

SCUK - CHARLES - 5TH

ESSAY

GENDER BIAS IN CRIMINAL THEORIES: A CRITICAL ANALYSIS

BY

CHARLES

LAW

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ESSAY QUESTION

“Theories of criminality have been developed from male subjects and validated on male subjects” (Gelsthorpe, 2003).

Critically discuss this statement drawing on gender-based theories of crime.

INTRODUCTION

Criminology, as a study field, had been shaped by theories and research center on men as a leading group. Gelsthorpe in 2003 has in fact highlighted the parade of this problem that is still present even nowadays – gender bias in criminology. This limitation does not only hinder us from comprehending criminal behavior but also reinforces the systematic injustices in the legal system. By preferring male cases and viewpoints, conventional criminology theories fail to see the subtle dynamics of female criminality. This essay investigates the gender biased implications of criminological theories with an aim to draw attention to the diversity of female offending drawing from gender-based theories and contrasting with the male-centric perspectives.

GENDER AND CRIME: AN OVERVIEW

In the long history of criminological theories, the issue of male offenders and their behaviors was the greatest topic (Belknap, 2020), causing numerous female crimes to be underrated and under-researched (Renzetti et al., 2015). Nevertheless, they have always come up with a variety of gender-based differences such in the patterns, motivations, as well as the consequences of the crime (Chilton and Stark, 2016). Thus, the discrepancy is the sociological issue which means that the essence of the criminal behavior as well as the crime comprehension and interventions (Gartner and McCarthy, 2020; Jones, 2019) is the gendered aspect.

Traditional criminological theories have been significant in understanding the nature of crimes but they indeed simply fail to explain the intricacies of female criminality (Walklate, 2020; Jones, 2019). By giving a priority to the men in their involvement and behaviors, such theories not only sustain stereotypes but also bear a gap of understanding the real motivations and challenges that are often specific to women in committing crimes (Renzetti et al., 2015). The reality of the

situation of women in the criminal justice system is often overlooked, when it leads to the poor implementation of policies and initiatives.

Furthermore, the failure to account for the gendered nature of crime perpetuates systemic inequalities within the criminal justice system (Gartner and McCarthy, 2020). Women may be subjected to biased treatment and harsher sentencing due to the misalignment between their experiences and the assumptions underlying traditional criminological theories (Belknap, 2020). This shows the immediate need for multiple approaches for understanding crime that acknowledge the diverse experiences and motivations of both male and female offenders (Gartner and McCarthy, 2020; Jones, 2019).

TRADITIONAL CRIMINOLOGICAL THEORIES: A MALE-CENTRIC PERSPECTIVE

Critics have long pointed out that a number of criminological theories filled with male-centric views and bias. These explanatory theories often do not succeed in properly recognizing the gender specifications of criminal behavior, and, eventually, they reinforce stereotypes and neglect the different challenges that face female prisoners (Walklate, 2020).

Rational Choice Theory:

Rational choice theory implies that people weigh the costs and benefits and then make a choice about committing crime. Nevertheless, the theory fails to consider the unique societal structures and gender imbalances that lead to different decision-making patterns for women. Women might commit crimes as a reaction to a desperate economic situation that compels them to take care of themselves or their families (Broidy and Agnew, 1997). Additionally, women may be limited in their rationale by traditional gender roles and expectations that may shape their

decision making process and thereby deviate from rational choice theory (Chesney-Lind and Pasko, 2013).

Strain Theory:

Strain theory posits that individuals turn to crime when they experience pressure for strain or stressors that create obstacles in achieving socially acceptable goals (Renzetti, 2009). The theory does not deny the role of the pressures of society in formation of the criminal behavior, but at the same time it does not see gender-specific sources of strain that drives girls or women towards criminal behavior. The example is, women might deal with strains such as domestic violence, caretaking roles, or economic dependency that do not receive the proper considerations in traditional strain theory approaches (Belknap, 2020).

Social Learning Theory:

Social Learning Theory maintains that socialization and social interactions are the main factors involved in shaping of criminal behavior. Nonetheless, the theory adds to the already steady sex role bias by disregarding the different socialization experiences of boys and girls (Messerschmidt, 2012). The classical gender roles and followers' norms and etiquettes may have influence on not only how people learn and attempt to be criminal but also social learning theory rarely meets up with this change. In addition, female victims of aggression and trauma may be guided on their way to crime through some social learning processes different from those for men, thus suggesting the need for more complex interpretation of such phenomena (Martin and Hollis, 2019).

GENDER-BASED THEORIES OF CRIME: CHALLENGING THE STATUS QUO

In response to the shortcomings of traditional criminological theories which disregard female crime, contemporary scholars locate gender-based theories of crime that are specifically tailored as they address the female offending experiences and motivations. (Belknap, 2020).

Feminist Criminology:

Feminist criminology aims to overthrowing the androcentric biases built into traditional criminological conceptions by acknowledging that gender does matter at an individual level when it comes to explaining crime. It suggests that the reasons for women's committal to the crime and to criminal justice process are multi-dimensional, involving such complex issues as racial origins, economic class, and ethnicity. Through the highlighting gender issues as the primary analytical issues, the feminist criminologists ultimately try to provide a more diverse and informed perspective of the causes of female offending. Such perspective displaces the traditional stereotypes of female criminality, treating them as deviant or abnormal conduct and, as opposed to that, proposes a new approach of considering women's behavior in a broader social context (Renzetti et al., 2015; Belknap, 2020).

Pathways Theory:

Pathway theory that is an offshoot of Feminist criminology aims to determining many different routes leading women inclined to commit crime. It stresses mutual caught in a circle of economic deprivation, the abuse, trauma, and victimization. In contrast with the limited classical criminology theories that may avoid these delicate intersection of the factors, pathways theory gives the preference to these structural disparities and social pressures that influence women's personality and choice making process. Placing women's behavior in a broader structure

specification, pathways theory disproves a classical perception of women as criminals and gives a deeper notion of the complicated nature of such phenomena (Morash and Daly, 2013; Chesney-Lind and Pasko, 2013).

GENDER AND THE CRIMINAL JUSTICE SYSTEM:

In the framework of gender disparities in the criminal justice system, it becomes obvious that although criminological theories are male-biased but it also pervades criminal justice system practice during which women and men receive differential treatment at different procedural level of criminal justice system (Cotton and Siegel, 2020).

Arrest and Charging:

Research shows that women frequently get a pass at the pretrial stage rather than men. Indeed, this compassion can be explained by the fact that stereotypes of women are seen as women's passive and caring nature. Therefore, women might less likely to be arrested or charged for certain wrongdoings which against men that have identical dialogue. On the other hand, males can expect tougher policing methods and higher charges due to stereotypes associating masculinity with aggression and criminality (Chilton and Stark, 2016; Belknap, 2020).

Pre-trial Detention and Bail:

Injustice due to gender is equally apparent in pretrial custody and bail rulings. Women are granted bail and released pre-trial more often compared to men, implying that men are assumed to be more likely to care for their children while women are considered having lesser risk of flight from authorities or re-offending. On the contrary, men are more likely to find themselves being under the microscope and their bail being higher due to the visualization by the court of them being higher risk individuals (Siegel, 2019; Belknap, 2020).

Sentencing:

Possibly one of the most indicating gender inequities is where you find it within the criminal justice system and it is seen in the sentence outcomes. Studies have consistently given the verdict that women are often sentenced much less severely for having committed the same crimes as men. Such tendency difference is often explained in terms of gendered sentencing practices affected by sentiments of chivalry, paternalism, and a belief that women deserve leniency due to their need to be cared for and shielded from severe punishment. On the contrary, men can be subjected to enhanced sentences on the assumption that masculinity to some extent is evoked by violence and criminality (Renzetti et al., 2015; Belknap, 2020).

Incarceration and Rehabilitation:

Discrepancies in treatment of male and female prisoners are manifested in the prison systems too. Women's journey to the prison has been demonstrated to follow the path of victimization, trauma, and economic exclusion calling for gender-related treatment rehabilitation programs to be included in the larger discussion. In contrast, for men having hurdles to seeking for support services can be as a result of masculinity which promote independence and self-reliance (Messerschmidt, 2012; Belknap, 2020).

Reentry and Recidivism:

Prisoners experience either men or women specific adjustments on interaction with the community after their release. Women could possibly be experiencing the same issues of finding housing, employment as well as social support because of their responsibilities as primary care givers. On the other hand, male survivors might end up suffering from reestablishing their masculinity in addition to finding a lasting purposeful job. These also happen among the two

genders which are the basis of gender-specific and gender-sensitive reentry programs and services (Chilton and Stark, 2016; Belknap, 2020).

CASE EXAMPLES

Aileen Wuornos:

The American serial killer, Aileen Wuornos, murdered seven men in Florida in the late 1980s and early 1990s. Most of her teenage years she grew up in the rough environment with sexual abused and abandonment. In such situation her troubled childhood early trauma possibly shaped her criminal activity. Mainstream criminological theories do not look at her history of abuse meaning the feminist standpoint should address the issue of gender-tweaking when analyzing women's criminal behavior (Chilton and Stark, 2016).

R. v. Lavallee:

On R. v. Lavallee case Nicole Lavallee shot her partner after six months of suffering from a menacing partner. The basis of her argument was the battered women syndrome which helped to explain her right to self-defense from a non-traditional angle. This exchange of cases demonstrates the gendered aspect of violence and indicates a need of considering peculiar aspects in women's criminal cases which, in turn, leads to an extensively inclusive approach to combating the violence (Daly and Maher, 1998).

IMPLICATIONS AND CHALLENGES

Profound Implications for Understanding Criminal Behavior:

Gender biased criminology theories in a way limit our understanding about criminal behavior by focusing predominantly on male experiences, perpetuating stereotypes, and neglecting the female criminal complexity (Jones, 2019; Belknap, 2020).

Policy and Intervention Gaps in the Criminal Justice System:

The density of the gender biases within the criminal justice system poses the problems of policy and intervention gaps, such as deficiency or even lack in effective support and rehabilitative services for women offenders, that may cause the recidivism (Gartner and McCarthy, 2019; Ringette et al., 2015).

Systemic Inequalities and Biased Treatment:

The gender bias is the mostly cause of the perpetuation of the inequalities of the criminal justice framework, leading to biased treatment for women offenders. This challenges the principles of fairness and justice, hence contributing to the creation of recurring circles of victimization and marginalization (Gartner and McCarthy, 2019; Siegel, 2019).

Need for Gender-Inclusive Approaches:

Adopting gender inclusive approaches is crucial to reveal all multilateral ways to crime and overcome multiple inequalities that women suffer. Through molded policies and measures, an egalitarian and desirable justice framework can be achieved (Gartner and McCarthy, 2019; Martin and Hollis, 2019; Belknap, 2020).

CONCLUSION

Gender bias inside the criminological theories are considered to be an obstacle in understanding the complex nature of criminal behavior. Through critical examination of the traditional male-centric views and accepting emerging gender-based theories, we gain a more nuanced understanding of the complex nature of female criminality. This knowledge is crucial to achieve criminal justice that is more fair and equal for everyone.

By acknowledging and endorsing gender bias, we can facilitate the progress of our knowledge of crime as well as effective ways of intervention and prevention. Through the different experiences and the different reasons of the male and female offenders, we support compassion, value and inclusivity inside the law enforcement system.

Overcoming gender bias in criminological theories is vital to achieving equality and on a higher level better outcomes for the society in general. This could be done by going through a comprehensive and gender-sensitive approach that would allow us to adequately deal with the complexities of crime and move towards a society characterized by safety and equality.

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