

NON-WESTERN CRIME AND JUSTICE

Mangai Natarajan

John Jay College of Criminal Justice

The City University of New York

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INTRODUCTION

The theme of the 2013 American Society of Criminology's Annual Meeting was "Expanding the Core: Neglected Crimes, Groups, Causes and Policy Approaches." Several panels were commissioned by ASC President Prof. Robert Agnew on a variety of topics that could expand the current core of Criminology. One of these panels discussed the need to expand the core by studying non-western crime and justice issues.

Until recently, Criminology and Criminal Justice have paid little attention to the cross-cultural contexts of crime and the different national responses, but scholars are now beginning to address these subjects. This is a most welcome development because non-western crime is often extremely serious, resulting in grievous assaults on human rights, particularly those of women. In some cases, the crimes are pursued on such a wide scale as to amount to genocide. Expanding the study of non-western crime will bring many benefits to criminology and criminal justice. It will enable core theories to be tested in new and different contexts. It will require criminologists to address a wider variety of sometimes very serious crimes. Finally, it will allow criminologists to make a contribution to the peace and well-being of the globalized world.

This panel members discussed the nature of non-western crime and justice in terms of crimes that should be of global concern, specifically gender based violence (Natarajan); and Organized Crime and Corruption (Jan van Dijk). Further, van Dijk discussed the contribution that victimology can make in dealing with victims who suffer egregious harm and who have little recourse to justice) and Braithwaite discussed the important roles of procedural and restorative justice, which take account of the needs of victims, offenders and community in dealing with violent crimes, with the example of El Salvador.

With this prelude, this paper begins by discussing briefly the serious crimes that are neglected by criminologists with special attention to gender based violence.

SERIOUS CRIMES OF THE NON-WESTERN WORLD

For the purposes of this paper, I will define Western countries as including those in Europe and North America, Australia and New Zealand, and some countries in Asia and South America. The rest I will call non-western countries. If we accept this divide, the non-western world holds most of the World's population and, because of widespread breakdowns in law-and-order, the crimes suffered in the non-western world are arguably more serious. In terms of the harms inflicted – physical, mental and property – the serious crimes that disproportionately affect the non-western world are:

1. Genocide
2. War crimes and crimes against humanity
3. Terrorism
4. Transnational crimes such as drug trafficking, human trafficking, organ trafficking, arms trafficking, wild life trafficking
5. Gender based violence

The non-western world has no monopoly of these crimes, but at present it is suffering much more from their impact. In this short paper I cannot discuss all these crimes and the suffering they inflict on millions of people. Instead I will concentrate my remarks on gender-based violence because I have spent much of my professional life thinking about and researching these crimes.

GENDER BASED VIOLENCE

The United Nations defines *violence against women* as any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. According to a 2010 Asia Foundation report, Gender Based Violence (GBV) is the leading cause of death of women between the ages of 19 and 44 – more than war, cancer, or car accidents. In South Asia, 40 percent to 70 percent of women and girls report experiencing some form of physical, sexual, or emotional abuse, and half of all women face violence in the home.

While women commit fewer crimes they are often victimized more than men, most obviously by domestic or family violence. However, there are many specific forms of violence against women, related to their gender role, and which represent the abuse of unequal power relations between women and men in social, cultural and economic respects. There are five different categories of gender based violence with specific manifestations in the non-western world.

1. Domestic violence/family violence
2. Sexual violence, particularly rape
3. Culture based/specific violence

4. Situational violence, including suicide triggered by domestic situations.
5. Transnational violence

Domestic Violence

DV is the most common form of violence against women across the globe. Women are subjected to many forms of harm and cruelty, extending to murders, in a supposedly “domestic” environment. Many women are terrified of living in their marital/conjugal homes and thus lose their freedom to live with respect and dignity. While the western world has generally sought to deal with the problem (though many would argue that not enough has been done), in the non-western world, even defining DV is at an infant stage. Recent World Health Organization data indicate that the prevalence rate of women suffering from intimate partner violence (see table 1) is much higher in nonwestern parts of the world when compared to the high-income western world.

Table 1. Prevalence of Intimate Partner Violence Worldwide

SOUTH-EAST ASIA (Bangladesh, East Timor, India, Burma, Sri Lanka, Thailand)	37.7%
EASTERN MEDITERRANEAN (Egypt, Iran, Iraq, Jordan, Palestinian territories)	37.0%
AFRICA (Botswana, Cameroon, DR Congo, Ethiopia, Kenya, Lesotho, Liberia, Malawi, Mozambique, Namibia, Rwanda, South Africa, Swaziland, Uganda, Tanzania, Zambia, Zimbabwe)	36.6%
AMERICAS (Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Paraguay, Peru, Bolivia)	29.8%
EUROPE (Albania, Azerbaijan, Georgia, Lithuania, Rep of Moldova, Romania, Russia, Serbia, Turkey, Ukraine)	25.4%
WESTERN PACIFIC (Cambodia, China, Philippines, Samoa, Vietnam)	24.6%
High income(Australia, Canada, Croatia, Czech Republic, Denmark, Finland, France, Germany, Hong Kong, Iceland, Ireland, Israel, Japan, Netherlands, New Zealand, Norway, Poland, South Korea, Spain, Sweden, Switzerland, UK, US)	23.2%

Source: WHO, London School of Hygiene & Tropical Medicine, South African Medical Research Council, 2013

While the table depicts the tip of the iceberg, it shows the high prevalence in the Asia region which constitutes half the world’s population. While the West has made considerable progress in gathering national level epidemiological and etiological data very little research has been done on important concerns such as same–sex partner violence. Expanding the core to study these

neglected topics at home would provide models for studying and responding to the violence around the world. For example, while western countries have recognized and have accepted same-sex conjugal relationships, these are still hidden in most nonwestern parts of the world.

Another very important concern for the western world is intimate partner violence among immigrant communities. While national level surveys in the United States for example provide very useful data, they suffer from the problem that only some victims are willing to talk about violence at home and are reluctant to report serious violence to a stranger on the telephone. This reluctance is greatest among ethnic immigrant groups, which comprise a sizable proportion of the population in many economically-developed countries . Further, the national level survey on DV in the United States uses a broad grouping of ethnicity. Thus, many of the culturally distinct ethnic groups such as Japanese, Chinese, Koreans, Filipinos, Malaysians, Indians, Pakistanis, Bangladeshis and Srilankans are categorized as Asians or “others”. Expanding the core to studying nonwestern culture contexts would not only pave way for better understanding and preventing serious violence among these groups, but also help develop theories to tighten the gap between criminological theory (ies) and socio-cultural practices.

In many non-western countries, women suffer from patriarchal dominance at home involving the systematic use of beatings, economic subordination, threats, isolation and other control tactics. In such “normalized” situations, beatings occur on a regular basis, escalate in seriousness over time, and are initiated by men to control their wives and daughters. While many sociological and psychological explanations are being mounted by local/national scholars, criminologists could focus on DV when seeking to apply interpersonal theories of violence within the nonwestern context.

Sexual Violence

During wars and other armed conflicts, sexual assaults, enforced prostitution and many forms of exploitation of women occur. Rape is used as a Weapon of War in many non-western parts of the world. It is used to punish and dominate the opposition and sexual torture is used as a method of interrogation. Such sexual and gender-based violence occurs during all phases of conflict, before, during and after, even when women seek asylum.

Sexual violence that routinely involves mutilation, sexual slavery, gang-rape, torture before being killed and disembowelment of pregnant women has been reported in African countries involved in armed conflict between 1987 and 2007. In 1994, between 100,000 and 250,000 women were raped during Rwandan genocide and most women were affected by HIV /AIDS and other sexually-transmitted diseases. According to UN estimates more than 60,000 women were raped during the civil war in Sierra Leone (1991-2002), more than 40,000 in Liberia (1989-2003), up to 60,000 in the former Yugoslavia (1992-1995), and at least 200,000 in the Democratic Republic of the Congo since 1998. Thousands of women suffer lifelong physical deterioration and patriarchal terrorism which are menace to human dignity and rights. While criminologists have long studied rape as individual level or interpersonal violence, studying rape

in conflict and non-conflict situations could help provide a more comprehensive criminological explanation

With growing urbanization, rape in non-conflict situations, especially in public places, has become a serious problem in many parts of the non-western world. This often happens when young women and girls are on their way to work, to school, or to recreational facilities such as parks and beaches. Young men and boys also go to these places, but it is only young women and girls who are subject to sexual violence.

Culture-Specific Violence

1. *Female genital mutilation*: FGM is primarily practiced in some countries in Africa, Asia and the Middle East, but also among some immigrant communities in Europe, North America and Australia. According to WHO about 140 million girls and women worldwide are currently living with the consequences of FGM.
2. *Honor killings*: The majority of these incidents are documented in India, Pakistan, Afghanistan, Egypt, Jordan, Turkey and Lebanon but also among some immigrant communities in Europe, North America and Australia.
3. *Female infanticide and female feticides*: This is prevalent in India and among Arabian tribes due to the preference for sons, and the low value associated with the birth of daughters. It is also said to be practiced among South Asian immigrants in Britain, the United States and Canada. Associated problems are forced sterilization or other coerced reproductive practices. Nobel prize-winner Amartya Sen's (1990, 1992) "missing women" research discusses the impact of the abortion of females on the male-female ratios in China, South Asia, and North Africa. He estimates that if these regions had normal sex ratios, there would be more than 60 million more females alive today.
4. *Fatwa* is an extra-judicial decree (often relating to marriage and adultery) issued against women by religious leaders, in countries such as Bangladesh, Afghanistan and Syria.
5. *Bonded labor*: In many villages in Sindh and Pakistan some women are virtually imprisoned and forced to labor over many years.
6. *Child marriage and forced marriage*: One third of the world's girls are married before the age of 18 and 1 in 9 are married before the age of 15. In countries like Niger, Chad, Mali, Bangladesh, Guinea and the Central African Republic, the rate of early and forced marriage is 60 per cent and above.
7. *Child prostitution*: South East Asian countries are notorious for commercial sexual exploitation of children. According to the International Labor Organization sex tourism contributes 2-14 percent of the gross domestic product of Indonesia, Malaysia, the Philippines and Thailand. *UNICEF* estimates that 1 million children (mostly girls) worldwide are exploited every year in the commercial sex trade

These crimes are collective behaviors of the societies and so collective action in restoring and rendering justice to victims should be on the research agenda for criminologists.

Situational Violence

Among the cruelest forms of violence against women are burn and acid attacks that disfigure the body and destroy the mental health of the victims. Many thousands of young women in developing countries suffer such attacks yearly. Despite improvements in medical facilities for treating these victims they often endure severe disfigurement and life long suffering. The feelings of rejection at all levels of their lives lead many of these women to commit suicide. Such attacks occur in many parts of the developing world especially in South Asia including India (Natarajan, in Press, Dasgupta, 2008; Natarajan, 2007; Chowdhury, 2005; Sharma, 2005; Maghsoudi et al., 2004; Swanson, 2002;; Sweeney and Myers-Spiers, 2000; Faga et al., 2000). According to a recent op ed NY Times article by Nicholas D. Kristof, “Acid attacks and wife burnings are commonly used to terrorize and subjugate women and girls in a swath of Asia from Afghanistan through Cambodia (men are almost never attacked with acid). Because women usually don’t matter in this part of the world, their attackers are rarely prosecuted and acid sales are usually not controlled. It’s a kind of terrorism that becomes accepted as part of the background noise in the region” (November 30, 2008).

Bride burning: In the Indian sub-continent, hundreds of young brides are burnt to death every year as a result of dowry disputes (Natarajan,1995).

Acid Attacks: In Bangladesh, Pakistan, India and Sri-Lanka acid is thrown on women who refuse to marry a man or turn down their sexual advances.

Self-immolation: My recent studies of burns victims in India indicate that many young women and girls resort to suicide by igniting kerosene they have poured over themselves. While these are culture specific forms of self-inflicted violence, the use of kerosene and acid are situational in nature and relate to the easy availability and accessibility of these agents that are used for cleaning and cooking. The study confirms that kerosene is responsible for most of the burns and revealed the two main groups of patients: (1) women, usually from disadvantaged communities, who as a result of feelings of rejection at all levels of their lives, attempted suicide by self-immolation; and (2) women whose family members (often the husband) ignited kerosene on them during domestic disputes. This highlights the need to protect these women in traditional societies at risk of these burns incidents. Also the distinction of the types of suicidal attempts charted by the interviews makes it clear that suicidal attempts can be prevented in developing long term social awareness programs in educating the consequences and how to safeguard of kerosene related burns.

The opportunity structure facilitated by the availability and accessibility of kerosene certainly can be altered via target hardening techniques (Natarajan in Press). The extensive efforts presently being made to design stoves to prevent accidental burns can be integrated with identifying methods of delivering and storing kerosene that would make it less easy to use in inflicting intentional burns. The results of such efforts could benefit women in all developing countries who still rely upon kerosene for cooking and lighting. In my experience the integration of public health and environmental criminological theories has yielded important policy suggestions for preventing these intentional burns injuries. While western criminologists have

considerable experience in mounting the kind of research that focuses on the immediate context in which specific kinds of crimes occur (Felson and Clarke, 1998), collaboration between medical practitioners and local criminologists, with their complementary skills, could therefore be an important way to make progress in preventing this cruel form of violence.

Transnational Violence against Women

Due to poverty and gender discrimination, many women in nonwestern countries seek to migrate to the developed world. While they escape violence in their birth nations they often fall prey to violence by traffickers. While these push factors determine the prevalence of trafficking for sexual exploitation, the pull factors generally attributed to cheap labor and demand for sex in the destination i.e developed nations. While it is undeniable the economic factors including market principles explain the growth of human trafficking, the role and the extent of participation of organized crime groups or gangs as pull factors that determine the flow of trafficking is often ignored in criminological research. This is because the research on organized crime is a neglected topic and considered not part of the mainstream of criminology. Understanding the mechanics of organized crime groups and patterns of the trafficking process from source to destination countries and the vulnerability of certain victims from certain parts of the world would help in assessing the magnitude of the problem and in control and prevention. Since the developed world has only recently begun to deal with this problem of human trafficking criminologists should seize the opportunity to undertake small scale empirical studies of specific regions of the world that are notorious as source and destination for trafficking of women for sexual exploitation. According to a 2009 UN report, sexual exploitation is by far the most commonly identified form of human trafficking (79%), followed by forced labor (18%). A disproportionate number of women are involved in human trafficking, not only as victims but also as traffickers. This is an interesting and important avenue for research scholars seeking to explain female criminality

In sum, the above descriptions of gender based violence show that there is a plethora of opportunities for criminologists to use their experience in developing criminological theories and in testing them in their local communities. Further, it is high time for them to test their theories across the world to help in reducing the harms inflicted on some millions of men and women and children globally. There is a particular need for developing criminological theories of violence, including gender based violence, by integrating existing theories of violence that were borrowed from other disciplines such as sociology and psychology with crime specific approaches. Including an international dimension to our understanding of crime, crime patterns and control and prevention of crimes could give an exciting avenue for research for future young criminologists.

CONCLUSION – AN AGENDA FOR CRIMINOLOGISTS

While we cannot solve the world's crime problems alone (until recently we could not even claim much success in dealing with crimes of our own world) western criminologists could do much more to tackle the serious crimes of the non-western world. To serve this agenda I would identify six steps that criminologists should begin to take:

1. Expand the core: In his 2011 Sutherland Address, Frank Cullen urged his fellow criminologists to expand the core of the discipline beyond what he called “adolescence-limited criminology”. I can think of no better way to do this than by addressing the serious crimes of the non-western world. This might help us develop new, more productive theories and research strategies, perhaps more focused on victims and situations than on offenders. This could result in reducing the large unexplained variance that Weisburd and Piquero (2008) highlighted in their recent review of explanatory studies. Above all, any success we achieved could alleviate misery for large sections of the World's population.
2. Assist in the sustainability of criminology programs in the nonwestern world. Non-western criminologists need our support. We need to reach out to them. We can support their organizations such as the Asian Society of Criminology and the Eastern African Society of Criminology. We can also help to establish criminology program through our embassies.
3. Sensitize criminology and criminal justice programs with new courses/majors and dissertation research on nonwestern crimes.
4. Promote collaborative research by accommodating scholars from the nonwestern world through visiting fellowships, and by taking time to visit their programs through study abroad and exchange programs.
5. Adopt institutions and send copies of up-to-date criminology/CJ books
6. Improve the scope for employment for our own criminology students as well as those from the non-western world. With rapidly developing globalization, criminologists have the opportunity expand their employment opportunities and create jobs for new entrants. We should not overlook the fact that criminology has the potential to provide personally fascinating, professionally fulfilling and socially rewarding employment beyond the classroom.

In conclusion, in a global world, crime and justice is also global. This challenge criminologists must be ready to face. Criminology should have no borders.

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