

# Marriage: It Can Be A Bless or Hidden Curse of Their Life! A Criminological Study on Husbands' Influence for the Culpability of Women Prisoners (Special reference to *Welikada Women's prison*)

Wijewardhana BVN<sup>1\*</sup>, Rajaneththige S<sup>2</sup>

<sup>1,2</sup> Senior Lecturer in Criminology, Department of Criminology and Criminal Justice, University of Sri Jayewardenepura, Sri Lanka

\*Corresponding Author

**Abstract:** - Within the causes of family relationships both males and females maintain specific tasks and positions based on the gender perspectives since the historic epoch in Sri Lanka. According to sociologists, the tasks are merely divided on gender based decisions. Child births, socialization, fulfill husbands' needs, and manage the economy with series of other vigorous activities of the family unit to be fulfilled by the married woman. In this context family disputes were unavoidable when challenges occurred due to ineffective control of family matters. Owing to changes occurred in the society transformation of the role and tasks of women too, were happened resulting that women represent comparatively to the men in the current labour market. The continuation of uninterrupted family system within the said composition is still a task coming under the purview of women. Married women are accustomed to perform the tasks within the family units while accomplishing the status of male-female gender aspirations.

Women who are enduring penalties being imprisoners in contradictory to their bestowed tasks and status based on the gender related matters at domestic level, this study attempts to emphasize the causes affected them to be guilty on some offenses and also to analyze whether influences were there or not from their husbands, if so, in what nature and which form of influences was the problem to be determined through this research. Accordingly, 63 married women prisoners were selected from different age categories and from mixed religious backgrounds. The research was launched through discussions, using questionnaire, observations, and case studies and via focused group discussions, too. The investigations revealed that 79.66% of informants were in the opinion that main cause behind their offensiveness was the muddles involved by their husbands. It was also disclosed that husbands' direct involvement on drug related actions, abusing women, murder, theft and burglary were candidly affected them to face the current situation. The research findings endorsed the need of mandatory as well as socially adapted amendments targeted on the family system which could endorse an intelligible community that ensures healthy relationship between husband and wife and within the family units.

**Key Words:** Crime, Marriage, Prison, punishment, Women

## I. INTRODUCTION

In 1949 George Peter Murdock defined the family as "a social group characterized by common residence, Economic cooperation and reproduction. He added that the family includes adults of both sexes, at least two of whom maintain a socially approved sexual relationship and one or more children" (Murdock, 1949).

The vital constituent of a family is the relationship between husband and wife mainly due to the fact that social adaptation of children needs decisive influence of parents. Midst of such the role of Mother is a decisive element as also proved through studies of Human Scientists such as *Magret Mead*. Commenced within traditional society there were responsibilities, duties as well as a set of functions entrusted to and established within male and female within this transformation, personalities. Specifically in the traditional society husband was to deal with economic actions while female had to bring forth children and to foster them and to fulfil sexual needs of the husband. Yet, subjected for varied evolutions, the prevailed traditional practices were changed. The novel social structure emerged with the industrialization and the industrial based employment culture that had merged with globalization and the new economic process that occurred internationally with the transformation of labor and together with the changes happened in the educational sector the said families were subjected for direct influence with changes. Accordingly, women too involved in the sector of employment parallel to the male. Also discernable that open economic system introduced to countries like Sri Lanka in the decades of 1970s, had impacted on the traditional family system in varied nature. Thereby, an environment was emerged not only in Sri Lanka but in overseas too, for women to move away from their families seeking employment.

Undoubtedly, the open economic system had affected the functionality of entire family system. Within this transformation, in place of self-sufficient Ago-economy the ushering of industrial economy took place and across the said predicament the market based economy was spread essentially

bringing Money into the center, while transforming sentimental relationships to artificial forms and shapes. Amidst of this conversion, wide range of change was happened within the relationship between parents and children also disrupting affiliation between husbands and wives. This pathetic change could be seen via land disputes, killing own parents on monetary acquisitiveness, abducting children on ransoms etc., The long prevailed practices such as relationship, cast system being decisive factors have turned to be no longer important, instead moving on money, employment, social contexts etc. were evolved as key elements. Accordingly, more democratic families were came into existence. In this scenario, the relationship between husband and wife, sexual needs and also giving birth to children, and caring children too, turned into a more democratic shape while also shifting into varied alternatives. Under the modern living pattern more than concerns on young and daintiness, the women had to shoulder the living burdens in parallel to the male besides the typical role of the family. In certain economic moves, women had to represent a wide spectrum of representation even overtaking the male. The said situation could be shown through the below exemplar as per the *Sri Lanka Labour Force survey*.

Table No. 01. Gender based comparison on key employment avenues

Major employment sectors	Gender	
	Men	Women
Agriculture	(29.5)	(35.3)
Industry	(26.7)	(25.1)
Services	(43.8)	(39.5)

(Department of Census and Statistics 2016)

As per the above table the highest percentage of women is in the service sector accounting for 39.5% of the labour force, while women in agriculture and industry account for 35.3 and 25.1 respectively (*Sri Lanka Labour Force survey, 2003*).

Table No. 02. Percentagewise distribution of Employed population within the main industry

Main Industry	Male	Female
Agriculture	(25.4)	(30.3)
Industry	(26.9)	(26.7)
Services	(46.1)	(43.0)

(Department of Census and Statistics 2016)

The above table illustrates that the ways how traditional roles and norms of women had been changed. In parallel to the above involvement of women including criminal actions too, which is discernable through the number of imprisoned population at present.

Table No. 3 Convicted female prisoners 2010-2014

Year	Number
2010	1032
2011	773
2012	946
2013	894
2014	834

(Statistics of prisoners - Sri Lanka).

The above details illustrate the statistics on women those who were imprisoned annually in Welikada prison upon verdicts on confirmatory offences. The culpability of women is based on varied causes and facts in which the economic factors play a major role. Out of multitudinous criminal offenses, the transgressions such as trafficking and selling harmful drugs, financial fraud, prostitution etc. reflects that such offenders involve in crimes in consideration of financial benefits. It is also factual that several other motivate factors such as crimes based on poverty, illiteracy, low education and mental depression and the stresses are common reasons to involve in criminal actions. This study addresses more serious causes those married women had to face than the variables stated above, mainly in focus of possible influence or other motivate factors liked to their husbands. This is vital since a married woman becomes the legal partner of husband according to the law in Sri Lanka, and both need to decide the directions they should follow when living in one family. If a woman in a family also being a key character yet living in the prison it is necessary to diagnose whether there was an encouragement from the family unit to face such a dilemma, if so in what nature, is vital since there is a propensity of the statistical value of women involved in criminal action.

## II. RESEARCH PROBLEM

Woman with marital status is considered to be an important character also an extraordinary personality in the family. Since husband and wife need to maintain utmost unity within the family the reciprocity between the two is an essential element. Nevertheless, if a married woman faces a tragedy to undergo punishments remaining inside the prison and being away from the family becomes an awkward situation. Thereby, a question arises that whether, a married woman had to face such a breathtaking situation due to an influence of her own family setting? In actual facts, was there an incident or influence affected such adversity? The research problem was to assess and analyze under which circumstances and in what nature the said issues persisted.

## III. OBJECTIVES OF THE RESEARCH

- To study the closest crime or offence that caused to a married women to be imprisoned
- To identify socio-economic and cultural background of the women detained in prisons

- To determine the factors affected for those detained women to be offenders
- Also to study whether there was any influence of husband for the women to be an offender.
- To determine strategic approach to improve family units

#### IV. LITERATURE REVIEW

Covington 1998 argue that some of the most neglected, misunderstood and unseen women in our society are those in our jails, prisons and community correctional facilities. While women's rate of incarceration has increased dramatically, tripling in the last decade, prisons have not kept pace with the growth of the number of women in prison; nor has the criminal justice system been redesigned to meet women's needs, which are often quite different from the needs of men (Covington, 1998).

Dehart 2005 according to his report on Pathways to Prison: Impact of Victimization in the Lives of Incarcerated Women, this project examined victimization in the lives of incarcerated women. Specifically, they examined victimization as a risk factor for crime, with particular emphasis on the direct and indirect ways in which victimization's impact contributed to criminal involvement. They interviewed 60 women incarcerated in a maximum security correctional facility. The women had been convicted of crimes including drug offenses, property offenses, child abuse and neglect, violence toward partners, and other crimes. Multi-hour interviews addressed each woman's own perspective on psychological, physical, and sexual victimization within her life, as well as her history of family and peer relationships, alcohol and drug use, and criminal activity. The current study was designed to enhance understanding of Risk factors for women's crime, with specific emphasis on contributions of violent victimization over the life span, including ways violence impacts crime via effects on health, psychosocial functioning, and involvement in systems such as family and work. Very important thing is this report says, 'Turning points' over the life span, specifically points of vulnerability to victimization and/or criminal involvement as well as points when life paths took more positive turns. Self-identified strengths or circumstantial 'buffers' that the women perceive as mitigating the negative impact of violence on their lives (Dehart, 2005).

Some factors leading to women's imprisonment are common: in the main, they have committed petty, non-violent offences; they come from impoverished and marginalized parts of society; and they tend to have a background of physical and emotional abuse, mental health problems and alcohol or drugs dependency. Women's imprisonment is closely related to poverty, both as the reason for women's offences and because women often cannot afford legal services or to pay fines or bail. Female prisoners are often primary or sole carers and their incarceration can have a devastating effect on their family, particularly on young children. In other respects, the profile of women's imprisonment relates to the differing legal, political, and cultural contexts of the societies in which they

live. For example, until April 2007, women in Uganda found guilty of adultery could be fined or imprisoned, although a married man having an affair with an unmarried woman faced no punishment. Visiting women's prisons in Afghanistan, the UN Special Rapporteur on Violence Against Women found that a minority of the prisoners had been incarcerated for offences such as theft, drug trafficking, assault or murder. The majority were detained on charges such as adultery, which included remarriage after divorce, and 'running away from home' (Penal Reform International, 2008). In Sri Lanka, Wijewardhana 2018 argue that, the main cause behind prisoners to repeat illegal dealings on substance and alcohol, resulting repeated imprisonment, amidst of the release from prison time to time, is the environment consisted by drastically poor living conditions. There are several supportive factors affecting the continuation of dealing with alcohol and drugs such as; experience gained on surrounding factors after living for a period within slums; following the path of sub-culture in slums; attitude of earning for day to day living aiming at short-term enjoyment; alcohol has easy market; large crowd is addicted for alcohol; The on-going practice of imprisonment as punishment is considered by so-called prisoners as an enjoyable opportunity for them to relax without struggling to earn money. Hence, more than punishing by imprisonment it would be more meaningful if rehabilitation is given higher priority. Nevertheless, it is clear that poor urban community is not the single force continuing the menace of drugs and alcohol. It is clearly visible that there are other categories of trouble makers those representing upper classes of social structure, too involved in importing, distributing and selling alcohol and drugs in the country. Assuming that, authorities must take prompt action to surrender those actions and the following recommendations are made for the sake of women prisoners and to mitigate the insecure life style of disadvantaged segment of the urban community. According to above literature, number of studies highlighted how family, social cultural economic and psychical background support to commit crimes for females and those didn't highly focused husband's involvement towards this.

#### V. METHODOLOGY

##### *a. Study Area and the Sample.*

The study field of this research is the Welikada women detainees' prison in Sri Lanka. The selected sample is consisted by 63 married women belong to varied age limits, religions and nationalities also based on dissimilar offenses.

##### *b. Data Collection*

Stage 1: The team studied the offences involved by 206 female detainees at Welikada prison by using a questionnaire in particular, with causes affected for such misdeeds.

Stage 2: Out of 206 respondents 63 married women were selected for gathering information through questionnaire, Group Discussion, Focus Group discussion and observations.

Stage 3: Besides shared information of all case studies were attended with 10 women

## VI. RESULTS AND FINDINGS

c. *Data Analysis* (Data analysis was accomplished using SPSS software)

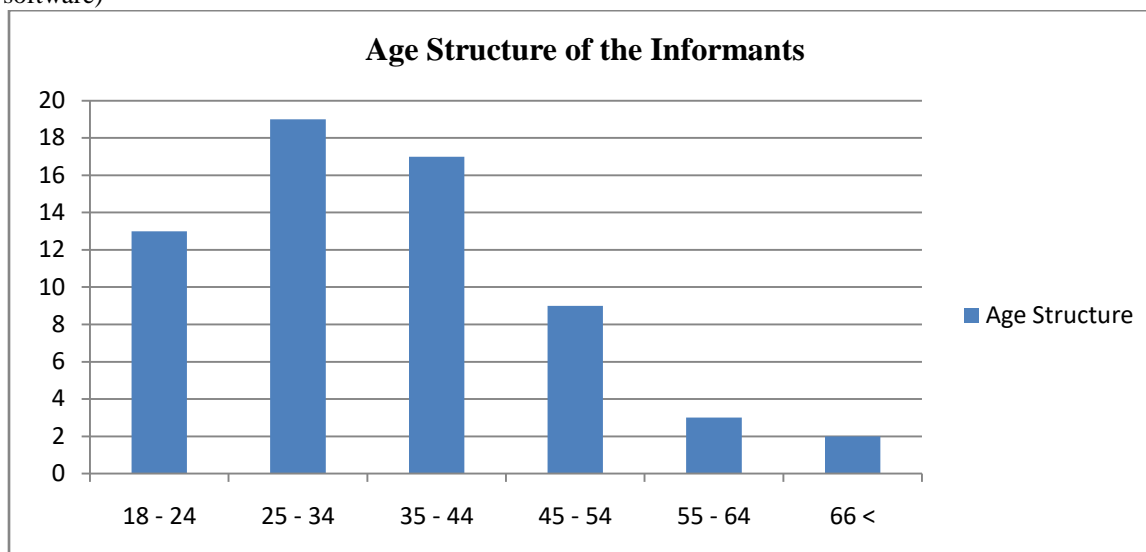


Fig 1. Age structure of the informants

Table. Nu 04 Background information of the female inmates

<b>Standards of education of the informers</b>	<b>n = 63</b>	<b>Percentage</b>
Not attended school	04	(6.34)
Educated from 1-5 <sup>th</sup> grade	09	(14.28)
From 6 <sup>th</sup> grade to O/L	13	(20.63)
From O/L to A/L	11	(17.46)
Succeeded O/L	06	(9.52)
Succeeded A/L	11	(17.46)
Diploma holders	05	(7.93)
Degree holders	02	(3.17)
Any Other	02	(3.17)
<b>Employment prior to the imprisonment</b>	<b>n = 63</b>	<b>Percentage</b>
Cultivation	03	(4.76)
Casual Labour work	15	(23.80)
Self-Employment	17	(26.98)
Livestock Farming	04	(6.34)
Government Employed	09	(14.28)
Private Sector Employed	03	(4.76)
Pavement hawkers	04	(6.34)
Other	01	(1.58)
Unemployed	07	(11.11)
<b>Nationality</b>	<b>n = 63</b>	<b>Percentage</b>
Sinhala	37	(58.73)
Tamil	14	(22.22)
Muslim	09	(14.28)
Burger	02	(3.17)
Any Other (foreigner)	01	(1.58)

<b>Number of children prior to imprisonment</b>	<b>n = 63</b>	<b>Percentage</b>
No children	04	(6.34)
Between 1 -2 children	22	(34.92)
Between 3 -4 children	31	(49.20)
5 or above	06	(9.52)
<b>Marital status prior to the imprisonment</b>	<b>n = 25</b>	<b>Percentage</b>
Married	39	(61.90)
Widow	04	(6.34)
Living separately	06	(9.52)
Husband left the wife	02	(3.17)
Divorced	10	(15.87)
Lived together(Marriage not registered)	02	(3.17)
<b>Sources of income of husbands</b>	<b>n = 63</b>	<b>Percentage</b>
Cultivation	04	(6.34)
Casual Labour work	13	(20.63)
Self-Employment	03	(4.76)
Livestock Farming	11	(17.46)
Business	09	(14.28)
Government Employed	09	(14.28)
Private Sector Employed	04	(6.34)
Job in overseas	03	(4.76)
Other	07	(11.11)
<b>Duration of imprisonment</b>	<b>n = 63</b>	<b>Percentage</b>
Between 1 – 3 years	32	(50.79)
Between 4 – 6 years	12	(19.04)
Between 7 – 9 years	08	(12.69)
Beyond 10 years	06	(9.52)
Life-term imprisonment	03	(4.76)
Death penalty	02	(3.17)

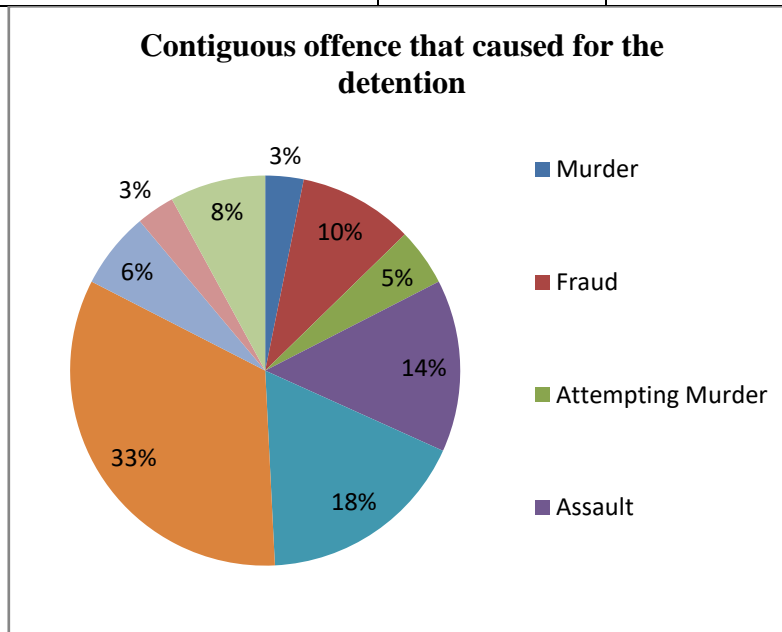


Fig 2. Contiguous offence that caused for the detention

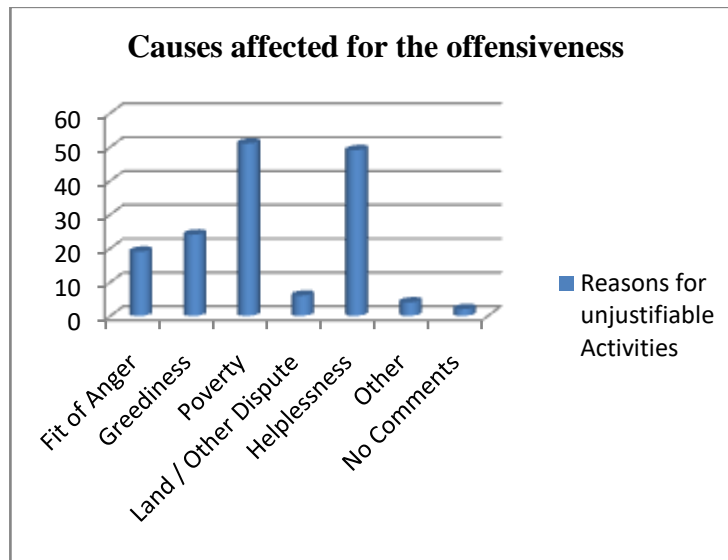


Fig 3. Causes affected for the offensiveness

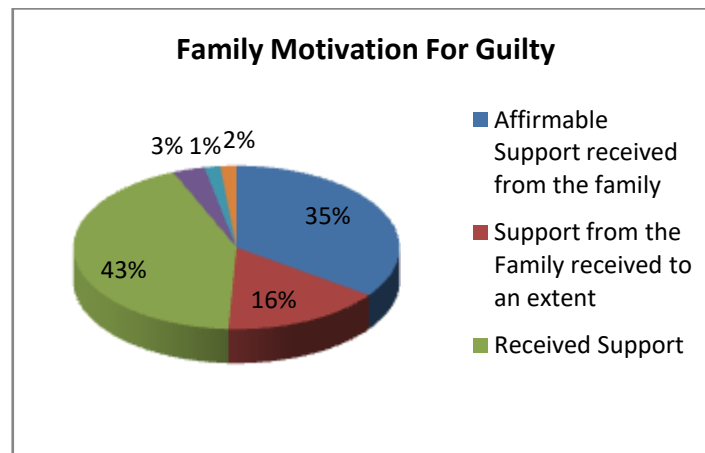


Fig 4. Family Motivation for Guilty

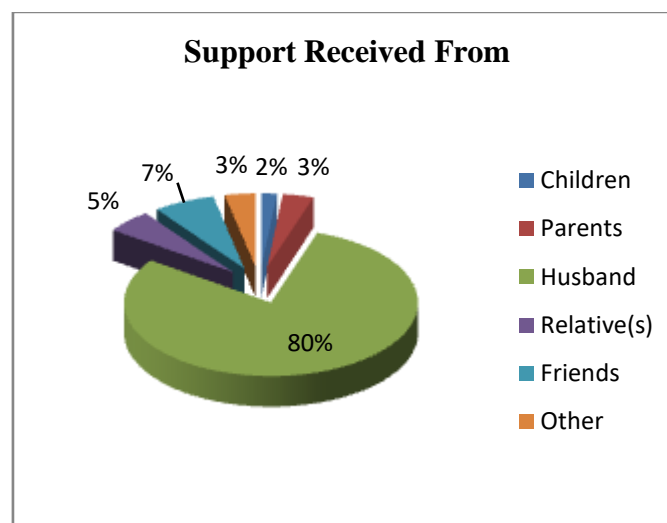


Fig 5. Support received for criminality

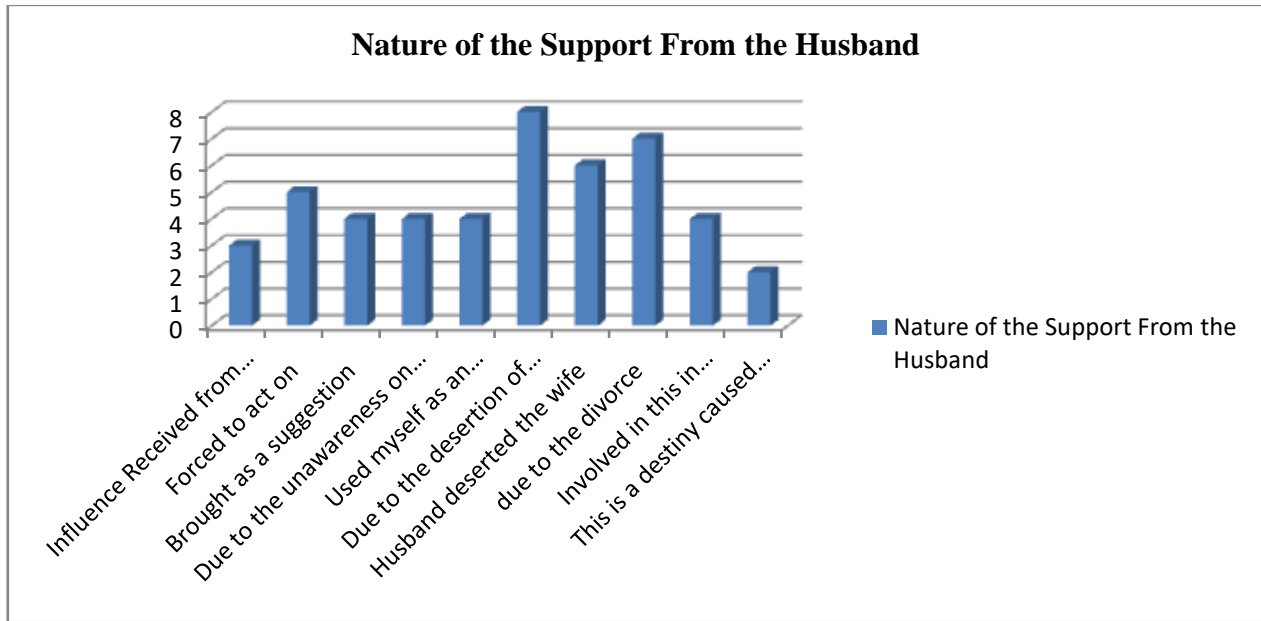


Fig 6. Nature of the Support from the Husband

VII. DISCUSSIONS

The main focus of this research was to uncover whether any cause or influence affected those 63 women interviewed via the family system or in particular through their husbands forcibly or in an indistinct manner for them to involve in the criminal actions and to be imprisoned as criminals.

Based on the asserted results of the study, it clearly exposed that the majority (79.66%) of informers affirmed that each of them got some persuasion from their husbands for those criminal actions they were involved. When the marital status is concerned all the informants had spent life as married partners yet, at the time of detaining only 62% or 39 of them were continuing their married life and the balance 24 were in complex situation either, husbands had left them or divorced or else lived together illegally etc., showing clear evidence to prove that they were members in broken families settings. The above situation had been directly affected them to involve in those provocative actions as expressed by them.

*Case Study 01: I entered into my marriage in an obstinate manner. After the marriage we lived in a rented house at Mattakkuliya. Husband didn't have a permanent job. At the time when I became a mother of two children husband showed changes in his living pattern. He was addicted to drink Kasippu ( Illicitly brewed alcohol). At this juncture he had started unethical and immoral linkage with the women who sold Kasippu and he left me and started living with that woman. In this case, I had no other option. I went to her house and tried to murder that woman. Finally, she escaped but I was arrested for an attempted murder. Now I am a prisoner. The two daughters are under the care of probation. Husband also jailed over drug relate offences. My husband is solely responsible for this incident and I hate to him. A 42 year's old imprisoned woman.*

*Case Study 02: My husband was murdered in a quarrel at Dematagoda by assaulting him by a sharp axe. At the time I had been hospitalized to deliver my 3<sup>rd</sup>. child. After assassination of my husband I did not have means of living. At this time one businessman introduced me to another trader in Pettah asking me to find ways to earn money. The trader provided me new clothes and instructed me to give him half of the money that I should earn daily while keeping the balance for me. Through that event, I was habituated to sell my body and to earn money. While continuing same I wanted to involve in selling drugs as well. Finally, I had to be a prisoner. The main reason for my tragic outcome was my widowed life.*

*Case Study 03:*

- **39 years old women prisoner.**

As a whole, 24 informers ( 38% ) articulated that they all were in pursuance of involving in offensive actions mainly due to the disentanglement for living together with husbands due to whatever reasons, which affirm that the role of husband, his pattern of action, had direct impact on their married partners to be offenders.

In contrary, 47 informers out of 63 merely stated that the direct cause of their destiny is to link with a male as to be the husband and without knowledge the husband had linked her to a fatal incident or else due to the involvement of the friends of husband etc. confirms that husband's influence had been the direct cause for them to be offenders.

The above expressions confirm that their living environment and the daily routine together with their lifestyles have created a supportive atmosphere to formulate a criminal milieu. As commented by Ecological philosophers in Chicago school of thoughts, that in urban settings varied migrated groups in other words slum dwellers use to involve in criminal actions

which are inherited to them. Similarly, in this research study too, those women who lived in a lower rank of society shared their case stories that they were to undergo legal punishments due to their involvement in financial frauds and other criminal actions with the direct or indirect contribution of their husbands.

### VIII. CONCLUSIONS

It can be concluded that the close-by offensiveness of women detainees are due to the direct and indirect influence of their husbands. Other revelation is the broken family settings caused and resulted due to the scratched relationships between husband and wife and also due to the critical methodologies applied within such family units under varied situations and socio-economic circumstances are factors creating such impact.

### IX. SUGGESTIONS

Since, there is a greater requirement to strengthen relationships between families in rural localities and also within family units through the intervention of state driven mechanism is intended. Specially, when the women in a family or a mother is involved either in an illegal or anti-social affair or in an offensive action it is unavoidable that children too, will be affected due to the social adaptation in such families creating some other problems too, needs higher attention. When the mother is happened to be imprisoned children to be taken care by the probation or they will be exposed for some other ill-treatments or negligence. Hence, it is proposed to pay extremely inclusive attention in a responsible manner in order to secure the safe and respect of family settings.

### REFERENCES

- [1]. Covington, S. (1998). *Women in Prison: Approaches in the Treatment of Our Most Invisible Population*. [ebook] Newyork:

- Haworth press. Available at: <http://www.centerforgenderandjustice.org/assets/files/15.pdf> [Accessed 8 Aug. 2018].
- [2]. Crewe, B., Hulley, S. and Wright, S. (2017). *The Gendered Pains Of Life Imprisonment*. [ebook] Available at: <https://watermark.silverchair.com/> [Accessed 7 Aug. 2018].
- [3]. Dehart, D. (2005). *Pathways to Prison: Impact of Victimization in the Lives of Incarcerated Women*. [ebook] Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/208383.pdf> [Accessed 8 Aug. 2018]. (Department of Census and Statistics 2016)
- [4]. Delgado, K. J. (2011). *The Impact of Incarceration on Families: A Summary of the Literature*. Available at: [http://corescholar.libraries.wright.edu/psych\\_student/5](http://corescholar.libraries.wright.edu/psych_student/5) [Accessed 7 Aug. 2018].
- [5]. Kilroy, D. (2016). *Women in Prison in Australia*. [ebook] Available at: <https://njca.com.au/wp-content/uploads/2017/12/Kilroy-Debbie-Women-in-Prison-in-Australia-paper.pdf> [Accessed 7 Aug. 2018].
- [6]. Panel Reform International (2008). *Women in prison: incarcerated in a man's world*. [ebook] Available at: <https://www.penalreform.org/wp-content/uploads/2013/06/brf-03-2008-women-in-prison-en.pdf> [Accessed 7 Aug. 2018].
- [7]. Reichert, J., & Bostwick, L. (2010). *Post-traumatic stress disorder and victimization among female prisoners in Illinois*. Illinois Criminal Justice Information Authority Retrieved from [http://www.saferfoundation.org/files/documents/PTSD\\_Female\\_Prisoners\\_Report\\_1110.pdf](http://www.saferfoundation.org/files/documents/PTSD_Female_Prisoners_Report_1110.pdf).
- [8]. Substance Abuse and Mental Health Services Administration (SAMHSA). *SAMHSA National Action Plan on Seclusion and Restraint, Revised and Adopted May 2003*. Retrieved March 25, 2011, from [http://www.samhsa.gov/seclusion/sr\\_handout.aspx](http://www.samhsa.gov/seclusion/sr_handout.aspx).
- [9]. Wijewardhana BVN ,A study on the influence of urban physical milieu on women's involvement on substances: Case studies of female prisoners in Welikada Prison, In Colombo, Sri Lanka International Journal of Academic Research and Development ISSN: 2455-4197 Impact Factor: RJIF 5.22 www.academicjournal.com Volume 3; Issue 5; September 2018; Page No. 194-200 <http://www.academicjournal.in/archives/2018/vol3/issue5>
- [10]. U.S. Department of Justice, Office of Justice Programs. (2006) *Mental health problems of prison and jail inmates*. Retrieved from <http://bjs.ojp.usdoj.gov/content/pub/pdf/mhppji.pdf>.