THE FEMALE NON-OFFENDER:
FINDING MODERN RESONANCE IN LOMBROSO’S ‘NEUTRALISING FACTORS’

KEYWORDS: Criminology; Feminism; Cesare Lombroso; Women and Crime; History of Criminology

Abstract

Cesare Lombroso’s work, the Female Offender, is best known today for its outdated, misogynistic, and reductionist view of female criminals. As a positivist, he believed that female criminality was biological, and was thus predictable and inevitable in the cases where it occurred. To support this theory, Lombroso provided several ‘neutralising factors’ which turn women away from crime; ‘piety, maternity, sexual coldness, physical weakness and undeveloped intelligence’.1 Whilst almost comical in its lack of political correctness, when translated into modern vernacular the list has a surprising amount of support. The relevance of Lombroso’s theory can be seen in two ways; firstly, in factual studies and crime correlates which establish a link between some of his ‘neutralising factors’ and lower likelihood of female offending. Secondly, in the contemporary perceived link between these traits and crime, both by criminologists and the media. Thus, Lombroso’s theory of the Female Offender finds a disturbing relevance in modern criminology.

Lombroso’s Theory

Lombroso is best known for his work the Criminal Man, which established his theory of the ‘born’ or ‘atavistic’ criminal underlying the Female Offender. This theory states that criminal tendencies are biologically determined, and recognisable by physical characteristics.2 Lombroso subscribed to held that females in general were ‘more childlike and more delicate than the male’,3 and therefore less developed. He argues that ‘women are big children’, and

1 Cesare Lombroso and Ferrero Guglielmo, Criminal woman, the prostitute, and the normal woman (Nicole Hahn Rafter (ed) and Mary Gibson (ed,trs), Duke University Press Press 2004), 183.
2 Cesare Lombroso, Criminal man (Mary Gibson and Nicole Hahn Rafter (trs), Duke University Press 2006).
3 Lombroso, Criminal Woman (n 1) 82.
within every woman lies a latent semi-criminal. He also believed that when a woman’s ‘evil tendencies’ were manifest, they were more extreme than those of a man. He quotes an Italian proverb to illustrate his point, ‘woman is rarely wicked, but when she is, she is worse than a man’.

However, Lombroso was also aware of women’s lower crime rates. To explain women’s more ‘wicked nature’ in the face of this evidence, he designated five neutralising factors, which, in the majority of cases, prevent women’s latent criminality from ever bearing out. These five essentially female characteristics are piety (or religiosity), maternal instinct, sexual coldness or frigidity, physical weakness and lesser intelligence. Perhaps the best summary of Lombroso’s position is as follows;

When piety and maternity are replaced by strong passions and intense eroticism, muscular strength and superior intelligence, then the innocuous semi-criminal who is always present in the normal woman is transformed into a born criminal more terrible than any male counterpart.

This is an extreme position, and few would argue that Lombroso was unbiased in his gender speculations. He particularly took issue with women who neglected their maternal duties, or were seen as promiscuous. For example, his reference to ‘dissolute female offenders, who need a great deal of money for their orgies and other pleasures but do not care to work for it’, carries so much bias and underlying mysoginism that a serious, holistic analysis becomes difficult in the face of such absurdity. Thus, rather than focusing on the positivist aspect of Lombroso’s theory, this essay will solely consider his ‘neutralising factors’. Similarly, it is unfair to make our analysis too literal, and judge based on Lombroso’s outdated language. Thus, piety can be understood as religiosity, and so on, to allow good-faith application of Lombroso’s factors to the modern setting.

However, other problems may arise for this analysis, given that Lombroso’s Female Offender was published 121 years ago. Given how much women’s status in society has changed,

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4 Ibid 182.
5 Ibid.
6 Ibid.
7 Ibid 183.
8 Ibid 188.
perhaps leading to different types of crime and different motivations, applying Lombroso’s factors now may seem artificial. For example, the impact of the women’s movement, with some theorists suggesting that ‘as women feel more liberated physically, emotionally, and legally, and less subjected to male power, their frustrations and anger decrease’. However, there is some evidence that current gender differences in crime roughly ‘parallel those that have prevailed since at least the thirteenth century’. On a finer scale, changes such as women’s liberation would only make the result more interesting if modern parallel for Lombroso’s factors can be found. Additionally, given that Lombroso stated that his factors make women less likely to offend, not specifying type of crime or motivation, a modern, comparative analysis is possible.

Piety

Piety, or religiosity, receives much modern interest in relation to crime. There have been a number of studies examining the relationship between religious belief and criminal activity and the vast majority support Lombroso’s conclusion. One study determined religiosity by reference to three factors; religious activity, for example church attendance; religious salience, the extent to which they let religious beliefs impact their everyday live; and hellfire beliefs, beliefs about supernatural sanction if they commit crime. All three of these factors had a definitively negative correlation with crime, with religious activities the strongest. So, even if we read piety as attending Church and nothing more, this has a strong negative effect on crime.

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13 Ibid 221.
This study was conducted across both genders, not women in particular. As the negative correlation was present for both genders, the fact that men also have religiosity as a ‘neutralising factor’ is irrelevant; we are examining whether Lombroso’s factors hold true for women, and not whether they are more true for women than men.

Two other relevant studies have considered the effect of religiosity on juvenile female offenders, and on female drug abuse offenders. The study of female juvenile delinquents found that religion is a ‘protective factor’, and prevents girls from getting involved in crime: ‘Personal religiosity has been associated with less severe forms of criminal behaviour and research confirms an inverse relationship between religiosity and measures of crime or delinquency’.\footnote{Robinson T, ‘The role of religiosity as a protective factor in the lives of female juvenile offenders’ (PhD Dissertation, University of Georgia 2008) 70.} They also found that religiosity has an effect on the severity of crime, with ‘high levels of intrinsic religiosity correlate\[ing] with less severe crimes, when committed’.\footnote{Ibid 74.}

The study examining religiosity and drug abuse had similar results, with a direct, negative correlation between level of religiosity and amount of drugs taken.\footnote{Klein H, Elifson KW and Sterk CE, ‘The Relationship between Religiosity and Drug Use among "At Risk" Women’ (2006) 45(1) Journal of Religion and Health 40, 50.} Drug abuse may seem like too narrow of a sample of crime from which to extrapolate about holistic criminal tendencies. This is true, although these results are supported by the more general evidence discussed above. However, this particular study is interesting as previous studies have found that religiosity has the most effect on crime rates for ‘ascetic and victimless offenses’,\footnote{Evans (n 12) 197, 201.} such as drug abuse and shop-lifting, both crimes which are not male dominated.\footnote{Ibid 221.} Thus, religiosity as a ‘neutralising factor’ may in fact be more significant for women than men. Either way, it is clear from the literature that religiosity is associated with less crime, and less serious crime among women, suggesting that Lombroso’s first factor is still relevant today.

This is also borne out in terms of people’s perceptions of crime, or at least culpability. Despite the modern trend away from institutional religion, there are still positive moral connotations to being religious. For example, when analysing the portrayal of female offenders in popular media, Lynsey Black found that ‘charitable work, church involvement,
and maternal instinct, are all capable of mitigating moral culpability’.\textsuperscript{19} Thus, despite Lombroso being ‘pilloried by contemporary critics for the… misogyny that underpins his analysis of female criminals’,\textsuperscript{20} piety is still a legitimate ‘neutralising factor’ for crime; both in modern perception, and actual fact.

\textit{Correlation or causation?}

The aforementioned studies have shown a negative correlation between female crime and religiosity, however, this does not mean that religiosity itself discourages crime. Arguably, the term ‘neutralising factor’ implies an active role of religiosity, rather than a more general, non-causative correlation; the type of person who is religious, is also incidentally less likely to commit crime. Two points can be raised here, firstly, Lombroso was a positivist and believed that both criminality and these factors were inherent. This blurs the line between correlation and causation, for example, if religiosity and lower criminality were both caused by a third factor such as submissiveness to authority. Here, because Lombroso believed piety is inherent, and thus unchanging, it can act as a good ‘signal’ factor for criminality, despite not directly causing it.

However, there is evidence that religiosity actually causes lower crime rates. For example, the Evans study found that church attendance, a highly variable factor across a person’s lifetime, was the best indicator for lower crime.\textsuperscript{21} Concluding from these studies, academics have also suggested religious programs for women ‘at-risk’ of offending, as an effective crime prevention method. The efficacy of ‘introduced religiosity’ suggests that religious belief does in fact make women less likely to offend, rather than simply being associated. Although, it should be stressed that religiosity may well cultivate some different factor which decreases crime, rather than religious belief itself making people averse to sin.

\textbf{Maternal Instinct}

Maternal instinct is a factor that is more difficult to quantify, and has received much less attention than religiosity. There are several easily determined qualities popularly associated

with maternal instinct, such as being married, and having children. However, these are often more a function of circumstance and societal expectation than any particular maternal drive. Furthermore, the data is often conflicting, for example, in some studies marriage is shown to reduce crime rates in young women,\textsuperscript{22} but others have found no significant effect.\textsuperscript{23} As such, we are forced to rely on more anecdotal and qualitative evidence when it comes to the role of ‘maternity’ in discouraging crime.

Of the two genders, women exhibit more of an instinct to protect and nurture their children.\textsuperscript{24} At times this in fact motivates women into committing crime, ‘doing crime for one’s kids or family plays a greater role in female than male offending’.\textsuperscript{25} However, more often women’s ‘caring’ nature is considered a foil against crime. Some even attribute women’s consistently lower crime rates to this maternal, ‘caring’ instinct. This type of thinking is even present in feminist scholars, such as Carol Gilligan, whose work \textit{In a Different Voice} was a ground-breaking exploration of gendered moral psychology.\textsuperscript{26} She theorises that women have an internal ‘ethic of care’, intrinsic to their role as mothers, which means that women respond more to emotional, and relational concerns. This moral empathy makes them less likely to commit crimes than men, who have an ‘ethic of justice’, a more abstract moral sense.

Many modern theorists broadly agree with this theory, with the caveat that ‘ethic of care’ is a result of women being socially ‘maternalised’; ‘from an early age, females are encouraged to cultivate interpersonal skills that will prepare them for their roles as wives and mothers’.\textsuperscript{27} This socialisation makes them less likely to commit crime, because they are brought up in a social context which makes them more forgiving, and less likely to act out in a socially unacceptable manner. This is commonly referred to as ‘social control theory’ and has many modern adherents.\textsuperscript{28}

Modern perceptions on motherhood also have a significant role to play in our treatment, and understanding of female offenders. For example, studies have shown that women with

\begin{itemize}
\item\textsuperscript{22} Linda Waite and Maggie Gallagher, \textit{The case for marriage} (Broadway Books 2000).
\item\textsuperscript{23} Ryan D King, Michael Massoglia and Ross MacMillan, ‘The context of marriage and crime: gender, the propensity to marry and offending in early adulthood’ (2007) 45(1) Criminology 33, 56.
\item Schwartz and Steffensmeier (n 10) 61.
\item Ib\textsuperscript{i}d 59.
\item Carol Gilligan, \textit{In a different} voice (Harvard University Press 2003).
\item Schwartz and Steffensmeier (n 10) 61.
\item Ib\textsuperscript{id}.
\end{itemize}
children often receive lesser sentences than those without.\textsuperscript{29} However, ‘women who do not conform to our stereotypes of wives and mothers… may be dealt with especially severely’.\textsuperscript{30} Despite the great developments in women’s rights since Lombroso’s time, and increasingly shared parenthood roles between the genders, motherhood remains a morally charged issue for women. In her study of the media portrayal of women offenders, Black noted a recurring assumption that ‘a mother who does not exhibit such [maternal] instincts must be unnatural’.\textsuperscript{31} She suggests that women who do not fit the stereotype of loving mothers are a ‘taboo’, and tend to reinforce all the negative stereotypes of the ‘heartless’ female offender; if a woman does not care about her own children, then she must be evil indeed.\textsuperscript{32} One contentious example is the criminalisation of abortion, which some argue is institutionalises the idea that women who are not maternal, also cannot be moral. Black suggests that this is because ‘society considers a woman's refusal to bear a child an unnatural act, a rebellion against her essential role’.\textsuperscript{33}

Another contentious legal issue is that of battered women who fail to protect their children. This is a particularly serious issue in America; where there has been much recent reporting on women who, despite previous sustained abuse at the hands of their partner, have received significant or even longer jail terms than the abusers for failing to protect their child. In reaching these conclusions ‘judges assume that a woman's maternal instinct to protect her children from harm overcomes any barriers to escape’,\textsuperscript{34} and that failure to act out this maternal instinct, even for fear of life or safety, is immoral and criminal.

Additionally, courts often make assumptions about women’s maternal instinct and capability on the basis of race and class. For example, in adoption cases, the law often treats ‘unmarried birth mothers as having no maternal instinct’.\textsuperscript{35} This is particularly disturbing, as it may give rise to a vicious circle in our understanding of women and crime; those with lower social and economic status are more likely to commit crime, and also judged as poor, or less fit mothers, and so are more likely to be convicted, or treated harshly by the courts.

\textsuperscript{30} Ibid.
\textsuperscript{31} Black (n 19) 40.
\textsuperscript{32} Ibid 39.
\textsuperscript{33} Ibid.
\textsuperscript{34} Dorothy E Roberts, ‘Motherhood and crime’ (1995) 42 Social Text 99, 100.
\textsuperscript{35} Ibid 103.
Thus, it seems that we have not progressed so far from when ‘law-violating and conforming behaviors were believed to stem from the same etiological source – the female nature’. Without better evidence on the effect of a ‘maternal instinct’ with crime rates, we are left using theory and anecdote; neither of which is convincing enough to say whether maternity has an actual effect on crime. However, modern theorists, courts, and the media have equated maternal instinct with ‘care’ and less crime, and lack of maternity with amorality and heartlessness, thus lending modern credence to another of Lombroso’s factors.

**Sexual Coldness**

This seems one of the most alien and outdated of Lombroso’s factors, inextricably bound with repressionist morality, and the idea that ‘sex’ is ‘sin’. Indeed, Lombroso himself seems to have shirked thorough research on this factor. In *the Female Offender*, he uses questionable biological evidence about mutations in female genitalia, and extrapolates a relationship between libidinousness and crime from anecdotal evidence, including the wife of a particular Roman emperor, and the lewdness of prison graffiti. However, the association between criminality and sexual passion is persistent and pervasive. In 1934, Gleuck wrote that ‘the major problem involved in the delinquency and criminality of our girls is their lack of control of their sexual impulses’. Thus, though the notion that frigidity prevents crime seems absurd, and quantitative evidence on sexual appetite and crime is far from abundant, we shall consider Lombroso’s factor as fairly as possible.

As mentioned above, a study was conducted on drug abuse among ‘at-risk’ women. In addition to religiosity, the main focus of the study, several other factors were considered including frequency of oral sex and ‘risky sex’. Surprisingly, both of these sexual factors were found to have a non-trivial correlation with drug abuse. In particular, they found a ‘strong, direct association between the number of times women had oral sex and the amount of drugs they used’, but ‘in all instances, more drug use was reported by women who

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37 Lombroso, *Criminal woman* (n 1) 173.
39 Klein (n 16) 48.
40 Ibid 51.
reported greater involvement in the sexual behavior in question’.\textsuperscript{41} The results of this study appear to support Lombroso’s claim, but have to be considered in proper context; the sample population was ‘at-risk’ women, meaning that median income was well below the US poverty line, they lived in areas known for drug abuse, and characteristically had low education, and poor access to healthcare.\textsuperscript{42} Further, the study did not encompass all crime, but only drug abuse. Hence, this relationship between more extreme sexual activity and crime is hardly conclusive; only for drug use, within a very specific, already crime-set subset of society.

Perhaps unsurprisingly, there is still a modern perception that sexual promiscuity is associated with immorality. In the aforementioned work on female offenders in the media, it was discovered that women who were more sexually adventurous, or had their sexuality made public, were perceived as less sympathetic and more culpable.\textsuperscript{43} Black notes that ‘sexuality was also portrayed negatively as potentially dangerous… The woman’s sexuality is offered as an indicator of her immorality’.\textsuperscript{44} For example, the reaction to one offender described as a ‘lesbian ex-nun’ was particularly strong.\textsuperscript{45} This example reinforces the above conclusion that piety is viewed as a mitigating factor in crime, and lack of piety, as illustrated in a nun’s ‘fall from grace’, is viewed as encouraging crime.

However, the use of the term ‘lesbian’ also increased her perceived culpability, suggesting that women who may fit a narrow-minded view of ‘sexual deviants’ are also branded moral deviants. Chesney-Lind and Eliason note that lesbianism in particular is a sexual trait with implications towards criminality, as it is associated with females rejecting their normal societal roles, and also becoming more masculine.\textsuperscript{46} Thus, whilst there is not enough evidence to causatively link promiscuity and crime, or frigidity and law-abidingness, there is a definite modern perception that women who are more sexual, or who have ‘atypical’ sexuality are more likely to shirk other social customs and commit crime. This means that yet another of Lombroso’s factors is in line with current thinking, even though there is only a very narrow vindication in fact.

\textsuperscript{41} Ibid 48.
\textsuperscript{42} Ibid 42-3.
\textsuperscript{43} Black (n 19) 48.
\textsuperscript{44} Ibid.
\textsuperscript{45} Ibid 49.
\textsuperscript{46} Meda Chesney-Lind and Michele Eliason, ‘From invisible to incorrigible: The demonization of marginalized women and girls’ 2(1) Crime media culture 29.
Undeveloped Intelligence

Criminologists have for a long time been interested in a relationship between intelligence and tendency to commit crime. However, it has also been a controversial topic, with ongoing dispute over the results. For example, measuring intelligence with an IQ test may skew results as, despite supposedly using ‘universal’ questions, many believe that IQ tests are culturally biased, disadvantage those with more ‘performative’ intelligence, and are able to be improved at with practice. However, most modern studies are aware of these issues and alter their method accordingly, so we can put these issues aside for now.

Some studies have specifically considered the impact of intelligence for the different genders. One such study used Eysenck’s ‘personality types’ in addition to normal measures of intelligence, and conducted intelligence and personality tests among delinquents, and non-delinquents from both genders. Perhaps not surprisingly, lower intelligence was a strong predictor for crime among both genders. Interestingly, despite this trend, delinquents had a higher standard deviation for intelligence then non-delinquents. This means that whilst female offenders were, on average, less intelligent than their law-abiding brethren, this was greatly variable. This suggests that low intelligence is a strong predictor for criminality, but it is certainly neither sufficient, nor necessary factor for women to commit crimes.

These findings directly contradict Lombroso, who believed women of ‘undeveloped intelligence’ are less criminal. Other meta-studies among adults of both genders have confirmed this trend; with a definite negative correlation between intelligence and crime. However, some argue that despite studies repeatedly correlating lower intelligence and crime, there is not a causative relationship. For example, the ever popular ‘only stupid criminals get caught’ argument; this says that data is skewed towards less intelligent criminals, because the smart criminals are never caught, and so are not included in studies. This argument is

48 Amelia Diaz, Angela Belea and Maria Jose Baguena, ‘The role of gender in juvenile delinquency: personality and intelligence’ 1994 16(2) Personality and Individual Differences 309.
49 Ibid, 313.
50 Ibid, 311.
51 Ellis and Walsh (n 47) 346.
52 Ibid.
particularly suited to Lomboso’s claim; if women of ‘superior intelligence’ become criminals ‘more terrible than any male counterpart’, it may follow that these female super-criminals can also avoid detection. However, there are several reasons why this argument is more conspiracy-theory than real statistical bias. Firstly, the relationship between intelligence and crime drops away for recidivism; that is, intelligence has little impact on whether you continue to commit crime. If less intelligent people simply got caught more, you would expect them to continue getting caught for later offences, and the data does not support this.

Another argument against is that the negative correlation between intelligence and crime is present even in studies where crime is self-reported. Here, there is no question of being unintelligent and so making a mistake and getting caught; yet the relationship between intelligence and crime is still strong. One could counter this by adapting the original argument; of course the relationship holds for self-reported studies, only stupid people would admit to committing crime. However, this is paranoid and unrealistic, given that any study which calls for self-reporting of crime and then prosecutes the participants is highly flawed, and likely not part of the peer-reviewed literature. Hence, Lombroso’s claim that ‘undeveloped intelligence’ neutralises female criminality is not just disproved, but the opposite is likely true.

However, despite the wealth of literature, it seems that many modern criminologists put little stock in intelligence as a factor in criminality. For example, Ellis and Walsh conducted a survey of criminologists about perceived factors contributing to crime, and ‘low intelligence’ ranked only 19th. Thus, whilst few theorists would agree with Lombroso that lower intelligence prevents female crime, there is definite reluctance to admit the opposite, definitive relationship between low intelligence and crime. Ellis and Walsh suggest that ‘most criminologists (and other social scientists) still seem uncomfortable with the IQ-offending relationship, since most of them still strongly favour the nurture side of the nature-nurture controversy’.

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53 Lombroso, Criminal woman (n 1) 183.
54 Ellis and Walsh (n 47) 347.
55 Ibid.
56 Ibid 349.
58 Ellis and Walsh (n 47) 351.
59 Ibid.
Conversely, many theorists subscribe to Gottfredson and Hirschi’s ‘low self-control’ theory, which suggests that people with poor self-control are more likely to commit crime, unable to balance immediate gratification with long-term consequences for one’s self and others.\textsuperscript{60} ‘Overall, the theory is overwhelmingly supported’,\textsuperscript{61} and low intelligence is one of the major indicators for low self-control. In this way, many modern theorists indirectly acknowledge the relationship between low intelligence and crime for women, without having to be politically incorrect by suggesting that ‘stupid people’ are the most likely criminals.

One interesting argument specific to women, was borne from the women’s liberation movement and their increased access to education. Some suggested, reminiscent of Lombroso’s claims about intelligence, that as women received more education they would commit more crime. In fact, studies showed the opposite.\textsuperscript{62} Whilst some offences by women have increased over the last several decades, there is great debate about the cause, for example, increasingly strict policing of trivial offences. Whatever the cause, overall levels of female crime have remained relatively stable and if anything, have a negative correlation with education.\textsuperscript{63}

However, in terms of popular perception, intelligence is likely to increase culpability for crime. This is true even in the legal system. For example, whilst not a criminal case, a recent judgment denied a female applicant’s defense, because the judge ‘having observed [her] carefully in the course of the hearing’ thought that she was intelligent and capable enough not to have been taken advantage of.\textsuperscript{64} This illustrates how intelligent women can be viewed as more deliberate, calculating and capable, and thus more culpable for their actions. Nonetheless, it must be concluded that modern perceptions on intelligence do not support Lombroso; ‘undeveloped’ intelligence does not, neither in fact nor popular belief, prevent crime among women.

\textbf{Physical Weakness}

\textsuperscript{61} Ibid.
\textsuperscript{62} Simpson (n 36) 610.
\textsuperscript{63} Schwartz and Steffensmeier (n 10) 61.
\textsuperscript{64} Murphy v Grand Circle Travel [2014] IEHC 337, para 4.
Criminology is said to be ‘one of the most thoroughly masculinized of all social science fields’. Perhaps one reason is that crime is inextricably bound up with images of physical aggression. Stereotypical crimes such as theft, kidnapping, assault, murder and rape are all intensively physical, and often (but by no means always) involve overpowering another person using strength. It seems natural, then, that the physical weakness of most women prevent them from engaging in such crimes. This is undoubtedly simplistic, but contains enough truth to be repeated even in criminological texts;

The weakness of women relative to men – whether real or perceived - puts them at a disadvantage in a criminal underworld that puts a premium on physical power and violence. Muscle and physical prowess and functional not only for committing crimes, but also for protection, contract enforcement and recruitment and management of reliable associations.

However, it is difficult to determine whether physical weakness actually does inhibit female crime. Most crimes do not require physical strength or intimidation, in spite of the sensationalist list above, and can be committed irrelevant of muscle mass. There have been many attempts to link testosterone levels – which are associated with muscle development and strength – with aggression and therefore liability to commit crimes. However, this is a somewhat tenuous connection, and studies on testosterone levels in women have had conflicting results.

However, physical weakness may have a more theoretical, mental effect on women’s crime. At its most abstract, crime is the subversion of the social order; a small step towards Thomas Hobbes’ state of nature where ‘might makes right’ and strength and power prevail over any more long-sighted ideals. It seems natural that the physically weak would want to avoid crime, because it opens them to a world where they can be exploited. This view is also simplistic, but again reflected in criminology texts, for example, in the suggestion that female

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65 Britton (n 29) 58.
66 Schwartz and Steffensmeier (n 10) 62.
criminals often ‘deliberately restrict themselves to hustling small amounts of money in order not to attract predators’.

This particular example sounds somewhat outlandish, but a perception of vulnerability among women definitely has some effect on female crime rates. For example, despite being less likely to be victimised, women are far more likely to fear violent crime, feel unsafe in their neighbourhood, and rate local crime as an ‘important issue’. These results do not factor in the physicality of any particular woman, but it makes sense that physical weakness contributes to the feelings of vulnerability that cause fear of victimhood. As ‘people who are more afraid of crime are also more supportive of efforts to prevent it’, it is entirely plausible that physically weak women, for fear of falling into the role of victim, take a more negative stance on crime and are less likely to offend. Thus, Lombroso’s factor seems to hold true for modern times; through a combination of practicality and perceived vulnerability, physical weakness can deter female crime.

**Conclusion**

Lombroso’s neutralising factors have had mixed success in their modern context. Piety, or religiosity, is definitely associated with reduced crime rates for women, and this is also borne out in modern opinion. It is inconclusive whether maternal instinct or sexual coldness reduce crime, but there is a strong perception that they do; and conversely, women without maternal instinct are often considered immoral. Low intelligence is Lombroso’s weakest factor, as studies have shown the opposite to be true. However, his views on physical weakness may well be correct. Hence, despite the undeniable sexism and outdated morality that underpins Lombroso’s factors, they have found significant accord with modern opinion. Perhaps this is equal parts vindication for Lombroso’s theory, and censure of our modern ‘enlightened’ theorists.

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69 Schwartz and Steffensmeier (n 10) 62.
71 Ibid 90.
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