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The Role of the Family in Crime Causation: A Comparative Study of 'Family of Orientation' and 'Family of Procreation'—A Study of Women Prisoners in the Central Jails of Rajasthan¹

By Asha Bhandari²

Abstract

Family life and marriage are often considered to be an important lever for criminal desistance, especially among men. The mechanisms that lead to desistance from crime may be general in nature, but men and women do not necessarily respond in a similar way relative to marital status. This paper extends the hypothesis of familial relationships and desistance in crime and provides a perspective to foster understanding of the influence that '*family of orientation*' and '*family of procreation*' makes in crime committed by women. For this purpose various factors, including family size, family environment, relationship with family members, gender role in family, family history of crime, spouse relationship, and the role of in-laws are considered. This paper uses both quantitative data and qualitative narratives to justify the proposition that marriage increases the possibilities of crime commitment in women therefore '*family of procreation*' plays an important role in inducing criminal activities among women.

Keywords: Family of orientation, family of procreation, women, crime, marriage

Introduction

The family is the fundamental building block of human society. There is much to be learned about the effects of family life on delinquency and crime. Family life addresses not only the family life of children who may commit juvenile offenses but also the family life of married adults, who may commit criminal acts. It is interesting to examine whether being married increases or decreases the likelihood of criminal activity in the female population. The objective of this paper is to understand the role of family (before and after marriage) in the crime causation of women. For this purpose the effort is put forward to probe the life of women (related to family type, family environment, family history of crime, abuse by the family members, gender role segregation in family, spouse relationship, role of in-law's etc.) with the help of the responses collected from the

¹ Acknowledgement: This study is based on the primary data collected from the central jails of Rajasthan from the convicted and under trial prisoners during the period of 2012-14 under the Major Research Project funded by Indian Council of Social Science Research, New Delhi (India).

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women prisoners residing in the eight central jails of Rajasthan. The focus of evaluation is to further understanding of the influence of '*family of orientation*' relative to '*family of procreation*' on the incidence of female criminal activity.³ The paper is divided into two parts: Part I provides a general explanation of crime causation and provides explanations by Indian scholars as a foundation to the discussion of the relationship between gender and crime in Indian society. Part II discusses both quantitative and qualitative narratives of research conducted on female inmates in central jails of Rajasthan and centers on an attribution for crime causation before and after marriage.

Part 1: Review of Models of Female Crime and Various Studies Conducted in India

Female criminality in India has been a neglected subject of study. Due to low incidence of female criminality there is less emphasis on research in this field. However, there has been increasing academic interest in female criminality in the present period given that female crime has shown an uptick.⁴ To understand the nature of crime causation for women it is essential to understand the background and characteristics that define the female criminal population, specifically:

- What motivates women to commit crime?
- Why are specific types of crime committed by women?
- Does crime have a relationship to the family system, social class, age, education?

These defining elements are the areas that need to be incorporated in evaluation by the scholars.

Sharma (1965) was the first to attempt a sociological research on women criminals in U.P. Ahuja (1969-70) made attempts to study female criminality from sociological point of view. Sohoni (1974) and Singh (1981) furnished a statistical account of the nature, extent and patterns of female criminality. Various other studies conducted especially in relation to women and crime in India include Nagla (1982), Rani (1983), Ghosh (1984), Pachauri (1999), Chattoraj (2000), Mishra (2002), Maniyar (2004), Thomas and Christopher (2004), Pandey (2006), Bawa (2007), Smriti (2009), and Madhurima (2009). Review of this literature reveals that most of Indian scholars focus on socio-psychological theories of crime in their studies of incarcerated females.

Some observations include:

- House, family and primary relations are the main locus of crimes by women. Family dissolution reduces both formal and informal social control at the community level, which in turn may increase prospects for violence. (Ahuja)
- Lack of love and a good relationship in the primary relationship (i.e. Disturbed primary relationships) (Rani) and an unhappy married life (Prasad) are linked to crime committed by females.

³“One can also distinguish one’s natal family or family of orientation, the family into which one is born, from one’s family of procreation, the family one creates through, and following, one’s marriage” Parkin, R. 1997. Kinship: An introduction to basic concepts (Oxford: Blackwell Publishers).

⁴ Pandey S.P, Children of Women Prisoners in Jails: A study in UP, sponsored by Planning commission of India, New Delhi, available at http://planningcommission.gov.in/reports/sereport/ser/stdy_jailwm.pdf

- Physical and psychological theories are rejected in the work of Ahuja. Ahuja finds instead stress in family relations is the catalyst for criminal activity Ahuja's research surfaces the heightened prevalence of physical and sexual abuse in imprisoned women as compared to women in the general population.

With a foundation in these observations, the objective of the present study is to answer the questions: What are the background characteristics of female prisoners and what is their marital status? In what social contexts did they commit the crime? Do the lives of women change after marriage and does the new condition encourage criminal activities?

By understanding crime causation in a family context, the present study will help to highlight prevailing gaps in the socio-legal literature.

Part II: Role of Family in Crime causation: The Influence of Family of Orientation and Family of Procreation

Family plays an important role in the socialization of the child. Family and social conditions affect behaviors related to and levels of crime. Ahuja (1986) in his study found that female criminality is most affected by maladjustment in the family. In the present context this hypothesis is extended further to understand the different role played by '*family of orientation*' and '*family of procreation*' in the crime causation of women.

The Research and profile of women prisoners

A total of 180 women were interviewed, including convicted and under-trial female prisoners. The individuals interviewed were representative of the eight central jails of Rajasthan. Each interview was scheduled for 30-40 minutes and the emphasis was on collecting information both in the form of quantitative data and qualitative narratives. General demographic characteristics revealed that 83% of the women were married and, had limited educational skills and little or no work experience; and they were predominantly economically dependent (86%) before coming to prison, lived in rental accommodation or with family (80%) and were in prison for the first time and it was their first offence.

The following discussion is based on the data collected from the respondents.

Marriage and crime among women

Marriage and increasingly cohabitation are highly significant stages in the developmental process and life of an individual. Several scholars have developed explanations for this relationship and perhaps the most common is Laub's (1998) assertion that men tend to marry up while women marry down. Simons (2002) showed evidence that the bonds of marriage were significantly related to desistance in females, yet for males the true catalyst came from the change in peer group such marriages provide⁵. It has been assumed that married women tend to commit more offences than the ones who are unmarried or have never been married. Bhosle (2009), and Madhurima (2009) also argue that married women commit more offences than unmarried ones. This study is also an effort to support a positive co-relationship between the nature of marital relationships and crime; the majority of the women (83%) from whom the data were collected in the present study were

⁵Marriage as an Intervention in the Lives of Criminal Offenders Jessica M. Craig , Brie Diamond, and Alex R. 14 April,2017,file:///C:/Users/Dell/Downloads/9781461489290-c1.pdf

married before age 18, and there was a significant age difference between them and their husbands. This is indicative of correlation between marriage and criminal tendencies among women.

Table 1. Marital Status of Women Criminals

Marital Status	Total
Married	151
(%)	83.89%
Single	4
(%)	2.22%
Widow	18
(%)	10.00%
N/A	7
(%)	3.89%
TOTAL	180

Family Type -nuclear or joint? Family of orientation and family of procreation

Family plays an important role in the socialization of the child. Most researchers have established a correlation between family type, size, environmental factors and criminality. In research by Madhurima (2009) on the offenders in the state of Punjab, it was found that a majority of them (57.5%) live in a nuclear family and 36.5% of the offenders live in joint or extended families. Another study by Pandey (2006) has also found results consistent with that of Madhurima with 69.70% of offenders identified as being from a nuclear family. Our research indicates a rather equitable distribution between joint and nuclear families. Most of the respondents answered that their family of orientation was good or average, parenting style was supportive, and most noted that they were not from broken homes. The incidences of running away from home were also very few. It is unlikely that there is any correlation between the type of family of orientation of the women, the circumstances prevalent in their childhood, their upbringing and committal of a crime. In the context of the family of procreation, it is clearly evident, that although 50% of women prisoners were from nuclear families, 38.20% were from joint families in family of orientation. Since the data suggest more or less an equal distribution in the joint family and nuclear family, no clear evidence exists for establishing the co-relationship between the type of family and crime causation. The study proposes the hypothesis that both joint and nuclear family systems in the family of procreation provide sufficient background for criminal activities among women since the majority of women were married at the time of the crime commitment.

Table 2. Type of Family: Joint or Nuclear?

Family Arrangement	Family of Orientation	Family of Procreation
Joint	77	79
(%)	38.20 %	43.89%
Nuclear	90	88
(%)	50%	48.89%
N/A	13	13
(%)	7.22%	7.22%
TOTAL	180	180.00

Family history of crime

Family history of criminality has been the subject of much research by criminologists, usually within a broader theoretical context emphasizing the role of social learning. In particular, the research focus has been on the negative influence of a criminal father or a criminal brother in predisposing an individual to crime. Our study showed that most women did not have history of criminality in their families of orientation. Only 16.67% out of 180 women surveyed had a history of some kind of crime in their families. This indicates that a positive correlation between family history of crime and criminal behavior of an individual is difficult to prove in the context of family of orientation. However, in case of family of procreation majority of female prisoner's had husbands or in-laws (brother and or father) who were actively involved in anti-social activities and were also put behind the bars for some offence.

Table 3. Family History of Crime

Family History of Crime in the Family of Orientation		Family History of Crime in Family of Procreation	
Family History	Total	Family History	Total
Yes	30	Yes	120
(%)	16.67%	(%)	66.6%
No	143	No	45
(%)	79.44%	(%)	25%
N/A	7	N/A	15
(%)	3.89%	(%)	8.4%
TOTAL	180	Total	180

Family socialization in family of orientation and family of procreation

Evidence suggests that family and social conditions affect the behavior and level of crime. Ahuja (1986) in his study has found that female criminality has been affected to a greater extent by maladjustment in the family. The present study, however, indicates that the majority of female criminals were from family's that can be characterized as "good" (66.67%) where the attribution is self-selected. In India, marital life represents a significant change in a woman's status. In our study most women hailed from conservative families (80.56%). This is indicative of the strong patriarchal and conservative structure of households and suggests a correlation between the environment in the family of procreation and criminal tendencies among women.

Table 4. Family Socialization and Environment

Family Environment and Socialization of Inmates in Family of Orientation		Environment in Husband's Family- Conservative or Modern	
Nature of Socialization	Total	Environment in Husband Family	Total
Average	120	Conservative	145
(%)	66.67%	(%)	80.56%
Sad	36	Modern	18
(%)	20.00%	(%)	10%

N/A	17	N/A	17
(%)	9.44%	(%)	9.44%
TOTAL	180	TOTAL	180

Abusive relationship in the family

As stated before, physical abuse, broken homes, immoral home atmosphere promote evidence that substantiates the relationship between family characteristics and individual behavior. The present study revealed that 18.89% out of 180 women surveyed suffered some form of abuse in the family of their orientation. Abuse suffered in a marriage can be detrimental for the mental well being of the woman. 70.56% women reported that their husbands had abused them. If the husband's family size was large, women faced some sort of abusive relationship and harassment by in-laws; if the level of education and economic status of husband were low, very few women had any role to play in the household affairs in their husband's families.

Table 5. Abuse Relationship in the Family

Abuse by Family Member in Family of Orientation		Abuse by Husband or His Family Members in Family of Procreation	
Abused Relationship	Total	Abused Relationship	Total
Yes	34	Yes	127
(%)	18.89%	(%)	70.56%
No	139	No	23
(%)	77.22%	(%)	12.78%
N/A	7	N/A	30
(%)	3.89%	(%)	16.67%
TOTAL	180	TOTAL	180

Women prisoners and role of family of procreation in crime causation- Qualitative narratives

The most invaluable contribution to the present research was found in the oral histories shared by the female inmates interviewed. The real stories of real people, real events with real outcomes are a significant component to understanding and addressing the issues unique to female crime causation.

- *Respondent Kavita Punjabi said that her husband was physically abusive and she approached the police for help for a year to no avail. Consequently she murdered her husband and is imprisoned for the past 8 years.*
- *Respondent Faruq Nisha from Jaipurprison said, she tolerated an abusive husband for 35 years. He wanted to force her into "meeting" other men in order to make money. Consequently she murdered her husband and is imprisoned for the past 8 years.*
- *Respondent Mamta was married at the age of 12 to her husband who was physically abusive. On an occasion he attacked her and slit her throat. She says she has been falsely implicated in the case of murder of her children.*
- *Respondent Sohni was 40 years old. She is one of the few Muslim prisoners. Her first husband was alcoholic and abused her physically, mentally and*

verbally. Therefore, her parents got her remarried. However, her first husband expired due to some reason and she states that her husband's family falsely implicated her and she was charged for his murder.

- *Respondent Afsana is imprisoned and said that her husband was abusive and used to physically abuse her. Her husband is no longer in touch with her but her maternal family is still there for her.*
- *Respondent Dhomli is less than 20 years of age and has been imprisoned for the murder of her husband. She says that the husband was alcoholic and used to fight all the time and died. Her in-laws thought that she would stake a claim in his property and therefore, falsely implicated her in the murder case of her husband.*
- *Respondent Surpreet Kaur said that her husband was an addict and indulged in substance abuse of various kinds of drugs such as smack etc. Her husband died but her mother-in-law said that the respondent had illicit relationship with her father's sister's son and therefore, the respondent murdered her husband.*
- *Respondent Sonu is 25 says that her husband was alcoholic and consumed drugs. Also his entire family used to verbally fight with the respondent.*
- *Karamjeet Kaur, 23years old says she was arrested as she was forced to work in illegal activities and her husband did not work at all. Her husband's parents forced her to earn to support the family.*
- *Respondent Jyaani Devi is 40 and is the second wife of her husband. She says that she has nothing to do with her husband's family and has never visited his family. However, her husband's family got her falsely implicated in a property matter and she has been behind bars for 3 months.*

The following are the main findings of the stories shared by women criminals:

- **Spousal relationship** – Sharma (1963) summarized in his study that in India among Indian women, strained interpersonal relations with the husband and other family members, husband's extra-family relations, deprivation and denial of basic needs of life (like affection, security, etc.) were the main causes of frustrations and ultimate crimes. Rani (1983) and Prasad (1986) have also supported Sharma's theory of 'family maladjustment' and the of role conflict in the family as reasons for female crime. In the present study the same characteristic surfaces in the in-depth interviews conducted. The majority of cases in the sample are related to murder or attempt of murder are due to some sort of tension in spouse relationship.
- **Role of in-law's and family members with respect to property matters and false cases** -- Our jail visits highlight the legal inequities resulting from a society where most women are victims, falsely accused of property crimes actually committed by the other family members of family of procreation. From the narratives of respondents it is evident that in majority of cases women have been falsely implicated in their cases either due to revenge by the husband' or in some cases by in-laws. What surfaced during interviews is that not only in murders but also in other crimes, family plays an important role in

crime causation. For example, in excise offences, when the husband was arrested for illicit distillation, his wife was also arrested for helping the husband in illegal activities. In cases like these, the wife merely helped her husband in his economic pursuits because of her duty as a wife and not because of any desire to violate the social or legal norms. This is very common in an Indian context. Many cases in India show that women were labeled 'criminals' not because they had 'criminalistic tendencies' but because their family's male members were so labeled. Thus, it is evident that most of the thefts committed by women are not the result of psychological or social aberrations but are due to family compulsions. Women played secondary/supportive roles.⁶ They are, therefore, not to be treated as sole perpetrators of these crimes.

- **Foundational assumption** -- The hypothesis regarding the role of family (family of procreation) in female criminality is that 'marriage increases the possibilities of crime committed by women and therefore that family of procreation plays an important role in inducing criminal activities. This is supported by the results of the interviews as noted in the present study.

Conclusion

Different theories and explanations for the causes of crime have been suggested by scholars throughout history. However no single theory can explain all crimes and delinquency. The validity of any social science theory depends on its verification relative to empirical data. There is a need to understand the reality of female criminals from the perspective of the familial relationship. As noted from both prior research discussed and based on the present study, family plays an important role in crime commitment. However it is not the family of orientation, it is family of procreation that accounts most for female criminality. The below are the main outcomes related to the present study:

- The majority of female criminals were married at the time of the commitment of the crime.
- There was a history of crime committed in the family of procreation, which influenced the women and thus is reflected in both the criminal behavior of women and their antisocial attribution.
- Family environment in the family of procreation was more conservative in comparison to the family of orientation, leading to tension among family members.
- Most of the incarcerated women included in the present study have experienced and suffered in an abusive relationship in the husband's family, comparing unfavorably in comparison to the family of orientation.
- The majority of women criminals suffered from some sort of tension related to the spousal relationship.

⁶ Female Criminality in India: Prevalence, Causes and Preventive Measures, P. M. K. Mili, etl R. Perumal, and Neethu Susan Cherian., retrieved on April, 12, 2017. www.sascv.org/ijcjs/pdfs/milietalijcjs2015vol10issue1.pdf

- In-law's played an important role in false implication and inducements to women for crimes committed in the majority of cases analyzed for present study.

The outcomes noted will help social reformers to better understand female crime. Looking to next steps, a more micro oriented perspective will yield an enhanced capacity to enable development of remedial measures.

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