
HOMICIDE – MORE THAN A TEXT OF LAW

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Abstract: My aim with the current paper is to analyze the different motivations which cause a woman to commit a crime and what determines her to betray her real designation in life and to annul any maternal instinct she might have as well as the instinct to preserve the human species which is deeply graved in the feminine genetic code for thousands of years. At the same, I have selected one of the most interesting cases in the history of Romanian forensic crime; I have made a short presentation of this case in an attempt do not harm the reading of this paper by presenting obtrusive details. At the end of this paper, I chose to present the crimes stated in the Criminal Code which can be committed by a mother and which, in our current regulation, are distinctively incriminated.

Key words: *woman, crime, motive, cruelty, reality, homicide, fetus, injury.*

Introduction

Independent of our will and natural desire for a human being to achieve perfection, a society free from any kind of lawlessness, thus no homicides, remains a utopia and an unrealizable project - at least for now. My assertion is not a consequence of a pessimistic thinking, but the result of an objective analysis of the present world of which I am a part of. Therefore, in my opinion, the issue of crime, especially that of homicide, is a topical issue that seems to perpetuate in society. For that reason - to highlight the existence of crimes in society through the ages, in addition to the oddness of this particular case - I chose to realize a presentation of a criminal from the interwar period.

General matters

Fragile, delicate, loving mothers, sisters, girlfriends or wives have long been considered incapable of killing. As a result, looking up the history of criminal science, the penalties for women in this regard have only recently been established and detailed. Although in a much lower percentage than men, female offenders exist and often murder at an artistic level - a macabre art, though. It is the story of an unfaithful wife from Asia. While she was passionately kissing her partner, she slipped a cyanide capsule in his mouth, which he was forced to swallow.

Women's creativity when it comes to murdering someone, especially someone of the opposite sex, can be explained as a compensation of physical inferiority that most women have as opposed to men, which they accept almost automatically, as an axiom. Naturally, the means by which women kill are different from one culture to another, depending on the resources, so that in the US the main weapon is the gun whilst on the European continent, knives or other household items are used. Studies made by experts on the matter indicate that if a woman killed someone, there is a strong possibility that the victim is related to his murderer, so they rarely kill strangers. Moreover, women are rare among serial criminals since they most often have a specific pattern and a set of predetermined characteristics within

the limits of which the female psychology does not fit because of the maternal instinct. Psychiatrists declare that serial killers are incapable of experiencing certain feelings, such as anxiety or excitement, thus they are trying to obtain those feeling through killing. Serial killers are compared in this respect with adrenaline lovers, seeking "thrills" through extreme sports (prof. Dr. Gabriel Crumpei). Currently, the Târgșor penitentiary is the only prison for women in Romania. The number of convicts for murder in this prison is estimated at 130, and the average age is 40-45 years old, most women being convicted for killing their spouse.

When love “hurts”

Nevertheless, in Romania, most serial crimes were committed by a woman. Dubbed the “Black Widow” due to the dark chromatic of clothing and her soul, Vera Renczi (of Romanian-Serbian nationality) has poisoned about 35 people during the interwar period. To this day, she still represents a mystery for forensic science, since not even her real name is known; her last name – Renczi – comes from her second husband.

It is assumed that she killed her two husbands out of jealousy, Joseph Renczi being renowned for the amorous escapades whose number has continued growing even after he married Vera – an imprudence that cost him his life. Living the failure of two unsuccessful marriages, the young woman seeks solace in the tumultuous nightlife of Vienna. With parties often turned in broadside orgies, she retreated sometimes with a lover to her Serbian mansion, from where he never returned. In less than a decade, about thirty men crossed the threshold only to the inside of the mansion. Vera assured that they were occasionally foreigners that came from Vienna, whereof the Serbian authorities had no information. The beautiful murderer is caught when she made the unfortunate choice of turning the husband of a cautious woman determined to find the truth behind the disappearance of her spouse into her lover. So she starts an investigation on her own, after the authorities had failed once again before the daunting Vera, and discovers a love note from Vera in her husband's clothes, Milord. With this evidence that contradicts Vera's denial that she had any connection with Milord, the authorities start searching her house. This is how they discover 35 zinc coffins in the basement of Vera's mansion. In one of the coffins they found her own son, killed at the age of only ten years old due to the fact that he had learned the gruesome secret of his mother. During the trial, Vera's explanation is as simple as is irrational: killing her lovers was the natural consequence of her desire to know that she was the last woman in those men's lives. Since the law in Yugoslavia at that time did not allow execution of women, Vera could not be sentenced to death, as originally ordered, and was moved to a maximum security prison for life, where she was talking loudly for hours, believing that she was surrounded by the men she murdered. Diagnosed with schizophrenia, she is transferred to an asylum, where she died shortly after a brain haemorrhage. Vera's Renczi case remains in forensic history as the Black Widow case.

Why do women murder?

The reasons underlying a homicide vary by the gender of the author. Experts have noted the existence of different types of homicides as they were committed by women or by men. According to psychologists and psychiatrists women kill under the influence of emotions, based on an emotional degree of sensitivity, and their crimes are not usually

premeditated, whereas the majority of crimes committed by men are premeditated and not spontaneous. Being more emotionally attached, women are deeply affected when deceived, which may decrease their ability to self-control, leading to murder. The special attachments that a woman is able to develop can easily convert into violence when the woman is brought to the limit of endurance. Sometimes crimes are committed due to alcohol consumption, but most times (leaving aside the people with mental disorders or those who are suffering from a strong postnatal depression and resort to infanticide), homicides committed by women are nothing but reactions to domestic violence and constant abuse from their husbands leading to spontaneous outbursts. "Thus, women usually react under the impact of emotional states."

A particular aspect is the killing or injury of a newborn infant committed by the mother due to the strong psychological shock, which is attributed to pregnancy and childbirth. The actual law recognizes the existence of a state of psycho-physiological disorder caused by pregnancy and birth that affects women, so that these misdemeanours are subjected to a less severe criminal treatment. The new Criminal Code states in art. 200 para. (1) that the "killing of a newborn baby immediately after birth, but no later than 24 hours, committed by his mother in a state of mental disorder shall be punished with imprisonment from one to five years." If it is demonstrated (usually by medical expertise) that the mother who killed the newborn was in a (relatively) healthy mental state or although she is in such a condition in which her judgment is diminished, but more than 24 hours between the birth and the moment of murder passed, the crime is that of domestic violence.

Comparative aspects between the crime of murder or injury of a newborn committed by his mother, the crime of domestic violence and the harm to the foetus, as regulated by current law

The border between the three offenses may be slim, but the prudence with which the legislator has regulated them makes their delineation as accurate as possible. Thus, in case of the crime of murder or injury of a newborn, the mother is always the active subject and the passive subject is the newborn infant. The newborn quality of a child is acquired from the moment of expulsion, when the child starts his own life, and is forfeited after the expiry of the first 24 hours of his life, the newborn quality being one essential condition for the existence of this crime (*n.n.* the crime of murder or injury of a newborn); if the offense is committed before the birth ended, for example, there will be the offense of injury to the foetus, and if the act of murder takes place after the passage of the first 24 hours from the birth, then the offence shall be within the legal crime of domestic violence.

Regarding the existence of other active subjects in this offense, literature stated that "the person who instigates to the killing or injury of a newborn or helps the mother of the child to kill or injure her newborn baby is not responsible for incitement or complicity in the crime of killing or injury of a newborn baby", since the *sine qua non* condition of the offense is that the active subject is the mother, as long as the psycho-physiological state of disorder can only affect the mother and other instigators or accomplices cannot be found in this particular situation. All things considered, they will be liable for the offense of murder (under art. 189 new Criminal Code) or other crimes against bodily integrity or health (art. 193-195 new Criminal Code), and if there are family relationships between the perpetrator of the crime and

the newborn victim, then the perpetrator's liability is determined by art. 199 new Criminal Code (domestic violence). In other words, it can be said that when the mother "in a state of mental disorder determines or helps another person" to kill the newborn, she will be charged with aiding or abetting the crime of murder or injury of the newborn, whereas "the person instigated or aided by the mother to kill or injure the newborn will be responsible for the offense of homicide or other domestic violence misdemeanours."

Moreover, the existence of the crime of killing or injury of a newborn has no meaning if the act was committed as a result of an action (hitting, choking, soaking *et caetera*) or an inaction (not feeding the child properly, abandoning the child in dangerous places or in perilous conditions *et caetera*), whether or not the umbilical cord had been cut or if the baby is born out of wedlock. Another important aspect to note is that if the "twins are killed, there will be a sum of crimes (concurrunt realiter de infractiuni), not a crime or an offense continued in the form of simple natural unity"; according to art. 202 para. (7) the harm of the unborn child committed by the pregnant woman is not punished, instead the fatal harm committed by the mother during the birth in a state of mental disorder shall be punished with imprisonment from one and a half year to three and a half years - if the injury has prevented installation of ectopic life - or is punishable by imprisonment from six months to two and a half months - if the foetus' harm caused the child an injury afterwards - and, finally, shall be punished with imprisonment from one year to three and a half years - if the foetus' harm subsequently caused an injury that resulted in the death of the child.

If all the elements of the crime of killing or injury of a newborn are not fulfilled, but the offense was still committed by the mother, establishing that she suffered from the mental disorder typical for a woman who recently went through the process of giving birth to a child may constitute mitigating circumstances to determine the proper sanction. In order to overcome the difficulties of interpretation of the law governing this offense, the lawmaker replaced the term "disorder caused by birth" of the old Criminal Code with that of "mental disorder". Although the current term has a broader scope, it is more than obvious that it does not refer to any mental disorder, but only to those which are closely related to pregnancy and birth process and the "implications they (*n.n.* pregnancy and birth) have on pregnant women psychologically and socially", so that mental disorders comprised in emotional-affective symptoms caused by the conflicts or potential conflicts in which the mother does not want the child are included in the current meaning of the phrase "mental disorder" in the new Criminal Code. However, if the state of disorder of the mother - irresponsibility - which removes the criminal nature of the act.

Conclusions

People tried over time to formulate a concrete explanation of what determines a woman to kill another human being. Many specialists in criminal sciences, forensics and criminology as well as in psychology or psychiatry discussed in countless articles, essays and even volumes the reasons why such admired and praised creatures in so many works of art (in all forms that it has: literature, painting, sculpture, music and others) can and sometimes act impulsive and violent, regardless of the finesse and delicacy which they are recognized for. Also, the lawmaker tried to provide as many acts and to regulate them according to

particularities so that the text of law would be as less prone to interpretation by the courts as possible. On this line it can be seen a series of acts that can be committed by the mother and which are distinctly incriminated in the current regulation. This theme is thus a vast one, it can hardly be covered leisurely in such a narrow work as mine, yet I dare to conclude, without any intention to defend any part, with an urge to try to look at human beings without discrimination and stereotypes such as the ones linked to gender or that women should, no matter what, give life, not take it. No one should take life, be it man or woman, but this is another theme, the one of supporting causes and lack of liability, or, for those who are passionate about history – war as a method used to mask criminal intentions of governments. Therefore, although often worshiped through art and placed in a higher position, in reality women are often victims of humiliation and abuse and remain simple human beings, vulnerable to the same mistakes, diseases, errors *et cetera* just as men.

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