

## **Methodological Concerns in Studies of Women and Crime: how qualitative are qualitative methods?**

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### **Abstract**

This paper is an attempt to understand the significance of qualitative analysis in studies in the area of women and crime. It explores through the different concerns regarding methodologies in this area of studies in general and how are these concerns related with some of larger theoretical concerns. The choices of methods are inextricably linked with these theoretical concerns as well as the epistemological preferences of the one conducting research. Within this framework the relevance of qualitative analysis is discussed with particular references to studies those have made use of them. Some of the studies already conducted within this field are discussed with regard to the goals of those research enterprises and how far the methods have been useful in attaining those objectives. Also significant is the extent to which methods cater to the new theoretical configurations especially after the postmodern and poststructural turns. A discussion of attributing agency to women under question in the context of crime is undertaken with reference to the extent to which this needs to be considered while deciding the methodology. The paper also discusses the advantages of some of the tools commonly deployed in this area of studies.

**KEYWORDS:** Qualitative method, Gender, Women and Crime, Epistemological choice

### **Introduction**

. . . [T]he body of a condemned woman is a text on which patriarchal power continues to be mapped in a spectacle that is not literally public but which the public cannot fail to construct in the mind's eye.

Gray, Frances, 2003, p 20.

Studies about the relationship between gender and crime is an area that spans across a range of themes that include themes of diversity and difference, the diverging experiences of men and women in same and different social contexts, gender roles, conflicts of roles and role constraints influencing the phenomenon etc. Nevertheless studies in the area show that the socio-cultural perceptions and lived experience of crime and criminal justice system are highly differentiated for men and women. This conceptual point remains at the core level of any approach towards studying the topic and has been demonstrated with sufficient clarity in literature already available (Silvestri and Crowther-Dowey, 2008). Silvestri and Crowther-Dowey states that “an expanding body of empirical work drawing on qualitative and quantitative methodologies, underpinned by competing epistemologies” have been crucial and enough successful that “academicians,

policy-makers and practitioners have started to come to terms with the gendered divisions created through complex processes of differentiation”(Silvestri and Crowther-Dowey, 2008, pp 14-15). Works considering the issue of gender in the context of crime, criminal justice, penal system, female offenders and victims has considerably increased in the last decade. This include works which has touched upon the issue of gender and crime from a rather general perspective (Naffeine, 1997; Walklate, 2001) to covering more specific issues concerned with the penal system (Carlen, 2002; Carlen and Worrall, 2004) and the gendered nature of victimisation (Newburn and Stanko, 1994; Dobash and Dobash, 2001). Works has also considered and engaged in depth with the issue of gendered nature of criminal justice organisations and those who are entrusted with regulating and controlling them (Heidensohn 1992, 2003; Martin and Jurik, 1996; Brown, 1998; Brown and Heidensohn, 2000; Silvestri, 2003).

Within the thick descriptions that these works have made available the notable element has been the significant contribution in terms of the methodology that most of the works on these lines has followed; that the role of a qualitative methodology has been significant in the whole enterprise of making women visible within this area of epistemology. Heimerand Kruttschnitt argues that qualitative methods find more space within feminist analyses about women and crime precisely because on most occasions it is a rather difficult task to identify the categorical distinctions as quantitative analyses require. A preference for qualitative methods is also motivated by the fact it contains more possibilities towards catering to the epistemological preferences of feminist scholarship (Heimerand Kruttschnitt 2006).

This paper is an attempt towards identifying issues of methodology in the area of studies about women and crime and women and imprisonment. Whereas the major focus of the paper shall remain on the different methodologies available in order to make intellectual enquiries in this area fruitful, it also addresses some of the theoretical challenges that are raised in this context and that are inherent within gender sensitive enquiries in general. By emphasising more upon the qualitative methodology the paper, however, does not imply that quantitative methods are of no significance in this context. Part of this paper also undertakes a discussion regarding the extent to which both these methods can mutually complement each other at the same time as acknowledging the limitations of quantitative methods. The paper is divided into five sections including this introduction. In the next section I shall discuss about the relevance of a qualitative approach and in the third section specific studies are discussed in order to understand the significance of specific methodologies available from within the spectrum of qualitative approach. The fourth section initiates a discussion around some of the larger issues in this context and the fifth section concludes the paper.

### **Significance of a qualitative approach**

The significance of a qualitative approach lies within its ability to take into account the larger social and cultural context within which the studied phenomenon has an existence. Apart from making a cross cultural, cross social comparison of the studied phenomenon possible, a qualitative approach also takes into account such factors that are crucial in the fashioning of subjects'/agents' existence and the reality surrounding that

existence. This especially gathers significance in the context of studies on gender and related phenomena since gendered consequences and the numerous channels that contribute towards the construction and even the execution of gender within particular social contexts are not something that could be easily captured with a mere quantitative approach.

This has remained so in the field of gender and crime as well. Heimer and Kruttschnitt observes that “A more complete understanding of the complexities underlying the gendered nature of crime could be captured only through an understanding of women as active agents despite their being subjected to social and personal constraints and restrictions than their male counterparts” (Heimer and Kruttschnitt 2006. p 12). Thus, within criminological research, principles such as criminogenic need, risk and responsivity have emerged from quantitative enterprises that are definite explanations of some of most general patterns in this regard. Nevertheless they are not helpful to the extent they can capture the nuanced complexities embedded within the interactions between the subject/agent and the social structure (Zaplin, 2007. p 374).

In Ruth Zaplin (2007) we find certain comparisons being made between these dominant approaches, with respect to the limitations and advantages of each of them, in studies. The inherent differences that use of qualitative methodologies can yield are admitted although, at the same time, one should be aware of its limitations as well. Although Zaplin’s own account is much more oriented towards making qualitative interpretations certain caveats are offered in this respect. One, because it is difficult to involve great numbers in qualitative analysis it is also difficult to make generalisations. Second, there are rarely comparison groups to act as controls. Third, qualitative methods do not involve long term assessments. Fourth, they cannot capture general patterns and finally that its subjective interpretations can be biased (Zaplin, 2007. pp 374-375). On the last point Zaplin admits that interpretations are inevitable despite the approach towards the study.

Although in the next section I have attempted to raise issues surrounding some of these points in the context of specific studies here I shall make a brief attempt to deal with them to see the possibilities of neutralizing, if not getting rid of altogether, some of these points, especially, the third and fifth ones. The possibilities of long term assessments, the third point, is more for a qualitative approach since it enables one to make use of a range of materials including printed ones from different periods of time. This shall enable one to account for the phenomenon under study in different historic periods despite the availability of formal statistics. For instance the occurrence of crime, the active or passive involvement of women, if any, within it, the factors and conditions that have led to such occurrences and involvement etc., would be available from materials such as stories, novels, autobiographies and so on. Since the history of print is much longer than the history of statistics this could well be true. These portrayals could have resulted from unconscious or conscious attempts but nevertheless their use for the aforementioned purpose cannot be questioned. This also makes a comparison of the phenomenon under study in different periods of time. Instances for studies in this *genre* would be Gray (2003) and Walker (2003). Both these studies evaluate the multiple relationships between gender and crime in different contexts and in Gray one identifies

the emergence of such prototypes as the condemned women, cruel mother etc., and their cultural grounding within specific contexts.

Although Zaplin admits that any study is subject to interpretations, the point still survives as interpretations that are subjective differ on several respects from interpretations that are objective. Beyond the much old, and still continuing, debates on objectivism and subjectivism the point is also relevant to the extent it invokes questions with regard to the nature of enquiries of made and the larger objectives of the research being conducted. Also true is the fact that interpretations are always necessarily subjective although questions might be asked about the extent to which one's subjective position has influenced the interpretations made (Messerschmidt, James W. 1997). Zaplin also admits that interpretations that are entirely value free is an impossible thing in academia.

Although qualitative and quantitative methodologies and approaches are complementary to each other to the extent they can, together, provide a larger and deeper understanding of gender, women and crime than either of them can alone tools of qualitative methods and analyses needs special attention to the extent they provide a wide range of possibilities to analyse, interpret, draw results thereof and to include the complexities and dynamics of the topic under study. Qualitative research has a particular significance for studies on gender within criminology and other feminist enterprises exploring issues of crime and women, race, class and criminal justice (see Miller, 1998, 2001; Miller and White, 2003; Kruttschnitt, et al., 2000); this is particularly due to the skepticism that surrounds the use of analytical statistics (Arnotand Osborne, 1999. p 11). Social historians in this field now opt more for a qualitative approach combining analytical and hermeneutic approaches with an extensive use of historical anthropology, micro history, discourse analysis etc. This is in addition to the number of works which have deployed in-depth interviews, observation and sampling techniques, content analysis, archival research etc. In the next section I shall pay specific attempt towards understanding the different possibilities of qualitative analyses with regard to the different tools available in the context of studies on women and crime.

### **Qualitative methodologies**

In the context of the “reverse-gender” paradigm in cases of statutory rape cases, where women, especially adult women, turns out to be the offenders, and men, especially adolescent ones, turns out to be the victims as opposed to the conventional imagination of women remaining in the victims position and men in the offenders’ Levine (2008) provides an insightful account with the help of content analysis and in depth interviews. In fact she has gone much beyond the clinical model surveys and studies in this context that have based themselves more on the prison/sex offender models. Her content analysis has considered over hundreds of articles, newspaper reports, special reports on the topic etc., all mainly available in electronic formats in major and minor news outlets across the US. The vastness of her database has derived “from its national (rather than regional or solo-jurisdictional) character and from its threshold for inclusion as news stories capture incidences of statutory rape well before the point of therapy or incarceration of the offender” (368). Through a widened electronic search Levine has managed to capture

hundreds more observations than any of the previous studies. Hence her study offers both a breadth – in terms of the population it covered – and depth – in terms of its analysis and crime focus since it exclusively pays attention to this phenomenon only. The study sufficiently recognises the multiple dimensions of victim and offender behaviour and claims to add nuance to our understanding of both gender hierarchies and criminal justice as institutions of agency and control (363).

Nevertheless the paper fails to add agency to the female offenders and does not fully capture the subtleties involved in the structure-agent interactions. This is primarily associated with the method that have been deployed which evidently misses not only the historical content but also the dynamics that define the structure-agent relations. In other words, the methods deployed in the study, on the one hand, captures the contemporary situation including the social and cultural factors that contribute to a larger understanding of the conditions under which such offenses are seen and understood, not only in a popular level but also at the level of the jury, with special reflections upon the gendered nature of it. On the other hand it ignores the larger conditions that has led to the fashioning of offenders' sense of self – both preceding and succeeding her committing of the offense, and her own perception of her actions. The conditioning of the self is primarily an indication of the process of constructing the subject, including her sexual self identification, which is then transformed into the position of an agent. This transformation is crucial since subjectivity and agency function at entirely different levels for women from that of men. The methods adopted by the author do not help to sufficiently address this aspect without which it could not claim to have captured the agency behind female offenders.

Another significant aspect in this context is the lack of any case studies. This is especially so because the paper is particularly motivated by objectives that would eventually lead the author to making insightful revelations about the conditions that have led to the commitment of the offense. The absence of any case studies remains stark in this context. Another dimension in this regard is also closely related with one of the objectives of the paper which is to understand the intersectional aspect of the subjectivity of the offenders. For instance the paper provides the ethnic/racial composition of the offenders but without adding any cultural or social element to it. The intersectionality of the subjects could not be captured as the extent to which the class, race, ethnic and gender backgrounds have been crucial in the constitution of the offenders' self is not sufficiently explored. Case histories would have been a very crucial component in this respect. This, along with other methodological tools like interviews and/or observation, would have considerably helped the analysis to throw light upon the rates of occurrence of crimes among certain communities. For instance it is usually observed, just as in this paper, that sex offense, especially involving female offenders, has a higher frequency among Caucasians living in the US. The paper could have further investigated into this issue in order to bring to the understanding of the reader the particular conditions under which such a higher frequency is constantly recorded. This is also true with regard to the other major category that is highlighted, that is, class.

In another essay by Leigh Goodmark (2007) on justice for battered women who kill we find the full potentials of case study combined with in depth interviews, content

analysis and the survey method. Concerned with certain deep issues in the realm of criminal justice with regard to penalising women who kill due to constant abuses this paper is more oriented towards bringing sufficient changes in this legal context. Although all the issues addressed in the paper are in the context of law the paper is an attempt towards identifying certain stark gaps that exist between law and certain social realities. The paper as such deals with a single case of a woman, Dixie Schrieber, who has turned out to be a killer of her husband, Scott Shanahan, after several years of experiencing cruel torturing at his hands. Dixie Schrieber was sentenced for fifty years of imprisonment by the jury. The paper analyses the different aspects of the case at its disposal and draws a logical relation of these details with the judgment. The author goes to the foundational principles that constitute the US legal system, namely, retribution, deterrence, rehabilitation and incapacitation. He approaches the topic under study from the vantage of four questions that has a moral resonance at the same time as fully relevant to the details of this and other similar cases. The fundamental questions that he raise in this context are “would punishing Dixie Shanahan deter future crime—either by her or by other battered women? Does her punishment serve some retributive function? Will Dixie Shanahan be rehabilitated as a result of her punishment? Is Dixie Shanahan’s incapacitation for thirty-five years just?” (Goodmark, 2007. p 271).

The main method adopted by the author, that is, case study, leads him to explore the multiple dimensions of cases that come under the generic label of battered women who kill. It studies in detail the biographical sketch of both the Shanahans and couple’s life together collected from all possible sources. According to the author Shanahan’s case represents cases under this label. In depth interviews are conducted with those who remained close to the husband and wife and the author brings to the notice of the reader the enormous amount of pain suffered by Schrieber before she committed the crime. The author also takes into sufficient account the interstate differences in the penal system in the US by reflecting upon similar incidences in other contexts within country.

Although the paper raises some important questions pertaining to generalising from the study of a single case, it nevertheless captures the potentials of the social conditions under which a crime is committed. The study demonstrates the potential of case study and qualitative methodological tools to the extent they can sufficiently assist in addressing the multiple dimensions of the same issue. It also does full justice to the issue of agency in identifying the woman subject as having acted upon the determination of saving her children as also to save herself. The numerous details made available by the author in this context signifies her transformation from the position of a subject to that of an agent. In the next section I shall briefly discuss some of the major methodological tools deployed in some of the qualitative studies and the some larger theoretical issues to be addressed in this context

### **Theoretical frameworks and methodological tools**

Through acknowledging the subtleties surrounding agency and structure, or the individual and the social conditions defining her location, the dynamics of women’s and girls’ relations with their status as offenders, victims and/or convicts can better be articulated. Such an analysis adds insights not only about criminal activities committed

by women by considering the gendered aspects of the same but also about the conditions that give shape and form to certain abstract thoughts and ideas. The “structured action theory” proposed by Messerschmidt (1997) gathers significance in this context. According to him the structure and action are inextricably linked to each other through categories of race, gender and class relations. This way crime can be understood as an activity that occurs under “specific social structural constraints” (p 6). At this crucial juncture the analysis moves away from a view of crime as irrational, pathological and centred on individual personalities towards a more dynamic approach that considers crime as emerging from the interaction between structure and agency. Such an approach also challenges the liberal notion of free will that assumes that criminal actions are chosen by free will. On the contrary it helps us understand the intersection between different human categories including gender, class and race. This is also significant as it denies accepting acts of crime committed by women under the shadows of oppression since that would considerably abbreviate the actual power of female offenders to effect change.

Only through deploying a qualitative analysis of the phenomenon under investigation can the larger epistemological ambitions, embedded within such theoretical complexities, could be achieved. This is also true to the extent results of investigations can influence the planning and execution of programs and evaluations in these lines. For instance Heidensohn, F. (1992) suggests that programs and evaluations that focus entirely on women’s and girl’s personalities as the cause and cure of crime obscures the impact of structure and overestimates the potentials of programs to rehabilitate and prevent crime. A structured action perspective suggests that crime prevention measures must target both the structure and individuals. It also suggests effective programs are ones that assist women in challenging and even changing their structural location. Finally, structured action theory help us to see the multiple and contradictor easy in which programs can be subverted and enhanced.

Thus a combination of methodological tools combined with keeping in mind the larger goals of the research is essential for the satisfactory conduct of investigations. From the above discussion it come to vicinity that sampling, in-depth interviews, observation techniques, case study and analysis, content analysis and archival research are tools that are, to a great extent, inevitable for the successful completion of studies in this spectrum.

## **Conclusion**

The methods used in study are primarily related with the epistemological choices one has made prior to the conduct of that research. While this remains so there are also certain larger theoretical concerns involved which are inescapable while choosing between various methods. Qualitative methods substantiates those attempts considerably that aspires to capture the complexities of the situation being investigated with sufficient attention paid to the subtleties involved. In this sense methodology become a very important aspect of any study and one needs to be careful while making decisions in this regard. This is especially the case with studies that attempt to explore the links between women’s position within a society and its relations with the different aspects of crime.

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