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FEMINISM AND CRIMINOLOGY*

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In this essay we sketch core elements of feminist thought and demonstrate their relevance for criminology. After reviewing the early feminist critiques of the discipline and the empirical emphases of the 1970s and early 1980s, we appraise current issues and debates in three areas: building theories of gender and crime, controlling men's violence toward women, and gender equality in the criminal justice system. We invite our colleagues to reflect on the androcentrism of the discipline and to appreciate the promise of feminist inquiry for rethinking problems of crime and justice.

The last decade has seen an outpouring of feminist scholarship in the academy. Theories, research methods, and pedagogies have been challenged across the disciplines (e.g., Abel and Abel 1983; Bowles and Klein 1983; Culley and Portuges 1985; DuBois, Kelly, Kennedy, Korsmeyer, and Robinson 1985; Griffin and Hoffman 1986; Harding and Hintikka 1983; Klein 1987; Sherman and Beck 1979; Spender 1981; Stanley and Wise 1983). Feminist thought has deepened and broadened. Whereas in the early years of second-wave feminism¹ there was a collective sense of a "we" to feminist

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¹ First-wave feminism (termed "the woman movement") arose in the United States and in some European countries in conjunction with the movement to abolish slavery. Its beginning in the United States is typically marked by the Seneca Falls, New York, convention (1848), and its ending by the passage of the 19th Amendment to the United States Constitution (granting women's suffrage), coupled with the falling-out among women activists over the Equal Rights Amendment proposed in the early 1920s. See DuBois (1981) for the nineteenth-century context, Cott (1987) for the early twentieth-century context when the term "feminist" was first used, Giddings (1984) for black women's social movement activity, Kelly-Gadol (1982) for "pro-woman" writers in the four centuries before the nineteenth century, and Kimmell (1987) for men's responses to feminism. Second-wave American feminism emerged in the mid-1960s in conjunction with the civil rights movement, the new left, and a critical mass of professional women (see Evans 1979; Hooks 1981, 1984). It has not ended (but see Stacey 1987 for an analysis of "postfeminist" consciousness). Note that the conventional dating of the first- and second-wave is rightly challenged by several scholars who find greater continuity in feminist consciousness and action (Cott 1987; Delmar 1986; Kelly-Gadol 1982).

theorizing, today postmodern thought and "fractured identities" have decentered feminism (Ackoff 1988; Flax 1987; Harding 1986). Previously the emphasis was on women gaining equality with men within existing social institutions, but today feminist thought emphasizes a new vision of the social order in which women's experiences and ways of knowing are brought to the fore, not suppressed (Gross 1986). Theories and concepts rooted in men's experience formerly monopolized intellectual inquiry, but today disciplinary debates in some fields reflect the impact of feminist thought, albeit uneven, across the disciplines (Stacey and Thorne 1985).

How has criminology been affected by these developments? With the exception of feminist treatments of rape and intimate violence, the field remains essentially untouched. The time has come for criminologists to step into the world of feminist thought and for feminist scholars to move more boldly into all areas of criminology. This task will not be easy; we write as feminists interested in problems of crime and justice, and find that we lead a double life. As feminists,² we grapple with the many strands of feminist thought and activism, educate ourselves and others about the impact of gender relations on social life, and ponder our role as academics in a social movement. As criminologists, we grapple with the field's many theoretical and policy strands, educate ourselves and others on the conditions and social processes that make crime normal and deviant, and ponder the state's role in creating and reducing crime. All the while we wonder if it is possible to reconcile these double lives.

This essay is a step toward reconciliation. We want to expose our colleagues to feminist works and debates, and to demonstrate their significance for criminology.³ Because of the magnitude of this task, we decided at the outset to examine only a selected set of issues. We invite others to address gaps and to see in our speculative passages an opportunity for dialogue and exchange. Because we write for those untutored in feminist thought, we start by discussing three myths about feminism. Then we turn to related questions about defining feminism. These sections lay a foundation for our analysis of the relevance of contemporary feminist thought to criminology.

² As we make clear later, the kind of feminist perspective we take is socialist feminist, which colors our commentary throughout this essay.

³ We focus primarily on criminology in the United States, although we include the work of feminist criminologists in other countries, especially Great Britain. See Gelsthorpe and Morris (1988) for an analysis of feminism and criminology in Britain.

MYTHS ABOUT FEMINISM

One difficulty in educating students and colleagues about feminism is that myths about the subject abound. We address three of these myths: feminist analyses are not objective, feminist analyses focus narrowly on women, and there is only one feminist perspective.

Myth 1: Lack of Objectivity

A major element of feminist thought centers on how gender constructs—the network of behaviors and identities associated with masculinity and femininity—are socially constructed from relations of dominance and inequality between men and women. Different natures, talents, and interests that define Western notions of manhood and womanhood rest on a number of male-centered oppositions to and negations of women and femininity. Masculinity and men are not only defined as not feminine, but also as superior to femininity and to women.

We will not discuss *why* gender relations took this form,⁴ but instead will sketch some of the effects. In Western thought, depictions of men's and women's natures have been made almost exclusively by men (specifically by white, privileged men). As a consequence, these men's experience and intellectual stance have dominated explanations of gender difference and men's superiority. This situation led Poulain de la Barre, a seventeenth-century writer, to observe, "All that has been written about women by men should be suspect, for the men are at once judge and party to the lawsuit" (cited in de Beauvoir 1961:xxi). It is plain that men can be no more objective than women (and nonfeminist views no more objective than feminist) about the character of gender relations, the qualities of gender difference, or the organization of social life. In fact, some thinkers argue that women's marginality affords them keener insights (Collins 1986; Rohrllich-Leavitt, Sykes, and Weatherford 1975; Smith 1979), a perspective reminiscent of sociologists' (or other outsiders') claims to greater understanding because of their marginal status.

One consequence of male-centered (or androcentric) systems of knowledge is inaccurate readings of human history, evolution,

⁴ There are different explanations for the emergence of patriarchy, as well as disputes over the definition of the term and over the degree of women's agency in and resistance to gender oppression; almost all are Eurocentric. We think it unlikely that any one set of "causes" can be identified through many cultures and nation states, and across millennia. See Lerner (1986) for a recent bold effort and a discussion of central concepts in feminist thought.

and behavior, although these are presented as objective and authoritative depictions of the human condition. The central problem is that men's experiences are taken as the norm and are generalized to the population. For example, theories of the evolution of "mankind" are precisely that: theories of how bipedalism and expanded brain size resulted from men's cooperation, tool-making, and tool use in the hunting of large game. This approach led feminist anthropologists to ask, "Have only men evolved?" (Hubbard 1982; Slocum 1975). Similarly, feminist historians questioned the basis for historical periodization by asking, "Did women have a Renaissance?" (Kelly-Gadol 1977).

Some scholars propose a way to legitimate women's claims to knowledge with the concept of "women's standpoint," which Jaggar (1983:370) argues is "epistemologically advantageous" and "provides the basis for a view of reality that is more impartial than that of the ruling class." Other forms of knowledge seeking are used or advocated (see Harding 1986), but a major feminist project today is to expose the distortions and assumptions of androcentric science (e.g., Bleier 1984; Fee 1981; Keller 1984). These efforts reveal that an ideology of objectivity can serve to mask men's gender loyalties as well as loyalties to other class or racial groups. Thus when feminist analyses are dismissed because they are said to lack objectivity or to be biased toward women's viewpoints, we are bewildered and vexed. Bemused by other people's apparent inability to hear alternate accounts of social life, we wonder whether feminists can even be heard. Such frustration is compounded by knowing that the dominant paradigms and modes of inquiry are *a priori* accorded greater legitimacy.

Myth 2: The Narrow Focus on Women

When feminists analyze women's situation and the ways in which gender relations structure social life, they do not ignore men and masculinity, although they may displace men as the central (or sole) actors and may give more attention to women. This approach spawns a perception by men that they are being neglected, misunderstood, or cast as the ignominious "other," a reaction akin to that of white people toward critical analyses of race or ethnic relations. Both perceptions express a sense of entitlement about *whose* social reality is worthy of description and explanation, and *who* can be trusted to get it right.

Much feminist attention has been devoted to the ways in which men think, theorize, and collect and marshal evidence. It is impossible to understand women's situation and gender relations without examining masculinity, men's lives, and men's viewpoints.

The irony is that feminist scholarship is characterized as being only about women or as hopelessly biased toward women, when in fact the project is to describe and change both men's and women's lives. By contrast, nonfeminist scholarship is more narrow, focusing as it does on the lives and concerns of men without problematizing gender relations or men as a social group. Moreover, *all* social institutions and social phenomena are "women's issues" and thus subject to feminist inquiry. Furthermore, as we will argue, not all feminist analyses are put forth by women, nor is all research conducted on women or on gender difference *ipso facto* feminist.

Myth 3: The Feminist Analysis

To talk of *the* feminist analysis of a given social phenomenon is to talk nonsense. To assume that there is only one feminist analysis reveals a speaker's naiveté about the diverse views that characterize contemporary feminist thinking and strategies for social change. A more accurate way to describe feminist thought is as a *set of perspectives*, which are linked in turn to different assumptions about the causes of gender inequality. These perspectives (or frameworks) include liberal, radical, Marxist, and socialist feminist. Drawing from Andersen (1983), Donovan (1985), Jaggar (1983), and Jaggar and Rothenberg (1984), we sketch the core features of each perspective in the appendix. (The appendix also shows a traditional perspective; although not feminist, it is often found in gender-related research.) There are other ways to categorize feminist thought (e.g., Banks 1981); some are humorous (Oakley 1981:336-37), and differences exist within any one feminist perspective (see, e.g., Eisenstein 1983 on radical feminism; Sargeant 1981 on socialist feminism). Because the dominant voice of American feminism is white, middle-class, first-world, and heterosexual, modified feminisms (such as black, Chicana, Asian-American, Jewish, lesbian, and others) reflect racial, ethnic, cultural, and sexual specificities (Cole 1986; Darty and Potter 1984; Hooks 1981, 1984; Joseph and Lewis 1981; Moraga and Anzaldúa 1983; Smith 1983). In short, the ferment and debate among feminist scholars and activists today can no longer be contained within or characterized accurately as one perspective.

In assessing these myths about feminist thought, we offer a partial view of feminism and feminist inquiry by describing what they are not. Feminist investigations are not limited to women, nor are feminist analyses any less objective than nonfeminist. Different views of gender arrangements and the specific ways in

which class, race and ethnicity, religion, sexuality, and so forth intersect in women's lives yield multiple analyses and visions for social change. Is there any common ground, then, to feminist thought? What distinguishes a feminist from a nonfeminist analysis?

DEFINING FEMINISM

What is Feminism?

In their introduction to *What is Feminism?* Mitchell and Oakley (1986:3) suggest that it is "easier to define feminism in its absence rather than its presence." Delmar (1986) offers a "baseline definition" on which feminists and nonfeminists might agree: a feminist holds that women suffer discrimination because of their sex, that they have needs which are negated and unsatisfied, and that the satisfaction of these needs requires a radical change. "But beyond that," Delmar says, "things immediately become more complicated" (1986:8).

This complication arises because feminism is a set of theories about women's oppression *and* a set of strategies for social change. Cott (1987) identifies the paradoxes of first-wave feminism (the "woman movement" in the nineteenth and early twentieth centuries), which reflect the merging of these theoretical and political impulses. These paradoxes include acknowledging diversity among women but claiming women's unity, requiring gender consciousness but calling for an eradication of gender-based distinctions and divisions, and aiming for individual freedom and autonomy by mobilizing a mass-based movement. The same paradoxical elements are seen in second-wave feminism (the contemporary women's movement beginning in the 1960s). Unfriendly interpretations of these contrary tendencies include, "These women don't know what they want" or "They want it both ways." Yet as Harding (1986:244) suggests, "The problem is that we [feminists] do not know and should not know just what we want to say about a number of conceptual choices with which we are presented—except that the choices themselves create no-win dilemmas for our feminisms." The task of describing *and* changing a spectrum of women's experiences, which have been formed by particular and often competing allegiances to class, race, and other social groups, is not straightforward but a blurred and contingent enterprise.

Distinguishing Feminist from Nonfeminist Analyses

It is not easy to know when a work or action is feminist. Delmar asks, for example, "Are all actions and campaigns prompted or led by women, feminist?" (1986:11). "Can an action be 'feminist' even if those who perform it are not?" (1986:12). She contrasts several views of feminism. It may be diffuse activity, any action motivated out of concern for women's interests, whether or not actors or groups acknowledge them as feminist. This view empties feminism of any meaning because all actions or analyses having women as their object fall into the same category. Delmar opts instead for another approach, which is to "separate feminism and feminists from the multiplicity of those concerned with women's issues." Feminism can be defined as a field—even though diverse—but feminists can "make no claim to an exclusive interest in or copyright over problems affecting women" (1986:13).

Neither a scholar's gender nor the focus of scholarship—whether women, gender difference, or anything else—can be used to distinguish feminist, nonfeminist, or even antifeminist works. Scholars' theoretical and methodological points of view are defined by the way in which they frame questions and interpret results, not by the social phenomenon alone. Thus to Morris's (1987:15) question—"Does feminist criminology include criminologists who are feminist, female criminologists, or criminologists who study women"—we reply that research on women or on gender difference, whether conducted by a male or a female criminologist, does not in itself qualify it as feminist. Conversely, feminist inquiry is not limited to topics on or about women; it focuses on men as well. For criminology, because most offenders and criminal justice officials are men, this point is especially relevant; allied social institutions such as the military have not escaped feminist scrutiny (Enloe 1983, 1987). When feminist, nonfeminist, or not-really-feminist distinctions are drawn, the main source of variation is how inclusively scholars (or activists) define a continuum of feminist thought.

Pateman (1986), for example, compares theories addressing "women's issues" with those that are "distinctly feminist." She terms the former "domesticated feminism" and sees it in liberal and socialist thought when scholars try to fit women or gender relations into existing theories, making "feminism . . . safe for academic theory" (1986:4). Such efforts deny that "sexual domination is at issue, or that feminism raises a problem [patriarchy], which is repressed in other theories" (1986:5). A more distinctive feminist

approach assumes that individuals are gendered, and that "individuality is not a unitary abstraction but an embodied and sexually differentiated expression of the unity of humankind" (1986:9).

The implications of a distinctive feminist approach are profound—in Pateman's and others' words, "subversive"—for social, political, criminological, and other theories. It is one thing to say that women have been excluded from general theories of social phenomenon. It is another matter to wonder how theories would appear if they were fashioned from women's experiences and if women had a central place in them. In addition, it is equally important to query the gender-specific character of existing theories fashioned from men's experiences.

Although some scholars (typically, liberal and Marxist feminists who do not accord primacy to gender or to patriarchal relations) assume that previous theory can be corrected by including women, others reject this view, arguing that a reconceptualization of analytic categories is necessary. Working toward a reinvention of theory is a major task for feminists today. Although tutored in "male-stream" theory and methods,⁵ they work within and against these structures of knowledge to ask new questions, to put old problems in a fresh light, and to challenge the cherished wisdom of their disciplines. Such rethinking comes in many varieties, but these five elements of feminist thought distinguish it from other types of social and political thought:

- Gender is not a natural fact but a complex social, historical, and cultural product; it is related to, but not simply derived from, biological sex difference and reproductive capacities.
- Gender and gender relations order social life and social institutions in fundamental ways.
- Gender relations and constructs of masculinity and femininity are not symmetrical but are based on an organizing principle of men's superiority and social and political-economic dominance over women.
- Systems of knowledge reflect men's views of the natural and social world; the production of knowledge is gendered.
- Women should be at the center of intellectual inquiry, not peripheral, invisible, or appendages to men.

These elements take different spins, depending on how a scholar conceptualizes gender, the causes of gender inequality, and the means of social change. Generally, however, a feminist analysis draws from feminist theories or research, problematizes gender,

⁵ We are uncertain who introduced the concept "male-stream" because citations vary. *The Feminist Dictionary* (Kramarae and Treichler 1985:244) says "coined by Mary Daly," but does not say where.

and considers the implications of findings for empowering women or for change in gender relations. Finally, we note that scholars may think of themselves as feminists in their personal lives, but they may not draw on feminist theory or regard themselves as feminist scholars. For personal or professional reasons (or both), they may shy away from being marked as a particular kind of scholar.

THE RELEVANCE OF FEMINIST THOUGHT TO CRIMINOLOGY

What can feminist thought bring to studies of crime and justice? Sophistication in thinking about gender relations is one obvious contribution. Unfortunately, most criminologists draw on unexplicated folk models of gender and gender difference, or do not even consider the impact of gender relations on men's behavior. It is common to hear, for example, that because theories of crime exclude women, we can rectify the problem by adding women. It is even more common to find that theories are developed and tested using male-only samples without any reflection on whether concepts or results may be gender-specific. We suggest first that efforts to overcome these persistent problems must start with a conceptual framework for gender and gender relations. The four feminist perspectives (in addition to the traditional perspective) offer a comparative foothold. Each makes different assumptions about men's and women's relations to each other and to the social order; therefore each may pose different questions, use different methods, and offer distinctive interpretations. These perspectives have been applied in other areas of sociological, economic, psychological, and political philosophical inquiry (Andersen 1983; Jaggar 1983; Kahn and Jean 1981; Sokoloff 1980; Tong 1984); thus why not in criminology, which borrows from these disciplines in varying degrees and combinations? In fact, we would put the case more strongly: we see no other means of comparing and evaluating efforts to include gender in theories of crime, to explain men's or women's crime, or to assess criminal justice policy and practices, among other foci of criminological inquiry, without explicit reference to these perspectives. We will give examples to illustrate our point throughout this essay.

Second, criminologists need not engage in surmise or guesswork about women's experiences. Again, it has become common to take the field to task for its distorted representations of women

(this situation also holds true for men, but perhaps to a lesser extent). One obvious remedy is to read feminist journals⁶ and books that offer studies of women's and men's lives and provide the structural and social contexts for their behavior. Criminologists must depart from the narrow confines of their discipline and its journals; otherwise we will continue to suffer from common-sense and *ad hoc* interpretations of data, as well as poorly informed research questions.

Third, criminologists should begin to appreciate that their discipline and its questions are a product of white, economically privileged men's experiences. We are not suggesting some simple-minded conspiracy theory; conscious intent would be hard to prove, and ultimately it is beside the point. Rather, we note simply who the scholars and practitioners have been over the last few centuries. Turning to the future, we wonder what will happen as increasing numbers of white women, as well as men and women of color, enter the discipline and try to find their place in it. One cannot expect that the first generation of new scholars will be confident or sure-footed after centuries of exclusion from the academy. One might expect, however, that we will ask different questions or pursue problems which our discipline has ignored. These differences must be heard and nurtured, not suppressed. To be sure, the generational relations of elder and younger white men are also fraught with conflict, but that conflict occurs on a common ground of shared experiences and understandings. It is familiar terrain; the older men see bits of themselves in their younger male colleagues. By contrast, our differences with the mainstream of the discipline are likely to break new ground.

Finally, points of congruence exist between feminist perspectives and other social and political theories, and consequently between feminist perspectives and theoretical trajectories in criminology. Much of what is termed mainstream criminology easily embraces a liberal feminist perspective. The critical and Marxist criminologies have affinities with radical, Marxist, and socialist feminist perspectives. More can be done to exploit and contrast these points of affinity. Not surprisingly, the sharpest feminist critique today is leveled at the varieties of leftist criminology precisely because they hold the greatest promise for incorporating class, race, and gender relations in theories of crime and justice.

⁶ Some American feminist journals are *Signs: Journal of Women in Culture and Society*, *Feminist Studies*, *Gender and Society*, and *Women and Politics*; others, such as the *International Journal of Women's Studies* and *Women's Studies International Forum*, take a more international focus; a journal for "pro-feminist" men is *Changing Men*. A new journal with an international and feminist focus on crime and justice, *Women and Criminal Justice*, will appear in 1989.

This feminist critique has been aired mostly, but not exclusively, in British criminology (see Gelsthorpe and Morris 1988; Heidensohn 1985, 1987; Messerschmidt 1986; Morris 1987); it may foster a larger coalition of men and women seeking a transformation, not simply a correction, of criminology.

Can There Be a Feminist Criminology?

Morris (1987:17) asserts that "a feminist criminology cannot exist" because neither feminism nor criminology is a "unified set of principles and practices." We agree. Feminists engaged in theory and research in criminology may work within one of the feminist perspectives; thus, like feminist thought generally, feminist criminology cannot be a monolithic enterprise. We also agree with Morris's observation that "the writings of Adler and Simon do not constitute a feminist criminology" (p. 16). Yet we think it important to identify Simon's and Adler's arguments as liberal feminist, to assess them on those terms, and to compare them with analyses adopting other feminist perspectives. Similarly, in the debates between radical and socialist feminists about controlling men's violence toward women, one can evaluate their different assumptions of gender and sexuality. A single feminist analysis across many crime and justice issues is not possible, but that fact does not preclude a criminologist who uses feminist theory or research from calling herself (or himself) a feminist criminologist. It's a convenient rubric, but only as long as criminologists appreciate its multiple meanings.

Feminist theories and research should be part of any criminologist's approach to the problems of crime and justice. They demonstrate that a focus on gender can be far more than a focus on women or sexism in extant theories. They offer an opportunity to study still-unexplored features of men's crime and forms of justice, as well as modes of theory construction and verification. In tracing the impact of feminist thought on studies of crime and justice, we find that the promise of feminist inquiry barely has been realized.

TRACING DEVELOPMENTS: THE AWAKENING TO THE 1980s

The Awakening

In the late 1960s, Bertrand (1969) and Heidensohn (1968), respectively a Canadian and a British female criminologist, drew attention to the omission of women from general theories of crime. Although they were not the first to do so, their work signaled an awakening of criminology from its androcentric slumber. Several

years earlier Walter Reckless had observed in the third edition of *The Crime Problem* (1961:78),

If the criminologist, before propounding or accepting any theory of crime or delinquency, would pause to ask whether that theory applied to women, he would probably discard it because of its inapplicability to women.

Then, as today, the problem identified by Bertrand, Heidensohn, and Reckless has two dimensions. First, it is uncertain whether general theories of crime can be applied to women's (or girls') wrongdoing. Second, the class-, race-, and age-based structure of crime forms the core of criminological theory, but the gender-based structure is ignored. Although related, these dimensions pose different questions for criminology. The first is whether theories generated to describe men's (or boys') offending can apply to women or girls (the *generalizability problem*). The second is why females commit less crime than males (the *gender ratio problem*). Both questions now occupy a central role in research on gender and crime, which we shall address below. The early feminist critiques of criminology, however, centered on a third and more obvious problem: intellectual sexism in theories of female crime and institutional sexism in the juvenile and criminal justice systems.

Early Feminist Critiques

In the now-classic reviews of the literature on female crime, Klein (1973) and Smart (1976) analyzed how such crime had been described and explained. Millman (1975) offered a related analysis for the literature on women's deviance. These reviews and recent summaries in Carlen and Worrall (1987:1-14), Heidensohn (1985:110-62), and Morris (1987:1-18, 41-78) identified the following problems: women's and girls' crime and deviance were explained more often by biological factors than by social or economic forces; representations of their motives or of the circumstances leading to crime were wrong or distorted; and sexual deviance (which could range from broken hymens to "immorality" or prostitution) was merged with criminal deviance. These critiques focused on the sexist assumptions of predominantly, but not exclusively, male criminologists who aimed to describe women's or girls' crime, but who seemingly had little understanding of their social worlds.

At about the same time, several papers appeared that examined the assumptions and practices then operating in the juvenile and criminal justice systems in the response to delinquency and crime. Chesney-Lind (1973) pointed out that girls' wrongdoing was "sexualized" and that noncriminal status offenses such as running away or curfew violations formed a larger portion of girls'

than of boys' delinquency subject to juvenile justice control and intervention. Temin (1973) analyzed current gender-based differences in sentencing statutes, which allowed for indeterminate sentences for women but not for men. Others focused on the unequal treatment of girls and women in training schools and prisons (Burkhart 1976; Rodgers 1972; Singer 1973).

In this early phase, scholars challenged the "separate spheres" assumptions then operating explicitly in law, criminological theory and research, and justice practices. Separate spheres is a set of ideas about the place of men and of women in the social order that emerged in the first quarter of the nineteenth century in the United States, as well as in other countries undergoing capitalist industrialization. This ideology placed men in the public sphere (paid workplace, politics, law) and women in the private sphere (household, family life); it characterized gender relations for white, middle-class, married heterosexual couples. Woman's place as mother and wife conferred her status (albeit limited) as the moral guardian of the home and the culture, but man's place as father, husband, and paid worker conferred his status as creator and formal arbiter of morality and culture.

First- and second-wave feminists challenged the separate spheres ideology in different ways, reflecting their historical circumstances. At the risk of oversimplifying, we may say that first-wave feminists embraced women's capacities as mothers and moral guardians of the home to make the public sphere more accountable to women's interests. In the process, however, those feminists became involved in crusades for moral and social purity that resulted in unprecedented state involvement in the lives of young women. In efforts to raise the age of consent and to limit or eliminate prostitution, for example, reform-minded women unwittingly assisted the state in incarcerating large numbers of girls and young women for "immoral behavior" in the years just before and during World War I (Bland 1985; Musheno and Seeley 1986; Rosen 1982; Schlossman and Wallach 1978).

Second-wave feminists, especially during the 1960s and early 1970s, denounced the domestic or private sphere as oppressive to women and sought to achieve equality with men in the public sphere. In this intellectual context, feminists challenged gender-based laws and legal practices formulated from separate spheres thinking. Early feminist critiques of criminology and criminal law were similarly motivated, but as we shall see, such analyses and strategies for change omitted more subtle questions of equality and difference now being raised by feminists.

The problematic and limiting aspects of an essentially liberal feminist response to the separate spheres ideology became clear with the appearance of two books analyzing women's arrest trends in the 1960s and early 1970s. Adler's (1975) *Sisters in Crime* and Simon's (1975) *Women and Crime* proposed ideas about women's criminality that were troubling to feminists because they were largely an outgrowth of the unexamined assumption that the emancipation of women resided solely in achieving legal and social equality with men in the public sphere. Although the books differed in tone and reached somewhat different conclusions, they touched a raw nerve by linking women's crime to the women's movement and to the goal of equality with men in the public sphere.

Women's Emancipation and Crime

The merits and flaws of Simon's, but more especially Adler's, analyses of women and crime have been discussed extensively. We shall not catalog the critiques and empirical tests of their ideas because others have done so (see, e.g., Chapman 1980; Datesman and Scarpitti 1980b; Giordano, Kerbel, and Dudley 1981; Gora 1982; Heidensohn 1985; Miller 1986; Smart 1979; Steffensmeier 1978, 1980). Our interest is in Adler's and Simon's conception of the role of gender in crime causation. In the process we will demonstrate why the issues they raised continue to be discussed by criminologists today.

Both Adler's and Simon's analyses assumed that female criminality had been kept in check by women's limited aspirations and opportunities. They argued that social circumstances, not biology, explained gender differences in crime. For Adler, the lifting of restrictions on women's behavior gave women the opportunity to act like men—that is, to be as violent, greedy, and crime-prone as men. Simon took a more qualified view because she read the statistical evidence more accurately. Having found no changes in women's share of arrests for violent crime, she reasoned that their increasing share of arrests for property crime (especially larceny, fraud, and embezzlement) might be explained by their increasing opportunities in the workplace (or public sphere) to commit crime. Moreover, she wondered whether the ideology of equality for men and for women might make police and court officials more interested in treating men and women the same.

Adler has been faulted extensively for claiming a link between feminist goals of emancipation for women and increases in female crime. In characterizing female crime as the "darker side"

(1975:3) of women's liberation, reflecting feminist attitudes of female offenders, Adler assumed that low-income women somehow were seeking equality with their male counterparts, as though crime in some sense was a desirable occupation. Simon has been criticized for assuming that increases in female crime were due to new workplace opportunities for some women, not to increasing economic immization for other women. Critics took Adler and Simon to task by pointing out that occupational structures had changed little, that arrested or imprisoned women held traditional (not feminist) views of work and family life, and that careful analyses of arrest data failed to support their claims.

On a broader scale, the challenges to Adler and Simon have been limited to questions of whether the trends they described were actually occurring. Little has been said about the limitations of the liberal feminist perspective on gender that informed their work. This perspective typically ignores class and race differences among women, and defines gender either as the possession of masculine or feminine attitudes or as role differences between men and women. Such a view assumes that when women become less feminine in outlook or enter roles occupied previously by men, they will begin to think and act like men. This line of thinking continues to dominate research on gender differences in crime and delinquency.

By contrast, a radical or socialist feminist views gender as constructed by power relations, not simply by roles (see Lopata and Thorne 1978 for a critique of applying role theory to gender). These feminist perspectives consider the impact of patriarchy (a social structure of men's control over women's labor and sexuality), and they assume that both roles and attitudes are embedded in this larger structure. Although radical and socialist feminists differ in regard to the role played by class and race, both call for placing men's and women's criminality in its patriarchal social context, just as Marxist criminologies seek to place criminal behavior in its class context.

Debate over women's emancipation and crime has not been fruitful, but important questions for criminology are latent in this and related debates. What is the relationship between crime and women's changing social and economic situation? What happens when some women enter positions, circumstances, or social arenas previously occupied only by men? How do gender relations shape the patterns of men's and women's crime? Adler and Simon, their critics, and others have presupposed the answers to these questions

in the absence of appropriate empirical inquiry or an understanding that different feminist perspectives on gender will yield different interpretations.

During this period, however, second-wave feminist scholarship was just gaining momentum, and criminologists were only dimly aware of the dimensions of the problem they had encountered. Lacking theoretical guidance, they focused on a compelling empirical deficit: little was known about women's crime or gender differences in crime. For that matter, little was known about girls' or women's experience in any facet of the juvenile or criminal justice systems—whether as offenders, victims, or workers. Therefore filling these empirical gaps was a major task.

Portraits of Crime and Justice

Offenders. The next decade (1975-85) witnessed a proliferation of important but largely atheoretical studies of the character of girls' and women's crime, and of their treatment in the juvenile and criminal justice systems (e.g., Bowker 1978, 1981; Chapman 1980; Crites 1976; Datesman and Scarpitti 1980a; Feinman 1980; Hepperle and Crites 1978; Mann 1984; Mukherjee and Scutt 1981; Price and Sokoloff 1982; Rafter and Stanko 1982; Weisberg 1982). (Another focus of study was female workers in the criminal justice system, an area we do not address in this essay.) Many of these studies were collections of emerging work, although a few were book-length efforts to pull together what was known about women and crime. Of necessity, efforts to describe women's crime or gender differences in crime tended to focus on descriptive detail from statistical sources of information such as self-reports of delinquent behavior, analyses of national arrest data, and information on the numbers of girls and women incarcerated in training schools, jails, and prisons. The authors raised many questions from a position sympathetic to feminism, but few tied their thinking explicitly to feminist theory or to feminist perspectives on gender (some exceptions are Price and Sokoloff 1982:485-90; Rafter and Natalizia 1982).

Why was this the case? One reason was that neither feminist analyses nor theories of crime using a power relations framework offered an immediate analytical grasp on the gender ratio problem. Although offenses such as prostitution or sexual violence were amenable to such inquiry, aggregate arrest patterns were not. To put it simply, if men had more power than women, why were so many more men arrested? Why were incarcerated populations composed almost exclusively of men? Because the dynamics of gender relations are distinctive from those of class, race, or age,

scholars were uncertain how these relationships could be linked in explaining crime.

Women's victimization. During the same decade, even greater attention was given to female victims and survivors of men's sexual and physical violence (for bibliographies and reviews see Breines and Gordon 1983; SchWeber and Feinman 1984:121-29; Weisheit and Mahan 1988:112-35). The women's movement, in combination with important early works (Brownmiller 1975; Griffin 1971; Martin 1976; Pizzey 1974), awakened feminist and public consciousness to the dimensions of rape and intimate violence. Victimization of women and girls has been (and is) more likely anchored in one of several feminist perspectives, whether Marxist (Schwendinger and Schwendinger 1983), socialist feminist (Klein 1982; Schechter 1982), or radical feminist (Dobash and Dobash 1979; MacKinnon 1982, 1983; Stanko 1985); the last is the most prevalent. There are several reasons why feminist approaches are more likely to be taken in analyzing women's victimization than women's offending. First, men's violence against women is linked more easily to patriarchal power; it defines and reflects such power. This link, identified early in second-wave feminism, moved large numbers of grass-roots feminists and some academic feminists to document the then-hidden forms of violence suffered almost exclusively by women.⁷ Second, criminology was affected by this larger feminist milieu. Men's violence against women was a new and untheorized terrain in criminology, and even some nonfeminist criminologists had to digest and deal with feminist scholarship. Finally, these developments were taking place as more women (and more feminists) moved into criminology and related academic disciplines. It is likely that they felt a greater sense of urgency about controlling men's violence against women, as well as a greater sense of affinity toward female victims than female offenders.

Reflections

We used broad brush strokes in describing the emergence and consolidation of "the woman question" in criminology, the vitality of feminist thought in explaining some crimes, and its virtual absence in explaining the pattern and structure of other crimes. In proceeding to consider current issues and debates, we offer some historical context.

⁷ Men's violence against women was also an issue for first-wave feminists. See DuBois and Gordon (1984), Gordon (1988), Pleck (1979, 1987), and Walkowitz (1980).

A set of "new" criminals, victims, and crimes became the object of criminological scrutiny beginning in the mid-1970s: female victims and offenders, men's rape and battery of wives and intimates, other forms of sexual and familial violence, and corporate and occupational crime. Such "new" crimes and offenders have disrupted the field's traditional focus on low-income boys' delinquency and men's street crime, and have upset criminological paradigms. At the same time, two other changes occurred: a "get-tough" stance on crime control and the introduction of methods to reduce sentencing disparity. We turn to a discussion of three significant areas for feminism and criminology that are tied to this changing climate: theory development, controlling men's violence toward women, and gender equality in the criminal justice system.

ISSUES AND DEBATES IN THE 1980s

APPROACHES TO BUILDING THEORIES OF GENDER AND CRIME

Theories of gender and crime can be built in several ways, and we see criminologists taking three tacks. Some are focusing on what we have called the generalizability problem, while others are interested in what we have termed the gender ratio problem. Still others want to bracket both problems, regarding each as pre-mature for an accurate understanding of gender and crime.

The Generalizability Problem

Do theories of men's crime apply to women? Can the logic of such theories be modified to include women? In addressing the generalizability problem, scholars have tested theories derived from all-male samples to see if they apply to girls or women (e.g., Cernkovich and Giordano 1979; Datesman and Scarpitti 1975; Figueira-McDonough and Selo 1980; Giordano 1978; Warren 1982; Zietz 1981). Others have borrowed elements from existing theories (e.g., Moyer 1985 on conflict theory) or have recast the logic of a theory altogether (e.g., Schur 1984 on labeling). According to Smith and Paternoster's (1987) review of the large body of studies taking this approach, the available evidence is limited, mixed, and inconclusive. More studies likely will confirm a consistent, logical answer to the question "Do theories of men's crime apply to women?" The answer is "yes and no": the truth lies in this equivocation.

The Gender Ratio Problem

The gender ratio problem poses the following questions: Why are women less likely than men to be involved in crime? Conversely, why are men more crime-prone than women? What explains gender differences in rates of arrest and in variable types of criminal activity? In contrast to the generalizability scholars, almost all gender ratio scholars seem to be men. Their approach is to develop new theoretical formulations by drawing primarily from statistical evidence, secondary sources, elements of existing theory (e.g., social control, conflict, Marxist), and at times from feminist theory. Box (1983), Gove (1985), Hagan, Simpson, and Gillis (1987), Harris (1977), Messerschmidt (1986), Steffensmeier (1983), and Wilson and Herrnstein (1985) have offered ideas on this issue. Heidensohn (1985) is one of few female criminologists to take this route.

Juxtaposing the Generalizability and Gender Ratio Problems

Much of the confusion and debate that surround the building of theories of gender and crime can be resolved when scholars realize that they are on different tracks in addressing the generalizability and gender ratio problems. Members of each camp seem to be unaware of the other's aims or assumptions; but when the two are juxtaposed, their logic and their limitations are revealed. Analogous developments have taken place in building theories of gender and the labor market; thus we sketch some of that literature to clarify problems in developing theories of gender and crime.

A model of occupational status attainment, outlined by Blau and Duncan (1967) and using an all-male sample, was applied subsequently to samples of women. This research suggested that the same variables predicted occupational status for men and for women (see Sokoloff's 1980 review); the implication was that the processes of intergenerational occupational mobility were the same for men and women. Those taking a more structural approach to the labor market soon raised this question, however: how was it that the "same" processes produced such distinctive distributions of men and women in the paid occupational structure (job segregation) and caused such marked differences in men's and women's wages? That query inspired a rethinking of the structural and organizational contexts of men's and women's work (paid and unpaid), which now commands the attention of many sociologists and economists.

The gender and labor market literature today is several steps ahead of that for gender and crime, but similarities at different

stages are clear. Generalizability scholars are not concerned with gender differences in rates of arrest or in arrests for particular crimes (or in rates and types of delinquent acts). Instead they want to know whether the same processes (or variables) describe intragender variability in crime and delinquency. Setting aside the mixed research findings, they (like status attainment theorists) confront a vexing question. Even if (for the sake of argument) the same processes or variables explain intragender variability in crime and delinquency or in its detection, why do such similar processes produce a distinctive gender-based structure to crime or delinquency? Moreover, what does it mean to develop a gender-neutral theory of crime, as some scholars now advocate, when neither the social order nor the structure of crime is gender-neutral?⁸

Smith and Paternoster (1987) propose developing a gender-neutral theory of crime because gender-specific theories of the past (meaning theories of *female* criminality) held sexist and stereotypic assumptions of female behavior. (Note that theories of male crime are assumed to be universal and are not construed as gender-specific.) When Smith and Paternoster then consider the gender ratio problem, they suggest that the volume of criminal deviance may reflect "*differential exposure* to factors that precipitate deviant behavior among both males and females" (1987:156). Their surmise begs the question of *how* gender relations structure "differential exposure" and "factors," and seemingly denies the existence of gender relations.

Like structural analysts of gender and the labor market, gender ratio criminologists take the position that patterns of men's and women's crime are sufficiently different to warrant new theoretical formulations. Focusing on intergender variability in rates of arrest or in arrests for particular crimes, several theorists offer these starting points: the power relations both between and among men and women, the control and commodification of female sexuality, sources of informal social control, and the greater enforcement of conformity in girls' and women's lives. In contrast to generalizability scholars, gender ratio scholars assume that different (or gender-specific) variables predict intergender variability in crime or delinquency.

⁸ The same question could be raised for other theories of crime, which take this position although they do not purport to be "class-neutral" or "race-neutral." They include varieties of social learning, social control, and rational choice theories. The generalizability problem is not confined to theories of gender and crime; it is also seen in efforts to apply theories of male juvenile offending to white-collar crime (e.g., Hirschi and Gottfredson 1987).

In the wake of arguments developed by gender ratio scholars, those who pursue the generalizability problem may begin to re-think concepts or variables, or they may abandon their enterprise as too limiting. That change may require some time, however, because the contributions of the gender ratio scholars to date are also limited or provisional. Although they acknowledge that crime (like the occupational order) is gendered, many display only a primitive understanding of what this fact means, and all face problems of slim evidence (save statistical distributions) from which to develop sound propositions about female crime or gender differences in crime.

Bracketing the Two Problems

Many feminist criminologists tend for the present to bracket the generalizability and the gender ratio problems. They are skeptical of previous representations of girls' or women's lives and want a better understanding of their social worlds. Moreover, they are unimpressed with theoretical arguments derived from questionable evidence and having little sensitivity to women's (or men's) realities. Like criminologists of the past (from the 1930s to the 1960s), they seek to understand crime at close range, whether through biographical case studies, autobiographical accounts, participant observation, or interviews (e.g., Alder 1986; Bell 1987; Campbell 1984; Carlen 1983, 1985; Carlen and Worrall 1987; Chesney-Lind and Rodriguez 1983; Délacoste and Alexander 1987; Miller 1986; Rosenbaum 1981). For this group of scholars, the quality and the depth of evidence are insufficient to address the generalizability or gender ratio problems. Perhaps more important, the ways in which questions are framed and results are interpreted by many (though not all) of those pursuing the generalizability or gender ratio problems remain tied to masculinist perspectives, ignoring the insights from feminist scholarship.

Observations

Because the building of theories of gender and crime is recent, and because a focus on women or on gender difference is viewed as a marginal problem for the field, we think it imprudent to judge some efforts more harshly than others. We may find, for example, that different explanations for intra- and intergender variability are necessary, or that a more careful examination of patterns of girls' or women's crime may improve our understanding of boys' or men's criminal deviance, among other possibilities. At this stage of

theory building, all approaches must be explored fully. In advocating this position we are aware that some varieties of theory building and some methodological approaches are thought to be more elegant (or, as our male colleagues like to say, more powerful). Specifically, global or grand theoretical arguments and high-tech statistical analyses are valued more highly by the profession. Thus we examine the approaches taken by criminologists in this intellectual context. Our concern is that scholars begin to see that the dimensions of a major criminological problem—the place of men and of women in theories of crime—cannot be separated from a problem for the sociology of knowledge—the place of men and of women in constructing theory and conducting research. Harris (1977:15) alluded to this problem when he said:

Dominant typifications about what kinds of actors “do” criminal behavior—typifications which have served dominant male interests and have been held by both sexes—have played a crucial dual role in . . . keeping sociologists from seeing the sex variable in criminal deviance and . . . keeping men in crime and women out of it.

If the words “criminal behavior,” “criminal deviance,” and “crime” are replaced with “criminology” in this statement, we can extend Harris’s insight with the following observations.

Preferable modes of theory building are gender-linked. Male scholars, for example, have moved rather boldly into theoretical work on the gender ratio problem in both juvenile (e.g., Hagan et al. 1987) and adult arenas (e.g., Messerschmidt 1986). Meanwhile female scholars have displayed more tentativeness and a discomfort with making global claims. In a related vein, it is clear that preferred modes of data collection are also gender-linked. Although both male and female criminologists are required to display their statistical talents, the women’s empirical approaches in understanding crime today are more likely than the men’s to involve observations and interviews. They are more interested in providing texture, social context, and case histories; in short, in presenting accurate portraits of how adolescent and adult women become involved in crime. This gender difference is not related to “math anxiety” but rather to a felt need to comprehend women’s crime on its own terms, just as criminologists of the past did for men’s crime.

As increasing numbers of women (and feminists) enter criminology, they face dilemmas if they wish to understand men’s, women’s, or gender differences in crime or delinquency. A safe course of action—intellectually and professionally—is to focus on the generalizability problem and to use a domesticated feminism to modify previous theory. Something may be learned by taking this

tack (i.e., intragender variability), but there remains an issue, not yet pursued vigorously: whether theoretical concepts are inscribed so deeply by masculinist experiences that this approach will prove too restrictive, or at least misleading.

Our final observation is more speculative. It is inspired by Heidensohn's (1985) remarks on studies of adolescent boys' gangs, both the classics and more recent efforts. She suggests that the men conducting these studies were "college boys . . . fascinated with the corner boys" (1985:141). These researchers "vicariously identified" with the boys, romanticizing their delinquency in heroic terms. We think that this sense of affinity has eluded female criminologists thus far in their analyses of girls' or women's crime. An example will illustrate this point.

Miller (1986:189) reports at the close of her book on street hustlers that "the details of these women's lives would run together in my mind and make me angry, generally upset, and depressed." Angered at the lives these women had led as children and at the daily brutality in their current lives, she saw little hope for the women's or their children's futures. As empathetic as Miller was in describing women's illicit work, her story contains few heroines; the initial excitement of criminal activity turns into self-destruction and pain. How strongly her impressions differ from men's ethnographies of juvenile males, who are described as "cool cats" or as "rogue males [engaging in] untrammelled masculinity" (Heidensohn 1985:125-44). Heidensohn terms this genre the "delinquent machismo tradition in criminology" (1985:141), in which the boys' deviance, and to some degree their violence, are viewed as normal and admirable. By contrast, it is far more difficult for female criminologists to find much to celebrate in girls' or women's crime.

As suggested earlier, all three approaches to reformulating theories of gender and crime have merit. Nevertheless we think that the most pressing need today is to bracket the generalizability and the gender ratio problems, to get our hands dirty, and to plunge more deeply into the social worlds of girls and women. The same holds true for boys and men, whose patterns of crime have changed since the 1950s and 1960s, when ethnographies of delinquency flourished in criminology. Recent changes in youth gangs highlight the need for this work (Hagedorn 1988; Huff 1988; Moore 1978). Our concern is that explicitly feminist approaches to women's crime or to the gender patterns of crime will not be noticed, will be trivialized merely as case studies, or will be written

off as not theoretical enough. That sort of dismissal would be unfortunate but perhaps not surprising, in view of the professional norms governing the discipline and their masculinist bias.

CONTROLLING MEN'S VIOLENCE TOWARD WOMEN

The victimization (and survivorship) of women is a large and growing part of criminology and is of central interest to feminists in and outside criminology. The relatively high feminist visibility in this area may lead criminologists to regard it as the only relevant site for feminist inquiry in criminology. Not so; the more one reads the literature on victimization—the physical and sexual abuse of children, women, and men—the more difficult it becomes to separate victimization from offending, especially in the case of women (Browne 1987; Chesney-Lind forthcoming; Chesney-Lind and Rodriguez 1983; McCormack, Janus, and Burgess 1986; Silbert and Pines 1981).

In research on physical abuse and sexual violence by men against women, these major themes and findings are seen:

- Rape and violence—especially between intimates—are far more prevalent than imagined previously.
- Police, court officials, juries, and members of the general public do not take victims of rape or violence seriously, especially when victim-offender relations involve intimates or acquaintances.
- Myths about rape and intimate violence are prevalent. They appear in the work of criminologists, in criminal justice practices, and in the minds of members of the general public.
- Whereas female victims feel stigma and shame, male offenders often do not view their behavior as wrong.
- Strategies for change include empowering women via speakouts, marches, shelters and centers, and legal advocacy; and changing men's behavior via counseling, presumptive arrest for domestic violence, and more active prosecution and tougher sanctions for rape.

Although feminists of all types agree that men's rape and battery of women require urgent attention, scholars and activists have different views on the causes and the malleability of men's sexual and physical aggression. Pornography (and its links to men's sexual violence) and prostitution (and its links to pornography) are prominent in the dissensus. We turn to these debates and their implications for criminal justice policy.

Causes of Men's Violence toward Women

Radical feminists tend to construct men's nature as rapacious, violent, and oriented toward the control of women (see, e.g., Brownmiller 1975; Dworkin 1987; MacKinnon 1982, 1983, 1987; Rich 1980). Both rape and intimate violence are the result and the linchpin of patriarchal systems, in which women's bodies and minds are subject to men's dominion. Marxist and socialist feminists (e.g., Hooks 1984; Klein 1982; Messerschmidt 1986; Schwendinger and Schwendinger 1983) differ from radical feminists on one key point: they believe that men's nature cannot be described in universalistic (or biologically based) terms but is a product of history and culture, and is related to other systems of domination such as classism, racism, and imperialism. In contrast, liberal feminists offer no theory of causes, but like Marxist and socialist feminists they envision the possibility that men's socially structured violent nature can change. What role, then, should the state play in controlling men's violence and protecting women from such violence? Feminist responses are contradictory and the dilemmas are profound.

Questioning the Role of the State

Pornography. Differences among feminists over the causes of men's violence and the state's role in controlling it are nowhere so clear as in the pornography issue. Part of the debate concerns the effect of pornography on increasing or causing men's sexual violence toward women. Research ethics preclude an answer, but clinical evidence to date shows that pornography with violent content increases aggression, whereas pornography without violent content diminishes aggression (see Baron and Straus 1987:468). Such evidence hardly settles the matter either for anti-pornography or for anticensorship feminists. At issue are different views of men's sexuality and the causes of men's violence, with radical feminists initiating the antipornography movement. Also at issue is whether state officials can be trusted to render the judgments that antipornography activists seek via the proposed civil remedy (Waring 1986). Finally, anticensorship feminists see greater harm for women and sexual minorities in efforts to suppress the many forms of commercialized pornography.

Prostitution. Debates among and between feminists and sex-trade workers (Bell 1987; Délacoste and Alexander 1987) reveal differences in how women view sexuality and sexual power, as well as problems in relying on a male-dominated state to protect women. These differences are often submerged in a coalition of

civil liberties groups, women's groups, and sex-trade workers' organizations who reject state regulation or criminalization of prostitution. In advocating the decriminalization of prostitution and a range of issues associated with prostitutes' right to work, the concerned groups achieve a short-term solution: women can make a living and are not singled out as criminals in a commercial activity that men control, use, and profit from. Nevertheless, the institution of prostitution remains intact, and with it this feminist dilemma: will support for some women's right to work perpetuate an institution that ultimately objectifies women and exploits them sexually, may foster violence against women, and may harm female prostitutes? Today, however, as in the past, the state's stance on vigorous enforcement of prostitution and other related ordinances depends on how prostitution harms men via sexually transmitted diseases, rather than on the institution's impact on women (Alexander 1987; Bland 1985; Daly 1988; Walkowitz 1980).

In juxtaposing prostitution and pornography, one sees the contradictions and dilemmas for feminists who campaign for redress against men's violence toward women (often by seeking an expanded role for the state in protecting women) while simultaneously advocating women's economic and sexual freedom. Similar dilemmas arise in controlling intimate violence.

Intimate Violence and Rape. State criminal laws for the arrest and prosecution of spouse (or intimate) abuse and rape have changed significantly in a short period of time (see reviews by Bienen 1980; Lerman 1980). Civil remedies such as the temporary restraining order to protect battered women are more readily available than in the past. These legal changes are a symbolic victory for many feminists, who see in them the state's accommodation to their demands for protection against men's violence. Yet the effect of new laws and programs on changing police and court practices seems far less impressive. Officials' resistance and organizational inertia are common themes; program success can be short-lived (Berk, Loseke, Berk, and Rauma 1980; Berk, Rauma, Loseke, and Berk 1982; Crites 1987; Grau, Fagan, and Wexler 1984; Quarm and Schwartz 1984; Spencer 1987). Some scholars think legal reforms may serve a deterrent and educative function over the long term, and thus that it may be unreasonable to expect immediate change in men's violence or in the state's response (Osborne 1984).

A thread of hope hangs on the promise of presumptive arrest as a method of reducing intimate (or spouse) violence. Sherman

and Berk's (1984) study in Minneapolis found that arrest may deter men from future assaults on their mates, more so than the police actions of ordering the suspect to leave the premises or giving the suspect advice. This study's findings were diffused quickly and were embraced by many feminists as evidence that intimate abuse would be reduced by a tougher state stance. A program of field experiments in six other American cities is currently under way; it may tell us more about the wisdom and the special deterrent effect of presumptive arrest for intimate violence.⁹

We wear our criminologist hats in questioning feminist (or nonfeminist) optimism in a presumptive arrest policy. Certainly, a get-tough, "lock-'em-up" response offers women short-term protection and retributive justice, but it is part of a more general incarceration "solution" to crime that has arisen in the last decade. Apart from short-term incapacitation, however, it is difficult to see how this or any other reactive policy can be effective in reducing violent crime. Other methods, aimed at the structural sources of men's violence toward women, must be pursued more strenuously. These include empowering women to leave destructive relationships, to be freed from continued predation by their mates, and to impugn the normative supports for men's sexual and physical violence.

Many people might argue that in the absence of presumptive arrest, men's violence toward women is condoned; thus some state intervention is better than none. At the margins, a more active state role in controlling intimate violence may alleviate women's suffering and reduce spousal (or intimate) homicide, but there are disadvantages to state intervention. For example, will presumptive arrest of male suspects also lead to the arrest of women because the police are uncertain which is the batterer and which is the victim? Will a battered woman's ambivalence about arresting a mate be ignored? Will women be jailed for failing to testify against an abusive mate? We await studies of the implementation and effect of these policies over the next decade; perhaps our skepticism will prove unfounded. Like a handful of others (e.g., Carlen and Worrall 1987:13), however, we suspect that such policies are short-sighted. Harris (1987:34) poses this issue as a dilemma of

⁹ For a conceptualization of the project and a sketch of start-up designs, see National Institute of Justice (1985 and 1988 respectively). In addition to Minneapolis, field experiments are being conducted in Omaha, Colorado Springs, Dade County (Florida), Atlanta, Charlotte, and Milwaukee. Cohn and Sherman (1987:1) report the following policy changes from surveys taken in 1984, 1985, and 1986 of all police departments in American cities with a population of greater than 100,000. Of the 146 departments surveyed each year, the proportion saying that their preferred policy was arrest for minor domestic assault cases increased from 10 percent in 1984 to 31 percent in 1985 and to 46 percent in 1986.

safety and protection for women, but it can be applied more broadly: "How can we respond effectively to people who inflict injury and hardship on others without employing the same script and the same means that they do?" That dilemma should be explored fully by the entire criminological community in contemplating the role of the state and its citizens in reducing crime.

GENDER EQUALITY IN THE CRIMINAL JUSTICE SYSTEM

In the early days of second-wave feminism, calls for legal equality with men were apparent everywhere, and the early feminist critics of criminal law and justice practices reflected this ethos. Today feminist legal scholars are more skeptical of a legal equality model because the very structure of law continues to assume that men's lives are the norm, such that women's legal claims are construed as "special treatment." Alternatives to thinking about equality and difference have been proposed in view of women's social and economic subordinate status and gender differences in paid employment, sexuality, and parenthood; see, e.g., *International Journal of the Sociology of Law* 1986; MacKinnon 1987; Rhode 1987; Vogel forthcoming; *Wisconsin Women's Law Journal* 1987. Feminist dissensus over what should be done partly reflects different perspectives on gender, but increasingly one finds that strategies for change reflect lessons learned from engaging in the legal process. As feminists have moved to change the law, so too has the law changed feminism.¹⁰

Questioning Equality Doctrine and the Equal Treatment Model

Feminist analyses of criminal justice practices reflect a similar shift by moving away from a liberal feminist conceptualization of gender discrimination as a problem of equal treatment. This recent change is more pronounced in British than in American criminology (related, no doubt, to the preponderance of statistical approaches in the United States). It is seen in studies and literature reviews by Allen (1987), Chesney-Lind (1986, 1987), Daly (1987a, 1987b, forthcoming), Eaton (1983, 1985, 1986, 1987), Heidensohn (1986, 1987), Smart (1985), and Worrall (1987). Unlike previous statistical studies of gender-based disparities in court outcomes (for reviews see Nagel and Hagan 1983; Parisi 1982), more recent

¹⁰ This observation paraphrases a remark made by Martha Fineman at the Feminism and Legal Theory Conference, University of Wisconsin Law School, July 1988. Feminist analyses of law and strategies for change are prodigious; see Graycar (1987) for a summary of some themes. Majury (1987), *Rights of Women, Family Law Subgroup* (1985), and Schneider (1986) illustrate dilemmas in legal strategy.

qualitative studies of legal processes analyze the interplay of gender, sexual and familial ideology, and social control in courtroom discourse and decisionmaking at both the juvenile and the adult levels. This work addresses how gender relations structure decisions in the legal process, rather than whether men and women are treated "the same" in a statistical sense. Eaton (1986:15) sums up the limitations of analyzing sentencing as an equal treatment problem in this way: "The [discrimination] debate is conducted within the terms of legal rhetoric—'justice' and 'equality' mean 'equal treatment,' existing inequalities are to be ignored or discounted." Thus, just as feminist legal scholars are critiquing equality doctrine, feminist criminologists now are questioning how research on discrimination in the courts is conducted.

While feminist scholars are identifying the limitations of an equal treatment model in law or in research on legal practices, that model, and the statistical evidence on which it is based, are the centerpiece of sentencing reforms in the United States. Although these reforms are taking shape in different ways (Blumstein, Cohen, Martin, and Tonry 1983; Shane-DuBow, Brown, and Olsen 1985; Tonry 1987), they aim to reduce sentencing disparity by punishing "like crimes" in the same way. A major problem is that sentencing reforms are designed to reduce race- and class-based disparities in sentencing men. Their application to female offenders may yield equality with a vengeance: a higher rate of incarceration and for longer periods of time than in the past.¹¹ Like reforms in divorce (Weitzman 1985) and in child custody (Fineman 1988), devised with liberal feminist definitions of equality, sentencing reform also may prove unjust and may work ultimately against women.

The limitations of current equality doctrine are also apparent for changing the prison (or jail) conditions of incarcerated women. Litigation based on equal protection arguments can improve conditions for women to some degree (e.g., training, educational, or work release programs), but such legal arguments are poorly suited to the specific health needs of women and to their relationships with children (Leonard 1983; Resnik and Shaw 1980). Indirectly they may also make it easier to build new facilities for

¹¹ For example, California's determinate sentencing law may have had an impact on increasing the length of prison sentences for women (Blumstein et al. 1983, volume 1:114, 213-14). To our knowledge, evidence on the impact of sentencing reform in changing the rates of incarceration for women is not yet available. We note, however, that the female share of the jail and prison population has increased in the last decade. Of those in jail, women were 6 percent in 1978 and 8 percent in 1986 (Bureau of Justice Statistics 1987:5); of those in state and federal prisons, women were 4 percent in 1978 (Flanagan and McCleod 1983:545) and 5 percent in 1987 (Bureau of Justice Statistics 1988:3).

female offenders than to consider alternatives to incarceration. Historical studies of the emergence of women's prisons in the United States suggest that separate spheres notions, which were applied to penal philosophy, may have offered somewhat better conditions of confinement for women (notably white, not black women; see Rafter 1985) than an equality-with-men model (Freedman 1981; SchWeber 1982). Therefore equality defined as equal treatment of men and women, especially when men's experiences and behavior are taken as the norm, forestalls more fundamental change and in some instances may worsen women's circumstances.

Reflections

We are in a time of transition in which gender equality (or equality for other social groups), founded on legal principles of equal access to and due process in social institutions, offers a limited prospect for changing the panoply of inequalities in daily life. In the case of gender relations we cannot retreat to separate spheres, nor can we embrace equality doctrine uncritically. Criminologists, especially those involved in the formation of policy, should be aware that equal treatment is only one of several ways of redressing discrimination and of moving toward a more humane justice system.

CONCLUSION

In this essay we attempted to make feminist thought accessible to criminologists and to show its significance for criminology. We also pointed out that the problems confronting criminology and the manner in which they are addressed cannot be separated from the social standpoints of those producing knowledge. The field would do well to nourish rather than belittle alternative visions. Even though a male-dominated academy tends to reward competition and even demolition of the work of others, it is our view that intellectual life is lonely enough; we need not estrange ourselves further.

We are encouraged by the burst of research attention that has been given to women and to gender differences in crime, to the response to delinquency and crime in the juvenile and criminal justice systems, and to women's victimization. Yet with the possible exception of women's victimization, criminology has not felt the full impact of feminism except in its most rudimentary liberal feminist form. In this vein we underscore a point made several times in the essay: feminist inquiry is relevant and should be applied to *all* facets of crime, deviance, and social control. A focus on gender and gender difference is not simply a focus on women or on

what some scholars term "women's issues" in a narrow sense. It is and should be a far more encompassing enterprise, raising questions about how gender organizes the discipline of criminology, the social institutions that fall within its scope, and the behavior of men and women.

We are surprised by those who continue to say that a focus on gender is unimportant for theories of crime because there are "so few women criminals." We have also been told that discussions of women's crime are "entertaining," meaning that they are a trivial footnote to more general and important problems. Still the fact remains: of whatever age, race, or class and of whatever nation, men are more likely to be involved in crime, and in its most serious forms. Without resorting to essentialist arguments about women's nature, we see in this pattern some cause for hope. A large price is paid for structures of male domination and for the very qualities that drive men to be successful, to control others, and to wield uncompromising power. Most theories of crime suggest the "normalcy" of crime in the light of social processes and structures, but have barely examined the significance of *patriarchal* structures for relations among men and for the forms and expressions of masculinity. Gender differences in crime suggest that crime may not be so normal after all. Such differences challenge us to see that in the lives of women, men have a great deal more to learn.

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APPENDIX

FIVE PERSPECTIVES ON GENDER: A SCHEMATIC

These perspectives are sketched only in very brief terms. In view of historical and contemporary debates in feminism, they are crude and oversimplified, but they offer a starting point for different ways of conceptualizing gender in social and political theory. Women of different racial and ethnic groups, sexualities, or religions can be liberal, radical, Marxist, or socialist feminist, although they will modify the terms of a feminist perspective accordingly. See Jaggar (1983) and Jaggar and Rothenberg (1984) for the political philosophies and conceptions of human nature, which ground these perspectives, and Carrigan, Connell, and Lee (1985) for discussion of these perspectives in the literature about men's lives and masculinity.

This schematic combines two ways of conceptualizing gender and gender relations in the social sciences. "Causes of gender inequality" refers to the structural basis for men's social dominance and women's oppression. "Process of gender formation" refers to how individuals become gendered, namely the social-psychological processes by which an individual becomes a girl/woman or boy/man. Structural approaches focus on inequality and often do not explicate the processes of gender formation, which are either assumed or implicit. Those who attend to how gender is learned, imposed, or internalized often ignore the structural and historical contexts of inequality. These different foci recapitulate the "level problem" in sociology and criminology: how to link macro and micro social processes. Moreover, some domains (like sexuality) are likely not "knowable" through standard methodological approaches.

Traditional (or Conservative)

Causes of gender inequality: Biological sex differences, including hormonal differences (greater testosterone production in males) or reproductive capacities (female child bearing and lactation). "Social inequality frequently denied."

Process of gender formation: Social behavior derived from or an amplification of biological sex difference: greater strength and innate aggression among males, and innate nurturing and care-giving among females.

Strategies for social change: None offered because men's and women's behaviors reflect bio-evolutionary adaptations of sex differences from an earlier time in human history.

Key concepts: Biological imperatives; natural differences between men and women.

Liberal Feminist

Causes of gender inequality: Not stated explicitly, but assumed to stem from societal inhibitions on women's full exposure to and participation in intellectual inquiry (reading and writing), physical education (competitive sports and physical fitness), and other activities in the public sphere.

Process of gender formation: Socialization into gender roles; psychological theories such as social learning, cognitive development, or schema used.

Strategies for social change: Removal of all obstacles to women's access to education, paid employment, political activity, and other public social institutions; enabling women to participate equally with men in the public sphere; emphasis on legal change.

Key concepts: Socialization, sex (or gender) roles, equal opportunity, equal treatment of men and women, equal rights.

Marxist Feminist

Causes of gender inequality: Derived from hierarchical relations of control with the rise of private property and its inheritance by men. Class relations are primary; gender relations, secondary.

Process of gender formation: Not stated explicitly in early works, but implicitly a master-slave relationship applied to husband and wife. Some twentieth-century arguments draw from psychoanalytic theories.

Strategies for social change: In the transformation from a capitalist to a democratic socialist society, bringing women fully into economic production, socializing housework and child care, abolition of marriage and sexual relations founded on notions of private property, eradication of working-class economic subordination.

Key concepts: Capitalist oppression and working-class resistance, women as a "sex class" or a reserve army of labor for capital, husbands' exploitation of wives' labor.

Radical Feminist

Causes of gender inequality: Needs or desires of men to control women's sexuality and reproductive potential. Patriarchy—a set of social relations in which individual men and men as a group control—predating the rise of private property; "ownership" of women the precursor to ownership of territory. Some arguments

assume a biological basis for men's needs or desires to control women.

Process of gender formation: Power relations between men and women structure socialization processes in which boys and men view themselves as superior to and as having a right to control girls and women. Gender power relations amplified and reinforced by heterosexual sexuality (male-defined). Psychological and psychoanalytic theories used.

Strategies for social change: Overthrowing patriarchal relations, devising methods of biological reproduction to permit women's sexual autonomy, creating women-centered social institutions (and women-only organizations). In strategies for change, dealing explicitly with the oppressive nature of sexual and familial relations for women and with their link to relations in the public sphere. Eradication of women's social subordination without obliterating gender difference. A new offshoot of radical feminism (or perhaps an amalgam of liberal and radical feminism)—cultural feminism—celebrates gender differences, especially women's special capacities or talents, but does not situate gender differences in the framework of power relations.

Key concepts: Patriarchy, women's oppression, men's control of women's bodies and minds, heterosexism.

Socialist Feminist

Causes of gender inequality: Flexible combination of radical and Marxist feminist categories, i.e., universal male domination and historically specific political-economic relations, respectively. Focus on gender, class, and racial relations of domination, in which sexuality (including reproduction) and labor (paid and unpaid) are linked. Differs from Marxist feminism in that both class and gender relations are viewed as primary.

Process of gender formation: Similar to radical feminism, but with greater emphasis on making psychological or psychoanalytical arguments historically and culturally specific and on analyzing women's agency and resistance.

Strategies for social change: Amalgam of Marxist and radical feminist strategies; simultaneous focus on transforming patriarchal and capitalist class relations (includes similar relations in self-defined socialist or communist societies).

Key concepts: Capitalist patriarchy, women's subordination and resistance to men; men's exploitation and control of women's labor and sexuality.