

“Feminist Criminology: Emergence of New Sphere in Modern World”

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Abstract

Focusing on various facets of the characterization and contribution of women and crime, criminology theory has wrecked the boundaries of feminist science to focus on sole settings and populations, promote access to justice for women and girls, and contribute to policy and practice. These include pragmatic articles that test criminological theory, theoretical articles that advance new theory or integrate existing theory, and valuations of programs and strategies that are relevant to perpetrators, victims, and employees of the criminal justice system. Feminist criminology that has emerged in the late 1960s and early 1970s and can be accredited to the second-wave feminism movement which helped highlight the problems affecting women in public places. One of the most crucial complaints against feminist criminology about traditional criminology's is their relative disregard in victimization and their tendency to discuss crimes against women as the primary victim and blame the victim. One glaring failure of traditional criminology from a feminist perspective is its insistence on interpreting crime against women from a male perspective.

Keywords: Feminist criminology, criminology, women, victim, feminism, gender

INTRODUCTION

The feminist school of criminology focuses on women as perpetrators, women as victims and women in criminal justice to understand the causes, trends and outcomes of female crimes. Key issues of feminist school include the role of sex and sexism in the sentencing and imprisonment, the role in victimizing women's lives, the increasing number of women imprisoned and the falling crime rate. Feminist Criminology moreover paths a way for the scholars, practitioners and researchers who wish to enquire feminist critique or involve it in the investigation of gender and crime.

Criminology is the scientific enquiry of the causes, corrections and prevention of crimes and those who commit them. Since the early 1970s, feminist theories and criminology has been rooted in the idea that crime and violence are products of patriarchal systems and that the experience of crime by women is related to that of men. In response to present situation, criminology and its theories, that focus on male perpetrators and victims, feminist criminologists have tried to convey an understanding of women as perpetrators, women as victims and women as perpetrators within the criminal justice system [1].

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Many studies conducted in the 1970s and 1980s by feminist scholars such as Carlen Nagel and Weitzman confirm that women should be imprisoned as a punishment for deviant women and that women should receive harsher punishments regardless of the crimes they commit (e.g., single mothers, sexual workers, women from poor socio-economic backgrounds) [2]. Some feminists have concluded that criminology's failure to explore female crime issues reflects a male-dominated discourse about men, that research into

male issues betrays rigidity of male stereotypes and allows men to justify their prejudices through pseudoscience. Researchers and theorists assumed that studies of male crimes were general studies of crimes, while those of women who commit crimes were little more than deviations from the subject matter of the study itself.

FEMINIST CRIMINOLOGY AND IT'S EMERGENCE

Feminist criminology backs up to develop a systematic understanding of women as the missing subjects of criminology, to study and investigate their lives both as offenders and as victims. It similarly points out the unpolished labelling and stereotyping of women who has represented the indorsed perception on women in criminology and in the criminal justice system. It elevates objections to the pragmatic claims made about women when those claims are based on paltry evidence, with a decent smidgeon of prejudice. If criminologists and members of the criminal justice system are to deal with women with proper precise consistency, with true objectivity, then they should file their matters properly using the scientific methods which largely have been set aside for the study of men [3].

In the period of 1960s, scholars started to argue that women were unheeded in criminological theorizing and research. This primary interest didn't come from within the United States but instead from Canada and Great Britain [4]. The role of gender had been largely disregarded, other than noting that men comparatively committed more crimes. Therefore, theories had been created in such a way that could explain the gender gap in crimes but that were deeply lacking in being able to equally well explain female crime. The second-wave feminism in the intermediate period 20th century led to a renewed interest in women offenders. Two of the prominent books were issued in the early 1970s, which was derived from second-wave liberal feminism's focus on gender equality: (1) Adler's (1975) *Sisters in Crime* and (2) Simon's (1975) *Women and Crime* [4]. Even though they both focused on different aspects of the issue and reached somewhat different conclusions, it was equally argued by both that the mid-20th-century women's movement changed both women involvement in crime and insights of women participation in crime. Undeniably, the central theory of these two works was that women would involve in more crime as a result of women's liberation. Likewise, with the effort on equal treatment, the criminal justice retort to women offenders would become harsher and less courtly. Feminist criminological movement gained significant fame during the extremely political era of the 1960s and 1970s. At first, this area focused on the absent and ignored information on girls and women in criminological theories [2]. As this field of criminology grew, the main initial focus shifted to include violence against women as well as the development of feminism and its criminological theories and feminist ways of approaching the existing theories. A wide base of scholarship also was combined from the women's liberation movement, critical theories, and radical feminism [5].

Waves of Feminism

There were about four major waves in the phases of feminism which are as follows:

- First wave of feminism which was initiated in the early 1800s wherein the women came together and asked for specific and reproductive rights like right to vote and likewise.
- In the second wave of feminism the focus was shifted to more prominent areas which emerged as radical, liberal and cultural. It basically questioned the traditional gender roles and demanded more equal rights, free from any kind of discrimination. This was emerged in 1960s-70s. In the case of Equal Pay Act of 1963, *Roe v. Wade* major victories were seen with this respect.
- The third wave was coined in the 1990s where the importance was given to race and sexuality. The term intersexuality was emphasized with the view that both race and sexuality intersect with each other.
- There isn't a much prominent shift to the fourth wave, it's still believed as the fourth wave because of the new movements like *MeeToo Movement* moreover this phase continues to emphasize upon sexuality pertaining to trans women, gender binary people and queers.

FEMINIST CRIMINOLOGY AND IT'S SPHERE IN INDIA

Feminism in India have postured major challenges to established patriarchal societies such as the family, and to leading social values and structures, most significantly in the field of legal involvements that is in the areas of violence against women. Feminists have interfered in the area of law in at least three ways. Firstly, to expose the working of patriarchal society and structures within law, for example, criticizing civil marriage and divorce laws that extend more rights to men than women [5]. Second, to unpack the various ways in which law regulates, which includes offering some compensation to women in unfortunate conditions of domestic violence and thirdly, to campaign to the extent of rights to women, like the campaigns against sexual assault and rape or likewise.

Caste, class and community delamination in present-day India are significant areas of concern for feminist activism. Since in the case of gender equality and positive discrimination, the Indian constitution provides guarantees that seek to poise the rights of religious minorities and historically marginalized caste groups. Pertaining to the Indian Constitution Article 14 guarantee right to equal protection under the law, Article 15 states that it forbids discrimination on the basis of any religion, sex, race, caste whereas, Article 25 provides freedom of religion and Article 29 guarantees the right to conserve culture to minorities [6].

Feminist critique of Indian law has known that law and legal practices legitimize women's subordination. This is understood as being articulated through a series of civil and criminal laws, that work to discriminate against women. It has been pointed out that laws relating to marriage, inheritance, succession, divorce, guardianship preserve the family as it exists, that is as 'a system based on male supremacy or dominancy and control of female sexuality in this patriarchal society'.

Moreover, in India, married women were also beaten-up badly, tortured, and have deceased in situations, which is enough to tremor the receptivity of the general public. Such kind of deaths have come to be associated with dowry and here if we look at the victimizations, the victim is most often a young or a newly married woman. This malaise is very entrenched and has its origin in several social, psychological, and economic factors. In the Indian legal system (The Dowry Prohibition Act of 1961), there is no real measure for redressal if a woman finds herself being held at ransom.

In the recent case of Suraj vs State of Kerala [Sessions Case No. 820/2020], Uthra (25-year-old victim) was found dead in her husband's house on 7th May 2020. His husband brought a Cobra snake to murder his wife without any suspicion. He tried to kill her twice before this third by bringing venomous snakes like Viper, Cobra etc. After 56th day of the treatment of second snake bite he murdered her by bringing cobra and induced its fangs on her after giving sedative in her juice that night. Suraj the accused, right after her death asked the ownership of her inheritance and the child, even after obtaining lump sum amount of dowry as cash, land and assets. Since there were no eyewitness the investigation team gathered scientific as well as forensic evidences like postmortem of victim and the snake. More such evidences were gathered from his phone. Lastly, it was found that Suraj was guilty under section 307, 328, 302 and 201 IPC and was given gross punishments which included 7 years, 10 years and double life imprisonment [7].

This abovementioned brief is a case of demonic and ghastly uxoricide which is committed surreptitiously, by perpetrating induced Cobra bites causing lethal envenomation, with extreme wickedness, to disguise it as death due to accidental Cobra bite, [7] which shows how brutal a man can go to the extent of obtaining the dowry from his wife.

GLOBLISATION AND FEMINISM

Globalization pertaining to the new international NGOs and feminist social movements that have strengthened the global movement for women and human rights. In accumulation to accepting how power influences the creation of feminist theory, the critics of feminism have been able to understand

the way in which the women share responsibility for gender injustice in developing countries both at home and abroad additionally, they also articulate their commitment to eliminating these injustices [8]. Feminist theory claims that gender constructions - the expectations, attitudes and behaviors of women and men as femininity or masculinity - are central structural components of social life, which includes the criminal acts, victimization and prosecution. Feminist activists speak for women of all walks of life, and moreover have coined phrases like personal political identity politics to show how racism, class, sex and gender oppression are interconnected. Many feminists and political philosophers have argued that globalization has underwritten violations of human rights against women. However, they have also argued that it is having conflicting effects on the extent to which women experience these harassments and assaults.

Comprehensively, feminists argue that patriarchy is widespread and as a result women around the world share a common experience of gender domination [9]. At the international level, significant attention has been paid to the exploitation of women and girls in the sex and human trafficking industry. In accumulation, feminist criminologists also study the ways in which laws and criminal justice policies around the world may oppress women, boycott them for violating traditional gender norms, in particular in regard to sexuality [8]. For instance, in some Muslim countries, women who are raped may be seen and treated as offenders instead of as victims because they consider them as someone who dishonored the expectations vis-à-vis women's sexuality.

Some feminist criminologists have lately argued that there has been a global aftermath against feminist who attempts to advance the situations of girls and women, not only in third world countries but also in the industrialized West [10].

CONCLUSION

Although progress in feminist criminology has been made, it remains somewhat sidelined in the overall perspective. Scant attention is given to feminist criminological theory. It is also clearly evident from the current situation about the crimes that are committed against women and the crime committed by women – In both of these cases, women are victimized. In the case of a crime which is committed against a woman, she is a question to the concept of victim-blaming, and in the notion of crime committed by women, even though after serving the required time of punishment she still faces harsh discrimination by the society. However, this discrimination can be seen in both the gender but it is henceforth more predominant in the case of a woman because of her stigmatized and traditional gender role. Feminist criminology emphasizes on bumping forward this thought which says that, women in the profession to be seen as a subject luminary, incarcerated women, female offenders and criminality should be seen and considered not through the point of view of a man but through the point of view of both the genders based on the circumstances, with an impartial mindset.

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