spark

feminist movements across the globe (Evans 1977). The feminist movement in Britain can be characterized as the second feminist movement in the world (Evans 1977). In the 1860s and 1870s, the female suffrage movement was underway in the United Kingdom and some women were permitted to vote in 1918 (e.g., women over age 30, property owners) but not until the passage of the **Representation of the People Act** in 1928 were all women permitted the right to vote (Johnston 2013). The **Eligibility of Women Act**, passed in 1918, permitted women to be elected to Parliament. Like the second wave of feminism in the United States, feminist scholarship emerged in the United Kingdom in the 1960s and 1970s and centered on issues impacting women, such as discrimination. Their efforts led to the passage of the **Sex Discrimination Act** in 1975, which prohibited sex discrimination in employment and education (Russell 2000). Such legislation paved the way for the first female prime minister of the United Kingdom, Margaret Thatcher. Feminism in the United Kingdom today is still underway with feminists pushing for the elimination of sexual discrimination, such as the gender gap in pay, and male sexual violence against women (Mackay 2011).

Influenced by the feminist movement in the United States, women began to organize for the right to vote in the mid-1800s in Australia (Evans 1977). During this time, Australia was not the country that we think of today but rather was comprised of several colonies with each colony establishing its own laws. As a result of this structure, women landowners were given the right to vote in 1860 (Evans 1977). In 1895 and 1900 women were permitted to vote in South Australia and Western Australia respectively (Evans 1977). In 1901 colonies became united into the country of Australia, paving the way for the passage of the **Commonwealth Franchise Act** in 1902, which provided all women in Australia (except for some Aboriginal women) with the right to vote (Norberry 2003).

In European countries such as Germany, France, Belgium, the Netherlands, and Italy, the feminist movement had difficulties getting a foothold due to government structures (e.g., communism or dictatorships) as well as resistance from religious institutions such as the Roman Catholic Church (Evans 1977). Women in France, for example, began to organize during the French revolution in 1789, but they did not gain the right to vote until 1945 (Evans 1977). During the 1970s, French feminist scholarship emerged and feminists achieved several victories for women, including the passage of **Projet de loi du 15 mars 1983** which prohibited discrimination based on sex, and the **Manifeste des 10** in 1996 which required equal representation of women in politics (Burr 2003; Federico and Moore 1997). Feminists in European countries, such as France, continue to fight for causes impacting women today including legal discrimination, sexual harassment, and sexual assault.

In Asian countries, such as India, the feminist movement developed much later than it did in the United States or in European countries. For example, women in India were not granted the right to vote until 1947 (Basu 2008). Like the feminist revolution in the United States in the 1960s and 1970s, India's feminist campaigns during this time were rallying against dowry murders, or "deaths of young brides who were being harassed by their in-laws for more dowry," and rape of women by police (Kumar 1989, 22). Feminists were also organizing the unionization of women workers (Kumar 1989). Today, a "Womanifesto" feminist movement is underway to help curb male sexual violence against women – a pervasive problem in India (Nallu 2014). Feminists in the Middle East, in countries such as Egypt, are striving to increase access to education, employment, health care, and political participation for women (Al-Ali 1997). Within the past decade, feminists in Egypt have been attempting to further expand their agendas by rallying for reproductive rights for women and addressing the violence against women in society (Al-Ali 1997).

Regardless of where women reside, many are united in their cause to help improve conditions for women as offenders, victims, and professionals. Given the importance of issues impacting women across the globe, it is necessary that feminist scholars consider global perspectives when researching topics. It is only through having a deeper understanding of gender issues that they will have the tools to effectively help women regardless of where the women may reside.



GLOBAL PERSPECTIVES: An example of feminism in Saudi Arabia

Most of the time when you get into a vehicle to drive, you don't think much about it. You certainly don't worry about being detained by law enforcement officials for driving. For women in Saudi Arabia, the ability to drive is a right that they yearn for. While the Saudi Arabian government does not have a law forbidding women to drive, the government does not issue driver's licenses for Saudi Arabian women (Abdullah al-Shihri and Aya Batrawy 2013). Because a woman cannot obtain a license, she is not supposed to drive. If she does drive, then she will be punished by officials. In 1995, 50 Saudi women drove their cars in defiance of the ban, which resulted in them being jailed for one day, having their passports confiscated, and some losing their jobs (Abdullah al-Shihri and Aya Batrawy 2013). Some officials argue that the ban is a necessity as driving could damage a woman's ovaries and result in her being unable to have children (Winter 2013). Despite the pushback, in 2013 Saudi women again protested their right to drive and garnered international attention (Winter 2013) (Figure 1.2). Slowly, women in Saudi Arabia are gaining some rights. According to Winter (2013) sex equality reforms have been introduced that permit women to vote in municipal elections. While some gains have been made, clearly more reforms are needed.

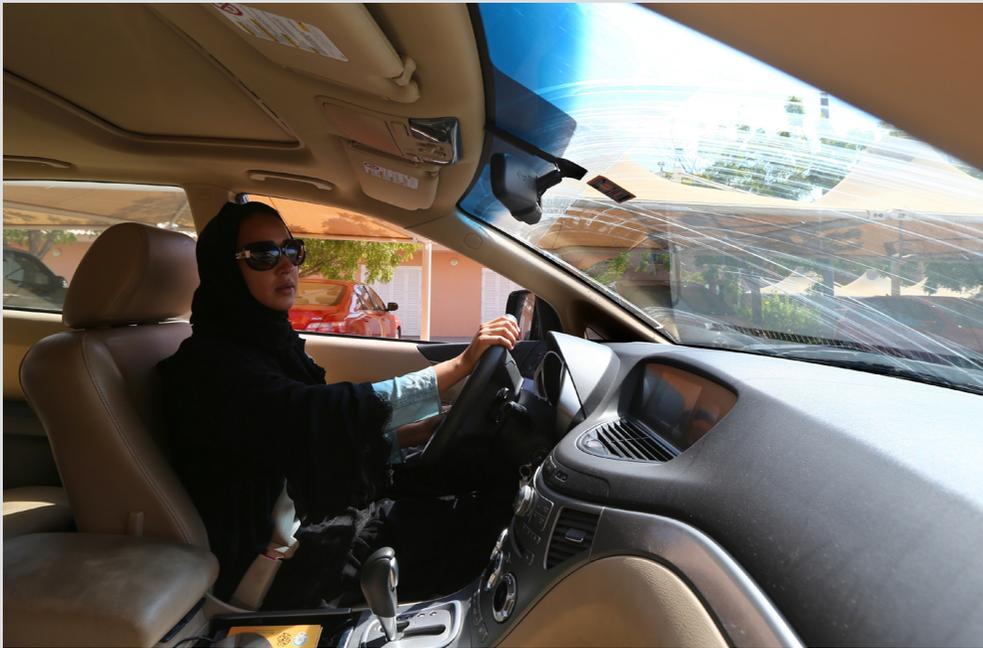


Figure 1.2 Saudi activist Manal Al Sharif, who now lives in Dubai, drives her car in the Gulf Emirate city on October 22, 2013, as she campaigns in solidarity with Saudi women preparing to take to the wheel on October 26, defying the Saudi authorities, fight for women's right to drive in Saudi Arabia. Under the slogan "driving is a choice," activists have called on social networks for women to gather in vehicles on October 26, the culmination of the campaign launched in September, in the only country in the world where women do not have the right drive. *Source:* MARWAN NAAMANI/AFP/Getty Images.

Feminist criminology and feminist theory

The feminist movement in the United States and worldwide gave rise to a proliferation of scholarship on women as offenders, victims, and professionals. Feminist scholars, in the United States and abroad, have carved a new place in the literature for issues impacting women to be examined. In fact, within the discipline of criminology, a new field of criminology emerged in the 1970s during the second wave of feminism known as **feminist criminology**. Feminist criminology is a branch of study within the field of criminology that seeks to understand women who offend, victimization that impacts women, and women who work in the criminal justice system. The ambition by feminists to establish their distinct field of inquiry to examine issues impacting women stemmed from the desire to separate themselves from an androcentric bias in the discipline where the focus was on understanding male criminality by theorists who were most often male (Britton 2000; Chesney-Lind 1989). Additionally, many of the explanations that had been put forth to explain female offending centered on identifying their sexuality as the root cause of their involvement in crime (Klein 1973). However, this changed in the mid-1970s. Freda Adler, in her publication *Sisters in Crime* in 1975, suggested that the liberation of women in US society allowed for more women to enter the workforce in greater numbers and, hence, these women now had more opportunities to engage in crime. Her **liberation hypothesis** inspired scholars to begin thinking differently about female criminality and her work contributed to the future feminist criminological theories. Britton (2000, 58) explains:

The founding of feminist criminology can be somewhat arbitrarily fixed at 1976, with the publication of Carol Smart's *Women, Crime and Criminology: A Feminist Critique*. Though a handful of earlier works had addressed some of the general themes she raised, Smart's book brought them together in a systematic critique of the treatment (or lack thereof) of women offenders in mainstream criminology and the neglect of women's experiences as victims in an attempt to set out some directions for the new field of feminist inquiry.

Feminists wanted to bring attention to female offenders, who were often overlooked, and escape the stereotypes applied to female offenders; and feminists achieved this by carving out their own niche in the field. With critiques put forth by Smart and other feminist scholars during this time, feminists were inspired to challenge the assumptions about women and crime, resulting in a wide range of feminist theories and perspectives emerging thereafter. The ways in which female offenders are ignored in mainstream criminological theories will be covered in Chapter 2.

Feminist theory refers to specific theories or perspectives that offer explanations for female offending, victimization, or gender inequality. Within the field of feminist criminology, there is not a single feminist theory that has been put forth to explain the issues impacting women, but rather several feminist theories and perspectives. For instance, some feminist theories examined the role of capitalism and how differences in power between women and men may explain the types of crimes that they commit, while other feminist perspectives explored the relationship between victimization and offending. Other feminist theories posited that crime is an expression of "doing gender" in which males commit crimes that assert their masculinity while females commit crime that asserts their femininity. A further exploration of these various perspectives will be presented in Chapter 2. Today, feminist theorists and researchers recognize that to understand issues impacting women, one must adopt a perspective that incorporates an intersectional approach whereby social class, gender, race, and sexuality are examined in tandem with the issue at hand (Barak 1998). In other words, feminist theories and perspectives should be more integrated if they are to be effective in explaining issues relevant to women.

The impact of feminism and feminist criminology for women cannot be overstated. Besides a firestorm of research on topics of female offending, victimization, and workers in the criminal justice