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# **AN INSIGHTS INTO FEMINIST CRIMINOLOGY: A LEGAL OBSERVATION THROUGH A PSYCHOLOGICAL LENS**

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## **ABSTRACT**

The term criminology refers to the scientific study exhibiting various causes, cogent reformation, and prevention of crime committed by the criminals. Thus it is a science which focuses on the crime and the criminals. The term feminist on the other hand refers to a concept or a belief exhibiting equal rights, set opportunities and equity as compared to men, in general. This Article is an attempt to outline the origin, concept and psychoanalysis of feminist criminology and to understand different theories which support the age-old concept.

Feminist criminology is a theoretical perspective that emerged in the 1970s and is based on the idea that gender is a fundamental factor in understanding crime and justice. Feminist criminologists argues that traditional criminology has ignored or marginalized the experiences of women and that a gendered perspective is necessary to analyse and realize the root-causes of crime. It is one of the most essential branches of criminology which tends to emphasize on the ways in which gender shapes crime, victimization, and the criminal justice system. It tends to ignore or minimize the experiences of women and their unique contributions to the field. Thus, in this legal observation, we will attempt to explore the basics of feminist criminology from a psychological frame of reference. This branch further recognizes that gender is a social construct that shapes the way individuals experience and engages with the criminal justice system, as in the women who commit crimes are often viewed as violating gender norms, such as those related to femininity and motherhood, and are therefore subject to harsher punishment and stigmatization. Similarly, women who are victims of crime are often blamed for their victimization, with the focus being placed on their behaviour and dress rather than the actions of the perpetrator. The present article is an attempt to focus upon the key indicators felicitating the age-old concept of feminist criminology whereby highlighting the concept with psychology and ancient to primordial theories. Further the article lays emphasis upon

Feminist Epistemology, post positivism, violence and victimization where by including the general & overall statistics

**Keywords:** Feminist, Criminology, Jurisprudence, Psychology, Feminist Epistemology

## **1. Introduction**

Feminist criminology is a branch of criminology that examines the experiences and perspectives of women and girls within the criminal justice system. It emerged in the 1970s as a response to the male-dominated field of criminology and the recognition that women's experiences of crime and victimization were often different from men's.

Feminist criminologists argue that traditional criminology has ignored or downplayed the experiences of women and has often perpetuated gender biases and stereotypes. They believe that understanding and addressing gender inequality is essential to reducing crime and creating a fairer and more just criminal justice system.

Feminist criminologists have identified several key areas of focus, including the gendered nature of crime and victimization, the role of gender in criminal justice decision-making, and the experiences of women working in the criminal justice system. They have also challenged traditional notions of masculinity and femininity and explored the intersections of gender with other forms of social inequality, such as race, class, and sexuality. Overall, feminist criminology seeks to create a more inclusive and comprehensive understanding of crime and justice that takes into account the experiences of all individuals, regardless of their gender.

Feminist challenges in the context of caste and race involve addressing the ways in which caste and race intersect with gender to create unique forms of discrimination and oppression. Thus, feminism and caste are interconnected in India, where caste discrimination and patriarchy are deeply entrenched in society.

One of the main challenges for feminists working in the caste and race context is to challenge the dominant narratives that perpetuate caste and race-based discrimination and gender inequality. This involves deconstructing the cultural and social norms that underlie such discrimination, as well as acknowledging the ways in which these norms intersect to create unique forms of oppression for women and marginalized communities.

Feminists also face the challenge of creating inclusive movements that recognize the experiences and perspectives of women from different castes and races. This means that feminists must work to create intersectional approaches that account for the ways in which different forms of oppression intersect and interact with each other.

Another challenge is to address the unique forms of violence and exploitation experienced by women from marginalized castes and races. This includes addressing issues such as sexual violence, forced labour, and economic exploitation, which are often perpetuated against women from these communities. In addition to these challenges, feminists working in the context of caste and race also face the challenge of creating meaningful alliances with other social justice movements. This requires building bridges between feminist movements and other social justice movements, such as those focused on caste, race, or other forms of oppression, in order to create a more inclusive and equitable society for all.

Further, it has identified a number of areas where gender plays a significant role in criminal justice. For example, women are often treated more leniently than men in the criminal justice system, but they are also more likely to be victims of violence and abuse. Additionally, feminist criminologists have explored the ways in which social and economic inequality, as well as patriarchal attitudes and values, contribute to criminal behaviour and the victimization of women. Feminist criminologists have also sought to develop alternative approaches to criminal justice that are more responsive to the needs and experiences of women. *In toto*, this branch has played an eminent role in carving out the methods by way of which the gender shapes criminal justice system and in further advocating for a just and equitable system. This branch further recognizes the role of intersectionalism in order to shape individual's experiences related to crime and victimization. Moreover, the concept of intersectionality in itself is sufficient to give reference to the way in which multifarious social identities, like race, class, ethnicity, and sexuality, penetrate deep down into the societal norms to shape an individual's experiences related to oppression and privilege. For reference, a woman of lighter or darker colour who is victimized may face *pele* and incomparable provocations in accessing the justice system because of systemic racism and discrimination.

From a psychological perspective, feminist criminology highlights the importance of understanding the social and cultural context in which crime and victimization occur. It recognizes that individuals do not exist in a vacuum, but are shaped by their social and cultural

surroundings. Therefore, to understand crime and victimization, we must look beyond individual pathology and examine the broader social and cultural factors that contribute to these phenomena. Feminist criminology also emphasizes the importance of recognizing and challenging gender-based violence and oppression. This includes not only physical violence, but also structural violence, such as the systemic exclusion of women and marginalized groups from positions of power and influence. Feminist criminology advocates for a more inclusive and equitable criminal justice system that recognizes and addresses the unique needs and experiences of all individuals, regardless of their gender or other social identities.

## **2. Feminist Criminology & Psychology**

The psychosocial aspect of feminist criminology focuses on the ways in which gender-based violence and victimization affect the psychological and emotional well-being of women. This approach acknowledges that women's experiences of crime and victimization can have longterm psychological and emotional effects that can impact their overall quality of life.

Feminist criminologists have highlighted the ways in which gender-based violence can lead to trauma, anxiety, depression, and other mental health issues. They have also identified the ways in which these experiences can lead to a lack of trust in institutions and systems designed to protect and support victims, such as the criminal justice system.

This approach recognizes that gender-based violence is not just a criminal justice issue but also a public health issue that requires a multidisciplinary approach to address. This includes addressing the psychological and emotional effects of gender-based violence on women, as well as providing them with the necessary support and resources to heal and recover. Feminist criminologists have also examined the ways in which gender and mental health intersect in the criminal justice system. For example, women who have experienced genderbased violence may be more likely to be criminalized for behaviours related to their trauma, such as drug use or prostitution. This highlights the need for a more nuanced approach to addressing the needs of women who have experienced gender-based violence within the criminal justice system.

Overall, the psychosocial aspect of feminist criminology emphasizes the importance of understanding the psychological and emotional effects of gender-based violence and victimization on women, and the need to provide them with the necessary support and resources to heal and recover.

The psychosocial aspect of feminist criminology explores the psychological and social factors that contribute to women's experiences of crime and victimization. Feminist criminologists argue that traditional criminology has neglected the psychological and social dimensions of women's experiences, instead focusing primarily on structural and legal factors. One key aspect of the psychosocial dimension of feminist criminology is the examination of women's experiences of trauma and victimization. Therefore, women's experiences of violence, abuse, and trauma have significant psychological and social effects, such as depression, anxiety, posttraumatic stress disorder (PTSD), and social isolation. These experiences may also contribute to women's involvement in criminal activities, such as substance abuse, as a coping mechanism. Another aspect of the psychosocial dimension of feminist criminology is the examination of women's experiences of gender socialization and the impact this has on their involvement in criminal activities. Feminist criminologists argue that gender socialization can lead to the development of gendered roles and expectations that may encourage or discourage women's involvement in criminal activities. For example, traditional gender roles that emphasize women's domestic responsibilities and emotional labour may limit their opportunities to engage in criminal activities.

Feminist criminologists also explore the impact of societal and cultural norms on women's experiences of crime and victimization. They argue that social and cultural norms that perpetuate gender inequality and stereotypes may contribute to women's victimization and their exclusion from the criminal justice system.

Overall, the psychosocial aspect of feminist criminology seeks to understand the complex interplay between psychological and social factors that contribute to women's experiences of crime and victimization, and to develop interventions that address these factors in order to reduce women's involvement in criminal activities and to promote their safety and well-being.

### **3. Theories of Feminist Criminology**

Feminist criminology is a branch of criminology that focuses on the experiences of women and their involvement in crime. It explores how gender, race, class, and other social factors influence women's experiences with crime and the criminal justice system. Here are some of the key theories of feminist criminology:

1. **Patriarchy:** Patriarchy refers to a social system in which men hold primary power and

women are subordinate to them. Feminist criminologists argue that the patriarchal nature of society is a key factor in explaining women's experiences with crime. They suggest that patriarchal values, such as the emphasis on male dominance and the devaluation of women, contribute to women's victimization and their marginalization within the criminal justice system.

2. **Gendered pathways:** Feminist criminologists argue that women's involvement in crime is often a result of gendered pathways. These pathways may include experiences such as childhood abuse, poverty, and lack of opportunity, which can lead women to engage in criminal activity as a means of survival. Gendered pathways also take into account the impact of gendered roles and expectations on women's experiences with crime. Further, in continuance the **Feminist Pathways Theory** has arguably contributed to the most important advances in feminist criminologists theory and research. This theory concentrates on the ways in which women's role in society pushes them into criminal lives in an effort to show how female criminality is intricately tied to the experiences in life of women and girls. Meda Chesney-Lind has explained in multiple books and essays how girls' chances are shaped by childhood trauma and a patriarchal juvenile court system, ultimately driving them into unlawful lifestyles. She contends that, unlike boys, girls' first run-ins with the juvenile court system are typically brought on by status offences like fleeing or participating in sexual behaviour. Girls who engage in these acts are stigmatised as sinful and in need of "correction" due to the patriarchal double standard. In the past, girls and women who engaged in acts that were at best moderately disapproved of by men were institutionalised. In fact, girls accused of sexual "misconduct" are frequently subjected to worse punishments than either boys or girls who are involved in criminal behaviour. This patriarchal, paternalistic method of socially policing female behaviour is what drives girls into the juvenile justice system. Additionally, it has been overlooked how commonly early sexual practises and running away from the home are the outcome of violence in the home. Society has reacted by holding abused females to a double standard and labelling them as incorrigible or immoral, rather than taking action to improve their lives. Running away from abusive or negligent parents is one example of an action that may actually be selfpreserving. By labelling these girls as delinquents, society may be further reducing their prospects of success in life. This viewpoint also looks at the connection between abuse and drug usage, the primary crime that sends women to prison. Abusing

substances is viewed as a coping technique. Alcohol and narcotics are frequently used by girls and women to treat the anguish brought on by past abuse. This is significant since drug misuse issues are prevalent among jailed girls and women. The most of these "offenders" had also experienced physical, sexual, or psychological abuse in the past. The feminist pathways theory aims to shed light on the links between young women's abuse and exploitation and their later criminal behaviour. It might be said that this strategy dominates modern feminist criminology.

3. **Intersectionality:** Intersectionality is a concept that recognizes that social identities, such as race, gender, class, and sexuality, intersect and interact in complex ways. Feminist criminologists use this framework to understand how multiple forms of oppression intersect to shape women's experiences with crime and the criminal justice system. For example, women of colour may face unique challenges in the criminal justice system that are not experienced by white women.
4. **Masculinities:** Feminist criminologists also explore the impact of masculinities on women's experiences with crime. They argue that traditional ideas of masculinity, such as the emphasis on aggression and domination, contribute to women's victimization and the perpetration of violence against women. Masculinities also play a role in shaping the criminal justice system and the ways in which it responds to women's experiences with crime.
5. **Empowerment:** Finally, feminist criminologists emphasize the importance of empowerment as a means of addressing women's experiences with crime. This includes empowering women to resist victimization, advocating for policies that support women's rights and safety, and promoting women's participation in the criminal justice system.
6. **Liberal Feminist Theory:** The central claim of liberal feminism is that women experience discrimination and unfair treatment based on their gender. And the "motivation" behind this may be to prevent women from having access to the same chances as men, whether in the areas of politics, careers, or personal life. Criminologists like Rita Simon and Freda Adler have proposed that societal issues, rather than physiological ones, should be used to explain why women commit crimes.

The "liberal feminist theory" is one of the most well-known feminist theories, particularly in North America. The following issue that has to be discussed is: "What can be done to alleviate this issue of gender inequality?" The answer, which is "rapid integration" of women into a world dominated by men, is largely non-debatable and quite rational. Giving women equal opportunity and assisting them in assuming positions of influence over national policy entails doing this.

Another foundational tenet of this theory is that as women get more freedom, we may see them participating in criminal activity that is comparable to that of men. It does not, however, currently have any first-hand confirmation. It is clear that women are still only involved in minor crimes, such as stealing and small-scale fraud, and this is due to the feminization of poverty, which is occurring at an increasing rate.

Additionally, the frequency of these offences is much lower than the frequency of crimes perpetrated by men. People who attempt to question the dominant patriarchal worldview of gender roles are viewed as "unruly" women who need to be disciplined.

7. **Radical Feminist Theory:** In this theory, the claims of "Liberal Feminist Theory" were initially critiqued as being overly simplistic. Feminists' viewpoints on matters involving the mistreatment of women have also been largely influenced by it. These feminists believe that one of the primary causes of all gender inequity, social ills, and criminal activity is male dominance and the advantages that have been bestowed upon it.

One of the most significant relationships in society that can be identified by looking at how men govern women's sexuality and the labour force is patriarchy. All other relations, including class, are subordinate to this one and stem from the male-female relationships that exist in society.

This theory mostly concentrates on the victimisation of women and being the survivors of male aggression. Due to their desire to control them and their potential, men frequently subject women to physical, sexual, and even psychological abuse. Another crucial point that needs to be made in this context is that the major goal of feminism, regardless of its philosophy or ideology, is NOT to drive males out of society but rather to integrate women into it and into social relationships. All forms of gender discrimination will eventually be successfully eliminated as a result of this.



8. **Marxist Feminist Theory:** The "Marxist Feminist Theory" is another feminist theory worth mentioning in this context. Individuals who adhere to the political and economic views of Karl Marx and F. Engels are referred to as "Marxists." As a reaction to the Marxist social theory, which discussed the prevalence of masculine bias, Marxist feminism first emerged in the late 1960s.

According to proponents of "Marxist" feminist theory, a person's social relationships are primarily determined by the economic structure of society. It supports the liberal feminist idea, which contends that women don't have enough opportunity to engage in society since they live in a world dominated by males. The primary factor determining gender disparity and division in society is the character of an economy.

The dominance of capital and men, say the Marxist feminists Julia and Herman Schwendinger, is the reason why the division of labour by class is frequently seen as a division of labour by gender. But what plan of action will transform this system? Well, it's the shift away from capitalism and toward a more democratic socialist society. The high number of rape offences in capitalist cultures, which are caused by gender inequality relations that encourage physical and emotional aggression, serves as additional evidence in favour of this response. The accumulation of exploitative production methods in class societies is what is causing sexual injustice and sexual misconduct to worsen.

9. **Socialist Feminist Criminology:** Any treatment of feminist criminology would be incomplete without a consideration of how it has prompted studies on crime and masculinity. The ungendered analysis of crime is a component of the feminist critique of criminology, as was previously mentioned. With the help of feminist criminological studies, efforts have been made to better comprehend the experiences of both men and women. Messerschmidt concentrated on the ways patriarchal capitalism shapes both men's and women's experiences. He presented a theory that aims to explain different forms of crimes committed by both men and women and made the case that any accurate theory of crime must take into account both gender dynamics and economic structures. His thesis contends that disenfranchised guys from lower socioeconomic classes and minority groups commit street crimes as a result of their limited prospects and gender roles in a benevolent capitalist society. On the other hand, women's crimes are typically

limited to minor forgeries and thefts due to the composition of gender relations in society. Messerschmidt, in keeping in view with the feminist focus on crimes against women, also looked into the sexual exploitation of women in the sex trade in third-world nations. She demonstrated how both hegemonic and capitalism place these women in desperate circumstances where they are forced to submit to exploitation in order to survive. In addition, he made connections in his examination of male misbehaviour against women between economic disparity and male-dominated family dynamics. Finally, in his analysis of more serious corporate and white-collar crimes, which are largely committed by men, he produced a superb blending of notions about capitalism and male privilege. He clearly answers the feminist criticism that mainstream criminology ignores how gender relations structure crime, which makes his work incredibly significant for the advancement of feminist criminology. His hypothesis demonstrates how the feminist approach considers both men's and women's experiences in an effort to shed light on how gender is inextricably linked to crime.

10. **Post-modern Feminism:** Postmodern feminists hold that it is important to emphasise the multifariousness of women when taking into account how gender, crime, and deviance intersect to shape reality, in contrast to other perspectives that say there is "one reality" of feminism. Postmodern feminists understand the power disparities that exist in society, including gendered biasness, and they concentrate on the ways in which those built-in disparities shape prevailing discourses on gender. The emphasis on "deconstructing the language and other modes of communication that are utilised to construct the accepted 'truth' about women" is significant. Regarding how other factors, such as race, sexuality, and class, affect women's reality, postmodern feminism must also be acknowledged.

#### **4. Gender Theory: The need of Social Change**

Gender theory refers to a social and cultural understanding of gender and how it shapes the way individuals experience the world. This theory asserts that gender is not simply a biological fact, but is rather a social construct that is shaped by cultural and historical factors. Gender theory asserts that gender is not the same as sex, which refers to an individual's biological characteristics such as chromosomes, hormones, and genitalia. While sex is biologically determined, gender is socially constructed and can vary across cultures and time periods.

Gender theory emphasizes that gender roles, expectations, and behaviours are learned and influenced by social and cultural norms. It argues that gender is not binary (i.e. male or female) but is rather a spectrum of identities and expressions that can be fluid and change over time.

Gender theory has influenced various fields, including sociology, psychology, and anthropology, and has led to a better understanding of the experiences and struggles of individuals who identify outside of traditional gender norms. It has also played a significant role in the movement for gender equality and social justice.

Gender theory argues that gender roles and expectations are socially constructed, and that they can be limiting and oppressive for individuals who do not conform to traditional gender norms. It asserts that gender inequality is perpetuated by social and cultural norms that reinforce gender binaries and hierarchies.

In order to address gender inequality and promote gender justice, gender theory calls for a recognition of the diversity of gender identities and expressions. It advocates for the creation of more inclusive and equitable social structures, institutions, and policies that can accommodate this diversity and provide equal opportunities for all individuals regardless of their gender identity.

Gender theory also highlights the importance of challenging the dominant cultural narratives and stereotypes about gender roles and expectations. It emphasizes the need to create more diverse and positive representations of gender in the media, education, and other cultural institutions. Overall, gender theory provides a framework for understanding gender as a social construct and for identifying the ways in which social and cultural factors can contribute to gender inequality. It calls for social change to promote gender justice and to create a more equitable and inclusive society.

## **5. Understanding Feminist Epistemology**

Feminist epistemology is a branch of feminist theory that focuses on the study of knowledge and its relationship to gender. It critiques traditional epistemology for being biased towards male perspectives and experiences and for excluding the knowledge and experiences of women and other marginalized groups. Feminist epistemology argues that knowledge is socially constructed and contemplates the norms and interests of the prepotent culture. It asserts that

traditional epistemology has been shaped by a male-dominated culture that privileges rationality, objectivity, and individualism, and that this has led to the exclusion of women's knowledge and experiences. It emphasizes the importance of recognizing the situatedness of knowledge, or the ways in which knowledge is shaped by one's social, cultural, and historical context. It also advocates for the inclusion of diverse perspectives and experiences in the production of knowledge.

Feminist epistemology also critiques the traditional dichotomy between the subject and object of knowledge, arguing that this distinction has been used to exclude women's knowledge and experiences. It advocates for a more embodied and relational understanding of knowledge, which recognizes the importance of personal experience and social context in shaping knowledge. Overall, feminist epistemology seeks to create a more inclusive and diverse understanding of knowledge that recognizes the contributions of women and other marginalized groups. It challenges traditional epistemology for being biased towards male perspectives and experiences and calls for a more inclusive and diverse approach to knowledge production. Some key ideas in feminist epistemology include:

1. The idea that knowledge is always situated: Knowledge is not objective and value-neutral, but is always produced within a particular social and cultural context, and is shaped by the experiences and perspectives of the knower.
2. The importance of standpoint theory: Standpoint theory argues that marginalized groups, such as women and people of colour, have unique and valuable perspectives on the world, precisely because they are situated outside of the dominant social and cultural norms.
3. The need for diverse methods of knowledge production: Feminist epistemologists argue that traditional methods of knowledge production, such as scientific experimentation and logical deduction, are limited and biased, and that alternative methods, such as narrative and personal experience, can provide valuable insights into the world.
4. The importance of recognizing and addressing power imbalances: Feminist epistemologists argue that power imbalances within society can shape what counts as knowledge and who is seen as a legitimate knower, and that addressing these imbalances is essential for producing more just and accurate knowledge.

Overall, feminist epistemology aims to challenge traditional assumptions about knowledge and to promote a more inclusive and diverse approach to understanding the world.

One of the key contributions of feminist epistemology is the recognition of the importance of lived experience in shaping knowledge. Feminist epistemologists argue that knowledge is not just a matter of objective facts and evidence, but is also shaped by the subjective experiences and perspectives of those who produce and receive it. As such, feminist epistemology seeks to elevate the voices of those who have traditionally been excluded from knowledge production, such as women, people of colour, and members of other marginalized groups. Feminist epistemology also challenges the notion of objectivity as a purely neutral and value-free perspective. Feminist epistemologists argue that all knowledge is situated and that even seemingly objective claims are shaped by the cultural and social contexts in which they are produced. They also argue that knowledge is always value-laden and that the values that inform knowledge production can have important social and political implications.

## **6. What is post-positivism?**

Post-positivism is a broad and diverse philosophical perspective that emerged in the latter half of the 20th century, in response to the limitations and criticisms of positivism. Positivism is a philosophical framework that emphasizes empirical observation, measurement, and the use of the scientific method to investigate and explain the natural and social world. Post-positivism, on the other hand, emphasizes the limitations and biases of scientific inquiry, and recognizes the importance of subjective interpretations, values, and contexts in understanding reality. Post-positivism is not a unified and coherent theory, but rather a collection of diverse and sometimes conflicting perspectives. However, there are some general themes and assumptions that are shared by many post-positivists. These include :

1. Rejecting the idea of a universal and objective truth. Post-positivists argue that knowledge is always subjective and context-dependent, and that there is no one objective truth that can be discovered or known.
2. Recognizing the role of interpretation, values, and interests in knowledge production. Post-positivists argue that scientific inquiry is always influenced by the values and interests of the researchers, and that knowledge is always interpreted through subjective lenses.

3. Emphasizing the importance of reflexivity and critical self-awareness in knowledge production. Post-positivists argue that researchers must be aware of their own biases and assumptions, and must critically reflect on the limitations and implications of their research.
4. Critiquing the idea of a neutral and value-free science. Post-positivists argue that science is always embedded in social, political, and economic contexts, and that it is impossible to separate science from values.
5. Advocating for multiple and diverse perspectives in knowledge production. Postpositivists argue that there are multiple ways of knowing and understanding the world, and that knowledge should be generated through a diversity of methods and perspectives.

Overall, post-positivism challenges the idea of a single, objective, and universal truth, and emphasizes the importance of recognizing the subjective, contextual, and value-laden nature of knowledge production.

Talking about post-positivism and feminism it is imperative to highlight that they both are two distinct theoretical perspectives that have contributed significantly to the social sciences. While post-positivism is a philosophical approach that critiques the traditional positivist approach to science, feminism is a social, political, and cultural movement that seeks to achieve gender equality and challenge the patriarchal norms that exist in society.

Post-positivism emerged in the 20th century as a critique of the positivist approach to science, which viewed scientific knowledge as objective, certain, and value-free. Post-positivists argue that scientific knowledge is always provisional, and that it is shaped by the social, historical, and cultural context in which it is produced. They emphasize the importance of subjectivity, interpretation, and critical reflection in the production of knowledge.

Feminism, on the other hand, is a social movement that seeks to achieve gender equality and challenge patriarchal norms that exist in society. Feminist theory has emerged as a body of scholarship that analyses the ways in which gender operates in society, and how gender intersects with other social categories such as race, class, and sexuality. Feminist scholars have also critiqued the traditional positivist approach to science, arguing that it has been used to

reinforce patriarchal norms and exclude women's experiences and perspectives from the production of knowledge.

Post-positivism and feminism share some commonalities in their critiques of traditional approaches to knowledge production. Both emphasize the importance of subjectivity, interpretation, and reflexivity in the production of knowledge. However, they differ in their theoretical and political orientations. While post-positivism is primarily concerned with epistemology and the nature of knowledge, feminism is a political movement that seeks to challenge and transform social structures and practices that perpetuate gender inequality.

Positivism and feminist criminology are two different perspectives that have influenced the study of crime and criminal behaviour.

Positivism is a philosophical approach that emphasizes empirical evidence and scientific methods in the study of social phenomena, including crime. It originated in the 19th century and was popularized by scholars such as Auguste Comte and Emile Durkheim. Positivists believe that objective knowledge can be obtained through observation and measurement, and they use this approach to understand the causes of crime and develop policies to prevent it. On the other hand, feminist criminology is a perspective that emerged in the 1970s as a critique of traditional criminology, which was dominated by male scholars and focused on male offenders. Feminist criminologists argue that gender is an important factor in understanding crime and criminal behaviour, and they seek to identify and address the ways in which women are disproportionately affected by the criminal justice system. Feminist criminology also critiques the way that traditional criminology has ignored issues such as domestic violence and sexual assault. While positivism and feminist criminology have some similarities, such as a commitment to using empirical evidence, they also have important differences. Positivism tends to be more focused on identifying universal laws and causes of crime, while feminist criminology emphasizes the importance of understanding the social and cultural contexts in which crime occurs, particularly as they relate to gender. Additionally, positivism has been criticized for being too deterministic and reductionist, while feminist criminology has been criticized for being too focused on women's experiences and neglecting other factors that contribute to crime.

## 7. Violence and Victimization: Viewpoint of a feminist research

Feminist research on violence and victimization has highlighted the ways in which genderbased violence is deeply embedded in social, economic, and cultural structures. This research has challenged the traditional understanding of violence as an individual problem, instead emphasizing the systemic and structural nature of violence.

One important contribution of feminist research has been the recognition that violence against women is not simply a matter of individual deviance or pathology, but rather a manifestation of power inequalities between men and women. Feminist scholars have also pointed out the ways in which violence is often used as a tool of social control, both within intimate relationships and in wider society.

Feminist research has also emphasized the importance of understanding the experiences of victimization from the perspective of those who have experienced it. This means acknowledging the ways in which power imbalances and social structures shape experiences of violence, as well as recognizing the diversity of experiences among victims.

Overall, feminist research on violence and victimization has challenged traditional assumptions about the nature of violence, and has contributed to a more nuanced understanding of the complex ways in which gender-based violence is rooted in social, economic, and cultural structures. Some points on record are as follows:

1. **Gender-based violence is a significant problem:** Feminist research has demonstrated that gender-based violence, including domestic violence, sexual assault, and harassment, is a pervasive problem affecting millions of people worldwide. Women are disproportionately affected by this violence, and feminist scholars have argued that this is due to patriarchal norms and power structures that perpetuate gender inequality.
2. **Victimization is often invisible:** Feminist research has also highlighted that many victims of gender-based violence do not report their experiences, due to shame, fear, or lack of resources. This means that official statistics often underestimate the extent of the problem, and that many victims suffer in silence without receiving the help and support they need.
3. **The importance of survivor-centered approaches:** Feminist scholars have



emphasized the importance of centering the experiences and needs of survivors in research and policy-making related to gender-based violence. This means prioritizing the voices and perspectives of survivors and recognizing the diversity of their experiences.

4. **The role of intersectionality:** Feminist research has also emphasized the importance of considering how multiple forms of oppression intersect to shape experiences of violence and victimization. For example, women of colour, LGBTQ+ individuals, and people with disabilities may experience unique forms of violence and face additional barriers to accessing support and resources.
5. **The need for systemic change:** Finally, feminist scholars have argued that addressing gender-based violence requires systemic changes to address the root causes of gender inequality and to create more just and equitable societies. This may include policy changes such as increased funding for victim services and legal protections for survivors, as well as broader cultural and social changes to challenge gender norms and promote equality.

Feminist research on violence and victimization has played a crucial role in highlighting the ways in which gender-based violence is pervasive in our society and in advocating for policy changes to address these issues. Here are some key points about this topic:

#### **A. Basic Statistics**

1. It is a basic observation that prosecutions in summary offences, i.e. less serious in nature for females have immensely dropped down by 40% since 2017. To be precise, it can be said 293,000 to 175,000. However, there was no notable reduction in male prosecutions which are related to summary offences over the last five years, a decrease of 17% from 717,000 to 597,000.
2. Further, with respect to non-motoring offence category, it has been observed that female prosecutions have specifically showed a drop of 57% ever-since 2017. To be more specific it is from 1,85,00 to 79,500. Comparatively, for males there is a decrease of 48% that is (299,000 to 156,000). Female prosecutions for summary motoring offences have shown a slight decrease by 12% since 2017 which is (108,00 to 95,500). This in

short is a 5% increase for males (419,000 to 441,000).

3. It has been stated that prosecutions for indictable offences for females have shown a massive decrease in percentage that is by 30% since 2017. It is almost down from 39,100 to 27,400. A similar trend has been into observation with regards male prosecutions over the last five years, where the number of males prosecuted for indictable offences decreased by 23% (228,000 to 175,000).
4. Moreover, “violence against the person” was the only offence group that showed a notable increase in the percentage, i.e. 91% with respect to females.
5. In the year 2021, the offence groups with the highest percentage of females prosecuted were in the category of summary non-motoring. The statistics somehow reveal (34% of 236,000) in the abovementioned, while in offences related to fraud the stats suggest (26% of 4,000), offences related to theft suggest (20% of 38,700), violence against the person (18% of 48,900) and summary motoring (18% of 536,000).

#### **B. A notable view-point based on crimes committed by women**

According to psychologist Anchal Bhagat, a patriarchal culture and the social environment both play significant roles in the criminal behaviour of women. Even if equal rights and advantages are guaranteed by the Indian constitution, a woman's destiny cannot be altered. She does not receive the credit & respect she deserves despite her equal commitment and great achievement in both her schooling and her job.

When a woman decides to be independent, most families do not support, appreciate, or accept her choice. As a result, women are more prone to rebel or engage in criminal activity as a result of these situations.

The issue intensifies when, despite being competent enough, she must follow a man's orders who is less competent, and her own viewpoint is forcefully suppressed and overheard. Due to the fact that she is a woman, she gets victimised. Bhagat spoke more about the process by which a victim becomes a victimizer and used Phoolan Devi, the bandit queen, as an iconic example.

When Phoolan Devi married a very violent guy in his 30s, she was just 11 years old. After then, a string of assaults started in her life; she suffered from brutal rape for three weeks, marital

rape, domestic violence, and public humiliation. She ultimately became a dacoit to exact her retribution.

The tale of Phoolan Devi demonstrates that when researching female criminality, particular attention should be paid to a woman's marital situation. A woman's marital status could play a big factor in her decision to participate in illegal behaviour. Compared to married women, single women typically have more consistent employment. In order to reduce the cost of paid maternity leave, businesses frequently choose to hire married men instead married women, which contributes to the persistent discrimination towards women in the workplace.

In the end, the ladies who were coerced into it are unable to escape. Once they make it through and go up on the ladder, they become drug dealers or brothel proprietors and engage in other illicit activities. Because of their aggravation with the emotional, psychological, and physical abuse they have experienced, these women have a tendency to victimise others by suppressing them in an effort to prevent themselves from experiencing the same.

They are raised to be kind, calm, polite, well-mannered, and non-aggressive. Because of this, women attempt to repress their tendency toward violence, their rage, their dissatisfaction, and their voice in order to meet social expectations. Because of this, women are technically unable to participate in violent crimes like gang wars, armed robberies, etc. However, numerous studies have indicated that women typically commit three different types of crimes: 1. Property crimes; 2. Crimes against people; and 3. Other crimes, which encompass any type of crime that compromises societal law and order.

It has been noted that women with only a minimal education or who are illiterate lack rationality and reasoning in their actions, which is mirrored in their improperly socialised criminal instinct.

KD Kempamma, a.k.a. Cyanide Mallika, was India's first female serial killer to be found guilty. Over an eight-year period, she killed six women. She enticed many ladies to worship her by presenting herself as a devout goddess and using that as a means of murder. She used to offer them cyanide to drink under the guise of "holy water" in exchange for them coming before her decked out in their finest clothing and jewellery. In the end, she received a death sentence.

Caste is a significant factor in defining a person's social standing in society. When compared to women from Scheduled Castes, Scheduled Tribes, and Nomadic Tribes /Denotified Tribes,

who are more likely to commit property offences, it may be widely seen that women from upper castes are more drawn to committing offences against a person. Such an interpretation implies that the degree of satisfaction, need, and want differs according to social class and position.

When talking about female criminals, it is important to take marital status into account since it links a woman to social obligations and the burden of living up to expectations. When these pressures go awry, the result is that women start engaging in illegal activity. Married women are more likely to commit crimes against other people than unmarried respondents, who are more likely to commit crimes against property and other types of crimes.

### **C. Black & multi-racial Feminist Criminology**

Feminist jurisprudence and criminology are two related fields that examine the intersection of gender and the law, and how gender inequalities are perpetuated and challenged within the criminal justice system. Feminist jurisprudence is a branch of legal theory that focuses on analysing the ways in which law and legal institutions reinforce gender inequality. It examines the ways in which legal rules, doctrines, and procedures may discriminate against women, and seeks to develop legal strategies and reforms that can promote gender equality.

Sojourner Truth, a women's rights activist made a stirring and dramatic statement at convention for rights of women in the year 1851, "Ain't I a woman?" Having said so, black feminism is one of the empowerments that try to create new viewpoints on the difficulties and unfairness that black women face in society. These problems are a result of oppressive systems that have been jointly created. During the nineteenth century, women like Ms. Truth were important role models for black feminism.

To combat racism, classism, and sexism, a feminist movement came into force which was known as the Black Feminist Movement. This movement is generally backed by a number of groups that are specially dedicated to eliminate the struggles of women against odds oppression. Black and white feminist communities, however, have not experienced the same level of success. The feminist movement was not very successful in the Black community, despite the fact that its range and scope have expanded to include race, class, sexuality, etc. Understanding the role of current feminism, it has been observed that currently there are writings and histories of black women marked and preserved in text kept in the well-known academic institutions of the States. Awareness of the sexism experienced by women has undoubtedly grown among

Black academics, but singers and rappers in popular culture still use music that is misogynistic and sexist.

However, with every boon comes a bane and thus, this movement still has a number of obstacles to overcome. One of the very first obstacle is to grow its appeal among Black and Third World women and winning their support. Second, education and awareness are essential ingredients for individuals who are unaware of this eminent movement or its necessity even in the modern period. Third, It is essential for Black academicians and young Black students to execute and value effective mentor-mentee relationships.

In order to understand and address the problems of sexism, there must be an effective and ongoing movement between the White and the Black feminists. Women must focus on lifting woman more than tearing the same gender down. This can lead to freeing women from the repressive system dominated by men in the society & to further impact change, a woman's personal battle needs to be linked to the broader feminist movements.

#### **D. Third wave feminism**

In the end it is important to reveal the underlying fact about third-wave feminism which emerged in the 1990s and is characterized by its focus on intersectionality, diversity, and inclusivity. It builds on the gains of earlier feminist movements and seeks to address the limitations and exclusions of those movements.

One of the key features of third-wave feminism is its emphasis on the diversity of women's experiences and identities, and the intersection of gender with other social categories such as race, ethnicity, sexuality, class, and ability. Third-wave feminists recognize that women's experiences are shaped by multiple factors and reject the idea of a universal "woman" experience. Third-wave feminism also emphasizes the importance of individual agency and choice, and rejects prescriptive notions of femininity and womanhood. It seeks to challenge traditional gender roles and stereotypes, and promote the freedom of individuals to express their gender and sexuality in diverse ways. In addition, third-wave feminism is characterized by its use of technology and social media to mobilize and connect feminists across the globe. It has been associated with online activism, such as hashtag campaigns and online petitions, as well as the use of blogs, podcasts, and other forms of digital media to spread feminist ideas and perspectives. Third-wave feminism, therefore seeks to build on the gains of earlier feminist

movements and address the limitations and exclusions of those movements. It emphasizes diversity, inclusivity, and individual agency, and seeks to promote gender equality and social justice for all women.

Feminist criminology studies and examines the intersection of gender and crime, and how the criminal justice system responds to gender-based violence and victimization. Feminist criminologists argue that traditional criminal justice systems have been designed by and for men, and that this has led to gender biases and limitations in addressing women's experiences of crime and victimization. To address these issues, feminist criminology advocates for a more inclusive and gender-sensitive criminal justice system. This includes:

- A. Recognizing and addressing gender biases in law enforcement and the courts: Feminist criminologists argue that gender biases can influence how law enforcement officers investigate and prosecute gender-based crimes, and how judges and juries perceive and sentence offenders. Feminist criminology advocates for training and education programs for law enforcement and criminal justice professionals that raise awareness of gender-based biases and promote more equitable responses to gender-based violence.
- B. Addressing the needs and experiences of women victims of crime: Feminist criminology emphasizes the importance of listening to and addressing the needs and experiences of women victims of crime. This includes providing support and resources to women who have experienced gender-based violence, as well as addressing the root causes of gender-based violence, such as gender inequality and discrimination.
- C. Promoting restorative justice practices: Feminist criminology advocates for restorative justice practices that prioritize the needs and experiences of victims and provide opportunities for offenders to take responsibility for their actions and make amends. This includes practices such as victim-offender mediation, community service, and rehabilitation programs.

## ***8. Conclusion & Suggestions***

Feminist jurisprudence has been influential in a range of legal fields, including family law,

employment law, and criminal law. Criminology is the study of crime, criminal behaviour, and the criminal justice system. Feminist criminology is a subfield of criminology that applies feminist theories and methods to the study of crime and justice. Feminist criminologists argue that traditional criminological theories have ignored the experiences and perspectives of women and have not adequately addressed the gendered nature of crime and victimization. Feminist criminology also examines the methods whereby the criminal justice system may penetrate gender inequality, including through biases in policing, prosecution, and sentencing. Overall, both feminist jurisprudence and criminology seek to challenge gender inequality in the law and in society more broadly, and to promote greater gender equality within legal institutions and practices.

In 21st century, even to this date, social malice and malpractices are still very much prevalent which are reminiscent of the past. Violence against women is a serious and pervasive issue that affects women all over the world. It takes many forms, including physical, sexual, emotional, and psychological abuse. This violence can occur within relationships, families, workplaces, communities, and even within the justice system. Some of the most common forms of violence against women include domestic violence, sexual assault and harassment, trafficking, and female genital mutilation/cutting. The impact of this violence on women can be devastating, leading to physical and mental health problems, decreased social and economic opportunities, and even death. Efforts to address violence against women involve a multi-faceted approach, including legal and policy reforms, awareness-raising and education campaigns, and the provision of support services to survivors. It also involves challenging social norms and attitudes that condone violence against women and promoting gender equality.

Everyone has a role to play in ending violence against women, from individuals speaking out against it to governments implementing laws and policies that protect women's rights and hold perpetrators accountable. It is a well-established and accepted fact that despite liberalization and modernization of woman in the West and urban locales within our country, women at large still face social brutality, torture, limited opportunities in the public sphere, etc.

Feminist criminology refers to approaches to the study of crime, victimization, and the criminal justice system using a critical, feminist lens. Feminist criminology began in the 1970s, with liberal feminist approaches, followed by examination of the roles of victimization and abuse in female offending. Liberal feminist approaches to gender equality focus on achieving equality

for women through legal and policy reforms that remove discrimination and ensure equal opportunities in areas such as education, employment, and politics. Liberal feminists believe that women should have the same rights and freedoms as men and that this can be achieved through legislation and social reforms. Some of the key goals of liberal feminism include equal pay for equal work, reproductive rights, access to education and training, and the elimination of gender-based violence and discrimination. Liberal feminists advocate for policies such as affirmative action programs, family-friendly work policies, and the provision of childcare to help women achieve equal opportunities. Thus, liberal feminism seeks to achieve gender equality through legal and policy reforms that remove barriers to women's full participation in society. It is one of several feminist approaches that seek to address gender inequality and promote women's rights and empowerment.

Thus, feminist criminology seeks to promote a criminal justice system that is more inclusive, equitable, and responsive to the needs and experiences of women. It recognizes the importance of addressing gender biases and promoting gender-sensitive approaches to crime and victimization.

In conclusion, feminist criminology has played an important role in highlighting the gendered nature of crime and victimization, and in advocating for a more inclusive and gender-sensitive criminal justice system. Feminist criminologists have challenged traditional assumptions and biases in law enforcement and the courts, and have advocated for more equitable and restorative approaches to crime and victimization. To further promote the goals of feminist criminology, there are several suggestions that can be made:

- A. Promote gender awareness and education: It is important to promote gender awareness and education among criminal justice professionals, as well as the general public. This can help to challenge gender biases and stereotypes, and promote more inclusive and equitable approaches to crime and victimization.
- B. Invest in victim support services: Supporting victims of crime, particularly women who have experienced gender-based violence, should be a priority for criminal justice systems. This includes providing access to resources such as counselling, legal advocacy, and financial assistance, as well as addressing the root causes of gender-based violence.



- C. Foster community involvement: Restorative justice practices rely on community involvement and support. Encouraging community involvement in the criminal justice system, through programs such as neighbourhood watch groups and community policing initiatives, can help to promote restorative justice approaches that prioritize the needs and experiences of victims.

Thus, feminist criminology offers a valuable framework for understanding the intersection of gender and crime, and for promoting a more inclusive and equitable criminal justice system. By promoting gender awareness, investing in victim support services, and fostering community involvement, we can work towards a criminal justice system that is more responsive to the needs and experiences of women.

## ***References***

1. Claire M. Renzetti, Susan L. Miller & Angela R. Gover, *Feminist Criminology* (4th ed. Oxford University Press 2020).
2. Joanne Belknap, *The Invisible Woman: Gender, Crime, and Justice* (3rd ed. Wadsworth Publishing 2014).
3. Eamonn Carrabine, Paul Iganski & Maggy Lee, *Criminology: A Sociological Introduction* (4th ed. Routledge 2017).
4. Walter S. DeKeseredy & Molly Dragiewicz (eds.), *The Routledge Handbook of Critical Criminology* (2nd ed. Routledge 2018).
5. Rosemary L. Barberet & Patricia Y. Warren (eds.), *Gender, Crime, and Justice: A Global Enquiry* (1st ed. Routledge 2014).
6. Feminist Criminology, iResearchNet, <http://criminal-justice.iresearchnet.com/criminology/feminist-criminology/> (last visited May 1, 2023).
7. *Women and the Criminal Justice System 2021*, UK Government (2021), <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system2021/women-and-the-criminal-justice-system-2021>.
8. National statistics *Women and the Criminal Justice System 2021* <https://www.gov.uk/government/statistics/women-and-the-criminal-justice-system2021/women-and-the-criminal-justice-system-2021>
9. Gail F. Mason and Julie Stubbs, *Feminist Approaches to Criminological Research*, in *Criminological Research Methods*, D. Gadd, S. Karstedt, S. Messner, eds., Sage Publishing (forthcoming 2010), Sydney Law School Research Paper No. 10/36, <https://ssrn.com/abstract=1597469>.
10. Carol Smart, *Women, Crime and Criminology: A Feminist Critique* (Routledge & Kegan Paul 1976).

11. Liz Kelly, 'Journeying in reverse: possibilities and problems in feminist research on sexual violence', in *Feminist Perspectives in Criminology*, ed. by L. Gelsthorpe and A. Morris (Open University Press 1990), pp. 107-114.
12. Sue Griffiths and Jalna Hanmer, 'Feminist quantitative methodology: evaluating policing of domestic violence', in *Researching Gender Violence: Feminist Methodology in Action*, ed. by T. Skinner, M. Hester and E. Malos (Willan Publishing 2005), pp. 23-43.