

KAPITEL 8 / CHAPTER 8⁸SOCIO-PHILOSOPHICAL ANALYSIS OF THE CAUSES AND
PREVENTIVE MEASURES OF FEMALE 'S CRIME IN MODERN CHINA

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Introduction

As the bond of family and social life, the increase of female crime rate is not only not conducive to the stability of the family, but also contrary to the concept of a harmonious society. Facing the current situation of female crime, identifying the reasons for female crime, and taking scientific and effective prevention and control measures are of great significance for preventing and reducing female crime. In the past decade, China has entered a period of deepening social transformation. With the deepening of women's participation in social activities, there have been new situations and changes in the number, types, and ways of female crime. Historically, whether in China or foreign countries, the number of men as criminal subjects is generally higher than that of women. The increase in female crime rate is closely related to the progress of economic level and the liberation of women's minds, According to the Gazette of the Supreme People's Court of the People's Republic of China (2021)⁹ Total number of criminal cases: 185417 female offenders, accounting for 10.81% of the total; Among them, crimes against public safety: 14929 female offenders, accounting for 3.41% of the total number. This has become a social problem that cannot be underestimated, and it has completely different causes and manifestations from ordinary male crime, requiring special attention and analysis. Based on literature search, typical cases, and data analysis, this article briefly explores the causes of female crime from the perspectives of community, family, and individuals. Based on this, it discusses strategies to prevent and control female crime from four levels: national, social, family, and human. The aim is to reduce female crime rates and improve women's sense of happiness in life.

As the name implies, female crime means that the subject of the crime is a woman, and her crimes often show the characteristics of "flexible crime", that is, the use of gender advantages to achieve the goal of the crime. The data show that in violent crimes, the crime rate among women is extremely low, only 10% of the number of male offenders, or even lower, such as participating in mass fights, intentionally causing

⁸Authors: Zhan N.

⁹ (2021) 《中华人民共和国最高人民法院公报》2021年总目录 中华人民共和国最高人民法院公报(12).46-48



harm, starting quarrels or pick a quarrel and make trouble, etc. .¹⁰ Women are several times more likely than men to commit crimes such as fraud. A comprehensive understanding of female crime can better prevent female crime, improve women's quality of life, and fulfill the role of stabilizing the family and society.

Methodology

Take from gender analysis: Although there have been more and more legal protections and various forms of gender equality advocacy activities in society, in reality, issues of gender discrimination and women's rights still exist. Men hold most of the resources, such as women's representation and participation in the political, cultural and social fields, there is much room for improvement. In the job market, women's salaries are generally lower than men's, and they also face more obstacles in promotion opportunities and career development. In addition, women and girls often face safety and protection issues in areas such as domestic violence and sexual assault.

8.1. Characteristics of female crime

At present, China is in a period of social transformation, and the proportion of female crimes is increasing rapidly, which has become a social phenomenon. The characteristics of female crimes cannot be determined from individual cases. Through searching for a large amount of information and intensive reading of the literature, the author summarizes the following characteristics of female crime: firstly, crime is basically flexible, that is, the flexible characteristics of women are used to commit crimes such as fraud, prostitution, human trafficking, etc.; secondly, crime among women has risen sharply. Taking Shandong Province as an example, tracking the trend of the number of female offenders detained in prisons from 2005 to 2015, the number of new female offenders detained in 2015 has increased to 2.3 times that of 2005¹¹. In 1990, female criminals accounted for 2.2% of the total number of crimes in Tianjin, but by 2002, it had increased to 6.1%¹². Jilin Province is even more astonishing, with a 40%¹³ increase in female criminals from 1995 to 1999! Thirdly, the age of crime is relatively concentrated, mostly distributed in the range of 30-50 years old. Fourthly, targeting acquaintances and vulnerable groups is more common, which is also

10 最高人民法院, 最高检发布2022年1至6月全国检察机关主要办案数据, 20, 07, 2022, <https://baijiahao.baidu.com/s?id=1738836251962704006&wfr=spider&for=pc>

11 (2016) 女性犯罪发展态势与管理型矫正模式构建 《中国司法》, 70-75

12 张宝义 (2008) 女性犯罪的主体“个性”及其分析——以天津为例 (eds) 第18届中国社会学年会“改革开放30年与女性发展”论坛论文集(pp 57-61)

13 蔡熙玲 (2017) 延边地区女性犯罪预防与对策研究(硕士学位论文, 延边大学) <https://kns.cnki.net/KCMS/detail/detail.aspx?dbname=CMFD201702&filename=1017109892.nh>



determined by women's physical fitness. Fifth, the majority of female offenders are unemployed, followed by individual merchants.

8.2. Exploring the causes of female crime

The factors of female crime are relatively complex, and a large portion of crimes can reveal the shadow of men, especially in malignant cases such as sex killings. This situation is even more evident. Comprehensive analysis shows that female crime factors come from society, family, and individuals, and further subdivided into factors such as politics, economy, physiology, and psychology. The following is a detailed analysis.

8.2.1. Social reasons

Since the establishment of New China, especially after the reform and opening up, women have gradually been liberated from the traditional "three obediences and four virtues" and are increasingly participating in work and social life. It is precisely this transformation that makes women in transition feel at a loss, constrained by traditional beliefs and family pressure. The increase in social wealth has also added to many negative social customs. Some women, in order to pursue a luxurious life and psychological satisfaction, do not hesitate to exceed the moral bottom line, using methods such as prostitution, fraud, gambling to satisfy their material desires. Some even become tools for criminals, participating in criminal activities such as drug trafficking and bribery¹⁴.

In some remote areas, the concept of valuing women over men is still severe. Although the country's nine-year compulsory education has been popularized, for these parents, girls attending more schools is still a waste of resources, and the consequences of this lack of education can only be ignorant; and at school in China, a long absence of sex education has also meant that girls cannot have a clear and rational understanding of sex, and although they are ashamed to talk about sex, some of them are willing to have sex for their own benefit if possible.

¹⁴ 唐晓庆 (2008) 论女性犯罪的特点和原因 华商(15),45



8.2.2. Family reasons

Traditional criminal psychology believes that domestic violence is the main reason that encourages women to commit violent crimes¹⁵. As a rule, when investigating criminal cases of women suspected of committing crimes, they are asked if they have experienced domestic violence. In some families where traditional beliefs have had a significant impact, fathers hold an absolute dominant position in the family. The preference for sons over daughters leads to daughters not being valued at home, and even being punched and kicked by fathers if they are careless. Even mothers have to swallow their words at home. This family environment is often extremely oppressive, and when patience exceeds the limit, it is the beginning of violent retaliation. In some families where traditional beliefs have had a significant impact, fathers hold an absolute dominant position in the family. The preference for sons over daughters leads to daughters not being valued at home, and even being punched and kicked by fathers if they are careless. Even mothers have to swallow their words at home. This family environment is often extremely oppressive, and when patience exceeds the limit, it is the beginning of violent retaliation.

According to a survey, there is a very close connection between female crime within the family and being subjected to violence from their husbands, and domestic violence has become one of the important reasons for promoting female crime¹⁶. The root cause is that firstly, women have a lower economic income compared to men, and have no status in the family, often being beaten and scolded by their elders; Secondly, due to the influence of traditional thinking, it is believed that men are superior to women. Due to factors such as the relatively lower income of wives in the family compared to husbands, some husbands' tendency towards violence, and women's weak awareness of legal rights protection, domestic violence has become the main factor affecting family stability, thereby inducing women's domestic crimes

Family education is essential for the healthy growth of adolescents, which is already the consensus of criminology. The right concept of the family and the moral and value orientation can properly guide young people to adulthood and make them move in the right direction of life. Incorrect family relationships lead family members to psychological depression and often to stressful emotions: incorrect parenting methods are also an important cause of juvenile delinquency. In 1934, researchers Gluck and his wife conducted a survey of 500 female criminals and concluded that

15 胡凯迪 (2022) 我国女性反家庭暴力犯罪探讨——基于129个样本分析 犯罪与改造研究(05),24-30

16 刘珍秀 (2015) 浅析我国女性犯罪的成因 人间法治报(07),99



female criminals have at least one of the following life circumstances: a tense family atmosphere, lack of parental care, they run away from home, drop out of school prematurely, are vagrant, do not have a permanent job, are alone and out of the group, and there are more frequent changes of partners¹⁷.

8.2.3. Women's own reasons

Without taking the side of biodeterminism, we note that there are authors who still explain social phenomena by referring to the concept of "feminine features". Yu Wenjun in the article " A Brief Analysis of the Psychological Causes of Contemporary Women's Crimes and Countermeasures " indicates: Women themselves are more emotional and susceptible to physiological influences than men, and the high female crime rate is mainly concentrated during menstruation, adolescence and menopause¹⁸. Usually during these periods it is not possible to think rationally, nerves are on edge, in general an unstable state, etc. Therefore, if there is no protection for women in society and in the family during special periods, these women are more prone to committing criminal acts. It turns out that a woman, in fact, all her life is distinguished by a special emotionality from a "normal person", that is, a man. Who allegedly do not experience emotional swings. Such androcentrism was condemned by the classics of feminism, especially Simone de Beauvoir¹⁹.

In addition, the studies of Yu Wenjun. (2015) are not supported by statistics from European countries and other scholars from cross-cultural studies. Taking into account the above, we consider the way of prevention of female crime, which considers a woman as a net special in society, unethical.

Also in this position Yu Wenjun. (2015) there is a contradiction: if this is female nature, then it is hardly possible to change it for the prevention of crime. Considering also the dubious effectiveness of such methods of preventing female crime, which are based on biodeterminism, let's move on to social ways.

8.3. Countermeasures to prevent female crime

Any behavior is a product of the unity of subjectivity and objectivity. The same is

¹⁷ [德] 汉斯·约阿希姆·施耐德：《犯罪学》，吴鑫涛，马君玉译。中国人民公安大学出版社1990年版。

¹⁸ 余汶君（2015）浅析当代女性犯罪的心理原因及防治对策[J] 法制与经济 法治论坛，2015(3)

¹⁹ Simone, D B (1972) The second sex International Statistical Review, 19(258), 15-24



true of women's crime. Therefore, if you want to control female crime and reduce the number of female crimes and the harmfulness of society, it is necessary to take into account subjective and objective conditions.

Everyone has their own gender since birth, but what are the reasons for the differences between the two sexes? On the surface, it seems that the differences between men and women are inherent. Although biological differences cannot be ignored, research in recent decades tends to believe that the cause of gender differences is the result of social education.

In her famous book "The Second Sex", Simon Beauvoir has a famous theory: "One is not born, but rather, becomes a woman."²⁰ By this, she means that women are taught by society how to be feminine. Men prefer women to be passive, dependent and submissive and are seen in many societies as being defined by only wife, mother or server to men. Women then, are seen as nothing more than roles, rather than individuals. The so-called "masculine" and "feminine" gender roles are "manufactured" by educational methods and are social and cultural products.

8.3.1. State - strengthening legal transparency and improving the legal system

As a symbol of public authority, the state plays a decisive role in the prevention and control of female crime²¹. Therefore, the government should take active steps to build women's ideas of self-respect, self-confidence, self-love and self-improvement by organizing women for legal education, visiting community centers for legal education and free legal training in order to encourage women to apply to the police when they run into problems and deal with the problem mostly legally. A sound legal system is an inevitable requirement for institutional safeguards, so in order to increase the credibility of government itself in the hearts of women, laws and regulations to protect women must firstly exist and secondly be enforced. At the same time, the state should also help poor families as much as possible, because poverty is often a driver of crime, and by providing more employment opportunities, crime rates among women can be reduced.

8.3.2. Society - maintaining public morals and establishing public relief institutions

Women easily succumb to bad social customs or are bound by some feudal

²⁰ Simone, D B (1972) The second sex International Statistical Review, 19(258), 15-24

²¹ 朱文婷 (2011) 女性犯罪的原因和防治对策 知识经济(01),22 doi:10.15880/j.cnki.zsjj.2011.01.021



tradition²². From a social point of view, all that society can do is uphold good public morals, use the power of morality to condemn extravagant, pompous and superficial public mores, and through social organizations to break down the restrictions of traditional ideas about women, strengthen the ideological and moral education of women, to instill in them the right view of life, values and money, and also to establish an inviolable moral basis so as not to allow women to be corrupted by society and commit crimes from the very beginning.

8.3.3 Family - creating an enabling environment to achieve gender equality

As the belonging of women's souls, family plays a significant role in crime prevention and control²³. Men in the family must consciously eliminate bad habits and establish a family atmosphere of mutual respect and love, gender equality, give their partners the respect and care they deserve, and treat their daughters as well as their sons. Parents and children communicate on an equal footing, care for each other's relationships, and use their own personal actions to teach by example, truly creating a harmonious family atmosphere. Allowing women to have the same family status as men in the family, feeling the warmth from the family, can also help women alleviate social pressure, rebuild confidence, and face new challenges.

Conclusion

More and more female crimes have brought new challenges to social security and become an urgent social problem to be solved. Women's awareness of their rights is indeed awakening, but this awakening is partial or biased towards awakening. A large number of women are still under the oppression of male patriarchy, and some even awaken their awareness of rights protection, but use private force to retaliate, thus embarking on the path of crime. The issue of female crime is a socialized problem, and its causes are also social. It includes multiple reasons from society, family, and individuals. As a matter of course, prevention and control measures should also be from multiple perspectives, requiring joint cooperation from all levels of society, a sound legal system by the country, and adherence to the rule of law; Society creates a good social atmosphere and strengthens social assistance; Establish a harmonious family

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满林彦 (2016) 改革开放以来中国女性社会地位现状研究(硕士学位论文,西南政法大学) <https://kns.cnki.net/KCMS/detail/detail.aspx?dbname=CMFD201702&filename=10161961>

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23 李丽 & 李训伟 (2019) 预防女性犯罪研究 法制博览(15),39-40



atmosphere and respect each other; Female individuals establish correct values and effectively release stress. Only by applying the right medicine to the case can we truly prevent and control female crime, and maintain social security and stability.