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1 Introduction: Women and Crime in History

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Introduction

Research on gender and crime has never been as dynamic and innovative as it is today. There are indeed good reasons for historians and criminologists to pay attention to gender in their examinations of crime. First, the inclusion of gender as a category of analysis of crime has sharpened our understanding of men's and women's criminality in various ways: the motivations behind criminal action, the organisation of crime, the prosecution of offenders and, finally, the representation of crime. Secondly, criminal behaviour is strongly influenced by the socio-economic circumstances in which men and women live(d) and gender expectations. Such gender expectations resulted in a general bias towards women and crime; women were deemed less likely to commit crime or were believed to only commit 'typically female' crimes, such as moral offences, witchcraft and infanticide. These biases caused gendered prosecution patterns in the past, as well as incorrect assumptions by those studying crime in the modern era.

As contemporary views on criminality were gendered, early research by historians and criminologists initially followed a similar path. When scholars eventually turned towards the subject of criminality in relation to women, they often relayed the dominant views on women's victimisation, passivity and innocence.¹ Certain academic publications in criminology still claim that we are currently experiencing 'seismic historical changes' with regard to female crime rates.² Accepting women as potential criminals, researching the role of gender as an influence in criminal behaviour and not hesitating to highlight the limitations of this category of analysis are necessary steps in history and criminology to understand women's criminality.

¹ Wiener, 'Sex Roles and Crime', 54–5; Klock, *Wie hij zij, man of vrouw*, 156; Spierenburg, 'How Violent Were Women?' 11; Sandberg, 'Generous Amazons Came to the Breach', 654.

² Carrington and Death, 'Feminist Criminologies', 99.

Early studies on the criminality of women were often based on quantitative data. For a long time, historians and criminologists assumed that gender differences in recorded crime were static over time and that women were in general less likely to commit crimes than men. Much of the early research on crime history has negated women's roles as criminals. Women were first mentioned by Beattie in the 1970s, which continues to remain an influential work,³ but the topic of criminal women was not usually at the core of the research in crime history or in criminology, because women were considered unlikely to commit as many crimes as men.⁴ Many studies concluded that women's crimes were either non-substantial (due to the lower rates of criminality) or that they were gender-specific, such as prostitution or infanticide, and therefore deserved a different analytical framework than male crimes. The fact that men commit more crimes than women has even been called 'one of the few undisputed "facts" of criminology'.⁵

The rise of feminist criminology and women's history in the 1970s led to the questioning of these assumptions.⁶ Several studies on women and crime in England, France and Holland showed that the proportion of women in crime was considerably higher before c. 1900, sometimes even as high as 50 per cent. In addition, examinations also revealed significant differences between rural and urban areas: female crime rates were much higher in cities. The evidence of higher proportions of female crime in the past has prompted historians to reconsider stereotypical views about women's contributions to crime.⁷

Before the real breakthrough of gender as a category of analysis in history in the 1990s, some attention was given to the gendering of crimes. In several English and Dutch studies, female crime/criminals were characterised as passive, dependent, timid, assisting, less direct, less open and less confrontational with a victim.⁸ A similar view was held by criminologists in the second half of the twentieth century.⁹ Women were also recognised as vulnerable and

³ Beattie, 'The Criminality of Women', 80–116.

⁴ Schmidt and Pluskota, 'Gevaarlijke vrouwen, gewelddadige mannen?' 60–77.

⁵ Lauritsen, Heimer and Lynch, 'Trends in the Gender Gap in Violent Offending', 362.

⁶ Adler and Adler, *Sisters in Crime*; Simon, *Women and Crime*.

⁷ Beattie, 'The Criminality of Women', 80–116; Castan, *Les criminels de Languedoc*; van der Heijden, *Women and Crime*.

⁸ Wiener, 'Sex Roles and Crime', 54–5; Kloek, *Wie hij zij, man of vrouw*, 156; Spierenburg, 'How Violent Were Women?' 11; Sandberg, 'Generous Amazons Came to the Breach', 654.

⁹ Heidensohn and Silvestri, 'Sex, Gender, and Crime', 336.

often cast in the role of the victim, as the victimisation discourse was deeply embedded in early feminist criminology.¹⁰

The past twenty years have, however, shed new light on the role of women in crime over the centuries: in the influential volume *Gender and Crime in Modern Europe*, published in 1999, the editors Margareth Arnot and Cornelie Usborne explicitly engaged with the concept of gender in crime history and led the way for further studies.¹¹ The volume summarised the past historiography based on women's history and provided new insightful routes towards research on the history of crime and gender. They combined studies on various European countries and attempted to go beyond the nation-states' boundaries, while trying to replace male and female criminality in the broader frame of social control and changes in prosecution policies. The volume also showed that criminal activities and judicial responses cannot be understood without looking at gender relations and how constructions of masculinity and femininity were influenced by criminal and judicial discourses, and *vice versa*. Their pioneering work encouraged the re-evaluation of crime history through a new lens and led to the discovery of new gendered differences, such as judicial leniency towards women, qualitative differences in expectations towards young boys and girls, use of courts by women and the – sometimes hidden – allegoric representations of crisis, honour or innocence in male and female criminals.

In the last two decades, scholars have made great steps in our knowledge (both quantitatively and qualitatively) of female criminality in the past. Recent studies, often made possible thanks to the creation of large databases, have given us insight into the variations of the share of women in crime rates over time. There are three important conclusions to be drawn from such studies. First, although large variations over time and space can be noticed, the proportion of female crime in many cities remained rather high until the end of the eighteenth century.¹² Second, there are many more similarities between the types of crimes committed by men and women and the ways they were treated by the criminal justice system than previously assumed.¹³ Third, gender ideologies and practices were certainly interrelated, but that does not mean

¹⁰ Sandberg, 'Generous Amazons Came to the Breach', 654; Carrington, Kerry and Death, 'Feminist Criminologies', 105–6.

¹¹ Arnot and Usborne, *Gender and Crime*.

¹² See for instance: King, 'Gender, Crime and Justice', 66–7; Godfrey, Karstedt and Farrall, 'Explaining Gendered Sentencing Patterns', 696–720; van der Heijden, *Women and Crime*.

¹³ Walker, *Crime, Gender and Social Order*, 270; Dean, 'Theft and Gender', 412; van der Heijden, *Women and Crime*, 63–9.

that women's criminal patterns in everyday life always reflected gender norms. As Garthine Walker's thorough analyses on crime, gender and social order in early modern England has shown, women's lives did not neatly fit patriarchal values.

Throughout both the early modern and modern periods, norms and practices were interrelated but were by no means one and the same. After all, women's crimes were highly dependent on the specific context in which they lived their lives. This volume intends to shift the attention from the norms in the history of women and crime to the contextualisation of everyday practices of the crimes of women in early modern and modern Europe. We believe that contextualisation is the key to understanding female crime, its representation and its variation in time and space.

Many studies viewed women's criminality from a top-down perspective, first and foremost considering their crimes as an outcome of gender norms that reflected patriarchal relations in pre-modern times and the changing perceptions about the public roles of women and men. The scholarly debate on women's criminality was originally centred on the issue of the private and public roles of men and women, and the way gender ideologies impacted the prosecution of crime as well as the actual crimes committed by men and women. However, as the second chapter explains, there are several difficulties with the explanatory model of public and private spheres. The most important problem results from the rigid dichotomy, which does not take into account discrepancies between gender ideologies and everyday practices of men and women. The focus on norms and ideologies primarily answers the question of why women committed *fewer* crimes than men but fails to explain why women committed crimes in the first place and why there were variations in female criminality across Europe between 1600 and 1914. Crime historians have now recognised that the dichotomy of public and private lives is too narrow and blurry to sufficiently explain female crime, but there has been no successful attempt to replace the concept of separate spheres by a more effective model.

Contextualising women's crimes will help explain *why* women committed crimes and which crimes they committed in specific contexts. Contextualisation also leads us to two underlying forces that have received little attention in the explanation of women's crimes in the past. The first force concerns women's agency in certain circumstances. The concept of 'agency', in itself, is not unproblematic. Using it can easily lead to the disregard of structural and institutional forces that influenced women's behaviour. Agency can furthermore unjustly suggest that poor and vulnerable women possessed power that they did not

have in every sense of the word. The term agency is also often used in the context of resistance to social norms and oppressive power relationships. We prefer the definition that was recently introduced by Anne Montenach and Deborah Simonton: agency is 'a process and mosaic of changing opportunities'.¹⁴ This description takes into account the obstacles women were confronted with as well as the opportunities available to them. Using this definition of agency enables us to scrutinise why women committed crimes and under what circumstances, instead of wondering why they did not commit crimes, or why they did so less frequently than men. Contextualisation furthermore reveals the importance of socio-economic conditions and urban institutions. Crime historians often focus on cultural determinants of crime, but largely ignore the link between socio-economic circumstances and the likelihood of women to commit crimes. The right question may not be why and how women and men engaged in separate spheres, but how specific (cultural *and* socio-economic) contexts offered women 'agency' to lead independent lives.

Looking at the context in which women committed crime also solves problems attached to the separate spheres model, because it enables historians to include both gender norms and everyday practices of men and women. As the chapters in this volume demonstrate, gender expectations led to the gendering of crime by the institutions, law enforcers and newspaper reporting. However, the impact of gender norms on the prosecution of female crime, the actual crimes committed by women and the way their crimes were represented depended on the specific context where such norms were implemented. Protestant norms about women's sexuality in early modern Geneva and Holland led them to having similar laws and legislation and a greater emphasis on adultery committed by women, but the outcomes in these places was different. The maritime context of Dutch cities led to an over-representation of women and high numbers of women committing adultery, but at the same time, judges increasingly took into account that these women were grass widows who had to maintain their family without the support of a husband.¹⁵ Therefore, the actual crimes committed by women and their sentencing were as much influenced by gender norms as by the context in which such norms occurred.

One could argue that crime historians by definition use the historical context to explain the behaviour of their research subjects. However,

¹⁴ Montenach and Simonton, 'Introduction', 5.

¹⁵ A grass widow is a woman whose husband is away often or for a prolonged period. Van der Heijden, *Women and Crime*, 111–27.

more contextualisation is needed to go forward. Contextualisation of crime stimulates historians to include the broad range of social, economic and cultural factors in their analysis. Although crime historians and criminologists generally agree that women's participation in crime in the early modern period was much higher in the urban environment than in rural areas, they rarely consider the specific urban context in their explanations. As the second chapter of this volume argues, no analysis has been carried out to explain which factors were conducive to the leeway experienced by women enabling them to lead public lives and commit crime. An overview of the various factors that can explain variations in women's crimes in Europe between 1600 and 1900 demonstrates the importance of often overlooked elements such as labour participation, family systems, living standards and the presence of and treatment by various urban institutions.

In his work on early modern London, Beattie already suggested the link between socio-economic circumstances and the high levels of female criminality. He concluded that the perceptions of women's behaviour were certainly important, but that the unusually high level of prosecution of women in seventeenth- and eighteenth-century London was contingent on the specific urban context. The pattern of urban immigration resulted in a large number of women living relatively free and independent lives. Most of these women dealt with severe difficulties resulting from unemployment, low wages and insufficient poverty relief. Thus, women's crimes in this period 'arose very largely as a response to the changing conditions under which a large part of the labouring poor lived and worked and to the inequalities under which they laboured'.¹⁶ Olwen Hufton termed such living circumstances as the 'economy of makeshifts'; poverty relief, charity, support of friends and relatives, begging, prostitution and theft were the range of options available to poor single women.¹⁷

Why did crime historians focus so much on the public roles of women, without giving much thought about the social and economic factors that shaped such roles? A partial answer might be that crime historians and criminologists tend to explain crime by looking at cultural factors, such as honour, religion and patriarchal norms, rather than at social and economic aspects. This tendency must be linked to the so-called *cultural turn* in history; from the 1970s onwards, historians increasingly adopted cultural approaches that focused on the analyses of discourses, perceptions,

¹⁶ Beattie, *Policing and Punishment in London*, 71.

¹⁷ Hufton, *The Poor in Eighteenth-Century France*, 259; Tomkins and King, 'Introduction', 12–13.

representations and narratives. While criminologists developed quantitative methods and general explanations of crime (particularly male crime), most crime historians preferred in-depth analyses of case studies that might reveal the meaning of crime. Crime historians working on long-term trends of violence – such as Pieter Spierenburg and Martin Wiener – combined quantitative and qualitative methods to explain violence, but they also focused on cultural explanations.¹⁸ All in all, crime historians have paid little attention to social and economic factors, such as social mobility, economic decline or migration patterns. They made little use of the work of economic historians, urban historians, migration historians and historical demographers, which provide figures and information that might link women's crimes to their position on the labour market, their pattern of migration or the demographic realities that caused them to lead independent lives.

How can crime historians adopt a contextual approach that explains the variations in women's crimes and the representation of their crimes? Besides including important findings of urban and socio-economic historians, the most important instrument may be the examination of sources that reveal top-down, as well as bottom-up processes, in the criminal justice system. Recent works on women's crimes have shown that women may not have been present in the higher courts but were most likely tried by the lower jurisdictions for a variety of reasons (leniency, trivial offences or double-standard in action).¹⁹ The sheer amount of sources from the police courts or petty sessions (or on the contrary, their absence) often prevented historians to look for further data on the presence of women in these courts. The authors in this volume bring to the fore essential findings based on these often under-studied sources. Instead of focusing only on the highest courts, which tried significantly more men than women, the arguments in many of the contributions are based on quantitative and qualitative analysis of sources issued from the lower echelons of the judicial system. The data were collected at the level of the notary, police or first interrogations of the suspect. The cases registered were not always of a criminal or felonious nature; instead, they also could have been tried as petty criminality and, therefore, were much more common than serious crimes.

The contributions follow three main themes in the history of crime: violence and women, prosecution patterns and representations of crime. First, the connection between violence, gender and the urban

¹⁸ Spierenburg, *Violence and Punishment*.

¹⁹ Shoemaker, *Prosecution and Punishment*, 207; King, *Crime and Law*, 219; Jones, *Gender and Petty Crime*.

context is being analysed. The second part of this book focuses on prosecution and punishment. By looking at different legal systems in various parts of Western Europe, the articles in this section show if and how gender in specific contexts had an impact on women's prosecution, punishment and recidivism. The examinations of these articles are based on new types of sources: datasets on census records, convict systems, police records and data from the Digital Panopticon Project.²⁰ The last section of this volume focuses on the gendered representation of crimes, criminals and their victims that arose in the context of rapid urbanisation. The articles in this section belong to a relatively new approach to crime history that focuses on the representation of male and female deviants.

Violence, Space and Gender

Recent work has shown that the incidence, forms of violence committed by women and their motivations need to be reevaluated.²¹ From the 1980s onwards, the scholarship on violence has embraced a quantitative approach. This has drawn historians to examine the higher courts and the homicide and manslaughter cases that can be found among the serious, indictable crimes tried by these courts.²² Regarded by historians as an indicator of the levels of violence in society, scholars followed Ted Gurr's ground-breaking study of long-term homicide rates in seeking to map, compare and explain long-term patterns of interpersonal violence.²³ The fruitfulness of the quantitative method is illustrated by articles such as Eisner's 'Long-Term Historical Trends in Violent Crime'. In his survey of the long-term dynamics of European homicide rates, he brings together data on lethal violence from a patchwork of local historical studies and provides a much-needed integrative and systematic comparison of these local estimates.²⁴ His Europe-wide analysis confirms the notion that homicide rates declined in Europe over the long-term, but there were significant geographical differences with regard to the trajectories towards these low homicide rates.²⁵ The sustained decline began in England and Holland during the sixteenth century, followed soon after by Scandinavia, Germany and Switzerland

²⁰ www.digitalpanopticon.org.

²¹ Heijden, 'Women, Violence and Urban', 72–3.

²² Arnot and Osborne, 'Why Gender and Crime?' 2.

²³ McMahon, Eibach and Roth, 'Making Sense of Violence?' 5.

²⁴ Eisner, 'Long-Term Historical Trends', 83–142; Eisner, 'Modernization, Self-Control and Lethal Violence', 618–38.

²⁵ Eisner, 'Modernization, Self-Control and Lethal Violence', 628–9.

during the first decades after 1600. The homicide rates in Italian cities remained high until the nineteenth century, at which time they then declined steeply.

While the underlying reasons for these diverging patterns remain understudied, a key point of focus in the larger debate is providing an explanation for the broader pattern of long-term decline of homicide.²⁶ Various scholars point to the changing cultural attitudes towards violent activity. Among these scholars, Norbert Elias' theory of civilisation has provided the most influential and controversial interpretative framework.²⁷ Both Robert Muchembled and Pieter Spierenburg have drawn on Elias to assert the relationship between the long-term trend of declining violence and the shift towards an increasing governing of emotions not only through institutional repression of violence, but also from within.²⁸ Others have pointed not to the spread of civilised codes of behaviour, but rather to changes in the perceptions of male honour and the rise of individualism that led to the marginalisation of violence in the lower orders.²⁹ Also credited were the expansion and stabilisation of state structures, their greater capacity for intervention and wider process of social disciplining, new working practices and improvements in schooling.³⁰

Women played hardly any role in this important debate, as they were only responsible for a rather small, stable proportion of homicides during the early modern and modern period in Europe.³¹ The quantitative examination of the higher courts significantly impacted the way women's violence has been viewed. First, due to the low share of women among those prosecuted for serious violence, the discussion on female offenders tends to consist mainly of explanations for their absence. The role of women in violence was above all understood as that of a victim rather than a perpetrator.³² Violence, as some historians have put it, was not a woman's business.³³ Second, women's violence has been viewed as 'imitative' of men's as well as inherently different. In his

²⁶ For a discussion on the difficulties of comparative crime history see the introduction to our Special Issue on Crime and Gender in the *Journal of Social History*, Volume 51, Issue 4, Summer 2018.

²⁷ McMahon, Eibach and Roth, 'Making Sense of Violence?' 5.

²⁸ Muchembled, *A History of Violence*; Spierenburg, *Violence and Punishment*; Spierenburg, 'Violence and the Civilizing Process', 87–105.

²⁹ Shoemaker, 'The Taming of the Duel', 525–45; Eibach, 'Containment of Violence', 52–73.

³⁰ Eisner, 'Modernization, Self-Control and Lethal Violence', 631–3.

³¹ Eisner, 'Long-Term Historical Trends', 110–12.

³² Hufton, 'Women and Violence', 75–95.

³³ Spierenburg, 'How Violent Were Women?' 9–28.

account of homicide and serious assault in early modern Amsterdam, Spierenburg has argued that female violence was an unfamiliar phenomenon in court.³⁴ He speculated that the minority of women who did defy 'cultural stereotypes and religious warnings' in many ways 'imitated male types of aggression', such as cutting opponents with a knife and claiming drunkenness in court, having supposedly learned about the culture of violence through close contact with men.³⁵ Third, following the same line of reasoning that the culture of violence was a male culture, female killers have been characterised as distinctly tied to the domestic setting. By pointing to the gender roles, these works emphasise that women were less likely to commit crimes, particularly serious violent ones, because they had less freedom to engage in public life than men. Women, therefore, most likely murdered their children, domestic servants or husbands. While the idea of a confinement in the domestic sphere has been widely dismissed as an anachronistic projection of ideals,³⁶ the public and private divide remains prevalent in studies of gender and violence. Men are usually seen as being able to navigate between different realms, while women tend to be seen as more likely to commit violence in a household setting.³⁷

Recent studies have demonstrated that the examination of women's violence requires a different approach and a different set of sources. Women's crimes were more likely to be handled by lower criminal courts, or less formal methods of conflict resolution, rather than by the higher courts.³⁸ In the past decades, it has been rightfully pointed out that when we look beyond lethal violence and at the lower levels of the criminal justice system, the gendered differences seem to become much smaller in terms of involvement, severity and setting. Anglo-Saxon scholarship has especially made significant headway in showing that the share of women among violent offenders was much higher than what was previously assumed based on lethal violence alone. For example, in the early modern British town of Portsmouth, women account for no less than 31 per cent of registered violent assaults.³⁹ The rates of

³⁴ Ibid., 21.

³⁵ Ibid., 26.

³⁶ Cohen, 'To Pray, to Work, to Hear, to Speak', 294; Jacobsen Schutte, 'Society and the Sexes', 363.

³⁷ Spierenburg, *A History of Murder*, 114–42; Howard, 'Crime, Communities and Authority', 85–6; Corley, 'On the Threshold', 144.

³⁸ Schwerhoff, *Köln im Kreuzverhör*; Shoemaker, *Prosecution and Punishment*, 292; King, *Crime and the Law*, 202–10; Gray, *Crime, Prosecutions and Social Relations*, 9, 170–1; Dinges, 'The Uses of Justice', 159–75; Williams, 'Counting Crimes or Counting People', 77–94.

³⁹ Warner, Riviere and Graham, 'Women Behaving Badly', 290.

early modern Rotterdam, in Holland, appear to have been similar, as women consisted of 24 per cent of the offenders before the 'correctional court' - four times as many who appeared before the criminal court.⁴⁰ Further research on women's violence in the early and modern times has moreover brought to the fore other conclusions regarding the supposed intrinsic differences between the violent offences committed by men and women. An important contribution was made by Walker in 2003 who, in her work on local courts in seventeenth-century Cheshire, was one of the first to draw attention to the similarities between men and women's violence.⁴¹ Taking into account the more common 'petty violence', it has been shown that, in terms of aggression, women in fact fought in ways that were much more similar to men's ways. Women engaged in violence for a wider variety of motives, outside of their sexual honour, and often did so in the same public areas.⁴²

Furthermore, the observation that men's violence was also largely of a petty nature challenges a binary distinction between the characteristics of women's and men's violence. In her seminal work, Walker rejects the traditional dichotomy between 'male' and 'female crimes', arguing that women's involvement in crime was by no means limited to the supposed female crimes, such as infanticide, witchcraft and prostitution.⁴³ Instead, women were prosecuted most commonly for a wide range of crimes that were traditionally labelled as 'male crimes', such as property offences and (petty) violence. Despite general assumptions regarding the effects of women's subordination and passivity, she has argued that committing a theft, for example, is not as differentiated as is commonly believed.⁴⁴ Women were not merely men's accomplices; they did steal items of value and engaged in bold enterprises. Following Walker's example, Dean has also challenged the prevalent gendered representation of thefts in medieval Bologna. He argues that the differences between female and male theft were mainly quantitative; qualitatively, they shared many features and could hardly be defined as female or male crimes.⁴⁵ In light of such similarities, some scholars have

⁴⁰ Heijden, 'Women, Violence and Urban Justice', 84.

⁴¹ Walker, *Crime, Gender and Social Order*, 270.

⁴² Kilday, *Women and Violent Crime*; Hurl-Eamon, *Gender and Petty Violence*; King, 'The Impact of Urbanization on Murder Rates and on the Geography of Homicide', 671–98; Ruitenbeek, 'Niet zonder kleerscheuren', 62–85; van der Heijden, 'Women, Violence and Urban Justice', 90.

⁴³ Walker, *Crime, Gender and Social Order*, 36; van der Heijden and Koningsberger, 'Continuity or Change?' 102.

⁴⁴ Walker, 'Women, Theft and the World of Stolen Goods', 81–105.

⁴⁵ Dean, 'Theft and Gender', 399–415; Pluskota, 'How Important Is Gender?'

contended that particular crimes such as petty violence can in many ways be viewed as ‘non-gendered’.⁴⁶

Crucial to these conclusions were the different sets of sources. Women have featured far more prominently in the records of the church courts and those of the lower criminal courts, such as the correctional courts that van der Heijden studied for Rotterdam.⁴⁷ To unveil women’s broad involvement in violent encounters, Walker, Hurl-Eamon and Shoemaker, for example, examined the ‘recognizances’. These were documents issued by the justices of the peace at the Quarter Sessions, which bound violent assailants over into peace through sureties.⁴⁸ Many more people experienced the law through these lower, local courts, since petty crime was far more typical and common than felony.⁴⁹

The present articles that engage with violence in this volume build upon these findings. Instead of emphasising the differences with men, Muurling and Turner show that there existed many more commonalities. The judicial system may have been responsible for preventing most of women’s violence from reaching the court, but the use of violence by women in the early modern and modern period was nevertheless relatively common. Therefore, these articles further demystify the idea that the confinement of women in domestic roles prevented them from being violent. Focusing on a broad range of violent offences, it will be shown that women’s violence reflected their broad, albeit gendered, social and economic participation in society. By examining the contexts in which these violent offences took place, the articles will furthermore contribute to a more complex and nuanced understanding of the interplay between crime and the social dynamics of the urban context.

Sanne Muurling examines women’s recourse to the criminal court for everyday conflicts in early modern Bologna. Her paper analyses the ways women were able to strategically and instrumentally make use of the patriarchal criminal justice system to resolve violent conflicts. Muurling explains how, despite being shunned by the judicial system (most of the complaints regarding petty violence were not sent to trials), women were actively looking for help and leverage by filing a criminal complaint with a notary. Specifically, the appeal to the *precetto de non offendendo* – a peace injunction issued through summary justice – became more regularly

⁴⁶ Hurl-Eamon, *Gender and Petty Violence*, 88; Turner, ‘Summary Justice for Women’, 55, 60, 74.

⁴⁷ *Ibid.*, 71–100.

⁴⁸ Hurl-Eamon, *Gender and Petty Violence*, 49–64; Walker, *Crime, Gender and Social Order*, 75–112.

⁴⁹ Jones, *Gender and Petty Crime*, 8.

used by women during the eighteenth century; it granted them not only judicial leverage but also real agency in resolving disputes. Muurling's paper describes women as active agents in committing or preventing the escalation of crime, in clear opposition with the traditional view based on cultural prescriptions of gender roles and the ethics of honour that prescribed passivity. By expanding the scope from prosecuted to reported crime, she shows that petty physical violence was the most common reason for women's encounters with the law. Additionally, attention to the uses of justice, which was first obscured by strict quantitative history, revealed that women used other forms of litigation to settle conflicts within their neighbourhood communities. Despite being sometimes limited in their attempts to get justice through an inquisitorial trial, women found ways to use the judicial system and get redress. This was particularly true in the urban space, where women had direct access to the court's notaries and did not have to rely on the judgement of intermediaries.

The contribution by Jo Turner also reveals the importance of the urban context in explaining women's crimes. In her case study of female petty criminality before the Petty Sessions in Stafford at the end of the nineteenth century, she gives a convincing picture of female criminality in a medium-sized market town in central England. In this period female offenders were mostly working-class, middle-aged women participating in mundane and non-gendered crime. Turner also emphasises that the court records were generally not the result of the authorities' interest in them, but rather reflected working women's use of the court to settle disputes and to exact revenge. The common assault cases that brought them to the court had been roughly similar to those of men, as women used violence in public spaces to negotiate issues of property, reputation, status and honour. But although none of the offences were sex-specific, Turner argues that the contexts in which many of these offences took place were essentially gendered. Her characterisation is reminiscent of the descriptions for women's violence in the early modern period as women fought above all, she maintains, over limited space and shared resources within a neighbourhood setting. By the turn of the century, however, she notices a significant reduction of women as offenders of common assault – 'vanishing' from the court records. What caused this drop remains elusive to historians, but Turner compellingly hints that it may not only have something to do with the increasing importance of policemen in resolving disputes before they turned violent, but also with the changes in the built environment. The emerging social housing with separate residences replaced communal living, restricting the conditions that formerly brought women into conflict with each other.

All in all, these two articles illustrate the importance of reclaiming violence as a category of crime heavily involving women and deserving a careful contextual examination of the continuities and changes of women's actions within the legal and socio-economic contexts of the time.

Prosecution and Punishment

Gender differences in recorded, prosecuted crimes are linked to moral and legal norms that varied over time and space, and differed according to offence category. These value systems have led to two important assumptions in the scholarship: firstly, that women committed fewer crimes than men, and secondly that they received a more lenient treatment by the courts. While traditional assumptions regarding the 'male' or 'female' types of crimes have been questioned and challenged, historians and criminologists have shown that a contemporary gendering of crime influenced the ways and extent to which men and women were prosecuted and punished for their offences. A significant aspect of the discussion about historical patterns of prosecution and punishment has revolved around the question of whether women benefited from a milder or harsher treatment before the court. The prevailing 'chivalry theory' assumes that both early modern and modern legal professionals were inclined to treat women with leniency assuming women's weakness and need of protection.⁵⁰ In Roman law, this weakness was codified through the notion of the *fragilitas* or *infirmetas sexus*, which in the interpretation of Renaissance jurists likened a woman's legal capacity to that of a child or handicapped person.⁵¹ Also outside the regions that employed Roman Law and later periods, the notion of 'chivalry' towards women was prevalent, despite ostensibly gender neutral criminal codes.⁵² For Victorian England, George Rudé was one of the first to use statistical data on women as offenders and compare them to men.⁵³ He came to the conclusions that the discretion of the judges had a great influence on the sentencing of women and that variations existed between counties and between the courts of justice. For the Netherlands, as well,

⁵⁰ Angelozzi and Casanova, *Donne criminali*, 18–19; Graziosi, 'Women and Criminal Law', 173.

⁵¹ Kuehn, 'Daughters, Mothers, Wives and Widows', 99; Graziosi, 'Fragilitas Sexus', 20.

⁵² Angelozzi and Casanova, *Donne criminali*, 47, 227–54; Graziosi, 'Women and Criminal Law', 173; Buttex, 'L'indulgence des juges?' 41–65.

⁵³ Rudé, *Criminal and Victim*.

Spierenburg showed that the percentage of women among scaffold punishments decreased between 1651 and 1749 from 54 to 38 per cent, arguing that the leniency of the magistrates towards women explained this decline.⁵⁴ King and others have underlined a possible leniency of the magistrates during the punishment process: for a similar crime, women were treated less harshly.⁵⁵

The judicial leniency towards women is by no means considered invariably present. Firstly, an important characteristic that distinguished prosecution patterns was the legal system. While the common law and jury system in England gave the court more freedom to differentiate their sentences according to gender, the continental European criminal courts were bound, after Napoleon, by the Penal Code. This meant that while in England violent men were increasingly targeted by the courts – described by Wiener as the ‘criminalisation of men’ – no such gender bias can be found in nineteenth-century Holland.⁵⁶ Secondly, we must also distinguish between the early modern and the modern period. For the early modern period, differences between the Continent and England appear to have been less pronounced, as the prosecution of crime was heavily gendered in both places. Scholarship on early modern Italy has, for example, shown how the presence of (male) co-offenders could influence the lighter sentencing of female defendants, not entirely unlike the English *feme covert*.⁵⁷ Whether the female defendants were accused of complicity or instigating the crime, in both cases, the notion of a woman’s weakness worked in her favour as she was then punished less severely than her male co-offenders, or not at all. Furthermore, various scholars have contended that the treatment of male and female defendants significantly differed per crime category.⁵⁸ For example, more ‘typically feminine’ crimes such as infanticide were at any rate excluded from milder treatment.⁵⁹ For other crimes as well, there is evidence that women may in fact have been punished more severely. In her work on seventeenth-century Cheshire, Walker asserted that women were generally worse off: for homicide they were

⁵⁴ Spierenburg, *The Spectacle of Suffering*.

⁵⁵ King, ‘Gender, Crime and Justice’, 66–7; Palk, *Gender, Crime, and Judicial Discretion*, 161, 176.

⁵⁶ Wiener, ‘The Victorian Criminalization of Men’, 197–212; van der Heijden and Pluskota, ‘Leniency versus Toughening?’ 149–67.

⁵⁷ Gray, *Crime, Policing and Punishment*, 141–4; Angelozzi and Casanova, *Donne criminali*, 239, 242.

⁵⁸ Ibid., 47, 227–54; Buttex, ‘L’indulgence des juges?’ 41–65; Wiener, ‘The Victorian Criminalization of Men’, 209–10.

⁵⁹ Angelozzi and Casanova, *Donne criminali*, 230.

disproportionally put on trial, were found guilty relatively more often than men, and were almost twice as likely to receive a death sentence.⁶⁰ Indeed, patriarchal norms about women's moral behaviour may have led to a harsher treatment of women, especially when committing particularly violent crimes or sexual offences going against gender norms and expectations.⁶¹

During the early modern period, moral and legal norms led to biased prosecution policies, particularly with regard to sexual behaviour. In the sixteenth and seventeenth centuries, the authorities in both Catholic and Protestant countries increased their control over women and their sexual behaviour. For their sexual transgressions, women in early modern European towns in England, Germany and Holland were generally more likely to be arrested and treated more harshly.⁶² However, the impact of gender norms on women's lives and the likelihood they would be prosecuted also depended on the specific context. Sara Beam sheds a new light on this matter for early modern Calvinist Geneva. She questions the fact that Geneva was often considered a 'women's paradise' due to a seemingly lack of prosecution policies against women committing sexual offences. Instead, historians have argued that the readiness of Genevan authorities to impose moral discipline had resulted in larger numbers of men being prosecuted for marital infractions than anywhere else in early modern Europe, especially in the decade between 1557 and 1567. Beam's detailed analysis, however, reveals a much more comparable situation to the rest of Western Europe. She argues that if the temporal focus is enlarged to encompass the entire period between 1550 and 1700 and the gender and marital status of those punished is considered, it becomes clear that even in Geneva and even during the Reformation, errant wives were the primary target of adultery prosecutions. While both wayward elite men and women had temporarily been the subject of prosecution during the height of the Reformation, non-elite women bore the brunt of prosecution during the seventeenth century. By combining quantitative and qualitative analyses, Beam reinforces the idea that Geneva's prosecution of adultery belonged to a wider European pattern how the courts dealt with women.

An important debate regarding the European pattern of women's crimes concerns the changes over the long term. With his thesis of the 'vanishing female', the criminologists Malcolm Feeley and Deborah

⁶⁰ Walker, 'Crime, Gender and Social Order', 113, 178.

⁶¹ Van der Heijden, 'Criminaliteit en sekse', 1–36.

⁶² Schwerhoff, 'Geschlechtsspezifische Kriminalität', 91; van der Heijden, 'Criminaliteit en sekse', 16.

Little sought to explain what they saw as a dramatic change in the patterns of female offending.⁶³ Based on the trends during the 200 years of felony prosecutions at the Old Bailey, they argued that the proportion of women involved in the criminal courts dropped dramatically between the eighteenth and nineteenth century. According to Feeley and Little, this was related to the changing socio-economic roles of women in society due to the processes of industrialisation, the emergence of the ideal of domesticity, and the separation of public and private spheres that limited women's lives outside of the home.⁶⁴ In general, their assertion that women's convictions declined over time is backed up by other historians, although the periodisation and their explanations for this change differed.⁶⁵ Furthermore, Feeley's thesis does not account for the differences between regions in Europe with regard to women's crimes.

Responding to Feeley's theory, Manon van der Heijden presents a new explanation for explaining changes and variation in the proportion of women in recorded crime in this volume. Based on prosecution data for the period 1600–1900, her re-assessment of existing literature stresses the importance of discontinuity and variations in the proportion of women in crime in Europe. She convincingly shows that women's proportion in crime was not static and that female crime even reached significant levels up to the last third of the nineteenth century. Therefore, van der Heijden proposes a new model to replace Feeley's theory and to explain these variations. Five contextual factors have been identified as having an influence on women's share in recorded crime: urbanisation, moral and legal norms, family systems and living standards. Throughout her study, she shows that the link between industrialisation, removal from the labour market and the decline of women in recorded crime in the nineteenth century was by no means clear. On the contrary, it seems that the rising living standards and the development of the welfare state in Europe had a greater impact on female crime rates than a hypothetical confinement to the house.

This does not mean, however, that women stopped being in contact with the law and controlling institutions. Indeed, it has been questioned whether the fall in prosecuted women reflected a real change in women's criminal activity, like Feeley and Little suggested, or whether the perception of and responses to female deviancy changed.⁶⁶

⁶³ Feeley and Little, 'The Vanishing Female', 720.

⁶⁴ Ibid., 741.

⁶⁵ For an overview, see Schmidt and Pluskota, 'Gevaarlijke vrouwen, misdadige mannen?'

⁶⁶ King, *Crime and Law*, 220.

This question was specifically addressed in Lucia Zedner's important work on Victorian England.⁶⁷ During the second half of the nineteenth century, she noticed a decline in women's crime rates but argued that the moralistic medicalisation of deviant women ('from bad to mad') resulted in them being dealt with outside of the higher criminal courts. Other scholars have similarly contended that female offenders had their behaviours categorised in different ways and found themselves dealt with by other institutions.⁶⁸ Also, other institutions in the Netherlands took women from the prison and managed their incarceration. In Holland, for instance, poor and old women in Holland were sent to state institution/workhouse in Oegstgeest, when they had been convicted of vagrancy.⁶⁹

Thus, where 'deviant' women 'vanished' to has been a subject of debate. Various scholars have pointed at the jurisdictional changes during the nineteenth century that transferred offences predominantly involving women from the higher to the lower courts.⁷⁰ Adding to the examination on the long-term disappearance of women from the Quarter Sessions and Assize statistics in England and Wales, Jo Turner's article on female perpetrators in late nineteenth-century Stafford argues that there was *also* a clear overall decline in the prosecution of women in the Petty Sessions. However, a lack of criminal convictions, even before the lower courts, did not necessarily mean a lack of criminal behaviours in women, or that there was no institutional consequence against them. Lucy Williams and Barry Godfrey's contribution demonstrates the value of other types of sources to locate deviant women in the nineteenth century. In their article, they use the digitised census data on London's penal, semi-penal and voluntary institutions on census night 1881 to explore the social composition of women incarcerated in various Victorian institutions of social control. The census data shows that the prison population only consists of a very specific category of female 'deviants', as they were predominantly young, unmarried and had low-status, unskilled and insecure occupations. Women in their mid-thirties and older, the married and the widowed, on the other hand, only constituted a small minority of the prison population. These women, Williams and Godfrey argue, can be found in much greater numbers

⁶⁷ Zedner, *Women, Crime and Custody*, 36, 211.

⁶⁸ Smith, *Trial by Medicine*, 143–60; Emsley, *Crime and Society in England*, 152–3.

⁶⁹ Weevers and Bijleveld, 'Thans zal met kracht het breien van kousen worden voortgezet', 62.

⁷⁰ Conley, *The Unwritten Law*, 70–71, 81; Emsley, *Crime and Society*, 94–95; Taylor, *Crime, Policing and Punishment*, 59–60; Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 696; Turner, 'Summary Justice for Women', 56.

among other major state institutions like the workhouse and the public asylums. While men may have faced the brunt of penal discipline, deviant women were more often taken care of by semi-penal institutions before their conviction, but also sometimes after it.

The relationship between these semi-penal disciplinary contexts and gender is also exemplified by the convict licencing system (an early form of parole) that developed in England during the second half of the nineteenth century. Helen Johnston and David Cox demonstrate how male and female offenders were treated differently by this licencing system that allowed convicts to get out of prison before the end of their sentence. The vast majority of all convicts, male and female, were released early on licence from their prison terms, and as long as they did not breach the conditions of their release, the licence holders would not have to serve out the remainder of their sentence and were free to remain at large in society. However, while men could regain their freedom, a significant proportion of female convicts were only released with a conditional licence that required them to enter a refuge or shelter for a period up to nine months, a condition to which men were not subjected. Johnston and Cox argue that the Victorians believed this further institutionalisation to be important for deviant women as they suffered from additional stigmatisation. Having offended against their gender as well as against society, more moral rehabilitation was deemed necessary for women than for men. The internment of female convicts after being granted a licence reveals the impact of gender expectations on female prisoners in England. In further attempts to 'redress' these women, the Victorian convict system developed the significantly gendered prison licencing system that released women under different and more stigmatising conditions.

The gendered standards to which men and women were historically held may have affected the likelihood of women's recidivism. Alana Piper et al. focus on the life of women in turn-of-the-century Queensland after their prison sentence. They show that women were more likely to be (chronic) recidivists than men. Piper et al. argue that this discrepancy between men and women was not due to a better system of 'reintegration' for men in the Australian system, being very similar to the English system, but was linked to women's social and economic disadvantages and vulnerabilities. One of these disadvantages – similar to what Johnston and Cox argued – was that women were more liable than men to be branded by the social stigma of imprisonment. This was only aggravated by the practice of sentencing women to be imprisoned in other types of institutions such as refuges and asylums; normative experiences may have decreased women's abilities to cope

outside. Furthermore, upon release, women's behaviours were likely to be more heavily policed than men's, leading to differences in the profiles of the offence and the offenders. According to Piper et al., female chronic recidivists were primarily arrested for offences 'against good order' and belonged to a lower class of criminal offenders associated with poverty, in general, and the practice of prostitution within the metropolis of Brisbane, while men formed a much less coherent group profile. This gendering of crime by the institutions and law enforcers leads us to question the representation of female criminality.

Representation of Crime

Socio-economic circumstances are a viable factor for explaining changes in female crime as well as its representation. Due to industrialisation, population growth and urbanisation, the socio-economic context of the lives of many Europeans changed radically around 1800. These processes also led to a growing concern for criminality and poor families, in general. Crime became an issue of public discussion and concern, and gendered representations of crime were expressed both in court and the media.⁷¹ The interest in crime news transcended all eras and formats but was transformed with the emergence of mass newspaper readership.⁷² Reaching an increasingly broad segment of the population, this medium did not merely reproduce reality but also had an active part in shaping collective imaginations of crime. Generally, these discourses diverged from practices, but they were nevertheless clearly interlinked.⁷³ This becomes particularly evident in the changing discourse surrounding women's criminality and the corresponding institutional approaches to and treatment of female criminals found during the nineteenth century. Zedner's classic study on the shifting approach towards female criminals from a traditional legal discourse to a medical approach formed the basis for many of the later studies on the relationships between contemporary representations of the female criminal and the judicial process.⁷⁴ The argument of shifting discourses surrounding women's criminality was developed further by other historians in countries where the legal systems differed from the British system.⁷⁵

⁷¹ Godfrey et al., *History & Crime*, 77–100.

⁷² Wood, 'Crime News and the Press', 301.

⁷³ Walker, *Crime, Gender and Social Order*, 8, 22; Palk, *Gender, Crime and Judicial Discretion*, 18.

⁷⁴ Zedner, *Women, Crime and Custody*.

⁷⁵ Kowalsky, *Making Crime and Sex Soviet*; Ruggiero, 'Private Justice and Honor', 55–68; Becker, 'Weak Bodies?' 45–69.

They have, for example, demonstrated how much impact the writings of criminologist had on not only the perception of female criminality, but how this view also trickled through to the treatment and prosecution of women. The writings of German police experts and magistrates, for example, reveal how during the nineteenth century a new narrative framework of degeneration (rather than victimisation) linked a medical concern of venereal disease with the ongoing depravation of society, and this concern was used to justify the widespread confinement of prostitutes into workhouses and reformatories.⁷⁶

Despite these shifting perceptions, there were important and enduring historical narratives of and solutions to what constituted problematic deviant behaviour. In their chapter, Sarah Auspert, Margo de Koster and Veerle Massin examine northern European discourses on a lesser known subject: girls and young (unmarried) women. Their article reveals how certain themes have dominated European discourses and realities of female juvenile delinquency from the eighteenth century up to our present day, centring on concerns about girls' sexuality and independence. Auspert, De Koster and Massin examine these anxieties by treating three categories of crime: sinful sexuality, theft and vagrancy. They show that the age-old concern about women's sexual immorality continued with modern criminal justice systems and – by introducing additional legal instruments to control and prosecute these 'loose girls' – further strengthened the ties between female sexual immorality and crime in criminal policy and the collective imagination. The contexts of young, unmarried women's involvement in theft was tainted by their socio-economic roles, which not only increased their propensity to commit crimes, but also the likelihood to be prosecuted for it. Furthermore, while young, single female migrants were by no means helpless, they were nevertheless vulnerable and highly visible in the city streets, meaning they were quickly picked up by the authorities on charges of vagrancy. The possible threats that these young women posed to social order have often been countered by recurrent strategies: 'solutions' that have proven dominant and very enduring relate to institutional confinement of criminal and problem girls, on the one hand, and the pathologisation of female (juvenile) crime on the other. The authors give us a much-needed long-term perspective on the conceptualisation and the problem definition of girls' and young women's criminality.

Two other articles of this last section examine continuities and discontinuities in the conceptualisation of male and female deviant

⁷⁶ Becker, 'Weak Bodies?' 45–69.

behaviour in the media. As a result of the 'cultural turn' and the accompanying focus on representations, discourses and narratives, historians and criminologists have since the 1980s shared an increasing interest in media such as broadsheets, pamphlets and newspapers.⁷⁷ Only more recently have these studies begun exploring the impact of gender expectations on crime reporting. Studies show that the figure of the female criminal was very ambiguous for nineteenth-century legislators and reporters.⁷⁸ Despite relatively low levels of women's criminality in the second half of the nineteenth century in London, they were nevertheless a source of great concern. Reflections upon the female criminal's otherness led to broad comparisons: between good and bad women, between men and women, between women of different classes. Eventually, these discourses encouraged stricter definitions of gender-appropriate behaviour and ideas of respectability. However, the gendered depiction of women in the press was far from straightforward, as responses to murderesses, for example, ranged from scorn due to the deviation from the gender norms to a peculiar sympathy.⁷⁹

Looking at English trials of women who killed their partner, Annette Ballinger contends that the outcome depended on the extent to which the involved parties conformed to notions of ideal femininity or masculinity.⁸⁰ These studies made clear that although crime news presented particular criminal trials to its audience, it also mediated and substantiated wider, albeit shifting, cultural assumptions and concerns, such as perceived threats to the social order or tensions around gender roles.⁸¹ Therefore, historians have argued that crime news did not necessarily offer an objective analysis of crime but rather provided insight into symbolic realities. Through their selective reporting, newspaper reporters may not only have represented contemporary attitudes towards the criminal behaviour of men and women, but they themselves may have also actively shaped the views of readers, prosecutors and judges. The studies on newspaper reporting have brought crime historians a better understanding of the population's mentality towards crime and criminals. These studies also led to the consideration of the gendering process in crimes and how judges, juries and victims were influenced by gender in a more precise manner than a quantitative methodology.

⁷⁷ Wood, 'Crime News and the Press', 302.

⁷⁸ Shapiro, *Breaking the Codes*, 5.

⁷⁹ Ballinger, '"Reasonable" Women Who Kill', 65–82.

⁸⁰ Ballinger, 'Masculinity in the Dock', 459–81.

⁸¹ Wood, 'Crime News and the Press', 304–5.

In this volume, Daniel Grey engages with the impact of constructions of gender, age and class on media representation of perpetrators and victims of child sexual assaults in nineteenth-century England and Wales. In the context of the journalistic aversion from newspapers and periodicals to report on sex crimes from the 1790s onwards, Grey explores what the subsequent coded languages, euphemisms, silences and evasions reveal about attitudes towards gender and crime and questions how these publications reproduced gender norms. The treatment of child victims by both the court and the press very much resembled that of adults, as neither sympathy nor justice was ever guaranteed. Especially children aged over twelve years and working-class victims were scrutinised more fiercely on the assumption that their accusations were false or that their relationship was consensual. The sympathetic press reportage of girls, who consisted of the largest proportion of victims, furthermore hinged on the girl conforming to preconceived notions of respectable femininity and, particularly, her 'innocence'. Boys, on the other hand, were more likely to be stereotyped as thieves, delinquents and blackmailers of their wealthy assailants. As perpetrators, the extent to which a defendant was perceived to conform to standards of 'respectable' masculinity (such as moral character, social relations, service overseas and so forth) directly impacted the outcome of his process and how he was treated by the press. Fears of paedophilia were not widespread among the medical profession or the general public until the late twentieth century; thus, the representation of the defendant as especially monstrous was rather exceptional. Magistrates, judges, jurors and the press were more likely to give defendants the benefit of the doubt if they adhered to appropriate class and gender norms.

Paralleling Grey's conclusion about the bias at stake in press reporting, Clare Wilkinson's article demonstrates how responding to their readership's expectations helped confirm and solidify upper-middle-class gender norms. In her analysis of Dutch newspaper coverage of intimate violence between 1880 and 1910, Wilkinson gives evidence of an increasing prominence accorded to stories of intimate violence, with more items and a more emotionally engaged style. In general, newspaper reports showed greater sympathy towards the victims, but here too, sympathetic reportage was contingent on the conformity of the victim and perpetrator to class and gender norms. For both men and women, in either role, sexual fidelity proved to be a deciding factor, as infidelity aroused particular criticism. Added to this was a man's conformity to the masculine role as provider of the family, judged by his employment status, his profession, whether he earned enough and even by his general performance as a worker. While Martin Wiener and Shani D'Cruze

noted in the newspapers of England and Wales an increasing condemnation and criminalisation of domestic violence, seen as a middle-class problem from the late eighteenth century onwards, but the attitude of the Dutch newspapers was more ambiguous.⁸²

The newspapers, Wilkinson convincingly argues, set a certain agenda by selecting and framing stories in ways that they assumed would appeal to readers. As such, as their readership expanded both to the lower classes and towards women by the end of the century, the increased sympathy of female readers did not directly result in an increased condemnation of male assailants because hostile representations of the lower classes would not appeal to these readers. Whereas domestic violence was thus considered a condemnable, but inevitable part, of working-class culture, coverage shifted from spousal violence to sweetheart violence. This development ties in with the burgeoning class tensions that have been known to have influenced crime news, as the increasing respectability of wider sections of the working classes urged a finer distinction of what was deemed unrespectable for the lower classes.⁸³

Conclusion

The contributions to this volume show how the (mainly urban) socio-economic and cultural context provided women 'agency' in various European backdrops despite a fundamentally patriarchal criminal justice system. Understanding the similarities between female and male criminality is essential to avoid treating women as exceptions; the conclusions drawn from the following research show more similarities than differences in how men and women committed a crime. By using various legal sources and including evidence of the lower courts, the studies reveal crime patterns of ordinary women in various contexts between 1600 and 1914. They demonstrate that many poor, lower-class women made choices available to them within the context of their socio-economic living conditions, opportunities and restrictions. Such options could range from using the courts to resolve violent conflicts and profiting from welfare arrangements, to stealing or choosing imprisonment as a survival strategy. Changing living standards, which were connected to employment, schooling and (institutional) welfare arrangements had

⁸² D'Cruze, 'Unguarded passions', 1–26; Wiener, *Men of Blood*.

⁸³ Wood, 'Crime News and the Press', 306.

a direct impact on the survival abilities of the majority of working-class women, their risk to become involved in crime and the likelihood to be prosecuted for it. As the collection of articles in this volume demonstrates, contextualisation of women's crimes is an essential instrument for explaining why women committed crime, why their criminal patterns changed and how their crimes were represented by contemporaries.