

## **AN ANALYSIS OF THE CRIMINOLOGICAL THEORIES WITH AN INDICATION TO THE FUTURE THEORIES.**

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### **INTRODUCTION**

Crime is an inevitable social phenomenon. It is meant to be evil, bad and harmful for the society in general. Although some sociologists see the other side and went on to say that crime even helps to promote the social solidarity. Crime prevails in every society although may differ in its forms from place to place and time to time. What is crime at one geographical region may not be same at other place. Similarly what were considered as crimes in the past may not be considered offences today and vice-versa. Acts may be the same or different, but it's the unacceptable conduct at the relevant time at a specific place which is considered as offence or crime.

Crimes committed could be divided into two categories. Firstly, planned crimes and crimes committed without planning, that is which are committed due to some special circumstances or are committed as instant reactions. Basing on this classification, there could be difference in the dealing of crimes. There are four stages of crime as intention, preparation, attempt and actual commission. The purpose of making these stages is that the particular act could be dealt with properly and specifically. The doctrine of *locus poenitentiae* also refers to such acts where a person after the preparations to commit an offence, volte-face of committing it due to any second thoughts of compulsion, fear or any better sense prevailing, is not to be convicted. Such an act will only amount to preparation and will not be punishable unless the preparation of such an offence is specifically made punishable.<sup>1</sup> It indicates that law takes precaution of the coatings of mind and recognizes that there are likelihoods that a person might back out committing a crime at any stage. The law recognizes every moment in which

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<sup>1</sup>Reference could be made to Malkiat Singh v. State of Punjab AIR 1970 SC 713, State of Maharashtra v. Mohammad Yakub Khan (1980) SCC 57.

the *actus reus* is done according to the commands of the mind. Crime is also done in a moment.

The prominent traditional theories for the explanation of crimes which are taught in our legal education system include the Classical School, the Positive School, the Chicago School, Differential Association Theory, Labelling Theory, Subculture Theory, Conflict Theory, Anomie Theory, Social Control Theory, Social Learning Theory, Rational Theories, Gender-Based Theories. Here the present researcher will try to discuss them one by one.

### **Classical School**

The first school of thought for the explanations of the causations of crime is the Classical School which arose in the mid eighteenth century based on utilitarian philosophy. Italian criminologist Cesare Beccaria (1738-1794)<sup>2</sup> and English philosopher Jeremy Bentham (1748-1832)<sup>3</sup> had the more influence than any other scholars. Its emphasis is on principle of equality, free will of people and human rationality. It sees the human behaviour as hedonistic. Its prime is on morality and ignores the chance of irrationality and *motivators* as unconscious drivers of mind. This school of thought asserts that the persons exist with free will, can make their rational selections although they have an inherent inclination towards self-interest and self-pleasure. People possess certain natural rights and states are made to protect them. There is a social contract between the 'rulers' and the 'ruled'. Although for the state to regulate the society citizens do give up a portion of their civil rights to make a balance between individual and community rights. To ensure the civil rights the state legislate both procedure and the substantive laws. The crime is considered as contravention against this social contract and hence crime is a moral offence against the society. The purpose of the punishment is to prevent future transgressions so as to preserve the social contract. HLA Hart,<sup>4</sup> Philips

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<sup>2</sup>Beccaria, Cesare (1764). On Crimes And Punishments Trans. Henry Paolucci. Indianapolis, IN: Bobbs Merrill. (Reprinted 1963.)

<sup>3</sup> Bentham, Jeremy (1789). An Introduction To The Principles Of Morals And Legislation. New York: Kegan Paul. (Reprinted 1948). Also By The Same Author :- (1830). The Rationale Of Punishment. London: Robert Heward; (1905). Theory Of Legislation. London: KeganPaul ; (1995). The Panopticon Writings. Ed. And Introduced By Miran Bozovic. London, UK: Verso.

<sup>4</sup> Hart, H.L.A. (1982). Essays On Bentham. Oxford: Clarendon Press.

Jenkins,<sup>5</sup> Immanuel Kant,<sup>6</sup> Piers Beirne,<sup>7</sup> Gerhard O. Mueller,<sup>8</sup> were also of the same or similar thoughts.

### **Positivist school**

The succeeding school of thought is the Positivist school which contends that the criminal behaviour is not in the individual's control and it is due to internal and external factors. Espousing scientific methods the positive scholars back the theory of nature in the discussion of nature versus nurture. It deviates from the classical school and argued that criminals are born criminals and not made into them; that criminal behaviour is mostly inborn and within the person. This school fundamentally involve of three fragments: biological, psychological and social positivism. Criminal behaviour is a product of abnormalities and they exist mostly within the person or they may exist as external social forces. These abnormalities are to be found and treated. This treatment of the criminal is required to reform them and for the protection of the society. The purpose of treatment is not to punish but the provision of treatment.<sup>9</sup>

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<sup>5</sup> Jenkins, Philip (1984). "Varieties Of Enlightenment Criminology". *British Journal Of Criminology* 24:112-130.

<sup>6</sup> Kant, Immanuel (1785). *Foundations Of The Metaphysics Of Morals* New York: Bobbs-Merrill. (Reprinted 1959.)

<sup>7</sup> Beirne, Piers (1991). "Inventing Criminology: The 'Science Of Man' In Cesare Beccaria's *Dei Delittie Delle Pene* (1764)." *Criminology* 29: 777-820. Also By The Same Author : (1993). *Inventing Criminology: Essays On The Rise Of "Home Criminals."* Albany, NY: State University Of New York Press; (1994). *The Origins And Growth Of Criminology: Essays In Intellectual History, 1760-1945.* Aldershot, UK: Dartmouth.

<sup>8</sup> Mueller, Gerhard O. (1990). "Whose Prophet Is Cesare Beccaria? An Essay On The Origins Of Criminological Theory." In William S. Laufer And Freda Adler, Eds., *Advances In Criminological Theory* Vol. 2, 1-14. New Brunswick, NJ: Transaction.

<sup>9</sup> Comte, Auguste (1853). *The Positive Philosophy Of Auguste Comte.* 2 Vols. Trans, Harriet Martineau. London: Chapman.

Kaplan, Abraham (1968). "Positivism." In David L. Sills, Ed., *International Encyclopedia Of The Social Sciences*, Vol. 12, 389-395. New York: Macmillan.

Lombroso, Cesare (1876). *L' Uomo Delinquente (The Criminal Man.)* Milan: Hoepli.

## **Chicago School**

The Chicago school arose in the early twentieth century among the urban sociologists and the criminologists mostly belong to the University of Chicago. This school of thought emphasised mainly on blameworthy social structures as reason of criminal behaviour. It argues that because the humans are social creatures, therefore their behaviour is a product of their social environment. The features like urbanisation and industrialisation had created gaps in the society. The institutions like family, friends and social groups become impersonal and therefore values provided in these institutions are different, diverse and uneven. It results in varied and conflicting definitions of morals, ethics, manners and proper behaviour. Deviant or criminal behaviour usually happens when one acts bestowing to definitions that conflict with those of the dominant culture.<sup>10</sup>

## **Differential Association Theory**

Then there is the Differential Association Theory propounded by Edwin H. Sutherland firstly in 1939 and then in 1947. He insisted that behaviour is learned in a social environment. The difference in conformity and criminality lies in *what* is learned rather than *how* it is learned.<sup>11</sup> Previous to that criminality was still seen as result of individual's mental or biological defects. Sutherland asserts that criminal behaviour is learned in the same way as any other behaviour and advanced the cause of sociological criminology. By "differential association" Sutherland meant that 'the matters of the patterns presented in association' would differ among individuals. This theory is dual: originally, it recommends that differential group organisation describes wavering crime rates, And following differential association explicates individual criminal behaviour. Organized criminal behaviour is due straightway to

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(1918). *Crime Its Causes And Remedies*. Trans. Henry P. Horton. Boston: Little, Brown.

<sup>10</sup>Matza, David (1969). *Becoming Deviant*. Englewood Cliffs, Nj: Prentice Hall. Also See, Shaw, Clifford R., And Henry D. McKay (1931). *Report On The Causes Of Crime*. Vol.2: *Social Factors In Juvenile Delinquency*. National Commission On Law Observance And Enforcement, Report No.13 Washington, Dc: U.S. Government Printing Office. Cressey, Paul F. (1938). "Population Succession In Chicago: 1898-1930." *American Journal Of Sociology* 44:59-69.

<sup>11</sup> *Criminological Theory*, Franklin P. Williams And Marilyn D. Mcshane, 3<sup>rd</sup> Ed., 1999.

differential association in a state of affairs, in which cultural conflicts exist, eventually to the social disorganisation in that situation.<sup>12</sup>

### **Anomie theory**

Anomie theory is mainly associated with two thinkers; French sociologist Emile Durkheim<sup>13</sup> and American Sociologist Robert King Merton,<sup>14</sup> who is also considered as father of modern sociology. Emile Durkheim, in his work 'The Division of Labour in Society' in 1893 used to label a state of "deregulation" in the social order. He asserts that general rules of behaviour have been broken down and people don't know what to expect from each other, and that leads to deviant behaviour. Later in his work "Suicide: A Study in Sociology" he used the word *Anomie* to refer morally deregulated persons. This school asserts that most of the fellows of society a common system of values. Such a value system imparts what to strive for and the most apposite ways to achieve those ends, and if there's inequality in the goals or in the means to achieve them, then an anomic state of affairs is created. This inequality leads to deviant and rebelling behaviour. This arrangement of deviance essentially discards the way society is currently set up and endeavours to construct a novel set form of society.

### **Sub-Cultural Theories**

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<sup>12</sup> SUTHERLAND, EDWIN H. (1926). "The Biological And Sociological Processes." Papers And Proceedings Of The Twentieth Annual Meeting Of The American Sociological Society 20:58-65. See Also By The Same Author :- (1973c). "The Michael-Adler Report." In K. Schuessler, Ed., Edwin H. Sutherland On Analyzing Crime, 229-246. Chicago: University Of Chicago Press. (1973d). "The Prison As A Criminological Laboratory." In K. Schuessler, Ed., Edwin H. Sutherland On Analyzing Crime, 247-256. Chicago University Of Chicago Press. (1973e). "Susceptibility And Differential Association." In K. Schuessler, Ed., Edwin H. Sutherland On Analyzing Crime, 42-43. Chicago: University Of Chicago Press.

<sup>13</sup> DURKHEIM, EMILE (1893). The Division Of Labor In Society. New York: Free Press. (Reprinted And Translated 1933).

-----(1897). Suicide: A Study In Sociology. New York: Free Press. (Reprinted And Translated 1951).

<sup>14</sup> MERTON, ROBERT K. (1936). "The Unanticipated Consequences Of Purposive Social Action." American Sociological Review 1:894-904. Also By The Same Author :- (1938). "Social Structure And Anomie." American Sociological Review 3:672-682. (1964). "Anomie, Anomia, And Social Interactions: Contexts Of Deviant Behaviour." In M.B. Clinard, Ed., Anomie And Deviant Behaviour, 213-242. New York: Free Press.

Along with Anomie theory, the Sub-Cultural theories also ruled the criminological studies in the mid 90's. In this era most of the criminological theories were dedicated to juvenile delinquency, to the origin of delinquent behaviour. These studies includes cultures studied by the Chicago school named as 'Sub-Cultures'. Criminologists like Cohen,<sup>15</sup> Richard Cloward,<sup>16</sup> Lloyd Ohlin,<sup>17</sup> Wolfgang<sup>18</sup> and Ferracuti<sup>19</sup> tried to synthesize the works of Sutherland, Chicago School and Merton's<sup>20</sup> Anomie Theory.

Albert K. Cohen made one of the first attempt to integrate various works on the subject of delinquency and tries to find the factors which influence the origin of delinquent behaviour. His work is based on the difference between the classes of the society. He asserts on value based system provided to the kids among different classes: like lower middle class and the upper middle class have different values which ultimately become their culture and that passes from generation to generation. Societal Institutions, especially schools, reflect middle-class value goals and use them to evaluate those people belonging to such institutions. These

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<sup>15</sup> Cohen, Albert K. (1955). *Delinquent Boys: The Culture Of The Gang*. New York: Free Press. Also See Cohen, Albert K (1965). "The Sociology Of The Deviant Act: Anomie Theory And Beyond." *American Sociological Review* 30:5-14, And Cohen, Albert K, (1993). Letter To The Author (Fw), January 29, 1993. Cohen, Abert K., And James F. Short, Jr. (1958) "Research On Delinquent Subcultures" *Journal Of Social Issues* 14:20-37.

<sup>16</sup> Cloward, Richard A. (1959). "Illegitimate Means, Anomie And Deviant Behaviour." *American Sociological Review* 24:164-176. Also See Cloward, Richard A., And Lloyd E. Ohlin (1960). *Delinquency And Opportunity: A Theory Of Delinquent Gangs*. New York: Free Press.

<sup>17</sup> Ohlin, Lloyd (1968). "The Effect Of Social Change On Crime And Law Enforcement." *Notre Dame Lawyer* 43:834-846. And Also See, Cloward, Richard A., And Lloyd E. Ohlin (1960). *Delinquency And Opportunity: A Theory Of Delinquent Gangs*. New York: Free Press.

<sup>18</sup> Wolfgang, Marvin E. (1958), "Patterns In Criminal Homicide," Philadelphia: University Of Pennsylvania Press. Also See Wolfgang, Marvin E. (1970), "Youth And Violence. U.S. Youth Development And Delinquency Prevention Administration," Washington, DC: U.S. Government Printing Office.

<sup>19</sup> Wolfgang, Marvin E., And Franco Ferracuti (1967), *The Subculture Of Violence: Towards And Integrated Theory In Criminology*. London: Tavistock.

<sup>20</sup>Supra at 13.

differences of opinions and values is the key reason for the deviant behaviour.<sup>21</sup> On somewhat similar grounds Cloward and Ohlin gave their propositions which later came to be known as “differential opportunity theory.” Richard Cloward in his article “Illegitimate means, anomie and deviant behaviour”<sup>22</sup> argued that Merton’s Anomie theory refers to only one opportunity structure, but there could be more than that. He along with Ohlin<sup>23</sup> asserted existence of other avenues which lead to deviant delinquent behaviour called “illegitimate opportunity structure.” They argued that people share a common set of values which guide them rules of success in life, and they follow standard avenues- legitimate & illegitimate to get their goals. They call these avenues as opportunity structures and allege that these are not equally accessible to all sections of the society. That led to formation of gangs at lower income groups, mainly because they were agitated and irritated with existing system of opportunities. Unsystematic groups wield fragile social controls and generate disorganised gang subcultures. The younger ones who are deprived of opportunities indulge into criminal activities mostly through formation of gangs.

Later more American thinkers got inspiration from these studies. The scholars like Walter B. Miller<sup>24</sup> also do an empirical study on Boston’s young people in 1958 and draw different deductions. He deduct that the different values of different strata of the society were not only the reason for gang delinquency. Likewise, Marvin Wolfgang and Franco Ferracuti developed another sub-cultural theory (in 1967 and 1970) nearly a decade after from the other

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<sup>21</sup> COHEN, ALBERT K. (1955). *Delinquent Boys: The Culture Of The Gang*. New York: Free Press. Also see (1965). "The Sociology Of The Deviant Act: Anomie Theory And Beyond." *American Sociological Review* 30:5-14.

COHEN, ABERT K., And JAMES F. SHORT, JR. (1958). "Research On Delinquent Subcultures." *Journal Of Social Issues* 14:20-37.

<sup>22</sup> *American Sociological Review* (26) 1959, P.164-176.

<sup>23</sup> “*Delinquency And Opportunity: A Theory Of Delinquent Gangs*, 1960, 1st Ed., 1960, New York Free Press.

<sup>24</sup> MILLER, WALTER B. (1958). "Lower-Class Culture As A Generating Milieu Of Gang Delinquency." *Journal Of Social Issues* 14:5-19.

delinquent sub-cultural theories.<sup>25</sup> They both derive conclusions from Wolfgang's earlier work on Homicide<sup>26</sup> in 1958 and tried to integrate other disciplinary methods to comprehend delinquent deviant behaviour. These Sub-Cultural theories along with the Anomie theory dominated the criminological studies in mid-90's. These scholars and the Chicago school thinkers were concerned with the gang delinquency, but the real problem which they dealt with, was the concept of subculture. Like Cohen was more concerned with the development of subcultures, and Ohlin and Crawford were focussed on forms of subcultures.

### **Labelling Theory**

Labelling Theory came into scene in early 1960's, although some criminologist trace back this theory to Frank Tannenbaun's book "crime and community"<sup>27</sup> in 1938, where h coined a new term "dramatization of evil Labelling Theory, although an off spring of the earlier theories, but had a different approach to the definition of crime and criminals. As earlier thoughts were more focused on the individual deviate but in the process theory ignored the other people's reaction to such deviance. This theory de-emphasizes the criminal and focus on the criminal justice system. That is why some criminologist called it "Social Reactive School" and some says that it's not a theory but instead a sensitizing perspective. This theory says that Deviant is a characteristic of the reaction and it is not inherent to the behaviours itself. If there is no reaction there will not any deviant behaviour.

The society sees this behaviour and 'labels' the behaviour as well as the individual as deviant. The societies who label such individuals are (generally) more powerful socially. This significance audience forms the criminal justice system including the social group, individuals and the law enforcement agencies. They tend to observe such behaviour and often

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<sup>25</sup>WOLFGANG, MARVIN E., And FRANCO FERRACUTI (1967), *The Subculture Of Violence: Towards And Integrated Theory In Criminology*. London: Tavistock.

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<sup>26</sup> Wolfgang, Marvin E. (1958), "Patterns In Criminal Homicide," Philadelphia: University Of Pennsylvania Press. Also See Wolfgang, Marvin E. (1970), "Youth And Violence. U.S. Youth Development And Delinquency Prevention Administration," Washington, DC: U.S. Government Printing Office.

<sup>27</sup> "Crime And Community", Frank Tannebaun, Boston Ginn 1938, Columbia University Press



react to that and label those individuals as deviant. These labelled people are always seen as criminals. It is very difficult for these people to get one of those images, once they are labelled.

### **Social Learning Theory**

The time period for the development of the Social Learning Theory was very brief, that is from mid-60's to late 60's. It comes earlier than Social Control theory which had the same genus: the social order. This thought was first developed by C. Ray Jeffery<sup>28</sup>, which he apparently derived from the behavioural learning theories from psychology. According to this theory human behaviour is controlled through the phenomenon of pursuing pleasure and the evading of pain. Reinforcement and Punishment are the two concepts which involve the learning of behaviour. Where Reinforcement escalates the occurrence of a particular behaviour, punishment decreases the incidences of the same. Criminal behaviour is cultured through cooperation of both material and social reinforcements in the same method as is some other behaviour. This learning process consists of learning past and present experiences. Consequently all individuals have a not the same set of learned behaviour and their expected consequences. Social reinforcement involved in both; as factors in learning deviant behaviour and in setting the new values and definitions that express behaviour as good or bad, and also desirable or undesirable. That kind of social environment furthermore provides many behaviour models that can be adopted. Such adopted social definitions which are initially learned in the same way as any other behaviour, act as indications directing that whether such a behaviour will or will not be reinforced. These definitions help in the learning of crime as direct signals that reward for such an act, is a certainty in future. On the other hand it also acts as a rationalizer that used to elude punishment for criminal behaviour. This theory also asserts that criminal behaviour is behaviour which has been reinforced in different ways through social definitions and material rewards in the individual's sub-cultural milieu.

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<sup>28</sup> Jeffery, C. Ray (1965). "Criminal Behaviour And Learning Theory." *Journal Of Criminal Law, Criminology And Police Science* 56:294-300.

Material reinforcement is often delivered by crime itself. Hence when individuals are deprived, criminal behaviour is, more often than not, maintained by its own rewards.

### **Social Control Theory**

In 1970's the popularity of the Labelling Theory was on the decline and the Conflict Theory was leading to radicalism so a new thought was bound to emanate to the interest of the criminologists. Empey in 1971<sup>29</sup> and in 1978<sup>30</sup> refers to the control of social behaviour that leads to this theory were that leads to Delinquency. The major assertions of this were that the human beings act naturally in a self-interested faze. Self-preservation and gratification are characteristic of human nature and motivates the human behaviour. To control self-control and also to restrict human self-interest certain kind of socialization and training is necessary. It is necessary to control, restrained and regulate the human behaviour. Such a moral order is indispensable for a safe society. Factors that lead to low-level self-control should not be adopted because low –level self-control results in the short term, pleasure seeking behaviours. On the contrary adequate levels of self control will reduce the crime rate and deviant delinquent behaviour. Travis Hirschi, Steven Messner, Lawrence Cohen, Richard Dodder, EDmile Durkheim, Rand Cogner are the thinkers belonged to this thought.

### **Conflict Theory**

The Conflict Theory was similar in many ways to the Labelling Theory as it also focused on the political nature of crime. According to this theory societies are more approximately characterized by 'conflict' rather than consequences as conflict is to control the scarce resources and that in fact generates conflict in the society. This controlling of resources creates power and in turn it creates groups. These groups try to achieve dominance over others and once a group is successful it tries to mould the societal mechanism of the laws to its benefit. Laws are formulated in such a manner that it preserves the interest of the dominant group and also put restriction and limitations on the weaker groups. This turns

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<sup>29</sup> Lamer T. Empey And Steven G. Lubeck, Explaining Delinquency, Lexington, MA: Health.

<sup>30</sup> Lamer T. Empey; American Delinquency: Its Meaning And Construction; Homewood, IL: Dorsey.

leads to frustration and criminalization Karl Marx, although he has written rare on criminology but has asserted the fact that conditions generated under the capitalist Political Economy creates inequality which leads to political and economy actions that generate crime. William B. Chambliss, Mankoff Milton, Tony Platt, , Richard Quinney, , Steven Spitzer and Geroge B.Vold like authors could be put in this school of thought. <sup>31</sup>

### **Rational Theories**

Rational Theory Model is not one thought, but it is the psychological and sociological versions of the previous aforementioned theories. The era of globalisation changed the methods and motives of crime. This was quite evident especially after 9/11 terror attack. Although these thoughts came into picture in early 1980's, when the criminologists began to think that the existing theories are somewhat stagnant and there is a need move forward with the changing realities of globalised world. The earlier theories were criticised for lack of creativity and of being unimaginative. So the jurists came up with some new versions which are also known as 'routine activity theories' and 'life style theories'. En bloc we

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<sup>31</sup>Chambliss, William B. (1964). "A Sociological Analysis Of The Law Of Vagrancy." *Social Problems* 12:67-77.

Chambliss, William B., And Milton Mankoff (1976). *Whose Law? What Order? A Conflict Approach To Criminology*. New York: Wiley.

Platt, Tony (1974). "Prospects For A Radical Criminology In The United States." *Crime And Social Justice* 1:2-6.

Quinney, Richard (1965). "Is Criminal Behaviour Deviant Behaviour?" *British Journal Of Criminology* 5:132-142. Also See (1973a). "Crime Control In Capitalist Society: A Critical Philosophy Of Legal Order." *Issues In Criminology* 8:75-95.

Spitzer, Steven (1975). "Towards A Marxian Theory Of Deviance." *Social Problems* 22:638-651.

Vold, Geroge B. (1958). *Theoretical Criminology*. New York: Oxford University Press.

Vold, Geroge B., And Thomas J. Bernard (1986). *Theoretical Criminology*, 3<sup>rd</sup> Ed. New York: Oxford University Press.

could say that these new thoughts named as rational theories bring some of the concerns of the old Classical School.

According to the Rational Theory all the human beings live in a world in which behaviour is partly determined and partly free will. The social structures and institutions like family, religion, ethnicity, law, economy, class etc. create the environments of life for persons in society. In addition to that the conditions of life are also the determining factors of social interactions between people in society and the social happenings in which those individuals engage. These social exchanges and activities create comprehensive life styles, or routine activities for the groups in society. Such life styles are more contributing to some pursuits and fewer so to others. To the degree and extent of crime occurs in society, the lifestyles are critical elements in placing people at the risk of victimization and also in generating needs that offenders wish to satisfy. As per alterations and moderations the lifestyles are also changes consequently. This also brings changes in the overall risk of victimization and probability of occurring crimes accordingly. Individuals may produce changes into their general victimization risk if they make some conscious and sensible decisions to follow or avoid certain undertakings and areas. Similarly, the offenders can also escalate or decline their opportunities and costs.

### **Gender Based Theories (The Feminist Approach)**

The Gender Based theories include diverse group of viewpoints and perspectives that identify gender as an indispensable variable to comprehend and understand crime, especially in the offences against women; whether they are domestic violence, physical abuses like eve-teasing, sexual harassments or even rape or hate crimes like acid attacks. Generally speaking they are aimed to sensitize scholars to the comparative invisibility of women in the field. These notions are largely based on a view of patriarchal or male-dominant society that authorizes males in practically all social interactions in the social order that matters. Men define gender roles, control governments and also establish the morals, ethos and other such concepts and patterns that pave the way for powers in society to their own side. Since civilisations men had made themselves as the dominant part and made

females subordinate to them. Last but the most significant point for almost all feminist perspectives is that they fail to understand importance of gender roles in society.

Gender is not only a natural fact but also a complex societal, historical, and cultural product. It is related to biological sex difference and reproductive capacities and not only simply derived from such biological body dissimilarity. These gender relations are of such importance that they order social life and social institutions. Sexual characteristics shape and constructs of masculinity and femininity are asymmetrical and are created on an organizing principle of male superiority and men's social and political-economic dominance in society. Structures of understanding reflect men's views of the natural and social world, and therefore the whole production of knowledge is gendered. Females have been pushed to the borderline of societal interactions, whereas they should be at the centre of intellectual inquiry and not peripheral, invisible, or accessories to men.<sup>32</sup>

## **Conclusion**

Each theory purports to explain the definition of crime and explanations of criminality that one could be easily confused that which one is the best theory for the explanation of crime. A good theory is the one which is tested through evidence. Tried and tested evidence makes a theory scientific. Although the above argument is more acceptable in the field of physical science but Jurisprudence is considered to be normative science. So evidence based data collected could mislead in reading behavioural patterns of society. Evidence is subjective in these kinds of studies and not objective. Now we have number of Theories, Meta-Theories and Mini-Theories on the explanation of crime, but no one theory could be considered as universally accepted theory. There are lot of cultural, ethical, moral, social as well as legal differences in different regions, or hereby preferably called countries. So crime should be studied on the basis of the present given jurisprudence of a given territory.

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<sup>32</sup> "Feminism and Criminology", Kathleen Daly and Meda Chesney Lind, Justice Quarterly 5 (1998), p. 504