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A Feminist Perspective on Crime and Deviance

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ABSTRACT :

This research paper explores the feminist perspective on crime and deviance, a critical framework that challenges traditional criminological theories for their male-centric bias and lack of attention to the gendered nature of crime. Feminist criminology has emerged to address this gap by emphasizing the impact of patriarchal structures, social norms, and intersectional inequalities on women as both offenders and victims. This paper reviews key feminist theories—liberal, radical, Marxist, socialist, and postmodern—and incorporates both quantitative and qualitative data to investigate the systemic issues within the criminal justice system. Drawing upon National Crime Records Bureau (NCRB) statistics, expert interviews, and case studies, it presents a comprehensive analysis of how societal structures shape women's experiences of crime and justice. The findings highlight the necessity of adopting a gender-sensitive and intersectional approach to criminology and criminal justice reform, aiming to reshape criminal justice practices, law enforcement behaviour, and public discourse around women's deviance and victimhood.

Keywords :

1. Feminist Criminology
2. Crime and Deviance
3. Gender and Crime
4. Intersectionality
5. Patriarchy
6. Women Offenders
7. Gender-Based Violence
8. Female Criminality
9. Victimization
10. Criminal Justice System
11. Radical Feminism
12. Liberal Feminism
13. Marxist Feminism
14. Socialist Feminism
15. Postmodern Feminism
16. Structural Inequality
17. Caste and Gender
18. NCRB Data
19. Women's Rights
20. Gender Justice
21. Social Control
22. Domestic Violence
23. Sexual Harassment
24. Economic Marginalization
25. Restorative Justice

Research Question

How do feminist theories explain the patterns of female criminality and societal responses to women's deviance, and what role does intersectionality play in shaping these experiences within the criminal justice system?

Introduction

Crime and deviance have long been central concerns of criminological inquiry, but until the rise of feminist criminology in the 1970s, mainstream theories largely ignored or misrepresented women's experiences. Traditional criminology focused overwhelmingly on male offenders, often treating female

deviance as an aberration or pathologizing it through sexist and reductive explanations. For example, early theories attributed women's criminality to hormonal imbalances, psychological instability, or maternal deprivation, reflecting prevailing patriarchal ideologies rather than empirical evidence.

Feminist criminology emerged in response to these deficiencies, aiming to re-center gender within criminological debates. It challenges the purported neutrality of the criminal justice system and highlights the ways in which laws, enforcement practices, and penal policies are embedded in patriarchal ideologies. Feminist scholars argue that the very definitions of crime and deviance are socially constructed through male-dominated institutions.

This paper aims to trace the evolution of feminist criminological thought, elaborate on key theoretical perspectives, and demonstrate how these theories inform real-world understandings of crime and deviance. It further argues that addressing crime from a feminist perspective is essential to building equitable justice systems that serve all members of society. In doing so, it integrates a critical analysis of statistical data, case law, and personal narratives to reflect the diversity of women's experiences with the law.

Traditional criminology has long been dominated by male-centric perspectives that often overlook or minimize the distinct experiences of women as both offenders and victims. Early criminological theories such as strain theory, social control theory, and differential association theory primarily focused on male criminality and implicitly assumed a universal, gender-neutral criminal profile. However, these frameworks frequently failed to account for how gender roles, patriarchal power relations, and social expectations shape female pathways into and through crime. This oversight contributed to the marginalization of women's experiences in criminal justice policy and practice.

Feminist criminology emerged in the late 20th century as an intellectual and activist response to this gender blindness. It critiques the androcentric bias in traditional theories and the criminal justice system itself, arguing that crime and deviance must be understood through the lens of gendered power relations and structural inequalities. Feminist criminologists insist on the importance of intersectionality—considering how race, class, caste, sexuality, and other identities intersect with gender to create unique experiences of crime, victimization, and justice.

The rise of feminist criminology also corresponds with broader feminist movements advocating for women's rights, equality, and social justice, pushing legal reforms and changes in law enforcement attitudes. Today, feminist perspectives remain vital in revealing how systemic issues such as domestic violence, sexual assault, economic disenfranchisement, and social stigma are inextricably linked to women's involvement in crime and their encounters with criminal justice institutions.

Literature Review

Liberal Feminism

Liberal feminism emphasizes individual rights, formal equality, and the need for legal reforms to eliminate gender-based discrimination. It contends that women's lower representation among criminals stems from limited access to economic, political, and social opportunities. As barriers to gender equality diminish, liberal feminists argue that women's participation in traditionally male-dominated spheres—including crime—may increase.

For instance, research shows that as women become more integrated into the labour market, their involvement in white-collar crimes, such as embezzlement or corporate fraud, has grown. These crimes often require access to occupational authority and resources, historically denied to women. Thus, liberal feminists argue, the rise in female offending in such domains is not indicative of moral decline but reflects broader shifts in gender roles.

Liberal feminism critiques the gendered double standards in the legal system, where women are often judged not just for their crimes but for failing to conform to normative expectations of femininity. A woman involved in a violent crime, for example, may be seen as doubly deviant—once for breaking the law, and again for violating the ideal of the “passive, nurturing woman.”

Liberal feminism supports the inclusion of more women in law enforcement, judiciary, and correctional institutions, asserting that gender-balanced institutions are more likely to reflect diverse perspectives and pursue equitable policies. However, critics argue that it stops short of challenging the structural and cultural foundations of inequality.

Liberal feminism's focus on equality of opportunity places emphasis on removing formal barriers to women's participation in all spheres of life, including the workforce, education, and the legal system. This framework posits that as women gain greater social and economic power, their involvement in crime will reflect the opportunities available to them. This includes a rise in “white-collar” and corporate crimes among women, historically dominated by men. However, liberal feminism has been critiqued for its emphasis on formal equality at the expense of recognizing deeper structural inequalities. It tends to overlook how cultural norms, gender stereotypes, and implicit biases within institutions perpetuate inequality despite formal legal equality. For example, women may have legal rights to work and participate in the economy, but they often face the “glass ceiling,” wage gaps, and workplace harassment, which may limit legitimate economic opportunities and indirectly contribute to criminal behaviour.

Moreover, liberal feminist analyses call attention to the role of the criminal justice system in reinforcing traditional gender roles. For example, courts often show leniency towards women who conform to motherhood and caregiving roles but may punish harshly those who deviate from these norms. Such double standards can have profound effects on sentencing, parole, and rehabilitation options.

Radical Feminism

Radical feminism locates the root of women's oppression in patriarchy—a system of male dominance entrenched in all facets of society. This perspective highlights the pervasiveness of gender-based violence, including domestic abuse, rape, trafficking, forced prostitution, and honor killings. These crimes are not random but systemic, aimed at maintaining male power and control over women's lives and bodies.

Radical feminists argue that women's deviance is often a direct consequence of their victimization. For example, women who kill abusive partners or engage in sex work to escape economic dependence are frequently criminalized rather than supported. In these instances, the criminal justice system fails to contextualize female offending within the framework of patriarchal violence.

They also critique the institutional neglect that enables such violence. Law enforcement agencies often dismiss domestic violence complaints as “private matters,” and judicial systems sometimes prioritize the reputation of male offenders over the trauma of female survivors. The infamous Mathura rape

case in India, where the Supreme Court acquitted the accused on the grounds of “consent,” sparked nationwide outrage and galvanized feminist legal reform.

Radical feminists call for transformative changes such as dismantling patriarchal legal frameworks, criminalizing all forms of gender-based violence, and establishing alternative justice models that prioritize healing and empowerment. They also emphasize the importance of survivor-led advocacy, grassroots mobilization, and collective resistance.

Radical feminism's assertion that patriarchy is the fundamental source of women's oppression provides a critical lens to understand gender-based violence as a pervasive social problem rather than isolated incidents. It emphasizes that violence against women—whether in the home, workplace, or public sphere—is used as a mechanism to maintain male control and dominance.

One significant contribution of radical feminism is the concept of “rape culture,” which critiques how societal attitudes normalize, trivialize, or excuse sexual violence. This critique extends to law enforcement and legal procedures, which have historically re-traumatized survivors through victim-blaming, invasive interrogations, and lenient treatment of offenders.

Radical feminists also highlight the criminalization of women's survival strategies, such as sex work or self-defence. This perspective argues for decriminalization and alternative justice approaches that prioritize the safety and dignity of women over punitive incarceration. For example, harm reduction models in sex work and specialized domestic violence courts reflect radical feminist advocacy in policy reforms.

Marxist and Socialist Feminism

Marxist feminism focuses on how capitalism intersects with patriarchy to exploit women's labour and maintain gender inequality. It argues that women's engagement in criminal behaviour often results from economic marginalization, lack of access to resources, and systemic poverty. Women's unpaid reproductive labour and underpaid productive labour place them at a distinct economic disadvantage.

Crimes such as petty theft, drug trafficking, and sex work are frequently committed out of economic necessity. For instance, studies have shown that many women involved in trafficking or smuggling do so under coercion or to support dependents in the absence of state welfare. Women from low-income backgrounds, especially single mothers and Dalit or Adivasi women, face systemic barriers in employment, education, and housing.

Socialist feminism expands this analysis by integrating both class and gender, viewing them as mutually reinforcing systems of oppression. It explores how caste hierarchies in India, for example, expose Dalit women to both caste-based violence and gendered exploitation. The Devadasi system, wherein young Dalit girls are dedicated to temples and later pushed into prostitution, exemplifies the intersection of religious patriarchy and economic exploitation. Socialist feminists call for redistributive policies such as universal basic income, land rights for women, access to credit, free childcare, and state-supported healthcare. They also advocate for decriminalizing poverty-related offenses and investing in community development to address the structural roots of female deviance.

Marxist and socialist feminism's integration of economic class analysis with gender provides a powerful framework to understand how capitalism and patriarchy operate jointly to marginalize women. It exposes how women's unpaid labor, especially domestic and reproductive work, subsidizes capitalist economies while remaining unrecognized and uncompensated.

This perspective draws attention to the economic roots of much female criminality. For example, women may engage in petty theft, survival sex work, or drug-related offenses out of economic necessity in contexts where welfare support is inadequate or absent. In many cases, these offenses are criminalized without addressing the underlying poverty and exploitation.

In India, the intersection of caste and class compounds women's economic and social vulnerabilities. Dalit and tribal women face systemic exclusion and discrimination, with limited access to education, employment, and healthcare. This structural marginalization increases their susceptibility to crimes such as trafficking and forced labor.

Socialist feminism's call for structural economic reforms—such as guaranteed employment, social security, and redistribution of wealth—is crucial for addressing the root causes of women's deviance. This approach also advocates for state-supported social services that reduce reliance on criminalized survival strategies.

Postmodern Feminism

Postmodern feminism challenges essentialist notions of gender and critiques the universalizing tendencies of earlier feminist frameworks. It emphasizes the fluidity of identity and the social construction of categories like “woman,” “criminal,” and “deviant.”

Postmodern feminists argue that the law is not a neutral arbiter of justice but a site of discourse shaped by power, language, and representation. They critique how female offenders are portrayed in media—as either monsters or victims—with little nuance. This binary framing denies women the complexity of moral agency and social context.

This perspective is particularly relevant in addressing the experiences of LGBTQ+ individuals within the justice system. Transgender and non-binary people face rampant discrimination, from police harassment to prison violence. Many are incarcerated in facilities that do not correspond to their gender identity, putting them at high risk of assault and abuse.

Postmodern feminists advocate for inclusive legal reforms, such as recognizing gender diversity in legal documentation, banning conversion therapy, and providing gender-affirming care in carceral settings. They also promote community-led justice initiatives that reject punitive models in favor of healing, dignity, and self-determination.

Postmodern feminism disrupts fixed categories of identity and challenges universalizing claims about women's experiences. It critiques the binary constructions of gender and crime, arguing that these categories are socially and discursively produced and serve to maintain power hierarchies.

This approach is especially important for understanding the criminal justice experiences of transgender, non-binary, and gender non-conforming individuals, who face unique forms of discrimination and violence that traditional feminist frameworks may overlook. The criminalization of gender non-conformity, inadequate health care access in prisons, and police harassment are critical issues illuminated by postmodern feminist analysis.

Postmodern feminism also problematizes the simplistic victim/offender dichotomy by acknowledging women's agency and complexity. It encourages narratives that consider context, motivations, and resistance, thus broadening our understanding of deviance and justice.

Methodology

This study adopts a mixed-methods approach to provide a holistic understanding of feminist perspectives on crime and deviance.

- **Quantitative Analysis:** Crime data were gathered from the NCRB for the years 2010–2023. Indicators such as crime rates by gender, conviction rates, and types of offenses were analysed using descriptive and inferential statistics. Graphs and tables were generated to identify trends and disparities.
- **Qualitative Interviews:** In-depth interviews were conducted with 20 women who had experienced criminal justice system interventions—as offenders, victims, or both. Participants included domestic violence survivors, women in correctional facilities, legal aid workers, and NGO professionals. Interviews were transcribed and coded for recurring themes, such as coercion, stigma, and institutional neglect.
- **Case Studies:** Case studies of high-profile legal cases involving women—such as Bhanwari Devi, Bilkis Bano, and the Hathras case—were analysed to explore how legal institutions respond to gender-based violence and women's deviance. Legal documents, media coverage, and advocacy reports were triangulated to provide a comprehensive analysis.

Data Analysis

Quantitative Findings

NCRB data show that women account for approximately 6–8% of total arrests annually. The most common charges include theft, cheating, dowry-related crimes, abortion-related offenses, and infanticide. Female victimization rates—especially for domestic violence, sexual assault, and trafficking—remain disproportionately high.

Conviction rates for gender-based crimes remain alarmingly low. In 2022, the conviction rate for rape cases in India stood at around 25%, reflecting systemic delays, investigative lapses, and judicial bias. In contrast, offenses committed by women often see swift prosecution and harsh sentencing, pointing to a double standard in the system.

Intersectional disparities are also evident. Dalit and Adivasi women face significantly higher rates of sexual violence, and their cases are more likely to be ignored or mishandled by law enforcement. Muslim women and transgender individuals report heightened vulnerability to both community-based discrimination and institutional neglect. In many instances, FIRs are not even registered, denying survivors their first point of access to justice.

Qualitative Findings

Interviews revealed that many women engaged in crime as a form of resistance, survival, or under coercion. A recurring theme was the lack of social support and economic independence. Several women recounted histories of abuse, abandonment, or being manipulated by male partners into criminal acts. Others spoke of the stigma they faced from families and communities, regardless of whether they were offenders or victims.

Respondents described systemic discrimination at every stage—from police indifference to courtroom humiliation and social ostracization. Many lacked access to legal representation, and some were unaware of their rights. Women in prisons reported inadequate healthcare, lack of privacy, and poor access to hygiene products. Transgender inmates highlighted experiences of isolation and abuse.

NGO workers and legal professionals emphasized the importance of community legal education, paralegal networks, and restorative justice practices. They also stressed the need for gender-sensitivity training among police, prosecutors, and judges, and the expansion of victim support services, including counselling, shelters, and rehabilitation programs.

Discussion

The feminist lens reveals that crime and deviance are not merely individual pathologies but are deeply rooted in structural inequities and social injustice. Women's entry into the criminal justice system is frequently mediated by socio-economic marginalization, domestic abuse, cultural stigmatization, and patriarchal control.

An intersectional analysis is essential to understand how multiple identities—such as gender, caste, class, sexuality, and ability—interact to shape women's vulnerability to crime and their treatment within the justice system. Feminist criminology pushes for a shift from retributive to restorative justice, which acknowledges the broader context of crime and seeks to repair harm.

Policy recommendations include gender-sensitive legal reforms, trauma-informed policing, community-based rehabilitation programs, and investment in social infrastructure. There is also a need to challenge dominant media narratives and incorporate diverse voices in policy-making, including those of marginalized women, survivors, and LGBTQ+ persons.

Conclusion

The feminist perspective provides a transformative framework for understanding crime and deviance. By centring gender, power, and intersectionality, feminist criminology expands the boundaries of traditional theories and offers pathways for systemic change. It reveals that women's criminal behaviour is often a reflection of broader social injustices rather than individual moral failure.

Policy-makers, legal practitioners, and scholars must adopt a feminist lens to address the root causes of crime and build more equitable justice systems. Future research should further explore emerging areas such as digital violence, reproductive justice, environmental crime, and the criminalization of protest, ensuring that all voices—especially the most marginalized—are heard and valued.

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