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FEMINIST CRIMINOLOGY**ABSTRACT**

Feminist criminology strives to eliminate the disparity between male and female by better understanding both male and female criminal conduct, as well as the criminal justice system's responses to their crimes. Feminist criminologists aim to put gender at the center of the conversation, incorporating women's perspectives on the world into research on crime, criminality, and crime remedies. The origin of feminist criminology, the diversity of perspectives and methods utilized in feminist criminological study, and the developing of feminist criminology, both in scholarship and in visibility, will be discussed in the following sections.

KEYWORDS

Feminism, Criminology, Victimology, Domestic Violence, Liberal Feminism, Radical Feminism, Marxist Feminism.

INTRODUCTION

In the social sciences, criminology has traditionally been one of the most androcentric (male-centered) subjects of study. The majority of the research and theory has focused on male criminality and the responses of the criminal justice system to male offenders. When women have been considered at all, they have been portrayed in negative and stereotypical ways, with a focus

on their failure to follow “traditional” female behavior standards. Official records and huge national surveys have been employed in criminology to conduct objective empirical research. As a result, substantial distinctions in male and female paths into crime, forms of crime, victimization, and sanctions have been overlooked.

Most criminological research focused on male offenders and criminal justice system reactions to male crime until the latter half of the twentieth century. The lack of attention paid to female criminality resulted from the fact that males committed the majority of crimes. Female incarceration rates were increasing by the last two decades of the twentieth century, prompting a rise in research on girls, women, crime, and the criminal justice system. Many scholars attribute the substantial increase in female prisoners, as well as the emergence of feminist criminological studies, to the “war on drugs” and federal sentencing reforms of the 1980s. The war on drugs and federal reforms are clearly the primary drivers behind the massive surge in female incarceration. The origins of feminist criminology, on the other hand, predate these shifts. Instead, they may be found in 1960s and 1970s radical criminology, as well as second-wave feminism.

THEORIES OF CRIMINOLOGY FROM FEMINIST PERSPECTIVE

Feminist criminology is divided into several branches. Although other “strands” such as postmodernism and ecofeminism exist, liberal, radical, Marxist, and socialist feminism are well-known. The majority of feminist criminology focuses on how traditional criminology has overlooked, misinterpreted, or stereotyped women offenders, however there are numerous unique theories and revisions of established theories. Almost all female criminologists or female criminologists who study gender and crime have addressed the issue of “gender ratio” (why women are less likely, and men more likely, to commit crime). Others look into the problem of generalizability (whether traditional male theories can modify to explain female offending).

1. Liberal Feminist Theory

The primary claim of the Liberal Feminist ideology is that women are discriminated against and treated unequally because of their gender. And the ‘motive’ behind this could be to deny women equal possibilities (whether in politics, profession, or personal life) as men do. Criminologists such as Freda Adler and Rita Simon have claimed that societal causes, rather than physiological factors, are the best explanations for women's criminality. The liberal feminist theory is one of the most

well-known feminist theories, particularly in North America. The second question that needs to be addressed is, "What can be done to alleviate this issue of gender inequality?" The answer is "rapid integration" of women into a world dominated by men, which is both reasonable and uncontroversial to a large extent. This entails providing equal chances to women and encouraging them to participate as stakeholders and policymakers in the country.

Other premise on which the Liberal Feminist Theory is built is that as women become more liberated, we may see women engaging in criminal activity akin to that which is performed by men. However, it currently lacks some first-hand evidence. It is easy to see that even now, women are only involved in little crimes, such as shoplifting and minor frauds, and the reason for this is the growing feminization of poverty. These offences are likewise perpetrated at a considerably lower rate than those committed by men.

2. Radical Feminist Theory

For the first time, this theory attacked the statements of 'Liberal Feminist Theory,' describing them as simple. It has also dominated feminist viewpoints on matters concerning women's abuse. These feminists believe that male authority and advantages are at the foundation of all gender inequality, social interactions, and crime issues.

Patriarchy is one of the most essential connections in society, as evidenced by men's control over labor and sexuality of women. All other relationships (for example, class) are secondary to this one, and it derives from the male-female relationship.

The primary causes of gender inequality and male dominance, according to radical feminism, are:

- i. Men's unfulfilled desire to exert control over a woman's sexuality.
- ii. Patriarchy.
- iii. Men's privilege in positions of power, as well as the prevalence of unequal representation.

As a result, if we examine the works of radical feminists closely, we can see that they mostly focus on female victimization and being survivors of male violence. Because they want to have control over them and their potentials, men often victimize women sexually, physically, and even psychologically.

3. Marxist Feminist Theory

The 'Marxist Feminist Theory' is another feminist theory worth discussing. The term "Marxist" refers to persons who believe in Karl Marx's and F. Engles' political and economic views. Marxist feminism emerged in the late 1960s as a reaction to Marxist social theory's discussion of masculine prejudice.

The main determinant of a person's social relation, according to those who believe in the ideology of "Marxist" feminist theory, is the economic development of society. It supports the liberal feminist idea, which states that women live in a male-dominated society and are denied the necessary opportunities to participate in society.

THEORY OF VICTIMOLOGY

Feminists say that criminology studies ignore 'victimization' and 'survivors' as key variables affecting gender inequality, and that there has been little research on these topics. We should also look at the statistics that support the thesis of 'victimology' to illustrate this in a more complete yet detailed manner.

According to a report by the World Health Organization (WHO) on global and regional estimates of violence against women around the world:

- Around 35% of women in the world are subjected to physical and/or sexual violence. This figure alone represents a significant portion of the world's female population.
- Intimate partner violence is the most common source of these violent acts. According to statistics, 30% of all women who have ever been in a relationship have been subjected to physical and/or sexual violence at some point in their life.¹

These figures, feminists say, would not be overlooked if society did not support sexual exploitation. As society has given domestic violence and rape a higher meaning and a deeper understanding, they are becoming more widely documented. Previous generations of girls have suffered in silence because to the lack of significance of police and criminology.²

Another criticism levelled by feminists at criminology is the lack of attention shown to females who are the silent sufferers while their masculine partner is in prison. Typically, criminological

¹ David Souter's dissent in *Brzonkala v. Virginia Polytechnic Institute and State University*, 169 F 3d 820 (4th Cir 1999).

² John Hagan, "Feminist Theories on Crime", *Sage Journal* (2011).

surveys focus on the inmate and his relationship with the criminal justice system, with little regard for female issues. We hear about the agony of the detained guys who are separated from their families in prisoner surveys, but we don't hear about the pain of the incarcerated females and their relatives on the other side of the border.³

DOMESTIC VIOLENCE IN INDIA

Women in India, where they make up about half of the population, have historically been mistreated and denied of their constitutionally guaranteed right to life and personal liberty. Women have long been thought to be physically and emotionally weaker than men, despite the fact that they have proven themselves in practically every field of life, proving that they are no less than men via their hard work at home and at work. People are tortured, assaulted, and killed behind closed doors in houses across our country.

Domestic violence is the phrase used to describe the rapidly growing problem of violence in our households. This violence is directed towards someone with whom we have a personal relationship, such as a wife, husband, son, daughter, mother, father, grandparent, or other family member. It might be crimes committed by a male or female against another male or female. Anyone can be both a victim and a perpetrator. This violence has a tendency to manifest itself in a variety of ways, including physical, sexual, and emotional violence. Domestic violence refers to any harm or injury that puts a woman's health, safety, life, limb, or well-being at jeopardy, whether mental or physical. Physical, sexual, verbal, emotional, and financial abuse are all possibilities.

Prior to 1983, there were no particular regulations addressing domestic violence. Husbands could be charged with murder, suicide aid, causing harm, and unlawful confinement under general laws. However, none of these laws address the true problem of domestic violence in its entirety, that is, in terms of its scope, character, and, of course, offenders. All of these sections exclusively address the abuse perpetrated by the "husband" and "in-laws," or solely the violence perpetrated by the "daughter-in-law." Domestic violence was not mentioned, and the daughter, sister, mother, and female acquaintances were denied legal protection. The husband's and in-laws' acts of violence have to be proven "beyond a reasonable doubt." Obtaining witnesses to corroborate their evidence

³ Muraskin, R. and Roberts (*eds.*), A, "Visions for Change: Crime and Justice in the Twenty First Century", *Prentice Hall*, New Jersey, (2002).

is exceedingly difficult because the crime was done within the four walls of the residence. Aside from that, complaints can only be filed after an offence has occurred. Domestic violence, on the other hand, occurs when a woman lives with her assailant and is emotionally dependent on him. As the problem of domestic violence is based in social values and cultural practices that impact police attitudes as well, the police frequently refuse to register domestic abuse crimes. The police also assume that the husband has the legal right to beat his wife.⁴

Given that domestic violence is more than a legal issue, the Indian government has implemented a range of legal and non-legal measures to combat or empower women to combat violence against them.⁵

CRITICISM OF FEMINIST SCHOOL

Carlen feels that the feminist school of criminology and its theories have significant problems. Carlen proposed a three-point hypothesis to explain the specifics that the feminist school could not:

- “Women's offences are those of the underclass,” implying a class divide.
- Female offenders come from ethnic groupings in disproportionate numbers, implying racial tensions.
- Poverty has always been a problem for women in prison.”⁶

CONCLUSION

It has been more than 50 years since feminist criminology became a recognized reality in the criminal justice system. However, one of the key criminology divisions where new academics continue to emerge is the Division on Women and Crime.

According to the feminist school, women have been treated leniently throughout history due of their gender, biological traits, marital status, hormonal abnormalities, and other variables, but the concept of feminist criminology is more common today and highly represented. Since the 1990s,

⁴ Agnes Flavia, “Violence against Women: Review of Recent Enactments” in *In the name of Justice, Women and law in Society*, Swapna Mukhopadyay (ed.), Manohar, 1999.

⁵ Platform for Action: Ten Years after Beijing, India Country Report Dept. of Women and Child Development, Ministry of HRD, Government of India.

⁶ Carlen, P., “Criminal Women and Criminal Justice: The Limits to and Potential of, Feminist and Left Realist Perspectives”, in *Matthews, R., and Young, J., (eds.), “Issues in Realist Criminology”, Sage, London.* (1992)

women's roles have once again become the focus of attention. Women as victims of crime have been a primary focus, rather than the subject of why women become less offenders than males. Law enforcement and criminal justice professionals, as well as criminologists, are concerned with violence against women, legislation to prevent violence, prostitution, and forced marriage.



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