

## **Women and Crime\***

BARBARA RAFFEL PRICE, Ph.D. \*\*

### **News Item:**

Seven wily thieves made off with \$1600 from a Long Island supermarket. They fled in two getaway cars that headed in different directions.<sup>1</sup>

### **News Item:**

Terrorists in Italy attack physicians who are opposed to Italy's abortion law. They struck in Rome yesterday firebombing the apartment of an obstetrician.<sup>2</sup>

### **News Item:**

The last weekend in January a lone person hijacked a transcontinental flight so that a religious message could be read to the nation by a celebrity.

### **News Item:**

'I don't like Mondays. This livens up the day.' With those words an 85 lb. San Diego teenager opened fire with a rifle killing two people.<sup>3</sup>

What these news bits have in common is that all these stories were about women. And then there are Susan Saxe, the Manson women, Emily Harris, Sara Jane Moore, Squeaky Fromme and Patty Hearst. Are they one-of-a-kind aberrations? Or are they forerunners of changing behavioral patterns in women?

## **Women Offenders**

Many current commentators have focused on such acts as evidence of a new status for women in our society. Some believe these are important signals of women's advance toward liberation and equality. They see these events as indicators that women are discarding their traditional roles and taking on the jobs of men.

The international scholar and criminologist, Sir Leon Radzinowicz, as well as several women criminologists including Dr. Freda Adler and Dr. Rita Simon are advocates of what has been called Liberation Theory.<sup>4</sup> The theory states that as women become more fully integrated into society, as they

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\*\*Dr. Price is Associate Professor of Criminal Justice, John Jay College of Criminal Justice, City University of New York, 444 West 56th Street, New York, NY 10019.

participate in the same activities, and assume many previously exclusive male roles, differences in crime participation will vanish, or, put another way, the new female criminal offender will be indistinguishable from the male in terms of range and seriousness of offense. The theory predicts an increase in the frequency and variety of female criminal activity as sexual and cultural roles become more similar.

There is more than anecdotal support for the theory. Twice as many women are in jails and prisons now as there were at the beginning of the decade.<sup>5</sup> And, twice as many women are working outside the home today as there were in the nineteen fifties.<sup>6</sup> There is, therefore, an empirical base for the view that as women follow men into the factories and offices, they will follow them to jail. I will discuss later whether this view holds up in detail. But to see the full extent to which it is a *new* view in criminology, requires a brief look at earlier theories.

Theories of crime generally explain its roots as being either within the person or the society. Some theories combine both.

Many of the early writers on the criminality of women, including Lombroso, W. I. Thomas and Freud, saw criminality as the result of individual characteristics that are only peripherally affected by economic and social forces. The critical characteristics were of a physiological or psychological nature and were uniformly based on implicit or explicit assumptions about the inherent nature of women. Such theories gave little reason to anticipate rapid changes in women's criminality as a consequence of social change.

Of course, the view that crime is connected to the society did not first develop with Liberation Theory. It had its beginnings with Social Darwinist and Marxist accounts of the origins of crime, and was further developed by American sociologists. These theories, however, were largely based upon men's crime and ignored female criminality except as it related to crimes of passion and prostitution. This is not accidental; most known crime is committed by men.

Before we simply accept a Liberation Theory account of the increase in women prisoners, we must take a closer look at the data, particularly at data indicating the kinds of crimes women are committing. To get nearer to the facts about crimes, we can look at an earlier stage in the criminal justice process, the arrest stage. The most extensive data on arrests is in The Uniform Crime Reports. What is most striking in the UCR figures is that property crimes rather than crimes of violence are women's major contribution to arrest rates.<sup>7</sup>

If we look at data from 1965 to 1976 we find that the percentage that females contributed to the total arrest rate increased by more than 5% in only four categories. These include larceny, fraud, forgery, embezzlement and vagrancy. In larceny and fraud, females have made substantial gains, but 70% of female arrests for larceny are for shoplifting. In certain offense categories, there are, clearly, changes in patterns of female crimes. However, these are the kinds of crimes women have always committed. So even where the women are making gains compared to men, they are not committing substantial numbers of *new types* of crimes. More women are being arrested but for traditional types of female crimes. When it comes to typically

masculine, violent, serious crimes including murder, aggravated assault, weapons and robbery, there was only a negligible increase of 1.1% in the female contribution to these crime rates.<sup>8</sup>

The data, then, suggest a more complicated picture than that which was first presented. There are several features to it:

1. Women are committing a higher proportion of property crimes than previously, but
2. The types of property crimes they are committing are of the traditional sort; and
3. They are not committing a higher proportion of the crimes of violence than in the past.

We can say, then, that mere entry into the labor force, which has already occurred for women, is not sufficient to remove sexual differences in crime. We need, therefore, to look at the character of women's participation in the labor force in order to understand what is happening. While it is true that women are more fully in the working world outside the home today, most are still found in traditionally female occupations.

The U.S. Commission on Civil Rights has reported that women's status has not much changed in the past fifteen years for those who work. Its data show that for women to be in occupations *comparable* to those of men, at least 66% of American females would have had to change their occupations in 1976. In 1960 the figure was actually even lower, 62%.<sup>9</sup> We also know that women are underpaid compared to men. 1975 statistics show that white females with the same characteristics as majority males (in terms of occupational prestige, education and weeks worked) could be expected to earn only 57% of the amount that white males earned. Black females do a little better; their figure is 61% of the amount earned by white males. For both races, the situation was exactly the same in 1959.<sup>10</sup>

We know, too, that women apparently have greater need of income than ever before. Far more find it necessary to work; over 7 million are now heads of household.<sup>11</sup> So women are as underpaid and underemployed as ever although their need for property has increased. That there is a connection between this phenomenon and the types of crime women commit (as shown in the arrest records) can be explained by digression into sociological theory.

Robert K. Merton, a respected American sociologist, has applied the concept of anomie, which describes a social condition of relative normlessness to explain deviant behavior; his hypothesis states that there is a discrepancy between the goals of human action and the socially structured legitimate means of achieving them. Crime, then, is a result of the gaps between aspirations and possibilities. This explanation of crime sees the illegal behavior as resulting from goals, particularly materialistic goals, which are held to be desirable and possible for all, but for which there are only limited legal channels of achievement. I find this theory one of the most useful in explaining women's increasing participation in property crimes. In the absence of legitimate routes to meeting their new economic objectives, for example, arising from being heads of families, they have resorted to other means.

In predicting future trends of increasing female crime, the Opportunity Theory developed by Cloward and Ohlin is often cited.<sup>12</sup> The theory, which

was developed to explain youth gang behavior, is an application of anomie theory and holds that lower class youths are socialized to want the "goodlife." Often because these goals are unattainable and because of the discrepancy between desired goals and legitimate opportunities for success, they turn to criminal activity. In other words, the opportunity structure of society is malfunctioning. Much the same is clearly happening with women. This theory, incidentally, has been badly misunderstood by some who suppose it holds that increasing opportunities to commit crime will lead to actual crime. This may be true, but the Opportunity Theory predicts that the absence of legitimate opportunity to attain the goals of society leads to crime.

Another theory, strain and polarization, was developed by one of the major sociologists of the 20th century, Talcott Parsons.<sup>13</sup> His theory states that when people become frustrated in their conventional pursuits, they experience strain and become ambivalent toward those in authority or toward rules and laws that give them trouble. Gradually, as these people interact with others, they become committed to more definite pro and con attitudes. In other words, some people polarize into anti-criminality; they are rigid enforcers, who tolerate no stretching of regulations. By contrast, others polarize into pro-criminal attitudes and are rebellious toward authority figures or toward rules and laws.

An application, Differential-Association Theory, argues that (1) criminal behavior is primarily a product of the learning that occurs in intimate interpersonal relations and (2) that learning is either supportive of or antagonistic to law breaking.<sup>14</sup> Accordingly, the source of polarization is one's intimates; persons or reference groups with which individuals identify themselves will determine criminality. Thus, females whose "main men" are criminals would be more likely to engage in crime. I believe that if we knew as much about subculture structures as we do about occupational structures we would find differences in crime reflect definitions of roles by sex.

Control Theory attributes crime to breakdown of controls over urges to commit offenses.<sup>15</sup> In the recently published book, *Criminal Violence, Criminal Justice*, Charles Silberman employs this theory when he cites the breakdowns in the social order and disappearance of community cohesion as the major cause of much crime today.<sup>16</sup> Control Theory, however, gives no explanation of deviance. It simply says that crime is a failure of personal and social controls to force individuals into conformity with the norms of their society. The impact on increasing participation by women in some forms of crime may be interpreted based on this theory as arising from:

Women's new head of household status which both increases need and frees them from the control of dominating parents and spouses.

But not all social controls have broken down. Traditional morality and traditional job opportunities combined with women's conventional nonviolent modes of activity lead to larceny by credit card or shopping bag rather than armed robbery.

Where does this leave us? We began by questioning Liberation Theory because women's crime did not seem to be closely approximating men's crime. As we reflected further, we saw that this argument had as premise the

view that women were now in men's occupational roles. But we also saw that this was true only in small degree. Women were working outside the home, but primarily in ways traditional to women. So, too, with their crimes. Although these were increasing outside the home, they were of a sort traditional to women. That these two patterns are causally connected we supported by suggesting that a number of sociological theories could relate the associations, frustrations, and lack of opportunities of these women with certain controlled, polarized forms of action which included crimes such as shoplifting. These theories, then, imply a more sophisticated form of Liberation Theory which is, at least, not yet disproven . . . In sum, slowness of change in criminal activity is, I believe, caused by slowness of change in women's work.

Given these rather gradual developments, why then the frequent attention of the media to violence and the new female criminal? And why the dramatic increase in the numbers of women in jails and prisons? While the number of women in jails and prisons increased only 20% from 1960 to 1970, the numbers of incarcerated women actually doubled in the 1970's.<sup>17</sup> (At the same time arrest rates went up only 20% in the 1970's.)

Certainly, the most visible relevant and videogenic phenomenon of the 1970's was the Women's Movement. Even if it did not much alter the structure of the job market the women sought to enter, it certainly affected the perceptions of decision-makers, those who exercise discretion, in the institutions which women encountered. In the criminal justice system these decision-makers are almost entirely men. At most, 2% of both arresting officers and federal judges are women.<sup>18</sup> As attention to women's involvement in men's activities rose, which was always more symbolic than real, both men's and women's perceptions of women must have changed. Hard evidence is scarce; men dealing with women may, however, have come to regard them in ways more comparable to men. Thus, a woman involved in an armed robbery may now be more likely to be regarded as a full participant than a passive moll. Whether, in fact, the criminal justice system has in recent years come to treat women more harshly than men for the same crimes committed is not clear. In fact, The National Institute of Law Enforcement and Criminal Justice issued a request for concept papers for a study of just this question last month.<sup>19</sup>

Furthermore, labeling theory, the sociological view that people behave as they are defined by others, may have influenced police, prosecutors, and judges to act as community protectors in the presence of these women newly viewed as threatening.<sup>20</sup> In addition, one might speculate that more women are coming to count themselves as criminals. This sort of phenomenon has also been discussed by symbolic interactionists who locate the causes of our behavior in our symbolically expressed interpretations of reality.<sup>21</sup> In this sense ideas are interpreted as causing crime from two sources: (1) beliefs held by offenders and (2) beliefs held by those who react to offenders.

A cynic, perceiving that the central phenomenon is one of men responding to the presence of women in the market place, might find an expression of male backlash here; women are taking men's jobs and the men are putting them in jail. A more reasonable view is the hypothesis that decision makers are tending to formalize the handling of women accused of crime so that formerly "hidden" female crimes are now becoming part of the official statistics.

The irony of all this is that without question the women who are in jail and prison are not those actively involved in or directly benefitted by the Women's Movement. Dr. Ruth Glick and Virginia Neto found in the most comprehensive study done to date of women inmates that the typical woman inmate in America today is black, lower class, poorly educated and has several children. She is in jail or prison for shoplifting and other forms of theft, drug related crimes and crimes of passion.<sup>22</sup>

Once incarcerated, women receive treatment today that reflects traditional sex role stereotyping (preparing women to accept their proper role of homemaker, wife and mother). Anyone who has extensively visited jails sees inmates being frequently taught domestic skills and instilled with standards of an "acceptable lifestyle" and female behavior deemed appropriate by either men or upper class women reformers. Wife and mother, they are told, are the only socially acceptable roles.

The jails and prisons are largely filled with poor women, uneducated and unskilled, who will have to find employment upon release. Incarcerated women are not emancipated; they are more often victims denied economic opportunities. A recent study by Clarice Feinman, "Sex Role Stereotypes and Justice for Women," found that at least 70% of all women inmates were single with full responsibility for support of their families.<sup>23</sup>

It is ironic that women have played a major role in improving the general conditions of incarceration as social reformers, yet they have also perpetuated for women inmates the traditional sex roles; and these stereotypes have significantly affected ex-offenders' opportunity to succeed in the community after release.<sup>24</sup>

In summary, we see that, whether in consequence of the property crime by women, or of society's perception of these women, they are now being treated more like men to the extent that they are being incarcerated more frequently. I should note, though, that the proportion of women to men in prison is relatively low, approximately one in twenty inmates. The patterns of the past, however, when we look at who is in prison and how they are treated, are still with us.

### **Women Victims**

No discussion of women and crime would be complete without commenting on the women most victimized in our society today. By one estimate, approximately a third of a million women in the United States earn all or most of their livelihood from prostitution.<sup>25</sup> These women are of special interest to us because they are a clear reminder that it is still the case today that entrance into associations that lead to criminality is through traditional routes for all too many women.

Because it is a crime to solicit the public for sex, to put one's body up for hire, the prostitute becomes part of the secretive and criminal world peopled by others who seek to make profit from her and who are willing to break the law for that profit. For many women, prostitution can be the beginning of other criminal activity. She may have the protection of a pimp, her business manager and booking agent, who pays off various people important to doing business — hotel managers; room clerks, bar tenders and owners, corrupt law enforcement officers. Hers is a marginal occupation conducted in a covert

and hostile environment. Prostitution takes place in, and itself creates, a situation in which other crimes thrive. As a criminal, she may engage in direct theft from her customers; she may assault or assist her pimp in assault. Rolling and assault are the crimes most frequently indulged in directly by prostitutes.

The prostitute as victim is herself considered fair game for extortion or "shakedown" by police and pimp alike; prostitutes are assaulted by customers on occasion, and by their pimps more frequently. They have been denied payment or, even, robbed by their customers of whatever money or possessions they have.

Because prostitution is illegal and because she has no other marketable skills, life is precarious for her, and her personal safety is often jeopardized. Beginning with the 1960's, prostitutes were victimized in a new way when many were forcibly turned into drug addicts to assure their loyalty to their pimp and their willingness to work both at the sex business and other activities. The involuntary prostitute represents the extreme form of victimization. She may have been brought into prostitution because she is a young runaway without either money or a place to stay. Some enter or remain in prostitution because of their dependency on drugs or because of threats of violence from pimps or madams.<sup>26</sup>

If we accept the notion that some crimes are based on the social structure, whether caused by differential association or some other mechanism, and not a consequence of the prostitute's inherent nature, then we have here a situation for which society is responsible. And particularly so, since the crime itself is *mala prohibita*, a matter of social definition. Clearly, this area which is most impervious to change is most in need of it.

### Women Police

I do not want to leave the subject of women and crime, a traditional source of employment for men, without noting that it is becoming a source of employment for women. I will discuss that part of the system I know best, the police department.

You will see features of our earlier discussion reappearing. Symbols of progress are visible, but progress is slow. Penetration of women into this traditionally male occupation is slight and is often restricted to roles traditionally reserved from the beginning for female police. Ironically, the historical beginning of sworn women officers is due to women victims. In a sense, police department interest in hiring women officers stemmed, in part, from the prostitution occupation and the criminal label attached to it, because women first were hired for one of two assignments: the vice squad or the juvenile unit. It is only in the last ten years that women have been assigned to routine patrol.<sup>27</sup> Women pressed for this more general deployment because they found that standing guard over female prisoners at police stations was a dead end job.<sup>28</sup>

I live in the 17th Precinct in New York City; it is the only precinct in New York where "The Captain" is a female. It may very well be the only police precinct in the United States commanded by a woman.

Women, of course, work in all sectors of the criminal justice system, but in no other sector and perhaps no other occupation, the military excepted,

has their presence been more controversial or generated more pilot programs and operational research. Women police officers have been studied, observed, analyzed and evaluated as police agencies tentatively send them out into city streets and state highways to do patrol work.

Within the police occupation today, six years after the beginning of major commitments in a few departments to integrate women into police work, there is still strong resistance toward women police.

A lieutenant in the Metropolitan Police Department, Washington, D.C. summarized the feelings of many when he said:

I've never met a man who wanted a woman partner except for other than police reasons.

We have had police matrons for over one hundred years. In 1893 the Chicago Department appointed Mrs. Marie Owen as the first woman detective. But she was only to work on cases involving women and children and she was, it should be noted, a policeman's widow. Progress has been slow in spite of the feminist movement at the turn of the century and today's Women's Movement. Recently, I surveyed the ten largest departments in the country and found that, of these, Detroit has the most women officers — 1200, almost 19% of its force.<sup>29</sup> Philadelphia is the lowest of the Big Ten, with 2% female police.<sup>30</sup> These proportions aren't very large, but the figures drop even lower for women actually on patrol. Detroit had 9% women out on patrol; in Washington, D.C., women comprised 4½% of the patrol force, while the other major cities had even less: generally 2% of the patrol force were women.<sup>31</sup>

Why so few women in police work, and why is such a limited number assigned to patrol?

The simplest answer is that women have not been accepted by the occupation as a whole.

Consider the testimony of an inspector from the Philadelphia Police Department:

I can't really see women on patrol. My feelings are . . . that we have ladies on the force. Our women are 'ladies,' they are not 'women of the world' so to speak . . . We want to keep them special.<sup>32</sup>

Sillier still is the sworn testimony, again from Philadelphia, that women will not make good detectives because they believe everything that they hear! Many feel that women don't have the strength for the job, the toughness, or the courage in the face of danger. These beliefs are part of our culture and sex role stereotyping. Attitudes change slowly.

One woman sergeant responded to a scene in which a man with a gun had been reported. As she emerged from her patrol car, a crowd had gathered and observed that her gun was in her hand. She proceeded into the house where the trouble was, and after some time had elapsed she returned having first holstered her gun. She heard comments from the crowd who saw only that the gun was not in her hand: "She doesn't have her gun," "She's dropped it!," "It's lost."<sup>33</sup>

Not only the police find the idea of women on patrol improbable, but clearly some citizens think they can't handle guns. The belief that they can do the job is not easily accepted; it flies in the face of tradition, and this is one reason for the slow integration of women into police departments. Taken a step further, the possibility of having a woman sergeant as a superior giving orders simply doesn't sit well with some male police officers. Another reason, and an important one, is the familiar male backlash: women pose a new threat in terms of competition for the limited promotions in all departments.

In the face of this, study after study has demonstrated that women can perform effectively on patrol and as police administrators.<sup>34</sup> The Vera Institute found the "women's 'style' of patrol was almost indistinguishable from the men's."<sup>35</sup> Some departments agree. Detroit, as noted earlier, is one; and Washington, which in 1968 had six women, by 1978 was up to 306. In San Francisco there were nine women officers in 1963; in 1979 there were 60. But still this is too few for a force of 1670.<sup>36</sup>

The available research has, however, disclosed that culturally instilled attitudes are an obstacle for all. Women recruits must be trained to be more aggressive under appropriate circumstances, and male recruits must be resocialized not to be overprotective. Furthermore, police administrators must never put untrained women into street patrol hoping to see them fail. Police academy instructors must be certain that women (and men) have demonstrated adequate skills.

It is, of course, true that some women will be found unsuitable for the demanding work of patrol. But, as Deputy Chief Bouza has observed, sometimes men are found to be unsuitable, and this has not been a compelling reason for discontinuing the use of men in policing.<sup>37</sup>

In law enforcement, as elsewhere, the pattern of women's employment has been slow to change. Nevertheless, as we all know, what change there has been has had high visibility in the media and on the street. Perhaps, therefore, it has symbolic consequences disproportionate to its extent. My colleague, Tom Repetto, has written that "The key to policing is the task of social control by symbolic means."<sup>38</sup> That women can be perceived by men and other women as appropriate bearers of the symbols of authority is surely significant. As Chief Bouza has noted, given that police officers and others carry "a whole baggage of myths, images, and symbols to the issue of female equality," this revision of the symbolic structure may lead (the symbolic-interactionists would say *must* lead) to important behavioral changes in our society.<sup>39</sup>

### Conclusion

In conclusion, let me direct attention once again to the female criminal. I have agreed with other critics of those who said that the Women's Movement has had a powerful effect on female criminality.<sup>40</sup> It may eventually, but as of now women's crime is traditional crime. Where we do find increases relative to men's crime, it is, I believe, a result of a convergence of several factors related to crime, including self-perception, economic conditions, enforcement patterns by police, and an evolving social structure especially in the nuclear family.

The new female criminal is largely a media invention and only occasionally an empirical reality. Furthermore, the integration of women professionals as role incumbents throughout the criminal justice system (and other systems in which authority is exercised) has yet to be accomplished. In addition, the need for women to work is only occasionally a matter of self-fulfillment and so for some, perhaps, a product of the Women's Movement; many more, indeed most, work out of economic necessity. The new involvement of women in agencies of the criminal justice system, and the legal instruments she is using to secure a place in them, are certainly products of the Women's Movement. Perhaps I can summarize what is happening by saying that the Women's Movement, while itself in part a product of the same economic forces that create the present woman criminal, has had a strong effect on our response to those same criminals. It probably *has* been responsible for our altered perception of female criminality and female professionals.

If a modified Liberation Theory, as I have sketched it today, is sound, we can expect the development of the new female criminal only after we have the new female cop. We may, in short, be at the beginning of a complex process which will make today's headlines tomorrow's facts.

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