

# Absence of females in the criminal justice system criminology essay



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## **Introduction**

### **Conceptualization:**

Key concepts that will be research in this paper mainly focus on the absence of females in the criminal justice system, females who commit crime and careful attention would be paid on how females can be victims and offenders at the same point in time. This paper looks at the hurdles females in the criminal justice system that work as police officials, lawyers, judges and criminologists face on a daily base. Female criminal behavior is a footnote in criminal research papers. Female criminal behavior research only started in the last decade.

The criminal justice system including courts, police, prisons and the law is male dominated. The criminal justice system plays a significant part in the creation and maintenance of gender stereotypes, describing how the law works to terrorize, sexualize and materialize women. "Laws on position and rape, in particular, penalize women who do not conform to a particular mode of dress and particular type of behavior. In this way they contribute to the conceptualization of women as weak, sexy and nurturing."

It became gradually clearer that a male-dominated criminal justice system worsened women's involvements of victimization. As an example, women were treated as though they somehow contributed to their victimization through their dress, behavior, or sexual promiscuity (Belknap, 2001, p. 23)

The male dominated criminal justice system was identified as a significant source of the re-victimization of women and girls, failing to respond seriously to their experiences or to represent their interests throughout the process

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(Karman, 2001). " Girls and women victimized by boys and men cannot count on the men at the helm of the criminal justice system to appreciate the seriousness of the problem and to effectively protect or assist them" (Karman, 2001, p. 5)

Different branches in criminology have been opened up with the developing interest in discovering the gendering influence of the law, and the connection between gender and crime.

## **Operational Definitions**

### **3. 1. Criminal justice system:**

### **3. 2. Feminism:**

### **3. 3. Gender:**

According to the United Nations Entity for Gender Equality and Empowerment of Women gender " refers to the social attributes and opportunities associated with being male and female and the relationships between women and men and girls and boys, as well as the relations between women and those between men. These attributes, opportunities and relationships are socially constructed and are learned through socialization processes. They are context/ time-specific and changeable. Gender determines what is expected, allowed and valued in a women or a man in a given context. In most societies there are differences and inequalities between women and men in responsibilities assigned, activities undertaken, access to and control over resources, as well as decision-making opportunities. Gender is part of the broader socio-cultural context. Other important criteria for socio-cultural analysis include class, race, poverty level, ethnic group and age."

### **3. 4. Gender equality:**

Gender equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

### **3. 5. Crime:**

According to Larry Siegel the legal definition of crime involves the elements of the criminal acts that must be proven in a court of law if the defendant is to be found guilty.

## **Historical Perspective / Historical Overview**

Between the eighteenth century and the present day, the organization, nature, function and purpose of policing experienced landmark development. In the late eighteenth and nineteenth centuries, these included the creation of controlling, present bureaucratic police establishments under the hierarchical facility structure, of the employment of full-time, uniformed policemen, and the greater regulation of those to be surveyed.

Initiatives were later followed by the introduction of detectives and female police officers notwithstanding, after many years of confrontation and antagonism in certain institutions, including the police institution itself. Some of the developments can be an indication of a smooth transition in assumptions about manhood, yet others necessitated re-conceptualization of male behavior and prompted new forms of police masculinity to emerge.

Women in the criminal justice system are often considered as nonconformists and treated with hostility and rejection. The most obvious recipient of society's scorn is the female offender. However, the professional woman is also perceived as dangerous because females question established beliefs about the role and place of women in society and enters fields once considered reserved for men only. As a consequence, both groups of women, offenders and professionals who seek equality with male colleagues, continue to face the formal and informal disapproval of many, particularly of men in the criminal justice system and in society at large, because they are perceived as a threat to the social order and as a challenge to traditional cultural beliefs held about women.

#### **4. 1. South African Police Service:**

According to the South African Police Service (SAPS) during the 2004 elections Deputy S. Shabangy was the first female Deputy Minister of Safety and Security. The announcement of a female in such a high and powerful position got a lot of criticism and disapproval from the community and work colleges. Fourteen years later South Africa made the announcement of the new female National Commissioner of the South African Police Service. On

12 June 2012, the President of the Republic of South Africa, Mr Jacob Zuma, <https://assignbuster.com/absence-of-females-in-the-criminal-justice-system-criminology-essay/>

announced the appointment of a new National Commissioner of the South African Police Service. The Minister of Police, Mr Nathi Mthethwa, has welcomed General Phiyega to the police family on behalf of all workforces and said that “ we will give her all the necessary support to ensure that we collectively continue to deal a blow to crime”.

In the early 20th century many women were incarcerated for public order offenses, also known as moral offenses, which would include fornication, adultery and public displays of drunken behavior. The struggle still exists in modern day; because of the equal rights movement many people would consider women to receive the same punishment for the same crime as a man, however, this is anything but true. “ Women will either receive lesser or harsher punishment depending on their crime.” If a female has committed a minor offense, it is easy to lessen the woman offender’s verdict by playing into old-fashioned gender stereotypes. According to feminist criminologists, Nicole Rafter and Estelle Freedman, women who conformed to the bourgeois picture of femininity and motherhood were penalized in a much milder manner than those who did not have fit the description. On the other hand, women who commit larger crimes often face stricter punishments, mainly because records show most of the crimes that females commit are against males.

“ Women who kill or attempt to kill their abusers are incarcerated for several reasons, first to deter other women from believing they can similarly resist, second, to reinforce in women the belief that they have no right to their own bodies and lastly to assert and protect men’s power over women.” In fact women often face harsher penalties than men who kill their partners.

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## **Problem Formulation**

Problems that the author of this paper came across during the research about women in the criminal justice system were the following:

### **5. 1. Sentencing:**

Current sentencing guidelines are based on male offenders and are inconsistent with rational sentencing policies for nonviolent female offenders, who constitute the majority of incarcerated women. This has resulted in higher rates of imprisonment for economic crimes, which include a disproportionate number of women.

### **5. 2. Incarcerated women:**

This lack of attention paid concerning the issues facing incarcerated women is not uncommon. Women still contain a moderately lesser percentage of individuals incarcerated, with far fewer resources earmarked for the study of women offenders, “ programming for female offenders, and educated staff to work with female offenders.”

### **5. 3. Gender inequality:**

This inequality of the sexes, presented in the courtroom is then crossed over into many problems, in many global police services and federal prisons. “ Women are receiving all the negative characteristics of a men’s prison, such as maximum security, control units, shock incarceration, without receiving any of the benefits.” Whereas men are treated as men, at least out of fear, women in prison are treated as animals or children. “ Many argue that women’s prisons are filled with a spitefully destructive paternalistic mentality; women are perpetually infantilized by routines and paternalistic

attitudes.” Powerlessness, helplessness and dependency are all analytically heightened in prison.

“ Female criminal behavior has been commonly perceived as a less serious problem than male criminal behavior. Historically, women have been more likely to commit minor offenses and have made up only a small proportion of the offender population. Although women remain a relatively small number of all prisoners, these facts have concealed a trend in the rising percentage of female offenders, their participation in violent crime, and have inhibited the development of gender-specific programs to address the issue”

(Research on Women and Girls in the Criminal Justice System, National Institute of Justice, 1999).

For the most part, adult women and girls’ criminal acts are typically impulsive and often less serious than those of adult male and boys. Minor offenses are the majority among female offenders. “ However, minor offenses may mask serious problems that girls are experiencing.” Running away from home and other status offenses (such as truancy) are major components of girls’ delinquency. Although their offense behavior may not appear to be very serious, these girls may be fleeing from serious problems and victimization, some involving illegal behavior by adults, which in turn makes them vulnerable to subsequent victimization and engaging in other behaviors that violate the law such as prostitution, survival sex, 1 and drug use (Causes and Correlates of Girls’ Delinquency, Office of Juvenile Justice and Delinquency Prevention, 2010).



## **Research Rationale**

The reason for this research paper on the absence of females in the criminal justice system was to analyze the difficulties women face on a daily bases. “ Although the lives of women police and corrections officers may appear far removed from those of women offenders and victims, female professionals also must contend with the gendered nature of the criminal justice system.”

### **6. 1. Societal Relevance of the Problem:**

The research done for this paper will bring understanding to the different types of difficulties females come across when dealing with the criminal justice system. The phenomena about the lack of research about women in the criminal justice system brings to light the need for female research, not only victims of crime but the female professionals in the criminal justice system such as police, judges and criminologists.

### **6. 2. Gender-Based Relevance of Problem**

Explain how this project will add value to this specific research topic in gender-based research and literature

## **Aim and Objectives**

### **7. 1. Aim**

The aim of this research paper is to find and analyze information about the absence of women in the criminal justice system. Information about women in the criminal justice system as professional, victims and offenders is usual a footnote in criminal research journals, for the reason that the criminal justice system is globally a male dominated profession and more males

commit crime. Most of criminal research is male based because crime is mostly males.

In this research paper main aim is analyze research information about females and their interaction with the criminal justice system. Research about women criminal behavior is a new direction in criminology. A detailed description of the complex interrelationship between women's victimization and women's offending. " Put succinctly, women and girls commit crime to avoid being further victimized and they experience victimization in the course of committing crime." The ultimate example of the victimization and criminality interconnection is the case of women who kill their abusers.

## **7. 2. Objectives / Research Questions**

Stereotypes

Gender is a social

The specific attributes, tasks, and settings linked to males or females are not necessarily reflective of biological or physiological differences and vary to some degree from culture to culture and throughout historic periods. In this sense, gender is the prescription of appropriate attributes, behaviors, and social roles to females and males are socially constructed.

## **Literature Review**

The empirical evidence exploring the issues about the absence of women in the criminal justice system is both limited and inconclusive. It is precisely the relatively small number of women and girls who commit crimes that creates a need to regularly monitor trends in offending patterns among females,

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trends that become masked by the larger male population if not examined separately. “ Such information can be used in crime prevention strategies and to assess responses by the justice and social systems to females who offend or who are at risk of offending. Information may also serve to improve public understanding of crimes committed by women and girls.”

According to research findings done by \*^ in 2005 the results were that female criminal behavior is not only influenced by individual, interpersonal, and sociocultural influences but the “ responses of the justice system itself also have the potential to shape women’s criminal involvement and identities”. In recent years, an increasing proportion of women have been identified as criminals as a result of changes in criminal justice system policy regarding certain behaviors, particularly those that are drug related. “ An analysis of the social construction of gender and its impact in various historical periods is necessary to comprehend fully the roles that women have played a historically and in contemporary life in criminal justice professions.”

Moreover, these advances were the result of legislative changes achieved through the civil rights and women’s movements of the 1960s and 1970s as well as hard-won court battles by dedicated women who challenged the status quo.

“ Prior to this period, women’s involvement in law enforcement and corrections was defined narrowly to fit traditional stereotypes regarding appropriate roles for women. In the nineteenth century, the involvement of women in policing and corrections reflected the interests of upper-middle-

class reformers attempting to re-socialize fallen women and guide and nurture underprivileged children.”

According to research findings by the Canadian government in 2005, females account for a small proportion of all offenders. In 2005, one-in-five persons accused by police of a criminal code offence were female and the rate of crime among females is about one-quarter the rate among males. For every 100,000 females aged 12 and older in 2005, about 1,100 were accused by police of committing a Criminal Code offence, compared to a rate of about 4,200 for males.

### **8. 1. Women in the legal profession:**

In the past findings, it is clear that globally, police services reports on gender bias in the profession from every country and a growing body of empirical evidence that women's experiences in the legal profession have been different. According to Phyllis Coontz (2000), women make up approximately 28 percent of those in the legal profession.

### **Conclusion and Recommendations**

Suggest, therefore, that, in historical studies of policing that take gender as a key focus of analysis, conceptualizations of stereotypes and new police models cannot be sustained. All historic models of policing have linked their justification and practice of power and control over communities to concepts of masculinity.