

Feminization of Crime: A Critical Interrogation

Tapan Mohanty

The study of crimes and criminals as development of criminological thoughts have underlined provides an insight to the role of power and cultural determinants in defining crimes and criminalizing conducts. The process of criminalization of conduct, categorization of offences and fixing of penalty are largely the product cultural and social milieu and necessarily reflective of dominance of different groups. Therefore, it was not surprising the trace the development of feminist criminology and critical criminology in late twentieth century that celebrated freedom, liberalism and critical inquiry. However, these developments have not been able to completely and cogently undertake the project of bringing the *marginals* and their issues into mainstream and providing a viable alternative to the dominant discourse of criminology. The attempts however, have been sporadic and piece meal requiring necessary impetus and elaboration in the current social milieu characterized by influx of information technology, globalization, economic liberalization and democratization of societies as well as re-invention and restructuring of individual and community identities.

Previous theories of crime did draw attention to crimes of repression and expanded the dimensions of their research beyond the traditional property, person and state to include social/ prestige and political standing, human rights, crimes against racism, patriarchal oppression, hate, invasion of privacy and autonomy, humiliation and harassment, etc. Crimes here are not only a reduction of a certain class or group standing but also a restriction, limitation, repression or prevention of that group or its members changing their relative standing (Henry and Milovanovic 1996:106). However, very little attention was paid to the crimes against women and more importantly the understanding of crime from the perspective of women. Following the post-modern paradigm of focusing on the 'marginal' and looking at the 'criminalization of the conduct' of the 'others' and 'victimization' of the 'different' in this section an attempt has been made to map the territory of trauma of the victims of 'human rights violations' in general and women in particular. Violence is gendered, embodied (Thapan 1997) and institutionalized. Feminists, for long, have been trying to depict that male violence is integral to patriarchal social order (Brownmiller 1976; Hanmer and Saunders 1984; Walby 1990; Mackinnon 1997). This itself is a questionable assumption and one has to understand that crime is not limited to gender or for that matter any specific group and certainly not confined against any particular group though history depicts systematic annihilation of particular communities and needless to add that racism, xenophobia and genocides are examples of such crimes.

However, there are also evidences where others groups often face the same set hatred and diabolical treatment –which shows the changing of signposts and altered snapshots. But the issues addressed here i.e. feminization of crime provides a vantage point in delineating the theories of crime, criminals, penology and sociology of law. If one take into account the number of crimes taking place against women of all groups irrespective of their respective socio-economic position and place of residence and the perpetrators of such crimes then the research assumes immense significance.

In the context of above narration and analysis of the intricate relationship between crime, law and gender it would be pertinent to postulate that a systematic and collective effort is required to eradicate crime against women and alleviate the sufferings of the fair sex. In order to create a just, equal and fair society which is ostensibly the ideal of human civilization we need to deal with gender disparity and discrimination in general and criminal justice system in particular. In a ‘knowledge society’ which has provided fabulous opportunities to women in enlightening their life through knowledge, information, education and enthuse their self with the fruits of modernity and empowerment, gender stereotyping and archetypical role allocation has neither relevance nor necessity. In fact, the economic opportunities available in the era of globalization and market capitalism requires additional trained and skilled hands and restricting the option of women in the labour market will not only hurt the economy of the nation-state but will deprive the generation from the benefits of equity and justice.

It is great concern to note that many of the crimes against the women are offshoots of jealousy, a false sense of superiority, effort to kill competitiveness and employment insecurity and not to mention psychological and emotional instability. These coupled with archaic notions of male chauvinism had created a gulf between two complementary sets of gender. But this chasm can not be bridged by either by law or sociology rather we must combine these two important disciplines and their cumulative strength with emphasis on information, education and communication (IEC). This will certainly help us in avoiding the growing trend of feminization of crime.