



ANALYSIS OF CRIMINOLOGY FROM FEMINIST PERSPECTIVE

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ABSTRACT

Criminal actions have always been associated with men but with the time women are also coming into the limelight. Women were always considered as nurturers, care givers and victims of this patriarchal society. With the increase in the violence against women, they are forced to commit criminal acts. In this paper, I have tried to analyse the concept of criminology from feminist perspective with reference to the biological, psychological and sociological aspects. This paper will also discuss the status and reasons of criminal actions committed by females in India and its neighbouring countries. This paper is written after referring to secondary sources such as journals, articles and books.

Keywords: *Biological Causes, Criminology, Feminist Perspective, India, Psychological Causes, Sociological Causes*

Paper Type: Research

I. INTRODUCTION

“We all are capable of becoming something monstrous”

- Cyraus Foldger¹

Criminology is the rational analysis of nature, degree, administration, causes, control, results, and anticipation of criminal conduct, both on the individual and social levels. According to Black’s Law Dictionary Criminology means “the science which treats of crimes and their prevention punishment”.²

¹ <https://www.goodreads.com/quotes/442915-we-are-all-capable-of-becoming-something-monstrous>

² <https://www.latestlaws.com/wp-content/uploads/2015/04/Blacks-Law-Dictionary.pdf>

Criminology as defined by Edwin Sutherland and Donald Cressey, the body of knowledge regarding crime as a social phenomenon which includes the process of making laws, breaking laws, and reacting towards breaking laws.

Feminist Criminology focuses on to explain criminal behaviour as it pertains to women. Feminist school of criminology was developed in the mid 1960s as a response to separation of females in the conventional investigation of wrongdoing done with them. This especially focuses on women as criminal offenders, women as victims of crime, and women as workers in the criminal justice system.

Feminist Criminology incorporates a wide range of issues that women face within the criminal justice system and society. It is a field that throw light on the biases of women's issues as they pertain to criminality. According to researches on female criminality, Women commits less crimes in comparison to men, nor do they commit violent crimes in large numbers as their male counterparts. Women and men typically commit different types of crimes and have different pathways to criminality, male dominated theories provided explanations of the criminal behaviour of men, not women. Feminist criminologists have focused on treatment provided to women offenders by police, the courts, and prison system. In the late 1960's Marie-Andrée Bertrand and Frances Heidensohn, respectively a Canadian and a British female criminologist, drew attention to the omission of women from general theories of crime.

Before studying the reasons behind such criminal acts committed by women, it is important to understand feminist perspective on criminology. In the second section, Feminist Perspective Breakthroughs in Criminology will be discussed, following which Criminology by Feminist Perspective in India and its neighbouring countries and finally, Causes of Female Criminality will be explained.

II. FEMINIST PERSPECTIVE BREAKTHROUGHS IN CRIMINOLOGY

In the early years, female criminological theories were developed with reference to psychological and biological attributes of female offenders, rather than economical and social factors. As Cesare Lombroso, an Italian Criminologist pertained anthropological and phrenological traits to his female criminal theories to show a distinction between "normal woman" and "criminal woman". According to him, criminal woman is considered as less feminine and emotionless. Similarly, according to W.I. Thomas, an American Sociologist aberrant women engages herself in sexual deviance to manipulate their partner's sexual desires to fulfil their needs. To Psychologist, Sigmund Freud, female criminals were facing a dilemma what Freud called "Penis Envy", according to which a woman behaves violently and contrarily in their lust for man's genitals and manhood. All these theories were criticized by feminist school of criminology for drawing an assumption on "women's nature and behaviour"

With the advancement of criminological studies on females, many attempts were made to understand the difference between male and female criminal actions. Robert Agnew, a criminologist has tried to understand this difference with reference to "General Strain Theory". According to this theory, male and female experiences different kind of pressures (strains) be it economical, social and emotional and responds accordingly. Where, males are found guilty for committing violent and corporate crimes, however females are responsible for self-destructing crimes such as addictions.

According to Garland, many feminist criminologists tried to develop a grand criminal theory which is seen as a pursuit of misguided study as a result of earlier modernist ideology. All scholars of feminist criminology recognized that their theories are a part of a greater mosaic of knowledge and that a grand theory fails to provide an explanation to the complexity and diversity of crimes committed by an individual, occupational, organisation and state. As it is maintained by Marie-Andree Bertrand, a French-Canadian Criminologist and Frances Mary Heidensohn, a British Sociologist that " The deviance of women is one of the areas of human behaviour most notably ignored in sociological literature"³. According to them majority of criminological theories fails to include women in their studies. With reference to these failures,

Kathleen Daly has tried to present a set of feminist hypotheses and theoretical breakthroughs, which provide the feminist criminology study a distinct signature. This hypotheses reveals, how theoretical issues

³ Article "The Deviance of Women: A Critique and an Enquiry" (1968)

are responsible for constructing an assumption regarding women (or men) and different genders. While other breakthroughs may be applied to analyse victimisation, criminal acts, justice and institutions of social control.

Feminist criminology mainly focuses on a varied range of issues identified with females and their hypothetical explanations of misconduct, reactions to female culpable, programming in female's reformatories, females as labourers in the field of medicines, and basic necessities of female detainees.

Feminist school of Criminology is an organization which tries to study and find out that crime and criminal justice is a system which falls within the complex understanding of social world which is formed in association with gender and sex. In response to these theories, feminist criminologists, Kathleen Daly and Meda Chesney-Lind have listed five aspects of feminist perspectives that distinguish it from traditional criminological analysis. These are as follows:

- Gender is social, cultural and historical aspect rather than a natural one; it is correlated to biological sex differences and reproductive capabilities but not derived from them.
- Gender and its relations mandate social life and societies in fundamental ways.
- Gender relations and paradigms of masculinity and femininity are not symmetrical but are based on patriarchal nature of dominance in social and political form as an organizing principle of men's superiority over women.
- Systems of knowledge reflect men's understandings of the natural and social world; the production of knowledge is gendered.
- Women should be at the centre of intellectual inquiry, not peripheral, invisible, or appendages to men.

Hence, main causes behind women committing crime is rebelliousness and retaliation to her suppression in the biased patriarchal society.

III. CRIMINOLOGY BY FEMINIST PERSPECTIVE IN INDIA

Feminist school of criminology today is worried about the exploitation of females. The feminist criminology has emerged as an apparent stance in criminology in the last few decades. Different issues without consideration have come to light such as female wrongdoing, prostitution and sexual orientation imbalance in the law and criminal equity framework, etc.

Feminist criminology in India is at rise along with the increase in crime against woman. In India, one in every third girl faces violence in the form of sexual, physical and mental. India's social environment contributes a lot in the making of women criminals. Women's fate seems to be sealed and they face deprivation instead of their constitutional rights and privileges. In most parts of India discrimination exists within the society from birth till last breath. For instance, Phoolan Devi known as "Bandit Queen" who became victimizer when the law failed to give her justice. She was married off when she was a child and had an abusive marriage before turning into a criminal. She was turned into notorious bandit queen who later on became politician. However, in her short- struggle life she had gained lot of enemies and she was murdered. Similarly, in the case of Sheena Bora Murder Case, she was murdered by her own mother Indrani Mukherjee, her step father and driver because Sheena was in a relationship with Indrani's second husband's son. Factors such as desire of recognition in the society, economic independence and to earn a respectable position in the society forces women like them to commit heinous crimes.

After scrutinizing and analysing the framework of social and economical development in India, Pattanaik and Mishra⁴ stated that concept of female criminality is considered as an existing phenomenon in the developed as well as Third World countries such as India and Pakistan. According to them, main causes of female criminality are socio-economical and cultural environment factors with the rapid industrialisation, westernisation and urbanisation. With the increase in the criminal actions performed by females, attention of psychologists, sociologists and criminologists at bot national and international level is drawn towards them. Thus, these acts have blown social and cultural heritage of Indian Society.

⁴ <https://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf>

Although, women have equal legal status to that of men, but they are not considered equal in social and economical statuses. Here, official or self-reported crimes are not reported with the authorities by females in comparison to their male counterparts. In India where almost half of the population is women, they have always been illtreated and deprived of their right to life and personal liberty as provided under the Constitution of India. Women have always been considered as physically and psychologically weaker than men, whereas presently women have proved themselves with their hard work as a mother, homemaker and at their work places in every aspect of life.

IV. CAUSES OF FEMALE CRIMINALITY IN INDIA AND PAKISTAN

Many reasons can contribute in the making of a female criminal such abusive marriage, gender discrimination, family-honour, financial crunch and relation with criminal partners. These causes are further categorized into three main causes. i.e., Biological, Psychological and Sociological.⁵

1. **Biological Causes:** According to Cesare Lombroso, female deviance is the root cause of crime. He asserted that female criminals are more dangerous than the male criminals because cruelty by female criminals is higher in rate as compared to men. Lombroso and Ferrero postulated a theory that was based on a belief that all individuals displaying anti-social behaviour were biological throwbacks. He also argued that criminality is the principle product of inconsistent and it also altered thought of women which are related to their indirect role in the domestic affairs and also in educational factors. In India women commits crime because of social, economic factors rather than biological factors.
2. **Psychological Causes:** Women are not passive and content with their traditional roles as mothers and wives are maladjusted. Women who are maladjusted refuses to adopt the values which are related with the role of society. Mostly women convict(s) show emotional instability, insecurity, frustration or rejection. Women's have faced harsh living conditions, a large number of unfortunate experiences in their life. In women's stress is higher in rate as compare to men, it is mostly due to blocked opportunities and suffering from issues related to motherhood and their workplace. Women experiences stress mostly because of extreme uncontrolled violence. As pointed out by Estrada and Nilsson that most of the women prisoners are from poor families and who have drug addiction, mentally unstable, abusive marriage/ childhood and victim of sexual misconduct. These situations cause continuous stress and isolation along with poor coping skills and the over-controlled personality to result in violence, Psychological viewpoint is applicable to Indian and Pakistan scenario as there are several crimes committed because of depression and frustration.
3. **Sociological Causes:** As it is studied by Cherukuri, Britton and Subramaniam, that four paths have lead women to prison. Those paths are: the practice of dowry, spousal mistreatment, the patriarchal family organization and financial nonconformity. stress Women in third part of countries, in spite of so much development and awareness face inequality in every phase of life. In the Constitution, women are provided with the right to equality which is still not practiced in some parts of the India and Pakistan. Due to inequality, women miss most of the opportunities in life which in turn affect their financial independence and thus her economics status is lowered. In Indian and Pakistani culture, women are expected to adjust according to the norms of the society in which they are living. This lead to inequality with women in society and also because of social oppression and economic dependency on men. Women are forced to commit crimes mostly because of an inner medical imbalance or social instability. In certain cases murder victim is either the respondent's own child, the murder was committed because of reasons such as child was having an illegitimate relationship, the woman was scared of social exclusion of her and her child, or because of dispute with the husband. Lessening of restraints on women is most likely to increase female crime.

⁵ <https://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf>

V. CONCLUSION

After analysing all the factors associated with the theory of criminology from feminist perspective, it is concluded that feminist criminology has perhaps made its greatest impact on mainstream criminology in the area of women's victimization. With changing times, courts and jurists are changing the paradigm of female criminality and treating equally the female offenders as well as, keeping them at the same pace as that of male offenders. Feminist criminology has as its goals the reduction of gender inequality, crime, and the inequitable treatment of offenders and victims. In addition, in criminal cases, women use defences such as prenatal depression as grounds for infanticide and other crimes.

This work has revealed that the driving force behind female criminality is emotional and social factors, poverty, lack of empowerment and addiction. In India and Pakistan, women are confined in the four walls of their houses, they are married off as a child and unfortunately for their lifetime they are dependent on men for everything. Women who get tired of these patriarchal system are forced to commit crimes intentionally or unintentionally. As it is said by Mohammad Ali Jinnah,

"We are victims of evil customs; it is a crime against humanity that our women are shut up within the four walls of the houses as prisoners. There is no sanction anywhere for the deplorable condition in which our women have to live"

VI. ACKNOWLEDGEMENT

I would like to thank my supervisor, Dr. Sunita Singh Khatana, Assistant Professor, Manipal University Jaipur who guided me throughout my research work for this paper. I would also like to acknowledge my sister, Kanika Khari, Ph.D. Research Scholar, Delhi University for her help.

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