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Feminist Criminology

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Feminist critiques of criminology's embedded male-centred biases emerged as early as the 1970s and 1980s.¹ Criminologists in Australia and New Zealand² were notable contributors (see Daly 1989; Hancock 1980; Naffine 1987; Wundersitz, Naffine, and Gale 1988). They documented shortcomings of mainstream criminology, particularly its limited engagement with women's encounters with crime and justice systems, and elaborated how criminological theories and empirical approaches perpetuated an androcentric vantage point that privileged masculine perspectives (Cain 1990; Carlen 1992). Feminist criminology in the 1990s shifted beyond questions focussed primarily on women as a social group to include systematic analyses of gender, power, and social difference. By the mid-2000s, feminist criminology was a mature subfield of criminology, as evidenced by the establishment of a dedicated journal.

Feminist criminology is often commended for its empirical sophistication. However, there are notable criticisms. Specifically, scholars acknowledge its tendency to prioritise critiques of gender-blind theories and analyses (Carrington 2008) and its lack of theoretical engagement with broader developments in feminist scholarship (Haney 2000). Critics and proponents alike sometimes overlook the diversity of feminist criminology. To characterise feminist criminology—or feminism more generally—as a uniform subfield of intellectual thought is a misnomer (see Naffine 1996). Scholars in Australia and New Zealand acknowledge the variety of feminist perspectives

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that have and could inform criminological enquiry (see, for example, Daly 2010; Henne and Troshynski 2013). Moreover, they concede that “theory based singularly on gender [cannot] explain how women of colour, rural women, Indigenous women, and women from impoverished backgrounds are uniquely susceptible to policing, criminalization and imprisonment” (Carrington, Hogg, and Sozzo 2016, 10).

Recognising the plurality of feminist criminological perspectives is important, as is consideration of their points of convergence and departure. This chapter reflects on core tenets of feminist criminology in a way that acknowledges their multiplicity and shared concerns. It outlines distinct features of feminist criminology in Australia and New Zealand, attending to earlier concerns as well as new developments. In doing so, the chapter points out foundational tensions underpinning feminist criminology—namely its traditional embrace of empiricism over wider theoretical engagement—and how different researchers negotiate those strains. It addresses how the resulting frictions can be both restrictive and productive. This review considers research conducted in both Australia and New Zealand and the growing focus on transnational connections within the region to ground its discussion. Overall, it summarises how scholars in Australia and New Zealand approach the feminist criminological mandate to transgress and transform its parent discipline (Cain 1990).

Feminist Foundations

The foundations of feminist criminology highlight a diversity of approaches. Feminist criminologists uphold different epistemological commitments, which Gelsthorpe (2002) usefully describes as *empiricism*, that is, a concern for understanding reality; *standpointism*, meaning to generate knowledge from marginalised viewpoints; and *deconstruction*, which is breaking down existing categories of knowledge. All three commitments inform feminist criminology in Australia and New Zealand. Although these commitments can appear as damning critiques of each other, the history of the subfield reveals that the tensions between them can yield productive reconsiderations of feminism’s contribution to criminology.

The origins of feminist criminology in Australia and New Zealand can be traced, at least in print form, to the early 1980s, with the publication of Hancock’s (1980) gendered analysis of juvenile justice and the anthology, Mukherjee and Scutt’s (1981) *Women and Crime*. The first Australian feminist criminological monograph, *Female Crime: The Construction of Women in*

Criminology (Naffine 1987), articulated core concerns of the subfield. In particular, Naffine (1987, 11) drew attention to how criminology's preoccupation with the delinquent "rogue male" prompted a narrow understanding of women; that is, it mainly provided insight into women and their experiences vis-à-vis their relationships to men. Moreover, as Naffine (1996) later wrote, a core aim of incorporating feminism within criminology was not only to refute critically and expand upon limited constructions of crime and delinquency but also to instil values of reflexivity. This commitment to reflexivity was twofold: in relation to how researchers conceived the women they studied and in relation to researchers' positionality in generating knowledge. Specifically, Naffine (1996, 4) argued for a feminist criminology that is introspective and incorporates "precisely the same sort of critical scrutiny it has applied to others". She warned against the credulous embrace of empiricism, an attribute characteristic of mainstream criminology and its masculinist assumptions.

Naffine's warning yielded a difficult friction for scholars to grapple with, at least in the formative years of feminist criminology. Feminist responses to the male dominance in the field included research that generated knowledge about women in their own right, not simply through the lens of their relationships with men or through the lens of narrow criminological theories. Many scholars developed and carried out a number of studies aimed at comparing men's and women's encounters with various aspects and mechanisms of the criminal justice system.³ While Naffine (1996) and others criticised many of these studies for failing to contest or rethink core tenets of criminology, others—such as Alder (1995)—argued that they were a necessary precondition for more sophisticated feminist analyses. In addition, having empirical evidence—even with its limitations—provided a platform to raise awareness of women's experiences with crime and the criminal justice system, and to garner wider criminological support. For example, using data from the first national survey of crime victims in Australia, researchers were able to provide one of the first general pictures of women's victimisation, explicitly inviting feminist scholars to conduct further and more nuanced analyses (Braithwaite and Biles 1980). Early feminist criminological scholarship thus made some important inroads. It moved aspects of women's encounters with crime and violence into mainstream and public discourses, particularly in relation to victimisation.

Criticisms of foundational feminist criminological studies sparked the development of new approaches to the study of crime and deviance. Critics suggested that, by using criminology's accepted methods, concepts, and measures, some foundational feminist criminological scholarship actually

threatened to uphold and reify the discipline's embedded androcentric values. In short, they argued for a rejection of positivism. As Carrington (2008) explains, feminist standpoint theory offered an alternative mode of enquiry. Standpoint theory relies on generating knowledge from the subject position of women and marginalised persons so as to glean more robust understandings of power and differing social realities (Hartsock 1997).

Feminist standpoint theory posited a different set of epistemological commitments than androcentric criminology. It was not as a corrective lens for criminology. Rather, it was a condemnation of the discipline. Standpointism, however, became the subject of critique for failing the account for the diversity of persons who occupy the category of women (Carrington 2008). Despite calling for radical alternatives, accounts informed by standpoint theory still tended to privilege Eurocentric, cisgender⁴, and middle-class perspectives as sources of knowledge. They often negated cultural, sexual, socio-economic, and ethnic differences (Carrington 2008), all of which were important to the growing recognition of burgeoning multicultural communities in Australia and New Zealand.

By the early 1990s, a number of deconstructive analyses offered different modes of querying criminology's categorical assumptions (see Howe 1994; Threadgold 1993; Young 1996). They took aim at breaking down foundational categories, seeing them as part of a broader field of power relationships not necessarily bound to a particular notion of gender. These streams of feminist scholarship, according to Daly (2010), maintained poststructuralist sensibilities. They interrogated how various discourses shaped narrations of women's bodies and experiences. Significantly for feminist criminology, deconstruction facilitated a broader scope of enquiry including law, juridical artefacts, popular culture, masculinity, images, and other cultural considerations that inform understandings of crime, deviance, and victimisation. Young (1996), for instance, unpacked crime as an object by demonstrating that despite criminological attempts to know crime as an act, crime is better understood as imagined through texts and images. She argued that criminology comes to understand crime at the level of representation, not enactment. Her work illuminated how crime is a discursive object of enquiry. Although offering new modes of problematising power and social difference, deconstructive approaches had their shortcomings. They included a methodological reliance on close readings of individual case studies and a tendency of privileging law for social change (Carrington 2008). Moreover, deconstruction did not necessarily translate into changes to prevailing discourses.

Early Australian feminist criminology has other notable blind spots. Key among them is a lack of critical engagement with questions of indigeneity and

how intersectional forms of marginalisation become implicated in the criminalisation of women and girls (Carrington and Hogg 2012). Carrington and Hogg (2012) attribute this oversight to embedded Eurocentric beliefs about women as a social group. In relation to New Zealand, their observation also has value, especially in light of longstanding criticisms that Pākehā feminism misinterprets Māori women's values, knowledge, and experiences (see Irwin 1992; Te Awēkotuku 1991). These criticisms provide important insights into the epistemological tensions of feminist criminology. According to Young (1992, 291), the subfield has a history of struggling to articulate “what might be distinctively *feminist* about feminist criminology” and to develop “a paradigm that can encompass more than a series of oppositions”. Further, there is a general tendency to overlook other feminist approaches for sources of innovation. For example, it is important to note that Australian and New Zealand-based feminists in other fields were explicitly grappling with the multifaceted challenge of engaging difference, even though feminist criminology was slower to do so (see, for example, Behrendt 1993; Ram 1993). The precise reasons for this are, at best, speculative. However, it is clear that feminist criminology's preoccupation with correcting the androcentric biases of its parent discipline has hampered interdisciplinary dialogues with other feminist approaches.

Although a series of critiques marks the history of feminist criminology, there are a number of notable contributions and successes. This reflection on the foundations of feminist criminology in Australia and New Zealand demonstrates Daly and Chesney-Lind's (1988) important point that feminism—as a project—is far from a unified endeavour. Rather, it is fragmented and often contested.

Contemporary Issues

As an established subfield, feminist criminology illustrates the benefits of making “richer contextual analysis” the norm “rather than the exception” (Flavin 2001, 273). It also provides important guidance in seeking to understand the relationships between gendered discourses and lived encounters with crime and violence. Criminologists in Australia and New Zealand continue to make notable contributions to topics central to feminist political mobilisation, such as concerns around violence against women. In fact, feminist criminology has ensured that the diversity of victims' experiences and interests receive critical scholarly attention. Research on rape survivors shows that state investment in improving legal and procedural

responses alone does not yield better outcomes for victims. The presumed progression from “victim to survivor” is not linear. Rather, it can include instances of re-victimisation stemming from interactions with the justice system and even with support services (Jordan 2001, 2013). With regard to violence against women in a broader sense, feminist criminology highlights the importance of paying critical empirical attention to differences among women and to historical and contextual conditions (Cook and Bessant 1997). Accordingly, feminist criminological work advances arguments for why and how violence prevention strategies require more than short-term interventions focussing on individuals. They should be multi-level responses that attend to structural, normative, and local influences (Carmody and Carrington 2000). Research in this vein demonstrates how the criminal justice system is itself made up of multifaceted gendered spaces. This recognition has led to “more sobering appraisal[s] of what, in fact, criminal law and justice system practices can do to achieve women’s and feminist goals” (Daly and Stubbs 2006, 23).

This body of feminist research raises questions about intersectionality, that is, how forms of discrimination and oppression arise out of interlocking systems of power such as—but not necessarily limited to—gender, race, and class. In other words, women of colour endure fundamentally different forms of oppression than their White counterparts, even though they share a common identification as women. Although feminist criminologists have called for a stronger commitment to intersectional analysis, this push, as Daly (2010, 237) points out, is “more an aspiration for the future than a research practice today”. That said, many feminist criminologists in Australia and New Zealand actively pursue its incorporation (see Cunneen and Stubbs 1997; Daly and Stubbs 2006; Ham 2016; Henne and Troshynski 2013; Pickering and Ham 2014; Stubbs 2011). For instance, Cunneen and Stubbs’ (1997) analysis of the high victimisation rate of Filipino women in Australia highlights the value of intersectionality. They demonstrate how class differences, hegemonic White Australian masculinity, orientalist myths about Asian women’s sensibilities, and globalisation all inform this high rate. Further, they point to how violence can ensue when Filipino women do not act in accordance with their socially prescribed gender roles, sometimes leading to their deaths at the hands of partners.

Studies of Indigenous communities depict a different intersectional contour. Stubbs (2011) condemns the fact that there is limited research on Aboriginal women’s victimisation, offending, and criminalisation, even though they are grossly overrepresented in the Australian criminal justice system. Specifically, she states that this pattern reflects “enduring and repeated failures to pay sufficient regard to Aboriginal women,” suggesting the

need for intersectional analyses with Indigenous women “fully involved in shaping the meanings that emerge” (Stubbs 2011, 59). Although there is ongoing research into how courts represent and assess Indigenous women’s experiences and circumstances (Behrendt and Anthony 2016), Stubbs’ call remains largely unheeded. Further scrutiny of cases in which battered Indigenous women are charged with homicide for killing abusers does reveal important insights. It shows that widespread forms of marginalisation become interpreted as “indicators of personal deficits”, thereby discounting the potential influence of structural conditions and displacing responsibility primarily onto individuals (Stubbs and Tolmie 2008, 138). Considering broader trends in criminal sentencing, Anthony (2013) documents how judicial discretion comes to reflect ingrained and essentialist White beliefs about Indigenous difference. In particular, law reifies Indigenous culture and crimes by Indigenous people as threatening. She concludes that better outcomes are only possible if Indigenous communities have more power over dispute resolution and reconciliation. Even then, that inclusion is just a small step towards recognising differences among Indigenous communities, which vary in terms of culture and access to resources, and towards confronting the legacies of colonialism and occupation.

Beyond examinations of women’s experiences of crime and justice systems, studies of masculinity bring attention to other gendered dynamics. Recent work acknowledges that addressing masculinity in relation to crime, although important, can materialise as “one-dimensional” (Salter 2016, 463). Reflecting on how violence prevention campaigns render masculinity as a determining factor of violence against women, Salter (2016) contends that they prioritise gender inequality as a social determinant. Casting masculinity in this limited way perpetuates essentialist notions of gender that discount how interconnected inequalities, politics, and societal change can contribute to crime and violence. This point aligns with earlier research on juvenile justice by Cunneen and White (1995). They outline an agenda for studying hegemonic masculinity, and how it contributes to the normalising and devaluing of certain forms of behaviour, which, in turn, have a notable bearing on crime and delinquency. In fact, Cunneen and White (1995, 72) explicitly call for further analysis of “the complex positioning of individuals with respect to gender, class, ethnicity and ‘race’”. Although intersectionality is still not the predominant analytical approach to criminological studies of masculinity, existing research does reveal how official analyses overlook the higher rates of violence in rural Australia, and how frontier masculinities coalesce with other structural conditions to underpin them (Carrington and Scott 2008).

Feminist criminology in Australia and New Zealand is increasingly attentive to globalised dilemmas. The securitization of national borders contributes to criminological concerns linked to transnational movements such as trafficking and migration. Australian feminist criminologists have studied the plight of non-citizens—primarily those who are women, asylum seekers, and detainees—and the conditions informing border patrol (see Pickering 2010; Segrave et al. 2009; Weber and Pickering 2011). This scholarship illuminates the politics and consequences of criminalising certain kinds of migrants—namely asylum seekers and migrants who come to Australia by boat—and of related carceral practices such as the mandatory detention of these particular groups. With more women dying while crossing the physical barriers of countries, there are gendered implications linked to “social practices within families, and within countries of origin and transit, as well as the practices of smuggling markets” (Pickering and Cochrane 2013, 27).

Migration’s impact is not limited to formal engagement with authorities. Keeping in mind that many residents of Australia and New Zealand are foreign-born, it is important to consider the diversity of cultural influences informing practices and understandings of law, crime, and delinquency. Mayeda and Vijaykumar’s (2015) research with young women of Asian and Middle Eastern heritage living in Auckland serves as a case in point. Their findings demonstrate how societal pressures (that is, to assimilate) combine with familial desires (which are often to maintain tradition) in ways that influence beliefs around gender and intimate partner violence (IPV). In addition to “balancing a space between mainstream western culture and their parents’ traditional cultures” and navigating “the typical tensions that accompany early romantic relationships”, participants have “vague understandings of what constitutes IPV” (216–217). “Personal backgrounds where gender inequality and IPV have been taught across multiple settings, and cultural values ... make discussion of intimate relationships extremely difficult” (216–217). The researchers resist the orientalist tendency to characterise their “ethnic communities as violently patriarchal” (217), stating that doing so would misrepresent the diversity of participants’ experiences and reflections while affirming racist beliefs. Their point exemplifies the feminist criminological prescription of reflexivity and the challenges manifest in following through on the ethical demands of that commitment.

With regard to other transnational concerns, feminist criminology has contributed significantly to research on sex trafficking, with research in Australia and New Zealand being distinguished by its critical analysis and empirical focus. This scholarship points to the limits and consequences of anti-trafficking frameworks in practice (Segrave et al. 2009), and how

migratory and crime-control systems struggle to distinguish sex work from trafficking (Pickering and Ham 2014). Further, it unearths tacit assumptions about sex work and how the boundaries of legality and illegality come to inform sex workers' everyday lives. Ham (2016), for instance, documents how narrow perceptions of the migrant sex worker misrepresent the myriad experiences that women who are assumed to be migrant sex workers can have. In doing so, Ham's study embraces a hybrid of feminist criminological traditions: an empiricism informed by standpoint perspectives and deconstructive elements. Armstrong's (2017) research on sex workers in New Zealand, where sex work was decriminalised in 2003, strikes a similar epistemological balance in documenting the adjoining shifts in the policing of street-based sex workers. In sum, many contemporary analyses attempt to reconcile the three distinct approaches that shaped the foundations of feminist criminology.

In the light of globalised changes, feminist scholars in the region acknowledge the potential limitations of intersectionality, calling for theoretical innovation and refinement (Henne and Troshynski 2013). Henne and Troshynski (2013) contend that unpacking complex dynamics of difference—especially against the backdrop of transnationalism—requires adapting intersectionality. Doing so, they argue, has the potential to advance feminist criminological agendas aimed at disrupting and changing criminology. Carrington et al. (2016, 10) reiterate their point by describing intersectionality as a possible “theoretical antidote to feminism’s metropolitanism [one that] is a significant advance on essentialist feminist frameworks that privileged a unified mono-cultural, trans-historical conception of gender”. In other words, it has the potential to undermine criminology’s metropolitan disposition and to more aptly unveil the postcolonial dimensions of crime, victimisation, and criminological knowledge production.

Contemporary calls to embrace transnational frameworks retain feminist criminology’s foundational concerns around inequality, although new challenges abound. With more people regularly interacting online, using social media networks, and engaging with the Internet of Things⁵, criminology cannot ignore the digital domains of everyday life. Feminist criminologists bring attention to online interactions as sites of sexual victimisation and gender-based violence (see Henry and Powell 2015; Milivojevic and McGovern 2014). Salter (2013) argues that digital spaces are not simply sites of domination; they also offer room to challenge and rearticulate popularised narratives of sexual assault. Sometimes these discussions influence mainstream media outlets and formal proceedings. In doing so, they reveal that presumed distinctions between virtual and real domains are not as clear as they may

appear at first blush. Feminist criminology, which has a strong history of asking questions around distinctions between private and public, is well equipped to interrogate them as constitutive relationships.

Conclusion

This chapter highlights the productive tensions underpinning feminist criminology in Australia and New Zealand and how they manifest in contemporary scholarship. Similar tensions animate feminist politics and scholarship in other domains. Writing on New Zealand, Larner and Spoonley (1995) provide an important reminder about how such tensions enable dialogic movement. Critical of Pākehā feminism for its racist disavowal of postcolonial legacies (see Irwin 1992; Te Awēkotuku 1991), Māori scholars promoted the importance of *mana wāhine*, which is often understood as Māori feminist discourses. In calling for spaces that cultivate and value Māori women's knowledge, they also shifted other feminist discourses in New Zealand (Simmonds 2011). In the move for greater inclusion, fissures remain, but they come to inform feminist scholarship and praxis.

With the growing awareness of globalised social problems, it is perhaps no surprise that feminist criminology in Australia and New Zealand increasingly embraces transnational, intersectional, and postcolonial perspectives, but also maintains commitments to capturing lived experience. While recent calls for a "Southern criminology" emphasise the need to rethink the epistemological and geopolitical dimensions of research, it is important to note that critical Indigenous scholars have made similar appeals for years (see Simmonds 2011; Watson 2015). Yet, they are rarely acknowledged or cited in feminist criminological work. This disjuncture is symptomatic of the hegemonic challenges of pursuing Southern theory in a scholarly world dominated by Northern ontologies. It poses a core challenge for feminist criminology: that is, to do more than extend its study of marginalised peoples as subjects, but also to recognise and incorporate other knowledges in ways that value the producers of those knowledges. Such endeavours would greatly enhance emergent efforts by feminist criminologists to unveil the embedded ways White privilege shapes criminological enquiry (see Henne and Shah 2015).

The critical turn to questions of difference opens spaces for new and productive fissures within feminist criminology and to engage other interdisciplinary perspectives. In relation to multiculturalism, for instance, Pacific studies scholars offer historical, analytical, and empirical insights that can inform criminological analyses of Pasifika peoples and of the distinct

dimensions of their transnational communities and histories (see Diaz and Kauanui 2001; Teaiwa and Slatter 2013; Wood 2003). In a distinctly different vein, the growth of queer criminology shares critical elements of feminist criminology in that it aims to redress and change criminology. Specifically, it attends to the discipline's limited attention to the LGBTQI experiences and destabilises taken-for-granted, identity-based categories, theories, and methodological approaches (see Ball et al. 2016). As queer theoretical engagements with questions of gender attest (Butler 1993), queer criminology has the potential to unsettle tenets of feminist criminology in ways that may prompt alternative approaches to studying relationships between gender, sexuality, and interlocking systems of oppression.

Distinct from other feminist camps, feminist criminology offers a subfield of scholarship that showcases the tensions of empiricism, standpoint theory, deconstruction, and intersectionality. Such tensions can contribute to irreconcilable forms of conflict, but they also enable productive shifts. Although once criticised for not engaging widely with feminist theorising in other fields, feminist criminology is well positioned to deliver important insights as feminist intellectual thought—as well as many other disciplines—begins to pose new questions about materialism and about lived experience beyond the analytic scope of deconstruction. Despite expressed concerns about divisions within criminology (Bosworth and Boyle 2011), feminist criminology illustrates how such fissures can support robust critical enquiry that is attentive to inequality and the grounded realities of crime, violence, and victimisation.

Notes

1. While Carol Smart's (1976) book *Women, Crime and Criminology* is a classic foundational text in the field, there is published work questioning the lack of women in criminological analysis that predates the 1970s (see Heidensohn 1968).
2. I use New Zealand here for consistency, although Aotearoa is widely used and recognised as the Māori name for the country.
3. Naffine (1996) provides an overview of these studies in chapter one, later explaining how they fail to engage with theories that could reinvigorate the field.
4. The term cisgender refers to people whose gender identity matches their assigned biological sex. As intersex advocates note, this term is limited, because it assumes the existence of binary sexes and fails to account for bodies that do not appear male or female.

5. The Internet of Things is a term used to capture the global network that supports the collection and exchange of data. It is made up of smart devices, buildings, motor vehicles, and other data collecting and transmitting objects.

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