

THE EFFECT OF FEMALE SOCIAL POSITION
ON THE SEX RATIO OF ARRESTS

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Abstract

Most attempts to explain the disproportion of male and female arrests have suggested that there are physiological or psychological traits in women (e.g. passivity and dependency) which interact to make women less criminogenic than men. As an alternative, the model used in this study views female arrest rates as dependent upon prevailing sex role expectations in the community. Data are examined which compare county-by-county differences in the sex ratio of arrests and the social position of women in the area. A direct relationship is found. Because arrest rates are more valid measures of police behavior than of actual patterns of criminality, this finding is interpreted primarily as a function of police expectations. Additional analysis of the data reveals no support for the claim that new patterns of female criminality are produced by increases in the social position of women.

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The area of female criminality is one in which few systematic empirical studies have been conducted.^{1,2} One point that has been firmly established, however, is that male arrest rates surpass the number of females arrested in all societies for which reliable data are available.³ Nonetheless, the precise explanation for this differential remains at the forefront of current issues in the field. Most contemporary theoretical frameworks view the lower rates of female arrests as a function of inherent biological, physiological, or psychological characteristics which combine to make women less criminogenic than men. In an effort to shed light on the interplay between gender characteristics, criminal behavior, and arrest statistics, this paper explores the relationship between geographic variations in the social position of women and the sex ratio of arrests.

The etiology of female criminality has attracted renewed interest in recent years, as psychiatrists, lawyers, and criminal justice personnel have been confronted by a growing number of female offenders. Although arrest statistics are a poor measure of actual criminal activity, nationwide arrest statistics show female arrests rising from 10.9 per cent of all arrests in 1960⁴ (p.183) to a

1976 figure of 15.7 per cent.⁵(p.184) Between 1960 and 1975, total female arrests rose 101.7 per cent, while male arrests rose 22.8 per cent. In this same period, arrests of females under the age of 18 rose 253.9 per cent, compared to an increase in male delinquent arrests of 125.3 per cent.⁴(p.183) This rapid increase in female arrests has forced a reevaluation of the traditional beliefs surrounding female criminality. A brief overview of the major explanations for the relatively low rates of female arrests is therefore necessitated.

Theoretical Background

Like their male counterparts, deviant women have been viewed from the angles of several different theoretical frameworks. However, some of the more traditional criminological assumptions remain more ingrained in contemporary views of female crime than in approaches to male criminality. Deviant women were first seen as suffering pathologies emanating from religious spirits,⁶ an idea reflected today by the notion that female offenders are both unlawful and immoral. Female delinquents are often assumed to be sexually promiscuous; in many jurisdictions today physical examinations are ordered by the court to ascertain a defendant's virginity.⁷ A second major approach suggests that female criminality can be traced to biological or physiological roots. Lombroso,⁸ for example, compared physical traits of law abiding and

incarcerated women, arguing that the resulting correlations were significant etiological determinants. This approach is evident today in theories positing chromosomal predispositions⁹ or body types¹⁰ as explanations for the lower rates of female arrests. A third perspective evident in current literature focuses on postulated gender-related psychological characteristics, with roots traceable to Thomas¹¹ and Glueck and Glueck.¹² Psychological maladjustments to the female sex role are suggested as explanations for female criminality, with "normal" women depicted as psychologically maternal, passive, dependent, emotional, devious, or manipulative.¹³⁻¹⁶ Whereas male crime is viewed as a failure in the adjustment between the individual and the stratified economic system in which he lives, female criminality is viewed as a failure in the individual's adjustment to gender-related normative standards. In a recent and more thorough review of this literature, Klein¹⁷ demonstrates that despite its originality, much of this work is grounded in assumptions that are of questionable validity and implicitly sexist. (see also 18-20)

A common theme in each of these perspectives is the location of criminal causality inside the individual. This idea is also present in some explanations of male criminality, but more consistently recurs in the literature on female crime. Since assumptions about the nature of crime affect the treatment of offenders by lawyers and

psychiatrists, its explanation as a function of internal pathologies, rather than structural inequalities, leads to a system of control which emphasizes individual treatment. Consequently, the United States has both the highest rates of imprisonment and the harshest sentences in the world.²¹ Although space limitations prohibit elaboration of this point herein, viewing criminality as a function of economic inequalities has different implications for policy formation than do theories which explain female criminality on the basis of gender-related internal pathologies.

The moral, physiological, or psychological explanations for female criminality suffer from a lack of consideration of the factors which affect the social position of women. Focusing on this omission, a fourth perspective has recently emerged which focuses on gender role expectations as a major explanation for the disproportion between male and female arrests.^{19,22,23} This framework has also been used to attempt to understand the increase in the absolute frequencies of women arrested during the last fifteen years.²⁴ Briefly, it is argued that female role scripts in western societies include a number of structurally rooted expectations and constraints that make arrests of females less probable. Such role expectations are conceptualized as mutually exclusive of any inherent physiological or psychological characteristics of the female gender. When

buttressed by the labeling perspective, this approach underscores the point that the suspicion of police officers that precedes their decision to arrest is influenced by the community expectations they reflect about the parameters of possible behavior for women. In a summary statement, Hoffman-Bustamante postulates five factors which link female arrest rates and gender role constraints:

These include differential role expectations for men and women, sex differences in socialization patterns and application of social control, structurally determined differences in opportunities to commit particular offenses, differential access or pressures toward criminally oriented subcultures and careers and sex differences built into the crime categories themselves. ²²(p.117)

These factors are combined to explain why the ratio of female to total arrests is so low. Despite this disproportion, however, the basic motivations for female criminality are not seen as necessarily different than those for males. Female criminality differs in its manifestation and degree, but not in its etiology. Unfortunately, however, this framework lacks systematic empirical application.

Hypotheses

It is known that gender role expectations are closely related to the social position of women,²⁵ and therefore will vary with the status of women in the community.

Therefore, it will be postulated that female role expectations will vary with the social position of women in different geographic locations. To operationalize the latter variable,

measures of female employment, income, and education will be used. Where women fill a relatively larger number of economic roles outside the home, the social expectations for women, including those enforced by police officers and other agents of formal social control, will be less monolithic and constrictive. The police officers' cognitive stereotypes of possible law violators are then more likely to include women, and the sex differences in reporting, suspicion, and subsequent arrests will diminish. Therefore, the first hypothesis to be tested is that the ratio of female to total arrests will increase directly with the social position of women in the area.

A second hypothesis is that the urbanity of an area affects the sex ratio of arrests. There are several reasons for this prediction. Since more women work outside the home in urban areas, urbanity affects the sex ratio of arrests through its intercorrelation with the social position of women, with these two variables producing interactive effects in their predictive capacity. Furthermore, urbanity exerts influences on gender role expectations that are independent of female social position; for example its mass communication outlets allow more rapid, vocal, and systematic demands for egalitarian treatment than are voiced in rural areas. If persistent, such demands for equality produce effects on community role constraints at a more rapid pace than actual changes in the social position of women are reflected by

aggregate statistical indicators. A third rationale for this hypothesis is derived from the differential nature of police departments in rural and urban areas. Urban areas have a relatively higher police/population ratio,⁵(p.222) and have more specialized police departments than do rural communities. Arrest rates are in part a function of the resources available to detect crime;²⁶ Wilson,²⁷ for example, has shown that specialized juvenile units make more arrests than departments with non-specialized structures, even when the degree of industrialization is held constant. Hence, the sex ratio of arrests will be expected to be larger in areas with a more vigilant police force.

Design and Methodology

The methodological approach used in this study compares county by county differences in the state of Michigan in the social position of women and the sex ratio of arrests. With 83 counties, 58,000 square miles, and eight million residents, Michigan provides a sharp contrast from isolated, sparsely populated counties in its upper peninsula to an industrial, urban metropolis in the Detroit area. We can think of no unique qualities of this research setting that would prohibit generalizations to other regions of the United States, or even to the nation as a whole.

Data collected in the 1970 census are used to operationalize the independent variables in this study. Measures of

women's median income, median years of education, and percentage of women in the labor force are used as indicators of the social position of women in each county. As was pointed out above, these indicators encompass a whole range of experiences, aspirations, and responsibilities which go beyond the three variables directly measured. The percentage of the county's population classified by the census as urban was also included in the study. Direct relationships between these variables and the sex ratio of arrests in the counties are hypothesized.

The dependent variable used in this study is the ratio of female to total arrests in each county in 1972, the last year for which complete data are available. These data were collected from the annual arrest reports of each county on file in the State Police Headquarters. The use of arrest statistics, however, necessarily introduces some ambiguity into the interpretation of exactly what is being measured,²⁸⁻³⁰ At best, arrest statistics are a crude and unreliable measure of criminal activity; only offenders detected, reported, found, and arrested are included. Each stage in this process allows variance in public and police discretion. Therefore, arrest statistics are a more valid indicator of police behavior than of criminal behavior, and are therefore interpreted as reflecting differences in the willingness of the police to suspect and arrest women. This willingness,

in turn, can be seen as a function of several factors, one of which might be actual rates of female criminal activity. The point will be elaborated below.

Findings

For which crimes are women most likely to be arrested? Table 1 presents the distribution of the sex ratio of arrests by type of crime, ordered from the crime for which arrests are most frequently female (prostitution), to the crime which has the smallest percentage of female arrests (rape). Overall, women accounted for 16.66 per cent of the arrests, ranging from .02 to .20 of all arrests over the 83 counties.

Table 1 about here

It can be seen in Table 1 that many of the crimes for which a large number of women are arrested are offenses which allow a great deal of discretion in their reporting and enforcement. Two crime categories with a relatively high proportion of female arrests, runaway and curfew/loitering, are juvenile offenses. Because this behavior deviates more radically from female role expectations than from male role expectations, it would be expected that given identical behavior, girls would be more likely than boys to have contact with the criminal justice system.^{7,31} By far, the

predominant major crime for which women are frequently arrested is larceny. The State Police data show that only nine per cent of the reports of larceny are subsequently cleared by arrest, and that five per cent of those arrested are juveniles. This suggests that those who do get arrested are not necessarily the most frequent violators, but more likely those who simply lack the skills to escape detection. This point further underscores the danger of equating arrest statistics and criminal behavior.

Table 2 presents the zero order correlations between the variables under investigation. Each of these relationships

Table 2 about here

is significant above the .01 level, thus supporting the hypotheses. The ratio of female to total arrests increases directly with the urbanity of the population and the social position of women.

The data also show an inverse relationship between the sex ratio of arrests and the average number of children, per number of women aged 35-44, in the county. Pearson's r was found to be $-.258$ ($p = .01$). In other words, the sex ratio of arrests is lowest in areas where women have a larger number of children.

Because the data in Table 2 indicate the existence of

a relatively high intercorrelation between urbanity and the three indicators of social position, the question arises if urbanity makes the relationship between social position and the sex ratio of arrests spurious. To assess this possibility, the three indicators of social position were correlated with arrest ratios while the effects of urbanity were statistically controlled. The results indicate that although the strengths of the correlations are somewhat attenuated, they continue to demonstrate statistical significance. When the sex ratio of arrests, with the effects of urbanity controlled, is correlated with median income, $r = .22$ ($p = .05$); with median education $r = .36$ ($p = .01$); and with the per cent of females in the labor force, $r = .41$ ($p = .001$). Thus, the direct relationship between the sex ratio of arrests and the social position of women persists when the effects of urbanity are controlled.

Extending this analysis one further step, regression analysis can be used to ascertain the ability of each of the four independent variables to explain the variation in the sex ratio of arrests. Given the problem of multicollinearity with the three indicators of social position, this procedure will also divulge which of the three indicators offers the most independent predictive value. The final equation reveals that the three indicators of social position, when used as predictors for the sex ratio

of arrests, produce an R^2 of .345: median education explains .266 of the variation, adding the percent of females in the labor force increases R^2 to .337, and the income measure explains the additional .008 of the variation. Finally, when urbanity is added, R^2 jumps to .501 (Multiple $R = .708$), demonstrating that more than half of the variation between counties in the sex ratio of arrests can be explained by these four indicators.

The above increments of R^2 were calculated by withholding urbanity from the regression equation until the three indicators of social position were allowed to explain all the variance they can (.345). Consequently, this figure includes both the direct effects of social position and the indirect effects of its three indicators acting in consort with urbanity. Table 3 displays the results of this regression in tabular form:

Table 3 about here

These data lead to the following interpretation. From Table 2, it can be seen that the zero order correlation between urbanity and the sex ratio of arrests is .613. The beta coefficient from Table 3 indicates that .447 of this correlation, or 73 per cent, is due to the direct effects of urbanity. Conversely, 27 per cent of the effects of

urbanity in this model are due to overlapping effects, with urbanity acting in unison with the indicators of social position. The per cent of females in the labor force also exerts a significant independent effect on the sex ratio of arrests, with 48 per cent $(.241/.506)$ of its correlation due solely to direct effects. Once the sex ratio of arrests is regressed on urbanity and the per cent of females in the labor force, the remaining two indicators of social position do not significantly increase the predictive power of the equation. In sum, the ratio of female to total arrests increases as the urbanity of the area and the per cent of females in the labor force increases. Both predictors have a statistically significant unique explanatory impact, and also overlapping effects through their high intercorrelation.

A final test was undertaken to determine if the types of crimes for which women are arrested in areas where their collective social position is relatively higher are qualitatively different than the crimes for which they are arrested in areas where their social position is relatively lower. This test is particularly relevant to the argument that views increases in the social position of women as leading to substantive changes in the types of female criminality.^{24,32} Hence, the subtitle of a recent popular book on female criminality is "The Rise of the New Female Criminal". As Adler states:

Like her sisters in legitimate work, the female criminal is fighting for her niche in the hierarchy. She knows too much now to return to her former role as a second-rate criminal, confined to such "feminine" crimes as shoplifting and prostitution.³² (p.42)

To test this hypothesis, a ratio of the number of arrests for "traditional" female crimes divided by the total number of female arrests was constructed for each county and regressed on the four independent variables. Prostitution, runaway, and larceny - those crimes in Table 1 for which arrests are most often female - were used as components of the "traditional" index. If the criminal categories for which females are arrested are indeed qualitatively different in areas in which women have attained a relatively higher social position, then it would be expected that the ratio of traditional to total arrests would decrease as the social position of women increases. However, Adler's position is not supported by the data: the relationship is direct and 33 per cent of the variation is explained (Multiple R = .572). If the direct effects of urbanity are removed from the equation, still 27 per cent of the variation can be explained simply by the indicators of social position. Therefore, there is no evidence to support the claim that qualitative changes in female criminality accompany increases in the social position of women. Where women have achieved a relatively higher social position, more are arrested for traditional offenses, and no pattern of arrests of females

for crimes usually within male domains is evident. Consequently, there appears to be no support for the notion that "feminism" causes or is associated with a new type of female criminal, or that female criminality represents, as Adler calls it, "the shady side of liberation."³²(p.42).

Discussion

The above data indicate that variation in the ratio of female to total arrests can be substantially explained by urbanity and the social position of women. However, the multitude of factors which affect arrest statistics prohibit their interpretation as equivalent to actual rates of criminality. As Pollak has observed:

Criminal statistics are probably the least reliable of all statistics because they undertake to measure something which is designed to escape observation and thus to escape measurement.¹⁵(p.150)

Furthermore, differential treatment of the genders at various stages after a crime makes the interpretation of arrest statistics as a measure of criminal activity among women even less reliable than for men.^{7,15,33} Hence, arrest statistics are more directly indexical of police behavior than of criminal behavior.

The interpretation of these data requires what Cressey calls a "sociology of crime reporting":

Why does a society report the crimes it reports, why does it overlook what it overlooks, and how does it go about deciding that it has, in fact, overlooked something?³⁴(p.xii)

A major factor which affects both the public's crime reporting and subsequent police action is the community expectations concerning the parameters of proper (and probable) behavior for women. It has been demonstrated that there is a tendency not to arrest women as often as men when their behavior is within traditional, stereotypical guidelines;^{7,31} this bias will diminish where traditional sex role expectations are challenged. A more vigilant police attitude and a less severe taboo against invoking police action by victims, acquaintances, and attorneys will also be reflected in arrest statistics. There are more arrests of females for runaway, for example, not necessarily because girls leave home more often, but because more are reported, and a female runaway might warrant a more vigorous search than her male counterpart. Moreover, sex role expectations become institutionalized in the organization policies of police departments when training programs and procedures direct officers to look at all groups in the population with impersonality and suspicion, and to be less arbitrary in their use of discretionary powers. In sum, the amount of crime found is a function of how carefully the public and the police look for it.

A second factor affecting arrest statistics is the actual frequency of criminal activity. By definition, any difference in a group's role expectations will coincide with differences in the group's behavioral opportunities. In

areas where the social position of women is relatively higher, there are more opportunities for a wide range of behaviors, including some labeled criminal. This point has been used by Simon to explain the increase in the last decade of arrests of women for larceny, fraud, and embezzlement.²³ Just as important, however, is the realization of the lack of opportunities for women that ultimately affect crime rates. This lack of opportunity will become increasingly evident in areas where women assume more financial responsibilities and attempt to break out of traditional role constraints. Thus, any possible increases in female criminality must be seen as a function of not simply increased opportunities, but frustrated aspirations as well.

An idea that recently has been popularized about female crime is that the increase in arrests of women in the last decade has been caused by the so-called women's movement.²⁴ Thus, the rise in arrests is seen as the "social costs of social improvement."³⁵ There are several faults with this position. First, the argument often contains an ecological fallacy in that it implies that because groups with a higher social position have a higher proportion of arrests, then the individuals with a higher social position become more probable participants in criminality. However, data on individual female criminals do not indicate that they are liberated, upwardly mobile, or from higher social positions.^{23,36} A

second fault of this view is that it fails to distinguish sex ratios of arrests from rates of arrests. While it has been argued herein that the social position of women can be used to explain the disproportion of male and female arrests, the argument has less utility in explaining absolute fluctuations in rates of arrest over time. As Knudsen has shown,³⁷ there has been a relative decline in the status of women since 1940, casting doubt on the idea that rises in arrest rates over time can be explained by increases in the social status of women. Finally, the data reported herein do not support the conclusion that women are invading crime categories which have traditionally been male dominated in areas where their social position is relatively higher. It is therefore necessary to conclude that the higher sex ratios of arrests in areas where the social position of women is higher can not be explained by the idea that liberated women are increasing their participation in both legal and illegal behaviors usually reserved for men.

The idea that the women's movement has caused increases in female criminality suffers further from its assumption that changes in the status of women are a direct result of an organized emancipatory movement. It is claimed that a liberation movement has increased both status and crime rates. However, it is doubtful that the women's movement can suffice as the principle explanatory factor for either change.

The women's movement has exerted little influence on changes in women's sex role attitudes, although changes in these attitudes over the last decade have added fuel to the movement.³⁸ Thus, the women's movement is a product of a changing social position, not a cause. Women work outside the home because of economic needs,³⁹ not because of liberated attitudes. Some women, subject to the same economic pressures but victims of the shortage of legitimate opportunities, might be forced to engage in illegal behaviors. Hence, if the women's movement is not a direct cause of the changing roles of women, neither can it be seen as a cause of the increase in arrests of women.

Finally, a brief comment can be made about the nature of the law. As formal rules of social control, legal codes are often used to preserve the inequalities of stratified societies; those groups challenging the inequalities are more subject to its enforcement. Where equality is increasingly demanded by women, the law can be applied to them in a less protective and more restrictive manner. Runaway, curfew, disorderly conduct, and drunkenness are examples of laws available to punish "unladylike" activities. Chesney Lind,³¹ for example, found that young girls were far more likely than boys to be charged with offenses which apply only to juveniles, and that the girls were treated relatively more harshly by the criminal justice

system. (see also 40,41) In this sense, the legal code may be viewed as a conservative force in the preservation of the status quo, ready to be more strictly enforced where women reject the passivity and docility of their traditional role prescriptions.

Conclusions

The disproportion in the sex ratio of arrests does not arise from any inherent physiological or psychological characteristics of the female gender, but rather from cultural, social, and law enforcement factors which fluctuate with urbanity and the social position of women. In urban areas and where women have achieved a relatively higher social position, the female arrest rate shows a tendency to approach the male rate. This higher proportion is explained by increased arrests of women for traditional female crimes (i.e. larceny, prostitution, and runaway), and not by arrests of women for crimes historically male dominated. The higher proportion of female arrests is interpreted as a function of the community's expectations concerning women and procedural differences in police practices, not necessarily as a result of higher rates of actual criminality. A more focused study of how police perceptions and attitudes towards women vary with the social position of women therefore appears to be the next step in increasing our understanding of female crime rates.

TABLE 1

FEMALE ARRESTS BY TYPE OF CRIME

Crime	Number of females arrested	Percentage of total arrests that are female
1. Prostitution	2561	66.35
2. Runaway	10237	60.30
3. Larceny	13765	32.63
4. Manslaughter	59	28.10
5. Forgery/Counterfeiting	596	25.31
6. Fraud	977	21.12
7. Embezzlement	81	18.45
8. Curfew and Loitering	929	18.37
9. Non-aggravated assault	2208	17.67
10. Murder	117	16.39
11. Gambling	123	15.95
12. Narcotics	4127	15.36
13. Disorderly Conduct	2753	15.32
14. Vagrancy	143	14.91
15. Liquor	1506	14.44
16. Arson	103	13.64
17. "Other"	8255	12.10
18. Aggravated Assault	718	11.79
19. Family/Children	490	10.32
20. Vandalism	767	9.38
21. Weapons	634	8.62
22. Stolen Property	374	7.48
23. Drunkenness	2580	6.86
24. Auto Theft	300	6.72
25. DUIL	2195	6.06
26. Sex Offenses	79	4.26
27. Burglary	814	3.93
28. Robbery	280	3.61
29. Rape	10	1.16
Total	57,019	16.66

TABLE 2
ZERO-ORDER CORRELATIONS

	A.	B.	C.	D.	E.
A. Urbanity	1.00	.361	.516	.506	.613
B. Median Income		1.000	.333	.546	.361
C. Median School Years			1.000	.553	.516
D. % in Labor Force				1.000	.506
E. Female/Total Arrests					1.000
Mean	32.76	\$3183	11.92	36.92	.1146
Standard Deviation	27.33	\$691.2	.48	5.17	.0413

TABLE 3

STANDARDIZED PARTIAL REGRESSION COEFFICIENTS FROM
REGRESSION OF INDICATORS OF SEX ROLE EXPECTATIONS
ON THE SEX RATIO OF ARRESTS

Independent Variables	Beta Coefficient
Median School Years	.186
% in Labor Force	.241*
Median Income	.024
Urbanity	.447†
Multiple R	.708

* Regression coefficient is twice its standard error ($p \leq .05$).

† Regression coefficient is three times its standard error ($p \leq .001$).

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