

Critical Analysis of the Feminist School of Criminology

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ABSTRACT

The feminist school of criminology is a branch of criminology that aims to explain women's criminal behavior. This is a field that focuses on the biases that exist in women's issues as they relate to criminality. In order to understand the causes, patterns, and outcomes of female criminality, feminist criminology focuses on women offenders, women victims, and women in the criminal justice system. This paper aims to provide a comprehensive understanding on the feminist school of criminology and its various domains which are rarely discussed in public and are seen by the common man like the need for a female perspective in criminology while critically analyzing the available and accessible literature based on the same.

Key Words: Feminism, Criminology, Feminist perspective, Justice system, Feminist criminology

INTRODUCTION

Nurturers are always associated with women. Women take care of the home, their husbands and children, they are homemakers and more passive; the idea that women could conduct a violent crime was beyond our conventional criminologists' imaginations, and the field of criminology historically omitted women from its research. Criminology is the study of crime and criminal justice; however, the feminist school of criminology believes that the basic theory of criminality is centered on the male subject, supported by the male subject, and focused on male victimhood. Criminology has always been a male-dominated science with male criminals as the principal subjects. The feminist school of criminology is a branch of criminology that aims to explain women's criminal behavior. This is a field that focuses on the biases that exist in women's issues as they relate to criminality. According to research, women do not commit crime in the same way that men do, nor do they conduct violent crime in the same way that males do.

It's critical to comprehend the gender distinctions in delinquency. Because it decreases or prevents criminal conduct in society, it is beneficial. We must determine which technique will assist us in achieving our objectives. We will be able to better dissect difficulties, locate a solution connected to the problem, and eventually implement the correct ones if we are aware about the facts.

Feminist criminological viewpoints have had a significant impact on public perceptions of women as both offenders and victims of crime. Methods, discipline, philosophy, and policy are all explored in depth in the relationship between feminism and criminology. Today's feminist criminology is concerned about women's exploitation. Different challenges in the law and criminal equity framework, such as female wrongdoing, prostitution, and sexual orientation imbalance, are also being considered. Women's rights advocates seek to eliminate all forms of sexual orientation inequality. The goal is to provide for an "equal" system to be in place for both men and women and not assuming a place of supremacy of one gender over the other.

RESEARCH METHODOLOGY

A research issue is a statement about a problem that needs to be solved, a condition that needs to be improved, a problem that needs to be solved, or a perplexing question that exists in scholarly literature, theory, or practice and indicates the need for deeper understanding and deliberate investigation.

This paper will try to deal and understand the following two issues that still prevail when we talk about the feminist school of criminology. The issues are:-

- i. Need for a female perspective in criminology.
- ii. Global perspective on the feminist school of criminology.

The research is primarily qualitative/doctrinal in its nature and is based on secondary sources (available literature). From published and accessible books, journals, and other sources, the most relevant information on female criminality have been reviewed. Additionally, data and information were gathered from secondary sources such as journal articles, research reports, books, newspapers, and periodical publications which were accessible. In addition, the contents were descriptively assessed, to define the nature of female criminality and provide a detailed analysis about the feminist school of criminology.

FEMINIST CRIMINOLOGY: HISTORICAL DEVELOPMENT OF THE CONCEPT

Feminist criminology first appeared in the late 1960s and early 1970s. The second wave of feminism, which helped to project issues affecting women in relation to crime into the public sphere, is credited with the creation of feminist criminology.

The scientific study of the causes, corrections, and prevention of crime and those who commit it is known as criminology. Despite the fact that this subject of study dates back to the late 1800s, the feminist school of criminology did not exist until the late 1960s and 1970s. Feminist criminologists aimed to comprehend women offenders, women victims, and women working in the criminal justice system as a response to conventional criminology's focus on male offenders and victims at the time.

i. Theoretical traditions (Early theories on feminism)

Feminist criminology contains many branches. Liberal, radical, Marxist, and socialist feminism are widely recognized, although other "strands" exist such as postmodernism and ecofeminism. Most feminist criminology involves critiques about how women offenders have been ignored, distorted, or stereotyped within traditional criminology, but there is no shortage of separate theories and modifications of existing theories. Almost all women criminologists or criminologists of women who examine gender and crime have addressed the "gender ratio" problem (why women are less likely, and men more likely, to commit crime). Others study the generalizability problem (whether traditional male theories can be modified to explain female offending). Most feminists are quick to point out where stereotypical thinking and theoretical dead ends exist, although the main problem complained about in most criminology is the simple fact that gender matters and should not be ignored.

¹**Liberal feminism** given by Mary Wollstonecraft (1759-1797) operates within the existing social structures to draw attention to women's issues, promote women's rights, increase women's opportunities, and transform women's roles in society.

²**Radical feminism** as radical feminist Ti-Grace Atkinson wrote in her foundational piece "Radical Feminism" (1969) looks at how women came to occupy subservient roles in the first place, what male power consists of, and how societies themselves can be transformed.

³ **Marxist feminism** Charlotte Perkins Gilman (1860–1935) was one of the precursors of Marxist feminism in the first-wave feminist movement, it ties patriarchy or male privilege into the economic structure of capitalism, as when female offenders are sentenced for property or sexual crimes (by threatening male dominance of property relationships or male control of women's bodies).

⁴**Socialist feminism** In 1972, "Socialist Feminism: A Strategy for the Women's Movement", which is believed to be the first publication to use the term socialist feminism, was published by the Hyde Park Chapter of the Chicago Women's Liberation Union (Heather Booth, Day Creamer, Susan Davis, Deb Dobbin, Robin Kaufman, and Tobey Klass) offers ideas about more equitable roles for women as sex providers, child bearers, nursemaids, and homemakers, so that they can take their rightful place in society.

¹ <https://plato.stanford.edu/entries/feminism-liberal/>

² <https://www.thoughtco.com/what-is-radical-feminism-3528997>

³ https://scholarworks.smith.edu/cgi/viewcontent.cgi?article=1014&context=swg_facpubs

⁴ https://scholarworks.smith.edu/cgi/viewcontent.cgi?article=1014&context=swg_facpubs

⁵**Postmodern feminism** defined by Toril Moi, an academic with interest in feminist theories defined it in her book sexual/textual politics substitutes language production for economic production and studies how discourse and male-dominated thinking is used to set women apart. Feminist thought is not a homogenous thing or a congruent theory. It rather incorporates a wide range of ideologies and feminist thinking.

ii. Theories on female criminality:-.

Masculinization Theory

Criminalities of women are mainly depended on the masculinity behavior of female. The empowered women are involved in more serious violent crime than non-empowered women due to the masculinity.

Opportunity Theory

The involvement of criminal activities is increased when women have different opportunities. Increasing opportunities of women reduced the rates of violent female offending, but increased the rates of property crimes.

Marginalization Theory

Marginality (low salary; inadequate job; lower class position; family victimization) of a woman penetrates criminality in contemporary societies. Victimization of women instigates themselves to commit crime.

Chivalry Or Paternalism Theory

Lower rates of female criminality exist because of the more lenient treatment of female offenders by criminal justice personnel. Men commits certain crime with the instigation of women.

iii. Male point of view on female criminality

Masculine reasoning is more linear, rational, fast, certain, objective, and hierarchical than feminine theorizing. Feminine theorizing is more intuitive, cyclical, iterative, and uncertain than male theorizing. As a result, there aren't many major ideas or statistical studies in feminist criminology. Existing criminological theory evaluation and assessment methodologies may not apply to feminist criminology. Nonetheless, some interesting lines of thinking in the criminology of female offenders have emerged, as follows:

Basic stereotypical theories:-

Sigmund Freud

The great neurologist and founder of psychotherapy, Sigmund Freud, believed the idea that all women experience penis envy and suffer an inferiority complex over it, which they try to compensate for by being exhibitionistic and narcissistic. Freud thought that women were also basically irrational in that they weren't concerned with being builders of civilization, but with scanty, trivial matters. Freud thought, for example, that women don't have much of a sense of justice. Female crime was interpreted as longing for a penis. This is obviously a characterization of female criminals that feminists reject.

Cesare Lombroso

In 1903 published *The Female Offender* which characterized short, dark-haired women with moles and masculine features as good candidates for becoming criminals. He thought criminal women were stronger than men that they could handle pain better, and that prison would hardly affect them at all. This is also a characterization of the female offender that feminists reject.

W.I. Thomas

In 1923 published *The Unadjusted Girl* which claimed that women committed crime out of wishes for excitement and new experiences. Women were seen as feeling confined under monogamy, and having a lot of pent-up sexual energy which was released in criminal acts. This notion is rejected by feminists.

Otto Pollak

In 1950 published *The Criminality of Women* which characterized female offenders as sneaky, deceitful, vengeful, and unemotional. He claimed, for example, that they prefer professions like maids, nurses, teachers, and homemakers so they can engage in undetectable crime. He thought they were especially subject to certain mental diseases like kleptomania and nymphomania. This notion is also rejected by feminists.

⁵ http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/S000032SW/P001714/M021048/ET/150046455811-PostmodernFeminism-Text.pdf

iv. Impact on feminist criminology

Feminist writing has enhanced the discipline of Feminist Criminology in 4 main ways. These are:

Neglecting female offenders- The previous criminology's have neglected the fact that offenders can be both male and female. There has been an assumption that whenever we are talking about 'offenders', they'll be males. Also, the discussion on female offenders laid enriched individual or biological abnormality. They were explained in terms of biological factors.

Bringing attention to the treatment of females within the criminal justice system of the country is another significant impact of feminist writing. It has helped in changing the old and vague assumption of "common sense", by challenging the historical concept of female benefiting from chivalry within the male-dominated society and thus having more lenient sentences.

Due to the advent of feminist ideology, the much-neglected areas of legal study have started to gain attention. For instance, crimes like domestic violence and female sexual abuse, which are faced by women, sometimes even at their 'supposedly' safe home. Female writing has helped in protecting girls and women against male violence and has raised questions about how the victims or the survivors can be supported.

Last, but not the least, the focus has been made to the highly gendered nature of the criminal activities, and thus, raising the questions like 'why is it the females who commit only a few offences, and male offences are so many?' There is a femininity which has been associated with these relatively low rates of crime, and the males being predicted as the most likely offender.

FEMINIST SCHOOL IN THE 21ST CENTURY

Increasing across the board acknowledgement of feminist criminological, the grant has been an overwhelming undertaking. Given the way that the field of criminology has been overwhelmed by researchers, who are more married to standard speculations and research, approaches testing the standard point of view have met with despire or basically with lack of engagement. This has prompted significant trouble getting feminist grant distributed and also minimization of the work that has been distributed. For sure, there was not even a session on ladies and wrongdoing at the yearly American Criminology Society gatherings, until 1975.

Production in criminology diaries has additionally been troublesome, and much feminist grant was consigned to littler, and not extremely renowned, criminology diaries. In 1989, the diary Women and Criminal Justice was propelled, particularly committed to the production of insightful research on all parts of ladies' and young ladies' association in the criminal equity framework.

At that point, in 1995, Violence against Women was propelled to distribute peer-checked on the grant on sex-based viciousness and female casualties. Since the mid-1990s, an extensive variety of books about ladies, wrongdoing, and criminal equity have been distributed. In 2006, Sage Publications presented the principal issue of Feminist Criminology, the official production of the Division on Women and Crime of the American Society of Criminology.

This diary has taken a wide concentrate on the feminist grant, distributing peer-inspected articles on feminist criminological hypotheses, female culpable, exploitation of ladies, and the treatment of ladies and young ladies in the equity frameworks. In spite of the fact that advance in the production of the feminist grant has been made, it remains minimized to some degree in the general train. Not exclusively do standard diaries distribute, just restricted feminist grants, yet in addition course readings give inadequate thoughtfulness regarding feminist criminological hypothesis.

In this way, new ages of criminologists are instructed but then given close to nothing, if any data about feminist criminology. This is reflected in their examination and in addition in their educating and coaching of new researchers. The cycle along these lines stays self-sustaining, with new criminologists accepting inadequate training on feminist criminology.

FEMALE PERSPECTIVE IN CRIMINOLOGY: NEED IN THE CONTEMPORARY TIMES

Need for a female perspective in criminology

In the past, there have been claims that there is no such thing as feminist perspectives within criminology, or accusations of bias, one-sidedness, over involvement and the like. Just as criminology encompasses disparate and

sometimes conflicting perspectives, however, we can similarly identify a wide range of stances, theories and practices encompassed within feminism: liberal, radical, socialist, Marxist and so on without these differences indicating inchoate thinking. Moreover, we can avoid internecine debates about the different contributions and whether or not particular writers are feminist by acknowledging the broad fact of feminists' normative commitment to revealing, and attempting to negate, the subordination of women by men, not least because this fits in with new awareness of the need to adopt anti-discriminatory practices within criminal justice.

Women have been mostly disregarded by criminology in all of its forms. Men and men's discourse have dominated the formation, production, and transmission of criminological knowledge. As one writer put it: "An excursion through the twentieth century's developments in criminology is a journey through communities inhabited only by men, passing street corners and sea fronts occupied exclusively by male youth and into soccer stadia, youth clubs and rock venues where women and their experience fail to register even a passing comment from the researchers. When women are noted they are viewed through the eyes, comments and reflections of men or male youth."

Of course, women are not the only ones who are overlooked, but this is hardly a sufficient answer. Women's exclusion, like that of others, raises serious concerns regarding the validity of analyses. Second, criminologists have frequently portrayed women in stereotypical ways, as though women who commit crimes are abnormal; in other words, they have frequently been depicted in terms of their purported biological and psychological character.

There is far more research on women now than there was previously, much of it inspired by feminists working in criminology. Simply gathering data, on the other hand, misses the goal. If the fundamental frames of criminology remain substantially in place, women cannot simply be added to analyses. Rather, it is required to deconstruct and reconstruct criminological frames of reference. As a result, the basis of the current feminist project has been to pay special attention to women, crime, and criminal justice, as well as to destroy or fracture the boundaries of existing knowledge and established approaches in general.

Feminists working in criminology have made a wide range of contributions and accomplishments. Simply put, feminist writers have revealed criminology as a men's criminology over time. Male participants were used to establish crime theories, which were then tested on male subjects. While there is nothing wrong with this in and of itself, the issue is that these theories have been applied to all criminals. The hypotheses were simply presumed to apply to females.

Feminist scholarship has revealed institutionalized sexism within criminological theory, policy, and practice, as well as generated a critique of collected wisdom about female offenders and victims.

Now is the moment for feminist criminologists to conduct more study on women, but not simply by collecting surveys and other data, but rather by analyzing the frameworks of feminist criminology outside of the solidarity zone.

As a result, we must deconstruct and reconstruct existing frameworks in criminology, with a focus on the ubiquitous female enterprise.

Global perspective on the feminist school of criminology

It is to be accepted that the emergence of feminist criminology placed gender at the core of criminological thought and research, rather than on the periphery. Nonetheless, most of feminist criminology's default assumptions tended to reflect those of the profession, reproducing conceptions rooted in Northern thinking. Based on the experiences of the English-speaking countries in the global North, Southern theory encourages us to reflect on those assumptions while also encouraging a rethinking of basic notions. In what follows, we reflect on some of feminist criminology's key metropolitan assumptions that need to be updated.

Like much of criminology, feminist criminology has tended to confine its critical gaze mainly to domestic issues of criminal justice, at least until recently. There were good reasons for this given that feminist scholars directed much needed attention to the invisibilization of women as victims and their mistreatment within masculinist justice systems.

Criminal justice issues were framed as local rather than global challenges. While there's nothing wrong with a home focus, developing feminist theory based on the experiences of primarily white women from the global North's wealthier countries and then applying it to other parts of the world is problematic. It is time to 'globalize feminist criminology' to examine global inequities between continents and countries and to examine 'gendered experiences of colonization'.

Feminist criminology needs an international gaze attentive to the coloniality of gender and how this dynamic has historically shaped patterns of gendered violence. While feminist criminology has come a long way with the injection of intersectionality, it still needs to cast its gaze outside the boundaries of the nation-state and 'to widen its research agendas to include the distinctively different gendered patterns of crime and violence that occur across the globe'.

CONCLUSION

Feminist Criminology has been dramatically developing and going through some changes. However, It can be observed and concluded that although there have been publications made on feminist scholarship, however, the same remains marginalized in many aspects. When stereotypes about women play out in the judgments and actual life which varies from basic household work to major criminal activity, it harms both the sexes equally. It reinforces the idea that male-violence is normal, and stereotypes men as being the *perpetrators* while maintaining the idea that women are passive *victims* of their circumstances, or just of their 'disturbed' minds even while committing crimes.

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