



## Summary

### **The Effect of The Physiological Changes Related to The Woman on Her Criminal Responsibility**

While crimes committed by males and specifying the factors affecting male criminal behavior have so far gained a considerable amount of study and research , The subject of women and crime and causes of the criminal behaviour of women and their criminal Responsibility arising from this behaviour has at the same time remained far from thorough study and research and has not gained a sufficient amount of attention from researchers whether in the field of criminology or in the criminal law . Consequently , The image a society has had of the criminal is that he is a male who has broken the law .

Researchers have certainly made an excellent job of their attempt to specify and limit the factors that affect the mental powers , or the diseases that the human body might have or the physiological , psychological or organic changes that might affect the mental powers of human beings ; Yet these researchers have not gone so far as to distinguish between the two sexes concerning the limitation of these factors and reasons , and concentration has only been focused on the male criminal while women's criminal behaviour has remained outside the range of study and research .

Therefore , without knowing the reasons that lead women to commit crimes , we would be unable to assess rightly her criminal responsibility and prescribe precisely the treatment of the reasons that

cause the woman to turn to crime . All that would in turn prohibit us from giving justice .

Since a woman is liable to changes in the functions of the endocrine at the time of menstruation , pregnancy and postpartum , changes which are characteristic of a women not a men and affect her mental ability , so this necessitates dealing with these changes independently and knowing the extent of their effect on a woman's criminal responsibility for a woman is endowed with a special physiological and physical nature which makes her quite distinct from the man .

The subject of our study focuses on the organic and physiological changes of a woman's body which are characteristic of women and may affect their mental powers and consequently their criminal responsibility .

Owing to the fact that there is no accurate and comprehensive domain in the criminal studies that contains all these changes and covers all aspects of the subject , we are obliged to persevere in our attempt for the aim of reaching a topic that can be as comprehensive and detailed as possible , that can avoid mixing it with other physiological changes and that can be clear enough to push away all doubts . The result of all this is that we have chosen this topic that entitles our research .

The importance of this research lies in the fact that it concentrates on a subject that has for long remained distant from the fields of study and shrouded in mystery whether judicially , legally or legislatively .

Our research sends a message to the criminal judiciary in general and in Iraq in particular to take into account the state of a woman when assessing her criminal responsibility .

It is This importance that has motivated us to choose this topic as a subject of our research in addition to its newness compared to other legal fields , the relatively small number of countries whose criminal judiciary recognizes it , The lack of studies and researches that have dealt with it , and the tendency of the criminal jurisprudence not to go deep into it . All this has led to the emergence of a number of difficulties during the process of the research some of them are the lack of the legal works and sources that deal with it also the judicial decisions which have been issued against it . Such difficulties occur considerably in our society in particular as it is a conservative society that does not favour conducting a census of women who commit crimes due to menstruation , pregnancy and postpartum , A matter that makes us suffer greatly when extracting the fact of the impact of these woman's physiological changes .

As for the methodology of the research , We have relied on a compound , multisided methodology in which we have adopted the analytic ideology which is built on analysing the legislative texts and discussing them and pointing out how appropriate they are in their current from with the innovations our research topic has come up with this is also the case with jurisprudent views . We have also tried to enrich our research by resorting to the applied ideology which basically aims at reinforcing the legislative and jurisprudent attitudes with judicial decisions despite the scarcity of the latter .

As the body of our research centers upon the physiological changes related to the woman's body , Changes which are characteristic of a woman and which affect her criminal responsibility , So the research excludes other physiological changes in a woman' body , Changes that may be found in both sexes like " menopause " which is known to both men and women but the way in which it occurs differs between the two



sexes ; men show no apparent external sign such as the stopping of menstruation that indicates this transitional stage in them .

The skeleton of the research is shown by the plan we have adopted which is divided into three chapters , The first chapter deals with the concept of physiological changes related to the woman . This falls into two sections , In the first we talk about the medical significance of these changes while the second is about the legal significance , In the second chapter we discuss the attitude of legislations , jurisprudence and the judiciary towards these physiological changes , It also falls into two sections ; The first is assigned to the attitude of legislations and the second is allocated to the attitude of jurisprudence and criminal judiciary toward these physiological changes .

The third chapter deals with the question of validating the physiological changes in a woman and their effect on the legal qualification whether what is related to the accused woman herself or to her criminal act and this is in two sections .