
GENDER & CRIME

2ND EDITION

A Human Rights Approach

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Introduction

With early feminist work in British **criminology** focused on understanding the **female offender** (Heidensohn, 1985; Smart, 1977), the past 40 years or so has seen the stock of knowledge on **gender** and criminal justice grow exponentially. Criminologists interested in gender have taken on the challenge of making women, and more recently men, visible within the criminological enterprise. Criminology is now abundant with works considering the issue of gender, from general textbooks on gender and **crime** (Barberet, 2014; Heidensohn, 2006; Mallicoat, 2011; Muraskin, 2012; Naffine, 1997; Renzetti, 2013; Renzetti et al., 2006; Walklate, 2004) to more specific texts on women in the penal system (Carlen, 2002; Carlen and Worrall, 2004; Wahidin, 2016), women's and men's **victimization** (Dobash and Dobash, 2001; Newburn and Stanko, 1994) and the gendered nature of criminal justice organizations and those who inhabit them (J. Brown, 1998; Brown and Heidensohn, 2000; Heidensohn, 1992, 2003; Kenney, 2013; Martin and Jurik, 2007; Silvestri, 2003). With such a good range of work available, might readers be right to question our motives for writing yet another text on gender and crime?

We are guided by three main motivations in writing this book. Firstly, we believe contributing a second edition to this major series by Sage offers us an opportunity to restate the continuing significance of gender in criminology, not least because some of the issues raised in the 1960s still have resonance today, albeit in a modified form. Secondly, despite the mass of literature available, part of the impetus for this book stems from a desire to challenge the idea that the appetite for knowledge of gender and crime has been satiated. We feel that no other book currently synthesizes the material in the way that this book does. We outline both women's and men's experiences as victims, offenders and criminal justice professionals. In doing this we are calling for students of criminology to avoid empirical and conceptual complacency and for them to be aware of the evolving and ever-changing nature of the field. Lastly, we attempt to breathe new life into existing and well-rehearsed debates about gender and crime. We do so by considering the usefulness of drawing on a **human rights** discourse for making sense of gender, crime and

criminal justice. These motivations are all underpinned by a desire to combat the growing mantra in criminal justice and broader circles that 'all things are equal now'. Indeed one of the main purposes of the book is to draw attention to the highly differentiated and complex patterns of equality and inequality. In short, for those unfamiliar with debates on gender and crime, this book will offer a comprehensive guide into some of the major debates that have influenced and shaped the study of this topic. For those already familiar with the industry of texts on gender and crime, this book will act as an *aide-memoire* to existing debates but at the same time will make an innovative contribution to debates in this field of inquiry. Since the publication of the first edition the connections between all aspects of gender and crime remained topical issues in academic criminology and crime and public policy, and the book needs updating to take into account new research and the emergence of new issues and debates (e.g. 'honour'-based violence (HBV) and **female genital mutilation** (FGM), sex trafficking, the wide range of professionals working across the whole of the criminal justice sector). Also, there has been talk of a 'crime drop' across the world, which suggests that the **crime reduction** industry has got to grips with crime, disorder and anti-social behaviour; yet this book tells a different story where existing as well as new crime types still have an adverse effect on individuals and communities and in gendered ways.

The first part of the introduction sets out the main aims and objectives of the book and provides an overview of its overall structure. The first section will consider the relationship between gender and crime from a historical perspective. This is followed by a discussion of criminological theory and maps out the logic behind searching for new directions within the study of gender and crime. In doing so it will allow a greater appreciation of what has been, what currently is, and what is possible for studies on gender and crime. We put forward here our case for a human rights perspective for the study of gender and crime, which has been acknowledged as a line of inquiry, 'which holds real promise for achieving justice for women' (Silvestri, 2006 cited in Heidensohn, 2012: 131); and to that we might add men. Thus our book departs from most traditional texts on gender and crime (see Barberet, 2014, for an exception to this rule). The reluctance of many criminologists to take account of the significance of a human rights agenda will be outlined and its importance emphasized. We argue that academic communities have for too long clung to a very narrow conception of human rights. The decision to focus on the human rights agenda is timely for several reasons. Debates on gender and crime have rightly considered the themes of **diversity**, difference, **discrimination** and division, sometimes showing in stark terms that women's and men's lived experiences of criminal justice are highly differentiated. This conceptual point has been demonstrated through different theoretical perspectives and an expanding body of empirical work drawing on qualitative and quantitative

methodologies, underpinned by competing epistemologies. Academics, policy-makers and practitioners have started to come to terms with the gendered divisions created through complex processes of differentiation. There is a mixed bag of responses and although there is some evidence that men and women today are more equal in the domain of criminal justice than their historical counterparts several decades ago, this complex equality is muddled further by increasingly complicated forms of inequality.

The human rights agenda, at least in principle, strives towards eradicating gender differences through an emphasis on the universal characteristics of a genderless human subject. However, closer investigation of human rights discourse shows further diversification, division and differentiation of men's and women's respective experiences of criminal justice. This book suggests that when class and race are added to the equation not only are there novel configurations in terms of relationships between men and women, but divisions among men and women are in some instances much sharper and more pronounced. In providing a comprehensive overview of women and men, we do outline some of the dominant explanations for women's and men's behaviours, but we should state here that the book is much more concerned with exploring how their experiences of the **criminal justice system** might relate to a human rights agenda. Our position is a simple one: we argue that rethinking the experiences of women and men as offenders, victims and those in control of the criminal justice system within a human rights framework will encourage a transgression of traditional debates about gender and crime.

The state of criminology

As criminology progresses into the twenty-first century, those discussions about its state of health registered in 2008 in the first edition of this book still have resonance today. The diagnosis is mixed and readings of the past, present and future states of criminology vary enormously depending on your perspective. South (1998: 222) sums these debates up well when he states that criminology 'is either in deep crisis, close to being dead and buried, or else has come through a period of conflict, resolution and consolidation, to reach a point of renewed vitality'. He concludes that criminology seems to be in a rather vigorous state of good health, producing new directions and some reflexive debate. Before giving criminology a clean bill of health, however, it might be prudent not to overstate its vigour. If we look at the indices being used to map its condition, Walters (2003) reminds us that the traditional markers, normally associated with health – in this case, the growth of criminological centres, journals, programmes and student numbers – are not

necessarily evidence of a discipline in a healthy or productive state. Indeed in many cases, he argues, it may indicate the converse. From different perspectives there are criminologists who have questioned the narrow and restrictive research agendas that have been set by central government and welcomed by administrative criminologists (Hall and Winlow, 2015; Matthews, 2014). Matthews (2009) has even questioned the social relevance of the discipline with an allusion to "'So what?" criminology' despite much talk of research having 'impact'. Some commentators, again from very different vantage points, have bemoaned the lack of theoretical innovation within criminology (Hall and Winlow, 2015; Rock, 1994) and others have pointed to the 'perverse' and 'deeply disturbing trends in the *content* of criminology' (Hillyard et al., 2004, original emphasis). Hillyard et al. offer an insightful discussion on the state of the criminological research agenda in the 2000s, but their observations are still germane. They argue that 'alongside the noise of criminology – the ceaseless chatter advocating the extension of criminal justice practices and "solutions" – there stands a series of telling, sustained silences' (Hillyard et al., 2004: 371). In particular, they note the absence of questions about **power** within criminological research agendas and detail the lack of attention dedicated to investigating state criminality and liability. On a more optimistic note, such characterizations fail to appreciate some of the innovative and interesting work being conducted today by newer generations in criminology. It may be that as predicted by Heidensohn (2000) change is afoot as the fortunate generations begin to retire and new generations assume their positions.

When thinking more specifically about the issues of gender and criminology, we can see that the relationship between women, femininity and crime – and increasingly men, **masculinity** and crime – continues to assume an increased visibility and political significance within both criminology and the public arena. The impact of feminist perspectives is clearly observable on criminological research, policy and practice agendas. Not only have such works assumed a greater visibility, but they have also matured within criminology. As the disciplinary boundaries become increasingly blurred in most fields, criminological works have become much more interdisciplinary in nature. If you scan the criminological literature that has emerged over recent years, it becomes fairly evident that authors of some of the more interesting work have spent considerable time searching for new vocabularies, new terms and concepts outside the discipline. In support of this position, Heidensohn (2000: 3) notes that 'criminology has to be renewed every so often from external sources or outside visitors'.

With the impact of feminism so clearly visible there is much to be proud of. Yet, not all is as good as it could be – there is no doubt that feminism and those with a gender agenda remain very much on the margins of the discipline. We concur with Heidensohn (2000) above and argue that the ability to be

interdisciplinary is a key strength that provides us with new and exciting sources for the future renewal of criminology. In comparing findings from research studies over nearly three decades on various groups of women involved with the criminal justice system, Heidensohn (1994: 27) concluded that the impact of modern feminism had affected the consciousness of women. In this work, she characterizes a shift from 'being to knowing', in which women now know they are interesting, to themselves, each other and to men. She also notes other important transitions in which women were more likely to 'resist' than 'accept' their ascribed status and to be more ready to 'voice' dissent than to maintain 'silence'. With masculinity studies still in their infancy its effects on men are harder to quantify. There is no doubt, however, that the need to understand men through an appreciation of masculinities has secured a place within criminological circles. The significant transformations that have occurred through feminist work, which will unfold in this book, are unquestionable but the extent to which mainstream criminology has acknowledged their significance is best described as tokenistic.

New directions: Human rights

The first edition of *Gender and Crime* published in 2008 was influenced by two events: firstly, the publication of the *Commission on Women and the Criminal Justice System* (Fawcett Society, 2004) following concern about the impact of current laws and practices on women in England and Wales; and secondly, the New Labour government's announcement of its intention to create a single **Commission for Equality and Human Rights (CEHR)** in 2007. These were important developments that gave greater prominence to the issues of gender and crime, placing them within an alternative discursive framework. Since the publication of the first edition, there has been a significant change in government with two general elections – May 2010 and May 2015. Coming to power in May 2010, the Conservative–Liberal Democrat Coalition government embarked on a fundamental reform of public services calling for a less centralized **state** and more **discretion** for local authorities, with deep and sustained cuts in public expenditure (Crowther-Dowey and Long, 2011). At the same time, we can see a diminishing commitment to a human rights agenda. Some of the choices taken by the Coalition, though conditioned by political economy, are also consequences of political and ethical agency. For example, in the run up to the 2010 election campaign the Liberal Democrats were broadly supportive of the Human Rights Act (1998) whereas the Conservatives were more distrustful, with some prominent figures calling for it to be scrapped and replaced with a Bill of Rights. This scepticism was displayed

when the **Home Secretary**, Theresa May, refused to sign a Council of Europe Convention on Domestic Violence (CETS no. 210), calling for full commitment to prevent violence against women and treat it as **torture** (Shackle, 2011). The Coalition government made many ambitious and progressive statements but the refusal to add a signature to this convention and the proposed cuts suggests their commitment to eliminating human rights violations, like violence against women, is partial. We wait to see the direction taken by the Conservative government elected in May 2015.

In this second edition we restate our commitment to developing our analysis within a framework of human rights. We feel that the discourse of human rights is uniquely placed to take on board a number of current issues in criminology. It also has the capacity to render the concerns of criminologists through a discourse of power. In doing so it seeks to make the state much more central in the quest for accountability. We think at this time it is both criminologically and politically relevant to do so. In this book the existence of power and the state are taken as a given although it is necessary to recognize that for the purposes of this book there are different state forms involved in the regulation of crime. These forms have a bearing on gendered relations in criminal justice and they are affected by the human rights agenda and/or discourses on human rights.

Alongside this, the social and economic insecurities generated by rapid global change pose a range of challenges for criminology and human rights. The study of gender, and crime more particularly, has gone global with a deluge of international and transnational research mapping a broad array of gendered global crime and **social harms** (Cain and Howe, 2008). In developing a global conversation about gender and crime, we draw on human rights as a unifying framework within which to consider the connections between the local and the global, enabling a more constructive appreciation of the possibilities and limits of national and international human rights.

The bulk of this book focuses on developments in criminal justice in England and Wales and to some extent the UK. Before providing a summary of the book we outline the main features of the Human Rights Act 1998, which informs the analysis of the book that follows.

The Human Rights Act is based on the European Convention on Human Rights, which was drawn up following World War II. It is the main piece of legislation in place, which is there to protect the human rights of UK citizens. A core aim was 'bringing rights home' by making it possible for people to access home rights at home instead of having to go to the European Court of Human Rights. This was reinforced by a 'culture of human rights' which attempts to ensure that basic human rights principles are an element of government policy and practice at central and local levels. The Act places a legal duty

on public authorities (such as central and local government, and **criminal justice agencies**) to protect, respect and fulfil citizens' human rights when delivering services. Thus public authorities are legally accountable for any decisions they take in their everyday activities.

Table 1.1 A summary of the main articles of the Human Rights Act 1998

Article 2 – Right to life	Article 8 – Right to private life and family
Article 3 – Right not to be tortured or treated in an inhuman or degrading way	Article 9 – Right to freedom of belief
Article 4 – Freedom from slavery or forced labour	Article 10 – Right to freedom of expression
Article 5 – Personal freedom or the right to liberty	Article 11 – Right to freedom of assembly and association
Article 6 – Right to a fair trial	Article 12 – Right to marry and found a family
Article 7 – No punishment without law	Article 14 – Right not to be discriminated against in relation to individual differences such as sex and race

There are 16 rights or articles, yet for our purposes we refer to 12, and there are many different ways these rights are protected (see Table 1.1).

Some of the above rights are 'absolute', which have no limits (Articles 3, 4 and 7) whereas others are 'limited' (for example, Article 5) when it is legitimate to deprive someone of their liberty under certain circumstances, such as the **arrest** and/or detention of a **suspect**. There are also 'qualified' rights, which can be interfered with under certain circumstances (Articles 8, 9, 10 and 11) (see Newburn, 2013: 938). Not all of these rights are relevant to our concerns, but we will draw attention to those that are throughout the book.

Overview of the book and its contents

An understanding of both *femininities* and *masculinities* is a central part of this book. The book will be divided into four main parts consisting of ten chapters. The first part, *Gender and Crime in Context*, provides a historical overview of the study of gender and crime, which is informed by a chapter introducing key issues and debates relating to theorizing gender and crime. Following that we appraise contemporary issues in gender and crime in a globalized world.

Beyond this, a key and overarching theme of the book is the issue of care and control. Here we consider the ongoing tensions and problematic nature of women and men's interactions with the criminal justice system as offenders, victims and criminal justice professionals. Our concern with the issue of 'care' is an addition to the first edition and is reflective of contemporary discourses in relation to debates about gender and crime. Thus the second part, *Out of Control*, offers an insight into the differential patterns of female and male offending behaviour, their interactions with the **police**, the prosecution process, the courts and the wider penal system.

The third part, *In Need of Care*, explores conceptions of risk, fear and victimization through an insight into women's and men's experiences of being victims of crime. The fourth part, *In Control*, considers the discriminatory nature of social control through an appreciation of the ways in which both the law itself and criminal justice organizations and its agents are gendered. A more detailed account of the chapters follows below.

Firstly, we outline the contents of Part I, which focuses on gender and crime in context. Chapter 2 has two general aims. Firstly, it will survey the theoretical landscape and outline the broad theoretical shifts that have occurred within the study of gender, deviance, crime and harm. More specifically, it will chart the major conceptual and methodological developments that have shaped **feminist criminology**. We explore the origins of the discipline of criminology and consider how gender gradually became an issue for researchers and policy-makers. In particular, we emphasize the contribution of feminism to the study of crime from a historical perspective. Although the origins of feminist thought can be traced back at least to the nineteenth century, it did not have any bearing on criminology until the latter half of the twentieth century. We consider the emergence of several feminist critiques of so-called 'malestream' criminology in relation to the different levels and types of offending, the conceptualizations of male and female offenders, as well as epistemological and ontological assumptions (Heidensohn, 1968; Smart, 1977). There has also been somewhat of a renaissance of historical work within contemporary criminology, with studies of women offenders forming part of this broader narrative (Heidensohn and Silvestri, 2012). Also acknowledged is the theme of **intersectionality** and how gender relates to other **social divisions** (e.g. **race**, **ethnicity**, class, age, etc.). It will provide an introductory overview of issues past and present, ranging from gender blindness to backlash politics. It is here that the interdisciplinary nature of the way in which gender studies has matured within criminology will be emphasized. Secondly, readers will be introduced to the theoretical importance of a human rights perspective for the study of gender and crime. Criminology's failure to take account of the significance of a human rights agenda will be outlined and its importance will be stressed. It will be argued that academic communities have for too long clung to a very narrow conception

of human rights. It will be argued that thinking about the experiences of women and men as offenders, victims and those in control of the criminal justice system within a human rights framework will encourage a transgression of traditional debates about gender and crime.

Chapter 3 explores how criminology has benefitted from the contribution of historians, which adds to the strong interdisciplinary nature of the subject. Chapter 2 looked at historical developments in the discipline beginning in the 1960s but this chapter goes much further back to explore how gender, crime, victimization and social control have changed over the centuries. The overarching purpose of the chapter is to consider the issue of the 'gender gap' in offending behaviour and to make the experiences of women more visible. This is achieved by scrutinizing five cultural myths that have emerged as an enduring feature of accounts of female offending – specifically that she is not violent; mad rather than bad; a liar and deceiver; dangerous and risky; and in need of both care and control. Historical work is essential for identifying the relevance of the past for coming to terms with contemporary issues such as the fear and anxiety caused by the crime and anti-social behaviour of young women. We focus more on women but also acknowledge male criminality, particularly violence and how this is influenced by class and power in the context of broad social changes such as the 'civilizing' process. The final part of the chapter concentrates on victimization and how historical narratives on male violence against women include continuities with the present, especially **victim** blaming and the failure to prosecute and convict **defendants** accused of sexual and intimate forms of violence. Thus, a core argument of the chapter is that while gendered historical accounts of crime and the criminal justice system are important in their own right, exploring 'new' historical insights into women offenders have much salience in relation to contemporary discourses about gender and crime.

In Chapter 4 we reflect on contemporary issues in gender and crime in a globalized world. Since the twentieth century criminologists have become increasingly concerned about globalization and the various opportunities and threats this presents to both the individual and society. A key idea is that through technological, cultural, political, social and economic changes the world is becoming a smaller place in which individuals are more closely connected to each other. Although time and place are still important, the internet and cheap travel means people and commodities are physically and virtually closer than ever before. In terms of crime we can see how globalization has created new forms of criminal and deviant behaviour, such as trafficking, drugs, criminalization of (im)migration, honour killings, online pornography, online stalking/harassment, social media, etc. This chapter would foreground the global drivers of crime (i.e. **New Public Management** (NPM), penal populism) which appeared in the conclusion of the first edition,

so these can be embedded, where appropriate. Criminological research and policy tend to be concerned with what is happening in a particular nation state, which is confirmed by the content of Parts II–IV. However, the purpose of this chapter is to show how **globalization** has impacted on the complex relationship between gender, criminality and the control of crime. Despite people becoming physically and virtually closer, we also know that in a globalized world gender-based inequalities are becoming more evident in all societies. Another purpose of the chapter is to outline the growing importance of international and global responses to crime and disorder, focusing on the uneven impacts of gender-blind approaches to social control.

The second part of the book, called *Out of Control* begins with Chapter 5 which concentrates on women as offenders. Although criminologists have shown an interest in female offending, this chapter considers the conflicting views about the cause of, and appropriate responses to, a diversity of girls and women who commit acquisitive and violent crimes, including theft, domestic and sexual abuse and 'girl gangs'. In the first part we consider the female offender and her presence in the criminal justice system and argue that despite claims that women, compared to men, are becoming more crime prone, insufficient attention is paid to the context of victimization in which women offend (i.e. sex workers, drug mules). The second part outlines informal social control of deviant females at risk of engaging in offending behaviour and the treatment experienced by women as they pass through the criminal justice system, especially when women are incarcerated. In doing this we demonstrate that the human rights agenda is relevant and has the potential to make a difference. In the third and final part of the chapter we use a case study exploring the difficulties faced by the female prisoner: the over-representation of women in **suicide and self-harm** statistics; contact with children and families; and the experience of girls in prison. In doing so we consider in more detail the relevance of Article 2 (The right to life) and Article 8 (The right to private and **family life**) and the United Nations' Convention on the Rights of the Child. This considers previously neglected issues such as women's involvement in sexual offences and terrorism. We will critically reflect on the broader shift brought about by the **Corston Report** (Corston, 2007) in developing alternatives to **custody** in the form of community sentences and interventions.

Chapter 6 complements the previous one with an overview of men as offenders. As in the first edition, the main aim of this chapter is to consider the response of criminologists who have responded to feminist critiques of academic criminology. The chapter provides an updated review of some of the complex debates about men, masculinities and offending that have been conducted since the 1980s to the present day. It does this by reviewing research that explores the involvement of men and boys in crime, disorder

and **anti-social behaviour** and criminal justice responses to this group. The main point is that there is an ongoing discussion, specifically between structural and **psychosocial approaches**, where there are a number of unresolved theoretical, methodological and conceptual issues and debates, especially around intersectionality. Despite the lack of consensus in existing narratives focusing on masculinities and crime, more and more criminologists are accepting that most crimes are mainly committed by males and that for whatever reason male criminality is an indication that masculinity is problematic. In common with the previous chapter this one also considers the relevance of a human rights agenda. For instance, the HRA (1998) is a clear attempt to universalize rights, but many of the structural inequalities pre-dating the Act remain. Above all, certain groups of men continue to be marginalized, disadvantaged and excluded despite interventions in the name of human rights. Wider developments in the political economy may undermine the progressive and liberalizing tendencies of the human rights agenda through perpetuating gendered patterns of inequality. In common with Chapter 5 more attention is directed towards youth justice, the courts and men's experiences of the penal system (i.e. offender-based interventions through prison and **probation**, which are oriented towards desistance).

In Part III of the book our attention shifts towards those in need of care, such as women as victims and this group is examined in Chapter 7. In the first edition this chapter explored the influence of early victimological studies, in particular the growing prominence of the female victim and accounts of the ways in which girls and women are victimized. It included a critical review of existing responses to **domestic abuse** and sexual violence, especially legislative changes and reforms to the **policing** of these issues. The new edition will focus on the victimization of women and girls with reference to HBV and female genital mutilation (FGM), forced marriage, human trafficking, prostitution and sex work. The chapter is divided into three main parts. The first part updates the earlier review of the increased visibility of the female victim, which documented the nature and extent of violence against women. While gender-based violence incorporates a wide range of behaviours, a core theme is domestic abuse against women and girls perpetrated by men and boys. The chapter aims to broaden horizons by considering the global picture and what goes on beyond national boundaries. Despite considerable attempts by government and criminal justice agencies to take violence against women 'seriously', critics have observed that many complainants continue to experience '**secondary victimization**'. The second part of the chapter critically assesses the official responses to domestic abuse, especially by the police, but also by the expanding voluntary and community sectors. The third and final part of this chapter transgresses existing debates within criminology concerning violence against women and situates the issue of violence against women within a human rights framework.

The issue of victim rights is still a contentious area of debate and though there is a more robust statutory response to victims, many female victims are under-protected. In this chapter we consider the possibility of conceiving domestic violence as a form of **coercive control** and torture – a clear and obvious human rights violation. Violence against women by an intimate male partner is now recognized throughout most of the world as a significant social problem and has been identified by many countries as a human rights issue (United Nations, 1995). Through developing this argument we will consider the role of the state and its responsibility with respect to violence against women.

Chapter 8 takes the male victim as its focus. In order that we can develop an understanding of men as victims the chapter consists of three main strands. The opening and longest section considers the knowledge base relating to the phenomenon of male victimization, focusing in particular on **interpersonal violence**. This audit is updated to take into account more recent research. In line with the previous chapter it is suggested that this type of offending behaviour illustrates most starkly the gendered nature of victimization and that gender is less obviously relevant for other types of crime, principally property offences. Because this book is about gender and crime the focus is mainly on men although it is necessary to avoid reifying masculinities above other social divisions because it is intertwined in myriad ways with ethnicity, age, sexuality and **social class**. The salience of masculinities in relation to the services victims receive is then rehearsed, showing how the criminal justice system in England and Wales has been oriented towards victims' needs despite the word 'rights' being in circulation. Secondly, there is a brief review of prevailing explanations of male victimization in light of victimological and masculinities research. A key point emerging from this section is that the distinction between victims and offenders is not hard and fast. Therefore, when we consider boys and men there is a clear need to recognize the intricate linkages between complex patterns of exclusion that marginalize men both as victims and offenders, although spelling out the significance of the former at more length. Thirdly, we utilize human rights discourse to provide an alternative way of conceptualizing the victimization of men. We argue very briefly that given men are culpable for most victimization, male victims can assume greater personal responsibility for their victimization by recognizing the risks they face. Another way of deepening our appreciation of the potential application of human rights discourse is by focusing on how the state has on some occasions unfairly and unjustly criminalized – and victimized – the anti-social behaviour of boys and young men.

The fourth part of our book concentrates on the experiences of criminal justice professionals. Chapter 9, the first of two dedicated to examining the experiences of criminal justice professionals and employees, will build on the

chapter in the first edition by outlining the differential employment of men and women working in the sector and how this is shaped by gender-based discrimination. In the first edition we concentrated mainly on police officers and private security workers but this chapter will widen its focus to include youth offending teams, the legal professions and the National Offender Management Service (NOMS). However, the pattern of inequality is far from straightforward and it is necessary to look behind the numbers to show how organizational cultures produce and sustain sexist attitudes, beliefs, processes and practices. The aims of the chapter are achieved in three sections with the first section 'auditing' or quantifying the numbers of men and women working in core and ancillary professions, in addition to para-professionals and an increasingly pluralized sector such as the burgeoning voluntary and community sector and private sector (e.g. women as bouncers). The second section provides a more qualitative take on gendered inequalities throughout the crime control industry showing how masculinist and **heterosexist ideologies** permeate all of these organizations, which bolster male dominance in terms of the power and influence of men, especially though not exclusively, over women. The third part is an updated exploration of the apparent failure of **equal opportunities** policies, despite the production of various statements of good intent and seemingly positive anti-sexist initiatives. We consider the influence of power, which can produce gendered inequalities where the interests of men are privileged, thus cancelling out more progressive human rights based values such as equality, opportunity, diversity, fairness, dignity and balance.

Chapter 10, as with the first edition, focuses on the theme of gendered organizations and career progression, especially the constraints faced by women, to show how discriminatory ideas and practices obstruct the mobility of female professionals and how this tendency is out of kilter with an equal rights-based approach. The main focus is on the police and legal profession. There is also an overview of the broad movement towards developing diversity in society and the legislation in place to govern and tackle discrimination. The chapter is divided into two main parts. The first part contextualizes the debate by providing an account of the broader call for developing diversity within organizations. It is within this context that we situate the debate within a rights-based framework. Unlawful discrimination and the harassment of workers is an important human rights issue and the canon of human rights law now provides a comprehensive framework for challenging the various forces that have created and sustained discrimination based upon sex. The extent to which criminal justice organizations have drawn upon this framework to improve the position of women will become clear as we explore some of the initiatives taking place within criminal justice organizations to encourage a more representative workforce. We also consider the potential benefits of a more gender-balanced and gender-aware criminal justice system on those

professionals working in criminal justice and for those who come into contact with criminal justice agents, be they offenders and/or victims. The discrimination that women working in criminal justice organizations now face is far more insidious than that faced by their historical counterparts. With discriminatory behaviour less blatant and visible, its identification requires us to adopt a much more complex approach. The second part of this chapter draws on the theory of gendered organizations to outline the way in which criminal justice agencies and the career trajectories within them are deeply gendered at structural, cultural and individual levels.