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The criminal Woman: visions and theories in the nineteenth-century Portugal

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Abstract

In this article, we intend to explain, albeit very briefly, different views on the relationship of the woman with the crime and point out the most frequent offenses attributed to them, with reference to the conditions under which, in the nineteenth century, arose the everyday experience of women in the district of Viana do Castelo, located in Alto Minho, a northern region of Portugal.

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The woman's relationship with crime was a topic that, in the nineteenth century, fueled intense debate in Portugal, involving, in particular, doctors and lawyers, at a time when the administrative authorities organized the first statistics on crime in the country. Aligned positions, in one side we find those who elevate the woman's kindly character and accentuate its ingenuity, while others seek to enhance their perfidious and malevolent nature; there is still the prospect of those who, to justify the lower propensity of women to commit crimes, invoke reasons of biological character, described, for example, by the positivist school, and others who, to substantiate similar position, rather value the social dimension.

The socialist school, which in Portugal had Afonso Costa as one of the most prominent figures, argued that

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the small number of crimes committed by women was not due to their physical constitution or moral values that guided them, but to the life they led demure and were therefore less exposed to situations that induce against people or infringe against another's property (Silva, 1960). That author also argued that the woman equals man in perversity and that the gender of the actors should not be taken into account in measuring crime (Costa, 1895). This perspective clearly opposed to the one supported by positivist anthropology, led by Cesare Lombroso, whereby the low intervention of woman in the world of crime was mainly due to higher elevation of its moral values (Costa, 1895). Considered, moreover, that the criminal woman could be defined as a deviant (TsiKounas, 2008).

Other authors, such as Ferreira Deusdado, a Catholic liberal, thought that the statistics did not reflect real women's involvement in criminal activity and that it was higher by lack of opportunity and the difficulty in accessing necessary resources for the execution of the crime. When properly provided with the necessary tools and in favorable circumstances, women outnumbered men in the statistics, giving as an example the poisoning. In his point of view, the woman has remained in the shadows, referring to the accomplice role and instigator of crimes perpetrated by men. It goes even further by characterizing women in the following terms: "sometimes hypocrites, others bold and cynic, they like lying and cheating; less capable than men of true repentance" (Deusdado - Ferreira, 1889). This conception is, as stated by Michelle Perrot, a certain contribution of the criminological thought to perpetuate the myth of Eve (Perrot, 1992).

Roberto Frias, for its part, considered also that the statistics produced at the time did not reflect the true extent of women's participation in criminal actions. This fact would be due to the nature of the offenses committed by her that would be easier to cover up, what motivated the absence of accurate information and distortion of the statistical numbers, and explain the escape from the clutches of justice. For the same author, prostitution was one of the main reasons for female criminality. Many women, although they perform various duties such as seamstresses or servants, had no qualms about indulging in meretricious. This circumstance allows the connection between prostitution and delinquency, based on the studies cited by the author, which show a greater tendency to relapse into criminal behavior by women. Frias also argued that menstruation or pregnancy are organic states that influence women's predisposition to crime (Frias, 1880).

Now Mendes Corrêa, based on the low representation of the female gender in the statistics produced in Portugal from the late nineteenth century and early twentieth century as well as the ones produced in other countries, such as England, France and Russia, inferred that there was a lower tendency of the woman for crime, when compared with men. This conclusion gained particular relevance in the Portuguese case, given the fact that, at the time, the female population was higher than men (Mendes, 1914). To that author, the lowest participation of women in the criminal activity was explained not only by the reasons given by the school of criminal anthropology, but added arguments of physical and psychological order, sustaining that "their passions, their defects, their outbursts, meet at their service energies that do not usually exist in such a high degree in the weaker sex", and also gave relevance to man's active social life, in contrast to the more discreet experience of a woman (Mendes, 1914). Considered, however, that the female criminality was increasing at the end of the eighteen hundreds, due to a certain ineffectiveness of justice, which showed, indeed, too lenient with the delinquent woman. Also admitted, supported by the statistics produced between 1891 and 1895, that there was a wide disparity in the national territory regarding the authorship of the offenses because, while in the south, particularly in the district of Beja, the female criminality was reduced and the commission of crimes was ten times more frequent in men than in women, in the north, particularly in the district of Viana do Castelo, was much higher, making the man only three times more crimes than women. However, this reality is only noticeable from 1878, when statistics began to take into account the information concerning the sex of the perpetrators of crimes in order to adopt measures to prevent and combat crime (Vaz, 1998).

According to the conclusions of Rancoroni, presented in 1894 at an international medical conference and advertised by Alfredo Luís Lopes in his book *Statistical study of criminality in Portugal in the years 1891-1895*, the criminal behavior of the man could be negatively influenced by progress and education, while the most pernicious interference on women's behavior could come from marriage. For the same author, the causes of the poor representation of women in criminal statistics were related to their customs, occupations and "physiologic underlying functions, which didn't allow a great development of higher brain centers" (Lopes, 1897).

The alleged physical and intellectual inferiority of women was invoked sometimes, to excuse her less proper conduct. Aires de Gouveia claimed that female behaviors were conditioned by factors of natural order, such as menstruation, which malaise them, and their "lesser ability to intellectually illustrate themselves", a situation

worsened in the opinion of that author, by the slovenliness that women's education had become (Gouveia, 1860).

Despite the scarce presence of women in the role of aggressor, which is observed in the late eighteenth century and during the nineteenth century, the argument of its lower public exposure cannot be invoked to explain the observed reality in the district of Viana do Castelo. In fact, due to the strong male migration, women, besides taking care of the children's education, occupied their husbands place in the conduct and execution of the farming work and management of the family property, which, of course, obliged them to a more exposed experience. Although certain tasks were closed to women, especially in agriculture, others are the reasons that explain the lower participation of women in criminal activity (Cabral, 1989). Also the evidence supported the alleged physical and emotional weakness, with the purpose of explaining women's under-representation in the authorship of crimes, groundless when aimed at the Alto Minho's woman. For example, field work, including corn crop, dominant in this region, requiring great physical effort. Now, the woman is not inhibited in partnering with her husband in carrying out tasks related to the tilling of the land, no matter how hard they were (Chapel, 2005).

In 1848, in all the municipalities of the district of Viana do Castelo, the female population exceeded the male. In this context, it would be expected a more significant presence of women in criminal statistics, either by their numerical superiority, or for its greater emancipation. However, this scenario was not materialized. The fact that, in conflict situations, women favor the use of the word, with offensive intentions, in detriment of the gesture, will be one of the factors explaining this reality.

The rural woman of the Alto Minho was not always easy to control. She had the power of speech, of which she used to throw very sharp barbs against those who would provoke her, and the tasks in the field allowed her to enjoy an everyday life that was not confined to the home, unlike what happened with the woman of high status, who lived in sheltered peacefulness of home. It's important to refer that, given the circumstances and characteristics that usually involved female confrontations, the proportions and the consequences would be less onerous than those arising from disputes in which male elements intervened, without having any record of these occurrences by the administrative authority. In the relationship, not always peaceful, with the neighborhood, women involved themselves in skirmishes and minor offenses, which often did not go beyond an exchange of bitter words, that so many of these cases would simply be muffled. For example, with regard to the offense of verbal abuse, we found out, based on correctional processes, that in the district of Viana do Castelo, between 1841 and 1870, the numbers of men and women found guilty were very close, registering involvement in 53.3% and 46.7% of the cases, respectively (Vaquinhas, 2000).[†]

Burglary and theft are crimes that reach a higher percentage of female intervention. These crimes are related, we presume, with the need to ensure survival, feeding the hungry and escape misery, especially when bad harvests took place, as is evident from the fact that, in most cases, circumventing food and garments. In the lands of Alto Minho, women robbed cereals, especially maize, wheat, rye and beans; invaded the gardens, brook into granaries and took grapes from vines; assaulted co-ops of the neighborhood and looted chickens, which were, moreover, of particular interest. Therefore, they were not major thefts, because these were mainly committed by gangs of robbers, who usually did not integrate women, although gold objects, money, silk fabrics and linen pieces, excessively would attract their attention and impelled to thievery. However, though sporadically, also certain goods were stolen in order to sell them like, for example, gorse hills.[‡] The gorse and wood theft was common in rural areas, although rarely addressed, perhaps because of its low economic importance, even thought at the time, these were essential resources for the peasant population. Similar to what happened in Alto Minho, also in the Herefordshire region, in England, were mainly women who participated in the theft of timber and crops (Shakesheff, 2003).

In addition to single, widows, or married women with absent husbands, for whom subsistence was more difficult, also many Galician immigrants embarked in criminal activities. The geographical contiguity, cultural and linguistic proximity, the prospect of better living conditions, made the Alto Minho a place of obligatory passage not only for men but also for women of Galicia that between the early and mid eighteenth hundreds, began to cross the border into the Portuguese lands. We are left with the record of those discovered or caught in the act, which were subject to the justice's verdict.

[†] *District Archive of Viana do Castelo*, District Court of Viana do Castelo - Correctional processes, n.º 1.46.5.2-75. I

[‡] AMV, County Administration. Correspondence record with several authorities, n.º 1.1.4.30, unpagged.

Many of the thefts and robberies were committed in the home, where women, taking advantage of their craft, family ties, friendship, or even the naivety of children, which sometimes turned into accomplices, subtracted objects, money or groceries. The occasions and places where there were large gatherings of people, especially the fairs, also served as the scenario for the practice of thefts carried out by women, sometimes in small groups, others accompanied by their husbands, and there were also some who ventured alone. To achieve the maximum hoard of stolen goods they resorted to various stratagems, which were to hide them close to their body, through the clothing, or the use of other more refined strategies.

Many were part of organized gangs that roamed the various fairs in the region, with the sole purpose of stealing vendors and customers.[§] In 1844, Rosa Maria, widow, and Maria Antônia, married, living in the city of Braga, when they were arrested for committing a robbery at the fair in Ponte de Lima, the council administrator of this village verified that they were "taken as thieves by profession", traveling with other women and groups of thieves through the fairs of the cities of Braga, Oporto, Guimarães and Barcelos, making plunder their way of life.^{**} We also found references to the presence of women in fairs as "choppers bags". The "chippers" were, in fact, considered a real pest. In 1844, the administrator of the county of Ponte de Lima complained to the civil governor of Viana do Castelo of the existence of "a company of bag chippers composed of men, women and boys walking in all the fairs, where there were traders dealing with large sums of money."^{††} "On the same occasion, expressed his displeasure at the fact that the authorities arrested the suspects of the authorship of such acts and the judiciary released them without any sanction applied, which according to him, worked as an invitation to relapse.

To ensure sustenance, the woman, especially those living alone, in addition to theft and robbery, resorted to various means, more or less illegal, namely decoys, snares, spells, or preparation of medicines and drugs, taking advantage of beliefs, superstition, and the evils of others, having as the main targets women who wanted to conquer at any cost, the affection of a particular man. The fact that such practices are performed mainly by women served to feed the association of women with witchcraft and sorcery. Maria do Carmo, a widow, from the village of Valença, was known in that locality for manufacturing sweets containing addictive substances capable of "trapping the man". On one occasion as he was about to do business with Joaquina Maria Lopes, a maid who wanted to offer the sweets to her lover to induce him to marry her, was captured by the authorities, together with her client, who already knew her way of life.^{‡‡} Having done the investigation, which attributed to Maria do Carmo the continued sale of remedies, and examined the substances used in the confection of the candy, it was found that these, although did not lead to death, could cause terrible suffering.^{§§}

The entry of women into the world of transgression assumes rather complex contours, emerging as a result of various circumstances relating in particular, with the society, the moral and the economic situation. If its reduced criminal activity can be explained by the limited intervention in society, as in the case of the Alto Minho the number of thefts and robberies can lead us to two interpretations: on one hand, this amount results of the participation of women in the domestic economy, on the other, may be evidence of their poverty and weakness, especially when alone.

To prove the relationship between economic conditions and female criminality, we have the situation registered in the district of Viana do Castelo in the fifties of the nineteenth century, shaken by crises that affected the agricultural sector, particularly the one noted in the corn production, in the year of 1855. In fact, if we examine the period between 1839 and 1855, except for the years 1846 and 1847, for which we have no data, we conclude that the fifties stands out by the continuous increase in female criminality, which peaked in 1855, year of crisis in corn production and caused an increase in the price of this cereal. This circumstance made it even harder livelihoods of

[§] In 1854, the county administrator of Ponte de Lima informed the delegate of the royal prosecutor of that county the capture of two men and a woman, mistress of one of them, which were sent to the jails of the village, accused of thefts committed on the day of the fair. Municipal Archive of Ponte de Lima. County Administration. *General copier of letters sent by this administration to various authorities*, n.º 2.2.1.31, unpagued..

^{**} AMPL, County Administration, *Auto de Investigação*, n.º 1944, unpagued..

^{††} AMPL, County Administration. *Copier of letters sent to the General Administration*, n.º 2.2.2.43, unpagued.

^{‡‡} AMV, County Administration. - Correspondence to the General Manager 1862, n.º 1.1.4.10, unpagued.

^{§§} AMV, County Administration. - Correspondence to the General Manager 1853-1855, n.º 1.1.4.8, unpagued

poor people, prompting them to commit property crimes, many of them with the authorship of women. In times of famine, corn became the target of greed, either for consumption or even for sale, given the high prices achieved in the market.

In addition to the crimes against property, the woman also appears, though rarely, on the condition of author of far more serious crimes, seen as typically female, such as infanticide, poisoning, among others. Often, the victims of these crimes belonged to the household. The poisoning was a classic offense usually associated with being female gender, for being disingenuous, which could be planned and executed in the domestic space. For Roberto Frias, crimes varied according to the author's gender, some being associated with men, especially those that require greater physical dexterity, and others, niftier, which are typically female. Argued, moreover, that there is a natural predisposition on the female gender to bias crimes against property, as well as poisoning, infanticide and abortion. When practicing the crime of murder, the woman usually did not use any weapon, but especially used poison that would fit more to her way of being, considered sly and cunning.

The strengthening of morality in the sexuality field verified in modern times, which has resulted in strong condemnation of adultery and disapproval of sex outside the marriage, contributed to the growth of the numbers of infanticide, abortion and child abandonment crimes. The women induced by unfulfilled marriage promises or involved in adulterous relationships, victims of assault or rape, sought to eliminate the mark of their dishonor. The purity and modesty were adjectives that society imposed on women, especially to the unmarried girl who was interested in getting a convenient marriage. It is therefore not surprising that the largest number of infanticide was practiced by single women, as a way to safeguard their good name.

If we consider the residence of the perpetrators of criminal activities, we verify that the municipality of Viana do Castelo stands out among the rest of the district. This supremacy can be explained, at least in part, by its size, but especially by the urban characteristics, which functioned as a source of attraction and attachment to those seeking an occupation and intended to improve their economic situation, but that could not often achieve that goal. There we found women disconnected from their family and homeland, which, in addition to agriculture, became engaged in other trades, working by days or as maids, albeit precarious and sporadic. Many of them certainly had a more lonely and difficult life than in rural areas, where the solidarity of the neighborhood and family support were more present, but also where control over their conduct was tighter.

We can say, in conclusion, that the presence of the Alto Minho woman in the world of crime is reduced, manifesting itself mainly through petty crime, including burglaries and thefts of little value. The most serious crimes such as infanticide and poisoning were confined to the domestic sphere. We consider, on the other hand, that many of the verbal excesses in which the woman was involved were devalued by the authorities as a result of what Nicole Castan calls "ironic indulgence" of men, which may also explain the low female representation in the overall reckoning of criminality.

Profiling the aggressor woman, is not an easy task, given that the episodes of female violence were determined more by the circumstances and by emotion than strictly by age, profession or by marital status. However, were especially women of the popular classes who appeared involved in illegal actions, and not so much the ones from higher social groups, which were generally more protected by the modesty of the home and their bylaws. We, therefore, even partially, meet the commonly traced and evidenced stereotype of different jobs applied to different regions, from the criminal woman or that had a greater propensity to transgression: young, single, immigrant, belonging to the working classes or ethnic minorities.

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