The Extent of Female Crime

Home Office estimates that by the age of 46, 33% of male had received at least one conviction compared with 9% of women.

Ministry of Justice statistics show that females are more likely to be arrested for petty or non-serious offences while men tend to commit serious indictable offences and are more likely to receive harsher punishments.

Feminization of Poverty: Women become involved in criminal activity simply to provide for children and family in circumstances with limited legitimate opportunities.

Data shows that higher proportion of women is cautioned. It can either mean that enforcers are more lenient towards women or that women are more likely to admit their offences (prerequisite of receiving a caution).

Disproportionality of Punishment Women Receive

Women are more likely to be jailed for minor offences.

Women make up a very small but fast rising minority of the prison population.

Baroness Jean Corston in Women’s Vulnerability in Criminal Justice System (2007): Prison is disproportionately harsher for women as it has been for the most part designed for men.

Shoplifting and Women

Particularly associated with women despite statistics showing that it is a crime committed more frequently by men.

Gibbens and Prince (1962): Attributed shoplifting by lower-class boys due to peer pressure. Women considered to commit them because they were depressed, mean, resentful, or wanted to keep up their appearance.

Traditional Criminology: Biological/Psychological Explanations

Cesare Lombroso

Women stop growing too soon, and therefore are the product of arrested development (physical development which is incomplete).

Criminal women were predestined from birth as seen by their masculine appearance.
Should women be treated equally (sameness approach) or do women have distinctive characteristics that require special treatment to overcome their gender-based discrimination (difference approach)?

Law is not gender neutral because it adopts a male standard. Women’s legal claims have potential to be regarded as requiring special treatment (e.g. Parenthood is a mitigating factor in sentencing decisions).

The two models ignore issues of power and privilege. Sameness and difference cannot be considered meaningfully without regard for women’s subordinate status in a patriarchal society. MacKinnon (1991): Although men's differences from women are equal to women's differences from men, the sexes are not socially equal.

At the beginning of third wave, radical feminists argued for adoption of dominance approach. This approach recognizes how patriarchy shapes gender relations and considers gender differences within the context of power and oppression. MacKinnon: Dominance approach is feminine in that it sees the inequalities of social world from the standpoint of subordinate of women to men.

Criticism of dominance approach:

i. Essentialises (portray in terms of stereotypical intrinsic traits) women. The approach is based on the assumption that by virtue of their shared gender, all women have a common experience of dominance and oppression.

Is feminist criminology effective in preventing crime against women?

Wykes and Welsh (2009): Despite having contributed to the better treatment of women victims, feminist criminology has failed to understand, control or treat male offenders (have not reduced offending against women).
Chapter 5 Punishment

Development of Punishment

During Pre-Enlightenment period, punishment was just a means of showing arbitrary powers by the Rulers who believed they were the agents of Gods.

Today, this is no longer the scenario. Powers are no longer concentrated in the hands of rulers at least in most of the countries and the government and judiciary takes charge in handling punishment.

Under different types of law, mainly criminal law in this context, punishment are imposed on offenders who have breached the law. Thus, it is more humane compared to barbaric punishments during the Classical Era.

Defining Punishment

White R & Perrone in 'Crime & Social Act': Punishment is viewed as a social act, has the function of establishing what is right and what wrong behaviour is.

Carrabine (2004): Punishment as a social institution is inherently complex business that needs to be approached from a range of theoretical perspective as no single interpretation will enable us to grasp the diverse meanings generated by punishment.

Justifying Punishment

1) Retributivism and Reductivism

Walker (1972): Most frequently cited justifications are retributivism and reductivism.

Retributivism = Punishment deserved by the offender
Reductivism = Punishment helps to reduce the incidence of crime

2) Not necessary to prove that punishment deters crime

It is enough to indicate that there would be more crime if all punishment were abolished, although it does not necessarily prevents crime.
**Punishment and Imprisonment**

**Prison Through the Public Eye**

Smith (1989): Prison resonates in society's collective mind as the dungeons in our fairy-tales and legends

Roberts and Hough: Prison is simply the most familiar punishment in the public mind

**Portrayal of Prison by Media**

Coyle (2005): Major source of societal assumption about prisons is derived from the media; media gives two contrasting pictures of prison life, a dangerous environment and a holiday camp

Erwin James (ex-prisoner): Prisoners are not seen as individuals. They were seen as a collective with the same crude standards, values and culture, like a sub-race

**Increased Use of Imprisonment**

Foucault (1977): Increase in use of prisons reflects the notion that certainty of punishment rather than the horrific spectacle of public punishment must be sufficient to discourage crime. It is no longer the body that was targeted for punishment, but the soul

**State’s Power**

Crewe: Prisons can be regarded as potent symbols of the state’s power to punish

**Reasons for Imprisonment**

1) **Retributivism**

Punished because they should be punished

Cavadino and Dignan: Notion that the deserve to be punished because it is in some way morally right to return evil for evil, that two wrongs can somehow make a right

May satiate a thirst for revenge that is aggressively fuelled by media manipulation

2) **Deterrence**

Cavadino and Dignan: Crime reduced because of apprehension of the punishment received if they offend
Research indicates that public hold stereotypical conception (deviants, psychopaths) of offenders

3) **Incapacitation**

When an offender is in prison, he cannot commit further offences

*Michael Howard (then Home Secretary)*: Prison works. It ensures that we are protected from murderers, muggers and rapists

*Cheney*: Does not prevent all criminals from committing further offences

e.g. **Assault and battery**, and even **murder** can happen frequently in the prison

e.g. **Contraband dealings** are a norm in prison

e.g. **Crime lords** can also organize criminal operations and run syndicate from inside the prison (In March 2018, Justice Secretary David Gauke was reported saying that his department will be taking proactive measures including isolating crime bosses to prevent them from operating from inside prison cell)

4) **Denunciation**

Public’s condemnation of offender’s criminal actions

*Cavadino and Dignan (2007)*: Demonstrate society’s abhorrence

5) **Rehabilitation**

Concerned with the welfare of offenders in the present and future. Aims to reform the offender so he would adapt to civilian life when released from prison, to return to the society

**Humane Containment**

*Rule 1 Prison Rules 1964*: Purpose of imprisonment was firstly for humane containment, then followed by rehabilitation

*King and Morgan*: Duty of prison service is to treat prisoners with humanity and help them lead law abiding lives in custody and after release
Failure of the Prison System

Ian Acheson (a former prison governor) described prison as a ‘hellhole where it is easier to score your next fix then to get a shower’

Justice Secretary David Gauke proposed that all prison sentences of less than 6 months be abolished, only retaining long sentences for violent crimes. He believed that short sentences actually do the offenders more harm than good. He cites evidence that prison increased chance of reoffending than community sentences

Do Prisons Rehabilitate or De-habilitate Offenders?

Dehumanizing conditions in the prison is in no way rehabilitating offenders, they are often more aggressive and prone to re-offend. The prison is a school for scoundrels (rogue, dishonest person), a university of crime in which prisoners learn new skills from their peers

Reports called the “Reducing re-offending by ex-prisoners (2002)” prepared by Social Exclusion Unit (SOU) of the British government shows a similar pattern all over western world. Here is the SEU’s own conclusion: “Many of those in prison come from the most socially excluded groups in society. Many will have grown up in backgrounds where serious violence, drug and alcohol abuse are commonplace experiences. Few may have known the security of a stable home or done well at school. Crime may be seen as a survival strategy, as inevitable, or the only means of getting the things that others have.”

One ex-prisoner told the SEU, “It is true what they say: your sentence begins the day you get out”. It is not irrational for a destitute prison-leaver to choose to return to crime if it is his only survival strategy. The disastrousness inherent in the failure to develop political and social theories based on a firm grasp of real conditions of people’s lives that (the lived realities) is nowhere more plainly than in the practice of punishing lawbreakers

An article written by Matthews (2003), former inmate suggests that maximum security prison does not rehabilitate prisoners, it rather makes them worse. Inmates spend 20 hours a day in their cell in total isolation and it’s hard for them to function properly in society after spending that amount of time in total without human contact

Most prisoners have developed some sort of psychological illness and those who had it before, it rather makes them worse. Prisoners are abused most of the time. In considering whether a prison is safe and humane, the question of overcrowding comes into mind. Clearly enough, an overcrowded prison could never provide inmates with a
Cultural Criminology

This chapter is an attempt to enter the murky waters of explanation. It is an attempt to put some pieces of the puzzle of crime, violence, and transgression together to help us make sense of what goes on around. Labelling all acts that we do not understand as evil heads us nowhere.

Enjoyment, desire and pleasure are important features of social life and in some ways they are both transposed into cultural forms. Desire becomes the engine that drives us to seek certain cultural acts while the resulting pleasure drives desire once again to find new limits. The starting point is Jack Katz’s seminal (strongly influencing later development) work on the seductions of crime. Here, he maintains that individual emotions, such as excitement, are central to the criminal event.

Cultural criminology points to a wide range of crime from writing graffiti, joyriding and vandalism to murder (clearly expressive rather than simply instrumental). At its most basic, cultural criminology undertakes to investigate the dynamic interplay of culture, crime and crime control. Put differently, cultural criminologists propose that both crime and crime control operate as cultural processes, with their meaning and consequences inevitably constructed out of collective interpretation.

Cultural criminology stresses the existential motives for breaking rules, taking risks and challenging authority. Media confirms that society perceives crime not just as a social problem, but also a major source of amusement.

Keith Hayward ‘Cultural Criminology: Theories of Crime’: “Crime has been seized upon: it is being packaged and marketed to young people as a romantic, exciting, cool, and fashionable cultural symbol.”

Main Characteristics of Cultural Criminology

1) Perception towards crime is not a natural phenomenon but cultural constructions.

They are phenomena constructed in particular ways by those in power to do so. E.g. political institutions (which decide what acts to make illegal), media portrays certain crimes as being more serious than the others. Because of this, cultural criminologists contend that we do not account for the politics and emotions surrounding crime. We doubt critically analysing the cultural dynamics that shapes crime and its control.
Chapter 7 Theories in Sociological Perspective and Moral Panics

Anomie Theory

Anomie is a state of normlessness, social disorders (crimes, unrest) arise as a result

Founder: Emile Durkheim, one of the three big names in modern social theory. He is also deemed as the Father of Sociology (the scientific study of society)

He focused on social explanations and not individual explanation for crime

He puts forward the concept of solidarity (cohesion, what pulls society together)

He proposed two ways solidarity can work:

<table>
<thead>
<tr>
<th>Mechanical Solidarity (Primitive Society)</th>
<th>Organic Solidarity (Modern Societies)</th>
</tr>
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<tbody>
<tr>
<td>You and everyone else you interact with basically do the same things, have the same experiences, hold the same values</td>
<td>Different people with diverse in goods, jobs, values and experiences</td>
</tr>
<tr>
<td>People are bound together by their commonalities, similarities and likeness</td>
<td>What holds the society together is their interdependence, because they are so different, they need to rely on one another</td>
</tr>
<tr>
<td>Solidarity from collective consciousness</td>
<td>Solidarity from interdependency</td>
</tr>
<tr>
<td>It is like a human body with individual organs, each doing their own specialized jobs to keep the system working</td>
<td></td>
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Transition from Mechanical Solidarity to Organic Solidarity

Due to modernization whereby there was an increased number of people in society and increased degree of interaction

During this phase, the values and norms common during one period are no longer valid but new ones have not yet evolved to take their place, causing social disorder

In such a period, society is in a state of anomie/normlessness, a condition characterized by a breakdown in norms and common understanding

People feel disconnected from society as values/norms they hold dear is no longer reflected in the society
This fosters feeling where one lacks purpose in life, engender (give rise to a feeling) hopelessness and thus encourages crime.

Durkheim further identified Anomie Suicide as a form of taking one's life that is motivated by the experience of anomie. The sociological implication is that strong society ties help people and groups survive periods of change and tumult (unrest/chaos) in society.

**Key Insights on Durkheim’s Theory**

1) Deviance is in part, the product of weak moral integration and poor social regulation.
2) Social change, such as the transition to modernity, can often generate Anomie and with this an increase levels of crime.
3) He saw crime as a natural and healthy feature of society as it reaffirms and makes clear society's laws. It is especially normal and expected in a society with high levels of mechanical solidarity as it performs the necessary function to reinforce the moral consensus of the collective majority.

*If no one breaks the law, no one would be punished. Law would only be reinforced if someone breaks it and is punished.*

**Rational Actor Theory**

Based on the idea of 'utility', assuming that individuals proceed on the basis of maximizing profits and minimizing losses. This theory allows the difficult question of criminal motivation to be reformulated as a calculation (balancing of costs and benefits).

Undoubtedly, the most impressive and influential application of RAT within Criminology has been that by Cornish and Clarke (2006), which summarizes the basis of the rational choice perspective in the following 6 propositions:

1) **Crimes are purposive acts**, committed with the intention of benefitting the offender.
2) **Offenders try to make the best decisions** they can, given the risks and uncertainties involved.
3) **Offender's decision-making varies considerably with the nature of crime**.
4) **Decision about becoming involved** in particular kinds of crime are different from those related to the commission of a specific criminal act.
5) **Involvement decisions comprises 3 stages:** (a) Initiation (b) Habituation (c) Desistance.
There was a fight that broke out between the two groups. However, the media used deceptive headlines and reporting to portray the subcultures into a negative symbol of delinquent and deviant status

**Momo Challenge (2019)**

Social media posts about a scary looking doll named Momo appearing in supposedly kids-friendly Youtube Kids videos challenging and instructing young audiences to commit mischiefs went viral. Parents started getting paranoid about letting their kids watch videos on Youtube Kids. Youtube would later debunk the challenge as a hoax. However, parents would continue to show evidences to argue otherwise

**Blue Whale Challenge (2016)**

An online suicide game that challenges teenagers to do minor challenges initially, and the challenge grew more sinister day by day. A final challenge would be for the players to kill themselves. The challenge started in Russia and spread to countries around the globe. Media reporting and viral postings on social media caused widespread panic.

It wasn’t confirmed whether a few suicide cases among teenagers in Russia were connected to this Blue Whale Challenge but parents believed they were. Some psychologists believed that most of the cases were due to moral panic and parents trying to link their children's suicide to a cause.

**Murder of James Bulger**

Two 10 year olds led away a 2 year old from a shopping centre. They took him to a railway line and battered him to death. Trial judge made a remark regarding exposure to violent video led people to believe that the boys may have watched horror video rented by the family.

People staged a public burning of horror videos due to moral panic. Months later, police revealed that no such videos had been viewed.

**5 Key Stages in Construction of a Moral Panic**

1. A group of persons defined as threat to social norms or community interests
2. Threat depicted in a simple and recognizable form by the media
3. Public concern arises as a reaction to this media portrayal of the threat
4. Response from authorities and policy makers
5. Moral panic over the issue results in social changes within the community

**Walter Lippmann:** Whether right or wrong, imagination is shaped by the pictures seen. Consequently, they lead to stereotypes that are hard to shake.
Criticism:

i. It is not entirely decisive, because most of them grew together

ii. Lack of clarity about characteristics that is being passed on

iii. In Lange’s study, some pair of twins committed very different types of offences from each other

iv. Predisposition (tendency) to offend may be inherited but the form of offending might differ as it is determined by different factors

Adoption Studies

Genetic predisposition of criminal behaviour can be assessed when an adopted child resembles the biological parent more than adoptive parent

Hutchings & Mednick (1977): Examined male adoptions between 1927-1941, found that boys with criminal biological fathers are more likely to be criminal. This can be exaggerated with criminal adoptive fathers too

Crowe: Study of 52 babies born to female offenders given for adoption against control group without criminal record mothers, 8 from the criminal mothers were arrested and 2 from control group arrested

Cadoret et al (1983): Used range of variables (biological parents, disturbed adoptive sibling). Found that environmental factors were significant

Strongest correlations is when both genetic and environmental influences criminality

Rutter and Silberg (2002): Whatever influence of genes, environment should not be ignored

Biochemical Factors

1) Testosterone

High level of testosterone leads to aggressive behaviour in males compared to females

Schalling & Olweus (1987): High testosterone levels are linked to verbal than physical aggression

Ellis & Coontz (1990): Offending in males corresponds to high testosterone levels, but it applies both for property offences and against person

Rada et al: High levels of testosterone in violent rapist, treatment is done to suppress the effects of hormones