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## INTRODUCTION:

Criminology has always been one of the male dominated fields of study in social sciences. Theories developed by male criminologists like Cesare Lombroso and Edwin Sutherland can be termed as biased because they were formulated based on the research done on only males. Women were never part of their studies. Therefore the theories of these traditional criminologists were generalised to women as well. Even though the 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 and not of women. It is not that like these older theories cannot be applied to the women offenders, but however a more tailored study of women may have produced different ways of explaining criminality for women.

Feminist criminology thus focuses on criminology attempts to explain criminal behaviour as it pertains to women. It includes a broad range of issues that women face within the criminal justice system and society. This is such a kind of field which throws some light on the biases of women's issues as they pertain to criminality. According to some research, women do not commit crimes as frequently as men do, nor do they commit violent crimes in large numbers as their male counterparts. However, it becomes very important to understand their paths to offending. Legislators sometimes pass laws based on theoretical explanations of criminal behaviour, which is why theories tailored to both genders are important.

## SCOPE AND EMERGENCE OF FEMINIST CRIMINOLOGY:

It is readily apparent that males do indeed commit far more offenses, especially those deemed important to criminology, than females do.<sup>2</sup> This focus has been in part due to the relationship of criminology with legislative and corrections systems. This field was developed to understand why do people commit crime so that policies could be formulated to curb the crimes. Not only do women commit fewer crimes, but also they commit crimes that are of less interest to those concerned about public safety. Thus, this was the reason why the women were largely ignored under the branch of criminology till the 1970s.

<sup>2</sup> Feminist Criminology, Iresearchgate (Oct. 30, 2019, 1.16PM) <http://criminal-justice.iresearchnet.com/criminology/feminist-criminology/>

## Women & Crime: The Rising of New Branch In Criminology

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### ABSTRACT:

*Women are made of 'sugar and spice and everything nice.' Isn't this phrase seem to be correct and right? Well this is the manner in which women are always perceived. Women are cause to be to be nurturer in every culture. They are usually associated with the work of taking care of their home, husband, children and family. Thus to think that a woman could commit a violent crime was beyond what traditional criminologists could imagine.*

*Now the question would arise what is criminology and who are the criminologists. Basically criminology is the study of criminal behaviour. These fields of criminology answers the questions like why do people offend? What are the contributing factors to criminal behaviour? And the people who study the criminal behaviour of a criminal are called criminologists. But the point of debate and discussion arises as this study of criminology has been always dominated by men and a field where male offenders were the primary subjects research for studies and theory development. For the reasons mentioned above, rarely women were the subject matter of the studies.*

*The subject of Feminist criminology thus focuses on criminology attempts to explain criminal behaviour as it pertains to women. It includes a broad range of issues that women face within the criminal justice system and society.<sup>1</sup> With the emergence of the crimes to be committed by the women the feminist criminology comes as the new subfield of criminology. My paper hence aims to study feminist criminology as an emerging new branch of criminology which was neglected and ignored by the traditional criminologists.*

### OBJECTIVES:

1. To study the concept of Feminist Criminology and theories regarding thereto.
2. To trace whether it is actually an emerging and new branch of criminology.
3. To understand the reasons behind which the females commit crimes.

<sup>1</sup> Vericia miller, The Feminist School of Criminology: Definition and History ( Oct. 30, 2019, 11.38 AM)  
<https://study.com/academy/lesson/the-feminist-school-of-criminology-definition-history.html>

females, virtually no information about female criminality can be gathered through this kind of research. There are two assumptions inherent in this approach which can be summed up as. First is the implicit assumption that, because males are far more likely than females to engage in criminal behaviour, females are somehow inconsequential to the field. Second, mainstream criminology shoulders that males and females are identical and that what works to explain male criminality will work equally well to clarify female criminality. Overall, the gendered use of mainstream theories is not predominantly well acknowledged by feminist criminologists. Many argue that these theories fail to discover in detail the ways in which the experiences of girls and women shape their lives. In divergence, feminist pathways theory focuses explicitly on the relationship between life experiences and future criminality, arguing that one must deliberate the role of patriarchal society if one truly wishes to understand female crime and criminality.<sup>4</sup>

**2. Feminist Pathways Theory:** Conceivably the greatest development in feminist criminological theory and research has come by means of the feminist pathways model. In the effort to validate how female crime is indissolubly linked to the life involvements of Women and girls, this theory focuses on the ways in which women's place in society leads them into criminal lifestyles. In several articles and books, Meda Chesney-Lind has laid out how childhood abuse and a patriarchal juvenile justice system shape the occasions of girls, ultimately forcing them into criminal lifestyles. She claims that, unlike boys, girls' initial come across with the juvenile justice system are largely the result of status offenses, such as running away or engaging in sexual activity. Additionally, there has been a failure to recognize that early sexual behaviours, as well as running away from home, are often the result of abuse within the home. As a substitute of superseding in the lives of abused girls, society has responded with a double standard that labels these girls as incorrigible and/or immoral. By punishing these girls for actions that may actually be self-preserving, society may further regulate their life chances by categorising them as delinquents. Likewise, the majority of these "offenders" have pasts of physical, sexual, or emotional mishandling. Feminist pathways theory try to find and brighten the relations between the abuse and exploitation of young females and their subsequent offending. It is possibly the principal approach in contemporary feminist criminology.

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<sup>4</sup>Tejendra Meena & Amita, Feminist Criminological Theory – origin, phases and 21<sup>st</sup> century, *The World Journal. On Juristic Polity*, may, 2017. (Oct. 31, 2019, 2.17PM) <http://jurip.org/wp-content/uploads/2017/05/Tejendra-Meena.pdf>

Feminist criminology has emerged in late 1960's and 1970's. The emergence of the feminist criminology can be accredited to the second wave of feminism movement which had helped in highlighting the issues which affected women with regard to crimes in the public domain. The issue of women and crime was usually viewed and discussed from the point of view of male. It was male dominated. However, feminist perspectives in criminology have greatly impacted the understanding of female perpetrators and victims of crime. This relationship between criminology and feminism is infused with ample exploration of methods, policies, epistemology and discipline.

It has been only in the last 30 years that the feminist criminology was developed and came to be recognized as a branch of criminology. Feminist criminology encompasses a wide range of theoretical perspectives and methodologies that place the ways in which gender shapes experience at the centre of scholarly inquiry. It focuses on a broad range of issues related to women and crime, including theoretical explanations of crime, responses to female offending, programming in women's prisons, women as workers in the field of corrections, and the special needs of women prisoners. Feminist thought is not a homogeneous approach; it incorporates the liberal feminist focus on equal opportunities for women, the Marxist feminist focus on class relations and capitalism as the source of women's oppression, socialist feminists' blending of male domination with political and economic structures in society as the source of inequality.<sup>3</sup>

### **CRIMINOLOGICAL THEORIES FROM A FEMINIST PERSPECTIVE:**

Feminist criminologists have adopted many different perspectives and views, the most important of which are a feminist approach to mainstream criminological theory, feminist pathways theory, socialist feminist theory, and the most recent development: multiple marginalities/inter sectionality theories.

**1. Mainstream Theories and Feminist Criminology:** The main thrust of feminist criminology has been the critique of the development of mainstream theories sole based on research with boys and men. The add women and stir approach of mainstream criminology has meant that gender, if considered at all, has frequently been used only as a control variable and not more than that. Although this is apparent that males are indeed more criminal than

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<sup>3</sup> Feminist Criminology, Iresearchgate (Oct. 30, 2019, 1:25PM) <http://criminal-justice.iresearchnet.com/criminology/feminist-criminology/>

**3. Socialist Feminist Criminology:** Feminist social theory has been related with understanding fundamental disparities and inequalities between women and men and examines of male power over women. Its rudimentary proposition is that male dominance originates from the social, economic and political arrangements specific to particular societies. This approach of theorizing derives its conceptions and methods from the social sciences and emphasizes on the material conditions of women's lives and the ideological processes which legitimate and help to continue women's subservience. It would be inadequate to ignore a discussion of how feminist criminology has led to examination of masculinity and crime. In his book *Capitalism, Patriarchy, and Crime*, James Messerschmidt contends that capitalist society is characterized by both patriarchy and class conflict. Capitalists control the labour of workers, while men control women both economically and biologically. This "double marginality" of dispossession explains why females in a capitalist society commit less crimes than males. In conclusion, he provided a masterful combination of theories about male privilege as well as theories about capitalism in his examination of higher level white-collar and corporate crimes, which are committed principally by males. His work is exceptionally important to the development of feminist criminology because he directly addresses the feminist criticism that most criminology overlooks how gender relations structure crime.

**4. Power-control theory:** John Hagan and his associates have produced a radical feminist model that uses gender differences to explain the beginning of criminality. Hagan's observation is that crime and delinquency rates are a function of two main factors: (1) class position (power) and (2) family functions (control). The relationship between these two variables is that, within the family, parents replicate the power relationships they hold in the workplace; a position of domination at work is paralleled with control in the household. As a result, parents' work experiences and class position effect the criminality of children. In paternalistic families, father shoulder the traditional role of main source of income, while mothers tend to have menial jobs or remain at home to manage domestic matters. In such a home, the parent-daughter relationship can be seen as a preparation for the cult of domesticity, which makes girls' participation in delinquency unlikely; whereas boys are freer to digress because they are not subject to maternal control. Girls growing up in patriarchal families are socialized to fear legal sanctions more than are males; subsequently, boys in these families display more delinquent behaviour than their sisters.<sup>5</sup>

## WHY DO FEMALES COMMIT CRIMES?

As far as criminal law is concerned, it assigns criminal liability to offenders on the basis of various degrees of *mens rea*, also called *guilty mind*, a requisite since it makes sure that the accused had cognition to commit the crime. Possessing *mens rea* (criminal intent) to wilfully commit a crime requires free will, which women don't have as per this specific historical context which denies them from making a rational choice.

In the backdrop of the discussion about women and rationality elsewhere, it's clear that a guilty mind cannot be attributed to certain women as per the popular criminological and psychological ideas. While popularly known as the *battered woman-syndrome*, feminist criminologists like Alison Young have argued that in order to qualify as perpetrators, women must be able to prove that they were victims first. Many studies conducted by feminist scholars like Carlen, Nagel and Weitzman in the 70s-80s period, affirmed that women were being incarcerated more as punishment for being a deviant woman they were than for the crimes they committed, with single mothers, sex workers and women from a poorer socio-economic background receiving harsher sentences.

Consider the Nirmala Devi case in this light now. The court in that case also stated that the women involved in terror activities cannot be condoned, they shall be treated at par with male terrorists as far as sentencing is concerned. But why would women, many of whom are get into these terrorist groups due to varied socio-economic factors – all of who belong to the same gender – not receive leniency in sentencing? If gender indeed is no consideration for the purposes of sentencing as reiterated by courts a lot times, it shouldn't be selectively awarded to women who men see as conforming females.

## CONCLUSION:

Basically criminology refers to that branch which studies the criminal behaviour of the offenders. It is evident that the field of criminology is male dominated and all the traditional criminologists used only male as the subject of their research and the women were

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5Tejendra Meena & Amita, Feminist Criminological Theory – origin, phases and 21<sup>st</sup> century, *The World Journal On Juristic Polity*, may,2017 (Oct. 31, 2019, 2.34PM) <http://jurip.org/wp-content/uploads/2017/05/Tejendra-Meena.pdf>