

Feminist Criminology and Intersectionality in Crimes

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Abstract:

In this paper, “Feminist Criminology and Intersectionality in Crimes”, I have attempted in tossing some clarity onto the theoretical and methodological framework of feminist criminology and intersectionality in crimes with respect to its work in criminal justice system. For an easy comprehension of this extensive topic, the paper is divided into minor segments such as an Introduction and Scope of Feminist school of Criminology, Emergence of the study in an historical perspective, Theoretical Framework, Methodological Framework, Contributions of the school to the Criminal Justice System, the subject as a Scholarly Discourse, Global perspective of the study, Current day concerns drawn by the Feminist Criminological School and Conclusion. Society in a general run of things has invariably associated Women with passive connotations since time immemorial. Women are often seen as nurturers, mothers, care takers, teachers, homemakers and fragile in nature. Owing to the fact that these stigmatized attributes of women are competently amalgamated in the society, it becomes inordinately onerous for the society to accept the existence of the nature in women who are involved with violent crimes and its studies. These women, in numerous instances are seen as an abnormal women and unladylike or less womanly. Attributable to which, the women were customarily kept out and/or paid no attention to in the criminological studies for the few initial decades even after the its emergence and expansion. The Feministic Approach in Criminological Studies is said to be born and evolved with an intent to draw attention to and spot light the concerns correlated with the communication and representation of difficulties faced by women in field of criminological studies, both as a subjects in the study and as the scholars of the field.

Keywords: Feminist Criminology, intersectionality in Crimes, Criminology, Victimology

Introduction:

Criminology as a word and as a turn of phrase beholds quite a few suppositions as references to its etymological roots and its very context as a whole¹. Some believe that the word “criminology” derives its actual form from a combination of a Latin phrase “crimen” which means crime or a criminal accusation and a Greek phrase “logia” which may translate to “the study” and / or “the science of” collectively the

¹ Danna M Britton, “*Feminism in Criminology: Engendering the Outlaw*” (2009), SAGE Publications Inc & American Academy of Political and Social Sciences, JSTOR available at < <https://www.jstor.org/stable/1049134> >, (02/01/2022).

word means the study/science of crimes or criminals who undergo the criminal accusations². The term “criminology” in its academic sense is believed to be emerged around 1890 as a study relating to crime, criminals and their behaviors and legislative measures and encouragement in implementation of appropriate statutes with a specific nature to prevent crimes³. The study of Criminology as a separate discipline is anticipated to make its appearance in the field of social sciences in mid 18th Century and initially centralized its attention to the concerns with respect to legislative modifications and reformations of statues with an intent of crime prevention, the issues concerning its causation were likely to be ignored or brushed aside^{4 5}. Criminology being a study related to crime and its causation theories, deals with researching and analyzing on the aspects such as behavioral patterns of individuals associated with crimes, it also specifically deals with the responses given by the society on occurrences of crimes⁶. The study of criminology is commonly discussed under of three indispensable orbits. Firstly, the nature and characteristics of incorporation, administration and development of criminal laws in an legislative perspective. Secondly, rational motive on happening of crime, its origin, and its attributes. Lastly, control and prevention of these crimes and rehabilitation of the convicts.^{6 7}

Feminist school of Criminology or the feminist criminology as a distinct discipline of studies was emerged as a literary criticism of traditional theory of criminological studies which was androcentric in nature^{8 9}. The criminological theories that were developed before the late 19th century and early 20th century witnessed a male-centric approach in the field of criminology¹⁰. from the criminal behaviors which were examined as a matter of study to the scholarly persons who made these studies were naturally considered to be males in the field of criminology and the these theories which were made by studying the subjects who are males were aimed in examining male centralized criminality. The women who were involved in these crimes were often considered to be not so lady like and were included into these male centered criminality theories ^{9 11}. The discussions on topics like female criminality were very limited and the

² THE LAWYERS AND JURISTS, “*ETYMOLOGY OF CRIMINOLOGY*”, available at < <https://www.lawyersnjurists.com/article/etymology-of-criminology/> > (04/01/2022).

³ Mrs. Glory Nirmala K, ed. “*Criminology*” (2009), Study Material, Justice and Legal System Research Institute.

⁴ Deflem.Mathieu, ed. “*SOCIOLOGICAL THEORY AND CRIMINOLOGICAL RESEARCH: VIEWS FROM EUROPE & UNITED STATES*” (2006), Elsevier

⁵ Braithwaite J, “*The New Regulatory State and Transformation of Criminology*”, (2000), British Journal of Criminology.

⁶ Roufa, Timothy, (JULY 02,2020) “*WHAT IS CRIMINOLOGY? DEFINITION AND EXAMPLES OF CRIMINOLOGY*”, The Balance Careers, available at < <https://www.thebalancecareers.com/what-is-criminology-974589> > (visited on: 04/01/2022)

⁷ Maryville University, “*WHAT IS CRIMINOLOGY? THE STUDY OF CRIME AND CRIMINAL MIND*”, Available at < <https://online.maryville.edu/online-bachelors-degrees/criminal-justice/resources/what-is-criminology/#:~:text=Criminology%20is%20the%20study%20of,of%20people%20who%20commit%20crimes> >

⁸ Kimberly J.Cook, “*Has Criminology Awakened from its Androcentric Slumber?*” (2016) , Feminist Criminology 2016, Vol. 11(4), pp. 334–353, Special Issue: Is Criminology Still Male Dominated?,SAGE Publications Inc. , DOI: 10.1177/1557085116660437.

⁹ Tripathi, Bibha, “*Feminist Criminology: Some Reflections*”(January 01, 2014) , VIDHIGYA, The Journal of Legal Awareness.

¹⁰ Daly, Kathleen; Chesney-Lind, Meda, “*Feminism and Criminology*”,(1988). Justice Quarterly doi:10.1080/07418828800089871

¹¹ Ghoshavhrup, “*Feminist Criminology: Androcentricity of Criminology, its impacts, and the need for improvement*”, available at < <https://www.legalserviceindia.com/legal/article-6054-feminist-criminology-androcentricity-of-criminology-its-impacts-and-the-need-for-improvement.html> >, (Accessed 4 January 2022)

conditions of women who worked in the field of criminal justice system were and neglected as they were marginalized¹¹ ¹². Women often associated to a passive connotations were considered typically fragile and good characters and therefore were kept away from the study¹³. ¹⁴This trend of “Androcentricity” which was followed in the traditional system of empirical studies and in the field of criminal justice system was questioned and challenged by the Feminist Criminologists¹⁴. The Feminist approach in the study of criminology demanded and put forth the necessity to incorporate distinct theories and studies on criminality in females¹⁰ ¹⁴. These theories demanded by the feminist criminologists were supposed to be providing a centralized attention to women in the field and these women in field were divided into three categories which were female offenders involved in violent crimes, victims who were women and the women who were professionally involved and occupied in the functions and studies on criminal justice system¹ ¹⁵.

9Though the criminology as a distinct discipline of research studies emerged in mid 18th century, it has been only a couple of decades since the scholarly world have considered in studying the female criminality following the emergence of feminist school of criminology. Feminist criminology is believed to have come into existence and practice in between 1960s to 1970s, following the recognition on how the traditional research in this field has atrociously unsuccessful in considering and addressing the variations and deviancy in the gender attributes for committing a crime¹⁶. Therefore Feminist approach in Criminological studies attempts to comprehend and explain the causation, identification and approaches to deal with criminal behaviour in females.

FEMINIST CRIMINOLOGY : ITS' EMERGENCE & ITS' SCOPE

The theories on criminality of women in its early stages was inadequate as it failed to discuss the economical, social and political aspects causing criminality in women instead it concentrated more on psychological aspects. The rate of crime committed by men has always exceeded in an extreme numerals than that of women involved crimes, and it also may be very important to note that the conviction rate were terrifically different as in every hundred males who were convicted for violent crimes only eighteen females were brought before light of law and were convicted ¹² ¹⁷.¹⁶ But, these circumstances have been evidently changed and there was alarming increase on the rates of women incarceration, The skyrocketing crime rates in recent decades compelled the researchers in considering the feminist approach on the field of study seriously. The study on feminist perspective in criminology attained its attention in the criminal

¹² UKEssays. November 2018. Feminist Critique of Classical Criminology. [online]. Available from: < <https://www.ukessays.com/essays/criminology/the-feminist-critique-of-classical-criminology-criminology-essay.php?vref=1> > (Accessed 5 January 2022).

¹³ Saket Sharma, “The Feminist School of Criminology” (April 22,2020), I Plead Intelligent Legal Solutions, available at < <https://blog.ipleaders.in/the-feminist-school-of-criminology-scope-and-emergence/> > (Accessed 4 January 2022)

¹⁴ Eichler, Margrit, ”*The double standard: a feminist critique of feminist social science*”(1979). New York: St. Martin's Press. ISBN 0-312-21823-0

¹⁵ Sally S Simpson, “*Feminist Theory, Crime and Justice*”, University of Maryland, Pp.609-617.

¹⁶ Iresearchnet.com, “*Criminal Justice: Feminist Criminology*” [online] available at < <http://criminal-justice.iresearchnet.com/criminology/feminist-criminology/> >, (Accessed 5 January 2022)

¹⁷ Cesare Lombroso, ” *Criminal woman, the prostitute, and the normal woman* “. (2004) Ferrero, Guglielmo, 1871-1942., Rafter, Nicole Hahn, 1939-, Gibson, Mary, 1950-. Durham: Duke University Press. ISBN 978-0-8223-8559-2. available at < <https://www.worldcat.org/title/criminal-woman-the-prostitute-and-the-normal-woman/oclc/652280246> >

justice system by 20th century and is being studied and is evolving since past 30 years¹⁶. There are numerous theories that point towards the US War On Drugs accompanied by the Second Wave of Feminism to be the primary factor for the emergence of an alarming number of female convicts and involvement of women in the field of Criminology or Criminal Justice System¹⁸ ¹⁹.

Feminist criminology being a heterogeneous and dynamic approach of study, it does not possess an idiosyncratic theory that is followed, though the common ideology is representation of women as that of men in the society and providing them with equal opportunities. It is focused on addressing a broad spectrum of issues that colligate with crime and women including women concerns of women prisoners and their needs with respect to the administration of their prison¹⁵. The Feminist School of Criminology encompasses in it the views, ideologies and approaches upheld by different feminist schools such as Liberal Feminists who centralized the notion of providing women with equivalent and commensurable roles and windows of opportunities; Marxist School of Feminism which correlates and establishes a link between class relations in laissez-faire economies and subjugation, exploitation and suppression of women; Socialist approach in feminism which moved its primary focus from mere patriarchy to completely comprehend its relation with power and political dominance of men and asserting this discrimination as a primary source of disparity and prejudice; And, Radical feminists who emerged in the second wave of feminism during 1960s in common are in odds with or is antagonistic with the idea of patriarchy, the arrival of Radical approach of feminism is said to have brought with it the necessity for study of feminist criminology as a distinct field of research¹⁵ ¹⁶.

THEORIES ON FEMINIST CRIMINOLOGY

Owing to the commitment of feminist approach in criminology towards feminism and its waves, the feminist criminology does apply feminist theories the most. But, it does not mean that the functions or ideologies of the studies in feminist criminology run solely on the basis of the theories borrowed from feminist theories. It requires a deeper insight on the feminist theories especially after the second wave of feminism to comprehend the complete essence of this field of study²⁰. Feminist theories, especially after the outburst of second wave of feminism displayed a gradual change in its notion of demands and it was distinctly visible that their prime focus has been drifted from mere right to question the patriarchy to understanding the pathways of power and its distinguishable perception on gender while commemorating the patriarchy in political space²¹.

INITIAL THEORIES ON FEMALE CRIMINALITY

¹⁸ Richie, B, “*Compelled to crime: The gendered entrapment of black battered women*”(1996). New York: Routledge.

¹⁹ Sharp, S. F. “*The incarcerated woman: Rehabilitative programming in women’s prisons*”(2003) . Upper Saddle River, NJ: Prentice Hall

²⁰ Gale Mason, Jullie Stubbs. “*Feminist Approaches to Criminological Research*” (2010), [Online] available at < <https://www.researchgate.net/publication/228134204> > Accessed on (6th January 2022)

²¹ Daly Kathleen, (January 2010), “*Feminist Perspectives in Criminology : A Review with GenY in mind*”, researchgate.net [online], Available at < https://www.researchgate.net/publication/49970318_Feminist_Perspectives_in_Criminology_A_Review_with_Gen_Y_in_Mind >, Accessed on (6th January 2022)

The initial theories derived on criminality of women centralized their focus on the psychological approaches, for instance the theories developed by sociologists criminologists and neurologists like Cesare Lombroso, William Issac Thomas and Sigmund Freud were criticized by the feminist criminologists for their approach towards criminality in women was considered a failure as it concentrated only on the moral and psychological aspects²². Cesare Lombroso was an Italian Positivist Criminologist who came up with an observation which was believed to be a pathway to differentiate normal women from a criminal women. He stated that a normal women to be more passive and nurturing and the abnormal ones who posses the most probability to become a criminal women are less feminine and act with a tint of masculine behaviour in their nature²³ 17. William Issac Thomas as an American sociologist was considered one of the most prominent figures of his time for introducing empirical research methodologies in sociological studies²⁴ ²⁵. He conducted his study in behaviour on women who were involved in the profession of prostitution and developed his theory which implies that these women get into the field of prostitution and engage in sexual relations in exchange of any consideration was with an intent to gain benefits by manipulating men who approached them²⁶. Sigmund Freud, one of the most renowned and celebrated neurologists who is thanked for his contribution to the clinical psychology by introducing psychoanalysis to the field of psychological sciences ²⁷. ²⁸Freud had his second edition of an article published in 1908, named “ On the Sexual Theories of Children” introduced the concept of “Penisenvy” as a behaviour developed in young women when they come to age and perceive their physical attributes, it is said that this apprehension of the truth that don’t posses a male genital make them try to counterbalance it by acting masculine or boyish. ²⁹This inferiority complex sowed in young women were likely to be turned into an abnormal behaviour which often changes its shape and color and acts as a criminal behaviour³⁰.

General Strain Theory

²² Margrit Eichler (1979). *”The double standard : a feminist critique of feminist social science”*. New York: St. Martin's Press. ISBN 0-312-21823-0.

²³ Renetto M E Sebbatini , (March 1997), “ Cesare Lombroso : A Breif History”,[online] available at < <https://cerebromente.org.br/n01/frenolog/lombroso.htm> >, accessed on (6th January 2022)

²⁴ NEW YORK TIMES, *”William Thomas, Sociologist, Dies. Former Member of University of Chicago Faculty Lectured Here and at Harvard”*. December 7, 1947.

²⁵ George Ritzer (2011). *”Sociological Theory”*. McGraw-Hill. pp. 199–200.

²⁶ THOMAS, WILLIAM ISAAC. (2013).The unadjusted girl : with cases and standpoint for behavior analysis.Charleston, SC : BiblioLife, Available at < https://www.worldcat.org/title/unadjusted-girl-with-cases-and-standpoint-for-behavior-analysis/oclc/828559131&referer=brief_results > ECHO LIBRARY. ISBN 978-1-4068-2244-1

²⁷ Juliet Mitchell, Juliet. 2000. *”Psychoanalysis and Feminism: A Radical Reassessment of Freudian Psychoanalysis”*. London: Penguin Books. p. 341.

²⁸ 1856-1939., Freud, Sigmund (1975) [1962]. *Three essays on the theory of sexuality*. Strachey, James. New York: Basic Books. ISBN 0465097081

²⁹ Klein, Dorie (1973). *”The Etiology of Female Crime: A Review of the Literature”*. Issues in Criminology. **8** (2): 3–30 – via JSTOR.

³⁰ Laplanche, Jean; Pontalis, J.B. (1973). *”The language of psycho-analysis”*. New York: W.W. Norton. p. 304. ISBN 0393011054. Available < <https://archive.org/details/languageofpsycho00lapl/page/304/mode/2up> >

³¹ ³²Prof. Robert Agnew as a preceding members of American Society of Criminology put forth the General Strain Theory in 1992 which brought into the play or in other words exposed the link between the development of criminality and strain or experiences undergone by the person in inciting the criminal behaviour in persons³³ ³⁴. He further elaborated on the criminality in men and women distinctively and to be derived from the divergent experiences that they face in the society. These incompatible studies and experiments were done on the topic and it was considered one of the most significant findings for the growth of criminology as a collective field³⁵.

THEORIES ON APPROACHES IN FEMINIST CRIMINOLOGY

The first few eminent theories of Criminology was introduced to this world by Canadian and British scholars such as Marie Andree Bertrand and Francis Mary Heidenshon through their criticisms on the mainstream theories on criminology for their failure in recognizing sociological and economical aspects of criminality in women³⁶ ³⁷.

The Emancipation theory introduced by Prof. Freda Alan was opined to a belief that as women enter into public spheres and engages more into the outside world, they are believed to be exposed to many opportunities. These opportunities are said to have created an impact in the behaviour of women which in some might result in the deviances of their natural behaviour. This theory imposed by Freda Alan also was evidently establishing a nexus between liberation movement at the time and the changes in female behaviour criminality³⁸. This 'Emancipation Theory' of Freda Alan was later on opposed by numerous feminist scholars such as the feminist sociologist Carol Christine Smart³⁹ and the feminist criminologist Meda Chesney Lind for it acted as a successful barricade and an argument as to why not to provide space in public spheres for women,⁴⁰ this theory in fact stirred the minds of many to outspread a fear on Women Liberation Movement⁴⁰. The addressing of influence made by social and economical aspects on female

³¹ Broidy, L. M. (2001). "A Test of General Strain Theory*". Criminology.

³² Paternoster, R.; Mazerolle, P. (1994). "General Strain Theory and Delinquency: A Replication and Extension". Journal of Research in Crime and Delinquency .

³³ Moon, Byongook; Hays, Kraig (Winter 2017). "General strain theory, key strains, and deviance" . Journal of Criminal Justice.

³⁴ Froggio, G (2007). "Strain and Juvenile Delinquency: A Critical Review of Agnew's General Strain Theory". Journal of Loss & Trauma.

³⁵ BROIDY, LISA; AGNEW, ROBERT (2016). "Gender and Crime: A General Strain Theory Perspective". Journal of Research in Crime and Delinquency. doi:10.1177/0022427897034003001

³⁶ "Chronicling the Shifts: Using the Body Lens to Analyze Policy for High Need Women Offenders". ResearchGate, available at <

https://www.researchgate.net/publication/265189122_Chronicling_the_Shifts_Using_the_Body_Lens_to_Analyze_Policy_for_High_Need_Women_Offenders >

³⁷ Heidensohn, Frances (1968). "The Deviance of Women: A Critique and an Enquiry". The British Journal of Sociology. ISSN 0007-1315 available at < <https://www.jstor.org/stable/588692> >

³⁸ Freda Adler "Sisters in Crime: The Rise of the New Female Criminal". International Journal of Offender Therapy and Comparative Criminology. doi:10.1177/0306624X7702100305. available at < <https://journals.sagepub.com/doi/10.1177/0306624X7702100305> >

³⁹ Smart, Carol (1976). "Women, crime, and criminology : a feminist critique". London: Routledge & K. Paul, ISBN 0-7100-8449-8 available < <https://www.worldcat.org/title/women-crime-and-criminology-a-feminist-critique/oclc/2686753> > .

⁴⁰ Chesney-Lind, Meda (2004). *The female offender : girls, women, and crime*. Pasko, Lisa. (2nd ed.). Thousand Oaks, CA: Sage Publications. Available at < <https://www.worldcat.org/title/female-offender-girls-women-and-crime/oclc/808344315> > ISBN 978-1-4522-6687-9.

criminality were often ignored by the non feminist researchers in the field but was later on addressed and recognized by the theories developed by the Marxist school in feminist criminological research²⁹.

41Clarice Feinman and Ngaire Naffine uplifted their theories on economical marginalization as a primary reason for female discernible deviancy in their psychology or behaviour which induces them to do a crime. 42They tried to explain that lack of professional opportunities for women in the society and limited educational and professional chances to be a reason for economical instability in women under which they are compelled to do crimes and eventually there are character deviancy that are built in them naturally as a survival or coping mechanism^{41 42}.

Standpoint Theory is similar to that of Albered Bandura's theory on Social Learning. The feminists of 1980s believed and adopted these theory and believed that a persons social construct or the experience a person undergoes in his or her life is what molds their character and attitude towards the world. Similarly, the feminists who adopted the Standpoint theory advocated that the criminal behaviour of women depended on the societal challenges she faced or the experiences the underwent in her life. Subsequently, in the research conducted over this very topic, the standpoint theory seemed to have been rightly analyzed the cause as most of the women under criminal justice system have had similar traumatic experiences in their lives such as domestic violence, poverty, sexual abuse, addiction, mental abuse, childhood trauma, abandonment or homelessness and etc. These undeniable similarities on the subjects of the study made it necessary for innumerable researches to be conducted to examine the durability of the link drawn from victimization to criminalization. Though there had been a few criticisms which were followed by this theory as it claims the criminal behaviour of women to be their coping mechanism to deal with or overcome the abuse that they had faced, this theory prevailed to be the most significant theories in feminist criminology and also nurtured the growth of feminist criminology through its evolutionary stages and distinguished it from the traditional theories of criminology.

⁴³ 44 40Meda Chesney Lind laid out to the world an undeniable relative link between childhood trauma undergone by a women due to the double standards followed in the patriarchal society of the time and growth of criminality or criminal behaviour in women. Her theory stated that these discriminatory standards followed in the society which responded more harshly or their stern and tough moral standards towards the women than that of men, for the same mistakes, induces or in a way forces criminal behaviour in women.⁴⁰ For instance, in her studies she claimed that most of the women who were exposed to or involved in criminal behaviors in a very young age are said to have begun with brutal treatments to their mistakes such as eloping or participating in sexual activities. These activities when done by young guys wouldn't have had as much impact as that of in the scenario where it was done by young girls.⁴³ These moral wrongs to women in a society with its patriarchal double standard deep rooted to their tradition and culture reacted in a dissimilar and discriminating ways and as per Meda Chesney Lind, these discriminatory behaviour of the society towards women have in fact forced women into engaging in more heinous crimes ⁴⁴ 40. She further moved on criticizing the system, methodology and theories of traditional and mainstream criminology for not being potent enough or in their inability to address or to recognize

⁴¹ Merry Morash (2006) "*Understanding Gender, Crime, and Justice*" Sage Publication

⁴² DR VIRENDER NAGI , DR MONICA NAGI, (OCTOBER 2017) , "*Theories of Female Criminality : A Socio Legal Analysis*" , Volume 6, Issue 10, ISSN No 2277 - 8179

⁴³ Chesney-Lind, M. (1986). "*Women and crime*": The female offender. *Signs*, 12,

⁴⁴ Chesney-Lind, M., & Shelden, R. G. (1992). "*Girls, delinquency and juvenile justice*". Belmont, CA: Wadsworth.

and identify the root cause of the criminality in women such as their traumas or abuses or economical factors that makes a women induce and embrace her criminal behaviour as a survival or self medicating mechanism to overcome their past experiences¹⁶.

⁴⁵James W Messerschmidt contributed to Feminist Criminology by developing and exhibiting his theory or observation which owes its origin to the Socialist School of Feminism. He in his socialistic theory in feminist criminology was successful in deriving into a conclusion by establishing a link between capitalistic structure in the society, class struggles and its effect in development of criminality in both men and women distinctively. His theory prioritizes the class differences in the society to cause the males from lowest classes to commit serious crimes for survival and further adding on to it is the responsibility inflicted on men by the society with its patriarchal framework makes it undoubtedly unavoidable for such crimes to occur. He also discussed that women under pressure in such societies are involved in less heinous crimes which are mostly civil in nature. He further elaborated on the situation undergone by women in third world countries and thereby addressed the economical aspects that are capable enough in moulding the criminality of the individuals. He in his theory centralized his focus in addressing women who are involved in crimes as a victim of the same⁴⁵ 16.

THEORIES ON FEMININE CRIMINALITY⁴²

There are numerous factors which determined the criminality in women, these factors can be divided into four categories such as;

1. Societal factors that impacts on criminality in female
2. Factors of Cultural or Religious impact on criminality in females
3. Psychological and Biological Factors impacting criminality in females
4. Impact of Economical Factors and Class relations in female criminality

Societal (Socio-Economic Factors)

⁴⁶Prof. Freda Adler stuck on to his belief that there is an established relationship betwixt the developing female criminality and Socio - Economic concerns in the Criminal Justice System. His theories even though was not meant to be but acted as a critique of the growing participation in Women's Liberation Movement and the rise of New Feminism. He believed that when the participation of women reaches all the spheres of the society as men, then there shall be women participation in the sphere of crime as well. He delivered a theory stating that when women attains the equal status of men in the society as predicted or demanded by the feminist movements, that shall cause women expressing their interests and involvement in the fields of society, economy and politics and therefore he claimed that they shall also involve equally or more than just equally in expressing of their criminal attributes ³⁸ .

Psychological factors that impact female criminality:

⁴⁶The theories of female criminality induced upon psychological aspects is indeed a vast topic to deal with but to make it concise and simpler to understand William Adriaan Bogner proposed an observation stating that more women escalated themselves into criminal justice system by participating or practicing crimes in smaller rate due to the economical crisis followed by the impact of Second World War. He

⁴⁵ Messerschmidt, J. W. (1986).” *Capitalism, patriarchy and crime: Toward a socialist feminist criminology*”. Totowa, NJ: Rowman & Littlefield.

further stated that the women are built in with the ability to take in strong feelings and emotions and are stronger than the meant in psychological aspects and which is why there is a substantial evidences that ratify the fact that women commit fewer crimes than men in the similar situations. Further to expatiate, Burt has his arguments centralized on the opinion that women in general by nature embraces certain qualities in them such as empathy, frailness, fearfulness, sympathy, vulnerabilities and etc. These qualities which are inbuilt in women often keeps them in control and prevents them from engaging in heinous crimes. Whereas, William Healy and many others had explicitly declared their opinion on women criminality in an entirely diametrical way. There are research works and studies stating that the women to be considered as much more remorseless and displeasing than men are in general. These silent crudeness in women which is believed to likely make them prone to encounter psychological issues associated with controlling or dominating their urges or desperation and this makes a woman questionable and shady than men are in criminality⁴⁶.

Biological Factors of women which might effect the criminality

⁴⁷ Cesare Lombroso in his theories tries to explain characteristics of women to be more passive, conservative and neutral as the moral orders and roles assigned to them are by the society, therefore are generally expected to be involved in crimes in a much lower rate than that of men. But, when a women usually defends these characteristics of her nature that is believed to be due to some physical or biological in-capabilities that happened to her. The development of a criminal behaviour or involvement of women in criminal acts is considered as a product of her inconsistent thinking that may have been caused by her biological or psychological incapability⁴⁷.

Economical Factors

One of the other most significant theory on this topic was put forth by Guttentag and Secord where they attempted to draw a link between the population of women societies where they belong to and the rise in criminality accordingly. Women has always been prioritized to perform their respective societal and moral functions entrusted to them by the society such as wives, mothers, and etc. They concluded that the position of women in the society where their population is less, the women are protected by the performance of these gender roles but In the society where the population of women is more then the opportunities that are available for women in educational, professional and societal were limited and low which could probably cause women associating with the criminal activities⁴⁸.

Cultural Factors that could impact on female criminality:

⁴⁹ Albert K Cohen brought into the world a theory which creates a linkage between Cultural factors and criminality of women. The fact that females involving in or committing less crimes than men was considered to be due to the cultural differences even though belonging to the same regional locality. Despite the boarders of geographical regions men and women experiences distinct type of cultural impacts

⁴⁶ Flowers, R.B.,(1987) "*Woman and Criminality*" The Woman as Victim, Offender and Practitioner, Greenwood Press, America

⁴⁷ Lombroso Cesare, (1895), "*The female offender New York*" D. Appleton company

⁴⁸ Williams, Mc Shane, (2004) "*Criminological Theory* , Pearson/Prentice Hall"

⁴⁹ Albert Bandura,(1977) ,"*Social Learning Theory Prentice Prentice Hall*", University Of Michigan

on themselves. The men and women, even though, belongs to the same region or place experiences underwent by women and men are different. Therefore, the experiences faced as a result to the societal responses on criminal behaviour by men and women were distinct in nature and so was their understanding over the same. The mistakes caused by women were not that tolerable by the society when compared to that of a man. Sometimes the reactions to the identical mistakes or faults committed by men and women had distinct reactions by the society. Even the limited opportunities which were offered to or available for women were more passive and repressive in nature when compared to that of men in the same society, these opportunities which are expected to be granted to or injected into a person was by their own family, society and their social institutions surrounding them. These experiences that are created by women persuades them to develop their very distinct subcultures which in their future would be the factor that determines their criminality⁵⁰.

METHODOLOGY

⁵¹ 16Feminist Criminology comprises in it numerous thoughts and theories of research and so are the methodologies followed in it. Feminist criminology studies women in the Criminal Justice System by using both quantitative and qualitative methods and differentiating the women upon their involvement with the Criminal Justice System such as women involved in criminal activities and as offenders, women who were victimized during a crime and women whose profession is associated with the criminal justice system such as scholars or professionals.

Quantitative Method

The Quantitative method of researches is said to be relied upon the collection of large scale data by conducting surveys and examining the same to derive the common experiences faced by women, the causation for their offenses and responses to their offenses by the society followed after the crimes being committed by women.

Qualitative Method

The qualitative method of criminological studies centralize their focuses on standards of studies conducted in depth. In this method the feminists believe to rely on theories or observation which are product of deep researches and interviews on past relations, complexity of link between victimization and criminalization of women by using the reliable sources or statistical data. available in the time⁵¹.

INTERSECTIONALITY IN CRIMES

The early studies in feminist criminology tried to address the issues of women by generalizing all the women interest , assuming it to be the same. It considered all the women and the issues faces by them to be same and were treated as women. That demerit of early feminist theories in criminology was continuously criticized because every women and their experiences were different depending on

⁵⁰ Albert Bandura,(1977) ,”*Social Learning Theory Prentice Prentice Hall*”, University Of Michigan

⁵¹ Owen, B. (1998). “*In the mix: Struggle and survival in a woman’s prison*”. Albany: State University of New York Press.

innumerable factors that effects them in the society they belong to. This criticism led to the origin of a new theory and method that was studied by accepting the differences in women and their experiences such as class,color,creed,race,gender identity and etc. The concept of In was adopted into the criminological studies and research and made the feminist criminology more inclusive in nature, For example, it studies the differences betwixt the experience faced by a female who is white in the society and an African American women or a lesbian women in the same scenario with respect to response in a similar crime⁵². 8As defined by Kimberly Crenshaw ,the context of the term intersectionality has grown to a different understanding than just differences in women experiences and is now explaining the representation of women in social and political structures and have also started addressing the violence and stigma against women of color and difficulties faced by minority gender in general.

METHODOLOGICAL FACTOR ASSOCIATED WITH INTERSECTIONALITY

⁵³The concept of intersectionality in criminological studies was considered a unmediated or mediated product of stringent and profound studies in victimology of females under the criminal justice system. The qualitative method of research was prescribed to comprehend the complete crux of the intersectionality of crime by Burgess Proctor. Whereas , Daly produces a another debate in “forthcoming,1994” that intersectionality is a complicated topic as the limits of it is unpredictable when considering social experiences and identities are taken into account^{8 10 21}.

GLOBAL PERSPECTIVE OF FEMINIST CRIMINOLOGY

¹⁶The focus on women in the field of criminal justice system is an evolving piece of research around the world and it acts as a necessity in the third world countries. The the topic deals with issues with global concern but it is more important and most of the studies are focused on issues related to women and countries such as India and Muslim countries in general as there is brutal violence against women such as female circumcision or mutilation of female genitals and female infanticide are still prevalent and are deeply rooted with their customs. The global focus is also given to the sex trafficking and global sex industry where exploitation of women a young girls are skyrocketing each day. The existence of defaulting statutes and legislative policies against persons where women are victimized for violation of socially fixed moral and gender rules or norms, for example criminal legislation against women for their following their gender or sexual identities such as laws against same sex marriages or homosexuality and a societal norm of viewing a rape victim as an offender or a person who invited a crime is still a thing in many third world countries and even in a lot of Muslim countries. In recent days there is a huge aversion or backlash to the term feminism not only in third world nations but also in many industrialized states and this also

⁵² Potter, H. (2006). “*An argument for black feminist criminology: African American women’s experience with intimate partner abuse using an integrated approach*”. Feminist Criminology.

⁵³ Burgess-Proctor, A. (2006). “*Intersections of race, class, gender, and crime: Future directions for feminist criminology*”.

stigmatized the efforts of feminists in improving the status of girls and women and it could be considered as a beginning of another wave of feminism as well⁵⁴.

CONCLUSION

The feminist criminology today as an academia is said to be still growing and is marginalised in the broader studies of criminology. The scholarships provided in the feminist criminology is very limited when compared to the other aspects of the study till date. The sources available for the studies on the topic is limited as well. Therefore the upcoming or fresh criminologists in the field receive very little teaching or mentoring in the academics of the subject and this causes self research in this field of study⁵⁵. Irrespective of this fact of availability of only limited studies on the topic the Division on Women and Crime in the American Society of Criminology which started its functioning in the mid 80s with very few member have been contributing their vital works in creating scholars in the field of feminist criminology and now renders its fundamental functions as the largest division in the same. Further there are also numerous publishers and publishing houses which are centralizing their focus on this matter of study and there are emergence of several scholars in the field as well.

⁵⁴ Maidment, M. (2006). “*Transgressing boundaries: Feminist perspectives in criminology*. In W. S. DeKeseredy & B. Perry (Eds.), *Advancing critical criminology: Theory and application*” . Lanham, MD: Lexington Books.

⁵⁵ Renzetti, C. M. (1993).” *On the margins of the malestream (or, they still don’t get it, do they?): Feminist analyses in criminal justice education*”. *Journal of Criminal Justice Education*