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**Female Criminality in Post-Petrine Russia (1730-1750)**

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## Relevance of the research topic

In recent years, one can observe the increased interest of Russian scientists in all sorts of deviations and conflicts within the society of the past<sup>1</sup>. The analysis of specific practices and the reaction of the community and the state to the violation of the established social order, as a rule, is only the first stage of the study, the ultimate goal of which is to identify the norms, values and unspoken rules shared by all or almost all individuals, the way of thinking and modes of coexistence of people in specific historical period.

Of course, crime can be considered an extreme type of deviation, and with such an interpretation, this issue also opens up wide opportunities for studying the value systems of certain communities of people. But in addition, as sociologists and criminologists demonstrated back in the 19<sup>th</sup> century, crime is an important indicator of the level of tension within society and an indicator of the internal structure of the latter. Therefore, the study of crime can also be attributed to the direction of social history that does not lose its relevance, which is engaged in the reconstruction of the social composition, social hierarchies and relations between social groups in the past<sup>2</sup>.

In addition, the relevance of the topic of the dissertation is due to the interest in gender studies that appeared in scholarship several decades ago. The rethinking of the role and place of women in the modern world over time has also given historians the task of supplementing the existing picture of the past with

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<sup>1</sup> Alexander Kamenskii, "Sledstvie i sud po delam ob iznasilovanii v Rossii XVIII veka," *Cahiers du Monde Russe* 61, no. 1-2 (2020): 105-128; Alexander Kamenskii, "Fenomen samoubijstva v Rossii XVIII v.," *ВИБЛИОФИКА: E-Journal of Eighteenth-Century Russian Studies*, no. 8 (2020): 1-26, <https://iopn.library.illinois.edu/journals/vivliofika/article/view/789>; Olga Kosheleva, "Beschest'e slovom" peterburgskih oby'vatelej petrovskogo vremeni i monarshaya vlast' in *Odissej* (Moscow: Nauka, 2003), 140-169; Irina Roldugina, "Otkry'tie seksual'nosti: Transgressiya social'noj stixii v seredine XVIII v. v Sankt-Peterburge: po materialam Kalinkinskoj komissii, (1750–1759)," *Ab Imperio*, no. 2 (2016): 29-69; Marianna Muravyeva, "Sex with Animals in Early Modern Russia: Legal Spaces of Negotiating the Boundaries of Humanity," *ВИБЛИОФИКА: E-Journal of Eighteenth-Century Russian Studies*, no. 7 (2019): 102-118, <https://iopn.library.illinois.edu/journals/vivliofika/article/view/598>.

<sup>2</sup> About relevancy of this topic: *Granicy i markery` social'noj stratifikacii Rossii XVII-XX vv.: vektory` issledovaniya* (Saint-Petersburg: Aletejya, 2018); Michael Confino, "The Soslovie (estate) Paradigm. Reflections on some open questions," *Cahiers du Monde Russe*, no. 4 (2008): 681-704; Alexander Kamenskii, "Do We Know the Composition of the 18<sup>th</sup> Century Russian Society?," *Cahiers du Monde Russe*, no. 1-2 (2014): 135-148; David Ransel, "Implicit Questions in Michael Confino's Essay. Corporate State and Vertical Relationships," *Cahiers du Monde Russe*, no. 2-3 (2010): 195-210; Alison Smith, "The Shifting Place of Women in Imperial Russia's Social Order," *Cahiers du Monde Russe*, no. 2-3 (2010): 353-367; Elis Wirtschafter, "Social categories in Russian Imperial history," *Cahiers du Monde Russe*, no. 1 (2009): 231-250.

knowledge about the female half of society, which may have left less information about their lives, but is no less important. Female crime is of interest to gender researchers as one of the few areas where one can see the real degree of women's involvement in the life of the state and society.

### **Historiographical analysis**

Interest in the history of female criminality has grown dramatically due to the women's rights movement, which intensified primarily in Europe and the United States in the 1960s, and the societal transformations it engendered, which in turn could not but affect the direction of historical scholarship.

To date, in foreign historiography there are several hundred articles and monographs on female crime in the Modern Time<sup>3</sup>, a methodology has been developed, many previously unstudied sources have been put into circulation, and already known ones have received a new interpretation. There are two main trends in the work of American and European historians: firstly, the desire to refute stereotypes, through the study of sources, to dispel the established, but not having a scientific basis, ideas about "typically female" behavior<sup>4</sup>. Secondly, a departure

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<sup>3</sup> John Beattie, "The Criminality of Women in Eighteenth-Century England," *Journal of Social History*, no. 4 (1975): 80–116; John Briggs, *Crime and Punishment in England: An Introductory History* (London: UCL-Press, 1996); Kathy Callahan, "Women Who Kill: An Analysis of Cases in Late Eighteenth- and Early Nineteenth- Century London," *Journal of Social History*, no. 4 (2013): 1013-1038; Ruth Campbell, "Sentence of Death by Burning for Women," *Journal of Legal History*, no. 1 (1984): 44-59; James Cockburn, "Punishment and Brutalization in the English Enlightenment," *Law and History Review*, no. 12 (1994): 155-179; Simon Devereaux, "The Abolition of the Burning of Women in England Reconsidered," *Crime, History and Societies*, no. 9 (2005): 73-98; Frances Dolan, "'Gentlemen, I Have One Thing More to Say': Women on Scaffolds in England, 1563-1680," *Modern Philology*, no. 2 (1994): 157-178; Gregory Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System* (Bury St. Edmunds: Arima publishing, 2007); Manon van der Heijden, *Women and Crime in Early Modern Holland* (Leiden/Boston: Brill, 2016); Jennine Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Columbus: Ohio State University Press, 2005); Jennifer Kermode and Garthine Walker, eds., *Women, Crime and the Courts in Early Modern England* (Chapel Hill: University of North Carolina Press, 1994); Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: Boydell & Brewer, 2007); Linn MacKay, "Why They Stole: Women in the Old Bailey, 1779-1789," *Journal of Social History*, no. 32 (1999): 623-639; Ulinka Rublack, *The Crimes of Women in Early Modern Germany* (Oxford: Clarendon Press, 1999); Rosemary Gartner and Bill McCarthy, eds., *The Oxford Handbook of Gender, Sex, and Crime* (Oxford: Oxford University Press, 2014); Garthine Walker, *Crime, Gender, and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003).

<sup>4</sup> Thus, British historian Garthine Walker believes that it is necessary to rethink "ways of conceptualizing gender as a historical category", avoid baseless stereotypes and problematize seemingly obvious but unproven claims, for example, that "female criminals [...] were not as brave as men, were less inclined to act alone and more inclined to speak out men's assistants; that they stole items of less value and more practical use than men; that they were generally less involved in crime, and therefore contemporaries considered them not so dangerous; and, consequently, that in the justice system women received generous treatment and frequent pardons". Garthine Walker,

from explaining the phenomena of the past using the terms “patriarchy”, “oppression”, “powerlessness”, and instead attempts to consider specific mechanisms, institutions, relationships, adaptation strategies, etc<sup>5</sup>.

In Russia, female crime became an object of scholar interest at the end of the 19<sup>th</sup> – beginning of the 20<sup>th</sup> century, but it was not historians who initially became interested in it, but criminologists. A wave of attention to the criminal behavior of women rose after the publication of the work of psychiatrists-criminologists Ch. Lombroso and G. Ferrero<sup>6</sup>. In Soviet and post-Soviet times, the interest of criminologists in female crime has significantly decreased, but has not completely disappeared<sup>7</sup>.

Neither in pre-revolutionary nor in Soviet times historians were interested in crime as a social phenomenon. As rightly noted by E.V. Akeliev, in the works of historians “there was no information about specific criminals and criminal groups”, and “the specific historical practice of applying legal norms ... was almost not considered”<sup>8</sup>.

In the post-Soviet period, Russian historians quite actively embraced new trends and began to actively develop the history of everyday life or the history of mentalities (actively involving forensic and investigative documentation, despite the difficulties associated with such use of it), but they practically did not become seriously interested in the history of crime. Possessing a high informational and

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“Women, theft and the world of stolen goods,” in Jennifer Kermode and Garthine Walker, eds., *Women, Crime and the Courts in Early Modern England*: 82.

<sup>5</sup> For example: Sheilagh Ogilvie, “How Does Social Capital Affect Women? Guilds and Communities in Early Modern Germany,” *The American Historical Review*, no. 2 (2004): 325-359.

<sup>6</sup> Cesare Lombroso and Guglielmo Ferrero, *La donna delinquente: la prostituta e la donna normale* (Torino: L. Roux, 1893).

<sup>7</sup> Yurii Antonyan, *Prestupnost sredi zhenshin* (Moscow: Rossijskoe pravo, 1992); Tat'jana Volkova, *Osobennosti zhenskoj prestupnosti v Rossii (kriminologicheskij analiz)* (Moscow: Izd-vo MYuI MVD RF, 1998); Victor Zyryanov and Valentina Serebryakova, *Korystnye prestupleniya, sovershaemye zhenshinami* (Nizhni Novgorod: VNII problem ukrepleniya zakonnosti i pravoporjadka, 1986); Nina Kocherova, *Harakteristika zhenskoj recidivnoj prestupnosti v Rossii (konecz XIX – nachalo XX vv.)* (Minsk: Tesej, 2009); Valentina Serebryakova, *Prestupleniya, sovershaemye zhenshinami* (Moscow: Vsesojuznyj institut po izucheniju prichin i razrabotke mer preduprezhdenija prestupnosti, 1973).

<sup>8</sup> Eugeniy Akelev, “*Gorodskaya prestupnaya sreda i opyt borby s nej v Rossii i Francii pervoj poloviny` XVIII v.: sravnitelno-istoricheskoe issledovanie*,” (PhD diss., Russian State University for the Humanities, 2009), 7-8.

interpretive potential, the history of crime nevertheless remains a relatively little developed area in Russian scholarship and occupies a marginal position in it<sup>9</sup>.

To date, the only monographic study on the underworld of Russia in the 18<sup>th</sup> century is the book by E.V. Akelyev<sup>10</sup>. In the center of this study is the fate of the main character of the book - the thief and agent of the Investigative chancellery Van'ka Kain, but in addition, the author reconstructs the main types of criminals' characteristic of the time in question (mainly the middle of the century).

A special form of crime – political crimes – In Russia of the early modern and modern times was studied by E.V. Anisimov<sup>11</sup>. His study analyzes the types of political crimes, the investigative process, in particular the practice of torture, the reasons for the emergence of certain inappropriate rumors and statements among the population, as well as the fears of the state, expressed in severe penalties for "unfit speech".

Another important research for this dissertation is N. Kollmann's monograph "Crime and Punishment in Early Modern Russia". It is devoted to the structure of the judicial system and the principles underlying the law of the Russian state in the 17<sup>th</sup> – early 18<sup>th</sup> centuries. Kollmann analyzes the legislation, considers court cases and sentences, the personnel of judicial institutions, studies their daily routine and the results of their work and comes to the conclusion that confusion, red tape and unprofessionalism in Russian courts of the 17<sup>th</sup> – early 18<sup>th</sup> centuries were too exaggerated in historiography, and the subjects of the Russian Tsar were well aware of the current legislation and could basically count on justice.

As for studies on women in Russia in the 18<sup>th</sup> century and women's experience in various spheres of life, the pioneer in this topic is N.L. Pushkareva, who published several monographs and articles of a theoretical and empirical

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<sup>9</sup> This is reflected not only in the small number of specialists and research on the topic, but also in the absence of any institutionalization: there are no special periodicals on the history of crime and research centers / permanent groups for its study.

<sup>10</sup> Eugeniy Akelev, *Povsednevnyaya zhizn vorovskogo mira Moskvy vo vremena Vanki Kaina* (Moscow: Molodaya gvardiya, 2012).

<sup>11</sup> Eugeniy Anisimov, *Dyba i knut: politicheskij sysk i russkoe obshhestvo v XVIII veke* (Moscow: NLO, 1999).

nature<sup>12</sup>. Despite her indisputable merit in drawing attention to the topic of women's studies and the creation of the first and only Association for Women's Studies (RAIZhI) in Russia, it should be noted that her works are mainly devoted to the life of representatives of the upper strata of society and are based on mostly published and well-studied narrative sources.

While the life of noblewomen has already been studied in sufficient detail to date, the studies on the life of soldiers' wives, townswomen and peasant women, based on archival materials have only begun to appear in recent years. Historians also turn to aspects of women's lives that have not previously attracted attention, such as participation in economic activity<sup>13</sup>, spousal violence<sup>14</sup>, sexuality<sup>15</sup>, etc.

Thus, we can say that many aspects of the life of Russian women of the 18<sup>th</sup> century were covered in historiography, but women's participation in criminal activity has not yet become a subject of consideration for historians.

### **Research novelty**

This dissertation is the first attempt to study female crime in Russia in the 18<sup>th</sup> century. For the first time, the focus of the study is not individual crimes, but the phenomenon of female crime as a whole. Earlier in Russian historiography, no attempts were made to study crime within the framework of gender history, questions were not raised about the degree of influence of gender on the criminal behavior of people in the past, and, consequently, about the legitimacy of the existence of the term "female crime". Historians did not analyze how different or similar the behavior of male and female criminals was and why, how it was influenced by the distribution of gender roles accepted in society, gender expectations and stereotypes.

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<sup>12</sup> For example: Natalia Pushkareva, *Gendernaya teoriya i istoricheskoe znanie* (Saint-Petersburg: Aletejya, 2007); Natalia Pushkareva, *Chastnaya zhizn russkoj zhenshhiny XVIII v.* (Moscow: Lomonosov, 2012).

<sup>13</sup> Michelle Marrese, *A Woman's Kingdom: Noblewomen and the Control of Property in Russia, 1700–1861* (Ithaca, NY: Cornell University Press, 2002).

<sup>14</sup> Marianna Muravyeva, "'Till Death Us Do Part': spousal homicide in early modern Russia," *History of the Family*, no. 3 (2013): 306-330.

<sup>15</sup> Roldugina, "Otkry'tie seksual'nosti".

This study is one of the few works based on Russian material, written within the framework of gender history, and not the history of women. The difference lies in the approach, methodology, as well as the focus of the study.

In addition, despite the fact that forensic materials are a mass source that are actively studied by historians, nevertheless, the set of sources introduced by us has not been previously analyzed, while it provides unique information not only about the experience of women's encounters with the law, but also about the functioning of the main judicial institution in Moscow for the first 20 years of its existence.

**The subject of the study** is the characteristic features and specifics of female crime in Russia in the 18<sup>th</sup> century, the personal characteristics of criminals, as well as socio-culturally determined patterns and trends in the existence of the phenomenon in the country in this period. In addition, the work touches upon issues related to the functioning of the judicial system and the level of legal culture of the population.

**The object of the study** is a complex of judicial and investigative documents deposited in the collection of the Investigative Chancellery for the period from 1730 to 1750, as well as legislative acts that establish substantive or procedural legal norms and are in force at the specified time.

**The goal of the study** is to identify the features of the criminal behavior of women in Russia in the 1730s-1750s, to find out the degree of significance of gender, social, age and other factors in the structure of female crime in this period, and to determine the place of this phenomenon in Russian society in the middle of the 18<sup>th</sup> century.

To achieve the stated goal, it is necessary to solve the following tasks:

1. Identify and analyze the composition of crimes that were most often committed by women, if possible, identify the causes and motives for committing crimes, describe the mode of action and behavior of criminals.

2. Designate the specifics of the space, i.e. Moscow as a large metropolitan city with a specific way of life, social composition, level of freedom, autonomy and control by the authorities and the local community.

3. Analyze data relating to the personal characteristics of criminals: their social affiliation, age composition and marital status.

4. To analyze the specifics of women's experience of passing investigative procedures and imprisonment.

5. By comparing female criminality in Russia and Europe of the Modern Era to determine what features of the functioning of the state and society and how they influenced trends in female criminality, how domestic transformations and, possibly, more global events were reflected in the features of this phenomenon.

### **Source base of the study**

The source base of this study is represented by a complex of forensic and investigative materials of the 18<sup>th</sup> century, stored in the Russian State Archive of Ancient Acts (RGADA), in the collection of the Investigative Chancellery<sup>16</sup>. Due to the structure of the Russian judicial system in the first half of the 18<sup>th</sup> century, court cases on women's crimes could fall into different institutions endowed with judicial functions. However, it is in the collection of the Investigative Chancellery, the main judicial and investigative body of the Moscow province, that the bulk of all criminal cases is concentrated, and therefore the set of documents underlying this study seems to be quite representative.

As a result of work with the specified archival collection, a total of 357 archival files were identified with the participation of women and 1342 cases with the participation of men. As for the sampling criteria, the database included all cases from 1730 to 1750 inclusive, in which women participated. Cases involving men were entered into the database in accordance with the inventory, in addition, 6-7 cases per year for various crimes were directly studied. A total of 137 cases involving men were reviewed.

Created in 1730, the Investigative Chancellery became the main institution in the Moscow province, which dealt with criminal proceedings (“tatijnnye”, murder and robbery cases”), “the main detective body of the entire Moscow region” and

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<sup>16</sup> RGADA, F. 372, Op. 1.



was “in a somewhat isolated position, occupying an equal place with colleges, and in relation to the Moscow Provincial Chancellery, being even in a superior position”<sup>17</sup>. At the same time, the Secret Office was in charge of investigating political crimes, and church courts were in charge of violations of marriage laws.

Of course, the identified forensic and investigative materials do not provide data on all the crimes committed in Moscow from 1730 to 1750. Not all incidents reached the court: some of the victims considered it too costly to conduct a trial, some conflicts were probably resolved without going to court (this can be judged from the speeches of the participants in the cases). In addition, since the serfs were considered the property of the landlords, the latter had the right to punish the guilty peasants on their own, without turning to the state. For the historian, this, among other things, expands the "blind zone" – the unknown number of cases that did not reach the court, and forces once again to stipulate that the cases preserved in the archive and that have come down to us represent only a part, probably a small one, of all those conflict cases.

## **Methodology**

The main principle of work is “movement from the source”, which implies, on the one hand, the *ante factum* rejection of certain theoretical frameworks, and on the other hand, the impossibility to initially outline the range of issues and topics on the basis of which the study will be built. This implies that before a direct analysis of the sources it was impossible to determine which of the questions raised in historiography could be answered.

As mentioned above, the specificity of forensic materials as a historical source imposes some limitations on the study: the information extracted from them cannot be perceived even as a subjective vision of this reality by a participant in the case. We are not dealing with a self-constructed narrative under investigation, but with answers to specific questions, that is, only the information that the court

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<sup>17</sup> Eugeny Akelev, “Sysknoj prikaz (1730-1763 gg.) – centralnyj organ ugovolnoj yusticii Rossijskoj imperii”, in *Problemy preduprezhdeniya i borby s prestupleniyami i inymi pravonarusheniyami: materialy Vserossijskoj nauchno-prakticheskoj konferenci*, ed. Nikolai Yu. Lebedev (Novosibirsk: Novosibirskij gosudarstvennyj universitet ekonomiki i upravleniya «NINH», 2012), 50.

was interested in reaches us. As noted by A.S. Lavrov, “the interrogation ... proceeded as a deliberately unequal communication, during which the interrogated person was imposed not only a chronology alien to him, but also assessments, terms, even a system of categories alien to him ...”<sup>18</sup>. However, the testimonies of the participants in the cases, although they do not contain direct speech, still allow for the identification of elements of defensive and accusatory strategies, gendered or gender-neutral.

The phrase "female crime" in itself is a concept that problematizes the study, since it is opposed to "male crime". It implies the assertion that gender affects the way, causes and motives for committing crimes, the level and trends in the development of crime. This dissertation intends to use a comparative method to test this statement and find out whether gender is indeed a significant variable. We will compare, first of all, data on male criminals and female criminals. The second possible variant of applying the comparative method is associated with a comparison of the results obtained on female crime in Russia with the data of foreign studies.

Some cases in one way or another (the essence of the case, the identity of the plaintiff or defendant, the specifics of the case, etc.) are noticeably out of the “big picture” and, being unique, need separate coverage and analysis. Therefore, in some cases, we resort to the case-study method.

## **Chronological framework**

Modern time is an important stage in the study of crime in general, and women in particular. Changing the very nature of crime<sup>19</sup>, attitudes towards this phenomenon and methods of punishing offenders, the perception of physicality and physical pain, the formation of a new value system, as well as the emergence of

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<sup>18</sup> Alexander Lavrov, *Koldovstvo i religiya v Rossii. 1700-1740 gg.* (Moscow: Drevnextranilishhe, 2000), 29.

<sup>19</sup> British historian Clive Emsley, in particular, noted that with the development of the economy and the transition to capitalism, new types of crimes appeared, for example, bank scams, which were much more difficult to investigate than petty thefts (Clive Emsley, *Crime and Society in England 1750-1900* (Harlow, England; New York: Longman/Pearson, 2005), 298). And Gregory Durston mentions a significant decrease in the murder rate in Europe, starting from the end of the Middle Ages and up to the middle of the XX century (Durston, *Victims and Viragos*, 60).

new institutions - professional police, detective agencies, prosecutors<sup>20</sup>, etc. – all these are features thanks to which we can talk about modernity.

As for Russia, both at the beginning and at the end of the 18<sup>th</sup> century, the country was undergoing serious transformations that concerned both the structure of society and the judicial system. The 18<sup>th</sup> century in the history of Russia is a period of reforms, a qualitative change in almost all aspects of society. Of course, the transformations could not but affect the life of its female half, purposefully or as a side effect.

In addition, as historical studies show, war inevitably affects the dynamics and trends of crime within the country conducting it. And since in the 18<sup>th</sup> century Russia fought numerous wars, mostly outside the country and with an army organised on different principles compared to the previous period, it will be interesting to find out whether the military situation was reflected in crime rates.

The choice of 20 years as the chronological framework of the dissertation – from 1730 to 1750 – is due to several factors. Firstly, in 1730, the Investigative Chancellery, the materials of which formed the basis of this study, was established. The creation of this body was an important step in streamlining legal proceedings in Moscow: if before that the judicial power over Muscovites was scattered among different institutions and constantly passed from one to another, then from 1730 until the liquidation of the Investigative Chancellery in 1763, all criminal cases in Moscow were considered only in it. Secondly, the chosen two decades represent the reign of two Russian empresses – Anna Ioannovna (1730–1740) and Elizaveta Petrovna (1741–1761), whose domestic policy, "style" of government and image in historiography, if not polarized, then in any way present a significant contrast. It seems to us that a direct study of law enforcement practice will make it possible to draw more balanced and reasonable conclusions on this issue.

**The geographical scope** of the dissertation is determined by the nature of the sources. In this study, we will only talk about the territory under the jurisdiction

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<sup>20</sup> Eugeny Akelev, "Syshhik iz vorov" Vanka Kain: anatomiya "gibrida," *Ab Imperio*, no. 3 (2018): 257-304.

of the Investigative Chancellery, i.e. about Moscow and the Moscow province. At the same time, as mentioned above, the inclusion of the case in the Investigative Order was determined by the territory of the crime, and not by the place of permanent residence of the offender.

### **Theoretical and practical significance of the work**

The theoretical significance of the study is due to the fact that it demonstrates the possibilities and limitations of the study of female crime in modern Russia.

For practical purposes, the provisions of this dissertation can be used in the working out of training courses on social and gender history, as well as on the history of Russia in modern times.

### **Provisions for defense**

1. The most common among women were demolition runs, theft and trafficking in stolen goods – non-violent and clandestine crimes. Violence was not at all alien to women, but it manifested itself differently than men: women rarely entered into direct confrontation, preferred to wait for the right moment and take revenge on the offender without giving themselves away – by attacking at night or from behind, setting fire to his house or causing damage to him.

2. Unlike European women, Russians did not participate in political actions, even if it concerned their vital interests, did not act as instigators of spontaneous popular uprisings and inciters of discontent in the crowd, did not resist the authorities. In addition, women in eighteenth-century Russia had no access to public service, and therefore the sphere of career criminality was inaccessible to them, unlike men.

3. The opinion existing in historiography that female crime is often only a derivative of men's, and women criminals mainly help and obey men, is not confirmed by our primary sources. Russian women most often committed crimes alone or teamed up with other women. The cooperation of criminals of different

sexes was typical for complex, multi-way economic scams and for crimes committed by members of the same family.

4. Need was an important, but far from the only motive for women committing crimes. In addition to him, unsatisfactory living conditions, for example, captivity or beatings, often pushed to delinquency; the desire to improve relations with specific people – masters, husbands, lovers – or get rid of them; strong emotions – resentment, anger, hatred, love, passion, shame; fear of social and family condemnation; opportunity to commit crimes with impunity. In addition, sometimes women committed crimes because they proceeded from their own ideas of justice and did not know about the discrepancies between these ideas and the law or did not pay attention to it.

5. The space of a big city with its inherent anonymity, the mobility of part of the population, the absence of such strict social control as in a village or a small town, in itself acted as an important factor in crime. The motley and constantly changing social composition of Moscow, high industrial and commercial turnover for the period under review, many job opportunities and low demands from employers and landlords – all this contributed to the influx into the city of various segments of the population, including criminals and outcasts.

6. Biographical data, which are part of the interrogations, allow not only to find out the personal characteristics of the criminals, but also to make significant adjustments to the understanding of the social structure and structure of society in the post-Petrine period. Most often among the criminals there are peasant women and soldier women, while peasant women were most often accused of running away from their owners, and soldier women of property crimes, which correlates with their unstable financial and social situation. The presence or absence of spouses had practically no effect on the criminal behavior of women. However, the official social and marital status of criminals was not always clearly correlated with the real conditions of their lives. Affective motives for committing crimes and indications of conspiracy were typical for the most part for young girls and

adolescent girls, while older women were more often accused of selling stolen goods, integrated into their daily work routine.

7. Russian judicial practice at the time under review was indifferent to the gender of the accused, all subjects were equally considered subjects of law and could act in court in different roles. Women were not made easy, they were tortured and punished on an equal basis with men, at the same time they were not denied agency. The prejudice against women that existed in the official and religious discourse did not manifest itself during the trial, the word of a man and a woman had the same power. This is an important difference with the European courts, where principles were in force, on the one hand, allowing a woman to escape punishment and removing her responsibility, and on the other hand, detracting from her legal capacity and emphasizing her reduced position.

8. With the accession to the throne of Elizabeth Petrovna, some changes have been outlined in the Russian judicial and investigative system. Firstly, the fight against crime was intensified, the Investigative Chancellery began to process several times more cases per year. Secondly, the question arose about the effectiveness of torture as a means of interrogation, which led to the actual reducing its use. Thirdly, serf owners often began to withdraw their complaints against serfs immediately after the stage of initial inquiry, refusing them to be tortured and punished with a whip. Fourthly, the death sentences were not carried out, but were replaced by life exile.

The work was accomplished at the Doctoral School of History, Faculty of Humanities, National Research University Higher School of Economics. Academic supervisor: A. Kamenskii, Doctor of Science, professor.

### **Degree of reliability and approbation of results**

The reliability of the research is ensured by a wide range of sources introduced into circulation, as well as by the methodology of work with them.

Some provisions of this dissertation research were presented at 5 conferences, including 4 international ones:

1) X International Conference of the Group for the Study of XVIII Century Russia (2018, Strasbourg). The report: "Everyday life of women in the reign of Peter the Great".

2) Annual Conference of the International Association of Humanities (2018, Lviv). Report: "Women in a court: strategies of behaviour".

3) Conference of the Institute of General History of the Russian Academy of Sciences "Representation of Social Groups: Institutions, Texts, Images and Behavioural Strategies of the Middle Ages and Early Modern Era" (2019, Moscow). Report: "Social portrait of the Russian criminal of the 18<sup>th</sup> century".

4) International Postgraduate School on Gender History (2021, Naples). Report: "Female Criminality in Russia in the 1730s".

5) Online Conference on Interdisciplinary Gender Studies "Problems, Facts and Approaches" (2021, Istanbul). Paper: "Female Criminality in Russia in the 1730s".

Papers on the topic of the thesis were also presented at scholar seminars of the Centre for the History of Russia in Modern Times of the National Research University Higher School of Economics.

### **Structure and summary of the study**

The dissertation consists of an introduction, three chapters, a conclusion, a list of illustrations, graphs and tables, a list of abbreviation, a list of sources and references.

**In the first chapter** "Crimes: criminological characteristics" the most common types of crimes among women are named, the causes and methods of committing these crimes by women are identified, and the specifics of women's criminal behavior are determined. It also seemed important to us to consider why women did not commit crimes that were committed by men in Russia at the time in question or women in Europe of the Modern Age. In addition, this chapter analyzes the criminal collaborations of women, in what cases and under what circumstances they preferred to commit crimes together with other women or with men.

Among the most common crimes among women were non-violent and profit-seeking - theft, trafficking in stolen goods. Demolition running - the most common crime - nevertheless, can hardly be classified as economic, although it involves the theft of someone else's property. A smaller part were affective crimes – murders, fornication, magic. Women's participation in violent crime was negligible. Female violence usually manifested itself covertly, without direct confrontation, and was not the result of an outburst of rage, but of long-lasting tension and numerous grievances. Various kinds of service crimes - theft, bribes, mistakes and violations, also remained the sphere of male crime, due to the inaccessibility of public service for women. Any form of political activity characteristic of European women was completely atypical for Russian women, as well as for men, with the exception of large-scale but rare riots.

Basically, women preferred to “work” alone, and if they cooperated, then for the most part with other women. Criminal collaborations with men usually arose either within the family or in complex scams, such as fake sales of recruits.

The cause of many women's crimes was need, but it was far from the only motive: often illegal acts were the result of negative emotions – anger, envy, jealousy, shame, or a way to solve problems in relations with other people – landlords, neighbors, husbands, lovers and etc. In addition, crime was sometimes viewed as a forced step, as the lesser of evils, as the only way to save: we are talking primarily about the escape of serfs from their masters or wives from their husbands, provoked by cruel treatment. Apparently, some crimes were the result of a discrepancy between the norms of legislation and ideas of justice inherent in a particular person or common among the people: sometimes free women, having married a serf, continued to claim freedom and refused to understand that their status had changed and they acquired new obligations. Finally, one cannot ignore such a reason for many crimes as the possibility of committing them. People, even without being in severe need, often could not resist the temptation to take what was "badly lying."



**In the second chapter** "Criminals: Social Characteristics" the social portrait of a criminal of the middle of the 18<sup>th</sup> century is reconstructed, women of what age, social and marital status are most often involved in criminal activity, the reasons for such correlations are established, and the importance of urban space for female crime is determined.

Judicial-investigative cases provide information about crimes first of all, and only secondly about the identity of the perpetrators. Nevertheless, they perfectly demonstrate how differently the fates of people could have developed, what factors influenced this, what strategies for survival and interaction with the state were chosen by people, and in particular, women, how state institutions were refracted in everyday life and how strong were boundaries separating social groups.

The situation in Moscow is not at all typical for a Russian city of that time. Due to many factors, including the administrative and industrial significance of Moscow, special relations have developed in the urban community, characterized primarily by anonymity, inconstancy and the absence of strict social control. Because of its wide employment opportunities, Moscow was a center of attraction for women of a certain age, a certain social class, and even a certain marital status. This must be taken into account, and this makes our conclusions hardly applicable to other regions.

Based on the numerical values of our sample, we can assume that the average Moscow criminal in the middle of the 18<sup>th</sup> century was a married peasant woman aged 18 to 40 years. In fact, the reality, of course, is much more complicated: within the peasantry there were several groups that differed in their official and actual status, the fact of marriage did not always mean that a woman lives with her husband and can rely on him, including materially. Despite the fact that about half of all criminals from the database we collected were peasant women, this does not mean that peasant women were the most criminal group in society, because their representation in the database is not proportional to their representation among the population of Russia at that time. This means that the proportion is also broken among women from other social groups. We have no data

on what percentage of the population were soldiers' wives, but anyway they hardly made up a fifth of the female population. Therefore, most likely it was they who were most involved in criminal activity.

All these reservations do not allow us to draw unambiguous conclusions about the social portrait of the Russian female criminal of the 18<sup>th</sup> century. However, some trends can still be traced. Thus, teenage girls and very young girls demonstrated higher conformity, were more susceptible to the negative influence of older women, or chose appropriate tactics of behavior in court. In addition, young girls were more prone to affective behavior and violence. Older women were mostly involved in the trafficking of stolen goods, a form of profit-seeking crime that did not require skill and risk, but required relevant experience and connections. Marriage status basically had no effect on women's criminal behavior; even women who lived with their husbands and did not feel much need committed crimes quite often. Nevertheless, the offenses of single women, moreover, who were not native Muscovites – soldiers' wives and peasant women, in most cases were of an economic nature and were aimed at maintaining their own existence. Bigamy or extramarital cohabitation for such women could also be a way to gain material stability in the first place.

**The third chapter** "Investigation and Sentence" analyzes the behavior of women in court, their tactics and strategies for defense and justification. It was defined what the attitude of the Russian court and, more broadly, the state towards female criminals in the 18<sup>th</sup> century was. The main stages of the investigation, possible and most common sentences were considered, the severity of torture and punishment for women and men was compared. In this chapter, among other things, the issue of the specifics of the legal culture and the level of development of the judicial system in Russia in modern times was raised.

The Russian judicial-investigative process of the early modern period is assigned different and sometimes diametrically opposed characteristics in historiography, but perhaps the most unexpected of them is the confession of the

principle of gender equality before the law<sup>21</sup>. Russian legislation did not make concessions to women either with regard to torture or punishment, but it also was not inclined to treat women more severely, to consider them a priori guilty, “unreliable, ignorant, windy and dissolute”<sup>22</sup>, in contrast to, for example, German law of the early modern period.

N. Kollmann writes that “neither ethnicity, nor gender, nor social affiliation were an obstacle to testifying. Women, serfs, slaves, representatives of non-Russian peoples – all of them could testify”<sup>23</sup>. In fact, as can be seen from our cases, the range of possibilities was not limited to giving evidence. Leaving aside the question of the national and social affiliation of the participants in the trials, let us say that, despite the generally subordinate position of women in Russian society of the 18<sup>th</sup> century, the female word in court nevertheless meant exactly the same as the male word. It seems that the court and the law of this time were absolutely indifferent to gender - neither the difference in the position of men and women, nor the difference in the structure of organisms was taken into account. Thus, women were not discriminated against in any way, in whatever way it was expressed: both in the equal importance of male and female testimony, and in the same number of blows with a whip. As V. Kivelson<sup>24</sup> and E. Wirtschafter<sup>25</sup> noted, in Russia throughout history gender factors have played a fundamentally different role than in Europe, and gender has not always been a defining category.

With such a completely modern leveling approach to the participants in the trial, on the whole, the Russian judicial system of the 18<sup>th</sup> century remained backward and archaic, and until the reforms of Catherine II acted according to the principles that had been developed in previous centuries. While in England judges

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<sup>21</sup> Note that we are talking about law enforcement practice. We do not insist that this principle extended to other spheres of society and the state, including legislation in which there was (and in some regions was applied in the 1730s) an article on the brutal execution of murderers - burying alive in the ground. While the punishment for the murder of his wife was not specifically stipulated in the Cathedral Code – the death penalty was assumed for him in the usual way, but only if the presence of intent was proved.

<sup>22</sup> Rublack, *The Crimes of Women in Early Modern Germany*, 31.

<sup>23</sup> Nancy Kollmann, *Crime and Punishment in Early Modern Russia* (Cambridge: Cambridge University Press, 2012), 171.

<sup>24</sup> Valerie Kivelson, *Desperate Magic. The Moral Economy of Witchcraft in Seventeenth-Century Russia* (Ithaca; London: Cornell University Press, 2013), chap. 4.

<sup>25</sup> Elis Wirtschafter, *Social Identity in Imperial Russia* (DeKalb: Northern Illinois University Press, 1997), chap. 1.

already in the 18<sup>th</sup> century were often instinctively guided by the principle of a person's innocence with no evidence of guilt<sup>26</sup>, in Russia, on the contrary, the presumption of guilt was in effect, and it was not the plaintiff who had to prove the fact of a crime, but the accused his innocence.

In addition, the existence of serfdom actually removed from a third to a half of the country's population from legal framework. Since the serfs were considered the property of the landlords, the latter had the right to punish the guilty peasants on their own, without turning to the state. This does not mean that the nobles did not bring their serfs to the judiciary, on the contrary, the study of archival files proves that the nobles willingly resorted to the help of the state if they saw it as a benefit. But this means that, unlike the countries of Europe, in Russia a significant part of the population could not count on a guaranteed trial and sentence in accordance with the norms of the law.

There was no rational and clearly built system of argumentation in Russian petitions and "interrogative speeches". The judges were not interested in the persuasiveness of the testimonies of the participants in the trial, their behavior in court, emotions, gestures, etc.; it was only important whether the accused confessed to the crime or not, whether the witness confirmed the position of the plaintiff or the accused or not. Expert opinion was almost never requested in the Investigative Chancellery. The only exceptions were: cases of alleged suicide, when the doctor examined the body and made a conclusion about the nature of death - violent or non-violent; cases when the accused declared pregnancy and the headman of the women's prison examined her and reported the results; cases when the executioner examined the accused and decided whether he could withstand torture or not.

The existence of torture as a method of inquiry and its widespread, virtually unlimited use hindered the development of the Russian judicial system, limited the development of other, more effective and high-quality investigative methods, including those based on the achievements of science.

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<sup>26</sup> Durston, *Victims and Viragos*, 109.

As a rule, no evidence and no physical evidence appeared in the course of the case, with the exception of cases of theft and robbery. There were no professional lawyers in Russia in the 18<sup>th</sup> century, judges, often former military men or people combining judicial power with administrative power, did not try to comprehend their activities in terms of humanity, rationality, efficiency, they did not talk about the merits and shortcomings of the existing system of justice, they did not have the idea that the existing legislation was outdated and no longer corresponded to the level of development of society. The value of human life was rather low, and therefore the principle that, when the judges were in doubt, it was better to acquit the guilty than to convict the innocent could not arise in these circumstances.

The dissertation concludes that the use of the term "female criminality" is quite legitimate, since the corresponding social phenomenon existed in Russia in the 18th century.

The specificity of female criminality lies not only in lower quantitative indicators and not only in the fact that women committed crimes that men did not commit, and vice versa. Despite the fact that in the introduction we indicated our rejection of such terms as "patriarchy", "oppression" and "lawlessness", it cannot be denied that the life of the female part of Russian society at the time under consideration was subject to more restrictions than the life of the male part. Historians have shown that many legislative, financial and even social restrictions were sometimes ignored by women, and sometimes turned in their favor. With regard to female criminality, it was not even social prejudices or physiological characteristics that played a paramount role here, but rather mental attitudes, in particular with regard to gender. Women did not sort things out with the help of fights, not because they were certainly physically weaker than men. Women preferred not to fight, because such behavior was beyond the acceptable, tolerant in society. But the inevitable feelings of anger, rage nevertheless needed to be given some kind of outlet. And the women gave: they scolded, quarreled, hid and acted on the sly. Resentment, not having received an instant outburst, matured and

resulted in excesses destructive for the entire community, as was the case with arson.

In crime, as in other areas of life, women mostly occupied the niche that was acceptable to them from the point of view of society. They fled from their owners, stole, traded in stolen goods, that is, they acted mostly secretly, covertly, without entering into direct confrontation with anyone. Economic crimes also account for the largest share in male crime, but if the motive – greed – was characteristic of both sexes, then the methods of its implementation were different - men often used violence, committed robberies.

Although some groups of the female population, mostly marginalized, showed high mobility, in general, women still had fewer reasons to go far from home in their daily lives. The same cannot be said about men who, both in Russia and in Europe at the time under review, moved much more for various reasons, but primarily in search of work. This automatically expanded the range of potentially criminogenic situations due to, firstly, more relationships they entered into, more opportunities for breaking the law, and secondly, more frequent encounters with strangers and liberation from the moral norms operating within their community and disciplining them.

Against the background of the general backwardness of the judicial system, its indifference to the sex of the criminal seems paradoxical. If gender differences can be traced in the specific structure of crime and the motivational complex of criminals, then before the Russian court of the 18<sup>th</sup> century, men and women were equal. The judges showed no particular disapproval of women who violated legal and social norms, did not burst into moralistic maxims, and generally did not seem to take into account the gender of the criminal who appeared before them. Women were not judged more severely, but they were also not given any indulgence. This is a striking difference from the situation in Europe. There, social expectations could play for or against women: sometimes those who transgressed beyond the boundaries of what was acceptable for their gender were punished more harshly than men, and sometimes, conversely, courts undeservedly denied them agency,

doubting women's ability to commit serious crimes or holding their husbands fully responsible. Thus, the thesis of V. Kivelson that gender in the Russian society of the early modern and modern times was not of paramount importance, but came after social status and seniority in importance<sup>27</sup>, turns out to be applicable not only to cases of witchcraft, but also to the entire judicial system. The data on law enforcement practice obtained as a result of this study clarify our understanding of the gender order in modern Russia.

As has been repeatedly mentioned above, the situation with crime in Moscow in the 1730s-1740s was almost unique. Both in St. Petersburg and in smaller cities there was a different age, social, national composition of the population, judicial institutions working somewhat differently, and there were other conditions and opportunities for committing crimes. In this regard, further prospects for working on the topic are related to the study of the archival collections of local institutions and the comparison of the characteristics of female crime in the capital and in the regions. In addition, the expansion of the chronological framework will make it possible to understand how female crime changed in the second half of the 18<sup>th</sup> century, and in particular, what vector of development was given to it by the reforms of Catherine II.

**List of author's main publications in the journals included in the list of high-level journals, recommended by HSE, as well as indexed by Scopus:**

1. Vidnichuk, Anastasiya O. "Shtrikhi k sotsial'nomu portretu russkoi prestupnitsy 30-kh gg. XVIII v." [Strokes to the Social Portrait of the Russian Female Criminal of the 1730s.] *Electronic scientific and educational journal "History"* 11, no. 6(92) (2020), <https://history.jes.su/s207987840010612-2-1/>

2. Vidnichuk, Anastasiya O. "Zhenskaia prestupnost' v Rossii v 1730-e gody po materialam Sysknogo prikaza." [Female Criminality in Russia in the 1730s Based on the Materials of the Investigative Chancellery] *New past*, no. 3 (2021): 122–137.

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<sup>27</sup> Kivelson, *Desperate Magic*, chap. 4.

3. Vidnichuk, Anastasiya O. “Zhenskaia prestupnost' v Rossii XVIII veka: postanovka problem.” [Female Criminality in Russia of the 18<sup>th</sup> Century: Problem Setting] *Modern and recent history* 67, no. 2 (2023): 5–20.

**In other editions:**

1. Vidnichuk, Anastasiya O. “Zhenskii krug obshcheniia i dosug v pervoi treti XVIII veka po sudebno-sledstvennym dokumentam.” [Women's Social Circle and Leisure in the First Third of the 18<sup>th</sup> Century According to Forensic Documents] *Bulletin of the Tambov University. Series: Humanities* 27, no. 2 (2022): 479–490.

2. Vidnichuk, Anastasiya O. “Zhenskoe «beschest'e» v pervoi treti XVIII v. po sudebno-sledstvennym dokumentam.” [Women's "Disgrace" in the First Third of the 18<sup>th</sup> Century According to Forensic Documents] In: *Stylos: a collection of works by young scientists, Vol. 2, edited by Radmila Ajrijan, 66-75*. Rostov-na-Donu; Taganrog: Publishing House of the Southern Federal University, 2017.

3. Vidnichuk, Anastasiya O. “Sposoby zarabotka zhenshchin nizshikh soslovii v pervoi treti XVIII veka.” [Ways of Earning of Women of the Lower Classes in the First Third of the 18<sup>th</sup> Century] In *Symposium Alumni. Topical issues of social and humanitarian disciplines: materials of the VI open scientific and practical conference "Symposium Alumni", edited by Vladislav Shabalin, Olga Erakhtina, 64–72*. Perm: Editorial and Publishing Department of the National Research University Higher School of Economics-Perm, 2017.