

Application Of The Weber's Verstehen Approach In Victimology Studies: With Reference To Structural Violence Against Women

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Abstract

A considerable part of the present philosophy is covered by feminist theories and perspectives. The feminist perspectives developed within the framework of the times, when theorists and social scientists designed their ideas into patterns of theories and thoughts. Beginning from dominating paradigms of thought like Marxian and Socialist Feminism, academia refers to Radical Feminism; Liberal Feminism; Black Feminism and Eco-feminism in both empirical and doctrinal ways. There has been adequate research on the existing notional frameworks and much more is going on too. What lacks in any good analytical research is lack or absence of incorporation of the understanding of the changes that have occurred in socio-cultural, legal, political and institutional structures. This is exactly, what has happened in 'Gender and Victimology Studies'. Women today cannot be seen as a single community; the concept of community has to be diversified and then understood. Sociological appropriation of community visualizes number of persons having common traits, socio-cultural set ups; emotional orientations; and issues too. Women today are not thus, a single community; they are diversified in nature, approaches, social traits and life situations. Even in a single unit like family or marriage two or more women do not share common existential features. The differences can be imagined and interpreted in case of rural-urban dichotomy; education and literacy; disease burden, medical care and support; and the like. The proposed paper intends to understand and elaborate the factors which divide women into different sub-communities within the women community. Following this, the work shall make an attempt to understand and explain how the theoretical approach of 'verstehen' propounded by Max Weber can be applied to undertake research and analysis in the realm of gender studies, especially in understanding victimization of women. Bias does not come in the arena of research options for sure, but 'Subjective Interpretation', that is 'Verstehen', can be one tool which can bring out the most objective results and findings. Secondary sources of information shall be used to work on this piece of research. However, during the development of the paper, if need is realized, some people shall be interviewed. On the whole, the paper shall be an interdisciplinary study to strengthen the application of subjective interpretation while understand victimization of women.

Introduction

Crime related studies and research have been adequately diversified in terms of theoretical and practical interpretations; 'punishment' and 'victims' are not out of the context. In the recently past decades, ecological and ethnocentric explanations to victimology have been prominently experienced. Some unique research works have focused on understanding the victim's ideology; situation/s; conditions and compensation related needs. The criminal justice system and the compensation mechanisms have also been thrust area for studies undertaken by the social scientists and researchers for the purpose of policy making. What specially needs to be realized is the recent quest that 'victims are expected to be the concern of the justice administration all through'. All processes and procedures undertaken for dealing with crime and punishment are expected to focus on 'victims'. This phenomenon has a great theoretical relevance; various theories from different subjects can be applied to understand crime, punishment and victimization. Some of those are Emile Durkheim's Theory on Crime and Punishment; Karl Marx's Economic Determination; Robert Merton's Functional Paradigm; Collin's Theory of Conflict; Parson's Pattern Variables; Ecofeminism and Other feminist perspectives like Radical Feminism and Black feminism clearly indicating about social sexual subjugation of women; and the like. The present paper aims at hermeneutics bridging the Victimology Studies and the Max Weber's Theory of Verstehen. The basic paradigm around which the paper revolves around is the victimization of women and the interpretation, understanding and explanation of women's victimization. The paper moves ahead strategically, by sociologically establishing the interconnectedness between the concepts of 'Verstehen' and victimization of women. In furtherance, the work touches the realm how legal and judicial institutions are responding to the scenario. The way victimization has been technically visualized till now, clearly indicates the relevance of subjective interpretation; replicating the Weberian Verstehen; but the connection has to be empirically established through doctrinal development explored through various studies.

Crime evolves with time and social rubrics; reflecting social change. Social change is an inevitable feature of all human societies. Developed, under-developed and developing; none of the societies own any procedure or technique to avert social change. Social changes occurring as a result of multiple socio-legal processes and human as well as non-human factors encapsulate the whole social structure directly or indirectly. Almost all aspects of human life get affected with one alteration occurring in the social systems or social structures therein. The impact of social change has been very observable in context of crime, criminality, victimology and penology also. With change in the social scenario, thought process has also changes. Some aspects of crime have been omitted from the context of crime and others have been

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added in the realm. Earlier, privacy; sexual orientation; working women's rights; harassment at work place/s; domestic emotional violence and the like were not seen as domains of crime, but now they are. Gender roles have changed, changing the ambit of criminological studies. Concepts of 'crime' and 'punishment' have changed too; and now people seek 'justice' for many rights, which were earlier not seen as 'essential'. Various laws have been amended in the recently passed decades, featuring observable changes in the social context. Redundancy in laws surfaces with change in the social fabric and also alterations in existing value systems. The intent of law has shifted from 'punishment' to 'reformation'; exactly referring to Emile Durkheim's theory of Repressive and Restitutive Law in context of 'solidarity'. Durkheim theorized that with the change in the nature of collective consciousness a society possesses, the nature and function of law also change. The law is revenging, stringent and reluctant when the collective consciousness is strong; and law becomes avenging, flexible and lenient as the collective consciousness becomes weaker. In fact law responds to the changes occurring in the social rhythm of the social structures. This is why, the nature of victimology studies also changed and keep changing. More alterations in the socio-cultural spectrum of a community, surely calls for changes in the methodology to understand crime against its members.

Evolution of law over the decades has reflected social change occurring in many aspects of living; the phenomenon further reflects subjective interpretation of the social events. Victimization occurs in multiple domains like social; cultural; physical; sexual; psychological and the like. Each of the victim has her own specific situational context responding to the nature of the crime done against her. This is exactly how and for what law has developed; for delivering justice to each victim. Until and unless the victimization is individually interpreted on subjective level, provision of justice cannot be absolute or unquestionable. Every family; marriage or any other group has its own social context, within which crime and victimization exist. Much earlier until the beginning of 1960s, crime and victimization were seen only from the offender's point of view. But lately, the academic and research trend of understanding crime from the victim's perspective too, took the lead. There was a need to design more accurate and more functional justice mechanisms, which could be possible only having a subjective description of the event under concern. Victim's experiences started gaining attention in criminal justice administration. A considerably major proportion of violence against women in India is structural in nature. Structural violence takes place in social and institutional framework; strongly reinstating the need of understanding each case on the basis of the relativity of the socio-cultural context. This method of subjective interpretation of victims' situations reflects the 'Verstehen' of Weber; that emphasizes on the subjective interpretation of the social action.

'Verstehen' - Subjective Interpretation of Victimology

A shift from 'group orientation' to 'individual orientation' is a feature of study of crime, criminology and victimology in contemporary times. This change is applicable in policy making, cultural satisfaction, and also in case of academics and research. Studies related to criminology and victimology reflects 'individual centric approach' for the purpose of making new laws and amending the already existing law. The law works in a convergent procession while delivering justice and in this pattern it stays 'least questioned'. The concepts of personal liberty, privacy, individual rights, social space and the like have influenced the trends of law and its application also. Though law is itself 'objective'; it adopts framework of 'Subjective interpretation', the crux of the 'Verstehen'; this shall be explored in details in the following part of the paper. The serendipity of interpretations is dedicated to investigations of criminology and victimology. Verstehen shows a conjunction between sociology and law; and also between society and legal systems. 'Verstehen Approach' has been propounded by Max Weber. Interpretative tools like Verstehen provide platform for holistic approach to study and success of law and social control that is 'controlling human behavior for general social good'. The reflection of Verstehen is observable in understanding of crime; victims and their sufferings; compensation procedures; role of the adjudicating agencies; and institutions for delivering justice. 'Verstehen' is a key methodological concept which understands and explains human behavior in a very distinct way. This methodology implies 'subjective interpretation' of the social action; that understands at the level of the 'meaning'. Verstehen as a methodology makes scientific analysis possible. Firstly, 'it facilitates directly observational understanding of the subjective meaning of a social action (crime against a particular person or community, in this case); and secondly it facilitates 'understanding of the underlying motive' (Abraham and John, 2017). According to Daniel (1978), Verstehen is a helpful tool to have a conscious search for the solutions to social problems. The problems being faced by human beings can be assessed, interpreted on more practical level with the help of subjective interpretation propounded through the method of verstehen. This in fact leads to 'causal explanation' to any social phenomenon resulting into a holistic understanding of the given social context.

The 'Sociology of victimology' implies 'critical victimology referring to Verstehen directly. The meaning constructed at the level of victimization is the essence of theoretical application of verstehen on studies related to crime or victims. The incidence of victimization features that there are some groups which are structurally more prone to crime than the others, and are to be seen with the approach of subjective interpretation. This is important in order to bring about a functional analysis of crime and punishment in relation to defining or understanding victim/s. the victims have their own sufferings which can neither be explained nor understood in some cases. In case of victims like rape; gang rape; hate crime based on gender; acid attacks and the like, the victims suffer much more than only physical harm. The damages are tuned in emotional, mental, psychological and moral downfall. The losses incurred to the victims of such crimes long much ahead than seen. Being a victim does not always imply 'physically reflecting crimes or offence/s'; in

some cases the damage is more emotional or mental. The abstractions involved in crime and victimization pose big challenges for the related studies and research. There are irreparable and multiple damages in relation to marriage; family; kinship; grace; community based judgmental reactions and the like. In such crimes, what all victims seek is not just compensation, but rigorous punishments for the criminals. The stretch and impact of punishment is expected to go as long as the age and impact of the agony of the victims. The unmarried girl victims are not a choice for marriage, rather are socially stigmatized for being 'ineligible' for an unmarried man. In case of societies where fanatic patriarchy is practiced, even reporting of offences and crimes against unmarried girls is prohibited and not adhered to. This is where the choices like 'repressive or restitutive law/s' become confusing because the choice is not only 'compensation' or 'punishment'; rather it is between 'avenging' the victims socially or 'satisfying' them morally. The judicial decisions in such cases do not work on the principles of uniformity or objective implementation of law/s; rather on compensating the loss in multiple forms that is monetarily, emotionally, mentally, socially and culturally also. Nirbhaya Hatya case is one such example, where 'Capital Punishment' was given a thought again; since this was the need of the case. Nirbhaya's case became an international discourse because of the social activism and reaction from different communities; hence it could result into justice for the parents of the victims. But, in other same natured crimes, the subjective interpretation is to be designed with special efforts undertaken by judicial bodies and legislative machinery. Kalkod (2022) explains the worrisome state of affairs in a story published in The Times of India on 31st August, 2022. The National Crime Records Bureau states that in the year 2021, ninety minor girls (33, 186 minor girls in total) were raped everyday in India. The thought for the moment is the punishments given in these reported cases! it is a challenge to watch and explain, if the victimization is seen subjectively or not! Violence against women is predominantly structural in nature; making crime and victimology both very distinctive in understanding. The nature of crime is to be seen in context of the nature of the victim and victimization as the sustainable deliverance of justice is rooted in the understanding of the subjectivity of the victimization.

Structural Violence and Social Change

Violence against women in India is a historical discourse. It has been seen with different perspectives all through the times and has been understood by social scientists with their own thought paradigm. In fact violence against women has been more 'structural' in nature than being 'contextual'. The concept of 'Structural Violence' has been introduced by Johan Galtung in the year 1969. Structural violence implies violence against women taking its causal explanations in the social structure that is, predominantly the 'social institutions' like family; kinship; family and others. Jonathan in his article entitled, 'Violence, Peace and Peace Studies' opined that when one husband commits violence against a woman, it is 'violence'; but when many husbands in world commit violence against women is 'structural violence'. It can be derived that when social institution start following that pattern of social living that violence against women become a usual result, the social phenomenon is of structural violence. Conceptualizing the term 'structural' needs a broad base conceptualization; since it talks about the social structural and the allied structures also. Victimization of women is one cultural trait of fanatically patriarch societies. This social phenomenon takes place through the process of 'construction of gender' and 'gendered normative patterns and judgmental values system'. A recognizable focus is given to construction of a social system, in which women are kept on secondary positions on multiple terms like cultural, ritualistic, political, social, psychological and the like. Key attention is laid on internalizing of the gender identity by women; which in fact makes them accept the supremacy of the other gender that is 'men' in most of the cases. Ceremonies and rituals are one of those mechanisms which are used to make women maintain a status quo (Dube, 1997). Figure 1 depicts the baseline of structural violence contextually as well as conceptually.

It is observable from the social systems and social institutions that criminal tendencies against women are constructed during the process of socialization. There exists a connectedness between how society, communities, relationships and individuals operate and undertake their role-play in society. Social and economic inequalities are created by the norms and ceremonial practices undertaken by society. Further, the communities adopt these inequalities and learn to live in conditions featuring unequal survival conditions; where rights of women and men are not same and women accept this difference. Social laws and values phrase the relationships in a way that they suit to the existing differential patterns and value system. Finally individuals are entangled as a part of the history of mal-treatment and violence in their own particular way based on their gender. One gender becomes the habitual victim and other becomes the perpetrator. Violence based behavior perpetuates in social institutions and then infiltrates to bigger domains and boundaries. Many crimes against women are result of structural violence against them. Wherever discussion on 'violence through social institution/s' takes place, there the importance of subjective interpretation cannot be ignored. Every family exists in a specific socio-cultural and economic context and this form of dwelling creates a particular mindset that leads to their social action/s leading to criminality. The social behavior patterns are required to be understood with a specific focus, if they are to be analysed in the domain of victimology or criminality. Structural violence can be understood in context of Sociology of the families. 'Social inequalities begin early in life' according to many scholars and researchers; the families themselves provide resources, accessibility and capacity building in a way that the differentiations develop into inequalities. This phenomenon includes discourse on cultural capital that is investing on children with a futuristic application. The investments in differential forms create unequal learning and desired social outcomes, visible in early and late childhood and adulthood (Parcel and Hendrix, 2014).

In feminist and other discourses related to the study of crime and punishment, the important resources transmitted to families are ignored (Bradley and Corwyn, 2002; Conger and Donnellan, 2007). The transmission of 'Cultural Capital' takes place differently in 'advantaged' and 'disadvantaged' families. According to Bourdieu (1973) children from advantaged families acquire 'high-status cultural symbols' that further determines individual's 'social selection' into high status domains. Academic and economic discrepancies are created between the children from the families who can and cannot provide resources of development and growth; this is exactly how gender bias also gets transmitted through cultural transmission. Dobash and Dobash (1998) opine that violence distinctly emerges in every socioeconomic group; ideology; class; race and ethnic grouping. Women, in this course of social action and socio-cultural behavior become victims. Gender differences and the related offences are to be seen through the cultural socialization, making the applicability of laws and legality 'convergent'; that is to get specific and correct solution to the related context and issues/s. Social contexts are subject to social change; and this is 'ought to be' addressed while analyzing any case or crime or violence. Therborn (2017) very emphatically addresses this change within the family systems occurring as a result of social changes occurring outside the family. The family doesn't own any intrinsic property of change, but it is a prominent subject to alterations and the related pressures happening in the social contexts outside it. The ever changing environment around a family, make changes take place in the family also. The whole world's system of family has changed in modern times, featuring 'social dynamics'. But, this can't be avoided that some part of the traditions and value pattern have not changed at all, rather have been reproduced, featuring 'social statics'. One of the visible parts of family statics is patriarchy; yet with some changes. Most of the crimes have been masculine in nature and records too. In the last century, there have been many ideological and perceptual attacks on patriarchy and masculinity; still, social bias against women is very much a surfacing feature of patriarch social structures. According to the data estimated by the United Nations Population Fund (UNFPA) in the year 2011 the sex ratio of 0-6 years old in India has increased to 109 boys per 100 girls in the year 2011 from a normal distribution of 104 and 106 boys per 100 girls in the year 1981 and 1991 respectively. This is about the bias in age of childhood. Further, the patterns of socialization also march ahead with an intrinsic potential to perpetuate criminal tendencies in one particular gender against another specific one.

The United Nations' Economic and Social Council held its session in 2019. On the basis of the deliberations made therein, a report entitled, "Special Edition: Progress towards Sustainable Development Goals" has been published. This report states that due to insufficient progress on structural issues, the gender inequalities are aggravating. Though crimes female genital mutilation and early marriage have been checked, yet there is a rise in numbers of crimes committed against women. The data compiled by the Economic and Social Council states that women devote 'on average three times more hours' a day to unpaid work including care and domestic work. Data from 106 nations were collected to know sexual partner violence incidents. This research shows that 18 percent of ever-partnered women and girls aged 15 to 49 years have faced physical and/ or sexual partner violence in the previous 12 months. In developed countries, this percentage rises to 24 percent. In 2018, only 39 percent of women represent the world employment; and just 27 percent of women occupy of managerial positions in the world. Further another research on 51 countries show that only 57 percent of the women aged 15-49, take their own decisions regarding sexual relations and the use of contraceptives and general health also. The data depicts that very less women in the world are able to reach the top positions; resulting from the educational and skill based differentials. There is so much to observe when it comes to different sub-sections within the women as a community. The difference in their income levels, in their positions and social status results into differential impact of offences and crimes done against them too; further calling for subjective or 'case based' understanding of victimization. Not letting women take their own decision is also a significant factor to understand victimization within the context of subjectivity. Many institutional practices and patterns are causal factors for victimizing women in Indian family system; which needs to be seen empathetically.

Marital Rape

Sexual abuse constitutes a large proportion of crime against women. The statistics compiled on sexual abuse in India represent a clear depiction that a considerable quantum of these offences against women are reported in family, and further more are from the intimate partner. Other than the usual sexual offences being recorded, 'marital rape' is another lead to be explored. Within the social institution of marriage, marital rape in India seems very far off from making of the law/s. Socially and culturally expressing, a woman complaining about marital rape within her marriage is labeled as a member, who has not been suitably socialized. For educated and literate women, marital rape has different social, emotional and psychological repercussions; and these effects are entirely differently thought of/for by the illiterate and dependent women. Quitting a marriage is not an option in everyone's hands, hence marital rape is responded to, differently by different women. When a crime is not affecting a particular category of human beings similarly in all the cases, how can victims be seen with same eye of law or thought! sexually abusive relationships can lead to serious and long term consequences in some cases, and in others, it may lead to short span impact since the victims have for compensatory mechanisms in their hands. Subjective interpretation of victimization in these different cases is a very functional instrument to reach efficacious justice administration.

Rape laws exempt husbands, and even more attention seeking is that 'serving the husband sexually' is a need as well as obligation in a marriage. It has been traditionally established that there is no need of having 'consent' for sex in marriage, especially when the male partner is in need or asks for. This experience during pregnancy can be even more

devastating for women's health, her carrying the 'to be born' child and further also. It has been very conveniently ignored that sexual violence within a marriage, on one hand outrages the woman's right to live with dignity and also has serious consequences on her health within and even after quitting that marriage through judicial separation or divorce. Recently a study has been published by the National Centre of Biotechnology Information (NCBI) IN 2022. The study shows that many women have disclosed to the counselors that they have been victims of marital rape several times, while they seek help and support for domestic violence. The socially entailed stigmatization is another thread of the discourse; and also in need of subjective approach to explore, observe and respond to.

Distinct Gender- based Communities and the relative victimization

There is need to understand that 'marriage' as a social institution also has its distinct sociology. The discourse on the 'third gender' and 'transgender' has taken the course of social research a bit away from one of the most conventional debates on 'men versus women' rights and social obligations. The shift is now majorly on deciding about the logistics and social acceptance of same sex marriages and also on understanding occurrence of violence in same sex marriages. A study on 31 countries of the world has been conducted by Smith (2011). The study depicts a global trend; that in more than 25 countries out of these 31, a greater proportion of national sample (over the past 20 years) say that same-sex sexual behavior is not wrong. However, the elders 'more in number' disapprove of these relationships since their approach towards marriage as an institution is still traditional. In the recent times, scholars have started understanding that there is a diversity in unmarried population too (Carr and Springer, 2017); marital as well as non- marital unions feature this population now. According to Carr, even in one particular form of unmarried category of individuals differ in terms of their aims, status and the like factors. Cohabitation is one contemporary change in the institution of marriage, where without entering the institution of marriage; the couple (heterosexual or homosexual) starts living together and enter into multiple domains of relationships. This cohabitation is 'socially and considerably' accepted in India and other countries also. As researched by Hines, Malley- Morreson and Dutton (2013), the rates of partner violence are at least as high as in heterosexual couples. Same sex marriages also have to be explored in context of understanding victimization and criminality. The persons from Lesbian Gay Bi-sexual and Transgender (LGBT) Community also need subjective focus of law, legal machinery and judicial institutions. If their marriages and relationships have been decriminalized, there is a need of providing conditions for survival with dignity and mental comfort. The biggest 'socially' imposed disability in case of LGBT community is 'Progeny being impossible', which is related largely and significantly to the ritualistic, religious and cultural domains of Indian society. Not being able to reproduce 'a socially acceptable heir' of the social-cultural and economic property of a family makes them prone to multiple forms of emotional torture. There is no law directly dealing with such issues, and making law or amending laws is understandably not so easy. It takes time to observe the possibility and the possible social impact of legal developments on the related communities.

Partner Violence is not only against women, but men also. The excessive bent of legality to save and protect women from violence by men has made researchers explore another face of the coin too. A research on 32 nations was conducted by the International Dating Violence Study (IDVS). This is the only large scale, cross-national study which focuses on both men as well women, as potential victims and perpetrators of 'partner violence'; in heterosexual college students dating relationships (Straus, 2008). This study explains that having 'both the partners violent', that is 'bi-directional partner violence', is a dominant pattern in US and other nations also (Esquivel-Santovena et. al. 2013). Such studies are missing or may be under process in Indian context; but this is sure that bi-directional partner violence needs thorough research in Indian society also. There is a need to design tools for holistic understanding of violence, victimology and criminology with reference to Indian society. As of now the dominant paradigm influencing the studies related to crime and victims is 'women's suppression and oppression'. Malik and Nadda (2019) shared finding of their community-based, cross-sectional study conducted on 1000 married men, in the age group of 21-49 years. The findings of the study state that out of the sample, 52.4 percent of men have experienced gender-based violence. These men have mostly been victims of emotional violence, followed by physical abuse; reflecting that gender symmetry doesn't exist in case of physical violence in India. Such studies show strong critique of patriarch theory of violence and abuse; which seems creating a very workable research gap in context of social research on social institutions of India.

'Marriage' is yet believed to be a source of several forms of securities for people entering into it. Legal rights are a more viable option and practice after entering into marriage and then falling into the prey of widowhood, or divorce as such. However, the diverse impacts of divorce are related to the quality of marriage being quitted. There is a need to understand the least explored and under researched categories of population, both, married as well as unmarried. There is a need to understand the social context in which a couple 'married or cohabitating' continues their relationship or ends it. 'Widowhood' is another dimension, which can be explored in context of understanding victimization of women; not only physical but emotional and mental victimization also. As per the demographic facts, women are more likely to experience widowhood; still there is a larger number of widowed or divorced men who get remarried than the number of widowed or divorced women (Carr and Bordnar-Deren, 2009). One of the major reasons of this social phenomenon is lack of social support to remarried women and more chances of stigmatization of widowed women. Further, the these women have child/ children is another challenge to be resolved legally while intervening in the social and institutional texture of their life. Some studies have been done in other countries (Hahn, et. al., 2011) which show that though there is lesser possibility of remarried women getting social support from the second marriage, but still the relationships like

children, friends, neighbors, and religious groups provide support to women. The emotional, psychological and socio-cultural abuse of widowed women is yet another domain, where research in India requires more impetus and administrative cum academic push. In fact cultural contexts shape the marital health and wellbeing; and this needs to be focused while understanding the victim studies or the aspects related to criminology.

Gender Identity and Victimization

Acceptably, there exist some risks in such significant social and ideological changes; which is visible in the applied studies undertaken by various international as well as national organizations. Even the liberalization in context of sexual rights is resulting into crime; somewhere 'recorded' and somewhere 'unrecorded'. 'Sexual orientation hate crime' is one recognized result of same sex marriages. Same sex marriages also act as a potential source of threat. Gender identity hate crimes can be explored in context of heterosexual marriage also; but it cannot be denied they do take place. There is a progression in law which is observable from the decriminalization of homosexuality. Directly taking cohabitation 'out of marriage' in the periphery of domestic violence also calls for some time.

The Federal Bureau of Investigation (FBI), United States records sexual orientation crime statistics, which have been referred to in the above statistical reflection. FBI says that a considerable number of criminal activities are motivated by 'gender; as a factor. Hate crimes in context of gender have grown in numbers, the data shows. There is need to address that factors leading to hate crimes are curtailed and not given a chance to rise in number when religion, language, caste and region are already contributing a lot of instances in the existing date. Law has evolved for decades and is still under scanner of contemporary analysis by the commoners and also by the researchers and critiques. There is a need that development of law and the proposed amendments in law are to be seen in context of offence and crimes against women and against men separately. This way various sub-categories of the victims can be focused and can be catered to in terms of deliverance of justice.

When organized crimes like human trafficking and sexual commercialization and exploitation are being talked about, the demand of girls is on higher side, making the number of women being trafficked in India higher than men. Human trafficking also involved social institutions, since in most of the reports and records the perpetrators are either some member/s of the family of the victim or some kin (consanguine or affinal). Crimes against women are so institutionalized now that the deals for payments are made through internet, making it quite unhesitant for the criminals to act for gains (Government of India, India Country Report, 2009). The demand for girls in 'marriageable age' is very high and thousands of girls and women are trafficked from India to destination states and other countries outside India also in name of 'marriage'. Organized sex rackets are operating in some states of India to meet the demand of girls from the needed age group (UNODC, 2013). The girls are being trapped in the sex rackets are usually victimized by some family member, consanguine or affinal kin, or anyone else who is known to the family. The cases in which the girls have been rescued can be a source of information to work on stringent application and success of law; but 'only if' cases are seen and understood subjectively. This can be helpful in understanding what can be done on village/ regional/ community level to check abductions and transportation of girls from lesser cared and least secured places to market systems finally. The victims of sex trade lose a lot in context of their career, jobs, marriage and family even after being rescued. This phenomenon needs subjective understanding to reach making actually functional laws.

A study over 92 villages of Mahendragarh, Sirsa, Sonapat, and Mewat districts has been conducted by the Dhriti Stree Adhyayan Prabodhan Kendra NGOs. Many families in these villages have bought brides but they deny that they have done this. Majority of the girls sold by their families, especially parents are from poverty ridden states like Jharkhand, Bihar, WEEST Bengal, Assam, and Orissa. Girls of little age are forced to marriage and sold to traffickers (Pande, 2019). This is how the network between social institutions and actors of organized crime world operates. In a study undertaken by Baruah (2013), some case studies can be seen where girls of teen age are sold by their parents to unknown or not well known persons to send them to other cities to work as domestic helpers; paving a way for uncontrolled domestic violence against them, if this can be called 'domestic' actually! Crimes begin from homes and move to roads and other places outside homes. But, when a particular community becomes a 'traditionally set' victim, the vision of the onlookers and the observers become distinct; this is what has happened in case of crimes against women with the passage of time. With social change, changes in the social institutions of family, kinship, marriage have taken place. The value systems have altered, making liberty and freedom a talk, a right and a context of women too. Theorizing crime is very important; it is important for purpose of designing workable policies for curbing criminal tendencies and activities. Further, collecting authentic data is an additional dimension of crime studies which needs accessibility to different communities with specific perspectives. Both, theorizing crime and compiling statistical base for criminal studies are workable and successful, when social change is focused upon and all the alterations that occurred in socio-cultural contexts are encapsulated in the empirical efforts.

Conclusion

Significant number of research and studies have been undertaken in the field of victimology, and also criminology. Various aspects have been explored with different angles of emphasize; leaving research gap at many instances for futuristic effort of research. Due to the inevitability of social change, there is an ever ending need to add to the existing paradigm of victimology, so that justice administration becomes timely, rational and individually satisfying. The

purpose is not only to punish the criminal or offender, but actually curtailing the agony of the victims'. 'Critical and Interactionist Victimology' are the theoretical frameworks which suit the contemporary analysis the most and can also lead to successful implementation of law and adjudication. Further applying methodology like 'Verstehen' that is subjective interpretation results into finding causal explanation as to 'why did a particular crime take place'; why has a particular victim been chosen by the criminal'; what are the relatively short term as well as long term effects of the crime on the victim/s'; what rule or law can compensate the relative agony (physical, emotional, social, cultural, financial and the like) of the victim/s'; can the making of a law or amendment in an already existing law deter the similar crime to recur'; can the making of a law or amendment in an already existing law help persons from a particular community 'not being habitually victimized'; and the like. Revision of the functional laws with the approach of subjective interpretation can contribute a lot in legal and other supportive formulations. On one hand the purpose of law is to check occurrence of crime and on the other hand, it is to provide justice. Justice can be relished only if it has been delivered after interpreting the specificity of the victimization. Every crime and offence has its own social and cultural capital and explanation. The choice of victim by the offender is also based on the internalization of that social cultural capital. Subjective interpretation of victim's conditions can be helpful in curtailing the 'chances' of victimization. On the whole, the requirements and aims of delivering justice, 'case wise', can also be better understood when the victims, their losses and agony are explored subjectively.

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Notes

1. National Library on Medicine at National Centre for Biotechnology Information published a journal entitled, *Indian Journal of Community Medicine*. An article on 'Structural Violence on Women- An Impediment to Women Empowerment' has been published in the journal, the article can be retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5561688/>.
2. The World Health Organization published a *World Report on Violence and Health*. The details of the report and some other data bases of WHO are available on the web page <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>, under the article entitled, 'Violence against Women'.
3. Smith, T.W. 2011. A study entitled, *Cross national Differences in Attitudes Towards Homosexuality* has been undertaken by T.W. Smith in the year 2011. In this global study, 31 countries have been researched over in context of knowing people's perception on same-sex marriages and relationships. The same can be seen on <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Public-Attitude-LGBT-Int-Nov-2014.pdf>.
4. The United Nations' Economic and Social Council held its session in and published a report entitled, "Special Edition: Progress towards Sustainable Development Goals". The document can be seen on the given link: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/134/95/PDF/N1913495.pdf?OpenElement>.
5. The National Centre for Biotechnology Information (NCBI) published a report of the study done on marital rape. The study has been done by Padma-Bhate Deosthali , Sangeeta Rege and Sanjida Arora, under the title " Women's experiences of marital rape and sexual violence within marriage in India: evidence from service records". Same has been retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8967187/>.