



## SCIENTIFIC APPROACHES TO THE RESEARCH OF FEMALE CRIME

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<b>Received:</b> December 10 <sup>th</sup> 2022 <b>Accepted:</b> January 8 <sup>th</sup> 2023 <b>Published:</b> February 17 <sup>th</sup> 2023	This article discusses scientific approaches to the study of female crime. Historical sources, scientific views of national and foreign scientists are studied. Based on the above analysis, the article puts forward a number of proposals and recommendations for legislation and law enforcement practice.
<b>Keywords:</b> crime, female crime, criminology, punishment, act.	

It is impossible to study the current situation with female crime without analyzing its history, and trying to uncover the causes of a woman's criminal behavior today, it is impossible to do without understanding what motivated a woman to commit a particular criminal act in the past.

In this regard, information of interest can be gleaned to a greater extent from literary sources, since no systematized statistical indicators have survived to this day.

The study of the materials shows that the attitude towards the woman was ambiguous. On the one hand, there is boundless chanting, admiration, and on the other hand, a dependent, enslaved, humiliated position, in which a woman could even be an object of property.

One of the books, which was largely an "instruction" for the fight against crime in the 15th century, Sprenger and Crater's Hammer of the Witches, determined that belonging to the female sex is one of the signs that obviously determine guilt.

Meanwhile, the special role of women in human society was noticed in ancient Greece. The Greeks said that the people in which a woman is a slave will never be free, for a slave can only bring up a slave.

Before the advent of Islam, a woman enjoyed little respect and was considered an unclean creature. For example, in Japan she was not allowed to pray and participate in any religious activities, in China she was forbidden to enter temples, in India she was deprived of the right to read sacred texts, because a woman and a lie were synonymous. In Egypt, women were frequently and most barbarously sacrificed on the banks of the Nile; according to the law of Rome, a woman was dependent on her husband, she did not own property, could not be considered a witness, could not be a guarantor, guardian, leader. Meanwhile, the holy Quran established equality between man and woman, based on the fact that they are created from the same flesh. Islam treats women with respect and dignity. Such a benevolent attitude essentially predetermines peace, tranquility, happiness, procreation and human progress

in general.

Many researchers also note that in relation to the position of a Muslim woman, Sharia played a dual role and even more positive than negative. For example, Sharia, unlike other religious movements, expands the property and inheritance rights of women and to some extent eliminates gender inequality in this area.

Whatever the position of women in the history of the development of society, there have always been female criminals. However, the criminal behavior of women was only the object of episodic scientific research. In addition, they carried information mainly about individual criminals or types of crimes, mostly of a violent nature, which did not give a comprehensive picture of the problem of female crime and did not resolve it as a whole.

Nevertheless, of great interest are data characterizing the environment, life and customs that prevailed in prisons and places of deprivation of liberty of that time. Among them, one can name the classic work of art by V.V. Krestovsky "Petersburg slums", which is interesting not only because the author describes in some detail the conditions of life in women's prisons, characterizes in detail the various types of criminals held there, but, perhaps, one of the first to reflect on the reasons that led them to commit a crime:

"The nature of our women's crimes is for the most part the bitter fruit of ignorance about the laws, through which these unfortunates, often not knowing what they are doing, play a purely passive role in any civil crime; the fruit of need with poverty, which gave rise to vice and debauchery, ... a woman in general is very rarely attracted to crime by her personal criminal and maliciously directed will. A woman is predominantly a passive criminal, and love often serves as a motive for her. She is drawn into an evil deed, as an accomplice, either by blind obedience to the will of a loved one, or an offended, deceived feeling, or, finally, by the unfortunate circumstances of an oppressive life and debauchery, which began, perhaps, for the sake of a daily piece of bread, killed



by lot in her moral side and dragged her into a whirlpool in the end, which brought her to prison and exile. These are the main motives for women's crimes"<sup>1</sup>. The author also speaks about the different influence of punishment on a man and a woman, about the peculiarities of female psychology.<sup>2</sup>

The study of female crime, as an independent element of general crime, was founded in the second half of the 19th century. Lambert Adolphe Jacques Quetelet and Cesare Lombroso were among the first to become interested in this direction.

One of the founders of scientific statistics, the Belgian sociologist and criminologist A. Quetelet, trying to explain the patterns of development of crime, came to the conclusion that "the propensity to commit a crime depends on age, gender, profession, level of education of a person, time of year and much more"<sup>3 4</sup>. In addition to explaining the difference between female and male crime by the difference in physical development between them, he connected the deviant behavior of female criminals with separation from public life, their limitation to household chores. According to Quetelet, the propensity to commit a crime in men is greater than in women, since women are more susceptible to the influence of feelings on their actions. He expressed the opinion that the cause of criminal behavior is the social environment, the biological properties and characteristics of women, to some extent determining the types of crimes of women or in some cases affecting their quantitative index, are not the cause of these crimes.

Representatives of the anthropological school of C. Lombroso and his Russian follower P.N. Tarkovskaya explain this phenomenon in a different way. C. Lombroso explains the low intensity of female crime in relation to male crime by the peculiarities of the female body, the nature of a woman, a kind of "biological failure". Another of Lombroso's well-known ideas is that female delinquency is influenced by the menstrual cycle. According to his research, out of 80 convicted women, 71 were in this state at the time of the crime. This idea remains relevant today. In world law enforcement practice, this fact is also known by the fact that when sentencing, this circumstance was recognized by the court as a mitigating punishment<sup>5</sup>.

However, one cannot deny the rational moments in the work of Lombroso. Thus, he writes: "Very often, the crimes committed by women out of hatred and revenge have a very complex lining. Criminals, like children, are painfully sensitive to all sorts of remarks. They are unusually easily succumbed to feelings of hatred, and the slightest obstacle or failure in life arouses rage in them, pushing them onto the path of crime. Every disappointment embitters them against the cause that caused it, and every unsatisfied desire inspires them with hatred for others, even when there is absolutely nothing to complain about. Failure causes in their soul a terrible anger against someone who is happier than them, especially if this failure depends on their personal inability"<sup>6</sup>.

According to the follower of C. Lombroso, the Italian Enric Ferri, being more cruel than men, recidivist women repent to a lesser extent than recidivist men. Agreeing with the opinion of C. Lombroso about the more emotionality of women than men, E. Ferri connects this with the performance of their functions of motherhood.

For a long time, that is, until the 30s of the XX century, the causes of violent crimes of women were substantiated by hereditary biological factors.

Among the scientific studies of crime in pre-reform Russia, the work of E.N. Anuchin "Study on the percentage of those exiled to Siberia in the period 1827-1846", where there are quite detailed data on female crime. In particular, he notes that "for every 100,000 exiled men, there are 1,912 women convicted of infanticide, 492 for adultery, 162 for spousal murder, 15 for theft." At the same time, Anuchin notes that the difference in crime between the sexes is primarily due to the social status of women. "Where a woman is more free, there the difference in the degree of probability of crime between the sexes decreases, and vice versa. Among householders, there were 37.43 women per 100 convicted men, among merchants - 5.37"<sup>7</sup>.

Female crime as an independent problem began to form later. This is connected, apparently, with the accumulation and, most importantly, the enrichment of criminological information, the desire not only to deepen, but also to expand the scope of research. The emergence of the problem of female

<sup>1</sup>Krestovsky V.V. Petersburg secrets. Book. Law, 1996. - P. 638.

<sup>2</sup> There. - P. 625..

<sup>3</sup> Quetelet A. A man and does not strike his abilities. - St. Petersburg: Jurist, 1865. - P 7-8..

<sup>4</sup> Criminology. - M.: Pravo, 1997. - P.674..

<sup>5</sup> Female crime. Encyclopedia of adventures and disasters. - Minsk, 1996. 517 p.. Quote from:

Abdurasulova K.R. Legal and criminological problems of women's criminality. - Uzbekistan, 2005. - P. 6.

<sup>6</sup> Lombroso C „Ferrero G. Woman: a criminal and a prostitute // C. Lo.mbroso. Genius and insanity. - M., 1995. - P. 306.

<sup>7</sup> Ostroumov S.S. Crime and ss causes in pre-revolutionary Russia. - M.: Pravo, 1980.



crime is determined not only by the logic of the development of criminology, but also by the needs of social practice, primarily the scale and dangerous consequences of women's antisocial actions.

In the first post-revolutionary years, female crime did not attract much attention: women committed few crimes and their social activity was low.<sup>8 9</sup>.

But women's crime was not bypassed in complete silence. This is evidenced by many works, from among Russian ones, primarily the works of M.N. Gernet. In his works, he dwelled in some detail on various types of crimes committed by women: theft, murder, moonshining, hooliganism, etc. M.N. Gernet, exploring the criminality of women, tried to cover the whole phenomenon as a whole. He studied the structure and dynamics of female crime, sought to find out the reasons for its existence. He revealed such an important circumstance as a direct relationship between the growth of women's social activity and their criminal behavior at the beginning of the century. In particular, he wrote: "The more a woman's life approaches, in terms of its conditions, the life of a man, the more her crime approaches the size of a man's".

In the works of M.N. Gernet contains not only statistical data on the crime of women in the late 19th and early 20th centuries, but also an explanation of its causes. The undoubted merit of M.N. Gernet is that he most correctly saw the specifics of female crime: "Male and female crime differ among themselves not only in their size, but also in their character. The social status of both sexes is reflected in their criminality."

Analyzing the statistics of crimes in connection with sex, M.N. Gernst at the same time made a number of fair remarks about the anthropological school of Lombroso, who considered a woman more criminal than a man. This view was consistent with the importance that this school attached to the anatomical and physiological properties of the organism in the mechanism of criminal behavior.

In Russia, C. Lombroso's views on the causes of female crime were shared by P.N. Tarkovskaya. She undertook a fairly extensive survey of female criminals, mainly in rural areas. Based on her anthropometric measurements, detailed tables of the anthropometric data of criminals were compiled, which reflected not only changes in the head, nose, skull, chest, etc., but also paid attention to heredity, alcohol consumption and

other properties of women. However, P.N. Tarnovskaya in her theory tried to combine the views of her teacher Ch. Lombroso with the need to take into account some social factors that, to some extent, influence, as she believed, on the state of women's crime. Studying in detail the crime of women of her time, especially female murderers, Tarnovskaya made attempts to uncover the reasons for a woman's committing a crime, to identify the driving force pushing her to it. P.N. Tarnowska examined in detail the various categories of female killers, highlighting two types of such criminals: "killers by passion" and the so-called "killers with repressed perception." "Killers by passion" she divided into killers out of self-interest, on the basis of maternal love, on the basis of sexual love, on the basis of jealousy, on the basis of revenge, due to the accumulation of resentment, killers out of hatred and cruelty. According to her research, murders committed by women with so-called repressed perception are quite common. Among such female killers, she included persons with a dulling of moral sense, who committed murders on the basis of sexual relations, nervously and mentally ill and random killers.<sup>10</sup>.

Sharing mainly the views of the anthropological school on the causes of crime, P.N. Tarnowska in her explanations, however, tried to go beyond the teachings of C. Lombroso and identify social factors that influence the commission of crimes by women. This is evidenced by her desire to consider the behavior of a woman from different angles, to understand the formation of the characteristics of the personality of a female criminal, the influence that the situation and environment had on her behavior. The views of P.N. Tarnowska cannot be considered fully consistent with the anthropological doctrine of crime.

M.F. also paid some attention to female crime. Zamenhof, but he only described it and gave statistical data, but did not explain the existence of such a phenomenon. Of course, M.F. Zamenhof in his study "Marriage, Family and Crime"<sup>11</sup> tried to present crime as a social phenomenon. Thus, he cited interesting socio-demographic information, characterizing mainly the marital status of criminals, and linked such factors as the number of children, earnings, family size with the very fact of committing a crime. To this day, his conclusion remains relevant that the origins of female crime, first of all, should be sought in her family.

<sup>8</sup> Antonyan I.O.M. Crime among women. - M.: Norma, 1992. - P. 16.

<sup>9</sup> Gernet M.N. Public causes of crime I Gernet M.N. Selected works. - M.: Pravo, 1974. - P. 254.

<sup>10</sup> Sereda E.V. The study of female crime in domestic criminology//Personality of the offender and issues of

correction and re-education of convicts // Sat. scientific works. BISH MIA. - M.: Ministry of Internal Affairs of the USSR, 1990. - P. 52.

<sup>11</sup> Zamenhof M.F. Marriage, family and crime. - Petrograd: Yurizdat, 1916. - P. 112



Interesting are the works in which female crime was explained from social, psychiatric and psychological positions. Among them are the works of V.A. Vnukov, who reduce everything to simple force reactions to the environment. He tried to explain the murders committed by women with special, psychiatric and psychological reasons. He believed that a woman is much "more physiological" than a man in her manifestations<sup>12</sup>.

From the beginning of the 60s. In the 20th century, a number of works appeared that dealt with some aspects of female crime. So, in the context of considering the general problems of criminology, some issues of female crime were mentioned by Yu.M. Antonyan, A.B. Sakharov, S.V. Borodin, A.M. Yakovlev, E.F. Pobegailo, A.S. Mikhlin, M.I. Kovalev and others<sup>13</sup>.

In the 70-80s. 20th century there are a number of publications directly devoted to certain aspects of female crime. Attempts to identify the statistical and criminological patterns of female crime were made by V.A. Serebryakova, I.A. Kirillova, L.Sh. Berekashvili<sup>14</sup>.

The issues of female crime in Uzbekistan were devoted to the works of such legal scholars as Z.S. Zaripov, I. Ismailov, Yu.M. Karaketov, M. Usmonaliev, M.Kh. Rustambaev. However, this issue was studied more comprehensively by K.R. Abdurasulova.

Summarizing what has been said, it should be noted that since the beginning of the last century, sufficient attention has been paid to the problem of studying female crime. Moreover, scientists of various profiles participated in its research: lawyers, doctors, psychologists, sociologists, and teachers. This circumstance once again emphasizes the complex nature of the problem they were trying to solve.

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<sup>12</sup> Vnukov V.L. Killer women // Murders and murderers. Under the ed. E.K. Krasiushkina and others - M.: Legality, 1928.-P. 191-249.

<sup>13</sup> Sakharov A.B. On the identity of the criminal and the causes of crime in the USSR. - M.: Criminology, 1961; Borodin S.V. Qualification of murders under the current legislation. - M.: Criminal law, 1966; Borodin S.V. Judicial review of murder cases. - M.: Criminal law, 1966; Anashkin G. I., Yakovlev A. An important task of Soviet lawyers P Kommunist, 1962, No. 5. - P. 23; Pobegailo E.F. Intentional killings and the fight against them. - Voronezh: Yurizdat,

1966. - P. 142; Mikhlin A.S. The personality of those sentenced to imprisonment and the problem of their correction and re-education. - Frunze: Infra, 1980. - P. 98; Kovalev M.I. Fundamentals of Soviet criminology. - M.: Yurizdat, 1970. - P. 143.

<sup>14</sup> Serebryakova V.A. Criminological characteristics of female criminals // Issues of combating crime, 1971, Vyl. 14. - P.21; Berekashvili L.Sh., Kirillova I.A. Criminological characteristics of women who have committed crimes. - M.: Pravo, 1976. - P. 198; Serebryakova V.A. Crimes committed by women. - M.: Legality, 1973.-P.67.