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WOMEN AND THE CRIMINAL QUESTION: A CRIMINOLOGICAL APPROACH

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ABSTRACT

Rising female criminality, a less common phenomenon, is sparking criminological interest. There's a marked contrast in the nature of crimes committed by men and women. Men predominantly engage in violent crimes, robberies, and drug-related activities, while women are more likely to commit less serious offenses, including fraud, pick-pocketing, and economic crimes. These inequalities are partially due to sociocultural elements, such as traditional gender roles and varied criminal opportunities. Criminological study, which initially focused on male delinquency, gradually favored the emergence of feminist criminology as an autonomous discipline. This innovation tackles the roots and forms of female delinquency. Women's social, economic, and cultural contexts and their relation to crime were studied. This led to a specialized field of gender-aware criminology emerged.

KEYWORDS

Woman, Crime, Delinquency, Criminal Activities, Criminology

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Introduction.

A key finding in early studies of female and juvenile delinquency highlights the limited extent and severity of their criminal activity. Lombroso said: "All statistics confirm that the crime rate is much lower among women than among men" (Lombroso & Ferrero, 1896, p.214). The scientific community long accepted this difference, attributing it to biological, psychological, and sociological causes. Theories of female and juvenile delinquency often stem from how we understand gender roles. In contrast to the more prominent statistics for males, this delinquency is typically described narrowly as prostitution or shoplifting. These explanatory posts reflected—and continue to reflect—a limited and often inaccurate view of reality (Collette-Carrière & Langelier-Biron, 1983). We don't aim to completely dismantle this stereotypical view of female criminals. It's important to start by reviewing the history of criminological thought on this phenomenon. We will then review the statistical data and its development.

1. The Criminal Woman According to César Lombroso.

Lombroso first published "*L'Uomo delinquente*" in 1876. He dedicated a paragraph to female criminality. According to Lombroso, female criminals and prostitutes were "almost identical on a moral level." He also stated that crimes committed by women were more often beyond the reach of justice. Thus, according to the founder of criminal anthropology, statistics hide the truth: by amalgamating the number of sex workers with that of female criminals (Lombroso & Ferrero, 1896), he argues that "the similarities between the two genders would be balanced, and it is possible that the female gender is dominant." By adopting the perspective of the anthropologist eager to

explore "the universe specific to the criminal" rather than that of the jurist "who almost systematically deduces the offender from the crime" (Montaldo, 2018). Lombroso associates prostitution with criminality. However, because of the originality of the theory of criminal atavism and the suggestions for a complete revision of the penal system, which sparked intense debates and marked the real beginning of a constant and non-intermittent scientific discourse on crime, Lombroso's thoughts on female criminality were not dwelt upon for long. The subject fascinated Lombroso, as demonstrated by the dissertations of the medical and law students at the University of Turin that he supervised. Lombroso took advantage of the presence of one of the few women's prisons, the *Ergastolo*, and a hospital for prostitutes having syphilis to send his students to take anthropometric measurements of the inmates. He published his research in the *Archivio di psichiatria* as early as the beginning of the 1880s, a journal he himself had founded. Following the release of the third edition of *L'Uomo delinquente* in 1884, where the section dedicated to female criminals was significantly expanded, this interest took on a whole new dimension (Orik, 1981). In his review of this work published in the *Revue philosophique*, Gabriel Tarde, a French judge and major critic of Lombroso, also addresses the subject of female crime. It was evident that woman, as the great Darwin argued, was a less evolved being than man.

2. Women and crime: less frequent and less serious offenses

Information regarding female criminality remains too incomplete. It is indeed possible that women engage in a range of crimes and offenses similar to those of men. According to European Union statistics, about a quarter of criminal sentences imposed on adults were related to theft, while 19% of those convicted were female. The more violent the theft, the fewer women are involved: they accounted for only 6% of individuals convicted of robbery. "In general, women are indeed fewer than men in breaking the law, do so less often, and their transgressions are of lesser severity compared to those of men." This does not prevent the presence of women in homicide statistics. "In Switzerland, almost one in ten intentional murders is committed by a woman, a rate that corresponds to the average observed in Europe." In penitentiary institutions, the presence of women is naturally even more exceptional. For example, in the year 20, women represented 5.6% of the prison population in Switzerland (Jacquier & Vuille, 2017). Existing studies generally suggest that imprisoned women are often older than their male counterparts at the time of their imprisonment, primarily due to less successful and less serious criminal careers than those of men. However, this age gap could also indicate a broader social acceptance of female offenders, which would delay their prosecution. However, given that women are underrepresented in criminal statistics, their specific needs for rehabilitation and social reintegration are often neglected.

2.1. The hidden crime of women

It has long been proven that visible crime (recognized offenses) and judicial crime (pronounced offenses) are poor tools for assessing crime. Research on actual crime (including all crimes actually committed) reveals the significance of the dark figure of crime (or hidden crime), both among women and men, following the ratio of one girl for every four boys, mainly concerning minor assaults and petty thefts. Initially, certain authors posited a connection between women's hidden crimes and their physiology (Cario, 2010). They judged that the low rate of detection of certain offenses committed by women was directly attributed to "their natural abilities" to conceal their misdeeds. With their natural tendency for deception, women can effortlessly cover up any wrongdoing they engage in.

According to some authors, their criminal acts are undetectable and therefore little known because of the social roles they embody: the housewife poisoner, the mother who kills her children, the daughter murdered by an aviolicide, among others. Otto Pollak highlights that this is especially accurate as their sexual actions push them in that direction (Pollak, 1950). In parallel with theoretical considerations stemming from direct female criminal activity, criminologists have identified that the female component has a decisive influence in the indirect incitement to male delinquency. "Naturally" manipulative, the woman would incite men to transgress laws and regulations without herself being involved in the criminal act. This assertion regarding the instigator or accomplice woman is often reported as "generally accepted": "Look for the woman!" (Heuyer, 1965). Finally, and essentially, the chivalrous factor aims to highlight the leniency of men towards female criminals, whether they are victims or actors in the socio-judicial system (police officers, magistrates...), who would be reluctant to denounce, prosecute, or condemn them.

2.2. Women's Criminal Activities.

Several statistical indicators allow for the assessment of the scope and direction of criminal activities and, occasionally, but increasingly rarely, the study of the sociodemographic attributes of women involved in crime. Criminal statistics, which reflect more the activity of the concerned services than the reality of the observed phenomenon, mainly come from judicial police services and criminal courts. Criticized by everyone, while being adopted without hesitation by all, they certainly have imperfections. They especially fail to grasp the obscure aspect of crime, a subject of many fantasies. The term "visible female criminality" refers to all offenses that have resulted in a police or gendarmerie report. The criminal justice statistics, published annually, determine the extent and trend of visible crime. It is unwise to seek to identify major trends from a phenomenon diversified by the legal variety of offenses and the heterogeneity of their perpetrators (Cario, 2010). However, it is beneficial to use approximate groupings to obtain overall information on the direction of crime.

The data and studies regarding the phenomenon of crime agree that the profile of female delinquency is growing. They reveal that, among adolescent female delinquents, violence is increasing more rapidly than among boys, according to sources, by two, five, or ten times more. It is true that the main reasons for judicial proceedings remain theft without violence, sexual immorality, and incorrigibility.

According to Blos and others, female delinquency is primarily characterized by sexual acts, as nowadays, women frequently exploit their bodies to break established rules. After a long collaboration with these women, we, like others, realized that associating female delinquency with sexual delinquency was a regrettable optical illusion (Blos, 1969).

Judicial system professionals spoke of "incorrigibility" and "sexual delinquency" due to the standards that culture imposed on young girls: impeccable chastity and total obedience to parents. Thus, both statistically and morally, the delinquency of the girl was quickly labeled as "sexual delinquency." It was considered that the male share of these sexual crimes was insignificant, and the male partners who also violated the same law were never mentioned in court. On the other hand, boys were reported for acts of theft or vandalism, as society imposed on them the norm of respecting production and property. They were therefore labeled as thieves or aggressors because of their transgressions. All of this was done in the name of a normative sexual ideology and despite statistics that, evidently, have always ranked theft as the most significant offense among women. Established as intrinsically sexual, female delinquency was quickly attributed to its psychosexual development (Van Gijseghem, 1980). This situation ranged from false heterosexuality, used as a defense mechanism against a homosexual regression towards the pre-Oedipal mother, to issues related to the resolution of the Oedipus complex, not to mention the avoidance of the father who might be incestuous.

As the perception of sexuality evolves, and this goes far beyond criminal circles, this type of psychodynamic interpretation seems increasingly insufficient. Early sexual activity is absolutely not "delinquent" in the dynamic sense of the term. One can only observe that the sexual activity of the young delinquent takes on a distinct meaning compared to that of the so-called normal young girl. We will revisit this "meaning" later. What we want to emphasize here: it is difficult to construct a conceptualization, or even a semantic, based on the "forms" and expressions that a phenomenon can take. It is also necessary to reject as superfluous the classifications of juvenile delinquency based on the type of offense (Van Gijseghem, 1980), as some authors point out. It is also futile to cry out about a new generation of female delinquents, as the media often do, citing that crimes committed by women deviate from the conventional norm.

3. Social Roles Assigned to Women and Crime.

Like in other scientific disciplines, criminology has long refused to consider the social roles assigned to women and men as a factor, in the strictest sense of the term. However, Émile Durkheim already highlighted in 1898 that the underrepresentation of women in crime is more the result of social factors than organic factors. Edwin Hardin Sutherland and Donald Ray Cressey clearly established the relationship between delinquency and social roles a few decades later. It was only in the late 1960s that these concepts were revisited and deepened, with energy and determination, largely thanks to the initiative of female criminologists. Their research aligns with the works of Simone de Beauvoir in France, as well as Betty Friedan and Kate Millett in the United States, whose doctrines played a crucial and indelible role in women's liberation (Taylor, 2007). These data clearly illustrate that the situation of social isolation in which women find themselves imposed by men is indeed an explanatory element of their low representation in the criminal field.

The vehement opposition of women to crime is largely cultural. It stems from the gender-specific socialization attributes, which are likely to promote the emergence of a personality whose predominant psychological traits encourage, as protective factors, emotional development, other-centeredness, tolerance,

and solidarity. These qualities are conducive to anchoring their behaviors in the concrete and the enduring. Without minimizing the impacts of a "trivial" reality, resulting from their sociocultural domination by the male gender which still persists today, especially in disadvantaged environments (in various aspects) from which delinquents largely originate. Thanks to acquisition during socialization and sophisticated processes, such psychological characteristics predispose women to the symbolic externalization of painful emotions. The fact that women are more competent in recognizing the people around them, negotiating, and (re) conciliation thus mainly keeps them away from violent methods of conflict resolution. If the situation persists, if the inhibition of action proves too painful, its solution will then and secondarily come through aggressive behaviors, but which turn against them: somatization, depression, mental disorders, suicide attempts, and even suicides. Thirdly, it can also be relational aggression, indirectly expressed subtly through non-punishable actions but having detrimental effects for the victims. It is very rare for a woman to commit a criminal act by directly attacking, as a last resort, the identified source of her perceived suffering or the expected gratification, whether it is of fundamental or sociocultural origin. According to current knowledge, the most relevant explanation for the relatively stable participation of women in criminality lies in the interactions between the learning of social roles and the development of their personality (Taylor, 2007).

4. Towards a Theory of Female Criminality

The evolution of feminist criminology is closely associated with the emergence of the feminist movement and a growing awareness of the specific issues faced by women within the judicial system. During the 1960s and 1970s, feminist researchers began to challenge classical criminological theories that tended to ignore the gender aspect in crime and victimization. They highlighted how dominant approaches constantly underestimated or misrepresented women's experiences, whether as victims or perpetrators of crimes. This reassessment gave rise to a new school of thought - feminist criminology - which is dedicated to the study of crime and criminal justice from a gender perspective, taking into account power dynamics, structural disparities, and the specific violence inflicted on women. This method has facilitated a better understanding of female criminal trajectories and the detection of the sexist biases inherent in the criminal justice system (Bertrand, 1979). Three new schools of thought are largely responsible for the changes in the intellectual field of certain criminologists. These trends include: symbolic analysis, critical theory, and the so-called radical currents that are divided according to national groups such as Italian, American, German, Quebecois, etc. Let's briefly examine the nature of these currents of thought and their relevance to female delinquency.

4.1. Has symbolic analysis focused on women who commit crimes? to delinquent girls?

The approach of symbolic interactionism, which is so stimulating for all criminological studies, can be against women or fall into the trap of summarizing female delinquency as prostitution and sexual immorality.

This is the case of Matza, for example, who claims to denounce this discriminatory focus in three fables that he considers as illustrations of the three major explanatory trends of deviant behavior. Three young girls are depicted in the parables, and all three are pregnant, the first because her family taught her deviant behaviors, the second because she associates with delinquent gangs, and the third because she is predicted to exhibit abusive behavior. In The "Unadjusted Girl", W.I. Thomas, one of the principal representatives of the subjectivist and phenomenological movement, asserts that it is the intensity of the need to nurture, in both the young girl and the woman, that drives them to crime. Based on masculine and average values, Thomas believes that the pre-delinquent girl should be excluded from her environment as soon as she presents herself as "unadapted." It is therefore necessary to carry out social work on her in order to "readjust" her... One would oppose the idea that W.I. Thomas, although a brilliant theorist and methodologist who renewed perspectives and methods in sociology, was merely a precursor to the interactionist movement and that his other works, such as those on Polish peasants, are interesting. However, this is precisely one limitation of interactionist symbolism: Blacks, alcoholics, the insane, Polish peasants, heroes, villains, clowns have all been subjects of study without interest for proponents of symbolic analysis, but not delinquent women. If the symbolic interactionist movement has aged without producing significant studies on delinquent women and girls, it is no less regrettable to note that part of the psychoanalytic perspective resembling labeling theory has also not delved into the world of delinquent girls and criminal women. It is all the more regrettable and incomprehensible with the psychoanalytic movement that relies on Erikson that the world of delinquent boys has been long and patiently applied to these theories.

For girls, there is still nothing. The correction techniques developed for boys and the correction phases have been implemented in a few centers in various European and North American countries, without first questioning the specific dynamics and mental universe of women (Bertrand, 1979).

It is highly probable that the popularity of symbolic analysis and the Eriksonian psychoanalytic movement will fade before a major work inspired by phenomenology and empathetic understanding has been dedicated to women and girls considered deviant.

4.2. Criticism.

The intellectual movement that some refer to as critical criminology emerged in Great Britain during the 1970s. This movement seems to be the result of the "National Deviancy Conference," a gathering of British criminologists and deviance sociologists, organized for many years. Thus, the thinking of British criminologists of critical allegiance has been encompassed in two volumes titled, respectively, "The New Criminology" (1973) and "critical criminology" (1975).

Modern criminology is a critical analysis of conventional criminology. The writers criticize the brief interpretations of positivist criminology, a theme we addressed in the first chapter. The second, *Critical Criminology*, is a collection of texts that complement and justify *The New Criminology*, while others mark the beginning of the radical manifesto. The new criminology, also called "the new criminology," does not address female criminality at all, nor the empirical biases and shortcomings of conventional criminology in this area. Volume two: *Critical Criminology* brings together the work of criminologists from different cultures and does not specifically focus on the United Kingdom. In its discourse on women, nothing echoes traditional criminology.

It is undeniable that classical criminology had not explored this theme much. However, when criminologists of the 19th century and the first half of the 20th century unveiled atrocities concerning delinquent women and ill-intentioned girls, it would have been crucial to examine this aspect in their work as well.

However, as early as 1968, an article titled "Women's Deviance: A Critique and an Inquiry," which we discussed at the end of Chapter I, circulated in the *British Journal of Sociology*. According to the writer Frances Heidensohn, the concept of deviance is based on the notion of norms. Since the norms imposed on women differ from those imposed on men, it is impossible to measure women's deviance using the scale used to evaluate men's. The most recent and comprehensive study of female criminality is also attributed to a British woman: *Women, Crime and Criminology, a Feminist Critique*, published in London in 1976. In this study, Carol Smart emphasizes how significant the absence of deviant women from criminological studies is compared to other absences of women and expresses the following wishes:

- a. "Criminology is not limited to the study of the criminal individual;
- b. Feminine criminology relies on very extensive explanatory sources that refer to the socio-economic situation of women." (Bertrand, 1979).

Consequently, two significant works in feminist criminology have undoubtedly emerged indirectly thanks to the British movement or the sociology of deviance in Great Britain.

4.3. Radical Movements

We will discuss the European Group for the Study of Deviance and Social Control, recently formed by Italian, German, Scandinavian, British, and some American criminologists.

4.3.1. The American Group.

We refer to the Berkeley group because it was at the criminology school of this university that a distinct criminological thought was maintained for a period of ten years, from 1965 to 1975. Since 1975, the school has been closing down.

Born in Chicago, symbolic analysis gradually moved to the campuses of the University of California. Herbert Blumer spent many years as a teacher at Berkeley, training disciples who used symbolic perspectives for deviance. Indeed, shortly before leaving Chicago for Berkeley, Blumer met Goffman, Arle Daniel, Thomas Scheff, Joan Emerson, and John Lolland (who graduated in 1960). It is possible that these disciples joined Blumer in California at his invitation.

However, according to Sohet's mimeographed report titled "The Different Orientations of the New Criminology," the student protests of the spring of 1964, which led to the Free Speech Movement at Berkeley and the anti-Vietnam War demonstrations that greatly contributed to the politicization of students and professors across the United States, notably led to the arrest and detention of students and professors. These incidents resumed in 1969, with the "People's Park" incidents. Students and professors from the same

university opposed the authorities, who had chosen to destroy a large popular camping site in order to convert it into a parking lot for vehicles or for the construction of a university building (Bertrand, 1979).

The experience of police brutality, of abusive arrests (a professor will be incarcerated for preventing the police from hitting students) and finally of confinement was lived by students undergraduates in 1964, graduates in 1968 or even young professors. They will remember it for a long time.

In this tumultuous context, it is understandable that a School dedicated to crime research finds very dynamic areas of observation. However, the uniqueness of the group of professors and students at the Berkeley School of Criminology, which later formed the "Union for Radical Criminology," is that they did not limit themselves to a rigorous analysis of this reality: they lived it, participated in it, and fought battles within it.

The students and professors of the Berkeley School of Criminology, whether activists or not, left behind numerous writings. Indeed, they established two periodicals in which we will briefly recall the concerns related to women and deviance.

In the magazine *Issues in Criminology* (particularly volume 8, no. 2, 1973), the students of the Berkeley School of Criminology address female criminality in a manner quite surprising at that time. The contributions from various authors participating in this special issue dedicated to female criminality are marked by a strong feminist influence. They are particularly critical and sarcastic towards the traditional explanations of the humanities regarding female deviance. They note the consequences of the reinforcement of sexual roles favored by the treatments imposed on women by criminal judicial institutions (Chesney-Lind) (Bertrand, 1979). Their denunciation of the so-called scientific literature regarding the type of female criminality is marked and strongly supported, particularly concerning Pollak.

Crime and Social Justice, a publication created in 1974 by the Union of Radical Criminologists of Berkeley, is a magazine dedicated to the struggle. A radical manifesto notably illustrates the desire to condemn sexism as a crime, just like racism. We examine the case of women who reacted against their sexual aggressors and we call on self-defense to defend them. Groups of inmates describe rape as the quintessential sexist act.

Women who suffer crimes are often associated with female criminals, and the justification for this link is simple: in the world of crime and the discourse surrounding it, they are overlooked as actors, or considered incapable or irresponsible. However, it is common to forget that they are also neglected as victims. Up to this point, their invisibility continues. Carol Smart highlights, a few years later, this shortcoming of criminology regarding female victims.

In ten years, perhaps in fifteen years, more ideas have been formulated regarding women and their "deviance"; more hypotheses have been proposed; more discussions have taken place than what traditional criminology had addressed in 200 years.

One can argue that not all the problems are exactly located there. The simplicity of Berkeleian Marxism is manifested in their naïve analysis of American society. This is true. The key figures of the Union for Radical Criminology undoubtedly recognize this. Activism does not necessarily promote the theoretical detachment and neutrality (?), which some sociologists, settled in their seats, also known as Schwendinger (Bertrand, 1979), advocate. Nevertheless, since the School was closed by the authorities of the University of California, teachers and graduates have continued to publish *Crime and Social Justice*. Some volumes illustrate the power of self-criticism among U.R.C. members and advancements in their socio-political analysis.

4.3.2. The European Group for the Study of Deviance and Social Control

Created in 1972, this group held its first congress in Florence in 1973. In "The Different Perspectives of Radical Criminology," Fernando Acosta emphasizes that "the 1972 manifesto was not a revolutionary piece... and the 1973 congress was merely an opportunity for the group members to explore the criminological situation in various European countries." However, the situation is growing rapidly. Following the Colchester meeting where the British engaged in a critical review of crime gradually decide to join the European Group, the focus on the criminal problem no longer comes from the deviant, but from the State, which is the final "definitive" of all marginality.

At the first congress, I presented a paper titled "The Insignificance of Female Crime, a Consequence Induced by the Definition of Sexual Functions by Men and the Privatization of Women or Their Transformation into Private Property through Marriage (Bertrand, 1979). Writers specializing in female crime widely adopted and criticized this paper since 1973, particularly Carol Smart. From 1973 to 1976, the European Group, concerned about its recent theoretical orientation, did not devote much effort to finding an appropriate theme to address female crime. However, in 1977 in Barcelona, two women presented an essential communication: The social control exercised over women in socialist and capitalist countries.

Conclusions

Since the early theories of Lombroso, who favored a biological and deterministic perspective to justify female criminality, the analysis of female crime has greatly progressed. Current studies have proven that female criminality has a lower frequency and lower severity than that of men, thus illustrating the social functions traditionally attributed to women within society. Women prefer forms of delinquency based on their social status and their opportunities for action. However, a concealed crime, less perceptible and less analyzed, is also present.

In a particular social context, women's criminal actions have a significant impact on the nature of the crimes committed. This situation has led to the development of specific theories regarding female crime, distinguishing them from classical explanatory models focused on male crime. Symbolic study gradually incorporated the feminine dimension into its research, placing a specific emphasis on women who commit crimes and delinquent adolescents. This theoretical progression has led to a critical movement that has questioned conventional methodologies, particularly thanks to radical movements that have emphasized the necessity of considering structural and societal aspects to understand women's criminality.

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