

# WOMEN CRIMINALITY – A COMPLEX ISSUE FOR THE UNIVERSAL PUBLIC ORDER

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## **Abstract:**

The concept of “Women criminality” represents a rather new subject of study in the field of juridical science. Still, national and international statistics have shown that the illegal activities conducted by women have become a phenomenon and a reason for serious concern. There is a new type of women as offenders and we are witnessing an increasing involvement of women in the organized crime.

**Keywords:** *conviction, organized crime, internal/ external causes, preventive measurements*

## **General Aspects**

The concept of “Women criminality” refers to all incriminated deeds committed or behaviors shown by women, either known (accepted criminality) or unknown (black criminality). According to statistics, in U.S.A., in 2004, from a total of 3487 convicted persons waiting on the “death roll”, only 49 were women (1,4 %). From those 49, 27 have been convicted for murdering their husbands and children, 7 of them killing more than 2 persons in the same criminal act. In the same country, in 2010, from a total of 3261 convicts, 61 were women (1,8%); 62% of the murders committed by women against their husbands were a consequence of domestic violence.

In the past 100 years, 40 women were executed in the U.S., 12 of them after 1970, through different methods including hanging, gas chamber, electric chair, lethal injection. One of the most important aspect to notice here is the phenomenon of women killing their children as the main cause for which women are convicted. Also in U.S.A., almost 200 children are killed by their mothers every year. Adding the killing committed by fathers, it has come to the conclusion that 2 to 4 children (age 0 until 4) are killed by their parents every day in USA, which makes this the main cause of infant death in USA, topping the death cases caused by illnesses or accidents.

On national level, in Romania, between 1997 – 2005, 52.320 women were convicted for: theft or other crimes against patrimony – 30%, prostitution – 1709, human trafficking for prostitution – 489, homicide – 700, infanticide – 98. Between 2005 and 2012 the numbers almost doubled, so we are entitled to conclude that women criminality is a phenomenon in ascension.

The most important question regarding women criminality is Why do women commit crimes? Other relevant questions would be: What is the determinant factor in a woman’s mind when she decides to commit a crime? Why do women commit only a few types of crimes? Why, most of the times, women do not confess their crimes? Why female offenders only make 10% of the total number of convicts?

**Evolution and historical facts:**

Trough out the history, the phenomenon of women criminality represented a complex and fascinating topic, even though it wasn't until the middle of the 20st Century that scientist decided that the matter deserved to be looked upon.

That is because the percentage of women committing crimes has never been more than 10% of the total number of convicts in most of the countries. Still, in finding the causes and observing the effects on women criminality, it is not the number that counts, but the nature of the crime, the mobile and the follow up behavior. Criminological opinions about women have been different in time:

- Women are worse than men (1800);
- Women have a higher morality than men, but they are weak (1900);
- Women are by far worse than man (1960);
- Women are different from men (1980);
- Women and men are all equal (1990);
- Women and men must be treated equally, but they are different (2000).

The most frequent crime a woman has ever committed is prostitution. The term comes from the Latin words *pro* and *statuere*, which can be translated as “stand out”. This crime has known periods of acceptance in alternation with periods of hard convictions, in Middle Ages period.<sup>1</sup>

Also, women were frequently convicted for adultery, polygamy and killing their new born children (neonaticide, infanticide). In the 19th Century, even Cesare Lombroso affected part of his work in studying women as perpetrators. In 1893, he published “La donna delinquente, la prostituta e la donna normale”.

From empirical studies, we move on in observing the first modern thesis dedicated exclusively to women criminality. In 1950, Otto Pollak wrote “The criminality of women”, in which he claimed that women commit as many crimes as men do, but women hide this easier than men, because of the wrong attitude of the society and judicial system regarding women.

When his work was published, critics accused him of exaggerating with the conclusions. Still, Otto Pollack's work marked the beginning point for studying the phenomenon of women criminality, as a distinctive area from the criminality that had men as active subjects.<sup>2</sup> More and more specialists started to analyze the phenomenon, asking the same questions, aiming to find out why and what can we do to put a limit to women committing crimes.

**Causes of the phenomenon:**

It has come to the conclusion that women criminality represents the result of a complex of factors, such as internal (endogen) factors and external (hexogen) factors. Among internal causes we mention that the biological orientation concluded that is NOT the “criminal genes” that are passed on, but just tendencies like aggressiveness or irritability.

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<sup>1</sup> <http://en.wikipedia.org/wiki/Prostitution>.

<sup>2</sup> O.Pollak – “The criminality of women”, ed. University of Pennsylvania Press, USA, 1950.

Also on biological level, infirmities or illnesses can create an inferiority complex and problems of social adaptation. In more severe cases, hereditary psychosis or mental debility can lead to a criminal behaviors. Regarding external causes, E. de Greef analyzed the external factors that raised the possibility for women to develop criminal conduct:

- Family environment
- Immediate environment (neighbors, entourage)
- Personal environment (often, women choose their victims from their personal environment – husband, partner, children, work colleagues, friends).

Resuming, a woman is more likely to commit a crime when the following situations appear:

Lack of education that leads to negative behaviors in trying to be successful in life through illegal methods.

Conflicts between poor social environment and a woman's aspirations for higher achievements; contacts with the underground world, subcultures or associations, with individuals that have a delinquent background; profound social changes and/ or conflicts, lack of social control.<sup>3</sup>

H.N. Rafter and E.A. Stanko have identified six "images" of women, how they are being perceived when they commit crimes:

- Women are captive of biological forced beyond their control (infanticide).
- Women have an impulsive behavior, acting on her intuition (theft).
- Women are weak, following their husband/partner blindly (human trafficking).
- Women are easy to impress and manipulate (terrorism).
- Women are active, sometimes acting as men do (mafia, organized crime).
- Women can be purely evil, losing contact with their gender features.

Therefore, we notice evolution and diversity in female criminality.

Between 1980 – 1994, scientist observed that the female population in USA prisons had increased with 386%. Not only we have an increasing number of women in prisons, but another worrying fact has draw our attention: women are no longer convicted only for prostitution, theft and infanticide. We have a new profile for criminal women.<sup>4</sup>

### **Forms of manifestation for women criminality:**

Most of the crimes committed by women are against morality (prostitution, adultery), welfare (theft), life (corporal injury, homicide). Also, we must observe the contribution that women have in organized crime.

Women that commit murder usually have an inferiority complex, so they will find the opportunity to be able to control the victim's faith, without much personal contact. Such a woman will act when the victim is asleep so she can suffocate her, when the victim is eating (poisoning) or when the victim stands with the back towards her, so she can attack from behind.

<sup>3</sup> R.M. Stanoiu – "Criminologie" ("Criminology"), ed. Oscar Print, Bucuresti, 2003, p. 135.

<sup>4</sup> A. Balan – "Criminalitatea feminina" ("Women Criminality"), ed. C.H. Beck, Bucuresti, 2008, p.5

In most cases, women choose someone close to them to kill – husband, partner, children etc. Most of those women don't have a criminal background. Women that commit infanticide are usually unmarried, unemployed and have poor education. Also, they don't have a criminal background. Women that commit thefts are usually from urban environment, married and have a medium level of education and criminal background. Still, every woman in every particular case must be individually analyzed.

### **Practical examples of the involvement of women criminality:**

At the beginning of the 18th Century, in France, women were convicted mostly for sexual offences. From the 232 cases with female offenders judged in Arras Court in 1717, 92 were of prostitution, followed by kidnapping, adultery of polygamy.

In 19th Century, cases of murder by poisoning appeared, considered to be something specific for women. Some of the women committing murders in this period remained in history as the most dangerous women of all time.

MARY ANN COTTON (1832 - 1873), English, was convicted for killing 3 husbands, 8 children, a lover and even her own mother by poisoning. The motif - the state offered 35 pounds for every family member that died. Officially, they would die from "stomach fever".<sup>5</sup> She was caught after the police made the connection between the press front page news from different parts of the country and Cotton moving around a lot. She received death penalty by hanging.

During World War II, there were several cases of women committing atrocities, as they were members of the army forces and took advantage of their superior position towards the POW prisoners or other types of victims. Cases of ILSE KOCH and IRMA GRESE stand out as they both occupied posts of guardians in prison and concentration camps and use to torture inmates and kill them for pleasure.

In the last part of the 20th Century, women adopted a "masculine" behavior regarding committed crimes, as they got involved in terrorism and organized crime. It is a less known fact, but since 1970, women in Italy started to take over the power from their Mafia Bosses husbands, whenever they were killed or jailed.

For example, Giuseppa ("Giusy") Vitale (born in 1972), is the sister of Mafia bosses Leonardo, Michele and Vito Vitale from Partinico (Sicily). She took over the command over the clan when her brothers were in prison or fugitives, despite the formal Mafia rule that excludes the participation of women in the criminal organisation. As such she was considered a new breed of "bosses in skirts". Later she became a pentita, a state witness breaking the "omertà," or code of silence, testifying against her own family.<sup>6</sup>

### **Preventive and limitation measurements:**

More and more voices suggest that for women, legal systems should apply the so-called "feminine justice", creating a procedure that would have a different outcome for

<sup>5</sup> <http://listverse.com/2007/09/09/top-10-most-evil-women/>.

<sup>6</sup> [http://en.wikipedia.org/wiki/Category:Mafia\\_women](http://en.wikipedia.org/wiki/Category:Mafia_women).

women. In our opinion, a balance should be created between the present “restoration” justice and principles illustrated in “feminine justice” thesis.

The basic idea regarding Feminine justice is that women suffer a feeling of shame after committing a crime, as they are afraid of the “criminal” etiquette in a much bigger proportion than men. Having that in mind, specialists suggest a different treatment for female offenders that would include a quicker reintegration in the personal environment after the trial.<sup>7</sup> Also, meetings with the victim and assistance in recuperating the caused prejudice are recommended.

### **Conclusion:**

Women criminality is a complex and increasing phenomenon in the present days. Even though convicted women are fewer than men, the fact of women starting to play men’s “roles” in criminal world, especially in organized crime movements are a worrying factor.

A woman with criminal past or tendencies is a threat to the society, as she can be manipulated or used in much easier manner than a man. A complex issue as such calls for complex measurements that should include preventive programs.

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<sup>7</sup> A.Balan, p. 160.