Chapter 2

Criminality Amongst Women:
Theoretical Perspective

1. Introduction

Viewed in the context of development and social change, the concept of criminality amongst women is a recent phenomenon both in developed and third world countries including India. Criminality amongst women is a product of varied socio-economic cultural and environmental factors resulting out of rapid industrialisation, westernisation and urbanisation. Currently because of its increasing rate, it has drawn the attention of psychologist, sociologist and criminologist both at the International and National level scene. Not only it has given a strong blow to our social and cultural heritage but also affected the social structure of Indian society.¹

In the past, women were virtually invisible in the literature on crime. Until recently, the problems posed by female criminality were generally ignored in most textbooks or were added as a footnote to the discussion of male criminality. In these accounts the experience of women has generally been marginalised, and their criminality has been distorted to fall in whatever male theory was being expounded. In such accounts criminality was assumed to be a male characteristic. Since earlier times the theories formulated for explaining the criminal behaviour are based on the ‘male’ model since the subjects studied are male and also the one who conducted such studies were composed of male dominated population. Hence attempts were made to fit these theories to females. Adler (1975) and Simon (1975) have conducted researches in these lines.²

Virtually all of the traditional criminal justice theories are theories that were created to explain male criminality. In this module we will discuss some of the early explanations of female crime, try to apply some of the core criminal justice theories to women, and finish with the discussion of some of the modern theories.

² Katherine S. Williams, Text Book on Criminology, (2008), p. 502
theoretical work on criminality amongst women.

2. Theoretical Perspective

The early researchers attributed criminality amongst women to biological or sociological antecedents. Although crime, is a behavioural or social problem, is complicated and not easily understood. Criminality amongst women is seen more complicated as understood and not easy to control.

Theories about crime have been propounded from time to time. Many writers have explained the deviant behaviour of a person. We have writers of biological school, the psychological school as well as of the sociological school. Writers of biological school explain deviant behaviour in term of inherited traits, physical and mental. According to psychoanalytical school, deviance is not problematical because this theory starts with the postulates about human nature, according to which tendency to deviance is “given”. But sociologist looks at it as problematical and as a tendency that is not given but learned. They explain the deviant behaviour as the function of social environment and as one which is learned through group associations.³

There are number of divergent theories advanced by various social scientists for explaining the phenomenon of crime. The researchers from various disciplines such as social work, sociology, biology, psychology, criminology and law have explained crime in their own way. In this chapter we will discuss major theoretical explanation of criminal behaviour. Female criminality has generally been neglected due to the low crime rate of women and the fact that most criminologists were (and are) men. Virtually all of the traditional Criminal Justice theories are theories that were created to explain male criminality. In this module we will discuss some of the early explanations of female crime, try to apply some of the core criminal justice theories to women, and finish with a discussion of some of the modern theoretical work on women criminality.

Since Lombroso (1894), criminological thinking about female offending has been plagued by a series of questions and limitations. One question is

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³ Smriti Bhosle, *Female Criminals in India*, (2009). p54
whether female crime can be explained using the same theories that explain male crime. In other words, are female offenders the same as or are they different from male offenders? Authors have used several terms to capture this historic criminological theme. For example, Daly and Chesney-Lind (1988, 508) argue that ‘theories of gender and crime can be built in several ways ... Some are focusing on what we have called the generalizability problem, while others are interested in what we have termed the gender ratio problem.’ Generalizability refers to the quest to find theories that account equally for male and female offending. The gender ratio problem describes scholarship focused on the ‘gap’ or difference between male and female offending. Miller suggests that the ‘gender ratio’ and ‘generalizability’ problem fits within a larger ‘gender differences’ and ‘gender similarities’ framework and argues that the ‘... the former tends to essentialize differences between women and men, fails to account for similarities in their experiences, and also overlooks important differences between women and men, fails to account for similarities in their experiences, and also overlooks important differences between ... On the other hand, the “gender similarities” approach often results in a failure to be attentive to the importance of gender’.

There are several versions of gender similarities and gender differences perspectives in the criminology literature. Universal theories of crime, for example, have focused on neighbourhood, family, school, or peer contexts. These fit within the gender similarities perspective as they attempt to explain crime causation across gender lines. Interestingly, while aiming for universality, several of the seminal criminological theories were developed using data with boys and men and then were generalized to include girls and women.

3. Early theories of crime

Early explanations of criminality amongst women reflected prevailing views regarding crime and human behaviour more generally. During the late 1800s and early 1900s, theories of human behaviour tended to be deterministic.

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4 Lombroso, Cesare, *The Female Offender*, (1894) p.61
In criminology this perspective was apparent in theories attributing crime to either biological or social factors beyond the control of individuals. Psychological explanations of crime emerged as psychological theories gained prominence. At the same time, major sociological explanations of crime (differential association, anomie, social disorganisation) were emphasizing social and cultural factors that could account for female as well as male criminality.

There are various theories formulated by the social scientists for explaining the causes of criminality amongst women. Firstly we will discuss some early theories for explaining criminal behaviour of male or female.

3.1 Biological theory

Although the major theories of biological explanation of criminal behaviour were developed in the 19th century, but biological explanation can be found much earlier. The relationship between criminal behaviour and body type can be traced back to 1500’s; and the study of facial features and their relationship to crime to the 1700’s. Traditional biological theories focused on anatomical and physiological abnormalities within an individual which separate law breakers from the law abiding individuals. An individual’s physical trait index, a bodily constitution with an associated mental and psychological makeup, is the cause for the violation of the rules of the society.  

During the first half of the twentieth century, most explanations of female crime were ancillary to explanation of male criminality. Lombroso, for example, linked both male and female crime to biological predisposition. Early sociological explanations generally rejected biological determinism and offered sociocultural interpretation of both male and female crime as well as of gender differences in crime. Sociocultural views were manifest in criminology textbooks published between 1920 and 1960. Whatever the orientation, biological or sociocultural, most criminologists focused primarily on male criminality. Female offending was largely ignored.

Biological differences in human personality also account for criminality in

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human beings. The logic behind biological explanation of crime is that structure determines functions and Persons behave differently owing to the fact that they are somehow structurally different. The physical and biological abnormalities are generally responsible for criminal behaviour. In other words, the criminal is viewed as a biological organism characteristically different, abnormal, defective and inferior, both biologically and physiologically.\(^8\)

Lombroso’s (1911) brand of biological criminality has been a strong influence on pathological reasoning in women criminality. Writing at the beginning of the century, Cesare Lombroso described criminal women as biologically dysfunctional. He believed that female deviants lacked maternal instincts, exhibited atavistic characteristics, and bore more masculine physical features, such as an excess of body hair. However, most women were incapable of deviant act, Lombroso explained, because women were biologically inferior to men, more childlike, weak, and passive.\(^9\)

Lombroso and Ferreo applied the thesis that crime was biologically predisposed and recognizable by physical stigmata to female criminality. The criminal was primitive breed, recognizable by physical, atavistic qualities. Women were, on the whole less inclined to criminality because of constitutional and psychological factors. Women, in Lombroso’s scheme of things, are less likely to be born a criminal type and are more likely to display the characteristics of an occasional criminal. This type only committed crime under the influence of male criminal or in situation of extreme temptation. But most of such women criminals are not entirely deficient in moral sense. The small majority of women criminals whom Lombroso described as “born criminals”. This type tended to display greater criminal propensities and perversities from the psychological and behavioural standpoint than the male born criminal type. In this sense, when a woman is bad or worse, she is really worse or more perverse than man. The criminal woman, said Lombroso, is a monster who surpasses man when she wants to be wicked, cruel or diabolical. As criminal, she is an exception among criminals and her perversity knows no bounds. Lombroso’s studies of female

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\(^8\) Prof. N.V. Pranjappe, *Criminology and Penology*, (2008), p.54.

criminality began with measurements of females' skulls and photographs in his search for "atavism". He concluded that female criminals were rare and showed few signs of "degeneration" because they had “evolved less than men due to the inactive nature of their lives”. Lombroso argued it was the females' natural passivity that withheld them from breaking the law, as they lacked the intelligence and initiative to become criminal.\(^\text{10}\)

Otta Pollak explained the influence of hormonal changes over menstruations, pregnancy and menopausal stage. He said that in pregnancy and menopausal phase, the psychological characteristics such as emotional changes of moods, abnormal craving and impulses and temporary impairment of consciousness point in the direction of criminal causation.\(^\text{11}\)

In 1950, Otto Pollak (1950) published his key work in the field of women and crime. In The Criminality of Women, Pollack blames female criminality on biological phases that undermine a woman’s natural inhibitions and influence criminal offending. Under this theory, menstruation awakens feelings of irritation and complaint about her subordinate status in society. Pregnancy leads to irritation, anxiety, and emotional imbalance. Also, a menopausal woman becomes frightened about her emotional security and her marital well-being. Unlike Lombroso and Freud, though, Pollock believed that female criminality was more common than publicly acknowledged. Women’s superb skills of deceit and concealment resulted in their deviant acts being largely undetected by others. Pollock explained that these skills were biologically driven with social reinforcement, as represented by the female’s concealment of her monthly menstruation and her biological ability to misrepresent her sexual enjoyment due to the invisibility of her orgasm.\(^\text{12}\)

Bio-Chemical researchers have tried to show that hormonal imbalances have an adverse effect on criminality. In other words, hormonal imbalances in women affect the thinking power of the brain and control over nervous system and this may lead to criminality. But the general consensus does not accept these

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\(^\text{10}\) Lomborosso and Ferrero, *The Female Offenders*, (1958), p.112

\(^\text{11}\) Otta Pollak, *Criminality of Women*, (1959), p.31

\(^\text{12}\) *Ibid*
findings. The more accepted view is that hormonal imbalances among women may act as catalyst for criminal behaviour and provide a favourable biological environment for crime causation but criminality cannot be attributed to these imbalances alone. However, imbalances in sex hormones do affect human behaviour. Particularly, great hormonal changes usually occur in women just before and during menstruation period commonly referred to PMT and MT.\textsuperscript{13}

Later in the late 19\textsuperscript{th} century, Lombroso and Ferrero wrote a book called “The Female Offender”. They explained the skeletal remains of female offenders and bodies of living female prisoners. They concluded that the number and of types of physical abnormalities in female offenders indicated the extent to which women were predisposed to criminal acts. They even attempted to determine which particular acts women were more likely to commit. The born female criminal had criminal qualities of the males plus the worst characteristic of women. These included deceitfulness, cunning and spite. Criminal women were generally more male than female therefore biologically abnormal.\textsuperscript{14}

The biological theory is based on changes connected with the menstrual cycle. Although it is unclear whether women generally are involved in higher incidence of criminality during their generative phases, it is clear that law takes account of these elements in deciding some cases. Menstruation has been used as a partial defence plea, and both menstruation and menopause have been accepted as factors which should reduce sentences. Here the case of menstruation will be considered, but similar factors apply to menopause. Although both these ‘generative phases’ have been commonly used in such relatively minor cases as shoplifting, more serious cases will be considered here. Susan Edwards (1988) notes that in the nineteenth-century pre-menstrual tension (PMT) was frequently discussed as being an important element of defence in case of violence, killing, arson and theft. Both Edward and Luckhaus (1985) refer to case in the early 1980s where PMT was successfully pleaded. In one of these, the woman faced a murder charges which was reduced to manslaughter due to diminished responsibility attributed to PMT, and had received a probationary sentence with a

\textsuperscript{13} Supra note, 6, p.55
\textsuperscript{14} Supra note, 5,p.26
proviso that she undergo hormone treatment, *R Vs. Craddock*\(^{15}\). In another case a woman, charged with murder, was convicted only of manslaughter due to diminished responsibility; there was no custodial sentence, not even the requirement of hormonal treatment.\(^ {16}\) Court has import the concept such as ‘diminished responsibility’ as was allowed in *Kiranjit Ahluwalia*’s case, battered women’s syndrome etc.\(^ {17}\)

Clearly, in the cases of these women the law accepted that PMT, although not amounting to a full defence, was the most important reason for the behaviour. PMT was accepted as a partial excuse and as a reason for lenient sentencing; the total effect was the acceptance of the controversial idea that PMT amounts to a causative explanation. This is an interesting acceptance in the light of the fact that medical evidence is divided about the existence of such a syndrome and its effects. If there are effects, they appear to be mainly psychological, such as tension, irritability, depression, tiredness, mood swings and feelings of loneliness, although Dalton (1984) has included some relevant physical effect such as epilepsy, fainting and even hypoglycaemia. Rose (2000) would wish to see women receiving treatment at an early stage to avoid both the later criminal behaviour and the need to admit this type of evidence in court.\(^ {18}\)

The most important of the early biological theories, the one from which nearly all biological theories stem was the first introduced in 1876 by Cesare Lombrosso in his book, “The Criminal Mind”. Lombrosso observed the physical characteristics (head, body, arms and skin) of Italian prisoners and compared them to Italian soldiers. From these comparisons he concluded that criminals were physically different from law abiding citizens and these differences demonstrated the biological causes of criminal behaviour.\(^ {19}\) He claimed that:

- Criminal constitute a distinct ‘born’ type.
- This type of criminal can be identified by certain physical abnormalities

\(^{15}\) CLY (1981) 476
\(^{16}\) The Times, 12\(^{th}\) November, 1981
\(^{18}\) Ibid
\(^{19}\) Dr Madhurima, *Women, Crime And Prison Life*, (2009), p.25-26
or stigma such as asymmetrical face, large ears, excessively long arms, flattered nose, retreating forehead, tufted and crispy hair, and insensibility to pain, eye defects and other physical peculiarities.

- The stigmata are not the cause of crime but rather the symptoms of atavism or degeneracy. Thus, according to Lombroso, atavism and degeneracy are the basic cause of crime.

- A person who is criminal type cannot refrain from committing crime unless he lives under exceptionally favourite circumstances.

- Not only criminals differ from non-criminals in physical characteristics but they can also be distinguished according to the type of the crime they commit.

Initially, Lombroso came out with only type of criminals, the born criminals but later he identified two other types of criminals, viz. criminaloid or occasional criminals who differed from born criminals only in degree and who indulged in crime owing to participating factors in environment, i.e. when they got opportunity to commit crime; and criminals by passion who were in complete contrast with born criminals in terms of nervous and emotional sensitiveness, and in motives of crimes such as love or politics.\(^\text{20}\)

Theorists emphasizing the casual role of biological and psychological factors in women criminality typically postulated that criminal women exhibited masculine biological or psychological orientations. Lombroso viewed female criminals as having an excess of male characteristics. He argued that, biologically, criminal females more closely resembled males than females.

### 3.2 The psychological theories

Psychological theories of crime begin with the view that individual differences in behaviour may make some people more predisposed to committing criminal acts. Psychological theories are usually developmental, attempting to explain the development of offending from childhood to adulthood.

\(^{20}\) *Ibid*
The psychological theories explain that the individual is disposed towards crime on account of certain personality traits as different from the social environment. Psychology includes within it the study of mind and behaviour attitude etc. It is the study of individual characteristics such as personality, reasoning thought perceptions, intelligence, and imaginations, memory creativity and so on.

Psychologists treat crime as a behaviour learnt by the criminal in course of his or her contact with different persons. Thus like sociologists, they seek to explain to crime in terms of environmental circumstances.

Psychological theories assume a number of explanations which basically attribute female criminality to individual characteristics. Which are either unchanged or only marginally affected by economic, social and political forces. These theories often conclude that criminality is due to inherent nature of particular ‘abnormal’ who are bad and begin their life with a propensity for criminality; that is, in everyday language, they are considered to be born criminals. Because these theories are centred upon the individual. These ‘cures’ range from sterilization in order to prevent crime in future generation through to psychoanalysis. Little, if any, consideration is given to the role, status or socio-economic position of women in the society. The neglect of social factors has an immediate attraction for anyone wishing to retain the status quo in society, helping to explain the popularity of these theories amongst the better-off section of the community. Such an approach also lent support to the idea that the penal system should reform prisoners whilst in custody. Criminals were thought of as persons who suffered from something which could be cured. It takes time to help and cure people, and so it is necessary to incarcerate them for long enough to have the desired effect. In this way, these theories also influenced the length of prison sentences.

Criminals have savagery ancestral history and criminality in them is hereditary. Goring pointed out criminalistics traits in criminals are imbibed by

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22 Supra Note. 4.
heredity and through instinctive patterns and, therefore, environmental conditions are of little importance. Subsequent researches by psychologists and sociologists have, however, demonstrated beyond doubt that it is not the heredity but the psychological influences operating in delinquent families that makes one criminal. The child unconsciously imbibes criminalistics traits from the family background of the delinquent families that makes one criminal. The child unconsciously imbibes criminalistics traits from the family background of the criminal parents and subsequently turns into confirmed criminal. Also, children who are removed away from their parents at an early age tend to follow criminality for want of proper parental care and lack of affection which develops the feeling of inferiority complex, frustration humiliation on them.\textsuperscript{24}

Thomas offered an explanation for delinquency on part of young females which characterizes them engaging in departures from line of conduct that are biologically and psychologically normal for women. Every human he believed has certain basic desires. The desire for new experience and the desire for response influenced criminality. A woman enters prostitution to satisfy desire for excitement and response. For women prostitution is, in form or another, a means to satisfy their needs.\textsuperscript{25}

In his book “the criminality of women” Pollak has challenged so-called disproportion between male and female criminality. He claimed that women engage in hidden crimes like abortions, murders by poisoning, offences against children etc. because of their greater skill at deceit and cunning behaviour acquired through sexual socialization. Besides the superstitious and cunning nature of women acquired through differential socialization process, Pollak also suggested that biological factors including lesser physical strength, as well as psychological concomitants of menstruations, pregnancy etc. enters into the etiologic of crime.\textsuperscript{26}

Psychological theories of crime begin with view that individual differences in behaviour may make some people more predisposed to committing

\textsuperscript{24} Sutherland and Cressey, \textit{The Principle of Criminology}, (1978), p.100
\textsuperscript{25} Smriti Bhosle, \textit{Female Criminals in India} (2009), p.56
\textsuperscript{26} Supra Note 7.
criminal acts. Psychological theories are usually developmental, attempting to explain the development of offending from childhood to adulthood, and hence based on longitudinal studies that follow up individuals over time. The emphasis of such theories is on continuity rather than discontinuity from childhood to adulthood. A common assumption is that the ordering of individuals on an underlying construct such as criminal potential is relatively constant over time.27

Freud (1930) expressed that “civilized society is perpetually menaced with disintegration through the primary hostility of men towards another. Their interests in common work would not hold them together; the passions of instinct are stronger than reasoned interests. Culture has to call up every possible reinforcement in order to erect barriers against the aggressive instinct of man and hold their manifestation in check by reaction-formations in man’s mind”. Freud’s physiological explanation holds that law breaking by females represents a perversion of or rebellion against the biologically natural female role, or evidence of masculinity complex. He maintained that all females experience some degree of jealous of males but ‘normal’ women manage to accept the internalise societal definitions of femininity, centred around a single minded interest in motherhood.28

Sanyal (1975) also observed that women convicts displayed emotional instability, insecurity, rejection or frustration in childhood. They encountered harsh living conditions, disappointments in love and a large number of unfortunate experiences which generally made it difficult for them to face the realities of life. They had hardly ever tested the fulfilment of their aspirations. Similarly, Thomas’s theory of four wishes (response, recognition, security and new experience) would help in understanding the nature of crime.29

3.3 Economic Theory of Criminality

One of the oldest theories of causes of crime propounded by economic determinists, the Marxists, the early social workers and humanitarians is poverty.

27 Supra note 16, p.29
For some of them, indeed, crime is nothing else than reaction against economic injustice. The unequal distribution of goods condemns a part of the population to poverty and thus, depriving it of the means of education, reduces it to ignorance. Attempting to interpret crime in terms of poverty is the oldest in point of time. There have been, however, shifts in emphasis from one to another with changes in social beliefs and economic conditions.\(^\text{30}\)

The Economic theories of crime contended that criminal behaviour is the resultant factor of economic needs arising out of poverty, unemployment, low income, high cost of living, high expenditure etc. Various Scientists like Bentham, Rouseeu, Walsh, and Paranjappe contributed to the economic theories of crime.\(^\text{31}\)

It may, however, be argued that though poverty alone is not the main cause of a particular crime. But it does not produce the condition most conducive to crime, both personally and socially. Economic insecurity, slums, inadequate food and clothing, lack of necessary medical care, lack of proper education facilities are bound to create attitude dangerously close of to criminal behaviour. With their attended miseries in which children as well as their parents are led into differential association with delinquent types. Thus poverty indirectly, can easily develop envy and bitterness that may result in crime.\(^\text{32}\)

The employment of women also has a demoralising effect on children. With the outdoor occupational activities of mothers, the children are not properly looked after. The lack of parental care and control over children in homes may detract them from righteous path and they are likely to fall into bad company of delinquents out of sheer frustration and want of proper attentions towards them. That apart, greed for money often induces women to agree to immoral acts. Particularly, in the context of Indian society, the condition of working women is deplorable because of the lack of adequate protection to her from social dangers while she is at work. Commenting on this point Prof. Gillin rightly observed that while lack of employment seems to be hazardous for adult males the employment

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\(^{30}\) Garofale, *Criminology*, (1881), p.143


\(^{32}\) J.P. Sirohi, *Criminology and Penology*,(2004), p.83
of women and children is associated with an increase in criminality.\textsuperscript{33}

4. Major Theories of Women Criminality

It has been traditional opinion of criminologists and social scientist that women commit relatively few crimes as comparative to the men then when they do so they somehow betray their womanhood, by venturing out into a reserve of man. In the last decade the proportion of women arrests among the total numbers of persons arrested increased rapidly. This seems to be an indicator of the increasing deviance among the women.\textsuperscript{34}

The theories on female criminality, as Pollak rightly said, are generally contaminated by popular stereotypes and myths regarding women. Both classical and contemporary criminologists have failed to dismantle to sexist notions and common sense perceptions about women in general and female offenders in particular. The shared proposition of all these scholars is that female crime is the result of physiological or psychological characteristics of individuals. They have not given any importance to socio-cultural factors but have viewed the biological characteristics as pathological distortions or departures from the normal inherent nature of the women. Obviously the assumptions in all these explanations about biological and psychological traits of normal and criminal women are questionable.\textsuperscript{35}

In the recent past women have been participating in various aspect of social life including academic, scientific, cultural and other productive and non-productive activities. The growing participation of women in these fields may be one contributing factor for the increase in the crime rates among women.\textsuperscript{36}

Thus it is clear that the theoretical basis of criminality amongst women still depends on biological determination and foundation. However, at the same time, classical theories of women criminality are not only pioneering but are also relevant today. There are various theories formulated by social scientists and

\textsuperscript{34} \textit{Supra Note} 14.
\textsuperscript{35} Smriti A. Bhosle, \textit{Female Crime in India and theoretical perspective of crime}, (2009), p.56
\textsuperscript{36} Pardeep Kumar, \textit{Philosophy of Crime} (2004), p.44
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After the analysis of the viewpoints of the scholars of past decades, we can now turn to the major important theories which explain the causes of criminality amongst women which are as follows.

4.1 Theory of Anomie

American sociologist Robert Merton, borrowed ideas from the French Sociologist Emile Durkheim. Durkheim defines crime as acts which “offends strong and and definite states of the collective consciences”. Crime for him is social fact. It is normal and universal in its varying forms, in all cultures and societies, at all stages of their developments. A certain amount of crime is inevitable, normal and healthy in any society. Crime is inevitable because not every member of society can equally committed to the collective sentiments, the shared values of ethics and society. Since individuals in society are exposed to various influences, it is impossible for all to be alike. Durkheim further argues that crime is not only inevitable, it can also be functional. Social change begins with some form of deviance and society itself generates deviance for its own well-being. Repressing criminal behaviour completely is not desirable, for that would create a situation that is inimical to innovation and social change.37

Robert Merton borrowed ideas from Emile Durkheim. According to Merton, criminality is caused by pressure or tension. The source of this tension is stimulated aspirations to achieve goals coupled with obstacles to their achievements. Frustrated individuals turn to crime either to release this tension or to achieve their goals via illegitimate avenues. Merton used the word ‘Anomie’. To Merton, anomie was not a state of normlessness which precipitated anti-social behaviour, but the condition experienced by individuals taught to want the goals of their culture but denied access to them.38

Merton distinguished between social and cultural structures. Cultural structures refer to goals and interests men pursue, while social structures refer to means or approved methods which regulate and control the pursuit of goals and

37 Supra note 32, p. 60
interests. The cultural system of society enjoins all men to strive for goals of means of normatively approved forms of behaviour. However, opportunities to reach these goals through socially approved means are unequally distributed. Deviant behaviour occurs when social structures restricts or completely closes a person’s access to the approved models of reaching these goals. Some social structures exert a definite pressure rather than conformist conduct.  

Anomie is the form that societal mal-integration takes when there is dissociation between valued culture ends and legitimate societal means to those ends. The more disorganized or anomie the group, community or society, the higher is the rate of crime and deviance. Merton proposed that anomie characterizes American society in general and is especially high in the lower classes because they are more blocked-off from legitimate opportunities. High levels of anomie and social disorganization in lower class and disadvantaged ethnic groups, therefore, are hypothesized to be the cause of high rates of crime and delinquency in these groups. Merton has identified five modes of adaption available to those who react to the goals and means of society, conformity, innovation, ritualism, retreatism and rebellion. While Merton considers the last four modes of adaption as deviance, he offers his category of “innovation” in support of the link between anomie and crime. He uses innovation to explain the high crime rates among the lower class or the poor segments of population.

4.2 Strain Theory

Strain theory emphasis that crime is caused by pressure, strain or tension, when frustration occurred while facing obstacles to their achievements, the individuals behave definitely in order to release their tension or to action their goals through illegitimate means.

All societies have universal goals that every member strives to meet. The norms of society not only define which goals are important, but also dictate acceptable actions that may be used to obtain the agreed upon goals. Although

39 Ibid.
40 Dr Madhurima, Women, Crime And Prison Life, (2009), p.41-42
41 R.K. Merton, Social Theory and Social Structure, (1957), p.72
society creates universal goals for each member, in a class based society, opportunities to reach these goals are not equally distributed. When a gap exists between goals of acceptable ways to achieve them, the result is frustration. Strain theory is based on a belief that people want to obey the law, but under stress or strain they will resort to crime to meet culturally prescribed goals. From a young age, children are taught that through hard work and education they will be able to achieve monetary success. The reality, however, is that many people will not succeed, the opportunities for success are not equal. Those residing in upper class have greater access to education and monetary opportunities than those in lower class. This creates conflict between the agreed upon the cultural goal, and the means, the institutionalized or socially approved method to achieve it. When member of society are limited in their approved ability to achieve the goal, they may turn to deviant pathways to achieve the acceptable goals.42

The frustration-aggression theory cultivated by psychiatrist and psychologists like Freud and latter systematically elaborated by Dollard and other explains only some kind of crimes, particularly only few murders committed by women. According to this theory frustration produces aggression and aggression results from frustration here the emphasis shifts from kinds of persons with special propensities for aggression, to kinds of situations or experiences that may provoke aggression in women. The source of frustration may lie within the personality or in the environment. The strength of the needs or impulses that are thwarted, and as strength of frustration varies, so does the intensity of the impulse to aggression. However, the manner in which it is directed will depend upon controls-both internal and external to personality operating at the time. This approach does not explain the excise offences of the women who had committed them only to help their husbands in their economic pursuits, nor the offence of kidnappers of sex deviant or some thieves etc.43

However, Cloward and Ohlin’s theory which stresses the relationship between crime and opportunities for obtaining desired ends by either legitimate or illegitimate means explains most of the female crimes. For understanding the

42 Theories of Female Criminality, http://www.castonlineilstu.co.edu, visited on 24th Feb 2012.
43 Ram Ahuja, Female Offenders in India, (1961), p.57
criminal behaviour of the women on the basis of this theory, we have to invoke the economic factors for the availability of means- legitimate plus illegitimate- and socio-cultural factors for the evaluation of illegitimate means.\textsuperscript{44}

American social scientist Albert Cohen, in his work “Delinquent Boys”, took up Merton’s idea of ‘Strain’ explicitly to explain the different pattern of male and female crime, in particular the crime of youth. Cohen unintentionally extends this theory by proposing that when their aspirations for status are frustrated in the middle class milieu, lower class boys and girls tend to set up a delinquent structure.\textsuperscript{45}

In Merton’s analysis, individuals are taught to desire certain things such as a material success, but the legitimate means of achieving this- education and thence employment- are either not available or have only a limited relevance for the bulk of people. Those with limited opportunities were then frustrated into committing criminality to obtain the goals. In Cohen’s scheme the whole of the society is basically gendered; ambition, wealth, rationality and control of the emotions are the outward signs of a successful person, but only a male person. For women, success is to form a close relationship with a successful man. A lack of ambition, inactivity, irrationality and emotional instability are signs of a failed and defective male; they are the very identity of women. The other main proponents of the strain theory, Cloward and Ohlin, also relegate women to a position which excludes them from the main masculine culture. Because women are not subjected to financial pressures, they do not suffer strain in the same way and so have no need of criminal gangs or cultures to redress the balance.\textsuperscript{46}

The basis for such analyses has been eroded by some broad modern trends. Thus female have increasingly become economically less marginalised. More women are now the only, the major, or the joint breadwinner, and therefore the pressures and strains of economic requirements are increasingly placed upon them especially as women often inhabit low paid and insecure areas of employment, or are unemployed. Within this context it is instructive to note that

\textsuperscript{44} Ibid, p.58
\textsuperscript{45} Albert Cohen, \textit{Delinquent Boys}, (1955), p.75
\textsuperscript{46} Ibid
women are more likely than men to be poor. From the official social security statistics over a number of years it is clear that two-third of the adults supported by the social assistance income support scheme are women; while the Family Expenditure Survey reveals that women are over-represented in the lowest declines, both on the basis of their individual incomes and when taking account of the incomes of other household members. In the latter case, two-third of adults in the poorest households is women. 

4.2.1 Male versus Female Strain and Crime

General strain theory can be used to explain the difference in crime between larger groups, such as the difference in crime rates between communities and the high rate of crime in adolescents (Agnew, forthcoming). General strain theory has also been applied in criminology to explain the high rate of crime among males as opposed to females. Agnew and Broidy used this theory to explain the increased rate of crime among males and the reason why females commit crime.

In an attempt to explain the high rate of male delinquency as compared to female delinquency, Agnew and Broidy analyzed the gender differences between the perception of strain and the responses to strain. The first area that was explored was the amount of strain that each gender experiences. According to stress research that Agnew and Broidy complied, females tend to experience as much or more strain than males. Also, females tend to be higher in subjective strain as well. That female's experience more strain than males does not explain the higher rate of male delinquency according to the general strain theory. Due to this, Agnew and Broidy explored further differences in male and female strain (Agnew and Broidy).

Since females experience more strain and commit less crime, Agnew and Broidy investigated the different types of strain that males and females experience. Their findings are listed in Table 1. There was found to be a

difference in the types of strain.

Table 1: Sex differences in types of strain (Agnew and Broidy, 1997:278-281)

<table>
<thead>
<tr>
<th>Females</th>
<th>Males</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concerned with creating and maintaining close bonds and relationships with others – thus lower rates of property and violent crime</td>
<td>Concerned with material success – thus higher rates of property and violent crime are committed by men.</td>
</tr>
<tr>
<td>Face negative treatment, such as discrimination, high demands from family, and restricted behavior</td>
<td>Face more conflict with peers and are likely to be the victims of crime</td>
</tr>
<tr>
<td>Failure to achieve goals may lead to self-destructive behavior</td>
<td>Failure to achieve goals may lead to property and violent crime</td>
</tr>
</tbody>
</table>

Agnew and Broidy next hypothesized that there may be differences not only in the types of strain, but in the emotional response to strain as well\(^\text{49}\). The gender differences are discussed in Table 2. Since Agnew and Broidy found that there were sex differences

Table 2: Sex differences in emotional response to strain (Agnew and Broidy, 1997:281-283)

<table>
<thead>
<tr>
<th>Female</th>
<th>Male</th>
</tr>
</thead>
<tbody>
<tr>
<td>More likely to respond with depression and anger</td>
<td>More likely to respond with anger</td>
</tr>
<tr>
<td>Anger is accompanied by fear, guilt, and shame</td>
<td>Anger is followed by moral outrage</td>
</tr>
<tr>
<td>More likely to blame themselves and worry about the affects of their anger</td>
<td>Quick to blame others and are less concerned about hurting others</td>
</tr>
<tr>
<td>Depression and guilt may lead to self-destructive behaviors (i.e. eating disorders)</td>
<td>Moral outrage may lead to property and violent crime</td>
</tr>
</tbody>
</table>

\(^{49}\) Ibid
In the emotional response to strain, this can be used to explain gender differences in crime participation (Agnew and Broidy, 1997:281-283).\textsuperscript{50}

Males and females have been found to experience different types of strain and different emotions according to the general strain theory. Next, Agnew and Broidy investigated the reasons why males may respond to strain with crime. Research indicated that females might lack the confidence and the self-esteem that may be conducive to committing crime and employ escape and avoidance methods to relieve the strain. Females may, however, have stronger relational ties that might help to reduce strain. Male participation in crime has been studied in several different theories such as control theory and differential association theory. Males are said to be lower in social control, and they socialize in large, hierarchical peer groups. Females, on the other hand, form close social bonds in small groups. Therefore, males are more likely to respond to strain with crime.\textsuperscript{51}

Common criticism for Merton’s Strain Theory includes his application of middle class norms to everyone regardless of race, gender culture or time. Merton didn’t apply his theory to women. He created strain theory to compare middle class boys to working class boys, not girls. This ignores the fact that women represent the larger group living in poverty. Strain Theory predicts a greater proportion of crime in the lower class because the lower class has the least legitimate opportunities to reach their goals. Women, as the majority of the lower-class should be over represented as innovators, yet in actually they represent only small proportion of criminal offenders.\textsuperscript{52}

4.3 Masculinity Theory

This theory comprises of two ideas: crime is symbolically masculine and masculinity supplies the motive for a good deal of crime. The qualities demanded of criminal-daring, toughness, aggression all exemplify maleness. As an explanation of criminal behaviour, masculinity theory expounds the unsuitability of crime for women, thereby explaining their conformity. The masculinity theory

\textsuperscript{50} Ibid
\textsuperscript{52} Supra Note 20.
of offending was first expounded by Talcott Parsons. Parsons offered an account of the greater delinquency of boys as compared to girls based on nuclear family. He stated that “tendency of girls seems to be more law-abiding than boys”.53

In contemporary criminology, there has been a remarkable high degree of fidelity to Parsons’s original conception of sex roles among both feminist and more traditional writers. Criminologists assumes that crime for female is a form of expression of gender roles imposed on women and rather than regarding them as appropriate and functional, they advanced nevertheless a view of women at least as controlled, as conformist and as ineffectual as parsons conceived.54

Dale Hoffman Bustamante (1973) notes that females are rewarded for conforming behaviour, whereas males, although being thought to conform, are often rewarded when they breach the rules. She argues that this teaches men, but not women, that though conformity is generally desirable, it can be rational to breach the rules in some cases. Women are shown that the only way forward is conformity is generally desirable, it can be rational to breach the rules in some cases. Women are shown that the only way forward is by conformity. She notes that media images can also be influential: male heroes can be portrayed as rule breakers or benders (cowboys in western movies, police in adventure films); heroines, at least until recently, have generally pictured as girlfriends, mothers and house wives. She says that sex role skills are important as they dictate what type of crime an individual will be capable of committing.55

Women are less likely to use weapons because they rarely learn how to use them, but they may use household implements to threaten the victims. This is also consistent with the fact that female crimes of violence are often committed against the family members or close friends. Property crimes, she argues, often take the form of forgery, counterfeiting or shop-lifting which may arise from the stereotyped role of women as paying the bills and doing the shopping. 56

53 Parsons Talcott, “Family structure and the socialization of child”, in family, Socialization and Interaction process, 1954, p.306
54 Ibid
56 Ibid
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The sex-role stereotyping is so strong that in some cases even where a theory is being postulated which runs counter to this idea; a feeling of the sex role may be present. Smart (1976) propose a feminist critique of explanations but at points she lapse into a sex role orientation. For example, she explains receiving stolen goods, when committed by women, in terms of a passive act carried out for a loved one, and the goods are likely to be hidden somewhere in the house. The offence is thereby ascribed to relationships and to passivity, both of which fit in with sex-role stereotypes.  

4.4 Theory of Differential Opportunity/Learning Theory

Learning theory focused upon the fact that criminality is a learned behaviour. A persons association with criminal persons and ideas have great role to play in developing criminal tendency. Differential association theory is based on this idea. It states that a person will become criminal if he or she associates more with criminal than anti-criminal people and ideas.  

Instead of discussing pressures and motivations leading to criminal acts, this theory gives importance to adoption of particular kind of criminal act. This theory is presented by Richard Cloward and Llyod Ohlin the theory attempts to answer the question why different criminals adopt different forms of crime to express or fulfil their wishes and their resistance. They consider that all individual live in two kinds of opportunity structures. One is the legitimate opportunity structure and other is the illegitimate opportunity structure. As some people in the society have limited access to achieve goals by legitimate ways or means, they may turn to illegitimate opportunities. A person may directly turn to illegitimate opportunities. But the nature or pattern of illegitimate behaviour depends upon the access to a learning environment of such behaviour. Describing the importance of theory of differential opportunity structure permits us to unite the theory of anomie, which recognize the concept of differentials in access to legitimate means and the “Chicago tradition”, in which concept of differentials in access to illegitimate mean is implicit. We can now look at the individual not

simply in relation to one or the other system of means but in relation to both legitimate and illegitimate system.\textsuperscript{59}

Edwin Sutherland introduced the theory of ‘Differential Association’. He gave two explanations for criminal behaviour, Situational and Genetic or Historical. Situational crime is crime on the basis of situation that persists at the time of crime and genetic crime on the basis of criminal’s life experiences. He himself used the second approach in developing the theory of criminal behaviour. This theory states that criminal behaviour is learnt in a process of communication with other persons, principally in small intimate groups. This learning includes the techniques of committing crime.\textsuperscript{60}

This theory states that a person will become a criminal if he or she associates more with criminal than with anti-criminal people and ideas. The first explicit application of differential association to females was by Ruth Morris in her effort to explain female conformity. \textsuperscript{61}

For Sutherland crime was a normal learning process; we learn crime in much the same way as we learn anything else and learning takes place in groups. Sutherland developed his theory to explain two form of criminality. First, he wanted to explain why crime rates vary with different group of people. He wanted to explain, for example, why city people are more likely to commit crime than rural people; why males are more delinquent than females; why blacks are more prone to crime than whites; and why there are more crimes in poverty stricken areas of cities than in other areas. To make sense of these different crime rates, Sutherland suggested what he calls ‘Differential Social Organization’ or ‘Differential Group Organization’. By differential group organization, he referred to the fact that a society consists of different group of people some having a criminalistic tradition and other having anti-criminalistic tradition. Differential association theory suggests that a crime is a learned in ordinary everyday situations through a process of cultural transmission implemented both on men and women. Sutherland outlined his theory in the

\textsuperscript{59} Dr. Smriti. A. Bhosle, \textit{Female Crime in India and Theoretical perspective of Crime}, (2009), p.62
\textsuperscript{60} Edwin Sutherland, \textit{Principles of Criminology} (1970), p.61
\textsuperscript{61} R.Morris, \textit{Female Delinquency and Rational Problems} (1964), p.231
following nine postulates:\textsuperscript{62}

- Criminal behaviour is learned.

- Criminal behaviour is learned in interaction with other persons in a process of communication.

- The principal part of the learning of criminal behaviour occurs within intimate personal groups.

- When criminal behaviour is learned, the learning includes:
  
  (a) Techniques of committing crime which are sometimes very complicated and sometimes very simple; and

  (b) The specific direction of motives, drives, rationalizations and attitudes.

- The specific directions of motives and drives are learned from definitions of the legal code as favourable or unfavourable.

- A person becomes delinquent because of an excess of definition favourable to violation of law over definitions unfavourable to violation of law.

- Differential association may vary in frequency, duration, intensity, and priority.

- The process of learning criminal behaviour by association with criminal anti-criminal patterns. Involves all of the mechanism that are involved in any other learning.

- While criminal behaviour is an expression of general means and values, it is not explained by those general needs and values since non criminal behaviour is an expression of the same needs and values.

Criminality amongst women was socially induced rather than biologically inherited. Pollack believed, it is the learned behaviour from a very young age that leads girls into a masked character of women criminality, that is, how it was

\textsuperscript{62} Dr Madhurima, \textit{Women, Crime And Prison Life}, (2009), p. 36
and still is concealed through under reporting and low detection rates of female offenders. He further states, in our male-dominant culture, women have always been considered strange, secretive and sometimes dangerous. A greater leniency towards women by police and justice system need to be addressed especially if a true equality of genders is to be achieved in such a complicated world. It is not possible for women to be confined within four walls of house for all the time; she has to move out in the society. They learn from their surrounding criminal activities.63

4.5 Control Theory

The control theory perspective suggests that every person has bad and good qualities only because of the social environment, social values and norms around him. This theory states that what causes conformity is control, and therefore the lack of control causes deviance. This theory seems unable to explain more sophisticated adult deviant behaviour, aside from presenting an oversimplified view of social control.64

Control theory differs from both the anomie and differential association theorist who approach the problem of explaining deviant behaviour asking ‘what causes deviance’. Control theorists on the other hand approach the problem in a round about way and ask ‘what causes conformity’. They will automatically find out what causes deviance. For, what causes deviance is simply the absence of what causes conformity. This control theory differs from anomie theory.65

The literature applying control theory to women is inconclusive. However, ever since Hindelang discovered that, “the presence or absence of social bonds bore a weaker relation to female delinquency than to male delinquency”. Control theory would predict that, “girls who are most like boys (masculine girls) would offend as much as boys and because of similarity of strength of social bonds which should be weaker than those of more feminine, more conforming girls”.66

In traditional family, girls are controlled by the dominance of patriarchy,
as well as having a passive stay at home female role model to insulate them from criminality. Girls are taught to take care of the household and are supervised and controlled by their mothers to prepare them for this life role. Boys on the other hand, are less controlled; they have power simply by being male, which allows them more freedom and less maternal control. In an egalitarian household with two working parents, girls and boys are socialized into an egalitarian structure resulting in less supervision for children of either gender. Girls and boys are expected to gravitate towards the workforce, so they are allowed to the freedom to take risks, resulting in higher delinquency by females who now have the freedom of their brothers.  

According to control theorists, people do not engage in crime because of the controls or restraints placed on them. Control theory focuses on the factors that restrain the individuals from engaging in crime. These controls may be viewed as barriers to crime. Control theory goes on to argue that the people differ in their level of control. The control theory of Travis Hirschi dominates the literature, but others like Gerald Patterson, Michael Gottfredson and Robert Sampson have extended Hirschi’s theory in important ways. Rather than describing the different versions of control theory that draws on all of their insight is presented.

Hirschi (1969) set out the main thesis of control theories, whereby society controls people by means of four methods: attached to conventional and law abiding people, commitment to conventional institutions such as work, school or leisure activities; involvement in these same activities; and belief in the conventional rules of behaviour. These should lead to conformity. This idea is set out as a gender-neutral idea, but Naffine (1987) suggests for a number of reasons it remains a male-gendered theory. First she notes that if Hirschi really interested in conformity he would have studied females, as the largest and strongest conforming group, to see why they were law-abiding, and yet he studied men. Secondly, Hirschi sets out as factors of conformity the traditional male role idea of bread-winner, such as responsibility, hard work, commitment to

67 Supra Note 20.
68 Dr Madhurima, Women, Crime and Prison Life, (2009), p.34
employment and making a rational decision to remain law-abiding rather than risk all of that. Conformity in males is thus depicted as positive, but females are said to conform because of their passive natures—conformity becomes negative.69

Control theory does not necessarily involve this strong gendering and negative view of the female. Some more recent studies have attempted to incorporate into control theory changes in patterns of family upbringing. Thus Hagan (1989) sees family socialisation as important, but notes that in some respects upbringing has altered and that this may explain changes in crime rates for women: in patriarchal families, girls, in contrast to boys, will be socialised as home-makers and away from risks; whereas egalitarian families increase the propensity of girls for risk-taking and so of their likelihood of turning to crime.70

Similarly McCarthy (1990) found that girls brought up in less patriarchal homes were more involved in common forms of criminality whilst boys in such homes are less involved in common forms of criminality. Where the power-control relationship between parents was more equal it thus had a beneficial effect on boys and a detrimental effect on girls. Interestingly Hagan and McCarthy (1997) suggest that in young people living on the streets where the controlling influences had been removed, the crime involvement by gender was similar, though they might be involved in different forms of criminality (young women in prostitution, young men in stealing food and serious theft).71

Heidensohn (1985 and 1996) proposes control theory as offering the best account of female criminality or, more particularly, female conformity. She argues that women are controlled in the home by their caring role of mothers and wives. She sees this role as being reinforced by social worker and health visitors stressing the rights and welfare of the child, through the idea of community care for the elderly and disabled, and through the way society assumes dependency of women in certain areas. She notes that although it is obviously simple fact that many women are dependent, the legitimation of the position by the state helps both to perpetuate this position and to control their behaviour. Even if they are at

70 Hagan John, Structural Criminology, (1989) p.89
71 Hagan, j and McCarthy, Mean streets: Youth Crime and Homeless, (1997), p.64
work, their free time is often constrained by having to perform the household tasks as well as their jobs, while because they are often in the least secure employments they are deterred from behaviour which might jeopardise their position. Lastly, male violence also acts as a very real control; domestic violence may keep them in their place in the home, while street violence also tends to keep women in the home. Heidensohn (1996), does also consider the changes that have and may come about as women attain positions of control in criminal justice.\(^{72}\)

The integrated theory lists three major types of control viz. direct control, stake in conformity and internal control.

**a. Direct Control**

Such control may be exercised by the family members, school, neighbourhood residents, police and others. Direct control has three components namely setting rules, monitoring behaviour and sanctioning crime. Direct control is enhanced to the extent that family members and other provide the person with clearly defined rules that prohibit criminal behaviour, and that limit the opportunities and temptations for crime. Direct control also involves monitoring the person’s behaviour to ensure that they comply with these rules and do not engage in crime. Finally, direct control involves effectively sanctioning crime when it occurs.\(^{73}\)

**b. Stake in Conformity**

The efforts to directly control behaviour are a major restraint to crime. These efforts, however, are more effective with some people than with others. For some people family members are very important especially for women and they are not ready to lose them by engaging in crime. As it will disrupt their relationship with them. Individuals who report that they love and respect their parents usually commit fewer crimes.\(^{74}\)

\(^{73}\) *Ibid*  
c. Internal Control

People sometimes find themselves in situations where they are tempted to engage in crime and the probability of external sanction is low. Yet many people still refrain from crime. The reason is that they are high in internal control. They are able to restrain themselves from engaging in crime. Most people believe that crime is wrong and this belief acts as a major restraint to crime. According to Gottfredson and Hirschi “people who lack self-control will tend to be impulsive, insensitive, and physical, risk-taking, short-sighted and non-verbal.” One’s level of self-control is determined early in life and is then quite restraint to change. Certain theorists also claim that some of the traits characterizing low self control have biological as well as social cause.\(^\text{75}\)

Most control theories have a simplistic view of social control; they see it as a preventer of deviance only. They fail to see control as a possible cause of deviance.

It has been suggested (Braithwaite 1989) that the greater family control exercised over women not only makes them less likely to be criminal but easier to reintegrate into society and conformity if they do stray into criminality.\(^\text{76}\)

4.6 Role Theory

Recently criminologists have used role theory to explain criminality amongst women. While advocating this theory, it is pointed out by the scholars like Frances Heidensohn and Marie-Andree Bertrand that owing to close supervision and social restrictions on women, socialization, and development of consciousness, and self-perception vary considerably between boys and girls. Girls are usually trained to be passive, domesticated and non-violent and are not allowed to learn how to fight or use weapons. Contrary to this boys are aggressive, ambitious and out-going. Girls thus shrink from violence do not possess the necessary technical ability or strength to engage in crimes of violence, armed robberies, gang fights, etc. At worst, they engage in petty crimes

\(^{75}\) Ibid
\(^{76}\) J. Braithwaite, Crime, Shame and Reintegration, (1989), p.161
or domestic offences. Different expectations of standard of behaviour appear to be important in the genesis of criminality amongst women. Normally girls are expected to adhere strictly to moral standards whereas boys are considered as normal violators of moral standards.\(^77\) So it is submitted that according to this theory women are less involved in immoral behaviour.

The Role theorists highlight the way in which opportunity structures predispose males rather than females to delinquency. Woman’s criminality can be theorized in terms ‘contradictory or ill-defined roles in the family’. However there are some inbuilt limitations to the role theory. Carol Smart observes the, role theory fails to discuss motivation or intention as an integral part of female criminality. For example role theory does not explain why even though women are socialize into primarily conforming patterns of behaviour a considerable number of them still engaged in crime.\(^78\)

Some theorists claim that ‘the female role’ limits offending. Parsons (1937) claimed that women tend to take up the expressive role in a family – providing emotional support and caring for children as a full-time job, rather than seeking paid work. Due to this obligation, women are seen as having less opportunity to commit crime, being required to stay at home, caring for children. However, nowadays we cannot assume that such obligations are a deterrent against committing crime. New technologies (such as the Internet) enable everyone to commit crime. A woman can be at home looking after her children, and, at the same time, she can be cheating innocent people on websites such as Ebay, or even committing identity theft or fraud.\(^79\)

Parson’s theory is obviously quite out dated theory, and we must take into account that now many women work (and many men stay at home to look after children). The idea of Joint Conjugal Roles and Dual Burden mean that we cannot blame the lower figures of female criminality completely on the female role. Parsons would also say that women are socialised from an early age into

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\(^79\) Feminism and Crime, http/www.historylearnidside.co.uk/feminism, visited on 2nd September 2013
accepting their ‘gentle’ or ‘caring’ roles. They are also more closely observed throughout their youth, more likely than males to be chaperoned. However, from a contemporary point of view, this is not always the case. Denscombe (2001) looked at the increase in female risk-taking behaviour, and the new ‘ladette’ culture where young women want to be seen as anything but the typical stereotype of a woman.\(^{80}\)

Does a traditional female role as described by Parsons in 1937 limit female criminality? Hirschi believes this to be the case in his ‘bond of attachment’ theory. Hirschi claimed that the more attached an individual is to certain aspects of society (attachment, commitment, involvement in deviant or criminal activities, and values), the less likely they are to risk it all by committing crime. A woman with children has more at stake by committing crime, because if she is caught and sent to prison, her children will probably be put into care, or at least be very strongly affected by the loss of their mother. However, attachment and commitment are only 50% deterrent for committing crime. Without the conventional values (anomie) or with deviant influence, gender does not become such a factor. Also, even with children, we cannot assume that all women will feel so attached and committed to them that crime is not an option.\(^{81}\)

### 4.7 Social Bond Theory

Ram Ahuja has put forth an explanation from an Indian perspective for women’s crime. His work attracted the attention of a number of sociologists and criminologists to the area of female criminality in India. The perspective is primarily concerned with the patterns of family relationship. Through analysis the structural problem of family organization and types of functional problems in women’s families of procreation, crimes committed by women are examined in terms of maladjustments in interpersonal relationships within within the family.\(^{82}\)

Factors endogenous or exogenous to family create provocation,
temptation, strains and stresses in a woman’s life. These provocations or stresses produce a desire or a need to deviate from social and/or legal norms. The personality structure or the biological and psychological characteristics like temperament attitudes, frustrations, deprivations or dominant underlying need prevent this deviation in some women, but fails to do so in other cases. Thus, both personality system and pressures of environment in which woman functions, contribute to women criminality.  

This theoretical model focuses on “strength of character”, “role conflict” (role collision, role incompatibility, and role confusion), “opportunity”, and “totality of situation” in family. Totality of situation includes varied situations in the family taken together. Suppose a woman fails to get her husband’s love and affection (Situation S1) and in-laws care and support (Situation S2), and has illicit relations with a person (situation S3) it will be the totality of the three situations together. (S1+S2+S3) that will lead her to criminality. (Say, either Personality P1 or personality P2) will determine whether she will really commit murder (one type of behaviour) or elope (third type of behaviour) or continue to live in the family (fourth type of behaviour).

Thus, the woman’s crime (e.g., husband’s murder) will be the outcome of interaction between her personality system and totality of situation in her family. The crime will develop in interaction process over time through a series of stages. In this process of spread in time, the “criminal behaviour” will emerge not by the ‘past’ alone but by the current situation and by triggering or precipitating circumstances too. In simplified form, conjunctive theoretical model in women’s criminality accounts for differences in women’s families and other institutional structures as well as in their personalities.

Ahuja has analyzed intra-family problems of relationships that in the structural problems of family organizations. He presented his theory on the basis of interaction of woman with their family members. He tried to explain etiology of female crime in terms of ‘maladjustment’ in interpersonal relationships within...

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Ibid  
Ibid, p.67
Ibid, p.69
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4.8 The Liberation Theory

Liberation Theory soared that in the modern times women have stated participating in liberation movements. The Liberation movement has brought out more masculine characteristics in women such as assertiveness, aggressiveness, competition and toughness. In addition the concept of liberation has opened structural opportunities to engage women in criminal activities.\(^{86}\)

Adler believed that the arrival of the Second Wave of Feminism during the 1970s consequently coincided with a 'dramatic' upsurge in women's criminal activity. She claimed while 'women have demanded equal opportunity in the fields of legitimate endeavors, a similar number of determined women have forced their way into the world of major crime such as white collar crime, murder and robbery'. That women criminals today represent a 'new breed' can be demonstrated, according to Adler, by evidence of the changing nature of female involvement in a wide variety of crimes. The emergence of this 'new female criminal' engaged in predatory crimes of violence and corporate fraud has broken into a man's world. For example, female white-collar crime has increased since the 'liberation' of women. Adler suggests that as women are 'climbing up the corporate business ladder', they are making use of their 'vocational liberation' to pursue careers in white-collar crime.\(^{87}\)

Adler credits the feminist movement with progressive changes in status for women in such areas as the family, marriage, employment, and social position. Previously, women had the same aspirations as men but, like an oppressed clams, women lacked the power to obtain their goals by legitimate means. The road to success required women to seek status through men by conforming to the male definition of felinity. Women’s liberation had altered these restrictions on women’s behaviors and opportunities. “Medical, educational, economical, political and technological advances have freed women

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\(^{86}\) A. Thomas Williams, Women Criminals in India, (2004).p.23

from unwanted pregnancies, provided them with male occupational skills, and equalized their strength with weapons.\textsuperscript{88}

Despite the gains provided women by liberation, Adler perceived a “darker-side” to the movement. Just as women were charging forth into employment and economic opportunities they were also pressing into crime. Competition with men in the legitimate workplace was matched by the female criminal’s fight for her own niche in the criminal hierarchy. Women had become doctors, lawyer, soldiers and teachers. At the same time, women had become burglars, forgers, embezzlers and terrorists.\textsuperscript{89}

According to Adler, women no longer confined to domestic crimes. A new breed of female criminal had emerged with aspirations and skills to engage in major crimes.

Women’s liberation created new structural opportunities for women in crime. Embezzlement in the workplace was a prime example further. Competition in the workplace required women to adopt certain traditional masculine characteristics, such as assertiveness, aggressiveness, and risk-taking. These same traits are associated with criminal offending. Thus Adler characterized the rise of women offenders as connected to their newly acquired skills and masculine traits in an atmosphere of bright opportunity in field of legitimate endeavor, a similar number of determined women are forcing their way into the world of major crimes. Adler assumed that women’s needs and ambitions were similar to men since women are first human, then female. The more the position of women in society nears the position of men, then, the more alike their legitimate and criminal behavior became. Women, Adler noted, would naturally wish to emulate male patterns in criminality and would adopt masculine roles to do so.\textsuperscript{90}

The impact of the women’s liberation movement on female crime has become the basis of a heated debate in the criminological literature on women.

\textsuperscript{88} F. Alder, \textit{Sisters in Crime: Rise of New Criminals}, (1975), p.70
\textsuperscript{89} Ibid.
The catalyst was Freda Adler’s ‘Sisters in Crime: The rise of the new Female Criminal’. To Adler, “the liberation of movement in western society is a fait accompli’. Women have fought and won their battle for equality. They have come of age and the phenomenon of female criminality is but one wave in this rising tide of female assertiveness.”\(^\text{91}\)

Adler’s analysis of the nature of the new female criminal seems to rest on two points. One is that women’s liberation has brought out women’s competitive instincts. Women are now more assertive, more aggressive, and, indeed, more masculine. Her other argument is that women’s liberation has opened up structural opportunities for women to offend. For example, women now have more opportunities to engage in crime in the workplace. Thus, liberation is causing women in engage to more crime.\(^\text{92}\)

Freda Adler believed that the arrival of the Second Wave of Feminism during the 1970s consequently coincided with a 'dramatic' upsurge in women's criminal activity. She claimed while ‘women have demanded equal opportunity in the fields of legitimate endeavours, a similar number of determined women have forced their way into the world of major crime such as white collar crime, murder and robbery’ (Adler, 1975). That women criminals today represent a 'new breed' can be demonstrated, according to Adler, by evidence of the changing nature of female involvement in a wide variety of crimes. The emergence of this 'new female criminal' engaged in predatory crimes of violence and corporate fraud has broken into a man's world.\(^\text{93}\)

Theoretical explanations of female delinquency and/or criminality have largely been placed into a dichotomy of the liberation hypothesis or the injury hypothesis. The liberation hypothesis proposed by Adler (2011) posits that the drive to achieve equality resulted in crimes committed by women. The notion is that the transformation of gender roles, such as liberation from cooking and cleaning and the adoption of non traditional gender roles, such as working in the political sphere, created a social revolution with increased opportunities for

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\(^{91}\) Freda Adler, *Sisters in Crime: The rise of New Female Criminal*, (1977), p. 72

\(^{92}\) *Ibid*

\(^{93}\) *Supra note 92.*
women to engage in criminal activities. For example, the author notes that during the war years in the 1940s, crime for women peaked when women were employed in factory and industry jobs. However, prior to industrialization, women were largely non-criminals because of the cultural institutions that barred them from engaging in crime. The author notes that the four sex differences that have been linked with criminal patterns are size, strength, aggression, and dominance; men tend to be superior in these traits. As a result, these traits and socially constructed gender roles (girls are taught to be dependent and disciplined while boys are taught to be aggressive and strong) led to the dominance of men and their higher percentage in crimes. However, when technology/industrialization was included in the criminal model, both sexes became equally capable of being criminals (Adler, 2011).  

4.9 Labeling Theory

Labeling Theory was formulated with the concept that when people are labeled as “criminals” by their super ordinates it produces unfavorable consequences for the individual so labeled. The social contraction of deviance over time is an important focus of labeling theory. Individual behavior is shaped by stigmatization through societal labels. A person truly becomes a criminal once they are labeled that way by society. Once the label of offender is supplied to an individual, they learn to accept deviant labels and why society labels some groups of people and no others is the basis of labeling theory.  

The most notable contribution about this theory is made by Franklin Tahnenbaum in his book ‘crime and the criminality’. Criminologist Howard Becker has stated his theory in his volume ‘The outsider’. According to the labeling theory, super coordinate parties apply the deviant label to subordinate parties; being labeled deviant produces unfavorable consequences for the individuals, groups and communities that do the labeling. Becker observed that society itself create ‘outsiders’ by generating the rules that define crime and other kind of deviance. He noted the importance of the process of stigmatization.

95 Supra Note 20.
and labeling. He also tried to trace out political intentions working behind the process of law or rule-making.\textsuperscript{96}

Committing a crime doesn’t necessarily turn someone into a criminal. Generally offenders become isolated from the conventional groups of society. The stigma of a criminal label limits participation in formal and informal conventional activities. For example, informally, most parents do not want their children to play with “Juvenile delinquent”. Formally, a convicted felon may not be able to secure employment due to their criminal status. The limitations cause these labeled as delinquents or criminals to associate with other who share their label. Eventually, conventional isolation becomes so severe they begin to identify with others who share their fate.\textsuperscript{97}

Lemert applied this theory to prostitutes. Claiming that once we arrest and label someone a prostitute, woman is forced into that lifestyle. Once a woman enters into prostitution, often as a result of difficulties in childhood or her teen years and after coerced by relative or pimps. It is very difficult for her to exit this lifestyle. This is where the labeling theory enters the picture.\textsuperscript{98}

There is a great deal of literature available regarding labeling and drug abuse. A more deviant self-label at baseline predicted greater drug use at research follow up, giving direct support to the labeling concept of resulting deviance. Once self-labeled, it is extremely difficult for the labeled person to shed his or her stigma.\textsuperscript{99}

5. Conclusion

It seems that the shared hypothesis that delinquency-by far and wide-is a male phenomenon is an erroneous conception. Even though males have historically been recognized as violent perpetrators and females as passive and non-threatening victims, the increase of criminality amongst women and gang

\textsuperscript{96} Howard Becker, \textit{outsiders}, (1963), p.9
\textsuperscript{97} Ibid.
\textsuperscript{98} R. William Down, \textit{Control Theory, Labeling Theory and Delivery of Services for Drug Abuse to Adolescent} (1997), p.94
\textsuperscript{99} Ibid.
membership has become a cause for concern in several cities across the country. There has been marginal emphasis placed on females’ involvement in crime and delinquency due to entrenched stereotypical notions of females as “biologically incapable” of committing certain heinous acts; the lack of attention to female involvement in delinquency stems from the interpretation of their involvement as petty indignities or as a form of rebellion during the adolescence stage. However, social scientists are cognizant, based on statistical evidence, that this is not the case. In fact, females’ involvement in delinquency and other forms of crime bespeaks a far greater problem than what has been purported.

Different theories and explanations for the causes of crime has been suggested by writers at different times. However, no single theory can explain all crimes and delinquency. Different patterns of crime require different explanations. Therefore, understanding criminal behaviour requires examining the individual and the situation because basically criminal behaviour depends upon how the individual perceives and interpret the situations.

All the above theories not sufficiently prove the causes of criminality amongst women. The social environment contributes a lot to the making of women criminals. "If people have been abused, the chances of their taking to crime are high. But in most cases, it is more to do with the patriarchal society. It is an accepted view that men get women into crime.

Adler (1975) proposed that the emancipation of women during the 1970s increased economic opportunities for women and allowed women to be as crime-prone as men. While "women have demanded equal opportunity in the fields of legitimate endeavors, a similar number of determined women have forced their way into the world of major crime such as white-collar crime, murder, and robbery". She suggested that as women were climbing up the corporate business ladder, they were making use of their 'vocational liberation' to pursue careers in white-collar crime. However, feminism has made female crime more visible through increased reporting, policing and the sentencing of female offenders and, even then, the statistical base is small in comparison to men Carlen (1985) argues that Adler's 'new female criminal' is cast as the 'biological female' who is
essentially masculine. The 'new female' criminal turns out to be the 'old maladjusted masculine female' of traditional criminology, rejecting her proper feminine role such as institutionalising rather than incarcerating women who commit 'male' offences such as robbery, i.e. Adler’s 'sisters in crime' appears to work within the frameworks of traditional criminology rather than a feminist one.

There are also a variety of gender difference perspectives, which focus on biology, psychology, everyday interactions, and structural constraints. One enduring problem is that gender differences tend to be interpreted as gender deficiencies, with girls and women being viewed as sick, pathological, victimized, or powerless.\textsuperscript{100} In addition to the theories on female criminality, criminologists have studied causative elements that have been shown to correlate with the crime and delinquency of females.

Significant factors that have been linked with female criminality are, The Broken Home (U.S. Department of Justice, 1989 and 1991), Child Abuse and Neglect (Flowers, 2008), Child Sexual Abuse (Silbert, 1982), Conugal Abuse (Flowers, 2008), A Family Cycle of Abuse and Violence Substance Abuse (Dugdale, 1877), Race and Ethnicity (Silbert, 1980), Mental Illness (Silbert, 1980), The Menstrual Cycle (Glaser, 1974), Male Coercion, and Recidivism. Hence, these are some of the commonly quoted reasons for increase in female criminality, though the factors which results in enhancing it differ from society to society, however, some of the above discussed factors are prevalent in developed and developing societies like USA and India respectively. Moreover, the reasons of female criminality and its effects are different from men and so we require women sensitive, friendly, responsive criminal justice system which could address the issue separately.

The best example the researcher can think of would be of Phoolan Devi-the bandit queen turned politician whose life tells us the story that when Society and law fail the people, often the victim can turn into a victimizer. Her parents called her a flower. That’s what her name Phoolan meant. How did she then turn

\textsuperscript{100} Otta Pollak, \textit{The Criminality of Women}.(1961), p.63
out to be a thorn in the flesh of so many? The question takes us to the sociology of crime, especially in the Indian context. The story of Phoolan is a parable on our pathology; a case study on how our society spewed up the poison that endangers its own life. Her abusive childhood turned her that way and we all know that. Therefore we can say, the blame for crimes committed by women to some extent, if not fully, can be accounted to our system of biases which always weigh the woman as subordinate. It may also be a possibility that her sudden awareness to her rights and her craze to prove herself equal to man or it is a revolution against cultural ethos or its a mere identity crisis resulting out of social crises are one of the few reasons which account to a woman's hand in crime. These compelling factors such as want of economic independence, recognition in society and to earn her respectable position is what probably forces these women to resort to these extreme steps of taking law in their hands according to my view.

The researcher feels that, most of the existing theories of delinquency fail to explicate gender stratification in a male-dominated society and how this impacts female delinquency. The researcher notes that a feminist theory of delinquency needs to include how the criminal justice system reinforces gender stereotypes, and a deeper emphasis should be placed on the personal lives of young girls and how racism and poverty affects their behaviour. The researcher is of the view that some young girls are sexually abused in their homes, and as such, they run away from these environments only to find themselves on the street being forced into crimes such as prostitution and theft in order to survive. Perception is drawn that women, by nature of their sex, are seen as sexual properties and are more likely to run away from their abuser. However, because running away is a crime, these girls are forced back into the home by the criminal justice system and the abuser, and if they refuse to stay in the home, they are being incarcerated. In essence, it is the patriarchal system that forces women into crime and the criminal justice system plays a huge role in this process (Chesney-Lind, 2004).\(^1\)

The conduit through which criminality amongst women is developed is important to explicate; however, the measures needed to prevent or reduce such behaviours should not be prejudicial toward one theory, but rather an integrated focus must be met in order to adequately address criminality amongst women. As members of society, we need to develop proactive measures and assess ways to reduce females’ gang and criminal involvement. Policies to decrease violence should focus on solutions that take gender into consideration. The focus should be aimed at economic conditions and how it “plays upon gender” to produce violent situations. In addition, greater focus should be placed on the structure of inner cities, i.e. informal economy, drug market and how it contributes to violence. More efforts need to concentrate on recognizing the ideologies that sustains violence, such as a patriarchal society where power is unequally distributed among gender, class, and race. Finally, the researcher calls for a collective effort to reduce violence; one which deals with crime from a gendered perspective.