Document généré le 12 oct. 2024 03:51

Criminologie

Résumé du contenu/English Summary

Dorothy Crelinsten

Volume 16, numéro 2, 1983

Les femmes et la justice pénale

URI : https://id.erudit.org/iderudit/017187ar
DOI : https://doi.org/10.7202/017187ar

Aller au sommaire du numéro

Éditeur(s)

Les Presses de l'Université de Montréal

ISSN

0316-0041 (imprimé)
1492-1367 (numérique)

Découvrir la revue

Citer ce document

Crelinsten, D. (1983). Résumé du contenu/English Summary. *Criminologie*, *16*(2), 127–130. https://doi.org/10.7202/017187ar

Tous droits réservés © Les Presses de l'Université de Montréal, 1983

Ce document est protégé par la loi sur le droit d'auteur. L'utilisation des services d'Érudit (y compris la reproduction) est assujettie à sa politique d'utilisation que vous pouvez consulter en ligne.

https://apropos.erudit.org/fr/usagers/politique-dutilisation/

Cet article est diffusé et préservé par Érudit.

Érudit est un consortium interuniversitaire sans but lucratif composé de l'Université de Montréal, l'Université Laval et l'Université du Québec à Montréal. Il a pour mission la promotion et la valorisation de la recherche.

https://www.erudit.org/fr/

RÉSUMÉ DU CONTENU/ENGLISH SUMMARY

Dorothy Crelinsten*

The study of female delinquency has been an integral part of criminology since its inception. In 1893, Caesare Lombroso, the founder of our discipline, devoted a great deal of study to the female criminal.

Criminologists were as concerned with women who contravened the law as they were with other forms or manifestations of criminality. Their aim was to describe their offences and analyse the causes underlying them. In short, they were interested in a completely scientific approach (let us not forget the impact of Darwin on the emerging social sciences), tempered, however, by the small number of female delinquents, comprising only some ten percent of the total criminal population. At the time, crime was blithely associated with its penitentiary projection : although it recognized the importance of socio-cultural factors, this naturalist type of criminology derived its data mainly from the study of prison populations.

Of the two other major figures who first influenced criminology, Marx and Freud, the former was little interested in crime. For him it was a by-product of the capitalist system. It would disappear as a social phenomenon quite naturally with the suppression of the exploitation of man by man on which principle the system was based. If women were the victims of something, it was this very same iniquitous principle that the socialists and communists wanted to eliminate. Their contribution to the discussion of crime ended there. Where Freud was concerned, he saw the key to the explanation of human behaviour in the differential socialization of men and women. Women's image as the mother figure played a fundamental role in human destiny. Although their indirect influence was considerable, neither Marx nor Freud made a direct contribution to criminology. Therefore, we cannot look to them, any more than to the naturalist tradition, to explain the revival of female related criminology in the last fifteen years.

If female criminality is not the same challenge to crime policy as the delinquency of minors or organized crime, why this renewed interest? The answer lies in the popularity of the feminist movement

* Translator of the International Centre for Comparative Criminology.

in the last ten years or so. This movement focussed on questions of power and the manner in which it was exercised. The discrimination, abuses and moral and physical violence to which women are subjected were major aspects of its concern. The law sanctioning the social norms was critically examined. The civil law in particular, and especially family law, underwent profound reforms under the active influence of the feminist movement. Did the criminal law represent the same instrument of oppression and discrimination as the family law that made women, to all intents and purposes, a minor? This was the question that criminologists, in view of the women's movement, had to face.

In this issue, we try to take stock of the present situation in this important debate. Jocelyne Légaré, LL.D., thoroughly examines our criminal law and makes a list of the clauses where neither justice nor equity are taken into account. Her conclusions should have led our Law Reform Commission as well as our legislators to set about reformulating many of the articles of our criminal code. In spite of its imperfections, however, the criminal code is not as bad as the private law : it affects only the small fraction of women who are guilty of criminal infractions — the exception rather than the rule. The review of the characteristics of female delinquency (both major and minor) made by Louise Langelier-Biron and Renée Collette-Carrière (to whom, incidentally, we owe the production of this issue of our Review) shows the changes that the upheavals of the industrial society have brought about in the style of life women lead.

These changes obviously have had an effect, as well, on their deviance and criminality. Essentially, we see a «democratization» of female criminality. A larger number of women engage in activities outside the home and have universal access to a high school and college education. The result is that they participate more in the professional and commercial life of the society. It is not surprising, then, that the famous ten percent (the proportion of criminal woman as compared to men) has been exceeded; but we still cannot speak of an inexorable trend toward the equalization of female representation before our courts of justice and in our prisons.

The feminine condition transcends political frontiers. The contribution of Maria Los shows the persistence, despite a very strong move toward egalitarianism, of a marked differentiation between male and female criminality in Poland. The article by Cécile Vanasse and Louise Langelier-Biron takes a close look at the aggressive bahaviour of young girls. Marie-Andrée Bertrand takes up the

philosophical and deontological discussion concerning society's right to intervene in the lives of the citizens and illustrates, through numerous examples, the arbitrary nature of these interventions and the little good they do as far as the delinquency and deviance of women is concerned.

Micheline Baril and her collaborators show us the tragic extent of the battered women phenomenon, long hidden by a society which is hypocritical and discriminatory toward women. Fortunately for our sense of justice, this sphere, privately handled for a long time due to a combination of the dominant influence of some and the shame of others, is now receiving a certain amount of attention from the public authorities. Renée Collette-Carrière and Dianne Valcourt tell of the organization of a network of services that handle women victims and those who have suffered at the hand of criminal justice. The annotated bibliography of Raymonde Beaudry completes the volume.

These articles tell us a great deal about the woman in our milieu who has come in conflict with the law. The victim of others' aggression, she suffers the consequences of our judicial system's failure to adapt to the rapidly changing socio-economic and psychological realities. There are certain constants, however, in the relationship between women and the interests of society, including criminality. In spite of the considerable changes in the condition of women in western societies, and in spite of the greater participation of women in all socio-economic activities, they remain far more the victims of anti-social acts than they themselves are guilty of committing. Only the place and form of the victimization is changing.

Basically we are faced with the same process of exploitation of women. Although prostitution is no longer the near slavery it was at the time of the brothels, the dramatic increase in divorces makes women, the heads of families, partly dependent on alimony that is hard to collect. In both cases they are the victims of a sheer abuse of power.

The differential socialization of young girls toward more conformist roles makes them the most subject to authority. This is an important factor of social stability. But the effects of this socialization toward conformism makes women the classic victims, the easy prey of unscrupulous individuals who tend to exploit the weaknesses or naiveté of others. There is much yet to be discovered in order to understand more clearly the effect of this basic discrepancy between women and men on the temptation to crime. Ideal victims through-

out the ages, women do not take their revenge for the injustices suffered in their personal lives by criminal aggression. They continue to bear the responsibility of giving life, ensuring our survival as a species from generation to generation.

By not avenging themselves for their implacable fate that sometimes makes them anti-social and criminal beings, women contribute more than their share to the social stability, to the homeostasis of society. It is hard to imagine the consequences should women, reacting to the numerous frustrations they are forced to endure, turn to crime. However, there is no certainty that these reactions would necessarily lead to criminal activity.

There is no doubt that western civilization was able to arrive at serving the human individual because, more than elsewhere, despotic dogmatism was subjected to principles of concern for others and ceding to the needs of others. That this is the case is due to women far more than men, as can be seen by an examination of the difference in their behaviour in terms of criminal activity.

We hope this issue of our Review will give our readers some food for thought about this paradox in our strongly egalitarian era where we all benefit from a most fortunate inequality, thanks to the little participation of women in anti-social and criminal activities.