

**Are female offenders treated differently from male offenders
within the criminal justice system?**

Marcia Y. Lise

In this essay the question of whether female offenders are treated differently from male offender within the criminal justice system will be addressed looking at various theoretical frameworks from early classical theorists to feminists including some explanation on the historical background and some aspects of the maleness of law. We will begin by looking at Pollak (1950), who suggests that women are treated leniently by the criminal justice system in that women captivate males in the criminal justice system to secure them lenient treatment. Heidensohn (1985), a feminist, criticises Pollak's chivalry thesis suggesting that his ideas are based on female biology therefore ahistorical, unsociological and ideological. Heidensohn on the other hand suggests that female offenders are subjected to double jeopardy in that they are on trial for the crime they commit and for their femininity. Also, female offenders are punished for their sexual misbehaviour, if any, whereas the male counterparts are not. Therefore the courts operate a double standard for female offenders. On the empirical level, we will look at a number case studies identifying chivalry in terms of women who buy into the gender contract (Worrall 1990) and those who receive harsh treatment within the criminal justice system. We will then briefly look at how the law looks at female and see how this is interrelated to the way in which female offenders are treated differently from men. The question of whether women are being treated differently from men within the criminal justice system is also intrinsically related to the debate of why increase in female offenders has occurred. Adler (1975) as well as Simon (1975) argues that women have become more men-like due to the women's liberation movement - a theory known as the liberation thesis. Finally, Simon and Landis (1991) further suggest that chivalry within the criminal justice system is diminishing due to feminist calls for equality in treatment. The criminal justice system generally refers to a network of agencies that responds to a crime, including the police, courts and prisons. In this essay we will focus particularly on the criminal justice system personnel such as probation officers, judges, solicitors, and other court workers with only a brief mentioning of prisons and police. Before we begin we need to recognize that women commit far less crime than men and has

Year	1994		1996		1998		2000		2001		2002			
	Offence	Sex	M	F	M	F	M	F	M	F	M	F		
Sexual offences			74	:1	64	:1	62	:1	52	:1	50	:1	55	:1
Burglary			24	:1	23	:1	19	:1	17	:1	16	:1	14	:1
Robbery			13	:1	12	:1	9.3	:1	9.8	:1	9.6	:1	8.1	:1
Criminal damage			10	:1	9.8	:1	9.5	:1	8.6	:1	7.8	:1	7.8	:1
Drug offences			9.3	:1	8.4	:1	8.4	:1	8.2	:1	8.6	:1	8.6	:1
Violence against the person			5.3	:1	5.6	:1	5.8	:1	5.8	:1	6	:1	5.5	:1
Fraud and forgery			2.8	:1	2.8	:1	2.4	:1	2.3	:1	2.3	:1	2.2	:1
Theft and handling stolen goods			2.7	:1	2.8	:1	2.7	:1	2.7	:1	2.6	:1	2.6	:1
Other (excluding motoring offences)			8.6	:1	8.7	:1	7.4	:1	7	:1	6.9	:1	6.8	:1
Total indictable offences (excluding motoring offences)			4.5	:1	4.7	:1	4.6	:1	4.4	:1	4.4	:1	4.4	:1
Summary offences (excluding motoring offences)(2)			2.4	:1	2.4	:1	3.3	:1	2.6	:1	2.9	:1	2.8	:1
All offences (excluding summary motoring offences)			3.2	:1	3.2	:1	3.9	:1	3.4	:1	3.5	:1	3.4	:1

Table 1.1 Ratio of male (M) : female (F) offenders found guilty at all courts or cautioned by type of offence between 1994 and 2002 (Data extracted from Home Office 2003)

been so historically (Davies. Looking at the British criminal statistics, we can identify various differences among female and male offenders. Criminal statistics show that only 19% of known offenders were women in 2002 (Home Office 2003). Women also commit violent crimes such as theft or fraud. The most common indictable offence for women was 'theft and handling' accounting for 57% of recorded female offenders in 2002 (Ibid: 5). Table 1.1 shows the ratio of male: female offenders among various offences. Although women commit less violent crimes, we can identify from this table that women do take part in all types of crime.

Also, official statistics indicate that female offenders are more likely than men to be cautioned for indictable offences. The cautioning rate for females was 44% compared with 27% for males (Ibid: 9). Females were less likely to be charged for the offences as well: "52% of arrested females were charged, compared with 60% of arrested males" (Ibid: 9).

Although utilising official statistics is a good way of capturing an idea about gender and crime, we do need to keep in mind that there are methodological problems associated with the usage of official statistics¹. This particular problem can be rectified, to a certain extent, by using self-report studies. It is worth noting however that self report studies also have a shortfall, in that the reliability and validity is often unquestioned by researchers who use this method (Reiss 1975).

In order to tackle the paper question it is important to acknowledge and analyse past perceptions and theories held by classical sociologists and criminologists. Due to the fact that male were the main offenders, theorists tended to concentrate on males. Females were regarded as somewhat less of a problem, thus considered to entail no need for research. However, few early classical theorists such as Lombroso (1895), Davis (1961), Thomas (1907, 1923), Pollak (1950) have examined female offenders. Historically theories about women's criminality have ranged from biological to psychological and from economic to social. However social and cultural theories have been largely applied to men, while pathological explanations have been applied to women (Worrall 1990, Horn and Evans 2000). Classical theorists studied female offenders with great emphasis on the role of biology and physiology.

For example Lombroso and Ferrero's work on theorising female offending was based on biological elements. They studied skulls, brains and bones of female offenders and prostitutes and concluded that there were far less female criminals than males and that prostitutes had more anomalies than female offenders or normal women (Lombroso and Ferrero 1895: 85). Female offenders who did not act according to the pre-defined standards

¹ For instance, the government often changes the way in which they record their data. Another problem can be that many crimes go unreported. Therefore the official statistics do not provide the whole picture about gender and crime.

were regarded as pathological and requiring treatment or removal (Ibid: 43) and claimed that women commit less crime than men because they are lower on the evolutionary scale compared to men (Ibid: 151). Therefore female offenders are perceived as having excessive male characteristics according to them. Lombrosian tradition of biological explanations of female offending seems to have an impact long after publication²

On the whole, the discipline of classical criminology was criticised by feminists and pro-feminist writers, from the 1970s, for its marginalisation of women in its studies and secondly for lack of appropriate gender analysis since when women were studied it was in a limited and distorting manner (Smart 1977: 26). Heidensohn, for example, criticized that their ideas were fundamentally assumptions carried by men (Heidensohn 1985: 96). Feminist criminologists sought to rectify the inadequacies of classic criminology by employing new methodologies.

Classical theorists in relation to differential treatment towards women within the criminal justice system, looking at Otto Pollak's (1950) argument is particularly in order to present the chivalry thesis from a historical context. In 1950, Pollak suggested that crimes committed by women went largely underreported or hidden. Pollak alleged that women were particularly skilled at hiding their crimes due to female biology. He primarily "*put forward a view of women as inherently deceitful and vengeful, exploiting a flow of helpless victims and aided by men's besotted chivalry*" (Heidensohn 1985: 119). He claimed that women learned to hide the pain and discomfort of menstruation from men and were also able to fake interest in sexual intercourse in a way that men could not. He also suggested that domestic role of women gave them the opportunity to hide crimes such as sexually abusing their children or poisoning relatives. What we need to extract from his theory in order to tackle the essay question, is his suggestion that chivalry towards women exists within the criminal justice system. For Pollak, one of the reasons why female crime went underreported was, drawing on Thomas's remark on differential treatment of women and men by the law, that females used sexuality to instigate crime and then captivate males in the criminal justice system to secure them lenient treatment (Pollak 1950: 151). This is referred to as the chivalry thesis which primarily claims that the criminal justice system is chivalrous towards women, consequently granting lighter punishments and treatment compared to the counterparts of men.

Heidensohn criticises Pollak's explanations of hidden and underreported female crimes in that they "*are rooted in biological 'facts' and are profoundly ahistorical and unsociological*" (1985: 119). She notes the non-existence of sociological theories such as "*the Chicago school authors, to Tannenbaum or to Merton*" (Ibid: 119) in Pollak's account. Also, Heidensohn notes, a lot of his explanations were not empirical but rather ideological

² See page 11 of this essay for a short discussion about the classical concepts (e.g. pathologising women) that we still see today.

(Ibid: 119, 120). For example, Heidensohn suggests that “[w]omen’s domestic role in our society is not inherent in their reproductive role” (Ibid: 121).

Although Pollack’s portrayal of women as deceptive and manipulative is based on groundless assumptions, yet the suggestion that women are treated more leniently by the criminal justice system prompts much debate. Official statistics tell us that the criminal justice system may be treating female offenders more leniently than the male offenders. For example as we saw at the beginning³ women are more likely than men to be cautioned for indictable offences and charged for offences. The Home Office report notes that this “*was because they [females] were far more likely than males to admit their offences and more likely to be arrested for less serious offences (e.g. shoplifting)*” (Ibid: 9). There seems to be an element of assumptions about females as showing “remorse”, which we will look at when we turn to feminist ideas in this essay.

Not only official statistics, but also self-report offending studies appears to support the chivalry thesis. Campbell (1981) carried out one of the first self-report offending surveys focussing on female delinquency, interviewing 66 girls. She compared the data from her study with West and Farrington’s and found that both studies indicated similar results: 1.33 offences were committed by males for every 1 committed by females. When we contrast this data to the 1976 official figures of “8.95 male convictions for every female conviction” we see that women in reality commit far more crimes than reported. Also Davies (1999) who studied scuttling gangs in the 19th Century found that female offenders were not arrested nor charged but rather the police targeted males, and generally the criminal justices system regarded women as less violent and more passive.

Although in brief, it is worth mentioning some aspects of the police who are the main agency which permits who should and should not enter the criminal justice system. It is possible that police regard women as less dangerous than men, in which case they may let pass illegal activities for which male offenders would be arrested (Morris 1987). However Heidensohn notes that there is no hard evidence of police chivalry at least towards prostitutes (Heidensohn 1985: 56). She instead turns to sexism as the key attitude of the police towards women (Ibid: 57). For example “*a battered woman in refuges had found police unhelpful to them in their plight and very reluctant to intervene*” (Ibid: 57). However as suggested at the very beginning, this essay will not cover the arena of how the police treat women differently from men since it is not within the scope due to limited space available. One of the difficulties in concluding whether female offenders are treated leniently or not is the actual influence of gender compared to other factors such as race,

³ See pages 2 and 3 of this essay.

age, or class. Neither black nor working class women experience leniency within the criminal justice system (Cameron 1964 in Heidensohn 1985: 137, McGee and Baker 2003).

Heidensohn puts forward a somewhat different perspective. She examines how social understandings about femininity affect women's experiences within the criminal justice system. She argues that women are treated more harshly than men, in cases where they do not fit the social norms of femininity. Heidensohn notes, citing Nagel et al (1980) that female offenders in line with the sex role expectation (stereotype) experiences less harsh outcomes than female offenders who do not (1985: 44).

Heidensohn notes that there are two aspects to the theme of excessive harshness towards female offenders. The first is the double deviant argument (Heidensohn 1985: 46-7) - not only have the females broken the law but they have also offended the "*more fundamental norms which govern sex-role behaviour*" (Heidensohn 1970: 134 in Heidensohn 1985: 47). This is because female appearance at court is so rare that they "*seem strange and thus less comprehensible than men*" (Heidensohn 1985: 47). This aspect matches with what Carlen found out when she studied 15 Scottish sheriffs (Carlen 1983 in Heidensohn 1985: 45): sheriffs felt uneasy when women appeared in court since they were dealt with in an inappropriate manner and also because of the women's role as mothers. They then resolved these problems by categorising female offenders into 'good' and 'bad' mothers (Carlen 1983: 66 in Heidensohn 1985: 66).

The second aspect of the harshness towards female offenders is the way in which female offenders are punished for their deviant sexuality and sex roles (Heidensohn 1985: 47-56). Here Heidensohn identifies four assertions (1985: 48-51). First, courts operate a 'double standard' with sexual behaviour only punishing girls for sexual activities. Sexual behaviours by girls were perceived as morally outrageous and so they are dealt with more punitively. Second, court personnel 'sexualise' female delinquency, exaggerating their offence. Next, 'wayward' girls ends up being punished without actually committing a crime. Finally, women and girls who do not comply with conventional female stereotypes receive excessively punitive treatments, creating greater chances of being imprisoned. Heidensohn quotes Carlen's sheriff "If she is a good mother, we don't want to take her away. If she's not a good mother it doesn't really matter." (Carlen 1983: 67 in Heidensohn 1985: 50).

Heidensohn also talks about other general aspects of how the criminal justice system expects female offenders to behave: "[P]assivity may be expected from girl defendants viewed as appropriate behaviour and even encouraged by some court workers" (Parker 1981: 106 in Heidensohn 1985: 41). Girls are encouraged to be passive and boys to assert themselves at courts (Heidensohn 1985: 42). Female offenders are not only treated

differently by the criminal justice system but they “*find courts particularly bewildering, alien and unfair*” (Ibid: 40) and some feel humiliated and oppressed, which also holds truth for female victims at court (Dobash and Dobash 1980, Dispatches 2000)

While, Heidensohn points out that courts are particularly harsh to female offenders who do not fit the norm of femininity, Worrall (1990) suggests that female offenders are subjected to what Worrall calls the ‘gender contract’ – the implicit contract between men and women whereby to be a woman is to be incapable, erratic, impulsive and in need of protection (1990: 33). According to Worrall, female offenders are “*offered the opportunity to neutralise the effects of her law-breaking activity by implicitly entering ... [the gender contract] whereby she permits her life to be represented primarily in terms of its domestic, sexual and pathological dimensions*” (Carlen and Worrall 1987 in Worrall 1990: 31). The gender contract allowed female offenders “*to minimise its punitive consequences*” (Worrall 1990: 31). The gender contract requires that “*women who break the law must compensate for their ‘unfeminine’ criminal behaviour by presenting themselves as domesticated, sexually passive and constitutionally fragile*” (Ibid: 141).

Whilst there is the debate of whether women are treated harshly or leniently, there is also a debate of how women’s offending behaviour is reasoned within the criminal justice system. Horn and Evans (2000), drawing from other theorists such as Worrall, Allen, Gelsthorpe, Oldfield, suggest that probation emphasises women’s victimisation and deny agency. So there seems to be different reasoning for male and female offending. Male offenders “*tend to be constructed as having a sense of agency and rationality in their offending behaviour*” (Horn and Evans 2000: 185), women’s offending behaviour is constructed around pathology: the emotional and mental state (Ibid: 185). Prostitution are viewed, at times, as individual psychopathology rather than a rational economic choice for women (McLeod 1982). Other examples can be murder due to ‘pre-menstrual tension’ (Easteal 1991), ‘battered woman syndrome’ or ‘learned helplessness’ (Dobash and Dobash 1992). Thus women are more likely to be remanded in custody for psychiatric reports or to receive a psychiatric disposal than men (Dell 1971, Allen 1987). This gives us the impression that the criminal justice system still regards female criminality as individual and pathological issues continuing the tradition of classical theories that we saw at the beginning of this essay.

Heidensohn and Worrall provide us a framework of how to understand the differential treatment of female offenders. Let us now examine some empirical data. Worrall (1990) studied 15 female and examined the crime committed, three indicators – domesticity, sexuality pathology - to assess the extent of ‘normal’ femininity and the consequences. We shall look at 3 cases as elaborated in table 1.2.

Name & Age	Law-breaking	Domesticity	Sexuality	Pathology	Consequences
Fiona (21)	Conspiracy to cause GBH. No previous convictions	Single, living at home, father dies. 'Good daughter'.	Offence committed in a group with men - under their influence?	'Depression' / fear of discovery by parents / guilt re father's death / remorse.	Crown Court trial: 'lenient sentence of £100 fine.'
Ivy (58)	Theft of jar of coffee. One previous conviction many years earlier.	Divorced, grown-up children all away from home. Lonely, isolated.	Unfaithful to husband. Lacking support/controlling influence of man.	History of psychiatric treatment but 'too lucid' in court.	Placed on probation for 3 years with conditions of out-patient treatment
Kathy (20)	Killed sister - murder reduced to manslaughter. One previous conviction for minor deception.	Single, lived with family. 'Good daughter.' 'Normal' teenager.	Unwise choice of boyfriend. Sister tried to persuade her to give him up - K. stabbed her.	Suspected epilepsy.	Probation with condition of treatment - social services and Education Welfare.

Table 1.2 Extracted from Worrall 1990: 39-41

Fiona was on trial for conspiracy to cause GBH (Grievous Bodily Harm) which was committed in a group of mostly all men. Fiona was perceived as good and dutiful daughters, showed remorse for her law breaking and allegedly suffered from depression. She received a lenient sentence of £100 pounds. The factor that contributed to the lenient consequence was almost certainly the fact that she was a faithful daughter and perhaps that she was under the influence of the men within the group. Fiona bought into the gender contract and consequently received a very lenient sentence.

Ivy is a shocking case. She stole a jar of coffee and she was placed on probation for 3 years with the condition of an out-patient treatment. This consequence seems to be relatively harsh for this type of trivial offence. If we employ Heidensohn's theory we can certainly say that she perhaps deviated from the stereotype of what an appropriate woman was: she was divorced and also known to be unfaithful to her ex husband. She had a history of psychiatric treatment but she was too lucid, competent at court that the element of pathology was discredited.

On the other hand the outcome of the trial of Kathy, who killed her sister, was probation with condition of treatment which was she managed to somewhat escape later on. The significant elements seem to be the psychiatric factor of epilepsy and her image of a good daughter. Her actions were also perceived as 'very typical teenager'. She was murderer but received an exceptionally sentencing indeed.

The three elements of domesticity, sexuality and pathology all seem to have an influence upon the sentence that women receive. Although the case studies used here are far from

sufficient, for the purpose of this essay, we can conclude that the theories of Heidensohn and Worrall hold true.

Let us now in brief look at women's differential treatment within the prison:

“[W]omen in custody or under other types of sentences have been fitted uncomfortably into systems devised for the male majority and with little or no regard for their needs. This can result in wholly inappropriate and inadequate conditions, abuse and additional punishment ... [S]pecialized institutions for females with separate and distinctive programmes, often premised on gender stereotypes which do not meet their needs.”

(Heidensohn 2000: 172)

So there is the argument that women's needs have not been considered appropriately and that when prisons are adapted to women's needs they are done so based on inappropriate reasons, often grounded on gender stereotypes.

Issues of prisons for women have been on the agenda only recently with the stimulation of feminism on women's imprisonment. The first report that raised issues with women's imprisonment was in the 1980s which focused on Holloway prison (Ransom 2004b). The Holloway prison became a purely female prison since 1903 and was reconstructed on the therapeutic model based on the disciplines of psychiatry. Carlen points out that women's prisons operate around medicalisation, domesticity and infantilisation, whereas men's prisons don't (Carlen 1989 in Ransom 2004b, *Behind Bars* 2000: BBC 2). As we have seen earlier, some women are imprisoned to a degree for their inappropriate female behavior such as in the case of Ivy⁴. We can therefore say that women are treated differently from men in prison as well because they are imprisoned to rectify their femininity.

Because we are looking at the way in which the criminal justice system treats offender, it is useful to see at the function of law. Recent feminists see law as “*active in making the world and ... implicated in the social construction of gender*” (Ransom 2004a). The social construction of gender is the ways in which we make assumptions about gender and talk about it. We have seen how the social understandings about femininity affect women offender's differential handling within the criminal justice system by looking at Heidensohn and Worrall's theories. What's interesting is what the self-conception of law tells us:

[L]egal rules are portrayed as being homogeneous, unproblematic, external, inevitable, essential, and eternal ... as 'holding good' ... across the social divisions of class, gender and race. Legal rules are, therefore assumed to be

⁴ See pages 13 to 16.

gender-neutral and the processing of female law breakers ... theoretically unproblematic.

(Carlen 1976 cited in Worrall 1999: 16).

The law is intended to be gender-neutral. However as we have already seen, the criminal justice system doesn't treat women and men equally. So why in reality is the law interpreted and implemented in a non-intended way? Smart (1995), who views the issues from a poststructuralist point of view following Foucault, prefers to move away from the conceptualisation of law 'as sexist' and 'as male' in favour of the notion of law 'as gendered'. Her idea of law as gendered has a range of aspects. The most important analysis to be used in this essay is the way the law looks at females. According to Smart the law looks at women as reduced to which stereotypical characteristics can be attributed. This is because the law cannot hear feminist discourse. We have seen an array of examples earlier on, such as women being categorised as either a 'good' mother or a 'bad' mother at court because of the difficulty faced by sheriffs to understand female criminality (Carlen 1983: 66 in Heidensohn 1985: 66). For Smart, this is due to the limitations of legal discourse to understand female offenders in a way that feminists see it.

Now I would like us to turn to a slightly different angle, theorists such as Freda Adler (1975) and Rita Simon (1975) suggest that women have become more men-like. They both proposed that the progressive changes in status for women in arenas such as the family, marriage, employment, and social position (Adler 1975:13) brought by the liberation of women allowed them to be crime-prone as men. So according to them, women had become doctors and lawyers but at the same time, women had become burglars, forgers and terrorists:

"In the same way that women are demanding equal opportunity in fields of legitimate endeavor, a similar number of determined women are forcing their way into the world of major crimes" (Adler 1975: 13)

Women's liberation created new structural opportunities for women to commit crime. Adler gave embezzlement in the workplace as an example of this (1977: 103).

Adler suggested that increase in female arrests for major crimes since the 1960s has occurred (Adler, 1975: 16). She found that there had been an increase in female arrest, using FBI crime reports, in every major crime in the countries she investigated. Adler also predicted that a further increase in crimes by women will take place shortly when more women become men-like since the liberation movement had not yet reached its full consequence (Adler 1975: 252).

The liberation thesis has been largely criticised by feminists in the areas of methodology, statistical analysis, and the over-emphasis on the liberation movement's impact on female

offenders (Forsyth Roberts and Gramling 1993, Smart 1979)⁵. It has also been criticised for its fundamental assumption that men are regarded as the norm against which women are considered (Naffine 1996: 35-36). Thus the idea that women are becoming more men-like proposed by the liberation thesis is doubtful. Nevertheless it is interesting to see what supporters of the liberation thesis have got to say about the differential treatment of women within the criminal justice system. Some argue that a new phenomenon has developed: a decline of chivalry within the system. For example, Rita Simon and Jean Landis (1991), in their review of the criminal justice system's shifting response to women conclude that as a result of the women's liberation movement, criminal justice personnel are no longer treating women as leniently as they once did (1991: 23). Rather, there has been a backlash resulting in harsher experiences for women. Weis (1976) more or less echoes the same argument as Simon and Landis. He considers that the pre-existing lenient attitude of the police and the court personnel toward women had eroded by the 1970s partially due to the overall feminist calls for equality in treatment (Weis 1976: 19). Thus creating an “*if it's equality they want, it's equality they'll get*” (Simon and Landis 1991: 12) mentality within the criminal justice system. Vera Baird, the Labour MP and barrister recently “*blamed the anti-feminist backlash' within courts for leading women to be treated more harshly*” (Hinsliff and Hill: 2004 www.guardian.co.uk) for the recent increase in women sent to prison.

We have now seen a series of theories relating to whether women were treated differently from men by the criminal justice system. So are there any solutions to this differential treatment? The government seems to be keen on the use of community service instead of prisons for women (Hinsliff and Hill: 2004 www.guardian.co.uk). Current Prisons Minister, Paul Goggins acknowledges the problem of women being punished more harshly and believes that trivial offences such as shoplifting should not lead to jail (Hinsliff and Hill: 2004 www.guardian.co.uk). Some theorists however say that special consideration towards women would “*risk homogenising/invoking the stereotypes of the gender contract, or essentialism ... [and would] ... also arguably undermine justice as fairness*” (Ransom 2004b). While changing the way in which we penalise women can be fairly feasible it is doubtful that we can change the way in which criminal justice system treats female offenders as a whole, which is an interesting question to explore in the future.

It is only possible here to indicate part of the range of work in this field. While there remain many gaps to be filled, there has been a rich harvest and we can draw some broad conclusions about whether and how women are treated differently from men within the criminal justice system. While Pollack (1990) viewed the criminal justice system as chivalrous to female offenders, we saw that Heidensohn (1985) viewed the criminal justice system as harsh towards those female offenders who do not fit the stereotypes of an appropriate female. We also saw that those who buy into the ‘gender contract’ secure

⁵ See Lise (2004) for detailed criticisms of the liberation thesis by Roberts and Gramling 1993, Smart 1979

lenient treatment within the system (Worrall 1990). There are evidences to suggest that the chivalry thesis is valid, however it seems to lack a coherent analysis. The double jeopardy argument is very convincing indeed. Supporters of the liberation thesis, on the other hand, claim that it's not that women are treated differently by the criminal justice system but rather women's criminality have changed due to the women's movement – women have become more men-like. Simon and Landis gave a slightly different account. They saw that the criminal justice system was abandoning the lenient attitude towards women due to the overall feminist calls for equality in treatment. All in all, the liberation thesis is difficult to accept as true. However we can say for sure that in some ways, the criminal justice system is more lenient (when women fit the stereotype or are pathologised); in other ways, it comes down more harshly (when women don't fit the stereotype). Women are subjected to double jeopardy while men are not. Women are given individual and pathological reasons to their criminality while men are allowed reasons related to agency. Thus we can conclude here that female offenders are treated differently from male offenders within the criminal justice system.

Bibliography

Adler, F. (1975) *Sisters in crime: the rise of the new female criminal*. New York: McGraw-Hill

Adler, F. (1977) 'The interaction between women's emancipation and female criminality: a cross-cultural perspective'. *International Journal of Criminology and Penology*, 5, 1977, 101-112.

Allen, H. (1987) *Justice unbalanced: gender, psychiatry and judicial decisions*. Milton Keynes: Open University Press

Behind the Bars. (2000) *Holloway*. London: BBC2

Campbell, A. (1981) *Girl delinquents* Oxford: Blackwell

Davies, A. (1999) 'These viragoes are no less cruel than the lads: young women, gangs, and violence in late Victorian Manchester and Salford' in *British Journal of Criminology*. 39 (1), 1999, 72-89

Davis, K. (1961) 'Prostitution' In Merton, R. K. & Nisbet R. A. (eds), *Contemporary social problems*. New York: Harcourt Brace, Jovanovich, 1976

Dell, S. (1971) *Silent in court*. London: Bell

Dobash, R. E. and Dobash, R. (1992) *Women, violence and social change*. London: Routledge

Dobash, R. E. and Dobash, R. (1980) *Violence against wives: a case against the patriarchy*. London: Open books

Easteal, P.W. (1991) 'Women and crime: premenstrual issues'. *Australian Institute of Criminology* www.aic.gov.au/publications/tandi/ti31.pdf

Forsyth, C.J., Roberts, S.B. & Gramling, R. (1993). 'The putative problem of female crime'. In Culliver, C. (ed.) *Female criminality: the state of the art*. New York: Garland

Heidensohn, F. (1985) *Women and Crime*. London: Macmillan Press

Heidensohn, F. (2000) 'Research on Women in the Criminal Justice System and Transnational Crime' in *Women in the Criminal Justice System: International examples & national responses* 36, 2001 European Institute for Crime Prevention and Control Series, Trends & issues in crime and criminal justice

Hinsliff, G. and Hill, A. 'Cherie calls for women to be kept out of jail.' *Guardian* March 28, 2004 http://observer.guardian.co.uk/uk_news/story/0,,1179628,00.html

Home Office (2001) *HOLLOWAY: PRISONER NEEDS NOT BEING MET*. <http://www.homeoffice.gov.uk/docs/press038-01.pdf>

Home Office. (2003) *Statistics on women and the criminal justice system*. www.homeoffice.gov.uk

Lise, M. (2005) The liberation thesis. http://www.angelfire.com/falcon/sociology/liberation_thesis.pdf

Lombroso, C. & Ferrero, W. (1895) *The female offender*. London: T. Fisher Unwin

McGee, Z. T. & Baker, S. R. (2003) 'Crime control policy and inequality among female offenders: racial disparities in treatment among women on probation.' In R. Muraskin (Ed.), *It's a crime: Women and justice*. Upper Saddle River, NJ: Prentice Hall Press.

McLeod, E. (1982) *Women working: prostitution now*. London: Croom Helm

Morris, A. (1987) *Women, crime and criminal justice* Oxford : Basil Blackwell

Naffine, N. (1996) *Feminism & criminology*. Cambridge: Polity Press

Pollak, O. (1961) *The criminality of women*. New York: Barnes

Ransom, J. (2004a) *Lecture - Gender and Crime: law and the social construction of gender*. London: London Metropolitan University

Ransom, J. (2004b) *Lecture - Gender and Crime: gender and the penal system*. London: London Metropolitan University

Reiss, A. J. (1975) 'Inappropriate theories and inadequate methods as policy plagues: selfreported

delinquency and the law'. In Demerath, N. J., Larsen, O., & Schuessler, K. F. (Eds.) *Social Policy and Sociology*. New York: Academic Press

Simon, R. J. (1975) *Women and crime*. Lexington: Lexington Books.

Simon, R.J. and Landis, J. (1991) *The crimes women commit, the punishments they receive*. Lexington: Lexington Books

Smart, C. (1977) *Women, crime and criminology*. London: Routledge & Kegan Paul

Smart, C. (1979) 'The new female offender: reality or myth?' *British Journal of Criminology*, 19 (1), 1979, 50-59.

Smart, C. (1995) *Law, crime and sexuality*. London: Sage Publications

Dispatches (16 March 2000) *Still getting away with rape*. London: Channel 4

Thomas, W. I. (1907) *Sex and society*. Boston: Little Brown

Thomas, W. I. (1923) *The unadjusted girl*. New York: Harper and Row

Weis, J.G. (1976) 'Liberation and crime: the invention of the new female criminal'. *Crime and social justice*, 1976, 17-27.

Worrall, A. (1990) *Offending women: female lawbreakers and the criminal justice systems*. London: Routledge