

REVIEW

## Breaking stereotypes: “a philosophical reflection on women criminals from a gender perspective”

## Rompiendo estereotipos: “una reflexión filosófica sobre las mujeres criminales desde la perspectiva de género”

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### ABSTRACT

**Introduction:** the subject of female criminals and their relationship with gender stereotypes is a subject of study that has generated interest on the part of the academic community especially philosophers, psychologists, criminologists and historians; due to the fact that women's roles have been relegated to subordinate roles, history of mistreatment violence and transgressions among others that has influenced the way in which their participation in crime is perceived.

**Method:** reflective that leads to understand the phenomenon of female criminality, under the generation of knowledge that is built from the selection of scientific advances from the social and cultural phenomenological context through the promotion of dialogue and contrast of the studied topic.

**Results:** it was identified that the main reasons attributed to criminality are based on structural inequalities, roles, stereotypes and gender violence.

**Conclusion:** addressing the needs of women, promoting social justice and gender equity will generate a greater deterioration of women in the face of current challenges.

**Keywords:** Women; Female Criminality; Patriarchy; Violence.

### RESUMEN

**Introducción:** el tema de las mujeres criminales y su relación con los estereotipos de género es una temática de estudio que ha generado interés por parte de la comunidad académica especialmente de las filosofas, psicólogas, criminólogas e historiadoras; debido a que los roles de las mujeres han sido relegados a papeles subordinados, historia de maltrato violencia y transgresiones entre otros que ha incidido en la forma en que se percibe su participación en el crimen.

**Método:** reflexivo que conlleva a comprender el fenómeno de la criminalidad femenina, bajo la generación de conocimiento que se construye a partir de la selección de los avances científicos desde el contexto fenomenológico social y cultural a través de la promoción del dialogo y contraste del tema estudiado.

**Resultados:** se identificó que las principales razones atribuidas a la criminalidad tienen una base en las desigualdades estructurales, los roles, los estereotipos y la violencia de género.

**Conclusión:** atender las necesidades de las mujeres, promover la justicia social y la equidad de género permitirá generar un mayor empeoramiento de la mujer ante los desafíos actuales.

**Palabras clave:** Mujeres; Criminalidad Femenina; Patriarcado; Violencia.

## INTRODUCTION

Women have historically been relegated to activities related to the care, protection, and attention of the home. To raise the postulate of female transgressions as mentioned implies generating an analysis from the inequalities in gender perspective, which have been manifested in the lack of labor, educational, and economic opportunities generated from the conditions of vulnerability and experienced through traumatic actions, which generate a significant impact and deterioration in the aspects of integral wellbeing.<sup>(1)</sup> This type of action has emerged as a response to survival, where they have presented coercive actions that determine participation in criminal activities due to the violence of which they have been victims along with the underlying power imbalances,<sup>(2,3)</sup> which leads to the posing of the following problematizing question In what way can gender inequalities and patriarchal structures contribute to women's participation in criminality?

Women criminals have resorted to acts of extreme violence such as homicide, an element of manifestation that originates in the behaviors of oppression, subordination, and misogyny, which suggests that the occurrence of criminal actions is the trigger of the situations of abuse of which they have been victims and with this, they seek to release the oppression experienced and regain autonomy. It is also important to mention that there is no justification for violence or homicide.<sup>(4)</sup> This paper seeks to understand the motivations that lead women to perpetrate criminal acts that are analyzed from a gender perspective.

## DEVELOPMENT

The conditions of women in society have been closely related to oppressive behaviors; this from an existentialist perspective allows us to examine the conditions of otherness that historically have been related to discrimination and inequalities.<sup>(5)</sup> The relegation of roles and normative behaviors has generated a limitation in autonomy that has been marked by the conditions and forms of social structures that have perpetrated inequalities. This implies that the adaptation to the norms imposed by society towards women raises the misogynist expectations of patriarchy at the individual and collective level, a situation that demands approaches from the social and political changes where the position of women in society is promoted.<sup>(6)</sup>

In this way, and taking into account the philosophical reflection of women and their position in society, this aspect generates a challenge from gender stereotypes because female emancipation and gender equality generate responses to the motivations for female criminality related to social structures and cultures that affect the occurrence of actions that have been generated based on the oppression experienced mainly in intrafamily contexts that are transferred to the establishment of social ties.<sup>(7)</sup>

It should be emphasized that the conditions under which oppressive actions against women have been constituted have their origin in the patriarchal society, where historically actions have been generated that have undervalued the role and identity of women.<sup>(8)</sup> When talking about the links with criminal activities, the occurrence of social stigmas has been identified. Research indicates that women are often judged differently from male criminals, a situation that is explained by the stereotypes and gender roles that are ingrained in society.<sup>(9)</sup>

However, it is mentioned that women have perpetrated criminal actions and acts as a means of defense and as a product of the inequalities and limitations that have been historically imposed by society. It is also stated that the perception of women criminals is different from that of men, based specifically on the situations of transgression that have generated stigmatization, which has led to the failure to establish a gender perspective focused on the explanatory processes of criminal behavior, This has led to a lack of a gender perspective focused on the explanatory processes of criminal behavior, delimiting the possibility of reinsertion and rehabilitation proposed from restorative justice, exploring the conditions of women's positions in society and their influence on opportunities and experiences, generating a reflection on the participation of women in criminality from a gender perspective.<sup>(3)</sup>

Along the same lines, social constructions based on gender have a direct influence on violent behaviors.<sup>(7)</sup> In this way, it is identified that spousal violence is a manifestation of imposed and oppressive behaviors where women have resorted to committing homicides as a manifestation of resistance to arbitrary norms, where it has been identified that the participation of women criminals from a gender perspective is positioned as a challenge where gender roles and social expectations are generated from the liberation of criminal actions.

In this case, women correspond to level 1 (impulsive killers) where the murder is motivated by rage and revenge, a situation that shows that women who commit criminal actions from a gender perspective are part of a social and cultural construction in which the relational perspective from the gender perspective presents the regulations in the way in which people manifest and extrapolate their behaviors before society.<sup>(10)</sup> These norms can lead women to commit criminal acts such as homicide, mainly against their partners, motivated by the conditions of submission and misogyny of which they have been victims.<sup>(11)</sup>

Gender is not a purely biological issue, but combines aspects of social and cultural construction that are approached from the normative contexts and exposure to repetitive practices that regulate people's behaviors and how they develop in society.<sup>(7)</sup> Women's participation in criminality can be explained from the context of

resistance, emancipation, and the challenge to traditional gender roles that have been established towards normative expectations and relegated to care-giving actions such as housework.<sup>(12)</sup> The contextualizations denote that this generates a liberation and an agency of actions where a place is claimed in society aimed at activities that have been exclusive to men and how women are perceived in society.

In this sense, the social representations of women have a direct impact on how they are perceived by society. It is important to emphasize that gender stereotypes have an impact on the construction of negative imaginaries that focus on the figure of women, which leads to the establishment of actions that lead to discrimination.<sup>(7)</sup> The historical forms of oppression of gender violence present intersections between social classes, race, and the experiences lived in the contexts, which leads to generating challenges that have a direct influence on criminal actions. Therefore, the social construction generates questions regarding gender norms and women's participation in crime.<sup>(13)</sup>

Given the above, gender performativity and the counterposition to heteronormativity generates a perspective that allows the analysis of women's participation in criminality within the criminal justice system, which must have a gender perspective.<sup>(14)</sup> This implies an analysis of the construction of the realities in which they are immersed and in turn, implies a look at the social and cultural aspects that influence the actions of female delinquency. Identifying the contextualizations in which women do not conform to the traditional roles and behaviors that have historically been assigned to them.<sup>(15)</sup>

There are elements to highlight that have an impact on women's stereotypes, a relevant one being the fact that history has shown that belonging to lower socioeconomic classes and having a different skin color implies a condition of discrimination; in this sense, women face greater oppression due to the racist structure.<sup>(11)</sup> In social contexts, women of color are under special surveillance and suffer more severe forms of punishment due to the construction that is made around the notions of criminality and danger. This implies that an approach from the aspects related to race and gender inequalities is an additional task within the relevant context of the humanities in the contemporary world.

The aforementioned leads to the identification of the need for a transformative justice or reconciliation that leads to challenging the current power structures that exist and that leads to generating a questioning directed to the gender norms that continue to perpetrate oppression, discrimination, misogyny, and sexual violence mainly.<sup>(16)</sup> This leads to exploring alternatives within the criminal justice system, psychoeducational processes that focus on different forms of prevention, and rehabilitation processes, and the consequent social transformation that involves the recognition of the specific needs of women, situations that are prone to generate gender inequalities that underlie criminalization as a response to social transformation with a more inclusive and equitable approach.

From this perspective, it is important to approach the issue of gender violence through justice, since female criminality is present in issues related to inequalities, violence, and marginalization. In this sense, criminal justice tends to amplify the conditions of inequality that are present in society.<sup>(17)</sup> Women criminals are often treated disproportionately, subjected to gender stereotypes, and judged based on prejudices rooted in dominant gender norms, thus perpetuating conditions of discrimination.<sup>(18)</sup>

In this sense, the social construction of female criminality is related to the challenges of not conforming to gender roles and expectations, which leads to a tendency of identification that does not make visible the main motivations that led them to commit these crimes.<sup>(19)</sup> In this sense, a woman who has murdered her sexual abuser, her partner who mistreats her, and the oppressor who does not allow her to live in dignity, must be judged from the perspective of restorative justice linked to the gender perspective. On the other hand, the deaths of women at the hands of their perpetrators shake government statistics; however, this violence is made invisible by the criminal justice system, because the main criminal practices are usually based on a male conception of crime and do not allow the identification of the particularities that are generated from women and the circumstances related to gender violence, social and economic inequalities that lead to a recognition that leads to a structural treatment of female criminality from transformative justice.<sup>(20)</sup>

In this way, it is necessary for greater sensitivity from a gender perspective, which promotes an adjusted criminal policy that leads to a broader understanding of justice, incorporating elements that lead to promoting preventive aspects, a process focused on rehabilitation and thus on the social reintegration of women criminals, reducing marginalization and stigmatization by addressing the causal structures of criminality, generating progress in a more equitable and gender-sensitive legal system, where equality and justice are promoted from the options of reparation and transformation.<sup>(21)</sup>

The analysis of issues related to women criminals must in turn be carried out from patriarchal structures and gender norms, which is a subject that has a complexity anchored to feminist philosophy and the impositions of patriarchal societies.<sup>(22)</sup> In this sense, understanding gender violence and oppression from the public and private spheres leads to generating a look from the experiences and the molding of behaviors. Women criminals have often experienced different forms of violence in which their human dignity has been violated, which explains the actions and decisions that have led them to commit criminal acts.<sup>(23)</sup>

This is why the social construction related to female criminality generates a distorted and stereotyped representation of female criminals. Society establishes norms that affect the way women are perceived and those who perform actions outside the established order are generally stigmatized.<sup>(24)</sup> This leads to the fact that, from social representations, the treatment of women criminals is oriented to establish punishments without moderation. Thus, patriarchal structures perpetuate the oppression of women in society, which mainly generates limitations in their autonomy and their ability to challenge the current norms that were established. Because women who deviate from the social roles accepted by society are often perceived as transgressors and this leads to the generation of stigmatization linked to criminality and especially linked to patriarchal structures.<sup>(25)</sup>

From this perspective, the control exercised to carry out disciplinary actions for women is closely linked to asymmetrical power conditions, where women are expected to submit to the roles and behaviors established by male authority and traditional behaviors.<sup>(26)</sup> It is for this reason that the causal relationships associated with female criminality generate challenges to the established norms where they often face punishments and reprisals that involve them in criminal activities, but they do so as a response that is generated in the form of resistance and many cases as a means of survival.<sup>(27)</sup>

In this way, gender-based violence is directly related to the perpetuation of violence against women that begins mainly in the domestic sphere and transcends to the public sphere; a situation that generates an environment that can be prone for some women to engage in crime, being important to note that it is carried out as a form of protection or, failing that, as a response to the conditions of oppression, violence and marginalization of which they are victims.<sup>(28)</sup> In addition, women who have been victims of violence often face additional situations and barriers in the justice system, which leads them to experience revictimization.<sup>(29)</sup>

Given the above, it is essential to challenge patriarchal structures to analyze the relational contexts in which the relationship between women criminals and gender oppression is addressed.<sup>(30)</sup> This indicates that it is necessary to question the gender norms imposed by society that generate limitations from autonomy and have repercussions on processes of marginalization. In contrast to gender violence, a response must be established that leads to understanding and awareness of the specific needs of women criminals, taking into account the experiences of violence, situations of social, economic, and cultural inequality that involve forms of oppression, which entails challenging patriarchal structures.<sup>(31)</sup>

Situations related to female criminality and gender are significant because feminism and criminal justice must establish challenges that facilitate the approach to conventional conceptions of aspects of crime.<sup>(32)</sup> In this sense, power structures generate an influence on the feminine social construction and in this sense, it becomes necessary to examine intersectionality and the gender relationship, where the experiences raised by women who have historically been marginalized and have had to face inequalities containing relational elements such as social classes, races, oppression, and sexual orientation are recognized; in this sense the violation has been greater and has had an impact on a risk of criminalization, which implies interpreting the needs from the dimensions of identity and female criminality.<sup>(33)</sup>

It is, therefore, necessary to deconstruct the female representations associated with criminality, since the narratives represent them in a stigmatized manner where mental problems and pathological behaviors prevail. This has an impact on the establishment of representations that manifest forms of oppression and structural inequalities that lead to women's participation in criminal activities. Female criminality represents a stereotyped collective imaginary that hides the complex and structural social dynamics that are immersed in the criminal activities perpetrated by women, so it is necessary to clarify the reality that underlies the subject.<sup>(34)</sup>

In line with the above, gender stereotypes contribute to a greater marginalization of women within the criminal justice system,<sup>(35)</sup> because violence against women has been minimized and historically the representative narratives of women have been made invisible, making it necessary to understand the experiences and circumstances in a particular way. Deconstructing these asymmetries and gender violence makes it possible to visualize the reality of female criminality and the approach that must be established with respect to the inequalities faced by women within the judicial systems.<sup>(36)</sup>

The deconstructions of the representations of female criminality imply the realization of aspects that allow contextualizing the social factors that represent a psychosocial, economic, and cultural vulnerability that leads to the analysis of female criminality associated with inequality and leads to a questioning of gender roles, power structures, and social expectations that are configured in the criminal aspects of women.<sup>(37)</sup> This leads to an understanding based on inclusive aspects that allow advancing towards the construction and strengthening of human dignity from a more equitable justice.

In line with the above, the analysis of gender-based violence and its relationship with criminal punishment and imprisonment of women must examine the legal systems that often fail to address survivors of gender-based violence adequately and sensitively.<sup>(38)</sup> Criminal policies that are focused on imprisonment generate greater oppression and do not provide effective solutions to effectively address the cessation of violence against

women through restorative justice alternatives and away from punitive repression to establish a gender-based approach that leads to social transformation by addressing the roots of female criminality and patriarchal structures of oppression.

## CONCLUSIONS

In conclusion, from a gender perspective, female criminality has a background related to the oppressive, violent, discriminatory, and misogynist behaviors of which women have historically been victims. The responses raised in this order of ideas have generated objections related to the stigmatizing representations of women criminals. Therefore, it is necessary to generate alternatives from restorative justice and social transformation in the contexts of intersectionality that lead to questioning patriarchal power structures and establish a set of more inclusive and equitable alternative solutions for women.

## REFERENCES

1. Castells F. Criminalología Moderna: saberes intelectuales y miradas finiseculares sobre crímenes y mujeres (Buenos Aires, 1898-1901). *Rev Hist y Justicia*. 2019;(12):1898-901.
2. Santillán-Esqueda M. Maternidad y transgresiones penales en el Distrito Federal, 1940-1950. *Hist Mex*. 2019;1121-64.
3. Beauvoir S de. *Feminist writing*. 2015. 1-360 p.
4. Santillán M. *Mujeres criminales. Memoria crítica de México*. 2021. 1-289 p.
5. Damonti P, Leache PA. Situations of social exclusion as a vulnerability factor for gender-based violence in intimate relationships: Structural inequalities and gender power relations. *Empiria*. 2019;205-30.
6. Casado-Neira D, Martínez M. *Compeled Identities in Gender Violence : the Simulated Victim*. *Política y Soc*. 2016;53:879-96.
7. Butler J. *El género en disputa: el feminismo y la subversión de la identidad*. Paidós. Barcelona España; 1990. 1-311 p.
8. Gonçalves C. Colonialidade e feminicídio: superação do “ego conquiro” como desafio ao Direito. *Opinião Jurídica*. 2020;19(38):201-26.
9. Marín M. Espacios de reclusión femenina en la ciudad de Puebla (1862-1867). *Rev Hist las Prisiones*. 2016;2(24516473):150-65.
10. Velasco P. *Criminalmente*. Ariel, editor. Madrid España; 2018. 1-429 p.
11. Butler J. *Performative Acts and Gender Constitution*. *Fem Theory Read*. 2020;353-61.
12. Toro BL, Rubio LO, Castro JF. La violencia de género no tiene fronteras. Estudio comparativo de las normativas colombiana y española en materia de violencia de género (2004-2014). *Rev Derecho del Estado*. 2017;(38):127-54.
13. Tibaná D, Arciniegas D, Delgado IJ. Tipos y manifestaciones de la violencia de género: una visibilización a partir de relatos de mujeres víctimas en Soacha, Colombia. *Prospect Rev Trab Soc e Interv Soc [Internet]*. 2020;(30):117-44. Available from: <https://doi.org/10.25100/prts.v0i30.8803%0Ahttps://revistapropectiva.univalle.edu.co/index.php/prospectiva/article/view/8803>
14. Mackenzie C. Feminist innovation in philosophy: Relational autonomy and social justice. *Womens Stud Int Forum [Internet]*. 2019;72(March):144-51. Available from: <http://dx.doi.org/10.1016/j.wsif.2018.05.003>
15. Sweet P. Who Knows? Reflexivity in Feminist Standpoint Theory and Bourdieu. *Gend Soc*. 2020;
16. Brison ST. *Surviving Sexual Violence: a Philosophical Perspective*. *J Soc Philos*. 2019;24(1):5-22.
17. Smart C. *Women , Crime and Criminology*. Routledge Revivals. 2013;1-208.



18. Chataway ML, Hart TC. A Social-Psychological Process of "Fear of Crime" for Men and Women: Revisiting Gender Differences from a New Perspective. *Vict Offenders* [Internet]. 2019;14(2):143-64. Available from: <https://doi.org/10.1080/15564886.2018.1552221>
19. Artola-Aragón N. Las mujeres como victimarias: La realidad de la criminalidad femenina. *Trab grado Univ del país vasco*. 2022;1.89.
20. Muñoz-Güemes A. Criminalidad femenina y violencia de estado . Hacia la deconstrucción de una condición social. *Edumed*. 2020;(December).
21. Arias-Marquez K. Conducta delictiva Femenina desde los escenarios sociales, familiares y comunitarios. Un estado del arte de estudios colombianos. *Trab grado Univ Católica Pereira* [Internet]. 2020;1-41. Available from: <http://repositorio.ucp.edu.co/handle/10785/6260>
22. Segato R. La guerra contra las mujeres. *Traficantes de sueños*. 2016;(3):155-8.
23. Batton C, Wright EM. Patriarchy and the Structure of Employment in Criminal Justice: Differences in the Experiences of Men and Women Working in the Legal Profession, Corrections, and Law Enforcement. *Fem Criminol*. 2019;14(3):287-306.
24. Pasculli MA. Género y delito. *Rev Estud jurídicos*. 2022;1-18.
25. García-Medrano L. Fenomenología de la delincuencia femenina en España , y teorías criminológicas . *Trab grado Univ Jaume I*. 2019;1-35.
26. Anabalón T. La perspectiva de género en la investigación penal en Chile : una revisión crítica desde la teoría feminista de Judith Butler . *Trab grado Univ Chile*. 2023;1-73.
27. Velasco-Domínguez M, Castañeda-Xochitl S. Desaparición de mujeres y niñas en México: aportes desde los feminismos para entender procesos macrosociales. *Iconos*. 2020;XXIV(67):95-117.
28. Segato R. La escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez: territorio, soberanía y crímenes de segundo estado. *Debate Fem*. 2008;37:3-13.
29. Quiroga-Carrillo A, Lorenzo-Moledo M. Contribuciones de la criminología feminista para el estudio de la delincuencia femenina. 2019. 89-97 p.
30. Bauger ES. Feminismos jurídicos y pluriculturalidad: ensayando una visión en tiempo de pandemia. *Derechos en Acción*. 2020;16(16):437.
31. Méndez-Hernández J. Criminología feminista. Una revisión bibliográfica. *Asparkia*. 2021;(39):233-53.
32. Davis A. *Mujeres, raza y clase*. Akal. 1981;10:1-241.
33. Chesler P. *Mujeres y locura*. Madrid: Continta Me Tienes. ATLÁNTICAS - Rev Int Estud Fem. 2019;4:386-401.
34. Gutiérrez-Torres E. Violentas, transgresoras e inmorales: Mujeres criminales y delitos violentos en la ciudad de Medellín, 1889-1908. *Trab grado Univ Antioquía*. 2023;1-41.
35. Martín-Valdunciel M, Cancar-Pomar P, Mainer-Baqué J. Feminismo : teoría social y praxis política . Un debate desde y para el siglo XXI con María José Binetti , Rosa Cobo y Sheila Jeffreys. *Con-Ciencia Soc (segunda época)*. 2023;6:27-70.
36. Zorro-Gutiérrez E. Configuración de las mujeres criminales de Bogotá de finales del siglo XIX y comienzos del XX. *Trab grado Univ Pedagógica Nac*. 2022;1-132.
37. Actis MF. La construcción de la delincuencia femenina en las tramas de la criminología mediática. *Investig Fem*. 2021;12(2):639-52.

38. Márquez J. Mujeres Asesinas. Esposas Uxorcidas en Cartagena: 1985-1988. Rev palabra. 2021;21(2):276-91.

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