

Construction of Female Criminals in Criminology
(Russia and Kazakhstan)

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Abstract

The way criminologists talk in their studies about female criminality and female criminals has enormous consequences for women in terms of their experience in the criminal justice system, their treatment by state programs and legislation, and in general, their treatment and perception by culture. In my thesis I study how scholars interpret female criminality and construct female criminals through discourse analysis of current studies on female criminality of Kazakhstan and Russia, through their translation and interpretation by using various feminists' criminological theories as a basis for critiquing and examining the data. In the process of analysis I reveal that instead of "neutrality" and "objectivity" how post-Soviet mainstream criminology presents itself, scholars study female criminality and female criminals through the lens of their own profoundly rooted purely essentialist and sexist prejudices, stereotypes and biases, including the influence of generally accepted and taken for granted patriarchal beliefs and double standards that underpin the discipline of criminology itself.

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Table of Contents

ABSTRACT	I
ACKNOWLEDGEMENT	II
INTRODUCTION	1
1.1. THE LEGACY OF POST-SOVIET RUSSIAN AND KAZAKHSTAN CRIMINOLOGY	8
1.2. THE ASSESSMENT OF FEMINIST IMPACT ON CRIMINOLOGY	13
II. GENDER STEREOTYPES IN CRIMINOLOGY STUDIES	16
2.1. THE RELEVANCE OF MASCULINITY THEORY IN CRIMINOLOGY	16
2.2. BLAMING FEMINISM	25
III. STRATEGIES OF DENYING FEMALE AGENCY IN CRIMINOLOGY	42
3.1-VICTIMIZATION AND CRIMINAL RESPONSIBILITY	42
3.2. THE CONSTRUCTION OF “IRRATIONAL” WOMAN	51
IV. THE ROLE OF GENDER AND SEXUALITY IN CRIMINOLOGY STUDIES	60
4.1. DOUBLE BLAMING	60
4.2. FEMALE SERIAL KILLERS	65
4.3. CRIMINALIZATION OF FEMALE SEXUALITY	70
CONCLUSION	77
REFERENCE LIST	85

Introduction

Female criminality as a phenomenon can be given different predetermined values and meanings by the means of different discourses. The way criminologists talk in their studies about female criminality and female criminals has enormous consequences for women in terms of their experience in the criminal justice system, their treatment by state programs and legislation, and in general, their treatment and perception by culture. All criminologists in Russia and Kazakhstan emphasize that the number of women who commit crime is growing (Volkova, 2001; Popova, 2001; Kutina, 2006; Korzun, 2001; Chernysheva, 2007; Kunts, 2006; Shcherbakova, 2008; Adzhieva, 2004; Ganieva, 2010; Abyzova, 2007; Shiller, 2003; Kirsanova, 2011; Bagdasarova, 2009; Smolina, 2005; Inshakov, 2000; Antonyan, 2004; Grib, 2006). They state that there is a sharp increase in serious crimes, a gradual increase in recidivist's crime; that there is a high proportion of violent crime, that there is an emergence of organized and professional crime; that there is an increase in premeditated crimes with more sophistication, cruelty, cynicism, aggressiveness and use of weapons (Volkova, 2001, p.4, p.66; Popova, 2001, p.5; Kutina, 2006, p.3, p.25, p.27). The growth in women's crime has intensified criminological research on female criminality. Another issue is that in the academic literature of modern post-Soviet Russian and Kazakhstan criminology, although female criminals came into the focus of interest of scholars a long time ago, the image of the female criminal is still regarded as an anomaly and many researchers, unfortunately, cannot escape essentialist, biased and sexist assumptions. Their views on women's crime contain a set of patriarchal stereotypes and prejudices, and attempts to solve the "problem" of female criminality with the revival of a traditional and conservative way of life.

In turn, it is well known that public opinion is very susceptible to manipulation, as people perceive these ideas and translate them into their lives. Feminists have proven that

criminology is one of the tools that reinforce inequality in our society, because it contributes to the construction of hierarchies, structures of power and hegemonies based on sex/gender, race, class, sexuality etc. (Rafter & Heidensohn, 1995, p.11). The text claimed to be academic not only becomes a part of academic criminology, but can also be used in judicial practice in the absence of clear rules of law and as a base for social policy. It is important to understand the power that comes from the creation of an academic text on female criminality, as conclusions reached by the scholar may affect real people's lives, and the actual implementation (or failure of implementation) of any individual rights. Therefore, it is necessary to develop feminist perspectives in mainstream post-Soviet criminology, as it might contribute to an increase in scholars' awareness and responsibility for the product they create. The value or significance of feminist perspectives in criminology is that it can help to break down essentialist and sexualized approaches which underpin mainstream post-Soviet criminology. Moreover, I agree with Rafter and Heidensohn that feminist studies on crime always aim to improve not criminology, but people's lives (Rafter & Heidensohn, 1995, p.6). However, though the problem of biases, stereotypes, and prejudices are the main topics for intensive foreign feminist criminology, at a national level in Kazakhstan and Russia they have remained largely unexamined by researchers. Therefore, the purpose of my study is to bring more attention to these problems, to provide critical analyses of data that will contribute to the development of feminist perspectives in mainstream post-Soviet criminology.

In my thesis I examine how scholars interpret female criminality and construct female criminals through discourse analysis of current works on female criminality of Russia and Kazakhstan. I analyze from feminist perspectives 14 doctoral dissertations which study female criminality, 4 books on criminology and 1 article on female criminality from 2000-2012, through their translation and interpretation, by asking the following research questions: What are the discourses on female criminality and female criminals in Kazakhstan and

Russia? What lies behind these discourses (what can or what exactly causes the authors to produce such texts and what is the underlying subtext and ideology which embeds such constructions and explanations contained there)? What are the implications of such discourses for women?

I should emphasize that I focus on criminologists' attitudes to female criminality and female criminals, rather than on a study of female criminality and female criminals themselves. I analyze these texts as examples of constructions of female criminals and female criminality in such a way as to demonstrate how they confirm, and at the same time reproduce heteropatriarchal ideology in general. I consider these texts "as major contributors to the creation and perpetuation of dominant understanding of what it means to be a woman in a contemporary... heteropatriarchy" (Morrissey, 2003, p. 5). I selected the fragments contained within the texts in order to illustrate how topics dealing with sex/gender; sexuality; private/public; masculinity/femininity; family, marriage and motherhood; social control; rationality/irrationality (sane/insane); norm/anomaly; morality; female nature; biology and body; victimization; criminal responsibility; feminism (emancipation, liberation, the women's movement) were addressed and represented in regard to female criminality and the female criminal. In the process of analysis I reveal that the majority of works contain purely patriarchal and essentialist assumptions, stereotypes and biases. Therefore, my objective is to illustrate, problematize and demonstrate the inadequacy of such discourses (representations, constructions, explanations and interpretations that are defined as true and presented as objective) on female criminality and female criminals in Russia and Kazakhstan. So my thesis is an interdisciplinary study, because I bring various feminists' theories together with current works on female criminality by Kazakhstan and Russian criminologists in order to critically reflect on the latter from feminist perspectives.

At the same time I advance my interpretations of female criminality and representations of female criminals, but I don't project them as universal, "real" or "true". However, this does not mean that criminologists' traditional sexist assumptions are equally valid along with the feminists' perspectives which I share. Because I agree with Carrington that "there are better, more defensible and justified representations of events that occur in the social world and ways of researching and arguing these using methods informed by conceptual analysis, openness and critical reflection" (Carrington, 2002, p.108). I don't argue that my study is "objective" or apolitical. However, my perspective is not essentialist, because I recognize the multiple differences between women, moreover, I take "women", including "female criminals" as well as "sex/gender/sexuality" as constructed categories. Of course there might arise a justifiable concern that feminist knowledge (politics) without certain essentialism on "women" could fail. However, I agree with Butler that all the categories used by feminism in a political struggle, including the category of "women" should be liberated from the ontologies in which it has been trapped, and be open to multiple significations which, according to Butler, might result in unanticipated meanings (Butler, 1992, p.16). "If there is a fear that, by no longer being able to take for granted the subject, its gender, its sex, or its materiality, feminism will founder, it might be wise to consider the political consequences of keeping in their place the very premises that have tried to secure our subordination from the start" (Butler, 1992, p.19). At the same time, Morrissey notes that it is necessary to employ such terms as "women" and "feminism", even though they can be read as examples of our own desire to "universalize" and to "totalize", as a response to mainstream criminology which "has developed a notion of the feminine and of what being a 'woman' means, and it is just as important to be able to talk about this construction as it is to recognize that it doesn't, can't possibly, represent all 'women'" (Morrissey, 2003, p.6). Therefore, I use such terms as "women" and "feminism",

but I can't give a single definition, explaining the "essence" of feminism, because there are multiple forms of feminism.

Moreover, it would be wrong to speak about the existence of a unified feminist criminology. There are different directions, each of which has its own theoretical framework and its own vision of gender issues. That is why I use various feminists' criminological theories as a basis for interpreting the data. Feminist criminological theory theorizes about mainstream criminological theory, critiquing and examining the constructs used in traditional mainstream theorizing (Morrissey, 2003, p.20). By referring to (Smart, 1990, 77-83; Naffine, 1997, 95-97, Daly and Maher, 1998, 2-4) Morrissey shows that there are three phases, each of which still continues to develop, of feminist critique of criminological theories (Morrissey, 2003, p.21). According to Morrissey, the first phase of feminist criminological theory (in the 1970s) was about criticizing traditional theories of criminology for "either failing to consider women in their discussions of criminal behavior, or for presenting gender difference only in stereotypical ways" (Morrissey, 2003, p.20). The second phase (in the 1980s) relates to standpoint feminism, which questioned "the usage of the term 'woman' as a universal category, critiqued traditional discursive models of value-free research and emphasized both the diversity of women's experience and the discursive constructions of women's lives" (Morrissey, 2003, p.21). And the final phase is called postmodern feminist criminology, influenced by the work of Foucault and Derrida, which critiques the ideas of "truth" and "objectivity" (Morrissey, 2003, p.21). I want more specifically to stop on postmodern feminist perspective in criminology, because my approach is influenced predominantly by feminist postmodernism (as it promises a more sophisticated version of liberation), however, I rely on multiple feminist perspectives. Moreover, I think that these three phases of feminist critique of criminological theories are closely interconnected and complementary, and can be easily combined and interchanged when considering the issues of how female criminals are

constructed by and within the criminological discourse, what are the relations between patriarchy and criminology, between gender and crime and patriarchy, what is the role of gender on how scholars interpret female criminality and construct female criminals, and finally, how their theories restrict women's behavior and direct it in a certain way.

According to Arrigo and Bernard the term "postmodern" means "an approach in which reality is no longer understood as being dominated by foundational truths, cause-effect relationships, linear thought processes, syllogistic reasoning, global assumptions, objective analyses, and other conventions of modern science" (Arrigo & Bernard, 1997, p.39). Carrington, by analyzing feminist approaches to crimino-legal research, notes that "postmodern/poststructuralist feminisms reject the epistemological assumptions of the enlightenment - that truth can be impartial, ahistorical, acultural, singular, total or universal" (Carrington, 2002, p.108). So postmodernist feminist approach denies the possibility of the existence of a politically neutral and free from value judgments criminology, it criticizes essentialism and determinism; denies the existence of universal categories, and the existence of a single truth in criminology. According to postmodern approach, any knowledge (including criminology) is a production of power, therefore, any claims to objective truth are groundless. "These approaches tend to see knowledge as partial, uncertain and very much the product of power" (Carrington, 2002, p.108). Post-modern feminist epistemology rejects the idea of neutral facts that independently exist from theory, therefore, by refraining from seeking the true, pure or fixed meanings, it rather focuses on discourses as a social construction of "reality". According to Morrissey, discourse is knowledge which provides "the necessary structures through which we can know anything" (Morrissey, 2003, p.8). So we don't have objective natural reality, because our objective reality is replaced by different forms of discourses.

My perspective is influenced by Carol Smart's exploration of epistemological responses to the relationship between the way feminist knowledge is construed and feminist political activity. Smart advocates the postmodern/poststructuralist feminism which questions the belief in scientific rationality, objectivity and truth which, according to her, creates a false impression of security that entails certain implications for feminist politics (Drakopoulou, 1997, p.109). According to Smart, feminists should focus on how various discursive practices "construct and value women as sexed/gendered subjects, for example, as prostitutes, victims of sexual violence, mothers, criminals, lesbians, workers" (Drakopoulou, 1997, p.110). Along with patriarchal discourses Smart suggests exploring feminist discourses of resistance too (how feminists construct women themselves) in order to displace the old discursive constructions (old certainties and securities) with new different ones which, according to her, will result in a widening of the horizons of feminist enquiry, and in a more sophisticated, developed and beneficial combination of knowledge and feminist politics (Drakopoulou, 1997, p.110). "This enables feminism to constantly negate and resist the imposition of a fixed, preordained subjectivity and provides feminism's best means of challenging the oppression and marginalization of women, both in theory and practice"(Drakopoulou, 1997, p.114). Smart believes that postmodern/poststructuralist feminism instigates better and richer dialogue among different feminist perspectives (Drakopoulou, 1997, p.110). However, I don't argue that postmodern feminism is the only single "true" epistemological response, rather because of my specific objective and the goal of the study, this approach is more acceptable.

There is ongoing debate within academic feminism over what the focus of feminist study in criminology should be, as feminist criminology may be divided into areas that focus on women as criminal offenders, women as victims of crime, and women as workers in the criminal justice system (Britton, 2000, p.58). According to Smart (1990) criminology is different from other disciplines because its main characteristic is rooted in its capacity to

identify the aetiology of crime, and thus she (1994, 71) asserts that the primary focus of the criminologist must be the offender, not the victim (Hobbs, 2010, p.38). I agree with Smart and think that feminist criminology should predominantly focus on women as criminal offenders, and this is precisely what I am going to do in my thesis.

So, as a feminist (from various feminist perspectives), I conduct my study in order to call into question traditional post-Soviet Russian and Kazakhstan mainstream criminological ideas, assumptions and theories on female criminality and female criminals, namely criminologists' attitudes to female criminality and female criminals, in order to challenge the dominant ideology which underpins the discipline of criminology in Russia and Kazakhstan. "The most significant ideology which informs both classical and con-temporary accounts of female criminality is a sexist ideology" (Smart, 1977, p.91). However, I agree with Gelsthorpe (1986), that "sexist ideology is not a discrete phenomenon, but a mixture of personal views, professional policies which are continually 'shaped' by exigencies of practices and organizational constraints" (Hobbs, 2010, p.24). Therefore, I position the dominant ideology (which has many faces and can exist in many different ways) not as a discrete phenomenon or as a predetermined structure of society, but rather I take it as constructed system of relations which can operate at an institutional and ideological level, which depends on a certain time, on a mixture of personal views and a specific cultural framework.

1.1. The Legacy of Post-Soviet Russian and Kazakhstan Criminology

I decided to use in my thesis criminology studies on female criminality of the post-Soviet countries, specifically of Russia and Kazakhstan for three reasons. First of all, I am familiar with these countries in terms of history, language and culture. Secondly, my own

theoretical background as a lawyer and criminologist which I obtained in Kazakhstan allows me to understand specific theories and methodologies. And finally, the common political, social, and economic background of the Soviet Union, and changes that started in the 1990s still continue to have an influence on former Soviet countries in the present, including on current studies of crime, where scholars in Russia and Kazakhstan mostly rely on the Soviet school of criminology, and still frame their current ideas based on it.

In criminological research on female criminality, scholars usually study the general characteristics, trends, patterns, structure and dynamics of female criminality; explain its determining factors and causes, identify and analyze situations in which crimes become possible; provide an analysis of the profiles and the personality of criminals, psycho-emotional features and factors that affect the formation of their motivations, and the mechanism of their criminal behavior; analyze the status of crime prevention, and offer general and specific measures and recommendations aimed at improving the efficiency of regulation and prevention of crimes committed by women. They also analyze the historical aspects of the genesis of female crime and current characteristics and conditions of female criminality; provide analysis of qualitative and quantitative changes, comparisons with male criminality, the state's legal and moral views about female criminality; and also cover the issues relating to the penitentiary system and personality characteristics of female convicts, suggest proposals and recommendations aimed at improving the regulation of the execution of punishment and rehabilitation of convicted women.

Criminological study of female criminality in general does not differ from the criminological study of male criminality, and sometimes, as well as in regard to male criminality, in terms of general characteristics, scholars briefly focus on various types of crime, according to categorizations made in the criminal law of Russia and Kazakhstan like: crimes against life; crimes against property; crimes against public security and public order;

crimes against public health and public morals; crimes against the interests of public service and public administration; crimes against the family and minors, and other categories of crimes. However, the main focus of scholars is still on general characteristics of female criminality as a phenomenon, and the personality of female criminals, the causes of their crimes, and the elaboration of preventive measures.

The most important feature of the genesis of the discipline of criminology in Russia and Kazakhstan is that it was born in the depths of the criminal law. In the Soviet Union, criminology initially developed as a legal science, and taking into account the role and place of criminology in the system of jurisprudence, academic disciplines and law enforcement now, there is every reason to regard it as a legal science. So criminology, as a discipline, is part of the legal department, and its primary relationship with the legal sciences, especially with the criminal law, the penal law, and also the background of criminologists (predominantly lawyers), indicate that criminal law takes an important place in the discipline of criminology. In contrast, for example, to the United States, where criminology is a part of a sociology department, which has more space and ground for the integration of feminist criminological studies, and for sophisticated analyses of gender and crime (Rafter & Heidensohn, 1995, p.6). In the post-Soviet period, criminology is mainly engaged by scholars with a legal education, but there is a growing tendency of participation in criminological research of sociologists, psychologists and other experts too. However, despite the growing tendency of the development of socio-psychological research in criminology, crime in post-Soviet Kazakhstan and Russia remains to be studied from a predominantly legalistic perspective.

In prerevolutionary Russia, a special contribution to the development of criminology was made by representatives of the anthropological school of criminology, founded by the Italian C. Lombroso. According to this school the female criminal is perceived as a deviation

from the norm, she is masculine and she is a monster, who lacks features typical for a woman - self-restraint, humility, willingness to motherhood. Lombroso was one of the first scientists, who built his theoretical conclusions on the meticulous measurement of the skull, brain, weight, hair and other physiological parameters of the individual offender, thus, he attached fundamental importance to the physiological parameters of individuals as the causes of crime, and in his view, women commit fewer crimes because they are inferior and more primitive than men. (Volkova, 2001, p.29; Popova, 2001, p.23, p.24)

For a very long time, until the final abolition of criminology as a science in the 1930s, women's crime was mainly explained by biological or innate factors. But at the same time there were works which attempted to evaluate not only the physiological parameters of criminals, but also to study psychiatric and psychological characteristics of criminals. (Popova, 2001, p.28; Volkova, 2001, p.33; Kunts, 2006, p.55). However, Korzun notes that, despite such novelty, this line of criminological thought was closer to the school of biological explanations of criminal behavior, in some cases being even just a part of it (Korzun, 2001, p.33).

At the same time in the early stage of formation of Soviet criminology there were supporters of the sociological school of criminology. Representatives of this school of Soviet criminology have mainly relied on the idea that crime is a social phenomenon generated by class inequality, which I think was not groundless. They took into account circumstances which are formed under the social structure of society as a factor which has significant impact on the criminal activities of women. However, trying to find the best explanation for the increase in women's crime, some representatives of this school have combined two approaches, and considered the biological and social aspects together in the analysis. (Korzun, 2001, p.33; Popova, 2001, p.28; Volkova, 2001, p.33, p.34).

The intensive development of Soviet criminology was stopped in the 1930s until the 1960s, because Soviet ideology propagated the idea that socialism had found the causes of crime, which are rooted in social conditions, and therefore they believed that further criminological research was not necessary, as, according to this ideology, with the achievement of the higher phase of socialism the root causes of crime will be erased, and will not appear anymore. Volkova notes that during this period, the political situation didn't allow the study and explanation of the factors that determine women's crime (Volkova, 2001, p.35). She notes that this situation can be explained by the fact that after the proclamation of the socialist revolution there was a belief in the absence of the social roots of crime under socialism (Volkova, 2001, p.32). Volkova writes that the authoritarianism and despotism of the Soviet Union did not enable the real possibility of a multi-faceted development of criminology in all available directions (Volkova, 2001, p.33).

This situation changed in the 1960s when criminology was officially revived and according to Kunts, since the early 60s there appeared a series of works that addressed the socio-demographic, criminal and penal characteristics of female criminals (Kunts, 2006, p.55). Volkova also writes that the focus of criminologists on female criminality was revived in the 1960-70s (Volkova, 2001, p.37). Korzun claims that only since the late 1970's a period of more objective and fundamental scientific assessments and special studies on female criminality had begun (Korzun, 2001, p.7).

Korzun states that most of the studies of contemporary female criminality are based on the findings of works which occurred in the former Soviet Union, which according to him, was a time of relative stability of the socio-economic relations in society, and on the other, when scholars were forced to focus on the need to follow the strict class interests of the political regime and its well-known ideological values (Korzun, 2001, p.7). However, I think that the sociological school of Soviet criminology, not the biological school of Soviet

criminology, has made significant progress, and in any case cannot be written off. The consideration of social inequality and class interests as one of the causes of crime can be counted as one of the significant merits of Soviet criminology. Today, when studying female criminality and its causes, and the profile of offender and crime prevention practices, scholars continue to focus on how social conditions affect criminality. After the collapse of the Soviet Union, the criminology of Kazakhstan and Russia in the post-Soviet period followed the framework of Soviet school of criminology, namely the integration of biological and social schools of criminology, with predominance of the latter.

1.2. The Assessment of Feminist Impact on Criminology

Feminism in criminology developed in the 1970s as a reaction to the ignorance and misunderstanding of the relationship between gender and crime, and as a critique of the limited, distorted, stereotyped, sexist representation of women in criminological theory, and the misogynistic content of this discipline. According to Heidensohn a prerequisite for the development of feminist criminology was the European and American women's liberation movements of the 20th century (Heidensohn, 1995, p.145). She notes that the initial intervention of feminist criminology into mainstream criminology was precisely due to the criticism that women were not specifically included in the research object of this discipline, as well as the fact that women were presented stereotypically, and perceived and described as being inferior to man. Feminists criticized traditional criminology for a limited and distorted presentation of women offenders, when scholars adjusted their studies to certain biases and stereotypes (Heidensohn, 1995, p.146). Klein (1973) by analyzing the works of several major writers (Lombroso, Thomas, Freud, Davis and Pollak) and their later followers (Konopka, Vedder and Somerville, Cowie et al.,) on female criminality points out that all these scholars

are faithful to tradition, and share many sexist assumptions (on the inherent physiological and psychological nature of women) and take conventional views of women's roles (as mother and homemaker) for granted as the common foundation for their theories (Heidensohn, 1995, p.147). Even though some of these works are somewhat discredited, Klein (1976, p.8) notes that reading such studies helps us to better understand "what kind of myths have been developed for women in general and for female crime and deviance, in particular" (Heidensohn, 1995, p.147). Therefore, Klein emphasizes the importance of integration into research on female criminality of feminist perspective in order to erase these myths (Heidensohn, 1995, p.148).

One of the first major feminist works in criminology was the book of Carol Smart (1976), which was devoted to the analysis of female criminality, where she presented a critique of many classical works of criminology (C. Lombroso, W. Thomas and D. Pollack), and her analysis showed that traditional works in criminology promote sexist stereotypes. Smart (1976) in relation to the early criminologists, and to the theories proposed in their works, states that traditional or classical criminological texts on female criminality contain common shared assumptions that present female criminals as being a prey to their nature, and to their hysterical pathologies, to impulses and hormonal imbalance (non-cognitive, physiological basis), also the portrayal of them in terms of their domesticity and passivity (Hobbs, 2010, p.12). Since 1970 criticism of the traditional criminological theories on female criminality and female criminals is contained in a large number of works.

However, Morris and Gelsthorpe (1991), note that feminist criminologists, despite their great contribution in terms of adding women in at the margins of the discipline did little to deconstruct its central frames of reference, and theoretical and methodological assumptions (Britton, 2000, p.58). Of course, feminism in criminology is more than just the inclusion of women into criminological research; I agree it is also about challenging the theoretical and

methodological assumptions that underlie criminological theories. However, I think that in this direction feminist criminology also achieved significant influence, moreover, according to Rafter and Heidensohn, feminist criminology changed the practice of the criminal justice system. They believe that the impact of feminism on mainstream criminology was profound, namely it significantly contributed to challenging traditional criminology's essentialist and sexualized view of women, to challenging many assumptions about the causes of crime, and promoting justice campaigns for women; to integration into analyses of the intersectional approach (Rafter & Heidensohn, 1995, p.7-8). Moreover, they claim that feminist criminological studies "have multiplied remarkably over the past two decades, becoming more sophisticated, extending their range and depth, developing new methods and recognizing diverse standpoints" (Rafter & Heidensohn, 1995, p.7). Young (1996) argues that feminist criminology was crucial in challenging biological determinism, as it is very widespread assumption that represents women as determined by their biology in contrast to men, who are regarded as independent of biology (Hobbs, 2010, p.10). Feminist criminology addressed female criminals treatment in the criminal justice and penal systems, exposed institutionalized sexism within criminological theory, practice and policies; where they challenged and disclosed biased and discriminatory attitudes toward women (Hobbs, 2010, p.19-20). Therefore, of course, without denying existing challenges, we should not ignore feminist criminology's contribution to criticizing and changing mainstream criminological theories, practices and policies. At the same time, I agree with Hobbs that the feminist project in criminology on female criminality is still an unfinished project (Hobbs, 2010, p.47).

II. Gender Stereotypes in Criminology Studies

2.1. The Relevance of Masculinity Theory in Criminology

According to masculinity theory crime is considered symbolically as a masculine phenomenon, and at the same time masculinity is considered to provide motifs to commit crime (Naffine, 1987, p.43). Masculinity theory emphasizes the unsuitability of crime for women, as qualities that are expected from a criminal (daring, toughness, and aggression) are not expected from women (Naffine, 1987, p.43). “Our culture expects women to be passive, not aggressive, dependent, not audacious” (Naffine, 1987, p.43). Women involved in crime get a label of being masculine and unfeminine creatures. The main myth comes from the “dramatic” concern that crime deprives women of “femininity”, and when it comes time to explain female criminality, scholars marginalize women in terms of their deviation from “femininity”. For example, some authors claim that as a result of female crime society is faced with the prospect of the loss of “femininity” as the greatest value of humanity (Inshakov, 2000, p.160; Bagdasarova, 2009, p.57). From the perspective of traditional criminology, there is the notion that a woman becomes a criminal only by going against her “nature”, as a deviation from her “inherent” femininity, therefore, female criminality is regarded as a threat to “sacred” femininity.

Because crime for scholars is a masculine activity, and an expression of masculine qualities, they describe female criminals as masculine or as women who copy men. For example, according to Volkova, female criminals largely mimic and copy men: drink, smoke, lead dissolute lives (sexual promiscuity) (Volkova, 2001, p.161). She thinks that female criminals gradually acquire particular features and characteristics of male behavior and, according to her, this trend can be seen in the increasing number of women who have

committed crimes using weapons, or who commit serious offenses, as well as an increasing number of women participating in criminal groups and organizations. (Volkova, 2001, p.288). Gomonov claims that girls with aggressive behavior have an “inherent” masculinity. He writes that, as a result of an investigation of the relationship between gender roles and character accentuations, it is possible to establish that delinquent girls' level of masculinity is higher than that of their peers. (Gomonov, 2006, p.150). In general scholars in their minds, when speaking about criminals along with assertiveness, reasoning, and rationality, have an image of a man, not a woman and they inevitably equate criminality with masculinity, so there is a gendered perception of crime in mainstream criminology and the masculinity theory attempts to justify it.

The masculinity theory of offending was developed in the mid-20th century by Talcott Parsons (Naffine, 1987, p.43). Parsons connects the higher degree of delinquency of boys with the structure and function of the nuclear family (Naffine, 1987, p.43). Parsons argues that there are significant differences between men and women as social actors, in terms of gender socialization. He focuses on the question of the relationship between private and public spheres of life, where he assigns the public sphere to males, the private sphere to females. “He maintained that the principle task of women is to nurture and socialize children in the domestic sphere while men are expected to provide financial support for the entire family, performing work outside the home” (Naffine, 1987, p.43). And, according to Parsons, this division between adult female and male members of a family explains the higher rate of delinquency amongst boys, and the tendency of girls to be more law-abiding (Naffine, 1987, p.44). The key role, according to him, in this socialization is played by the mother (Naffine, 1987, p.44). Parsons believes that the daily contact with the mother who performs her private sphere duties is beneficial for the conformity and passivity of girls who have the role model of feminine behavior, and for the rebelliousness of boys, who see the low status of women, and

thus, try to be independent and different from their mother (Naffine, 1987, p.44). According to Parsons the public sphere, including the world of politics, legal rights and responsibilities, and market institutions, the sphere of prestige, competition, rivalry, mobility and aggression firmly belong to men (Naffine, 1987, p.44). At the same time he denies the maturity and ability of women to compete in the public sphere, therefore, he argues that the place of women lies in the inferior private sphere (Naffine, 1987, p.45). This asymmetrical model is attractive to Parsons, he justifies this structural differentiation as a requirement of society, and the division of labor within the family between man and woman as a necessary factor for the adequate socialization of the younger generation. According to Parsons women “exist to foster in their children a sense of ethical behavior which will fit for society” (Naffine, 1987, p.45). However, Naffine emphasizes that women are not valued for the role they play in the domestic sphere, they are just required to perform such work (Naffine, 1987, p.45). Moreover, Naffine notes that Parsons idealizes aggressive masculinity (Naffine, 1987, p.46). Any behavior associated with masculinity is perceived positively and attractively, even if crimes are committed by males, they are perceived as positively bad (Naffine, 1987, p.46). Male criminals are normal deviants, while female criminals are deviants from the normal deviancy of men (Rafter & Heidensohn, 1995, p.5). “What all this seems to indicate is a profound criminological tendency to devalue the female and value the male even when they are doing precisely the same things” (Naffine, 1987, p.67).

Another interpretation of masculinity theory was given by Cohen (1955) who, by adopting Parsons’ analyses of gender roles, argues that because crime corroborates masculinity it is an unsuitable activity for girls (Naffine, 1987, p.47). He also advocates the idea that girls are easily socialized to behave in passive and conformist ways because, according to him, they are essentially law-abiding (Naffine, 1987, p.47). It is a widespread assumption in contemporary post-soviet mainstream criminology. For example, Bagdasarova

argues that women are more law-abiding, less prone to aggression, violence and cruelty (Bagdasarova, 2009, p.55). Kunts states that most women are conformists, and are not inclined to violate social norms, which prevents them from committing crimes (Kunts, 2006, p.178). Popova emphasizes that due to their moral qualities and attributes, women have less inherent antisocial and criminal convictions than men (Popova, 2001, p.179). Smolina argues that women are less exposed to different social vices than men (Smolina, 2005, p.3).

Even though there is no empirical proof of women's inherent conformity, or their ability to conform, scholars continue to advance such assumptions. "There is no clear and uncontroversial findings indicating a positive correlation between that character and women's greater conformity" (Naffine, 1987, p.62). So mainstream criminology perpetuates the belief that a human quality such as conformity is a distinctive feature of women. In order to understand why women are considered essentially law-abiding, conformist and less violent than men, we should focus on the role and position of women in society. I will even formulate an exact question: What are the controlling mechanisms of society that reduce female criminality? The answer is that there are different structures and social institutions (family, school, religion, etc.), customs and traditions which constrain, control and modify women's behavior. Women from birth are taught to be non-violent, and they are constrained from taking risks and participating in delinquent behavior. At the same time non-conformity, risk taking and aggression in males is encouraged from birth. I believe that the difference in these qualities is formed because of the social roles that are traditionally assigned to men and women, not because of women's so called inherent inclination to conformism. Connell emphasizes that the appeal to biology, to testosterone in particular, as the main explanation for men's aggression is not convincing, as testosterone has no effect on non-aggressive males (Connell, 2000, p.22). It can be concluded that differences in these qualities are not related to

biological differences, as one might expect, but because of their gender roles, men are encouraged to express them, while women are constrained.

However, I don't argue that women are easily socialized to be conformist and law-abiding. Because these traditional theories of gender socialization do not analyze and do not include discussion of a power struggle of women. "Criminologists have failed to canvass the possibility that women may both accommodate and resist admonitions to adopt traditionally feminine characteristics and values" (Naffine, 1987, p.63). The theory of socialization pays little attention to whether and how women resist dominant definitions of femininity. "Their conviction that socialization is a thoroughgoing process does not admit of an alternative view of the facts, that women may be critical of the gender messages they receive, that they may actively oppose instructions to be passive and to comply" (Naffine, 1987, p.63). In any case, prejudices often play a significant role in determining why some people think that women are more conformist, law-abiding, and less aggressive than men.

Yet scholars continue to insist that women are more law-abiding and conformist, justifying it by the "fact" that the majority of all crimes are committed by men. White and Kowalski note that crime statistics can misrepresent the actual rate of female crime in the general population, as, to be included in statistics, first a victim must report a crime. But, for example, men, because of stigmatization, as they are not supposed to be victims of female criminals, usually do not report crime. Also, in order to be included in statistics, perpetrators must not be insane, as there are differences in classifications of crimes into categories. However, women's crimes sometimes are not included in official statistics, because they are usually counted among the mentally ill (White & Kowalski, 1994, p.480). Moreover, women got away with their crimes "because authorities think that women are incapable of cool and conscious brutality as men" (Perri & Lichtenwald, 2010, p.61). Therefore, the true numbers of crimes committed by women are likely much higher than the official statistics show, since the

authorities still often do not record crimes committed by females, believing that they are not typical.

Even when women commit crime, scholars usually associate their crimes with so called legitimate female efforts to find a man, or sustain a relationship with a man (Naffine, 1987, p.62). For example, Smolina argues that women, unlike men, choose those strategies that contribute to the preservation of existing relationships, rather than the achievement of personal goals (Smolina, 2005, p.131). She claims that female criminals, to a greater extent than men, have "sacrifice" motives in the name of loved ones (Smolina, 2005, p.131). Popova states the fear of losing "their" man pushes women to commit crimes (Popova, 2001, p.74). Shiller also claims that a typical feature of female criminals is the fear of losing men they love, which according to her, sometimes pushes them to unexplainable crimes (Shiller, 2003, p.26). She thinks that in such cases, women try to maintain the necessary attachment to men by committing crimes (Shiller, 2003, p.59).

Such specific presentations of women, and the use of love and romantic feelings in explanation of female criminality, reflect the deeply grounded biases of social scientists about female nature (Shapiro, 1996, p.154; 162). I agree with Naffine that criminologists by "narrowly defining the gender-appropriate attitudes and behavior of the female, leave women little room to act with initiative, assertiveness or intelligence" (Naffine, 1987, p.62). Scholars construct distorted images of female criminals in order to adjust, and to appropriate their studies to their traditional visions of femininity and gender appropriate behavior. Therefore, the female criminal is typically perceived by scholars as an accomplice to man, because, thus she does not breach her gender-prescribed passivity (Naffine, 1987, p.49).

For example, Shiller claims that almost every second convicted woman admitted that her male partner was the organizer or initiator of a crime, or in some way provoked her to commit a crime (Shiller, 2003, p.26). Volkova urges us to remember that even female

professional criminals and female recidivists, despite the relative independence of their criminal behavior, directly or indirectly act under either male leadership, or as an accomplice to men (Volkova, 2001, p.154).

All these explanations become the validation of traditionally feminine traits of affection, loyalty and passivity (Naffine, 1987, p.50). It is convenient for scholars to portray female criminals as passive, timid, controlled and conformist subjects, who, only under the influence of men, can commit crime, as they, by such constructions, deny their agency. Denial of female agency is crucial to decreasing the threat that women present to the dominant heretopatriarchal ideology (Morrissey, 2003, p.170). The other reason for rejecting women's crime is just the risk of losing privilege. The myth of the conformist and law-abiding female is a tool of rationalization and legitimization of women's subordinate position and, of course, such a myth is extremely beneficial to certain social groups.

Nevertheless, Naffine notes that all attempts to prove empirically the hypothesis of masculinity theory in criminology have caused doubts on the validity of this theory. For example, the research conducted by Neal Shover, Stephen Norland, Jenifer James and William Thornton, to measure the masculinity and femininity of subjects who had taken (regardless of whether it was violent or property-related) a delinquency test, revealed masculine expectations are unrelated to both boys' and girls' delinquency (Naffine, 1987, p.54). However, this study partly verified the validity of masculinity theory by indicating the relationship between feminine expectations and aggressive delinquency (Naffine, 1987, p.55). "Girls with strong feminine expectations were less involved in aggressive delinquencies than were those with low scores on this scale" (Naffine, 1987, p.55). Such kind of hypothesis is very widespread within contemporary post-soviet criminology studies, and is used to frame preventive measures against female criminality. For example, Antonyan, in terms of prevention of female crime, asserts that of great importance is the education and inculcation

of femininity, especially to stop the growth of violent crime among women, which, according to him, represents the greatest “threat” to the moral health of society (Antonyan, 2004, p.390). In the system of preventive measures Abyzova gives a special place to the need to create and develop a program of moral education of women, which, according to her, must include measures to inculcate and educate femininity (Abyzova, 2007, p.167). Kunts claims that female offenders have become aggressive because of the loss of such “female” qualities as kindness, compassion and the rejection of violence (Kunts, 2006, p.104). Smolina argues that, as the prevention of female crime, the “normal” stratification of the social role of women should be directed to the cultivation in them of feminine qualities (Smolina, 2005, p.127).

Smart (1977, p.182) rightly notes that because of the naive belief that femininity prevents women from criminality, the criminal justice system in policy, practice and theory reinforces in women traditional feminine roles and thus helps to maintain their inferior position in society (Heidensohn, 1995, p.152). Nevertheless, Another study by Pamela Loy and Stephen Norland (1981) who, in order to test the hypothesis of masculinity theory in the criminology, instead of dichotomous division, reclassified masculinity and femininity into four groups: androgynous (high masculinity and high femininity), traditionally feminine (high femininity and low masculinity), traditionally masculine (high masculinity and low femininity), and undifferentiated (low masculinity and low femininity) (Naffine, 1987, p.55). Self-reported delinquencies were classified into status offences, as well as property and aggressive offences (Naffine, 1987, p.55). Supposing that masculinity theory should predict the highest level of delinquency of androgynous females who were the most masculine group and held the most traditionally male expectations than other groups, unexpectedly androgynous females reported the lowest level of involvement in all groups of delinquency (Naffine, 1987, p.56). Naffine emphasizes that this result overturned the very matter of masculinity theory, which forced the authors to conclude that masculinization cannot explain

such differentiation between categorized groups. “Empirical testing of masculinity theory so far has failed therefore in its endeavor to explain the greater known delinquency of males” (Naffine, 1987, p.59). I think in addition to failed empirical testing, masculinity theory of offending hides the problem of gender inequality in the process of socialization, which is represented as the process of formation of the reality, rather than the structural reproduction of gender inequality. In this sense, Naffine goes beyond putting the blame on the personal preferences of scientists who advocate masculinity theory, and discloses the problem which lies much deeper and permeates the disciplines within which this theory is advocated. “It is the problem of a powerful stereotype of women in criminology which is based almost exclusively on a deep conviction about the different and unequal natures of the sexes, not on empirical proof” (Naffine, 1987, p.59). Furthermore, she notes that all these studies, with their categories of masculinity and femininity, are based on taken for granted simple stereotypes of the sexes, therefore, she raises the problem of the use of such concepts as “masculinity” and “femininity” in criminology, simply because of the fact that these terms are slippery, unclear, and too abstract for their exact measurement.

So the construct of “masculinity” does not contribute to criminality, there is no relationship between “masculinity” and criminality, thus, crime can no longer be labeled solely as a male attribute, or as manifestation of masculinity. In the same way, there is no relationship between “femininity” and criminality too, therefore, crime is not a gender-specific phenomenon; we should recognize that all men and women are potentially conformist and non-conformist, violent and non-violent, criminal and non-criminal; that these characteristics do not belong exclusively to one sex.

2.2. Blaming Feminism

Shapiro examines how in the context of the development of feminism in the 1890s in France, feminists were equated with criminal women (Shapiro, 1996, p.9). Shapiro argues that both the activity of feminists and criminal behavior of women were interpreted as an expression of disorder in women and as a challenge to traditional gender hierarchy, so that the distinction between them was erased (Shapiro, 1996, p.9). “Both increasingly came to be seen as the embodiment of a dangerous gender ambiguity that threatened male authority and signaled national decadence” (Shapiro, 1996, p.9). So according to Shapiro in the 19th century in France feminism, emancipation, women’s freedom and women’s rights were dramatically problematized and presented by anti-feminists as violations of “natural” laws, as “dangers” to children, family, to the well-being of society, as “killers” of marriage, and as the causes of divorce, depopulation and alleged blurring of gender difference. It is very similar to the moral panic of post-Soviet criminologists today.

Contemporary criminologists in Russia and Kazakhstan link female criminality with emancipation, liberation, feminism (no matter what they mean by it), the women’s movement, and other titles that somehow challenge the heteropatriarchal structure of society; they demonize liberation and suggest banning equality and the women’s movement (as “sinful” and “vice” phenomenon), destroying feminism as, according to them, it has destructive social consequences (the collapse of morality, the destruction of the family and the increase of female crime).

For example, Inshakov and Popova claim that emancipation, the loss of “women’s” culture, and the loss of “femininity” promises society a multiple increase in crime (Inshakov, 2000, p.160; Popova, 2001, p.50). Inshakov argues that factors associated with “negative” processes in the field of culture, namely he emphasizes that the substitution of a “genuine”

women's culture with "surrogates" such as emancipation and feminism, facilitate the increase in female criminality. According to him, these factors lead to the underestimation in the public consciousness of the "true" significance of women's "native" functions, like giving birth and raising children, caring for the family, homemaking, etc. He argues that the "sinfulness" of the women's movement consists of the struggle of women for their rights, and what, according to him, is more "terrible", the struggle for their right to perform male functions. He states that these global social processes are "vicious", and lead to the loss of "femininity", and the destruction of "women's" culture. Moreover, he argues that the expansion of Western culture in the form of emancipation has a destructive effect on the institution of the family. As he believes that family crises deprive women of their "natural" environment, which is, according to him, the starting point of their criminalization. (Inshakov, 2000, p.164). Inshakov concludes that the main focus of the prevention of women's crime in Russia should be the preservation and development of "women's" culture, and at the same time, hindering the development of its "worst" western features (emancipation, feminism, etc.) (Inshakov, 2000, p.168). Many authors (Adzhieva, 2004, p.84; Ganieva, 2010, p.106; Popova, 2001, p.67) fully share his arguments.

Smolina argues that the growth in the criminal activity of women indicates that society has lost the "positive" impact of the family as the anti-criminogenic factor which, according to her, is being deliberately destroyed by the policy of "militant" feminism (Smolina, 2005, p.4). She claims that the increase in criminal activity among women is a result of an overall "forced" and "unreasonable" increase in the social activity of women (Smolina, 2005, p.8). According to her, in the fight for the equalization of their rights, women have forgotten that this process implies the equalization of women in those duties which she believes are historically and "naturally" assigned to men. She states that to perform the duties of men is not an easy task for the average woman, thus she thinks that it leads to mass deviations in

their behavior, such as alcoholism, moral decay, crime. So she argues that “aggressive” feminism in society was the main condition for the development of female crime. (Smolina, 2005, p.96). According to her “aggressive” feminism removes women from the family and from traditional “female” roles. She states that “aggressive” feminism changes the “essence” of women so that they cease to be a housewife and mother. (Smolina, 2005, p.97). She claims that although originally started as a women's movement for the equalization of the rights of women and men, the modern version of the movement is “aggressive” and “mutated”, and promotes feminism as a “denial” of the very need for family, birth and motherhood, in favor of a career. Therefore, she concludes that it is “necessary” to oppose the cultivation of feminist values. (Smolina, 2005, p.161).

I am not going to comment on scholars’ level (or lack) of understanding of feminism, because it goes beyond the objective of this study. I agree with Shapiro that such an assimilation of feminism to female criminality reflect how both feminists and female criminals are perceived, namely as a threat to the established order of gender hierarchy, to the privileges that define the superior status and hegemony of men and the dependent position of women, to the distinctions between public and private realms, to conventional gender differences and traditional understandings of naturalness and the immutability of gender roles. Shapiro shows that these discourses connect female crimes to broader issues like women’s roles in public life, because, in the social imagination, “the female criminal was never very far from debates about divorce reform and civil rights for women, or from heightened national anxieties about the viability of the traditional family and conventional gender roles on the one hand, and the perceived crises of depopulation and national decadence on the other” (Shapiro, 1996, p.10). Indeed, when post-soviet criminologists consider female criminality, they express their panic about the traditional women’s role, in regard to performance of their roles as mothers and wives they write that these functions are weakened in criminal women, that

they cease to care for their children, and cease to fulfill their “natural” duties; they express their concern about the “blurring” of gender difference, and about the crises of the institution of family, and finally, they blame everything on emancipation, feminism and women’s participation in public life.

For example, Gomonov argues that the growth in female crime is associated with an increase in the blurring of roles due to the development of feminism, which, according to him, replaces the traditional ideas about the roles of modern women (Gomonov, 2006, p.150). Shcherbakova claims that feminism was born in the western world and developed there, originally aimed at the struggle for equal social rights for men and women, but, in fact, she says it was transformed into the struggle of women for the blurring of boundaries of gender role behavior, which, according to her, has negative consequences (Shcherbakova, 2008, p.69).

Scholars express concern that many “positive” factors, like a “genetic” need for reproduction, motherhood, and responsibility for the upbringing of the child, has a less restraining influence on women. (Bagdasarova, 2009, p.69; Popova, 2001, p.49). The authors associate the causes of female crime with a much more active participation of women in social production, and in public life, and with a substantial weakening of the major social institutions, especially of family, in particular its control over the behavior of women and their way of life. (Antonyan, 2004, p.385; Adzhieva, 2004, p.3; Popova, 2001, p.62, p.65, p.67). According to Antonyan, because of ongoing rapid integration of women into social production, women cease to cherish family, and begin to lead an anti-social way of life (Antonyan 2004, p.387, p.388). Many authors claim that the weakening or destruction of the family inevitably leads to the fact that women stop performing or executing properly their “native” female roles and responsibilities. (Antonyan, 2004, p.388; Grib, 2006, p.377; Bagdasarova, 2009, p.109).

So, according to scholars, the active involvement of women in the sphere of production, and the intensification of women's participation in public life (Kunts, 2006, p.14, Volkova, 2001, p.26; Bagdasarova, 2009, p.22, p.27, p.107), the weakening or collapse of the social institutions like the family, marriage (increases of divorce and not married women) and motherhood (Kunts, 2006, p.14; Bagdasarova, 2009, p.72, p.107; Kunts, 2006, p.179; Grib, 2006, p.377; Popova, 2001, p.117 Chernysheva, 2007, p.100); the blurring of behavioral differences between men and women (Chernysheva, 2007, p.21); the convergence of social roles of men and women, and the social conditions of their life with men, the expansion of their rights, equalization of the sexes in the legal, social and other domains (Bagdasarova, 2009, p.27; Ganieva, 2010, p.31); the proclamation of the freedom of sexual relationships. (Chernysheva, 2007, p.158); the destruction of the traditions and customs (Shcherbakova, 2008, p.215; Chernysheva, 2007, p.158); leads to the growth of female criminality.

Criminologists, by referring to the "natural" female qualities, reproduce the idea that women should stay at home and fulfill the role of mother and wife. The notion that man is a "breadwinner" and that woman must perform family-household responsibilities it is not just about the distribution of functions between men and women, but also about securing the hierarchical relations and subordination of women. By reducing woman to the role of motherhood and housewife, scholars justify and cultivate gender stratification and gender asymmetry in society, and moreover scholars contribute to the strengthening of the social practices of exclusion of women. Because, they, as preventive measures, advocate for the revival of a traditional conservative way of life; they suggest strengthening the social control of women by such institutions as family, marriage, motherhood and religion, and thus, to limit their participation in public life, they demand their returning to "proper feminine" places and roles. From the perspectives of criminologists, in order not to be criminal, women must comply with certain gender roles imposed by society: to be "feminine" and, most importantly,

be a mother and realize their “true” and “natural” destiny in the family. For criminologists the institution of motherhood and marriage are the main ways of prevention of female criminality in Kazakhstan and Russia.

They claim that, first of all, women in society should have a fundamentally different status in life; that they should get rid of the male roles, and reject the equality with men in breadwinning. According to them, women’s strength and attention should be focused on family and children. (Antonyan, 2004, p.390; Grib, 2006, p.378; Abyzova, 2007, p.126). Other criminologists, as the core issue of national importance, advocate for the creation of economic, institutional and other preconditions for women in order to enable them to return to the domestic sphere, giving them a real opportunity to concentrate their attention and energy on family and children, which, according to them, will benefit all: women themselves and society as a whole, men, and the younger generation. (Shcherbakova, 2008, p.320; Shikhantsov, 2001, p. 257-258; Smolina, 2005, p.153; Popova, 2001, p.113; Bagdasarova, 2009, p.128)

Smolina argues that Russia should have the ideology of a “healthy” lifestyle, which, according to her, should explain the “harm” of feminist ideology (Smolina, 2005, p.156). She emphasizes the “beneficial” effect of motherhood on “women-sinners”, and refers to Lombroso, who argued that motherhood has a beneficial anti-criminal impact on women. Smolina believes that it is necessary to instill in women the desire to be a mother, and thus, according to her, to fulfill their main “natural” function. (Smolina, 2005, p.186).

Adzhieva argues that her study of the territorial distribution of female crime has confirmed the hypothesis that in areas where strict customs and traditions exist, women's crime is much lower. However, she states, in an environment where there is no influence of Sharia, or traditional moral norms, young girls and women often commit crimes. Adzhieva, 2004, p.71). Adzhieva, thus, offers to pay attention to the revival of the traditions and rites,

which, according to her, bring a “positive” change, and is able to resist the criminalization of women (Adzhieva, 2004, p.164).

According to Chernysheva, the family is a stronger anticriminogenic factor for women than for men (Chernysheva, 2007, p.157). She, as the main factor in the prevention of female criminality, suggests the development and implementation of cultural, educational, spiritual and moral programs aimed at raising the morality of women, restoring respect for traditional values of the family, and raising awareness of the “true” role of women like giving birth and raising children. (Chernysheva, 2007, p.178). Finally, she suggests using religion, which, according to her, must teach women love, forgiveness, humility, obedience, restraint and peacefulness (Chernysheva, 2007, p.180).

I think when scholars address the topic of motherhood, family and marriage, it becomes clear that they don’t separate these “functions” of women, from women themselves. When scholars argue that women must be restrained by traditional values, must be confined to family, marriage and motherhood in order to prevent crime, they express an underlying perception that women are not rational individuals who, without any control, cannot abide law, and thus, women must be constrained by husband, family and children, religion and tradition. I agree with Naffine when she claims that these assumptions initially position women as subjects who are incapable of critically analyzing the reasons of their own action (Naffine, 1987, p.83). “Stripped of any ability to challenge or question her position in society, she is conceived as object rather than agent” (Naffine, 1987, p.83). Scholars stereotypically prefer women to be law-abiding, advocate for their returning to the family and for their confinement in the domestic sphere; however, they don’t have the same attitude towards men. Why not to argue about the inappropriateness of crime for everybody, not just for women (Naffine, 1987, p.84).

Indeed, why not to confine men to the domestic sphere with children, and create a constraining mechanism that would socialize them to be more conformist? Why not to limit men's participation in public life, and force them to be in the domestic sphere? These selective attitudes of scholars in the prevention of female crime reflect patriarchal societal biases that do not want women to deviate from convenient traditional gender roles, they want their submission, subordination and any threat in the form of crime, feminism or other "deviations" are presented with such hypocritical reasoning and moralizing. The myth or thesis, that women, because of feminism, emancipation and active participation in public life, enter the path of crime, and the myth that the revival of traditional values can prevent female crime, is created in order to strengthen the control over women's lives. Nobody in this case asks what women think about how state should prevent female crime; their voices are ignored, and they are just treated as properties of society that can be on any occasion removed from the public sphere and confined to the domestic sphere if it is necessary for the dominant ideology.

All these patriarchal assumptions are not new; moreover, they were discredited by many studies of feminist criminologists. One of the major critiques was addressed to women's liberation thesis, which is more moderate and sophisticated, and not a misogynist version of feminist blaming. Women's liberation thesis (explanation of female criminality) is an accumulative theory, which includes not only the women's liberation movement, but also feminism, emancipation, equality, feminization of production or public life. This theory became popular among western criminologists and caused serious debate in terms of whether or not women's liberation has impacted on female crime (Naffine, 1987, p.89). According to Naffine, the instigator of this debate was Freda Adler (1975) who argued that women's liberation facilitates the increase of female violent crime (Naffine, 1987, p.89). Adler describes female criminals of the time of liberation as a 'new breed' of women who commit a

wide variety of crimes, because, according to her, liberation has increased women's competitive instincts (more aggressive and more masculine), and opened up more structural opportunities to engage in crime (for example, in the workplace) (Naffine, 1987, p.89-90). Adler states that because of the convergence of gender roles between women and men, women consciously become more masculine, aggressive and assertive, which in turn reshapes their crimes (Naffine, 1987, p.95). Moreover, Adler wants to prove that a female criminal can have the same status as a male criminal, and be as assertive, thrilling and cunning as a male criminal (Naffine, 1987, p.90). However, Naffine rightly points out that Adler's aspiration in one aspect is questionable; that Adler based her new thesis on old widespread beliefs, namely, she took for granted the traditional criminology's perception of crime as an expression of masculinity (traditional masculine qualities) (Naffine, 1987, p.90-91).

Nevertheless, I sympathize with Adler's idea that women become competitive, defiant and daring; that women can show their toughness and their independence by becoming criminals too, not because it is a male territory, but because the criminal world is not a gender specific domain. Also, because Adler at least positively reacted, in contrast to the post-soviet criminologists, to women's liberation although it is still not accomplished, and to the connection between liberation and the increase in female crime, not from the perspective of welcoming crime, but generally welcoming women's assertiveness, without denying their agency, and with only one problem (crime is not a male activity).

One of the challenges to Adler's theory was developed by another criminologist Rita James Simon (1975), who advanced the idea that "the women's movement influenced female crime in two ways: it caused an increase in property crime and it reduced the violent offending of women" (Naffine, 1987, p.93). Naffine notes that Simon's work partially confirms Adler's theory, namely that increased occupational opportunities for women facilitate the increase of crimes against property, because women get the possibility to commit

such crimes. At the same time Simon indicates the very important aspect, that improved occupational and vocational opportunities for women have diminished the frustrations and tensions of the repressive, depressing and unsatisfying role of housewife, which, in turn, beneficially decreased the level of violence of women, thus reshaping their offending (Naffine, 1987, p.93). “Whereas Adler contends that women are becoming more violent, Simon takes the opposite view” (Naffine, 1987, p.94). Naffine explains that Simon is not trying to prove that women now feel less frustrated about their role, or to show that there is a connection between decreased violence of criminal women and diminished frustrations. In fact, Simon just does not believe that the liberation movement significantly influenced women and their criminality, because she thinks that the liberation movement’s results and the change in work opportunities are minimal, in contrast to Adler, who thinks that women already achieved equality (Naffine, 1987, p.94-95). However, Naffine notes that Simon bases her argument only on the supposition that the greater opportunities in the workplace should lessen the frustrations of women and thus, should diminish the violence of women. Therefore, without diminishing the value of Adler’s and Simon’s works, Naffine claims “there is not a clear and consistent theory about of the relationship between women’s liberation and the nature of female crime” (Naffine, 1987, p.95).

Moreover, Naffine criticizes the women’s liberation thesis assumption that women have become more masculine, or acquired male qualities, or that there is a convergence of gender roles (Naffine, 1987, p.96). In order to illustrate the groundlessness of this proposition, she refers to her earlier conducted analysis of masculinity theory, when criminologists’ attempts to verify the masculinity theory hypothesis have failed, and did not indicate the relationship between masculinity in females and their criminality. “So whether or not the women’s movement is making females more like males, and this has yet to be established, this masculinisation does not seem to be conducive to offending” (Naffine, 1987, p.96).

According to Naffin, another weakness of the women's liberation thesis can be identified by studying the socio-demographic characteristics of female criminals (Naffine, 1987, p.96). Laura Crites (1976), as a result of the examining of socio-demographic features of American female criminals, found out that "most were from minority racial groups, were employed in poorly paid and low-status jobs, and were undereducated" (Naffine, 1987, p.96). So, according to Crites, the majority of criminal women are not recipients of the benefits of the increased employment opportunities of the liberation movement (Naffine, 1987, p.96). Moreover, Naffin emphasizes that the increase in female crime is not occurring in the business area, on the contrary, they are concentrated in the area of low-status jobs (Naffine, 1987, p.96).

Another study of liberation thesis was made by Jane Roberts Chapman (1980), whose results of comparison of female employment in the labor force with the number of female arrests for the same period from 1930 to 1970, permits to advance the argument that actually female crime occurs as a consequence of a greater demand for employment, when women are not provided with available jobs (Naffine, 1987, p.97). "The absence, rather than the availability, of employment opportunity for women seems to lead to increases in female crime, for when times are good, the offending of women stabilizes rather than escalates" (Naffine, 1987, p.98). Smart (1979) shows that the Adler/Simon thesis on the relationship between the increase of employment opportunities and female crime works the other way round, namely that greater financial pressure, redundancy, unemployment, monotonous, unskilled and low-paid jobs facilitate women to commit crime, especially crimes against property (Naffine, 1987, p.98). Having analyzed all these works Naffin rightly claims that crime cannot be considered as a result of liberation, or as a simple expression of masculinity, without addressing the background of crime, which is a material need. She rejects the traditional explanation of women's lives as being protected from financial problems in the

closed domestic sphere, and instead asserts to acknowledge that women also suffer the pressure of the public sphere in terms of unemployment and material need (Naffine, 1987, p.99).

However, modern criminologists in Russia and Kazakhstan also acknowledge the presence of unemployment and material need, and factors such as unskilled and low-paid jobs, but even in this case they suggest protecting women from economic concerns by confining them to the domestic sphere. Scholars claim that almost half of the difficult and low-skilled work in industry and construction now falls on the shoulders of women; they think that it is absolutely abnormal and demoralizes women. They state that currently, in most sectors and industries, there are no restrictions and prohibitions on the use of female labor; that their work is used equally with men with the same rules and rates. They emphasize that women are much more susceptible to negative factors than men, because, according to them, women are physically much weaker than men. (Antonyan, 2004, p.386; Chernysheva, 2007, p.93). Many authors argue that heavy, low-skilled jobs coarsen and harden women, depriving them of their “inherent” features like femininity, softness, delicacy, sensitivity. As a result of this they argue that women become aggressive and violent, which is, according to them, one of the reasons for the increase in female crimes. Moreover, they claim that society is witnessing the social “remaking” (alteration) of female nature. (Antonyan, 2004, p.387; Popova, 2001, p.66, Chernysheva, 2007, p.93; Adzhieva, 2004, p.4; Kunts, 2006, p.250; Smolina, 2005, p.86).

Volkova argues that the socio-economic and psychological well-being of the country, which, according to her, is evidenced by the whole course of historical development of the world, can be achieved without the employment of the vast majority of the female population. She thinks that it is much more efficient, and cheaper, to have housewives, which, in turn, she believes would decrease criminality. (Volkova, 2001, p.243).

I don't agree with those scholars who attribute female criminality to their employment in "heavy" work and "low-skilled" jobs, where, according to them, the negative personality traits are formed. I think that the growth of female crime is not a consequence of women's employment in "coarse" and "not prestigious work", because it is their survival strategy, but rather the growth of female crime is connected in general with women's growing economic and political discrimination, which is based on the practices of segregation and exclusion of women. Therefore, I think that the limitation of women's access to any occupations and the deliberate limitation of their choice itself facilitate the increase of female crime and, moreover, set barriers to the realization of their fundamental rights and interests.

Scholars suggest forbidding women to work in such jobs, only because they seek to protect "femininity", "female nature", and mothers. Such an attitude ignores women who do not aspire to femininity and motherhood, and offers to see woman only as mothers, and through the lens of normative "femininity". Such a trend emphasizes the "fact" that the female is always weaker, less able and allegedly hyper susceptible than the man, in a sense that is actually wrong. Such generalizations do not give women the same opportunities as men, and intensify economic inequality between men and women. To be non discriminatory it must be the choice of every woman whether or not to work in "coarse" or "not prestigious work", industry and construction and others jobs involving heavy physical labor, or jobs with harmful or extremely hazardous working conditions. Everybody must be given the opportunity to work in accordance with their desires and possibilities; moreover, if the work is dangerous and hard for women, the work must be a dangerous and hard for any worker.

Naffine considers the final criticism of Adler's argument that women's crime is an expression of feminist attitudes (Naffine, 1987, p.101). The empirical studies of this proposition refuted the relationship between feminist moods and criminality, moreover, they raised counterquestions about women's role and the meaning of crime (Naffine, 1987, p.101).

For example, Gloria Leventhal (1977) compared the responses of incarcerated female criminals and college women, to administered questionnaires which were designed to identify their attitudes to women (Naffine, 1987, p.101). The result of this study showed that incarcerated criminal women had an anti-feminist stance and a traditional perception of the role of women (Naffine, 1987, p.101). “The offending group saw women as weak, less capable than men and unable to control their emotions” (Naffine, 1987, p.101). The responses of the college women were the opposite, they advocated women assertiveness, equality in employment, education, etc (Naffine, 1987, p.101).

Another study of James and Thornton (1980:240), who used a questionnaire designed to measure the opinion on feminism of delinquent and non-delinquent subjects, indicated a similar result as the above mentioned ones, “positive attitudes toward feminism tend to inhibit rather than promote delinquency involvement” (Naffine, 1987, p.102). Having analyzed all these studies on the connection between feminism and criminality, Naffine claims that “females who believe that the sexes are equal and that women should be assertive tend to be law-abiding” (Naffine, 1987, p.103). She rightly states that the results of these mentioned studies challenge the traditional criminological notion that crime is a manifestation of liberation (Naffine, 1987, p.103). So, Naffin concludes that it is misleading to argue that the more a female acquires traditional male qualities (alleged autonomy and audacity), the more she is likely to commit a crime (Naffine, 1987, p.104).

Carrington also notes that one of the criticisms of this theory discovered by many studies (Campbell, 1981; Chesney-Lind & Sheldon, 1992) is related to the fact that the vast majority of female criminals have traditional views about gender roles, and they reject women’s liberation and the notion of being independent (Carrington, 2006, p.41). Even if female criminals reject women’s liberation and feminism, no matter of their ideological views, they have to struggle against harsh realities of oppression and inequality, as according

to Carlen (1988, 110) who by analyzing the oral histories of 39 convicted women revealed that, female criminals have a constant need to struggle against inequality, and against their economic and political marginalization (Hobbs, 2010, p.41).

David J. Eitle, by applying the framework of general strain theory, and exploring samples of young adult females, provides the basis for his argument that gender discrimination is one of the main predictors of female crime (Eitle, 2002, p.429). Eitle contributes to the previous scholarship of many feminist criminologists who found that the oppression of women is the core of female crime (Eitle, 2002, p.429). Eitle emphasizes that specifically Agnew's (1992) development on general strain theory is more appropriate to explain female criminality (Eitle, 2002, p.430). According to this theory, strain-producing situations and relationships lead individuals to experience negative feelings such as anger, depression, fear, or frustration, that might produce deviance in an individual as an outcome of resolving anger, and a way for dealing with stress (Eitle, 2002, p.430). Broidy and Agnew (1997, p. 291) consider gender discrimination as a deviance-producing strain, which creates a sense of injustice by unequal treatment of females (Eitle, 2002, p.430). According to Agnew's general strain theory, discriminatory practices could be perceived by the individual as stressful in two ways: first, as a degrading, demeaning, or humiliating experience, which leads to stress and initiate anger, frustration, or embarrassment, that might be resolved by deviance; second, the realization that one is the target of gender based discrimination ignites the individual to believe that she is unjustly denied an opportunity to achieve her goal, which might dispose her to engage in deviant activity (Eitle, 2002, p. 432). Thus, Broidy and Agnew (1997) supported the arguments of many other researchers who had explored female criminality (e.g., Chesney-Lind, 1989; Daly & Chesney-Lind, 1988; Messerschmidt, 1986; Naffine, 1987), namely the argument "that many of the strains in females' lives that might produce deviance stemmed from the oppression of women" (Eitle, 2002, p.430).

Janice Proctor analyzes personal interviews with incarcerated women in Kansas, to test the ability of the four traditional dominant theories in criminology to predict the level of criminality of these female inmates (Proctor, 2004, p.61). These four theoretical frameworks are Agnew's Extended Strain Theory, Sutherland's Differential Association Theory, and Hirschi's Social Control Theory, as well as Deleterious Social Structural Influences (Proctor, 2004, p.61). Proctor found that the construct representing Agnew's Extended Strain Theory was the only significant predictor of the level of criminality, and emphasizes the importance of this theory's ability to offer insights into female criminality (Proctor, 2004, p.76). Also, a very interesting result of her research is that the construct representing Hirschi's 1969 Social Control Theory (proposition that crime occurs when a women's bond to society such as family etc., is weakened or broken - very popular in post-Soviet criminology) didn't contribute to the prediction of the level of criminality (Proctor, 2004, p.76).

After analyzing all these studies on the relationship between feminism and female criminality it is possible to make conclusion that women actually commit crime, not because of their liberation, but rather they commit crime as a protest against constantly imposed traditional roles on them, against oppression, against implicit and explicit mechanisms of their discrimination and of their segregation in society. I think that today's Kazakhstan and Russian increase in female crime is a response to gender inequality in society, to the practices of their exclusion and subordination and scholars in turn by demanding exclusion of women from the public life legitimize and justify gender inequality, namely they themselves create ground for women's crime. All these discourses that feminism leads to the growth of female crime are dangerous, as they contribute to the social practice of the exclusion of women from public life, maintain the hierarchical relationships between the sexes, strengthen traditional heteropatriarchal conceptions of femininity, give justification to any discriminatory practices and promote patriarchal ideology. Scholars' plan of prevention of female crime is associated

with the formation of barriers to women's access to the public sphere and with reviving of traditions and archaism of family relations which will undoubtedly increase discrimination against women in economic and political sectors, and will maintain the position of women as a low-status social group with fewer opportunities and resources, which in turn will contribute to the growth of female crime. By confining women in the domestic sphere, by excluding them from social life and by deliberate limitation of their social roles and the subsequent lowering of their status, scholars create the conditions for the accumulation of women's cruelty and frustration; they create fertile ground for the growth of women's crime and their mass involvement in the criminal sphere. Therefore, it left me with a clear conviction that female criminality is not the result of the active participation of women in public life (whether feminism, emancipation, equality, independence), but rather female criminality is a product of an active displacement from the public sphere, oppression, discrimination of women, and finally, is the result of a lack of feminism. Therefore, this myth (blaming feminism) itself leads female criminality to increase.

III. Strategies of Denying Female Agency in Criminology

3.1-Victimization and criminal responsibility

Some scholars argue that women almost never commit crimes under normal conditions, and in conditions which can be defined as a slight deviation from the norm. They claim that only a dramatic situation or circumstances in most cases push women to commit a crime. (Inshakov, 2000, p.163; Popova, 2001, p.75; Abyzova, 2007, p.65; Shcherbakova; 2008, p.159). Predominantly many authors (Shcherbakova; 2008, p.44; Abyzova, 2007, p.94; Adzhieva, 2004, p.67; Kutina, 2006, p.92) perceive female criminals as situational criminals who commit crimes under the pressure of a critical situation; that female criminals most often are the victims, who are forced into violence against the abuse by their husbands or partners and close relatives. Gomonov writes that a woman who is a victim of violence by her husband for many years can suddenly use physical force, killing her husband (Gomonov, 2006, p.151).

Of course, I admit that women do often act in self-defense, but “this is not the sole factor to consider when analyzing female violence” (Gilbert, 2002, p.1292), as “not all women who kill do so because of abuse or coercion” (Perri & Lichtenwald, 2010, p.50). I think that the popularity of victimization in post-Soviet criminology is not the result of the active acknowledgment of existing gender inequality, rather it is comfortable and not so disturbing to the dominant ideology to present women as victims. As victimization of female criminals does not challenge power relations between men and women, but rather maintains the status quo, and it can be illustrated by examining one of the forms of defense of female offenders, which is called battered woman syndrome defense.

Battered woman syndrome serves as a mitigating factor in sentencing for a crime committed by women against their abusers. This legal theory was developed in the late 1970s

and early 1980s to defend women who suffered from a serious cycle of violence and abuse, so that they killed their abusers (Cornia, 1997, p.101). However, without denying the necessity of being aware of the context of situational crimes and the importance of its value as a mitigating factor, I think that the concept of battered women syndrome, like pre-menstrual syndrome, actually reflects the heteropatriarchal view on how “normal” women should be and emphasizes women’s weakness, vulnerability, powerlessness, irrationality and their inability to control their own life. “These portrayals repeat traditional and ‘safe’ positioning of male power and female passivity rather than explore the radical and threatening potential for new models of female agency suggested by the woman’s fatal response” (Morrissey, 2003, p.25). I agree with Morrissey when she claims that the disadvantages of the strategy of presenting women as victim outweigh the benefits in terms of challenging negative myths and stereotypes on women (Morrissey, 2003, p.25).

This is because, in order to use the battered woman syndrome defense and to be treated leniently female offenders must comply with certain gender roles imposed on them by society, and fit with a hegemonic perception of femininity, namely that a woman who killed her partner must be presented as a fragile, weak, and helpless victim who in normal everyday life would never be able to even think about such an outcome. If battered women don’t fit to the prescribed stereotypical image of “good” women, if they are strong, competent, aggressive and sexually active, and in general if their image contradicts conventional notions of heterosexual femininity, they will be viewed unsympathetically and, instead of support, they will be left without protection, and this concept of battered women syndrome will be used against them (Ferraro, 2003, p.115 p.125). It means that woman has an excuse from criminal responsibility only by proving that her conduct was unreasonable, and she was a passive, obedient wife whose decision to kill was not determined by the exercise of her will, but by the superior will of her abusive partner (Coughlin, 1994, p.50). So, in order to have a

defense, battered women who kill must pay a very high price; namely their agency (Morrissey, 2012, p.96). While women's violence are subject to scrutiny and reason for creating and attaching various syndromes to them, men's violence are often seen as "normal", rational, reasonable, and their violence does not require the recognition of them as victims or the use of "the battered man syndrome" defense, because it contradicts the cultural ideal of masculinity.

The acceptance that battered women could kill reasonably threatens the ideologies of family, marriage, and heterosexuality, as women have long been socialized to fit these institutions (Morrissey, 2003, p.97). Therefore, women are presented as unreasonable and irrational victims that could not control and regulate voluntarily their mental processes in contrast to "reasonable" men capable of fully controlling their life. "However, this perspective is dangerous to women because it reinforces the law's historical stance that women are, or should be, subordinate to men in society" (Cornia, 1997, p.105). I agree with Faith when she suggests considering women who attack their abusers as survivors, not victims, and instead of emphasizing their fear and helpless position, make accent on their reasonable anger, rage, strength, and their belief that their abuse is the result of their agency and choice. While there is a lot of research that heroizes male criminality (Heidensohn, 1985), why not to heroize female perpetrators as well (Meda Chesney-Lind, 1988) without romanticizing and propagating criminality, and denying responsibility, but demonstrating women's resilience and capacity for negative reactions (when positive reactions are not enough) against social injustices in an environment where there is tolerance to violence against women, and to inequality in general (Faith, 2011, p.109).

However, this perspective of addressing external conditions of gender inequality and criticizing sexist assumptions on women as victims of violence also does not challenge the negative implications of battered woman syndrome defense. Coughlin states that such critique

of the battered woman syndrome defense addresses only the negative implications in terms of the reinforcement of gender roles, and fails to recognize how the very existence of this defense is based on contemporary patriarchal understandings of gender roles, thereby this defense not only replaces old assumptions, moreover it continues to construct the same reality (Coughlin, 1994, p.1). She argues that it is necessary to go beyond this perspective and to challenge and deconstruct the hierarchical understanding of gender itself, which is the major goal of feminism. Because the use of the battered women syndrome defense assumes that it is impossible to excuse an accused woman without positioning her with characteristics that are traditionally associated with women, and thereby presenting them as deviant from, and inferior to, the model human actor who may be held responsible for a crime (Coughlin, 1994, p.1). Coughlin points out that a battered woman is excused only by proving that at the time of her offence her capacity and competence to distinguish lawful over unlawful conduct was distorted, and she lacked the capacity for rational self-control. As a result a woman who pleads battered women syndrome defense loses the benefits of being a responsible actor, because at the level of criminal law theory, the capacity for responsibility gives enormous benefits to the accused individual, even though she is punished, but for being law-abiding and responsible person her autonomy, privacy and power to exercise rational choice will be acknowledged and respected (Coughlin, 1994, p.2). But by securing an excuse, women will continue to be denied of the status of responsible actor (Coughlin, 1994, p.25). So Coughlin notes that this tension between excuse and responsibility poses a dilemma for feminists when, on the one hand harsh punishment can be interpreted as a response for disobeying the criminal law and violating gender rules prescribed to her, and on the other hand the theory of responsibility which treats the excused offender less than a full human being, thus putting us into trap of reproducing norms that we want to fight against.

Moreover, she claims that men do not have this dilemma of having responsibility or not because “no similar excuse has ever been afforded to men; on the contrary, the criminal law consistently has demanded that men withstand any pressures in their lives that compel them to commit crimes, including pressures exerted by their spouses” (Coughlin, 1994, p.5). The measure of the extent of the woman’s helplessness and subjugation, and the loss of her subjectivity emerges in opposition, and by reference to the man’s activity, control and authority to exercise his agency over her autonomy (Coughlin, 1994, p.67). Coughlin states that the existence of the battered woman syndrome defense is rooted in the ideology of the criminal law, which for many centuries, tried to excuse women for criminal misconduct on the ground that they cannot be expected to and should not resist the power and control of their husbands (Coughlin, 1994, p.5). Thus, Coughlin suggests the very crucial point that the theory of criminal responsibility, by positing women as not responsible actors for their acts, and denying their incapacity for rational self-control, and on the other hand giving men the authority to be responsible for their acts and thus, the authority to govern both themselves and the irresponsible female, makes a significant contribution to the construction and maintaining and social understanding of gender as a hierarchical arrangement (Coughlin, 1994, p.5; 6). The very existence in the criminal law of this form of defense for women, not for men, “would continue to affirm that men possess the capacity for rational self-governance, but women do not” (Coughlin, 1994, p.8). So Coughlin claims that feminist critique should address the patriarchal foundation and underlying misogynist assumptions of the disciplines, where feminists gave rise to the battered woman syndrome defense, thus, unintentionally supporting the patriarchal values enshrined in these domains.

Criminal law has constructed difference between women and men so profoundly that even in contemporary times courts doubt that women could possess the characteristics that make them liable for personal responsibility (Coughlin, 1994, p.28). Therefore, Coughlin is

convinced that the battered woman syndrome defense is anti-feminist even in terms of temporal short strategy, even as transitional measure, because this special excuse for women “continues to enforce an understanding of gender relations in which men are expected and permitted to govern both their own lives and the lives of the women with whom they are intimate” (Coughlin, 1994, p.87). According to her without critically revising the content of the model of responsibility, we will continue within criminal law to institutionalize the perception that women don’t have attributes for being responsible (Coughlin, 1994, p.88). The existence of the battered women defense provides leniency for women only by construing them as partially responsible agents out of a sense of compassion for their inherent deficiencies of gender (Coughlin, 1994, p.90). Therefore, Coughlin suggests thoroughly examining and revising the model of responsibility rooted in the criminal law so that to erase the patriarchal ideology that constructed hierarchy of gender and behavioral expectations in order to treat women, as well as men, as full human subjects.

However, it is necessary not to disregard “strategic essentialism” too, as feminists succeeded in overcoming enormous opposition when they began to organize work against violence, and to get hardly available funding for providing help to victims of violence. They have achieved quite a lot of things, from the creation of crucial theoretical concepts on violence against women to providing real services and other practical measures to fight and prevent violence. Therefore, in the study of female crime it is important always to examine the context of their crime. “Women who kill out of fear and desperation are clearly not in the same category as men who kill because of a need for control” (Morrissey, 2003, p.69).

Moreover, I agree with Elizabeth Comack and Salena Brickey who emphasize that one very important aspect is always absent from all these discursive constructions of female criminals which is “how women who use violence constitute themselves” (Comack & Brickey, 2007, p.1). They conducted in-depth interviews with 18 criminalized women to find

out how these females construct and represent their identities in their narratives, specifically what is the role of their crime in their daily lives, whether the dominant notions and conceptions about female offenders, such as “victim,” “mad,” or “bad”, which are prevailing in academic, criminal-justice, and public discourse, coincide with their own self-perceptions. In the process of their work Comack & Brickey advance crucial argument that even if those stereotypical constructions somehow reflect women’s self-framings, however they are too limited and too simple to cover all the complexities and nuances of women’s lives (Comack & Brickey, 2007, p.1).

Moreover, Comack & Brickey show that female criminals are, and show how these constantly imposed discursive categories such as “victimized woman,” the “mad woman,” and the “bad woman” produce our subjectivity and intersubjectivity, particularly what we think about female criminals and what they think about themselves, how they depict their actions by framing their identity through these categories. Even though I stand for promoting agency and empowerment, we need to be aware of the unique contexts of every woman, as Comack & Brickey’s work proves that in different contexts women see themselves differently as victims or as active agents (perpetrators) or both. When we constitute the female criminal as victim, we cover only one part of the situation or story. “It not only runs the risk of downplaying women’s agency and capacity for violence but also fails to account for all of the situations in which women use violence” (Comack & Brickey, 2007, p.12).

Brenda Geiger claims that instead of denying human agency and emphasizing victimization it is better to be aware of, or even abandon, the language of victimization and helplessness and as a part of a comprehensive model of social change it is better to start enabling females to reconstruct their biographies as agents who resist and challenge abuse and injustice. In order to see female offenders’ agency and resistant efforts, it is necessary to go beyond the dichotomy of domination-subjugation (Geiger, 2006, p.584). For that the author

uses Foucault's (1980) bottom-up model of power, which is the notion of resistance. "Individuals in a power relation are never totally devoid of autonomy" (Geiger, 2006, p.584). As even much oppressed group can rationally resist against dominance and control in the form of deviance (Geiger, 2006, p.584).

In any case, I agree with Coughlin's argument about reexamining and revising the model of responsibility rooted in the criminal law. Because within the discipline of criminology post-Soviet scholars admit the existence of chivalrous treatment of women by the police, the judiciary and in general by criminal law, and they suggest advancing more lenient treatment of female criminals, especially if they are good mothers and have a family. However, in relation to female criminals, who commit violent crimes, and those who are not good mothers, and those who don't have family, this perspective is denied. Naffine, by citing (Chesney-Lind, 1979; Parisi, 1982; Visher, 1983) notes that so called chivalrous treatment is not valid to certain types of criminal women, "particularly those who are perceived to repudiate their femininity" (Naffine, 1988, p.2). According to Carlen (1983) concepts of femininity, women's proper place, good and bad mother have a strong impact on judicial decision making (Hobbs, 2010, p.23). Concepts of femininity, women's proper place, good mother have strong impact also on post-Soviet criminologists' thinking on the model of criminal responsibility of women.

For example, Bagdasarova argues for the greater use of leniency under the existing legislation towards women who have committed crimes (except for serious crimes), but are good mothers (Bagdasarova, 2009, p.158). Kunts claims that women and prison are incompatible with each other (Kunts, 2006, p.86). She urges the use of leniency and compassion for the representatives of the "fair" sex p.246. Volkova argues for differential treatment and punishment of women, depending on their marital status and the presence of children. She writes that even a vicious criminal can sometimes be a good mother or wife.

(Volkova, 2001, p.165). Volkova writes because of the high social risk of losing motherhood, it is necessary to minimize the criminal penalties of mothers in order to preserve the family (Volkova, 2001, p.268). However, she claims that neither the law nor public opinion should leniently treat those women who are “malicious” criminals. She argues that the social “danger” of such women and the “severity” of their acts deserve severe condemnation and the strict application of criminal law. She claims that the punitive impact of criminal responsibility should be strengthened, and be strict for violent female offenders who have committed crimes against loved ones and against children. (Volkova, 2001, p.269).

I agree with Naffine that scholars are not consistent even in their paternalism (Naffine, 1987, p.2). “The present understanding of the treatment of women by the processes of the law is that, even if women are the beneficiaries of ‘chivalry’ in relation to less serious offences, as soon as the offending becomes more serious or places their morality in question, they are likely to be dealt with more retributively than males who commit similar offences (Edwards, 1984)” (Naffine, 1987, p.2). Of course, initially post-Soviet scholars’ arguments can be interpreted as “humane” in relation to female criminals and that they try to “save” women from very severe punishment. However, this is only ideological illusion; women have no place in the prison, not because scholars care about the mental and physical state of women who are placed in harsh conditions, but because they again assert the cultural order in which the discrimination and segregation of women is part of a well-functioning system of relations. I don’t advocate increasing women’s culpability, harsher or lighter sentences for them, I agree with Morrissey (Morrissey, 2003, p.170) it is rather to insist on parity and equivalence of treatment for men and women under the legal system, so that women, like men, can assert agency and responsibility; not depending on the moods and cultural preferences (biases, stereotypes) of representatives of the criminal justice system. Criminologists’ selective suggestions on liberating certain kinds of women from prison, confirms that they treat women

in the overwhelming cases as “mother” and “wife” and do not mention any other roles of women in society, thus all their assumptions and suggestions on the form of criminal punishment reflect, propagate and legitimize gender inequality, sexism and discriminatory attitude toward women within criminological theory.

3.2. The Construction of “Irrational” Woman

Heidensohn (1985) emphasizes that women in criminological texts on female criminality are represented by scholars predominantly as being determined by their psycho-physio-biology, their hormones, their emotionality, childishness etc. (Hobbs, 2010, p.10-11). Indeed, post-Soviet criminologists also deny the agency of female criminals by various essentialist and sexist assumptions. For example, Abyzova argues that due to the nature of a woman, her biology often prevails in the structure of her personality (Abyzova, 2007, p.67). Adzhieva argues that criminal women possess such features as hysteria, anger, excessive emotional excitability, etc. (Adzhieva, 2004, p.114). Women in mainstream post-Soviet criminology are predominantly presented as irrational, insane, inadequate and emotional subjects. Female crime is considered as an unintended outcome of mental pathology, or of female biology, or of “inadequate” female psychology.

The general underlying strategy of scholars is to show that something is “wrong” with female criminals, that they must be “abnormal”, therefore, they present them as insane and irrational subjects. For example, many authors argue that the level of neurosis and psychopathy in women is much higher than in men. (Abyzova, 2007, p.59; Kirsanova, 2011, p.57; Kunts, 2006, p.169.). Bagdasarova claims that there is a significant proportion of women with neurotic disorders and suggests us to admit that many criminal women are sick with mental illness (Bagdasarova, 2009, p.97). Kirsanova argues that a significant number of

women who commit crime against the person have inherent psychopathic features (Kirsanova, 2011, p.57). Popova argues that there is a direct connection between the mental disorder and female criminality (Popova, 2001, p.75). Kutina states that among female criminals, the percentage of persons with mental abnormalities is significantly higher than among male criminals (Kutina, 2006, p.101). Grib claims that women have a predisposition to psychopathy and neurasthenia (Grib, 2006, p.375). Shcherbakova states that women, much more than men, are prone to stress, psychopathy, and neurosis (Shcherbakova, 2008, p.66). She urges us to take into account the “fact” that many women criminals have mental abnormalities and disorders, including those due to age-related changes. She argues that mental abnormalities play a leading role in the formation of anti-social personality traits, and in the creation internal conditions facilitating the commission of crime. (Shcherbakova, 2008, p.63). Gomonov states that one of the distinguishing features of the violent acts of aggression committed by female offenders is the presence of a high level of mental disorders. He states that a much larger number of accused women than men are the subject of medical examination. (Gomonov, 2006, p.151).

Morrissey argues that women killers are denied their agency, by being victimized, in order to remove the threat that they pose to heteropatriarchal institutions (2003, p.170). I agree with her and think that apart from victimization, which I discussed in the previous section, the construction of female criminals (not only killers) as insane, psychopathic, unreasonable subjects also represents the underlying strategy (which can be conscious or unconscious) of criminologists that, by denying female criminals’ agency, try to neutralize the danger that criminal women represent to dominant heteropatriarchal ideology and to its constructions of “femininity” and “feminine” gender roles which underpins scholars own perceptions, understandings and beliefs. Coughlin argues that women are excused for criminal misconduct, by being victimized, on the ground that they cannot be expected to and should

not resist the power and control of their husbands (Coughlin, 1994, p.5). I agree with her and also think that it is convenient for scholars to write that women were insane, irrational, and unreasonable and thus, to excuse them on the ground that women cannot be expected to and should not commit crime. Moreover, it is easy for scholars to advocate such constructions, as the notion about women's "irrationality" is rooted not only in the discipline of criminology.

Naffine examines various feminist works that establish the sexism of the philosophical understanding of such categories as "rationality", "reason" and "human nature". She refers to Carol Gould (1976) who explored traditional conceptions of human nature through analyzing some works of major Western philosophers. Gould (1976, p.18) indicates that Kant presented "rationality" and "reasoning" as a male quality, and denied them in women (Naffine, 1987, p.108). Gould (1976, p.19) found the most evident pattern of misogynist understanding of human nature in Schopenhauer's philosophy, which considered women as "backward, lacking in reason and reflection...a kind of middle step between the child and the man, who is the true human being...In the last resort, women exist solely for the propagation of the race" (Naffine, 1987, p.108). Naffine points out that such understanding of human nature is traditional for philosophical thinking about men and women. Blum explains that in philosophy man is always autonomous, rational, exercises strength of will, cool-headed, emotionally distant, self-determined, and uninvolved in matters of the heart (Naffine, 1987, p.108). While women, according to Blum (1982, p.295), are traditionally expected to be more emotional, emotionally expressive, and emotionally responsive than men (Naffine, 1987, p.109).

Post-soviet criminologists in their presentations of female criminals reflect the same biased and gendered understanding of the concept of human nature. According to scholars women by nature are more impulsive and emotional than men. (Kudryavtsev, 2002, p. 110; Kutina, 2006, p.84; Kirsanova, 2011, p.57, Kunts, 2006, p.204). Some authors state that women possess inherent feminine features such as increased emotionality, sensibility, lability

of the nervous system, vulnerability of female psyche, temperedness, dependence on their state of mood which, according to them, have a significant influence on the motivation of female crimes (Kunts, 2006, p.169; Abyzova, 2007, p.57; Adzhieva, 2004, p.111; Shcherbakova, 2008, p.58; Abyzova, 2007, p.67; Kirsanova, 2011, p.86; Ganieva, 2010, p.33). Some scholars (Bagdasarova, 2009, p.97; Popova, 2001, p.95; Kirsanova, 2011, p.64, p.204; Shcherbakova, 2008, p.67; Smolina, 2005, p.10, p.129; Shiller, 2003, p.91) present women as increasingly vulnerable to external influences because of their “inherent” susceptibleness, impressionableness, emotional responsiveness, that they are more easily influenced by external situations than men.

The constant emphasis on women’s exaggerated emotionality and irritability, similar to the medico-legal discussions of hysteria, when, according to Shapiro, moral consciousness and reason of women were considered essentially unimpaired as a manifestation of this disease (Shapiro, 1996, p.122). Genevieve Lloyd (1983) argues that the idea of women’s inferior capacity to reason started at the time of ancient Greece, when Greek philosophers provided different and unequal models of the sexes (Naffine, 1987, p.110). When women were “described in terms of the baser senses rather than the intellect” (Naffine, 1987, p.110). Lloyd emphasizes that women symbolically were tied to nature and reproduction in order to maintain their inferior status (Naffine, 1987, p.110). Men on the contrary, were presented rationally superior, moreover, rationality was considered as an exclusively male destiny (Naffine, 1987, p.110). In the late eighteenth and early nineteenth century the idea that only man is capable of reasoning was still present (Naffine, 1987, p.110). Lloyd notes that there was a trend to justify and protect such a conception by pointing to the complementary nature of the sexes (Naffine, 1987, p.110). Naffin explains that Lloyd’s review of the misogynist approaches of Western Philosophy allows us to understand how today such categories as

“rationality” and “reason” are so biased and gendered that they underpin all the domains where these categories are applied.

Biased and gendered understanding of such categories as “rationality” and “reason”, as I already mentioned, can be found in post-Soviet mainstream criminology too. As some scholars argue that female offenders in general have such stable characteristics as an inadequate perception and evaluation of emerging life situations, which according to them, lead women to a bad prediction of the consequences of their actions, and unintended consequences in their behavior, including crime. (Antonyan, 2004, p.385, Grib, 2006, p.375). Popova urges us not to forget the high impulsivity and emotionality of women, according to her, often leads to the “fact” that their intent to commit a crime occurs spontaneously, and the interval between the occurrence of intent and its realization is small enough (Popova, 2001, p.147). Bagdasarova argues that criminal women are more sensitive and less logical and consistent than men (Bagdasarova, 2009, p.97). Chernysheva argues that men are objective in assessing their perception of the world, while women are subjective, sensible in the perception of the world, and more focused on their emotional condition and mood (Chernysheva, 2007, p.161). Kirsanova thinks that criminal women are not able to forecast (predict) correctly the further development of a given situation (Kirsanova, 2011, p.61). Abyzova argues that the vast majority of female offenders are not capable of analysis and evaluation of emerging life situations because of their high emotionality (Abyzova, 2007, p.57). These assumptions about women's emotionality, irrationality and the inability of women to control their feelings, and to predict various situations, look almost identical to the ancient times misogynist assumptions, and they haven't changed over the centuries.

Shapiro analyses chronologically how medico-legal discourse from the clinic to the courtroom interprets female deviancy, pathologizes female offenders, constructs women as hysterical, erratic, overexcited, driven by biology, and the effects of it in the criminal courts

(Shapiro, 1996, p.8). Shapiro shows that during Enlightenment times biology served as the foundational category on the conception of the sexes. “This consolidation and intensification of ideas about gender difference grounded in biology became the basis not only for the ways in which men and women lived in their bodies but for their socially prescribed ways of occupying public and private spheres” (Shapiro, 1996, p.97). In the context of such trends various male specialists representing medicine - gynecologists, obstetricians etc, were given scientific authority to expertise on these issues like the relationship between a woman’s mind and her body, between her will and emotions (Shapiro, 1996, p.97-98). Shapiro emphasizes that in the context of such development of a medico-legal conception of women’s reproductive biology, sexuality and madness, simultaneously emerged new approaches to criminal responsibility. She claims that nineteenth-century physicians connected the issue of female deviance with their reproductive bodies (Shapiro, 1996, p.94). Shapiro explains that, thus, female crimes were constructed as unproblematical because their crimes were considered as a consequence of their biology and an expression of their disease (Shapiro, 1996, p.104).

Moreover, Shapiro shows that explanations of female deviant behavior as a biologically driven action, whether for excuse or confinement, were widely accepted in the twentieth century too. However, after essential pathologization of the female life cycle, in a new medico-legal discourse “menstruation, pregnancy, and menopause were typically described less as the cause of mental disease and behavioral disorder, than as triggers that released latent pathology” (Shapiro, 1996, p.118). In the 21st century Russian criminologists also link the physiological processes of the female body (not directly) to their criminality. For example, Shcherbakova states, that unlike men, a woman goes through a series of stages of physiological and pathophysiological changes and goes through a specific state of conditions, which are capable of forming either a harmonious or deviant type of behavior. These

conditions, according to her, include pregnancy, menopause, infertility, premenstrual syndrome, endocrine gynecological diseases. (Shcherbakova, 2008, p.55). Abyzova writes that aggression in women is largely due (although, not directly) to the physiological cyclic changes in their hormonal system such as menstrual irregularities, nervousness, irritability, etc. According to her all these biological factors are closely related to the 'fair' sex and affect their crime. (Abyzova, 2007, p.100). Gomonov also emphasizes the role of specific biological periods, pregnancy, childbirth, postpartum and menopause in the determinants of female aggressive behavior. (Gomonov, 2006, p.148).

I think that scholars bind women to their bodies to construct them as irrational subjects, who only under the influence of their bodily phases commit crime, as they need to explain women's crime in such way and present female criminals so that not to endanger the existing structure of society. Because female criminality and female criminals do not fit into the existing dominant ideology, or fit in a distorted way, and so in order not to disrupt the existing ideology of society, these cases are transferred into the sphere of biology and psychiatry.

Shapiro notes that medico-legal expertise in scientific language symbolically constructed the disabilities and incapacities of femaleness which served sometimes as an excuse for criminal responsibility (Shapiro, 1996, p.116). However, she claims that medical testimony did not automatically provided leniency, as the decisive factor in such issues depended on whether or not the defendant deserves sympathy, which was defined in relation to her character, social position, readiness to express remorse, and finally, whether or nor her action coincided with a contemporary understanding of natural behavior, female nature, and women's bodies (Shapiro, 1996, p.116). According to Shapiro interpretation by medico-legal specialists were beyond the question of criminal responsibility, as female criminality began to threaten their conceptions about the stability and permanency of gender differences, a separation between public and private spheres (Shapiro, 1996, p.122).

Shapiro shows that in cases when women were accused of infanticide, questions about emotional state were disregarded, because both medico-legal experts and prosecutors tried to prove that women committed infanticide in a state of fundamental sanity and responsibility. “The ‘exalted sensitivity’ and ‘nervous excitability’ that described defendants in cases of homicide and theft simply disappeared from the medical rhetoric” (Shapiro, 1996, p.131). She explains that in infanticide cases, in contrast to other crimes, where experts constantly asserted that women’s emotivity suppressed their rationality, experts suddenly forgot to discuss very common assumptions about women’s reproductive instability.

Post-Soviet criminologists also express the same rhetoric in such cases. Inshakov states that women are responsible for the committing of such crime, which, according to him, is truly “blasphemous”, like the murder of a child (Inshakov, 2000, p.163). He argues that the perpetrators of such crimes are persons who have lost not only the appearance of women, but also who have lost the right to be called human (Inshakov, 2000, p.163). Volkova argues that the punitive impact of criminal responsibility should be strengthened, and be strict for female offenders who have committed crimes against children (Volkova, 2001, p.269). She writes that it is necessary to give them the maximum amount of criminal punishment (Volkova, 2001, p.289).

I agree with Shapiro that such selective use of leniency and selective reference to “women’s mental instability” in infanticide cases show how the cultural installations within which scholars study female criminality set the terms of debate (Shapiro, 1996, p.133). “Most important, a culture preoccupied with worries about depopulation perhaps could not afford to offer murdering mothers the rhetorical leniency embedded in the medical discourse of diminished responsibility” (Shapiro, 1996, p.133). Shapiro underlines the role of medico-legal experts in the creation of the specific language for construction and interpretation of female deviants. She argues that all these medico-legal reports on the mental condition and legal

responsibility of female defendants, which she analyzed in her work, created a syndrome of femininity that does not deprive women of reason but, at the same time, finds them not fully unreasonable; thus, denies women's capacity for responsibility where they were responsible (Shapiro, 1996, p.135); or strengthens their responsibility where they were not responsible.

Moreover, all these explicit and implicit biases and stereotypes of women in criminology reflect scholars' deep conviction about the different and unequal natures of the sexes (Naffine, 1987, p.59), which in turn contributes to the different and unequal treatment of the sexes. Sandra Harding (1983) claims that all these sexist depictions of women are convenient and comfortable in order to maintain the subordination of women as the inferior sex (Naffine, 1987, p.111). By assigning rationality to men, scholars maintain their superiority and they not only establish the inequality, they justify it, they legitimize male dominance in the system of power relations. Scholars' unfair treatment of women and their construction of women as something irrational, insane, overly emotional etc., essentializes gender differences and reinforces discriminatory practices against women. By presenting women as irrational, insane, emotional, unreasonable etc, scholars deny female agency, thus they deny their right to be full human subjects. According to feminist philosophers (Hoagland, 1991; Robb, 1985; Smith, 1985; Cornell, 1991, 1993; Giligan, 1982; Gatens, 1991; Irifary, 1985a, 1985b, 1991a; Lloyd, 1986; Okin, 1980; Porter, 1991) "unless women's powers of reason, rationality and moral thought are judged equivalent to those of the male subject (traditionally granted full humanity), then women lack construction as fully human subjects" (Morrissey, 2003. p.21). Therefore, it is profoundly necessary to consider and to present women as rational, responsible (not necessarily culpable), and to recognize their reason and purpose, in order to create a community where women are treated as full human subjects and more importantly as agents.

IV. The Role of Gender and Sexuality in Criminology Studies

4.1. Double Blaming

The general impression is that if a male criminal is shown as marginal in relation to society, in the case of women we can talk about a double blaming: first a woman is encoded as a criminal, and then she is a woman who violated traditional gender roles. Morrissey argues that when women commit crime, “their abjection is even more extreme than that of men who do the same” (Morrissey, 2003, p.2). Thus, she thinks that scholars try to deny women’s human agency by vilification, which, according to her, is one of the techniques, along with victimization and madness, of denying women’s agency (Morrissey, 2003, p.25). Morrissey claims that vilification “operates to displace the offender from her society, to insist on her otherness, thereby avoiding the knowledge that she is produced by that society” (Morrissey, 2003, p.24). So by vilification, scholars deny the agency of women who commit crime, thus, they insist that she is not human (Morrissey, 2003, p.25).

Scholars in Russia and Kazakhstan connect female criminality with the disaster that threatens the entire population as a whole and describe it as a as a great humanitarian threat to the present and future society. For example, Inshakov states that women’s crime is not just a drama of individuals, but it is a tragedy of our civilization. He claims that female criminality inevitably has a negative impact on virtually all social processes. Therefore, he writes that the prevention of crime among women is not only of great humanitarian value, but has universal significance. (Inshakov, 2000, p.160). Many authors share his position (Bagdasarova, 2009, p.57; Popova, 2001, p.34). Shcherbakova states that the growth of female criminality is a threat to humanity. She claims that the social “price” of female criminal violence is enormous, because, apart from damage to life and health, entailing material costs and spiritual losses, the

criminal behavior of women, she says, contributes to the disruption of everyday life, shakes the foundations of the existing society and the foundations of the family. (Shcherbakova, 2008, p.4).

In the description of female criminality in women the basic strategy is to compare it with male criminality. Most of the texts explicitly compare female criminality with male criminality as a method of research; some studies indirectly point to the fact that the comparison was used in research of female criminality which indicates that female criminality is a secondary discourse in relation to the discourse of male criminals. Thus, the discourse of female criminals is secondary to the "normative" model of male criminals.

In general, the differences between male and female criminality is built on the measuring of the level of severity or degradation. When constructing a model of female criminality speakers emphasize the differences from male criminality, and describe female criminality as an uglier, more disastrous and malignant phenomenon than male criminality. Scholars mostly apply the category of moral degradation, like women are "two times" more degraded than men.

For example, some scholars claim that an extreme form of social, spiritual and moral distress and degradation of society is the existence of the crimes committed by women. (Bagdasarova, 2009, p.3; Popova, 2001, p.4). Grib argues that the process of social and moral degradation of criminal women is much more intense than in men (Grib, 2006, p.374). Some authors argue that personal qualities in female recidivists are more negatively expressed than in male offenders, that they have deeper moral degradation (Kutina, 2006, p.82; Popova, 2001, p.48). Adzhieva claims that the personal deformations in criminal women take extremely ugly forms (Adzhieva, 2004, p.157).

So men in the texts appear as a "norm" for comparison on the issues relating to female criminality, and it is clear that their crimes are more acceptable, while female criminality is

totally unacceptable. For example, some authors argue that when the offense is committed by women, society suffers much more moral damage than when a man does this. They state that being a “moral disease” female criminality provokes a decline of the whole social morality, negatively contributes to the growth of juvenile crime, devaluates the social institutions of marriage, family and motherhood. (Shiller, 2003, p.19; Popova, 2001, p.31). So the comparison of female criminality in contrast to male criminality indicate the fact that male criminality is a more acceptable phenomenon, which illustrate the existence of different standards for men and women in post-Soviet criminology.

Female criminality is seen as the source of demographic danger and children are constructed as victims, who must be protected. For example, many authors claim that the moral climate in a family where a woman has a criminal lifestyle is much more dangerous for children than when the offender is a father. (Abyzova, p.39; Adzhieva p.4; Popova p.4). Shcherbakova argues that female criminality causes irreparable harm to children, and any activities to eliminate harm become almost impossible. (Shcherbakova, 2008, p.4).

Scholars separate women who commit crime from “normal” members of society, then, accordingly, thinking that they are given the right, condemn and judge them. Bagdasarova states that fallen women (she means female criminals) in society are rejected at all times without regret (Bagdasarova, 2009, p.120). The authors express bias against women and consider them as more abnormal than men, emphasizing the difficulties of resocialization them compared to men. For example, some scholars argue that social rehabilitation of women prisoners is much harder than of men, because of the specific “nature” of male and female differences in the psycho-physiological features. (Abyzova, 2007, p.39; Adzhieva, 2004, p.4).

It clear that scholars see female criminality through the lens of morality, because they write that female criminality is a sign of moral degradation. Bagdarasova argues that the moral degradation of women is a cause that makes them commit violent crimes. She writes

that the signs of moral degradation of a woman in contemporary society, in underage girls and adult women, who are the offenders, can be seen in the lack of such valuable qualities as humility, modesty, and chastity. (Bagdasarova, 2009, p.160). Kirsanova argues that female criminality is a kind of indicator of the moral deformation of society (Kirsanova, 2011, p.3).

The use of morality reflects the underlying traditional belief, namely the assumption that women are naturally more ethical, and thus, the deviation from the norms of behavior is seen in women as an extreme departure from nature, compared to men. For example, many authors argue that it is generally known that women are less likely than men to fall morally, but if it happens, they fall faster and deeper. (Popova, 2001, p.75; Inshakov, 2000, p.163; Abyzova, 2007, p.65).

Sometimes, when mentioning female criminality, scholars in their description use eugenic discourse, namely they focus on the quality of the gene pool of the nation. Korzun states that female criminality negatively affects the potential development of society, undermines the gene pool of the the nation, and the processes of reproduction (Korzun, 2001, p.298). And finally instead of clear medical pathologisation of female criminals, there is a new concept like moral degradation. For example, Abyzova states that the main antisocial personality trait of female offenders is moral degradation (Abyzova, 2007, p.75).

Reading all these works leaves me with a painful impression. In my opinion, scholars do little to study female criminality, as in such descriptions, scholars express condemnation instead of “objectivity”, “neutrality” and “distance” in their position. Such descriptions and representations reinforce a dependent position of woman in society and illustrate the existence of double standards against women in criminology, where scholars blame, moralize and condemn women not only for crime, but for transgressing their gender roles in society. Moreover, by describing female criminals as morally degraded subjects, scholars again deny their agency. Morrissey tried to understand why denying the agency of women who commit

crime is so exceptionally important to mainstream criminological discourses (Morrissey, 2003, p.165). Moreover, why female criminals, in mainstream post-soviet criminological discourses, are defined and constructed on the basis of the discursive categories such as “victim”, “mad” and “bad (not positively)”, and why they are assessed predominantly through the lenses of normative femininity, and normative feminine roles? Morrissey rightly finds out that the criminological discourses’ denial of female agency in crimes of violence “reinforces the notion that female violence is unreal” (Morrissey, 2003, p.25). She notes that, according to feminist rewritings of Freudian psychoanalytic theory, this denial is necessary because men suffer intense fear of women (Morrissey, 2003, p.25).

However, Morrissey criticizes the inadequacies of such female criminals’ presentations and constant denial of agency and imposition of limited images and emphasizes its consequences in terms of how it reproduces cultural definitions of femininity (Morrissey, 2003, p.29). “For regardless of the ethics of individual women’s behavior, portrayals of their acts have enormous influence over cultural conceptions of the feminine and female agency” (Morrissey, 2003, p.7). Therefore, she urges us to find “other methods of representation, other stories of female violence, other ways of seeing” (Morrissey, 2003, p.29). Morrissey claims that it is almost nowhere (in the legal or criminological discourses) women are presented as violent and agentic, responsible and human (Morrissey, 2003, p.167). If women commit crime because they were aggressive or sadistic, then we should present them as aggressive or sadistic without denying their agency, without vilification, moral condemnation, recognizing their sanity and reason and purpose, responsibility and humanity.

4.2. Female Serial Killers

Female serial killer as phenomenon in itself it is not a new phenomenon, however, it is a new concept in criminology, and it is used for women who commit serial killings. This question has attracted the attention of western scholars when a “sizeable number of female serial killers have been reported” (Palermo, 2003, p.493). However, many post-Soviet criminologists even today believe that female serial killers do not exist, and argue that only men commit such kind of crime. For example, Korzun and Ganieva argue that the role of perpetrators of such crimes as serial killings or violent sexual crimes firmly belongs to men (Korzun, 2001, p.136; Ganieva, 2010, p.73). Chernysheva states that criminological science doesn’t have examples of female serial killers, because she thinks all known serial killers were men (Chernysheva, 2007, p.56). Shcherbakova argues that sexual and violent crimes against individuals, which include an element of planning or aggression, mostly belong to the male sphere of criminal activity (Shcherbakova, 2008, p.44).

Skeptics use the following arguments. First, women are generally less likely to become serial killers, and secondly, those features present in men are virtually absent in the nature of women. For example, Chernysheva argues that this “fact” (non-existence of female serial killers) can be explained by the lack of “natural” or “genetic” aggression in women (Chernysheva, 2007, p.56). In order to explain this question, Korzun hypothesizes that the “natural” physical weakness of women and the “instinct” of motherhood prevent them from committing such crimes (Korzun, 2001, p.136). Shcherbakova thinks that the difference in psychophysical features of men and women and their specific roles in society explain the differences in crime between men and women (Shcherbakova, 2008, p.46). Ganieva argues that hostile (malign) aggression is much less common among women. She claims that the motive of self-assertion has a particularly low rating as a regulator of female activity and

behavior, which according to her, indicates the “unique” structure of women's motives for violent crime. (Ganieva, 2010, p.105). She argues that crimes committed by women are rarely associated with violence, and almost all of them are not serious (Ganieva, 2010, p.113).

Secondly, scholars argue if there are even cases of female serial killers; it is rather the exception than the norm. Abyzova states that the fundamental difference of female offenders who commit violent crimes, in contrast to male offenders, is the lack of women who commit crime in order to satisfy their sexual needs, confirm their biological and physiological status, similar to the typology of male sexual offenders. Moreover, she argues that female hostile aggressive violent crime is the exception, rather than the norm. (Abyzova, 2007, p.79). Korzun and Shcherbakova write that there is a significant difference in aggressive behavior between men and women, reflected in the “fact” that such crimes like serial killings or violent sexual crimes are the exception for women rather than the rule, and, according to them, even for females suffering from various mental disorders (Korzun, 2001, p.136; Shcherbakova, 2008, p.44).

Thirdly, scholars argue that women are killers mainly due to circumstances, and they are usually one-time offenders. For example, Shcherbakova writes that in legal practice, there are only a few cases of such crimes which, according to her, relate mainly to the actions of a group of women who have hooligan motives, and don't have a serial nature (Shcherbakova p.45). In one word, the dominant mainstream post-soviet discourse denies the existence of female serial killers; if they exist, scholars assume that they are extremely exceptional cases, or that they are insane.

However, I don't think that women because of “natural” or “genetic” constitution cannot commit such kind of crime; moreover, I don't think that female serial killers are exceptional cases, or that they are insane. Again, it is necessary for scholars to deny the existence of female serial killers, because female serial killers cause a crisis in patriarchal

ideology, a crisis in institutions that produce dominant notions of femininity, challenging the traditional understanding of gender differences.

Bruce Arrigo and Ayanna Griffin analyze predatory serial homicide perpetrated by women, specifically they explore the case of Aileen Wuornos. They show that the dominant discourse on female killers, specifically on why women kill serially, offers a traditional explanation and focuses only on justifiable and excusable homicide, when women kill because they have been battered, fear that their lives are in danger, or are otherwise victimized (Arrigo & Griffin, 2004, p.375). But Arrigo and Griffin believe that there are predatory and serial homicides perpetrated by women that are motivated by reasons other than justifiable homicide or repeated victimization (Arrigo & Griffin, 2004, p.376).

I think violence as a mean can be rationally chosen by women who deliberately go to murder when they are motivated by their desire to kill. “Not all women who kill do so because of mental illness, abuse, or coercion. Some kill because they are antisocial and behaviorally exhibit psychopathic traits” (Perri & Lichtenwald, 2010, p.50). Perri and Lichtenwald note that there is a notion in science that women are capable of committing only reactive violence or murder unwillingly and without plan (Perri & Lichtenwald, 2010, p.53). In general, the majority of single homicides committed by females can be regarded as situational crimes, but “serial homicide does not fit this stereotype” (Frei et al., 2006, p.168).

So we have got to the most controversial question related to female serial killers. What pushes female serial killers to the path of killing and violence? Each person has her inner world of needs, desires, interests and values which are formed in the process of her life, which determine her crimes. Therefore, I am interested in the personality of female serial killers, and I want to identify their personal characteristics that lead to the commission of violent crimes. I think that many female killers commit murder just for the sake of killing. I do not mean those who commit murder because of circumstances: in desperation, greed, jealousy, insults or in a

moment of weakness. I am talking about those who kill from a position of power and control, who kill for pleasure, who consider murder as entertainment, or as a thrill.

Perri and Lichtenwald believe that both genders can be antisocial, cold-blooded psychopathic criminals who kill to satisfy diverse motives, such as a sense of power and pleasure. They analyze psychopathy as the main characteristic of serial killers and emphasize that “psychopathy is not a mental illness but a personality disorder” (Perri & Lichtenwald, 2010, p.53). In order to support their argument they cite Dr. Hare (1993) who described psychopaths as cold-blooded predators who use manipulation, intimidation, and violence to control others and to satisfy their own selfish needs violating social norms and expectations without the slightest sense of guilt or regret Perri & Lichtenwald, 2010, p.54. Perri and Lichtenwald emphasize that psychopathic serial killers are rational and aware of what they are doing and are very much in control. “Psychopaths are not disoriented or out of touch with reality, nor do they experience the delusions, hallucinations, or intense subjective distress that characterizes most other mental disorders” (Perri & Lichtenwald, 2010, p.54). They show that male and female psychopaths are similar, the characteristics of their behavior are gender neutral, and therefore, they claim that gender specific explanations for their crimes can be considered as societal misconceptions. “Many of the personality and behavioral features associated with psychopathy in men are also found in women, and the more severe psychopathy in women has been linked to greater instances of violent and nonviolent offenses” (Perri & Lichtenwald, 2010, p.57). Further they cite O’Connor (2002) who noted that both male and female psychopaths do not value traditional social norms and that both are physically violent and victimize others for personal gain (Perri & Lichtenwald, 2010, p.58). In order to illustrate psychopathic features Perri and Lichtenwald give the example of female serial killer Jane Toppan, who succeeded in killing over 30 individuals. They point that Toppan is a psychopathic cold-blooded killer. “She did not suffer from a mental illness that

robbed her of her ability to distinguish between right and wrong, the ability to plan her murders, or experience sexual gratification from the deaths” (Perri & Lichtenwald, 2010, p.55).

So they outline that psychopathy is one of the main reason of aggression and violence and that psychopaths tend to commit murder in a more predatory way, as they spend time to plan the murder in contrast to non-psychopathic killers; these killers are clearly goal-oriented and not influenced by emotional or situational provocation (Perri & Lichtenwald, 2010, p.60). What is interesting and a very important factor is that they identified the main motive of psychopathic serial killers. For that they address Dr. Liane Leedom, who noted that the inability of psychopaths to have emotions is replaced by their motivation for dominance, control or power; as for them having power over another is pleasure (Perri & Lichtenwald, 2010, p.60).

They also have studied the case of serial killer Aileen Wuornos, who met the criteria of a psychopathic person (Perri & Lichtenwald, 2010, p.63). They outline that Wuornos had personal predispositions toward violent criminality as she killed seven male strangers in a one-year period between 1989 and 1991 using a 0.22 caliber handgun. In this case I want to emphasize that her victims were strangers in contrast to dominant perception that women commit crimes only against close people. Moreover, before her execution by lethal injection, Wuornos declared that “if she was ever released from prison or if she had not been arrested, she had planned to kill a minimum of 12 men” (Perri & Lichtenwald, 2010, p.63).

Some scholars emphasize that Aileen Wuornos fits best in the category of the ‘hedonistic’ or ‘power seeker’ type of female serial killer (Frei et al., 2006, p.174). Arrigo and Griffin by analyzing in detail the case of Aileen Wuornos argue that “Aileen Wuornos was a cold blooded and calculated killer: a serial offender responsible for her delinquent and criminal behavior” (Arrigo & Griffin, 2004, p.375). They studied her social, psychological,

and family history in order to explain the nature of her serial violence (Arrigo & Griffin, 2004, p.383). They emphasize that the murder of her first victim was the psychological turning point for Aileen, which caused her predatory aggression, as she experienced power and control. She purposefully continued killing other victims to experience her sense of well-being and to ensure financial gain (Arrigo & Griffin, 2004, p.389). As the whole of her life she had faced abuse, humiliation and deprivation, and finally she herself could abuse and destroy the object she hated (Arrigo & Griffin, 2004, p.389). They write that Aileen in her interview with Court TV (1999), “admitted feeling powerless in the face of the many sexual overtures and aggressive impulses from the men around her throughout her life; however, her attitude shifted once she began to kill” (Arrigo & Griffin, 2004, p.389). Therefore, I think that she was a cold-blooded, rational female serial killer who acted from position of power and control, who deliberately chose her victims and committed her crimes with thoroughness, logic and cruelty, and finally enjoyed her crime, in contrast to traditional perceptions of female serial killers. “There was no conscious experience of emotion in these acts; rather, the behavior was rational, planned, and goal directed” (Arrigo & Griffin, 2004, p.389). I believe that female serial killers are not an anomaly or exceptional cases, but rather they are extremely silenced, distorted, adjusted accordingly to the existing gender stereotypes and biases.

4.3. Criminalization of Female Sexuality

Scholars describe female homosexuality in and outside of prison as a “deviance”, “pathology”, “illness”, “perversion”, “disordered behavior”, “immoral” violation of a “normal” way of sexual intercourse or a “copy” of heterosexual conventional male/female roles or simply expressing not the original idea that it is a “surrogate”, as a “compensatory”

response to the deprivation of attention from men or relations with men. For example, Shiller argues that usually the “problem” of lesbianism in prisons has one main cause which, according to her, is the impossibility of having “normal” sexual contact with men (Shiller, 2003, p.91). She claims that lesbian relationships among prisoners can be explained by the absence of “worthy” male sexual partners (Shiller, 2003, p.92). Moreover, she believes that the separation of men and women has negative effects, which, according to her, are the worsening of mood, increased homosexual practices, and cruelty of women. (Shiller, 2003, p.100). Korzun argues that female homosexuality for many female criminals in prison to a certain degree serve as a psychological “alternative” to a failed marriage, and homosexuality, according to him, is a “twisted, ugly, surrogate” (Korzun, 2001, p.228).

When lesbianism is constructed as a fake, as a bad copy, imitation etc., Butler questions why heterosexuality is constructed as original, true, authentic, and why homosexuality must be derived from it? In order to answer this question she analyses the concept of imitation. She makes a distinction between being one and playing at being one, but she emphasizes that they do not undermine each other, as playing at being the one is the way for that real being to be confirmed (Butler, 1993, p.125). She shows that heterosexuality works through performances and only by endless compulsory repetitions of itself. So because any origin demands a copy in order to conceal the emptiness of its own grounds: without homosexuality as copy there will not be heterosexuality as origin (Butler, 1993, p.128). Butler logically concludes that if copy comes before the origin, you need to presuppose copy in order to have origin, and then it fairly means that homosexuality is actually the origin and heterosexuality is a copy (Butler, 1993, p.128).

One of the common stereotypes associated with homosexual relationships, is that one partner plays the traditional male role, and another the female (Korzun, 2001; Shiller; 2003). However, Faith, as a result of conducted interviews in a California prison in 1972, states that

women who have a relationship in prison reject heterosexist explanations like “deprivation”, “surrogate”, “role playing”, or “pseudo” by which their relationships are categorized, and moreover the use of the definitions of "man" and "woman" in relation to themselves, they find offensive (Faith, 2011, p.219).

The main difficulty in conducting fair studies of female sexuality in prisons is the “habit” of scholars to transmit all forms of “deviations” from heterosexuality in the marginal area of psychiatry; they discuss homosexuality in the context of criminalization, medicalisation and moralization. Faith notes that according to medical discourse, homosexuality in women is labeled as a curable disease which can be healed, for example, by psychoanalyses (Faith, 2011, p.213). Also she points to another explanation, namely to the discourses of psychologists and sociologists, who also see homosexuality through the lens of deviance “with the presumption that those afflicted with this ‘social disease’ are choosing their condition and can be rehabilitated through behavior modification and counseling” (Faith, 2011, p.213). Post-Soviet scholars reproduce the same discourses and with “enthusiasm” suggest preventing, sanctioning, curing, correcting and healing the same-sex relationships.

Shiller claims that the “issue” of female homosexuality has significant negative effects on the process of resocialization of convicted women (Shiller, 2003, p.93). She states that it is necessary to use correctional activities such as interviews with physicians, sexologists, psychiatrists and psychologists on topics such as sexual “deviance” in general and homosexuality in particular, interviews and lectures with demonstration of documentary and feature films, which should show the “dangers” of such “pathological” sexual “deviations”, the connection of them with alcoholism, drug addiction, moral “turpitude” and other “vices”. Moreover, she suggests imposing disciplinary penalties on violations of lesbian prohibitions. (Shiller, 2003, p.93) Kunts writes that the “problem” of moral correction is closely intertwined with the “problem” of prevention of sexual “perversions” in women's prisons. She

thinks that this can be achieved by identifying those who are involved in sexual “perversions”, and gain control over their behavior, also isolating and bringing to justice those who are involved in sexual “perversion”, raising awareness about the dangers of sexual “perversions” to the health and morality of women, the establishment of a permanent medical surveillance, and in some cases treatment of persons who are engaged in sexual “perversions”, with extensive use of psychotherapy and active recreation. (Kunts, 2006, p.314). Kutina argues that the main direction of crime prevention in the execution of sentences is the treatment of psychoneurotic “anomalies” which includes sexual “perversions” among convicts (Kutina, 2006, p.178).

All these discourses reflect the existence of fear towards anyone who does not confirm to the gender norms of conventional social order (Faith, 2011, p.214). All these discourses illustrate the existence of the mechanisms of strict control of female sexuality, which, according to criminologists, must be realized only in heterosexual marriage and in submission to their husbands, as strict regulation of female sexuality is a “basic” level of control of women’s lives in heteropatriarchal society.

Scholars write about female homosexuality based on their fantasies and cultural stereotypes, rather than on facts. They propagate the idea that lesbians have a propensity to violence. Shcherbakova argues that women's crime in isolation, in contrast to free women’s crime, is committed, “as a rule”, on the basis of homosexuality (Shcherbakova, 2008, p.352). Kunts states that her criminological study showed that women convicted of violent crimes often commit violent acts because of lesbian love motives (Kunts, 2006, p.311).

Volkova argues that there are many factors that determine female crime. She writes that Russian people have lost interest in the traditional values and forms of leisure; that instead they have socially and morally “deformed” values, the realization of which takes place in informal street gangs with criminal orientation, in associations on the basis of “pseudo”

political or other interests which, according to her, include neo-nazis, “unions of homosexuals and lesbians” (I assume LGBT) and others. (Volkova, 2001, p.115). She equates neo-nazi union with LGBT organizations. It is very sad that now in the 21 century criminologists are not enlightened, and remain firmly committed to the traditional heterosexist system of beliefs, and reproduce these homophobic, discriminatory and stereotypical discourses.

I think scholars reproduce homophobic constructions of female convicts because of their melancholy about the not admitted experience of the loss of their homosexual love or desire. Butler uses the mechanism of melancholia in the Oedipal situation, which is essential in the formation of gender identity, in order to examine the loss of homosexual love or desire and the consequences of it in a culture. Therefore, in order to illustrate this I decided to accentuate on her analysis of Freud. By referring to Freud Butler claims that the loss of the other does not mean a complete annihilation of the object of loss, but the internalization of that object from the outer world to the inner world. “Freud suggests that the internalizing strategy of melancholia does not oppose the work of mourning, but may be the only way in which the ego can survive the loss of its essential emotional ties to others” (Butler, 1999, p.74). But it does not mean that in a melancholy the loss of the other is eliminated, because if the object can no longer exist in the outside world, it will exist in the inner, and this internalization is a way to give up the loss, to delay or postpone the recognition and painful experience of loss (Butler, 1999, p.73). Butler claims that the individual, who experiences the loss of another human being whom she loves and desires, tries to sustain the attributes of that human being through the acts of imitation as specific form of identification in order to save that other in the structure of the self and, therefore, to escape the annihilation of her love. “This identification is not simply momentary or occasional, but becomes a new structure of identity; in effect, the other becomes part of the ego through the permanent internalization of the other’s attributes” (Butler, 1999, p.74).

Butler claims that “the construction of the interior ego ideal involves the internalization of gender identities as well” (Butler, 1999, p.79). She argues that gender is framed through the rejection of homosexual affection, through being subject to ban, which excludes the same sex as an object of desire and sets this excluded object as part of the ego itself as a melancholic identification. Butler claims that gender identifications are the consequence of loss, are kinds of melancholia about desired but prohibited object. Butler states that the consequence of this pressure and prohibition is a culture of gender melancholy in which masculinity and femininity emerge as the traces of a not admitted experience of love, and where masculinity and femininity are enshrined in the heterosexual matrix of rejections of homosexuality. Butler’s introduction of the concept of melancholic identification, a culture of gender melancholy in which masculinity and femininity emerge as the traces of a not admitted experience of homosexual love, allows us to assume that actually heterosexuality itself is not inevitable, and it can only dominate within a constant external taboo on homosexuality, because if it was stable, original, initial, there would not be the necessity to enforce prohibition on homosexual desires.

Criminology as a discipline must be free from the traditional definitions of sex and gender and sexuality which we have now in heteronormative post-Soviet society, because post-soviet scholars contribute to the formation of negative attitudes toward homosexuality in women. Women are not “free” in the realization of their sexuality, they are decided by someone else - psychologists, psychiatrists and criminologists how to live, behave and think. Adrienne Rich examines “how and why women’s choice of women as passionate comrades, life partners, co-workers, lovers, tribe, has been crushed, invalidated, forced into hiding and disguise...” (Rich, 1980, p. 623). Rich argues that most women are forced into heterosexuality, as society leaves them no choice. And after listing a lot of methods by which male power is supported over women: women's loss of their own sexuality; the imposition of

male sexuality; the exploitation of their labor through the institution of marriage and motherhood; etc, Rich concludes that "we are confronting not a simple maintenance of inequality and property possession, but a pervasive cluster of forces, ranging from physical brutality to control of consciousness, which suggests that an enormous potential counterforce is having to be restrained " (Rich, 1980, p.640). Rich found out the way to resist this pervasive cluster of forces, and this counterforce, according to her, is a "lesbian continuum", by which she means a sphere of experience of self-determination and autonomy in the context of a wide range of saturated relationships between women (Rich, 1980, p.648-649). This approach permits us to recognize and understand the diversity of relationships between women in prison, where for many women, it may sound paradoxical, but the prison can be a place where they can achieve personal growth, experience self-determination and autonomy by creating bonds with other women.

Conclusion

Kazakhstan and Russian post-Soviet mainstream criminology, being firmly positivist (quantitative methods within it occupy a dominant position); determinist, dogmatic, presents itself as rational, reliable, objective and as committed to the truth, as free from feelings, prejudices, value judgments and emotions. However, as a result of the analysis of works on female criminality, it is possible to conclude that post-Soviet scholars who study female criminality have specific desires (conscious or unconscious) and explicit or implicit interests in the preservation and restoration of the existing social order (dominant ideology) which is beneficial to someone (who enjoys a privileged position), and people (social groups) want it to remain unchanged and thus, their claim to “objectivity” and “neutrality” is groundless. Instead they study female criminality and female criminals through the lens of their own profoundly rooted, purely essentialist and sexist prejudices, stereotypes, biases, expectations and fantasies, including the influence of generally accepted and taken for granted patriarchal beliefs and double standards that underpin the discipline of criminology itself. Criminologists’ patriarchal understandings of gender roles, their essentialist beliefs about the unequal and different “natures” of the sexes, their traditional visions of femininity and masculinity and, based on it, their hypocritical reasoning, moralizing and use of a set of stereotyped and biased assumptions in their analysis, create limitations and distorts their studies of female criminality.

In my thesis I posed three questions. Firstly, what are the discourses on female criminality and female criminals in Kazakhstan and Russia? As it could be seen in the second chapter, Kazakh and Russian post-Soviet mainstream criminologists inevitably equate criminality with masculinity, for them crime is a male activity and a masculine domain. At the same time there is a notion that women become criminal only by going against their

“instincts” as a deviation from their “nature”, because for scholars women are “inherently” nice, law-abiding and conformist creatures. Because of the gendered understanding of crime, when it comes time to explain female criminality, scholars marginalize women in terms of their deviation from “femininity” and construct distorted images of female criminals (affective, loyal, dependent, passive etc.) in order to adjust and to appropriate female criminals and their studies according to their traditional understanding of gender roles and femininity.

In the second chapter I also analyzed how criminologists use the women’s liberation movement, feminism, emancipation to explain the causes of female crime, namely they connect the increase in female crime to feminism, emancipation and equality. They express their moral fear about the traditional women’s role, in regard to performance of their roles as mothers and wives they write that these functions are weakened in female criminals, that they cease to care for their children, and cease to fulfill their “natural” duties, scholars express their concern about the blurring of gender difference and finally, they blame everything on emancipation, feminism and women’s participation in public life. And in order to prevent female crime they suggest stopping the cultivation of feminist values as, according to them, it has destructive social consequences such as the collapse of morality, the family, and the increase of female crime.

In addition to blaming feminism, contemporary criminologists in Russia and Kazakhstan, for the prevention of women’s crime, advocate the revival of a traditional conservative way of life, strengthening the social control of women by such institutions as family, marriage, motherhood and religion, limit their participation in public life, demand their returning to “proper” feminine places and roles. From the perspectives of criminologists, in order not to be criminal women must comply with certain gender roles imposed by society: to be “feminine” and, most importantly, be a mother and realize their “true” and “natural”

destiny in the family. So for criminologists the institution of motherhood, marriage and family are the main ways of preventing female criminality in Kazakhstan and Russia. Scholars justify their ideas by referring to “innate” sex differences, they try to present the idea that sex/gender is something given by god or nature, and that they are unchangeable.

The third chapter showed that post-Soviet criminologists have a biased and gendered understanding of such categories as “rationality” and “reason”. Scholars deny female criminals’ agency, by constructing them as essentially overly emotional, irrational, unreasonable, insane, inadequate, hysterical, overexcited, and driven by biology subjects. Mainstream post-Soviet criminology promotes the idea that female crime is an unintended outcome of mental pathology, or of female biology, or of inadequate female psychology, that women commit crime as a result of mental illness, or as a result of hormonal imbalances, or as a result of loss of control (involuntary).

The forth chapter showed that female sexuality is also a subject of study for scholars, they discuss female homosexuality in the context of criminalization, medicalisation and moralization, and suggest preventing, sanctioning, correcting and healing the same-sex relationships. In this chapter I also analyzed how the female criminal is considered doubly guilty, first she is encoded as a criminal, and then she is a woman who violated traditional gender roles. Female criminality is described as a great humanitarian threat and as a disaster that threatens the entire population as a whole. Scholars separate women who commit crime from “normal” members of society, and consider them as more abnormal than men, emphasize the difficulties of resocialization them compared to men, and describe female criminals as morally degraded subjects.

In the description of female criminality in women the basic strategy is to compare it to male criminality. When constructing a model of female criminality scholars describe it as an uglier, more dangerous, malignant phenomenon than male criminality. Men in the texts

appear as a “norm” for comparison on the issues related to female criminality, and male criminality is more acceptable, while female criminality is totally unacceptable for criminologists. Scholars also deny the existence of female serial killers as they argue that such crimes as serial killings or violent sexual crimes firmly belong to the male sphere of criminal activity. They use the following arguments: women lack “natural” or “genetic” aggression, that “physical weakness” and “instincts” of motherhood prevent them from committing such crimes, that crimes committed by women are rarely associated with violence or cruelty and almost all of them are not serious.

Secondly, I raised the question what lies behind these discourses (what can or what exactly causes the authors to produce such texts and what is the underlying subtext, ideology which embeds such constructions and explanations contained there). All these interpretations of female criminality and constructions of female criminals reflect the ideological understanding of gender in society, which is now experiencing a time of active revival of traditional conservative values, religion and nationalism. The transformation of the political regime in the post-Soviet Kazakhstan and Russia included not only the elements of liberalization and the emergence of democratic institutions, but also the revival of patriarchal ideology, traditionalism and conservatism. With the collapse of socialism in the post soviet Kazakhstan and Russia, under the banner of national rebirth there is a growing call that requires women to return to their “true destination”, to the family and the upbringing of children. It is believed that motherhood has always been, and remains, the main destination of women, especially for the conservatives who believe that gender-task is to revive our ancient “roots”, to restore “ancestral traditions” of masculinity and femininity as new social patterns and roles and to ensure that women properly carry out their reproductive function, and thus solve the demographic problem. According to these ideas women are required to be in the

private sphere, and maternity and child care are perceived as the main features of femininity. Thus, Russia and Kazakhstan are formally democratic, but still patriarchal at their core, and this has influence on criminology studies on female criminality.

Another reason for such an openly discriminatory, biased, and stereotyped interpretation of female criminality in the 21 century can be explained by the fact that the development of Soviet criminology was artificially intervened from the 1930s until 1960s, as Soviet ideology propagated the idea that socialism has found the causes of crime, which are rooted in social conditions, and therefore they believed that further criminological research was not necessary, as according to this ideology, with the achievement of the higher phase of socialism the root causes of crime will be erased and will not appear anymore. This phase delayed the “natural” development of criminology and as a result of 30 years of stagnation, including the context of Soviet Union isolation, post-Soviet criminology is a relatively young science in contrast to Western criminology, however, there are not any substantial cultural differences between them, except the development of feminist criminology.

Female criminality and female criminals cause a crisis in patriarchal ideology, a crisis in institutions that produce dominant notions of femininity and challenge the traditional understanding of gender differences. Therefore, it is not surprising that in Kazakhstan and Russia there is a tendency of criminologists’ to assimilate feminism with female criminality, because both challenge normative model of “femininity” and traditional parameters of gender “appropriate” behavior.

Scholars, by referring to the “natural” female qualities, reproduce the idea that women should stay at home and fulfill the role of mother and wife, which means that they don’t separate these traditional functions of women from women themselves. When scholars argue that women must be controlled by traditional values, must be confined to the family, marriage and motherhood in order to prevent their crime, they express the underlying perception that

women are not rational individuals, who without any control cannot abide by the law, thus they must be constrained by husband, family, children, religion and tradition. Scholars stereotypically prefer women to be law-abiding, advocate for their returning to the family and their confinement in the domestic sphere, however, they don't reproduce the same attitude toward men. These selective attitudes and double standards in prevention of female crime are not just about the distribution of functions between men and women, but also about securing the subordination of women and gender inequality in society. All these analyzes, explanations and approaches to female criminality and construction of female criminals reveal how authorities in the face of officials, professionals punish women for breaking the normative code of femininity or gave symbolic and strategic meaning to women's behavior in order to secure gender hierarchies and privileges (Shapiro, 1996, p.218).

It is comfortable for scholars to construct female criminals as insane, irrational, unreasonable, overly emotional, totally degraded non-human creatures, as women's crimes after such constructions can be considered as an outcome of female biology, pathology but not a result of their agency and rational choice. Scholars bind women to their bodies or connect their crimes with their "inadequate" psychology in order to deny their agency, as they need to explain women's crime in such way, and to present female criminals so that not to endanger the existing structure of society. Because female criminality and female criminals do not fit into the existing dominant ideology, or fit but in a distorted way, therefore, in order not to disrupt the existing ideology of society, these cases are transferred into the sphere of irrationality. Thus, scholars reject women's crime, by reject women's crime they maintain the myth about the conformist, law-abiding and non-criminal female, which is a tool of rationalization and legitimization of women's subordinate position and, of course, such a myth is extremely beneficial to certain social groups.

Finally, I examined the question what are the implications of such discourses for women? Scholars' unfair treatment of women and their construction of women, as something irrational, insane, overly emotional etc., essentializes gender differences, reinforces the dominant position of men and discriminatory practices against women. By presenting women as essentially irrational, insane, emotional, unreasonable etc, scholars discredit, devalue and deny female criminals' agency, by denying women's agency, scholars deny their right to be full human subjects and that they possess attributes of full human subjects who can be rational and can be responsible and enjoy benefits of being autonomous person, who can exercise their will and choice, who can control their lives.

Criminologists' selective suggestions on liberating only certain kinds of women from prisons, confirms that they treat women in the overwhelming cases as "mother" and "wife" and did not mention any other roles of women in society, thus all their assumptions and suggestions on the form of criminal punishment reflect the existence of sexism, biases and discriminatory attitudes toward women within criminological theory. Prevalence and persistence of gender stereotypes, prejudices, biases in criminology is in turn responsible for the discriminatory treatment of women in the criminal justice system. Criminology itself is the domain of justice where any implicit and explicit violation of the principle of equal treatment of women and men under the legal system, which is the foundation of all the principles, fundamentally undermines the whole function of this institution. Moreover, the existence of prejudices, biases and stereotypes worsen the problem of ensuring women's rights and create ground for more sophisticated and more dangerous practices of discrimination against women in the criminal justice system.

Contemporary post-soviet mainstream criminological works on female criminality contribute to the production of hierarchical power relations in society on the grounds of sex/gender/sexuality, by propagating the model of "appropriate" gender behavior, the model

of “femininity”, criminology and criminologists take part in reinforcing a dependent, subordinate and inferior position of women in society. These various assumptions about female criminality and constructions of female criminals legitimize and justify the division between public and private sphere and contribute to the social practices of exclusion of women from the public life. By such sexualized and essentialist approach to female criminality scholars strengthen traditional heteropatriarchal conceptions of femininity, reduce women to the role of mother-housewife and give justification to any discriminatory practices. Finally, by treating women as objects that can be on any occasion removed from public the sphere and confined in the domestic sphere scholars toxicate and distort the realities of women’s lives and cause huge harm.

Moreover, after analyzing studies on the relationship between feminism and female criminality it is possible to make conclusion that actually women commit crime not because of active participation in public life, feminism, emancipation, equality, independence - how scholars actively argue, but rather because of active displacement from the public sphere, that they commit crime as a protest against constantly imposed traditional roles on them, against oppression and implicit and explicit discrimination and mechanisms of their subordination; that today’s Kazakhstan and Russia’s increase in female crime is rather the response to gender inequality in society and exclusion of women from social life. And taking into account criminologists’ plans of prevention of female criminality, namely exclusion of women from public life, deliberate limitation of their social roles and employment opportunities, confinement of women in the domestic sphere, revival of traditions, strengthening of social control, and banning or hindering feminism (feminist values and feminist ideology), it is logically follows, that criminologists themselves and criminology as a discipline itself, paradoxically, contributes to the growth of female crime.

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