

HISTORICAL OVERVIEW OF THE PHENOMENOLOGY OF CRIMES COMMITTED BY WOMEN, WITH SPECIAL EMPHASIS ON THE MIDDLE AGES

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Abstract

Women as offenders were always considered less interesting to analyze, compared to men and therefore the studies of criminality have been one-sided. Our intention is not to present women as 'anti-hero' and show that women can be evil to, but to understand total criminology better and to find out the motives, ways and consequences of the criminal act committed by women. Today's research has shown higher participation by women in the total commitment of crime, so we are faced with a danger of escalating of the criminal behavior of women. By using a multidisciplinary method, considering all aspects of a woman's life, social circumstances, physical and psychological predispositions in general, and individualized at a given moment, we will consider the range of crimes committed by women. With a retrospective approach, we will try to show that women may be secondary perpetrator, but is constantly presented as the offender, and that the modus operandi of her criminal acts is kept to the present day. By presenting the woman's methods, types, and motives for committing a crime in the past, we set the scene to better learn of a woman as a today's offender. So, in order to understand the present, we must start from the past. We will try to show that women can be felons, regardless their status in society and that they have very different motives and ways of committing a crime than a man.

Key words: *woman Middle Ages, crime, perpetrator, criminology, phenomenology*

Introduction

Social changes that are happening during all these years and their reflection on the woman's position into the society, have also precipitated a change in the criminal behavior of women in the role of potential criminal offender over the years. The types of crimes that are committed, the *modus operandi* and the motives have evolved hand in hand with the overall social evolution. The etiological character of the crime depends on the nature, the relationships and the power of action of the factors as parts. According to this approach, the character of crime as a result of the action of certain factors is not inevitably conditioned by their qualitative and quantitative nature.¹

Considering only the biological predispositions of the woman and her fragile constitution, isolated from her entire surroundings, we would not be able to point out the corpus of crimes committed by women. By taking a multidisciplinary method, considering all aspects of her life, social circumstances, physical and psychological predispositions in general, and also individualized at a given moment, we will consider the range of crimes committed by women as one of the most important phenomenological features of the phenomenon.

The multitude female criminal behavior that is manifested, creates the need for analysis of not only the types of crimes that women do, but also their regional distribution, dynamics, time distribution, as well as the total number of a crimes committed in a given place and time. By determining the mutual relations of the criminal acts committed by women, we could understand the structure of the criminality carried out by them, which would likely be different than the acts perpetrated by men.

Considering the past knowledge of phenomenology as part of criminology and the data available to overcome the overall criminality, we consider that this study of the emerging forms of criminality is necessary for descriptive awareness of the profile of the woman offender in terms of the final outcome and what has led her to this end, in order to understand the situation in more detail.

Analyzing the research of the prominent criminologists, we find, in most cases, the same thoughts and research results, concerning the development of female criminality over the years. The general conclusion is that women criminal offenders are becoming more violent over the years. By the manner of how women live nowadays, we can see that their social and family life have drastically changed over the years, in the direction of gender emancipation and

¹ Sulejmanov, Z., *Criminology*, Grafohartija, Skopje, 2009, pg.41;

equality. This “evolution” of the social role of a woman, especially from the 1970s and 1980s, divides the attitudes regarding the scope of the crime committed by woman. While some think that a woman from the past with a large number of domestic obligations would have been unlikely to commit a crime, and that the emancipated woman of today can more easily be tempted to commit a crime, another group of authors have completely opposite views. If one group of researches alludes to a tremendous dark figure among women in past, others transfer it to the side of the emancipated. Therefore, taking into account their claims and studies, if we want to comprehend female criminology, we must begin by giving a brief historical dimension to the development of some of the phenomenological features involved, such as a volume, type of committed crimes, modus operandi, etc.

1. Historical overview of the phenomenological characteristics of a crime committed by woman

Life was simpler in the past, free from all the technical and technological distractions we know today and it was less geographically expansive and urbanized. Life in smaller communities, visibly, is similar to small rural rural environments. If the analyzes show us that women from rural areas make up a greater percentage of female offenders (71.4%)², especially for committing a crimes against life and body, specifically murders, and having in mind that in these settlements, the influence of traditional values is still more intense, and also of morality and custom, the question arises - is the modern woman of today, really committing more crimes, as contemporary research contents, and is violence now really much more present in her everyday life than before?

History tells us about female offenders who were very popular and also very cruel. Evil has always seemed more reprehensible and closer to the character of a woman than a man (not as a scientific fact, but more like general opinion), which is even referred to in "the original sin" of Eve. The villains and intrigues are again an integral part of many royal families throughout history and have been remembered precisely because they are part of reputable families and names, which only indicates a huge dark figure at that time for the rest of the population without titles and lineage. For most of the criminal scenarios was always a “feeling” that they were created by women. Bonnie Parker³, Contessa

² Ibid, pg.49;

³ **Bonnie Parker** – One half of the historical criminal duo - Bonnie and Clyde, known for committing murders, robberies and robbery thefts in southern and central America during the Great Depression. Although they successfully fled to the police over the years, they were killed in a shootout on March 23, 1934.

Elizabeth Baurori⁴, Mary Ann Coton⁵, Aileen Bournnos⁶, Jenny Jones⁷ are only a few of the women criminals throughout history. The lack of access to information about women's involvement in crime through history and from a modern society can only be deduced from precisely the scarcity of left-wing data of that age, and not the lack of women in crime in general. For example, from the meager left-hand processed data we take the following research: from the period before the industrial revolution, in Florence, a city that before the famous plague counted about 100,000 inhabitants, one of the largest in Europe, judicial data are preserved that testify to the woman's participation in crime. According to Samuel Cohn, the female criminal population accounted for 22% of the total, or 223 out of 1023 cases, taken in the decade before the start of the "Black Death", 1347-48, or 17%, or 40 out of 233 cases, taken as an example in the decade later. Such a decrease in women's participation in total crime, but not extinction, according to Con is based on the lower representation of women in the public, or - the fewer women in the street, the less women in court.⁸

In the Middle Ages⁹, when a woman was in total subjection to a man deprived of equality and rights, the period when society does not recognize them

⁴ **Countess Elizabeth Bathory** - Contessa from Hungary known for the serial killings of hundreds of girls and young women in her palace. According to the narratives, she bath into the blood of young virgins to keep her own youth. "The Bloody Contessa" has been convicted for 80 murders, although they suspect that together with four accomplices, she has committed over 600 murders. She was sentenced to jail in 1614.

⁵ **Mary Ann Cotton** - A famous serial killer in England in the nineteenth century, suspected for killing over twenty people through arsenic poisoning, including her mother, four spouses, over a dozen own children from marriages, friends, and so on. It was discovered after the murder of the fourth husband and punished with a death sentence, executed by hanging.

⁶ **Aileen Wuornos** - a famous serial killer and prostitute, killed seven men between 1989 and 1990. At an early age, she began prostitution because of a difficult childhood, along with attacks, insults, thefts and robberies. The killings were carried out against the clients she was with, who she also robbed them. Although she pleaded not guilty and she claimed that all the murders were carried out in self-defense, she was executed with a lethal injection in 2002.

⁷ **Genene Jones** - Nursing Pediatrician in San Antonio, Texas, has committed between 11 and 46 murders of babies and children during the 1970s and 1980s. In 1984, Jones was convicted of murder and injury to a child.. She injected heparin, digoxin and succinylcholine that caused cardiac paralysis, complications in breathing and often lead to death. She was sentenced to 99 years in prison.

⁸ Geltner, G., No-woman's land? On Female Crime and Incarceration, past, present and future, Justice Policy Journal, The Center On Juvenile and Criminal Justice, Vol.7 No.2, 2010;

⁹From 5th – 15th century A.D.;

as independent citizens, but as having their social status flow from that of their father or husband, women most often committed a crime related to satisfying their elemental need for surviving. If the woman was not married or without any income, she committed a criminal activities in order to survive, taking into account that they were either not allowed to work, or they were less paid than the men, so they were subjected to crime as the only way of survival. However, the true meaning of what is "illicit" and "sinful" is created from the level on which the social development is. Parallel to this, the idea of what is punishable and unacceptable is created.

1.1. Witchcraft

Thus, in the period when the woman was expected to respect the religion to which she was to be inclined and to raise the children, there was not much room for any "maneuvering" from the foreseen. Any deviation from the established standards was considered incomprehensible and was often punished with death. The woman was socially positioned according to her physiology, and she is merged with the assigned role of a lower rank, and such traditional social roles of women bound to the home are exclusively imposed on her body and its functions. An additional problem is that the majority of women over time inject these outwardly imposed patriarchal roles and classifications, empathize with them and perceive them as natural for their gender. But, often, the introversion they feel produces nonstandardized behaviors that society rejects and punishes¹⁰. In the Middle Ages and the period of the Inquisition such female offenders were accused of witchcraft.

Throughout the Middle Ages criminal law is obscure, full of religious crimes with magic standing in the first place¹¹. Although not a classic type of crime seen from today's point of view, with a serious space for discussion of controversy in today's context, however, in that period is a common name for every unacceptable behavior of a woman until the early 17th century, which ended with the most terrible punishments. In the spirit of Virginia Woolf, during this period, women with atypical behavior were declared witches due to the fact that they possessed appropriate gifts in literature or were women with a restless spirit who did not accept the clues of a patriarchal society. Widows, single women, women unable to get married, old tortured women who guarded cats, were punished with draconian measures under the belief that their atypical behavior was due to their "agreeing with Satan."

¹⁰Paunovska, A., Women and nature: from witches to ecofeminism, graduate work, Institute of Gender Studies, Faculty of Philosophy, University "St. Cyril and Methodius" - Skopje, 2012, Skopje (translated by Elena Maksimova);

¹¹ Marijanovik, G., Kanevcev, M., Macedonian Criminal Law, Seventh edition, Prosvetno delo, Skopje, 2010, pg.16;

A little earlier, at the time of the reign of the church and the illicit approach of women to education, medicine recognized only the body of a man as a high creature, and man's body was mostly the object of medical studies. Women who helped in the giving birth of other women, who reached for herbs to treat their own body, were considered alienated from the Christian religion and allies of the devil. They were often burned alive. The death sentence was the most common type of penalty for a woman convicted in witchcraft. Only the great German theoretician in the penal law, Benedict Karpstov (1595-1666) in the role of a judge of witchcraft, is claimed to have passed over 20,000 death sentences¹².

In Britain, witchcraft was not considered a serious criminal offense until the 16th century, although it was declared heresy and alienated by Pope Innocent VIII in 1484¹³. The Act of Henry VIII of 1542, was the first law to define witchcraft as a cruel crime, which would be punished with the death penalty and confiscation of the convict's goods¹⁴. In the period of his daughter's reign, Elizabeth I, an Act against necromania, magic and witchcraft was passed, which, unlike the previous law, was milder crime. Witches were sentenced to death only when their actions caused damage, and the smaller acts were punished with a prison sentence. Coinciding with the developed period of the Renaissance, the Elizabethan era of witchcraft distinguished "white witches" and "black witches". In this period, in the 1580s, 13% of the court trials in Essex were for witchcraft. Of the 64 defendants, 53 were found guilty.¹⁵ The defendants were tried for using the devil's power to cause harm and misdeeds, and not for heresy. And, as the data testifies, although the torture was allegedly not allowed in this period to extort a confession, still most of the defendants have recognized the deeds. In this regard, James I, in 1604, brought his Statute against Witchcraft, which explicitly states that recognition must be obtained without torture¹⁶. Witchcraft in England was banned by law until 1951. Until this time, a significant number of known witch trials have been held, which are still being talked about until today¹⁷.

¹² Ibid;

¹³In Western Europe, from then until 1750, approximately 200,000 "witches" were tortured, burnt or hung, available at <http://www.historic-uk.com/CultureUK/Witches-in-Britain/> [last accessed on 25.04.2019]

¹⁴See: https://en.wikipedia.org/wiki/Witchcraft_Act_1735; [last accessed on 25.04.2019]

¹⁵See: <http://www.elizabethan-era.org.uk/elizabethan-witchcraft-and-witches.htm> [last accessed on 25.04.2019]

¹⁶Ibid;

¹⁷„The Pendle Witches of Lancashire“ - condemning ten of eleven defenders of witchcraft in 1612 and pronounced death a sentence executed by hanging; "The Chelmsford Trials" four women charged with witchcraft at the time of Elizabeth

For this period, witch trials in Salem, USA supported by "The law of the Salem Witch Trials" are specific and striking. This law consisted of a mixture of Bible passages and colonial statutes¹⁸. Beginning in June 1692, for six months, the authorities in Salem, Massachusetts, accused more than 100 people of witchcraft, mainly women. The most commonly pronounced death sentence was carried out by hanging. It all begins with the arrival of Samuel Paris in the place to preach in the village church, a year later he receives the work of a village minister. In Salem he relocated with his wife Elizabeth, six-year-old Betty and an Indian servant, Tituba. Soon the girl becomes sick with the manifestation of atypical behaviors, which after many examinations will be found to be due to supernatural powers. This diagnosis strengthens when other girls have encountered the same condition. The charges fell on Tituba, because she used old pagan customs to release her from the disease, which led her to her indictment of witchcraft. Together with her, two other women Sarah Good and Sarah Osborne were charged, that supposedly enchanted the girls. In their presence, girls received attacks that were thought to be the result of their collaboration with the devil. After lengthy and painful controls, searches, etc., Tituba¹⁹ admits the contract concluded with the devil, declaring that a man from Boston had led him to sign with blood in the book of the devil in which she saw the names of the two defendants along with six others who she didn't manage to read. It was this that led the people of Salem begin to question everyone if he was dealing with witchcraft and a terrible panic spread²⁰. The colony also created a special court "Court of Oyer and Terminer" specializing in witch trials. Girls, girls, women and old people were tried. The principle of presumption of innocence was not respected at all. For the one who came to the Court, the law assumed guilt. If they were sentenced to prison, the perpetrators had to pay their own detention in jail. Procedurally, three sets of evidence were taken into account: recognition, testimony of two eyewitness accounts of witchcraft and spectral evidence (when girls "communicate" with invisible assailants and are

First, a specific trial for the reason that it was the first documented witch case that used known animals for metaphysical purposes, in this case a white cat; "Hertfordshire: The last trial" - 1712 is the last trial in England for witchcraft where Jane Wenham was accused of communicating with the devil in the shape of a cat, was sentenced to hanging but pardoned by Queen Anne, which circles an era in England, https://paganwiccan.about.com/od/glossary/g/English_WC_Law.htm [last accessed on 23.04.2019]

¹⁸See <https://www.google.com/search?q=translate&ie=utf-8&oe=utf-8&client=firefox-b> [last accessed on 20.04.2019]

¹⁹Available at <http://www.famous-trials.com/salem/2050-asa-titx> [last accessed on 20.04.2019]

²⁰See <http://www.famous-trials.com/salem/2078-sal-acct> [last accessed on 25.04.2019]

tortured by the specter of the witch). However, in the lack of the last set of evidence, other means of proving witchcraft were often used - material evidence obtained during the search of a dwelling or place where they were considered to be engaged in witchcraft and were in collusion with the devil, visible traces of the body of the girl, who according to the then rules, alluded to contact with him and the like. Recognitions that were extorted by tortured indictees were not taken into account for conviction, but if a person denied the confession, he was later tortured again by the authorities until confirmed. It was thought that if at those moments they recited the Lord's prayers, then it was sufficient proof that she did not deal with witchcraft. We can not not comment that the breakthroughs of the inquisition that continental Europe occupies during this period and the continental laws as well, are feeling into the accusatory procedure of Anglo-American. The recognition as "regina probationem" is drawn as necessary in a specialized court²¹, which is not the case solely of Salem, but is encountered in almost all witches trials throughout the Anglo-American countries and Europe. Torture, in fact, gets its true light in witch trials, which led them to not be able to withstand their fragile bodies, so innocent women and girls were found guilty of a fictitious crime²². Following the dissolution of this court, the cases were taken over by the Supreme Court, which removed the spectral evidence as a kind of evidence in general for taking into account witchcraft charges. After taking over the cases, most of the charges ended with acquittal, and for most of the detainees accused of witchcraft they were pardoned. However, informally, the witchcraft period does not end with the Enlightenment and the laws that are adopted to prevent its "persecution", as well as the overall benefits of the French Bourgeois Revolution. Although maybe a large number of codes are free from such incriminations, still to this day, we still encounter "witch hunts" or witch hunt around the world²³.

²¹ For more information visit <http://www.history.com/topics/salem-witch-trials>
<http://www.history.com/topics/salem-witch-trials> [last accessed on 05.04.2019]

²² Lazetik-Buzarovska, G., Kalajdziev, G., Misoski, B., Dimoski, D., Criminal procedure law, Faculty of Law "Justinian I" UKIM, Skopje, 2015, pg.16

²³ For example - Boyans-Ghana, Africa, Central African Republic (<http://wildhunt.org/2016/01/south-africas-witchcraft-suppression-act-ruled-unconstitutional.html>), Uganda (anti-hacking law of 1957 still in force - available at <http://www.ulii.org/ug/legislation/consolidated-act/124>) Saudi Arabia, Tanzania (anti-hacking law of 1928 still in force - <http://mtega.com/wp-content/uploads/2014/09/Witchcraft-Act-Cap18-as-amended-2009.pdf>) and etc
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1.2. Prostitution

For the Middle Ages, outside of the above-mentioned religious crimes, women are mostly committing a prostitution, whose criminogen status varies from country to country and at different time intervals, but in almost every age it is considered an alternative occupation for women who do not have another. In fact, prostitution follows the mankind from its development and is constantly present in the female "file". Roman law also distinguished legal and illegal prostitution and prescribed appropriate penalties for those who dealt with illegal prostitution²⁴. Slave society is also not free from the clutches of prostitution. But, like all other crimes committed by women, during this period they were punished without trial, just like slaves and foreigners. Only men with citizenship status enjoyed the right to a previous trial²⁵. A middle-aged woman who was involved in prostitution received the punishment she received for the crimes committed by men and she did not have much rights in this respect. As with religious crimes, here too, she is almost always punished publicly, and if the crime was more difficult, she was exposed for a long period after the death penalty to be an example for other women²⁶, and is often punished with burning. Women who are imprisoned, however, have much worse prison conditions than men. While men, on the one hand, are settled in a social status, welfare and property, and are distributed independently by cells, women are settle together, regardless of the status they previously enjoyed. Thus, the prostitutes and the noble-handed cells were constantly exposed to health and mental illness. However, as today, the prison population in the Middle Ages is considerably covered by the man, and the woman occupies a very small part. Informal data from the 14th century speak of 3.5% representation of female population among prisoners²⁷.

1.3. Infanticide

In Britain, for 1922, as the main form of perpetrated crime by a woman, it is said that it is a infanticide. In the XX century, 145 women were convicted

²⁴ Apasiev, D., Maksimova, E., Criminological aspects of prostitution with particular reference to the ancient legal order, Proceedings, Social changes in the global world, Third Scientific Conference, 2nd August Shtip, 2016, Stip pg.249-270

²⁵ Lazetik-Buzarovska, G., Kalajdziev, G., Misoski, B., Dimoski, D., Criminal procedure law, Faculty of Law "Justinian I" UKIM, Skopje, 2015, pg.14

²⁶ See: <https://women-and-crime.wikispaces.com/1.+History+of+Women+and+Crime>, [last accessed on 29.04.2019]

²⁷ Geltner, G., No-woman's land? On Female Crime and Incarceration, past, present and future, Justice Policy Journal, The Center On Juvenile and Criminal Justice, Vol.7 No.2, 2010

of infanticide, but on only 14 of them the sentence was executed. The laws were mitigated, first in 1922 and in 1938, since the authorities took it as an easier criminal act the killing of a newborn or a child up to one year by the mother, taking into account the post-birth situation in which the woman was at that moment. This only testifies to the inclination to biophysical theories for committing crimes by women, that is, their explanation through the biological nature of the woman and the sexually sensible events that endure her body and reason, which leads to a milder punishment. The British Infanticide Act stipulates that a woman proven to have done such a thing during post-birth depression should be blamed only for murder without intent (or murder of negligence), and not for murder as such²⁸. The middle ages have long blamed only the unmarried woman for committing such a crime, justifying that she alone would do such a thing in order to prevent the acquisition of an illegitimate child²⁹. The punishment for this committed crime was brutal to decapitation. During the period of intensified witchcraft belief, women who were declared witches were mostly accused for this type of crime.

The appearance dates back to the ancient epoch. There was no doubt that female infanticide existed and was more practiced in Hellenistic than in classical Greece. The financial situation of parents and the overall social political climate were probably the main determinants of female infants being raised. Moreover, poor health was the result of poor diet, unlike that of male children. The discriminating distribution of child support in Rome, followed by delivery of immature age, has led to a reduction in the female average age of approximately five to ten years compared to the male³⁰. However, in ancient Rome and ancient Greece, it is not a special criminal offense, and the mother is not the only perpetrator who points out. Pater familias is one who had absolute authority in domestic affairs, and the reasons for the execution of the infant's infections ranged from unlawfully to eugenics. And the social views towards infanticide were not always condemning, taking into account the fact that newborns were not always seen as human beings. By the seventh day of their life, antiquity was seen as a plant or animal³¹. In the early Muslims, and pre-Islamic culture in the 17th century in Arabia, the killing of female newborns was a common practice, especially their killing by mothers in order to protect them from the miserable life they would have waited for, or for the simple

²⁸Spinelli, G., M., *Infanticide, Psychosocial and Legal Perspectives on Mother Who Kill*, American Psychiatric Publishing, Washington, London, 2005, pg.9;

²⁹ An Act to Prevent the Destroying and Murthering of Bastard Children 1623;

³⁰ Pomeroy, S., B., *Goddesses, Whores, Wives & Slaves, Woman in Classical Antiquity*, Pimlico, An imprint of Random House, London, 1975, pg.296

³¹See <http://www.encyclopedia.com/social-sciences-and-law/anthropology-and-archaeology/customs-and-artifacts/infanticide> [last accessed on 28.04.2019]

reason they wanted to contribute to the family only with male breed³². However, it was strictly prohibited and equated to the murder of an adult. A similar case was also known by the Chinese people. Female infants are killed under the pretext that they are less valuable and can not bear the family's surname³³.

Until the nineteenth century, including the early 20th century, the social response indicated that infanticide was mainly performed by desperate, immoral women. Women who were not married and remained pregnant. The overturn in professional understanding of the causes of the perpetrators of the offense follows immediately, when it starts with a different, dramatic, understanding of the transgressors, and the committing of this crime begins to "justify" and connect with the health condition of the woman, the same disease - postpartum depression. The beginnings of such teachings are related to the researches of two French psychiatrists Jean-Etienne Esquirol and Victor Louis Marcé, who first discovered and explained the connection between pregnancy, childbirth and the subsequent maternal mental state, exacerbated by previous events. The speed of the prevalence of this teaching and its application is evident. Given the ease in proving this situation, soon after, more than twenty countries copied the British Act for a special approach to such perpetrators of criminal acts and decided to facilitate the punishment of a woman who would commit murder of a child at birth or until one year of life, that is, instead of death penalty or imprisonment, the probation, ie the conditional conviction, is awarded.

1.4. Other criminal activities

The remaining corps of crimes committed by women in the Middle Ages accounts for murders, thefts, arson and betrayal³⁴. Recorded data from the United States reveal that in the period between 1632 and 1900, women were most often punished with death sentences for committing murders with hanging³⁵. During this period, women of African-American origin, who were slaves, are mostly punished.

It is specific that they were sentenced to death because of the "betrayal and unfaithful behavior of the slave". In 1865, a 17-year-old girl in Darlington, South Carolina, Emily Spin, was hanged for such a betrayal that she had made,

³² Spinelli, G., M., *Infanticide, Psychosocial and Legal Perspectives on Mother Who Kill*, American Psychiatric Publishing, Washington, London, 2005, pg.4 ;

³³ Schwartz, L., L., Isser, K., N., *Endangered children, neonaticide, Infanticide and Filicide*, CRC Press, 2000, pg.26;

³⁴ Visit <https://www.reference.com/history/were-common-crimes-middle-ages-c5e40b7a130cf0ba> [last accessed on 29.04.2019]

³⁵ Visit https://www.fold3.com/page/821_female_hangings_1632_to_1900#description [last accessed on 30.04.2019]

when she rejoiced to coming of the United Army shouted "Blessed is God, Yankee comes," which meant an end to slavery, but for the rest of the population, betrayal and unworthy conduct that resulted in the death penalty. In the mentioned period, approximately 505 women were executed. Approximately 76% are responsible for murder and 7% for witchcraft. The remaining, about 189 women were slaves and as noted above in the example, were executed for various reasons, and that they were inexcusable to be slaves. The death penalty that was carried out most often by hanging, could have been carried out by burning their living bodies. In both cases it was something spectacular that was available to all citizens, from any age, to attend during the implementation.

Juveniles were also not spared from this treatment. And they were often accused and convicted of the same crimes. The punishment for them was no less lenient. The smallest girl on death row was only 12 years old when she was hanged. The same source³⁶ states that in the period from 1800 to 1868, approximately 206 women were sentenced to death and executed by hanging.

The last public hanging was 1868 to 25-year-old Frances Kidder for drowning an 11-year-old pastor. Since that year, all executions have been carried out in prisons. Another 40 women's portents were hanged in private conditions on the British Isles, half of them in the XIX century, half coming into the twentieth century. In the 1900s, the most common type of murder that was committed was the killing of a spouse³⁷. This is the period when there is a huge increase in divorces, which in itself carried huge stigmatization for both sides. Very often an easier way out of the unbearable marriage situation for them was the death of one of them, after which they thoughtfully reached.

Conclusion

Summarized, it is difficult to disclose reliable statistics on the type and extent of the woman's criminality from this period. However, woman is present as an offender, and the punishment toward her is brutal, regardless of her status, if it is established that she has committed a criminal offense. But the very act of proving a committed crime is doubtful and unconvincing (if we take into account that at the beginning of this period and the end of the old age there are also "trials by combat" where the blame is rejected only by surviving in the fight) from today's aspect. However, it is a period in which there are few laws and rules, and a lot of arbitrariness and court arbitrariness. The customary law

³⁶ Ibid;

³⁷ For more visit <http://www.capitalpunishmentuk.org/femhang.html> [last accessed on 30.04.2019]

is the primary source of law, and all the other sources, besides being heterogeneous and inconsistent, are often contradictory³⁸.

This retrospective is showing us that woman may be secondary perpetrator, but she is constantly present as an offender, and that the modus operandi of her criminal acts is kept to the present day. By learning on methodus, types, and motives of a woman in the past to committing a crime, we set the scene to a better learning of a woman as a today's offender. We can easily relate to the phenomenology of the past, because woman is still present in the same categories of criminality, as she was in the past (updated regarding religious crimes). Therefore, in order to understand the present, we must start from the past. We can see that woman can be criminal, regardless her status in society. In addition, that she has very different motives and ways of committing a crime than a man. So, if we take that information and put into the present criminology, we can easily conclude that, firstly, there is a serious need for separate study of a woman as a perpetrator, and secondly, emancipation can only produce higher participation of a woman in total crime, and not the way around. So, in order to predict and prevent a total crime, there is a serious need for a detailed study of a woman as a criminal human too. Moreover, guided by that thought, we are starting from the very beginning.

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