



FEMINIST CRIMINOLOGY: FLOWERS ARE COMMITTING SINS

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ABSTRACT

This article deals with Female Criminality.¹ The paper reviews some of the theories based on female criminality, and relate to the explained causes and measures of prevention with the conditions prevailing in present times. Thus, based on data available, the paper tries to find out the type of crimes which is been attracting more female to its trap. Also, it tries to recognize the social environment that contributes to the making of women criminals. Studying the factors leading to the causes of making of female criminals, re-examining the solutions provided by criminologists over the year and studying the recent trends, this paper tries to bring out certain measures that can be adopted to bring about a significant positive change to the rate of crimes done by women.²

I. INTRODUCTION

Marxist feminist perspective adapts the principles of Marxism to emphasise how capitalism uses the family oppresses women,

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and the harmful consequences of the family to women's lives.

Marxist feminists looked on class and gender inequalities as dual systems of oppression, with both being very powerful and independent systems. Marxist feminists often argue that class and gender inequalities reinforce each other and create groups that are doubly oppressed.

Criminology is itself the study of law of crimes and criminal justice.³

The relations between gender and crime are deep. Gender has been recognized as one of the most important factors that play a significant role in dealing with different kinds of crimes within criminal justice systems. It has long been considered that men and women differ in their offence rates and patterns and in their victimization experiences. The idea that crimes are committed primarily by males has had a major effect on criminological thinking and on criminal justice policies. This effect is different from one society to another and from time to time within one society, since gender roles and expectations are changing. The aim of this essay is to consider how gender affects the way the law and society respond to different types of crime and violence. It will argue that gender plays a significant role in dealing with various crimes within the criminal justice system. Although as a general statement it can be said that the law does not differentiate between men and women, research conducted in the field of criminology have

³ <https://www.lawteacher.net/free-law-essays/criminology/relations-between-gender-and-crime.php>



clearly shown that social characteristics of offenders such as race, gender and class, have influenced the decisions made in the Court. It has been observed over the time period that women are treated more leniently than men within the Court, and they are less likely to be arrested, convicted and jailed. This essay will consider whether society's views about gender roles and expectations affect the way that it responds to crimes, particularly violent crime.

Feminist criminology seeks to address this limitation by enhancing our understanding of both male and female offending as well as criminal justice system responses to their crimes. Feminist criminologists seek to place gender at the center of the discourse, bringing women's ways of understanding the world into the scholarship on crime, criminality, and responses to crime.

Traditionally, women were not the focus of criminal study, as women were not expected to be criminals or commit crime, and those that did were often considered to be mentally deficient. Many of those who study feminist criminology argue that traditional texts neglect how women are victimized. This leads to neglect of the crimes abated by women.⁴

II. STRANDS OF FEMINIST CRIMINOLOGY

- *Liberal Feminism* -This is the variety of feminism that works within the structure of mainstream society to integrate women into that structure. As is often the case with liberals, they slog along inside the system, getting little done amongst the

⁴ <https://www.papermasters.com/feminist-criminology.html>

compromises until some radical movement shows up and pulls those compromises left of center.

- *Radical Feminism*-Provides the safeguard of theoretical thought in feminism. Radical feminism provides an important foundation for the rest of "feminist flavors". The reason this group gets the "radical" label is that they view the oppression of women as the most fundamental form of oppression, one that cuts across boundaries of race, culture, and economic class. This is a movement intent on social change, change of rather revolutionary proportions. Radical feminists have reframed the ways in which rape is commonly understood in our society. Rather than a crime of sex, it is more apt to be viewed as one of male power, control, and domination.
- *Marxist and Socialist Feminism*-Marxism recognize that women are oppressed, and attribute the oppression to the capitalist/private property system. Thus they insist that the only way to end the oppression of women is to overthrow the capitalist system. Socialist feminism is the result of Marxism meeting radical feminism.⁵

III. SCOPE OF FEMINIST CRIMINOLOGY

The scope includes research on women working in the criminal justice profession⁶, women as offenders and how they are dealt with in the criminal justice system, women as victims, and theories and test of theories related to women and crime. The feminist critique of Criminology incorporates a

⁵https://www.uah.edu/woolf/feminism_kinds.htm

⁶ <https://www.scimagojr.com/journalsearch.php?q=11400153312&tip=sid>



perspective that the parts to crime differ from males and females, just research that use sex as control variable often fails illuminate the factors that predict female criminality. This highlights research that takes a perspective design to demonstrate the gendered nature of crime and responses to crime. It is apparent that males do indeed commit far more offenses, principally those deemed important to criminology, than females do.¹⁶ This is because the association of criminology with legislative, corrections and criminal justice systems. The field gradually developed in part to help and improve the understanding of why people commit crimes so that policies could be enacted to reduce those crimes. Not only do women commit lesser crimes, but also they commit crimes that are of least interest to those concerned about public safety.⁷

Thus, women were largely ignored until the 1970s.⁸ Additionally, the Weberian value-free approach to the study of criminology has failed to recognize that the experiences of the researchers themselves shape and formulate their own approaches to their research. This has resulted in supposition that data's, Theories and Result of theories about boys and men would be generalizable to girls and women. Researchers and theorists have assumed that the study of male crime was the generic study of crime and that can be applicable to women who engaged in crime were more of an aberration than a subject to be studied in and of itself. Ultimately, the feminist approach to criminology emerged from the critical point of view. It has been only in the last 30 years

that feminist criminology has developed into a recognized point of view in criminology. However, the term feminist criminology is somewhat misleading and wrong; it might perhaps be better to speak of feminist criminology. Feminist criminology contains a wide range of theoretical perspectives, views and methodologies that place the ways in which gender shapes experience at the center of scholarly inquiry. It focuses on a different range of issues related to women and crime, including theoretical explanations of crime, responses to female offending and offenders, programming in women's prisons, women as workers in the field of corrections, the special and different needs of women prisoners. Feminist thought is not a homogeneous approach; it includes 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, and the radical feminist focus on patriarchal domination of women, to name the most well-known branches. However, these feminist perspectives have in common their focus on the ways in which the gendered structure of society is related to crime. The victimization of women is a large and growing concern part of criminology and is of central interest to feminists in and outside criminology. The relatively high feminist visibility in this area may lead criminologists to regard it as the only relevant site for feminist inquiry in criminology. Not so the more one reads the literature on victimization-the physical and sexual abuse of children, women, and men-the more difficult it becomes to separate

⁷ Daly, K., & Chesney-Lind, M. (1988). Feminism and criminology. *Justice Quarterly*, 5, 497– 538.

⁸ Daly, K., & Chesney-Lind, M. (1988). Feminism and criminology. *Justice Quarterly*, 5, 497– 538.



victimization from offending, especially in the case of women. In research on physical abuse and sexual violence by men against women, these major points and findings are seen:

- Rape and violence-especially between intimates-are far more common and widespread than imagined previously.
- Police, court officials, juries, (criminal justice system) and members of the general public do not take victims of rape or violence seriously, especially when victim-offender relations involve intimates or acquaintances.
- Whereas female victims feel humiliation and shame, male offenders often do not view their behavior as morally and legally wrong.
- Strategies for change include empowerment of women via speak outs, marches, shelters and centers, and legal advocacy; and changing men's behavior via counseling, probable arrest for domestic violence, and more active prosecution and tougher sanctions for rape.

IV. FEMINIST CRIMINALITY DEALT BY EXECUTIVE AND JUDICIARY BODIES

The law is prejudiced towards women, due to the availability of reservations in the constitutional provisions of our country. There is a disregard in the abuse that a man faces by the laws ranging from sexual to economic abuse, these shows a disparity in the legal system. Albeit women are the greater number of victims compared to men, that statistic is slowly dissipating in the light of false allegations against innocent men. India is rising in the number of false allegations after the fallout of a marriage,

after a woman feels scorned. The law, and judiciary system doesn't provide protection of men from these shaming allegations leading to drastic measures in the form of suicide.

Police⁹:

Arguments about whether and how justice is gendered must begin with police behavior. That police decisions to arrest can be influenced by extralegal factors such as the demeanor of the offender has been established. It is a little clear how gender, either alone or in conjunction with other characteristics, may consciously or inadvertently influence police behavior. Neither gender nor race should have an effect on police behavior once crime type, especially as it interacts with demeanor of the offender, was controlled. On the other hand, comparison of juvenile male and female probabilities of transition from self-report incident to police contact and arrest, finds males to be more likely to incur police contact and arrest than females. It has been observed that the interaction between race and gender is a key factor influencing arrest decision.

Courts:

Police contact is not the only point in justice processing at which discrimination can occur. Women have been found to receive more lenient treatment in the early stages of court processing (i.e., bail, release on own recognizance, and/or cash alternatives to bail) and further into the process, e.g., conviction and sentencing. Other studies

⁹ <https://student.cc.uoc.gr/uploadFiles/181-%CE%9A%CE%9C%CE%9C%CE%9A397/Simpson%20Feminist%20Theory%20crime%20and%20justice.pdf>



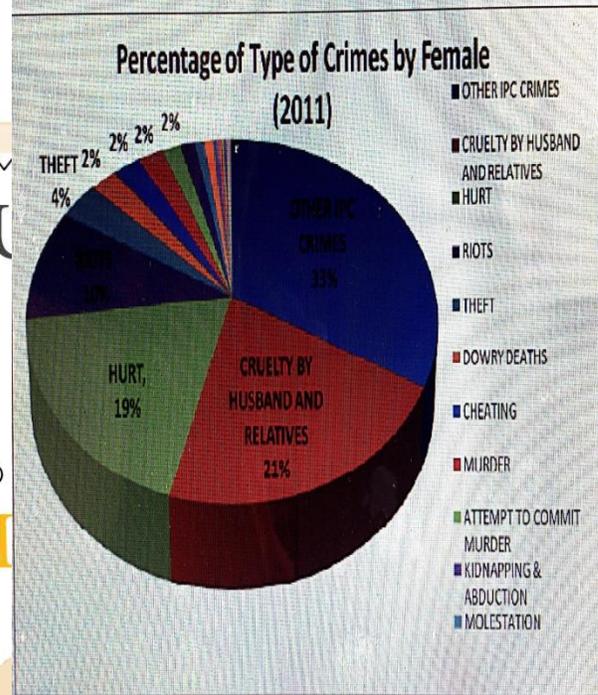
find no gender bias when controlling for crime seriousness and prior record or little effect from extralegal factors when legal factors and bench bias are controlled. Variation in sentencing may be related to so-called countertype offenses, that is, women are treated more harshly when processed for non-traditional female crimes, like assault or when they violate female sexual norms. Given variable-specification problems, however, some of these findings are potentially spurious.

Studies of court processing are not entirely dominated by liberal perspectives. More critical perspectives emphasize social power and patriarchal control as the primary mechanisms through which justice is gendered.

The most important factor determining sentence outcome, once prior record and offense seriousness are controlled, is marital and/or familial status.’ Marital status has been found to matter for women (married receive more lenient sentences) but not for men or to be as important for both. Pretrial release and sentencing are seen to be both “familied” and “gendered.” They are familied in that court decisions regarding the removal of men and women from families “elicit different concerns from the court”. They are gendered in that women’s care of others and male economic support for families represent “different types of dependencies in family life”. Men and women without family responsibilities are treated similarly, but more harshly than familied men and women. Women with families, however, are treated with the greatest degree of leniency due to “the differing social costs arising from separating

them from their families”. The economic role played by familied men can, more easily, be covered by state entitlement programs, but it is putatively more difficult to replace the functional role of familied women. Judges rationalize such sentencing disparities as necessary for keeping families together.¹⁰

Diagram 1: Percentage of type of crimes by Female (2011)



Observation: The above chart depicts the percentage of types of crimes by female. According to the chart Cruelty by husband and

¹⁰ Stacey and Thorne (1985:308) argue that more radical feminist thinking has been marginalized-ghettoized within Marxist sociology, which ensures that feminist thinking has less of a chance to influence mainstream sociological paradigms and research. 622 SIMPSON



relatives is 21%;Hurt is 19%; Riots is 10%; Theft is 4%; Dowry Deaths is 2%;Molestation is 2%;Murder 2%; Attempt to murder is 2%; Kidnaping and abduction is 2%; other IPC crimes is 2%. Therefore this shows female Criminality in India.

V. OVERVIEW

In response to the limitations of mainstream criminology, feminist and visual criminology offer alternative approaches to the study of crime, deviance, justice institutions, and the people implicated by them. Although feminist and visual lines of criminological inquiry have distinct foci and analytical strengths, they both illuminate disciplinary blind spots. Feminist criminology responds to criminology's embedded gender biases, while visual criminology challenges criminology's reliance on text and numbers. They offer approaches to redress criminology's general lack of attention to the broader cultural dynamics that inform crime, both as a category and as a practice. Unpacking the visual through a feminist criminological lens is an emergent critical project, one that brings together and extends existing feminist and visual criminological practices. Combining feminist criminology and visual studies offers new possibilities in the areas of theory and methodology. Doing so also lends to new modes through which to query gendered power relationships embedded in the images of crime, deviance, and culture. Moreover, such an approach provides alternative lenses for illuminating the constitutive relationships between visuality, crime, and society, many of which exceed mainstream criminological framings. It brings together interdisciplinary perspectives from feminist studies and

visual studies rarely engaged by mainstream criminology. Thus, a feminist visual criminology, as an extension of feminist criminology's deconstructivist aims, has the potential to pose significant—arguably foundational—critiques of mainstream criminology.¹¹

VI. A THEORETICAL VIEW

Theories about crime have been propounded from time to time. Many writers have explained the deviant behavior of a person. We have writers of the biological school, the psychological school as well as of the sociological school. Writers of the biological school explain deviant behavior in terms of inherited traits - physical and mental. According to the psychoanalytical school, deviance is not problematical because this theory starts with the postulate about human nature according to which the tendency to deviance is 'given'. But sociologists look at it as problematical and as a tendency that is not given but learned. They explain deviant behavior as the function of social environment and as one which is learned through group associations. We shall consider in this chapter major theoretical explanations of criminal behavior.¹²

- Otto Pollock

In his book 'The Criminality of Women', Poliak¹³ has challenged the so-called disproportion between male and female criminality. Poliak's major concern was the "masked" character of female criminality.

¹¹ <http://oxfordre.com/criminology/view/10.1093/acrefore/9780190264079.001.0001/acrefore-9780190264079-e-56>

¹² http://shodhganga.inflibnet.ac.in/bitstream/10603/140499/7/07_chapter%202.pdf

¹³ Poliak Otto. 'The Criminality of Women', p.84



This masked character is achieved in three ways: firstly, female criminality is concealed by the under-reporting of offences committed by women; secondly by the lower detection rates of female offenders compared to male offenders; and thirdly, by the greater leniency shown to women by police and courts. Keeping in mind the masked character of female crime, Poliak advanced the theory of the “hidden” female criminal to account for what he considered unreasonably low official crime rates for women. A major reason for the existence of hidden crime, as he sees it, lies in the nature of women. Women are instigators rather than perpetrators of criminal activity. He believed that if the amount of hidden crime is added, the female figures would surpass the figures for males. He believed that law enforcement officers as well as judges are much more lenient towards women than towards men which are why the official statistics and records of female criminality do not reflect the real number of crimes committed by women. The masked character of female criminals, Poliak observed, results in gross under-reporting and bolsters the official belief that females are a very low risk for crime. Generalizing on the basis of arrest data on female crime, he maintained that women offenders have lesser chance to be reported to be arrested, to be convicted and to be committed than men. The theories on female criminality, as Poliak¹⁴ rightly said, are generally contaminated by popular stereotypes and myths regarding women. Both classical and contemporary criminologists have failed to dismantle the sexist notions and common sense

perceptions about women in general and female offenders in particular.

- W.I.Thomas

Thomas’s most important work in regard to female criminality is *The Unadjusted Girl*, Thomas¹⁵ lays emphasis on individualistic, psycho-physiological and socio-cultural approach. However, he failed to consider the secondary and low social status of women. Thomas deals with female delinquency as a normal response under certain social conditions, using assumptions about the nature of women. He rejects economic causes as a possibility at all, denying its importance in criminal activity. Thomas offered an explanation for delinquency on part of young females which characterizes them engaging in departures from lines of conduct that are biologically and psychologically normal for women. Every human, he believed, has certain basic desires. The desire for new experience and the desire for response influenced criminality. A woman enters prostitution to satisfy a desire for excitement and response. For a woman, prostitution is, in one form or another, a means to satisfy these needs. Thomas did not altogether ignore environmental factors.

VII. FEMINIST CRIMINOLOGY: STATUS IN INDIA

- *Causes of Female Criminality in India*¹⁶:

Causes based on biological viewpoint postulated by early criminologists were baseless and does not apply to women in India. The early researchers attributed

¹⁴ Poliak Otto. ‘The criminality of women’, p.51.

¹⁵ Thomas, W.I. ‘The Unadjusted Girl’, p.70-72.

¹⁶ <https://www.sasev.org/ijcjs/pdfs/milietalijcjs2015vo110issue1.pdf>



female criminality to biological or sociological antecedents. Crime, as a behavioral or social problem, is complicated and not easily understood. Women are considered as turning crime as a perversion of feminine role whether their causes are biological, psychological, social or environmental.

- *Biological Viewpoint:*

Under the Biological Viewpoint, Caesar Lombroso's contribution is considered as the foundation of scientific study on female crime. He viewed, "female deviance as rooted in the biological make up or as inherent feature of the female species". He stated that female criminals are more terrible than the male criminals because cruelty by a female was much more 'refined' and diabolic than men. Lombroso thought women shared many qualities with children and they were morally deficient and their lack of intelligence was the reason of their relatively small participation in crime. Lombroso and Ferrero (1895) postulated theory that was based on a belief that all individuals displaying anti-social behavior were biological throwbacks. The born female criminal was considered to have the criminal qualities of men and the worst qualities of women. However, we feel that, Indian women are inclined to crime more because of social or economic deprivation than being biological throwbacks.

Pollack elucidated the influence of hormonal changes over menstruation, pregnancy and menopausal stage. He stated that in the pregnancy and menopausal phase, the psychological characteristics such as emotional changes of moods, abnormal craving and impulses and temporary impairment of consciousness point in the

direction of criminal causation. However, in the present age of information technology and impersonal relations, such basic theories seem to be unreasonable and unscientific and especially for India it is not applicable. All the biological theories depict crime as an inherent human trait which does not adequately describe the phenomenal variations in the nature of crime being committed these days, when crime has risen up to the status of career for many, involving highly advanced professional skills and typical scientific techniques.¹⁷

Recommendations:

Preventive Measures:

It is said that prevention is better than cure and having said that, in case of crime and prevention, that too in a vast and diverse country like India, is a humongous task. Crime prevention among females in India is even bigger challenge because it is difficult to recognize the vulnerable areas and people especially women, easily. General awareness of the role of woman in a society, her rights and laws for them should be briefed to the uneducated women. Legal awareness and awareness about illegal activities and to report or keep themselves away from illegal activities should be provided by social service/ adult education units. Sex education plays an important role wherein the women indulge in crime following lack of awareness regarding sex-rackets and flesh trade. And also need to be informed about the harsher laws against being a part of such crimes. Constructive social action movement to spread awareness is important. In order to reduce tensions in the family or society it is advisable for

¹⁷ Ibid



couples and families to undergo Pre-marital and post marital counseling. It is necessary to treat domestic violence cases harshly to avoid future crimes and laws against dowry must be implemented properly.

- Corrective measures:

Female criminals who are serving their term in the prison due to crime committed by them or in collaboration with other companion / companions, should be given a chance to rectify or correct their ways so that when they finish their term and come out of the prison, they should be a lady with no criminal attributes, well informed and more aware, which would enable her to stay away from the crimes and other criminals. Most women are deprived of their liberty and do crimes to break off the chains of cruel traditions. Such women should be given enough support and help to be independent and do something worthwhile for herself, her family and her kids. In prisons, women are engaged in various activities like cooking, tailoring, gardening, painting, handicrafts etc. which is a positive initiative and helps a lot to improve their self-respect and confidence. Proper public awareness is also a need as a criminal returning to her society is not accepted and is taunted by everyone. This might result in her ending up committing other harsher crimes. People need to be made aware of the rights of a reformed criminal as they too have the right to continue with their life as before.

- Rehabilitative and Supportive measures:

Under rehabilitative and supportive measures, a female criminal should be given chance to fulfill her parental responsibilities.

Attention should be paid on providing female prisoner with proper medical aid and even on rehabilitation. In case a female offender suffers from a mental condition and she comes out of prison after serving her term, she would probably continue to commit crimes because the problem still subsists in her, and who knows it would have probably even become from bad to worse. Caretaking of children of imprisoned mothers should be done or they should be allowed to be in touch with their kids and relatives. Access to legal advice should be provided as most of the women come to prison for no mistake of their own.

VIII. GLOBAL PERSPECTIVE

Feminist criminology has arguably had more impact on the global platform. This is because of the focus on violence against women that is a hallmark of feminist criminology as well as a recognized problem internationally. At the international level, considerable attention has been paid to the exploitation of women and girls in the global sex industry. In addition, feminist criminologists study the ways in which laws and criminal justice policies around the world may victimize women, sanctioning them for violating traditional gender norms, in particular in regard to sexuality. For example, in some Muslim countries, women who are raped may be viewed and treated as offenders instead of as victims because they have violated the expectations regarding women's sexuality.¹⁸

IX. CONCLUSION

¹⁸ <http://criminal-justice.iresearchnet.com/criminology/feminist-criminology/5/>



Despite the fact that laws on paper deal with men and women equally, it is not guaranteed that male and female defendants will be treated equally. From researches and cases that have been discussed, it has become clear that both the conviction and sentencing stages of criminal procedures are affected by the gender of victims and defendants, and, in general, female defendants are treated more leniently by the courts. Certain trends and patterns in female criminality, as compared with male criminality, have long been observed. It is assumed that women commit a small percentage of all crime, these are less serious, rarely professional and less likely to be repeated, and, consequently, women form a small proportion of prison populations.¹⁹ But the reality is that they commit these violent crimes just like men do. The concerned authorities should, however, serve to motivate a constant effort to overcome practical difficulties in how the rules and measures are implemented.²⁰ Women are now more assertive, more aggressive, and, indeed, more 'masculine'. Therefore flowers are no more just innocent delicate flowers. The thorns have turned up and round the stereotypical typical centric has reversed and the legal system needs to refine the laws framing it in a way to scrap these thorns so that '*Crimes are not minted in a fat purse*'.



¹⁹ <https://www.lawteacher.net/free-law-essays/criminology/relations-between-gender-and-crime.php>

²⁰ <https://www.sascv.org/ijcjs/pdfs/milietalijcjs2015vo110issue1.pdf>