



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2023 – ISSN 2582-7820

Editor-in-Chief – Prof. (Dr.) Rishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Feminist Criminology: How the Prevalent Ideologies of Crime disqualify women?

Avni Vashistha^a

^aSymbiosis Law School, Noida, India

Received 30 January 2023; Accepted 18 February 2023; Published 22 February 2023

The terminology "Feminist Criminology" encompasses a comprehensive analytical approach. It also examines a broad range of subjects, including female offenders, female victims, how female criminals respond, and the unique needs of female convicts. According to feminist criminologists, women's perspectives on the world are considered in studies on crime, criminality, and crime prevention to centre the debate on gender. This research article evaluates the emergence of feminism in criminology and its potential consequences. ¹The primary goal of Feminist Criminology is to concentrate on studies concerning women and crime. Investigations on women who work in the criminal justice field, on women who commit crimes and how the criminal justice system handles them, on women who become victims of crime, and on hypotheses and testing of theories about women and crime are all included in the study's purview. The main aim of this article is to investigate the role played by feminist activists, both inside and outside the domain of law, along with a critical analysis of contemporary developments in feminist criminology.

Keywords: *feminist criminology, female offenders, criminal justice, feminism, contemporary developments.*

¹ 'Feminist Criminology' (Criminal Justice, 2015) <<https://criminal-justice.iresearchnet.com/criminology/feminist-criminology/6/>> accessed 25 January 2023

INTRODUCTION

Feminist criminology was developed when many assumptions and stereotypes about women in criminal justice were questioned. Women were experts, perpetrators, and victims in these investigations. Investigators and criminology students have long believed that even when studying a common crime, it will likely be a study of male crime, and a crime committed by a woman may be considered odd. The practice was denounced in this way, and female criminology has developed since then. Feminist criminologists that aim to highlight gender in the debate incorporate women's perspectives on the world in the research on crime, criminality, and responses to crime. The following sections will focus on how feminist criminology has evolved, the diversity of opinions and research approaches, and how feminist criminology has matured in terms of academics and outreach.²

It is not difficult to see that men commit a disproportionately high number of crimes compared to women when looking at the most horrific crimes. Criminologists generally agree that there is a persistent gender gap in crime, with women continuously and universally having a lower propensity to commit crimes than men. The growth of feminist criminology is primarily due to progressive criminal ideas. Feminist crime theories investigate how gender discrepancies affect crime patterns. The proponents of this methodology criticize other approaches and crime models for assuming that the links, which are based mainly on the behaviour of men as subjects, also apply to women. The close ties between criminology, the law, and the criminal justice system have shaped this viewpoint. The discipline emerged partly to help us better understand criminal conduct and inform illegal legislation changes. Public safety officials are less worried about women's criminal activity due to the low number of women who engage in it and the nature of the crimes they commit.

The limitations in the criminal justice system that prevent attention from being paid to the fact that there are some significant differences between the paths taken by men and women to commit crimes, the types of crimes they commit, the victims they become, and the punishments

² *Ibid*

they receive are all addressed by feminist criminology. The focus of the study has been on male crime and how the criminal justice system responds to male offenders.³

SCOPE OF FEMINIST CRIMINOLOGY

It is undeniably true that men commit significantly more crimes than women, particularly those regarded as significant by criminology. This emphasis has been influenced in part by how criminology interacts with the legal and correctional systems. The field was created to understand better why people commit crimes so that laws might be passed to deter criminal activity. Women also tend to conduct crimes that are less interesting to individuals worried about public safety and commit fewer crimes overall. Thus, until the 1970s, women were mostly disregarded.

Furthermore, the Max weber value-free approach to criminology research ignores the fact that investigators' observations influence how they conduct their experiments and design their research techniques. This has led to the uncritical assumption that information and theories concerning men may be applied to girls and women. Women who commit crimes are seen to be more of an anomaly than a matter that has to be researched in and of itself, according to scientists and thinkers who have believed that the study of male crime is the generalized study of crime. The criticism of this method subsequently led to the development of the feminist perspective on criminology.⁴

Feminist criminology has just been a recognized stance in criminology within the past few years. Inquiry into gender's effects on experience is centred on feminist criminology, which includes a wide range of theoretical viewpoints and approaches. It examines a wide range of topics concerning women and crime, such as theoretical justifications for crime, reactions to female

³ Sohini Biswas, 'Feminist criminology' (*LegalEagle*, 17 September 2021) <<https://www.legaleagle-lawforum.com/forum/academic-articles/feminist-criminology-how-the-dominant-crime-theories-exclude-women>> accessed 23 January 2023

⁴ Akarsh Tripathi, 'Female criminology : A critical analysis' (*iPleaders*, 18 February 2021) <<https://blog.iplayers.in/female-criminology-critical-analysis/>> accessed 20 January 2023

offenders, the curriculum in women's prisons, women as correctional professionals, and the unique requirements of female inmates.

Among the best-known streams of feminist philosophy, the liberal feminist emphasizes equal rooms for women; the Marxist theory of feminism emphasizes class relations and capitalism as the causes of patriarchal oppression; the socialist feminists combine male dominance with societal political and economic systems as the cause of inequality; and the radical feminist emphasizes the patriarchal treatment of women. Feminist thought is not a unified methodology. However, these feminist perspectives concentrate on how the biased structure of society relates to crime.⁵

THE DOMINANT PATRIARCHAL OUTLOOK

Criticizing the dominant theories developed based on the study conducted with men has been a primary focus of feminist criminology. Gender has typically only been utilized as a regressor when it has been taken into account, if at all, due to the "add women and stir" philosophy of the patriarchal outlook. The fact that men commit more crimes than women has been substantiated, but little is known about female criminality as a result of this kind of research. Feminist criminologists disagree with this method because of two unstated presumptions. The first is the implicit presumption that while men are far more likely than women to commit crimes, women are somehow less significant in the sector. Secondly, conventional criminology assumes that male and female criminal behaviour are similar and that theories that justify male criminal behaviour also prove female criminal behaviour.⁶

The lack of consideration for the gendered structure of peer interactions in social learning and differential association theories, which strongly emphasize peer behaviour and attitudes, has

⁵ Kohelica Nag, 'Feminist criminology – the acknowledgement of new ideology' (JLRJS, 1 September 2020) <<https://www.jlsrjournal.in/feminist-criminology-the-acknowledgement-of-new-ideology-by-kohelica-nag/>> accessed 20 January 2023

⁶ Mohammed J. Islam et al., 'Theories of Female Criminality: A criminological analysis' (2014) 7(1) International Journal of Criminology and Sociological Theory <<https://ijcst.journals.yorku.ca/index.php/ijcst/article/download/39737/35977/0>> accessed 20 January 2023

drawn criticism. Having peers who exhibit criminal actions and attitudes is a substantial predictor of male delinquency; this correlation is much weaker for females.

The field of feminist criminology has various subfields. Although additional "branches" like postmodernism and ecofeminism exist, liberal, radical, Marxist, and socialist feminism are well known. Although the majority of feminist criminology focuses on criticisms of how women offenders have been marginalized, misrepresented, or stereotyped within traditional criminology, there are plenty of independent ideas and revisions to preexisting theories. The "gender ratio" issue has been addressed by almost all female criminologists or female-identifying criminologists who study gender and crime. Some people research the generalizability issue. Most feminists are eager to point out instances of stereotyped thinking and theoretical dead ends. However, the fundamental problem in most criminology is the straightforward truth that genders matter and shouldn't be disregarded.⁷

To raise awareness of women's concerns, advance women's rights, broaden women's possibilities, and alter women's positions in society, liberal feminism works within the confines of preexisting social institutions. Radical feminism examines how males came to hold positions of power, how communities might change, and how women got to hold roles of subservience in the first place. Marxist feminism links patriarchy or male privilege to the capitalist economic system, such as when female criminals get harsher sentences for sexual or property offences. For women to occupy their proper societal position, socialist feminism proposes more egalitarian roles as sex providers, child bearers, domestic helpers, and nursemaids. Postmodern feminism examines how speech and male-dominated thought are utilized to separate women, substituting language production for economic production.⁸ Other feminist criminologists have contended that these notions can still be used if they are reorganized and operationally defined in a way that is more considerate of the factors that both men and women experience while planning crimes.

⁷ *Ibid*

⁸ Dilpriya Juneja, 'FEMINIST CRIMINOLOGY: THE RISING OF THE BRANCH' (2020) 1(2) DE JURE NEXUS LAW JOURNAL <<https://dejurenexus.com/wp-content/uploads/2021/01/Female-Criminology-By-Dilpriya-Juneja-1.pdf>> accessed 20 January 2023

Such schools of thought analyze events that could alter the routes from criminal to non-criminal conduct, or vice versa, in addition to those that are significant at the beginning of the criminal activity. According to life course theories, the chance that someone involved in illegal activity will stop depends on how important an event or cause is to them. For men, it might be a profession or marriage. However, it can be crucial to consider additional factors for women. For instance, having a kid may inspire a woman participating in illegal activity to alter her course and choose non-criminal conduct.

Overall, feminist criminologists are not very fond of the gendered application of conventional theory. Many contend that these ideas need to examine how women's experiences influence their living conditions thoroughly. On the contrary, feminist pathways theory emphasizes the connection between past experiences and present criminality, contending that if an individual wants to comprehend female crime and corruption, patriarchal culture must be considered.

FEMINIST CRIMINOLOGY PEDAGOGY

Feminist criminology incorporates a variety of approaches and covers a wide range of themes; like their mainstream colleagues, they employ both qualitative and statistical methodologies, frequently combining or triangulating them to capitalize on the advantages of each. To investigate the links between women's experiences and their offending and official reactions to women and examine how those may be influenced by gender, they may look at official statistics and conduct extensive investigations on the statistical side. Feminist researchers employ a variety of approaches while conducting qualitative studies. In-depth interviews, focus groups, and personal histories offer data that may be used to pull out the nuanced connections between victimization and offence. ⁹

As we've seen, contemporary criminology focuses on the researcher adopting a value-free perspective and distancing themselves from the research's topic. But from a feminist standpoint, this is impossible. The claim is that our views and values always influence our study and that we can never be completely free from them. The feminist criminological method also implies

⁹ Sohini Biswas (n 3)

the necessity of participatory action research. Thematic and participatory research approaches highlight the usefulness of research focused on social transformation in contradiction to the value-neutral approach adopted by many social science researchers. This has included pursuing modifications to the legislation, regulations, and jail systems in feminist criminology. Engagement and study are inextricably linked in feminist criminology, as they are in most feminism-related fields.¹⁰

FEMINIST CRIMINOLOGY IN THE 21ST CENTURY

It has been difficult for feminist criminological study to become widely accepted. Approaches opposing the mainstream perspective have been regarded with scorn or just apathy since the discipline of criminology has been controlled by academics more committed to conventional theories and research. Due to this, it is now very challenging to disseminate feminist studies, and the published work is more marginalized. Because academics who are more devoted to standard theories and research have historically controlled the study of criminology, approaches that challenge these theories are sometimes viewed with suspicion or even disdain. This has significantly hampered female endowments and marginalized previously produced literature.

It's possible that feminist criminology made a more significant impact outside than at home. This is because a critical component of feminist criminology and a widely acknowledged problem is the intense focus on violence against women. The study's primary focus has been on the exploitation of women in Muslim nations and India, including female infanticide, genital mutilation, and circumcision. The exploitation of women and girls in the global sex industry has received a lot of attention on a worldwide scale. Additionally, female criminologists study how laws and criminal justice systems worldwide might victimize individuals by bringing charges against them for violating traditional gender norms, particularly those related to sexuality. Recent claims by some female criminologists claim that chauvinistic attempts to worsen the predicament of girls and women have sparked a global uproar, not just in the wealthy West but also in third-world countries.

¹⁰ *Ibid*

It has been challenging to publish in criminology, and most feminist studies were consigned to lesser, less esteemed crime journals. Publishing academic research on all facets of women's and girls' engagement in the criminal justice system was the exclusive focus of the 1989 establishment of the journal *Women & Criminal Justice*. After that, in 1995, *Violence Against Women* was founded to disseminate peer-reviewed academic work about gender-based violence and female victims. Numerous results about women, crime, and criminal justice have been released since the early 1990s. The inaugural issue of *Feminist Criminology*, the official journal of the American Society of Criminology Division on Women and Crime, was released by Sage Publications in 2006.¹¹

ANALYSIS AND CONCLUSION

Despite their education, researchers know very little, if anything, about female criminology. This is seen in their research as well as in their instruction and guidance of emerging scholars. Thus, the cycle continues, with junior researchers receiving little training in female criminology. There are several prominent publishers of women's and crime-related books, and new academicians are starting to emerge.

Nearly 25 years had passed since the mid-1980s when the Women and Crime Branch started with a small group of scholars. Research on prejudice towards women, women's crime, and women in the criminal justice system as perpetrators and staff members fall under the purview of current female criminological funding. Hypothesis building and concept verification are also included. The emphasis on how social structures affect men and women differently, the interplay between research and advocacy, and the connection between victimization and criminal behaviour are the defining characteristics of feminist criminology.¹²

However, the involved authorities should encourage ongoing efforts to solve implementation challenges since doing so would advance the shared objective of bettering conditions for women

¹¹ Claire M. Renzetti, 'Feminist theories' (*Oxford Bibliographies*, 24 July 2018) <<https://www.oxfordbibliographies.com/abstract/document/obo-9780195396607/obo-9780195396607-0013.xml>> accessed 22 January 2023

¹² Mohammed J. Islam et al. (n 6)

inmates, their families, and their communities. The motives and compelling circumstances that drove a woman to commit that specific crime should be considered by the courts when making decisions.

The practices of sati, purdah, child marriage, and dowager marriage restrictions have all contributed to the mistreatment of women. The study of the Vedas and using mantras to carry out holy rituals—except for marriage—were not appropriate for women. The growth in the capture of women may reflect governmental concerns with the application of the law, the evolving perception of female offenders by the criminal equity framework, and the shifting foundations of women's financial status. For elucidating female crime, the economic and ecological factors are given weight. According to research on female crime, female offenders make up a smaller percentage of the criminal population than male offenders. Nevertheless, there is a rise in the number of crimes committed by women at exhibitions.¹³

¹³ Sohini Biswas (n 3)