



Women, crime and an informal economy: Female offending and crime for gain

Dr. Ashok Kumar Yadav

Assistant Professor, Department of Sociology, BL. Co. Ed. College, Doomroli, Behror, Alwar, Rajasthan, India

Abstract

This paper is about women, crime and rationality, the context is the criminal economy. The discussion seeks to critique and build upon the literature on the informal and criminal economies. In particular the chapter will begin to explore women's contribution to these economies. Definitions of the criminal economy are loosely formulated, tend to be simplistic, mechanistic and limited to studies of male offenders, professional and white collar criminals. These definitions are scrutinized to discover whether they may be extended to include activities in which women engage or whether different definitions from a feminist perspective may be more helpful. Three important themes which the paper will address are: first, women and economic crimes, second, generalisability and 'doing gender- doing difference' and third, rational choice, in particular, rationality and the lure and attraction of unlawful opportunities for women.

Keywords: women, crime, informal economy, criminal economy

Introduction

The aim of this paper is to revisit the literature on the informal and criminal economies and provide a critique which builds upon this work by investigating women's contribution to a criminal economy. The discussion is organized around three broad headings: Women and Crime, the Informal and Criminal Economies and Women, Crime and an Informal Economy. There is a considerable literature in two of these areas. The literature addressing women and crime has proliferated since the publication of Carol Smart's book *Women, Crime and Criminology: A Feminist Critique* (1976), and since then several notable authors have become well established contributors to this area (Carlen, 1985, 1988; Eaton, 1986; Heidensohn, 1985, 1996; Carlen and Worrall, 1987; Worrall, 1990). With respect to the informal and criminal economies, there is also a history of literature with contributions from various disciplinary areas (Hart, 1973; Smith, 1986; Henry, 1978; Harding and Jenkins, 1989; Mars, 1994). The informal economy in particular is attracting a recent resurgence in interest (Shapland 1997). The third area, women, crime and an informal economy is less well served by the literature. If crime were excluded and women and the informal economy were the focus there is more evidence of published work particularly in the Third World countries (Bromley and Gerry, 1979; Nelson, 1979; Gilbert and Gugler, 1981; Beneria and Feldman, 1992) ^[4, 7].

Before the discussion directly addresses the three areas identified above, two points are made which are important to bear in mind. The first concerns the so-called 'generalisability problem' (Daly and Chesney-Lind, 1988) and the second related point concerns timing. The 'generalisability problem' is concerned with whether or not general theories take account of both women's and men's criminality. In essence, the question is whether or not the same theories can be used to explain female and male crime. According to Gelsthorpe and

Morris (1994), this idea 'has profound significance for theory construction'. My argument is that there are rational choice theories to which this test needs to be addressed. The problem was identified after the first phase of feminist criminology particularly in the UK following Carol Smart's 1976 publication which spawned a feminist critique concerned almost exclusively with the legacy of sexism, with man-made constructions and social control issues. Amongst the few authors who provided exceptions to this are Dorie Klein (1996) and previously with June Kress (1976), and Pat Carlen (1983, 1985, 1988), whose works will be addressed below. Since this first phase, usefully summarized by Daly and Chesney-Lind's posing of the 'generalisability problem', two of the most important theoretical developments are rational choice in the 1980's and doing gender - doing difference in the 1990's. The 1980's saw the domination of the rational choice perspective in mainstream criminology. Whether or not this perspective can be generalized to females has yet to be fully explored. The 1990's saw the influential body of work 'doing gender - doing difference' emerge (Messerschmidt, 1993, 1995). Whether or not rational crime for economic gain is part of 'doing femininity' has yet to be explored. Both the rational choice perspective and doing gender - doing difference are important issues that must be confronted when the focus of research is on female offending and crime for gain. These important theoretical developments of the 1980's and the 1990's must be thought about in relation to the generalisability problem.

Women and Crime

This section considers the literature on women and crime that has specific bearing on those women who commit 'economic crimes'. Most female crime, according to any measure of female offending, is property crime, it is economic. Despite this, economic rationality, the dominant way of accounting for

property crime generally, is the one explanation seldom offered when women enter the equation. This paper suggests that previous explanations for female offending are partial and incomplete. The following discussion begins to show how and is organized in five parts:

Explaining women and crime

The purpose at this stage is to re-consider the work of Dorie Klein and June Kress (1976) and Pat Carlen (1983, 1985, 1988), during that early wave of feminist criminology. As Klein and Kress observe women offenders have rarely been seen as either rational or willful:

Women criminals have rarely been accorded even the grudging respect shown male criminals, who are at least seen as a threatening force with which to be reckoned. Instead, women have been the target of voyeuristic studies concerned only with their sexuality. (Klein and Kress 1976: 155)

In a later review entitled the 'Etiology of Female Crime', Klein (1996) again makes reference, in her critique of authors who contribute to the 'legacy of sexism', to the way in which boys are 'instrumental' whilst girls are 'expressive' and that even; 'Economic offences such as shoplifting are explained as outlets for *sexual* frustration' (1996). Men and boys have always been credited with committing crimes for a whole variety of reasons. In addition to being lead astray, being sick or evil, males have also been viewed as rational (Merton, 1938; Cohen, 1955). Male offenders have been credited with the faculty of reasoning, women offenders have not. As with the popular stereotypes of women in society generally women offenders are portrayed as hysterical, irrational and incapable of being fully responsible for her actions and crimes due to her biology and sex (Allen, 1987) ^[1].

In similar fashion to that of Klein and Kress in the mid 1970's Carlen's work also makes occasional reference to women offenders acting rationally. Carlen has identified four major characteristics belonging to female offenders (Carlen and Worrall, 1987). The first characteristic identified is economic rationality. Carlen however, does little more than state the possibility that women are acting rationally and where her argument is more fully developed she concentrates on rationality as a form of escape from economic dependency and economic hardship.

Doing Gender - Doing Difference

In line with a recent observation and recommendation offered by Steffensmeier and Allan (1996), I would argue that it is productive to proceed following a gendered paradigm that 'acknowledges both the utility of traditional theory and the need to describe how the organization of gender (and biological/physical differences) specifies the impact of social forces suggested by traditional theory' (Steffensmeier and Allan 1996: 482). Some recently emerging literature is beginning to focus on the gendered nature of crime. This work is illuminating both gender difference, for example in the area of youth street gangs (Campbell, 1991) ^[11] and gender similarity in crime. Gender can now be viewed as a situated accomplishment; girls and boys 'do' masculinity and femininity. Crime is used as a resource for 'doing' gender, male youth crime is a resource used for accomplishing masculinity (Messerschmidt, 1993, 1995). Precisely what this

means for women and girls is not yet clearly theorized but implies that women who 'do crimes for economic gain' would 'do' prostitution, shoplifting, cheque frauds and so on. To develop the idea of 'doing femininity', if we assume the 'doing gender - doing difference' approach, one consequence of this is that we never need to consider the 'generalisability problem' because of the separateness of the gendered explanations, women would simply be emphasizing their femininity. On the other hand we may choose to take on board the generalisability problem first which could reformulate the theorizing as follows:

Generalisability and 'doing gender - doing difference'

- Take the rational choice perspective from mainstream criminology,
- Consider this perspective adopting a gendered position, with specific reference to women,
- Subject the outcome to the 'doing gender - doing difference' test

These are some of the complex and searching questions that can now begin to be addressed following developments within mainstream and feminist criminology's in the late 1980's.

Rational Choice

In the scenarios and questions highlighted above, the rational choice perspective was used as an example of a development within mainstream criminology that emerged in the 1980's. Cornish and Clarke (1986) provide the most developed explanation for the viability of the rational choice perspective in the introduction to *The Reasoning Criminal. Rational, Choice Perspectives on Offending* (1986). John Carroll and Frances Weaver contribute chapter two: 'Shoplifter's Perceptions of Crime Opportunities: A Process-Tracing Study', to this edited volume. This empirical study of shoplifting, uses verbal protocol procedure to find out what criminals 'really' think about when they are considering actual crime opportunities. The study, whilst it has limitations, is useful in two respects. First, it emphasizes the value of empirical and crime-specific analyses i.e. shoplifting. Second, the findings suggest a fairly high degree of rationality in the decisions of both expert and novice shoplifters (Cornish and Clarke, 1986: 35). Retrospective accounts through interviews were not carried out. In addition and significantly for the purposes of this chapter, gender differences/similarities were not discussed in any depth although it is apparent that the data could have been further exploited on this subject.

In the early 1980's Steffensmeier also broached the question of rationality, but through a gendered lens. He looked at an organizations criminal enterprise in the context of 'sex-segregation in the underworld' (Steffensmeier, 1983). He suggested, 'rationality refers to the link of means to ends or the extent to which expeditious means are used to achieve goals' and with specific regards to women:

..if women are less into crime and are relatively less successful at it, this is less a result of single-mindedness in the rational pursuit of crime than because they lack access to organizations and social contacts that would enable them to pursue criminal enterprise more safely and profitably. (Steffensmeier 1983: 1025)

It seems that the rational choice perspective may be called

upon and further developed in respect of specific offences such as shoplifting, that the methods used to investigate this should be more pluralistic, and that the whole inquiry might usefully be conducted on women offenders. The concept of rationality needs to be subjected to the generalisability test. In this context 'rational choice' requires deconstructing in order to evaluate the extent to which rationality may be a concept peculiar to masculinity, an entrenched male attribute. A different understanding of rationality may need to be constructed suitable for analyzing women who 'do' their own types of crime for gain.

Shoplifting

It is often claimed that women's crimes tend to reflect their place in society. It is nothing new to suggest that traditional women's crimes are linked to domestic life such as shoplifting and social security fraud. This apparent link is difficult to deny although a simplistic link between expressions of women's role and their offence choice is inappropriate. Take for example the crime of shoplifting. As Allison Morris points out all women shop but only some shoplift (Morris, 1989: 65) In this example the generalisability problem comes into effect when theories used to explain female crime are grafted on to explain male crime although this is not an exercise that is ever carried out, and would result, if the doing gender doing difference perspective were also taken on board, in male shoplifters being labelled homosexual.

Several authors have focused upon the offence of shoplifting and these works can be divided into various categories. Some for example have focused upon who shoplifts, others have been more interested in shoplifting as a vehicle for examining differential sentencing patterns between men and women (Eaton, 1986). Others have focused upon the prevention aspects of shoplifting (Butler, 1994)^[10]. Some have made use of observational data (Buckle and Farrington, 1984)^[8], others have used the survey method to elicit information (Gibbens and Price, 1962; Munday, 1986). In other areas of crime authors have developed the so-called offenders perspective by listening to known offenders about their habits, targets and so on (see for example Maguire, 1982 and Walsh, 1986).

In 1964 Cameron wrote that 'every town, has its little old kleptomaniac lady who steals at will...'. Over 30 years later such impressions are still typical. Gibbens and Price's survey in 1960 found two and a half times as many women as men were accused of shoplifting. Twenty five years later Munday found the balance had swung so that more than one and a half times as many men as women were accused of shoplifting. The stereotypical images of the shoplifter that persist continue to be overwhelmingly female and also now include; the menopausal housewife, the confused foreign tourist, the mother striving to feed and clothe her young children, women and girls tempted by glitzy bright jewelry and clothes.

When it comes to further analysis and theories concerned about explaining crime, criminology has generally been gender blind, assuming that crime is a masculine preserve. In addition, explanations in respect of why men and boys might be engaged in property crime have changed several times during the course of the twentieth century. Men and boys actions have moved from being explained by innate biological impulses through to psychiatric explanations, though to

explanations that show shoplifting to be an essentially social activity where peer group pressure and sub-cultures are important influences through to socio-environmental explanations including poverty and need, greed and excitement. The classic explanations throughout criminology; anomie, sub-culture, differential association, rational choice all draw upon examples using men and/or boys either explicitly or implicitly as illustrations.

Rational or Willful Women?

Rather than focusing upon theories which seek to explain all forms of criminality amongst women this paper requires a particular concentration and focus upon those crimes which are more likely to contribute to the informal and illegal marketplace and have been referred to as crime for gain (Field, 1990). The crimes of interest here are those committed directly or indirectly for economic benefit such as property crimes where the property can be sold on for cash or bartered, theft of money and cheque frauds, shoplifting, dealing in illegal drugs, welfare and social security frauds. These crimes are also those that are amongst the highest arrest categories for women namely shoplifting, prostitution, fraud and forgery and drugs related offending.

Field (1990) usefully differentiated between crime for gain (primarily property crime) and crime not for gain (assault and sexual offences). The commission of directly economically beneficial crimes, such as those previously referred to in Carlen's work and those listed directly above, together with prostitution - a clear example of deviance as work - might be subjected to both a gender and rationality test.

Two authors writing about women sex workers have recently advocated a '*presumption of wilful rationality*' (Scrambler and Scrambler 1997: xv) to capture the idea that the background of prostitutes cannot be denied as unimportant when considering recruitment into the sex industry but the idea of free and informed choice might be important too. Such an approach recognizes 'doing crime' is one's own free will and choice (willful), however, at the same time it can be regarded as exercising one's reason (rationality). The notion of 'willful rationality' might be appropriate for considering other forms of crime for gain that women 'do'. It might also be considered alongside Carlen's 'optional', 'incidental' and 'professional law breaking' categories (Carlen, 1988).

The informal and criminal economies

This whole area would appear to be dominated by an assumption of rationality. Twenty seven years ago Mary McIntosh, analyzed how crime can be seen 'as a rational economic activity, geared towards making money and minimizing risks,' (McIntosh, 1976: 265), and as having parallels with legal forms of work in the context of organized and professional crime (McIntosh, 1975). At the time McIntosh did not draw out the gendered nature of that activity. The work of Henry (1977, 1978) begins to touch upon a criminal economy. He suggests it includes both recorded and unrecorded or undetected crime. Chambliss (1978), Klockars (1974) and Block and Chambliss (1981), have illustrated how the criminal economy is comparable to the regular economy analyzing organized crime, fencing, and the Mafia respectively. Chambliss notes that the profits of organized

crime and their business is an important part of the gross national product. His is a portrayal of illegal networks and corruption, illegal business on a typically American and grandiose scale. More recently Auld, Dorn and South (1986) on heroin use and Hobbs (1988, 1995) on professional forms of crime, provide useful insights into the motivations and lifestyles of criminal men and youth and deviant entrepreneurial activities.

Summary

There has been an over concentration by economists on the attempt to define the hidden, unofficial/informal/irregular economy solely for the purpose of approximating the size of its contribution to the economy as a whole. There has also been much vocabulary relating to the colour coding of the various types of economy, this is typified by the work of Handy (1984) who has referred to the 'white', 'black', 'mauve' and 'grey' economies. Of greater interest to sociologists, as Madaleine Leonard points out in her background to informal economic activity in Belfast (1994), is not the size of that economy (nor the colour coding) but rather the people who contribute to it.

To summarize the informal and criminal economy and its relationship to gender: Although women's relationship to the informal economy has been examined in relation to work patterns and the gendered experience of work and men's relationship to the informal criminal economy has been partially examined, women who contribute to the informal criminal economy have not attracted much attention. A gendered analysis is clearly absent from the literature to date on the informal and formal criminal economy. Applying the 'generalisability' and 'gender test' might be a useful direction in which to point the future direction of this body of work.

A further body of works can loosely be called the crime and work literature. Sutherland raised questions about criminal work (1937, 1949), Cloward and Ohlin (1960), about access to legal and illegal opportunities. More recently some have addressed the notion of criminal careers (West and Farrington, 1977; Farrington, 1994) or crime as a form of work and the business of crime (Hobbs, 1988, 1995; Punch, 1996). Others have focussed their inquiries upon crime at work (Gill, 1994, 1996)^[10] where the workplace is the scene of criminal activity and victimization. There are two main criticisms of this body of work. The earlier work tends to be well explored theoretically with the exception that it is not gendered and we know little about 'the initiation, escalation and termination of criminal careers by female offenders' (Sommers *et al*, 1994). The later work typified by Hobbs and Gill also remains a largely ungendered analysis and the latter also remains a criminology that has a rather narrow administrative focus. There are few examples from this body of work that provide a theorized and gendered analysis. One crime and work connection that has been extensively researched is the crime and non-work connection, in particular unemployment (poverty) and crime. However, this area has also suffered from the generalisability problem as far as women are concerned where women have been subsumed within the general research inquiries.

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