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Theorizing crime and gender in a long-term perspective

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“Theorizing crime and gender in long term perspective”

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Abstract

This article examined in what ways gender theory contributes to the study of crime in the early modern period (1500-1800). Crime historians have used gender concepts of social science studies in various ways. First, the concept of generalization of crime contributed to a much clearer understanding of the frequency and context of women’s crime in the past. Secondly, the issue of the gender gap in crime and the study of the gender ratio offered relevant perspectives to historians. Finally, the notion of gendered institutions has been used by historians to explain prosecution patterns and the treatment of women by the courts. Conversely, historical research provides relevant insights to social scientists. Historians have shown that the gender gap in crime is not a static phenomenon; women’s proportion in crime was considerably higher in the early modern period than in the modern area. Historical examinations also demonstrate the importance of the social and economic context in explaining variation and change in women’s crime. The high proportion of female criminality before 1800 was due to women’s socio-economic living conditions in towns. Finally, historical research demonstrates that there is no clear link between emancipation and women’s high involvement in crime.

Key words: gender theory, early modern, crime

Introduction

Theory about gender may not be totally absent in scholarly work on crime, but it certainly plays only a minor role in general studies and textbooks on crime and criminal justice. Most textbooks on criminology devote no more than a paragraph – or a chapter at the most – to women’s crime, and their crime is usually explained by their biological and psychological natures. The reason for this disregard lies in the very small proportion of women in recorded crime. In Europe, women currently account only for approximately 13 per cent of all prosecutions.¹ It is generally assumed that women’s small contribution to crime has remained static over time, and as a consequence female offenders have received little attention.

Due to feminist criminology, the ‘gender gap’ in recorded crime has become a much debated topic in studies of crime and criminal justice.² Scholars have analysed the gap between male and female crime rates; they have studied the differences and similarities in the patterns of offending by women and by men and have tried to find explanations for the disparities observed. They have looked at the gender differences in law breaking and the treatment of women and men in the judicial system with the aim of developing and further advancing a gendered theory of crime.

Similarly, gender has also not figured prominently on the research agenda of crime historians. However, this changed some thirty years ago, when historians began to apply gender as a tool for historical analysis. By then, it had become clear that the perception that

crime rates were static proved to be wrong. A long-term historical approach to crime and gender, traced back to the early modern period, reveals the discontinuity rather than continuity in the contribution of men and women to criminality. Data on early modern Europe show that in France, England and the Netherlands in the seventeenth and eighteenth centuries women played a much more prominent role in crime than in the twentieth century.³ The application of gender as a unit of analysis has revealed that gender differences in criminality varied over time. Moreover, it has advanced the field of historical criminology.

In this contribution we will examine how the introduction of the concept of gender in the research methodology of crime historians has contributed to our understanding of criminality in the early modern period. We will evaluate the gains as well as the limitations of the explanatory power of gender in the understanding of the rates, patterns and prosecution of early modern crime. Four important themes in the research on crime and gender will be addressed: the generalizability of crime theory, the quantification of crime and gender, the prosecution of female crime and emancipation as an explanation in gendered patterns of crime.

Each section will start with a brief discussion of the gender theories and perspectives of criminologists and other social scientists, after which parallels with historical research on early modern crime will be pointed out. The broader aim is to indicate how research on early modern crime benefitted from a gender perspective. We will also try to assess what early modernists have to offer to modern theories of gender and crime. Evidence will be drawn from literature and archival records collected in the context of the on-going project ‘Crime and gender in a comparative perspective, 1600-1900’.⁴

Generalizability of crime theory

In 1976 Smart was one of the first to critique general assumptions about what scholars considered typical for men’s and for women’s crime.⁵ Scholars developed new conceptions about men’s crime in relation to class structure, social control, and deviance, but there seemed to be little development in the analyses of women’s crime. As Smart pointed out, since Lombroso, little progress had been made in explaining female offenders, and women’s crime remained largely related to their assumed biological and passive nature.⁶ In her work on “The deviance of women” (1985, 2010), Heidensohn proposed a gendered sociology of crime, since differences between men’s and women’s crime can only be understood when the impact of social control on women’s lives and on notions of deviant behaviour are taken into account.⁷ A helpful term was introduced by Daly and Chesney-Lind (1988), who questioned the problem of ‘generalizability’: can theories on men’s and boy’s crimes apply to women and girls?⁸ General theories of crime are based on men’s behaviour, their socio-economic position in society, and their experiences, and they seldom include experiences of women or the impact of gender on crime patterns. General theories may explain men’s crimes and behaviour in relation to mechanisms of social control, but as such theories neglect women’s specific experience, they may not very useful for explaining women’s crime.

Most studies that do acknowledge crime differences between men and women focus on women’s biological nature and psychiatric characteristics, and on women’s social and

economic position compared to that of men. In an article on women, crime and the informal economy (1997), Davies argued that a 'rational choice perspective' - which explains men's crime by looking at their reasons and considerations for committing crime - might also be applied to women.⁹ According to the rational choice perspective, men commit economic crimes for economic gain because of hardship and unemployment. However, as Davies states, "The possibility of rationality being a female criminal's attribute has never been systematically explored."¹⁰ Although most female crime is property crime, particularly shoplifting, explanations for women's involvement in economic crime is seldom explained by economic hardship, their earning capacity or their opportunities to earn a living.¹¹ In their recommendations 'towards a gendered theory of female offending', sociologist Steffensmeier and behavioural scientist Allen argue that no satisfactory theoretical framework has yet been developed for explaining gender difference in crime, and they suggest that scholars should build on an approach that is compatible with gender-neutral theories. However, a gendered approach should include not only the study of gendered differences in the type and frequency of crime, but also differences in the context of the offending.¹² In response to the question of whether criminologists need separate theories to explain male and female offending, Kruttschnitt pointed out that "(S)ome formative experiences that are conducive to crime (e.g., poor parental relationships, low self-control, delinquent peers, economic disadvantage) are gender invariant but that the emotional mediators of these experiences and the opportunities for offending may not be." Sophisticated distinctions like these are of course difficult to make in historical research, but a similar call to look beyond differences alone is voiced by historians working on crime, as we will see below.

Historians working on women's crime have also pointed to the problem of helpful comparisons between men's and women's crime. Criminal justice historian Dean has suggested that instead of emphasizing a differentiation based on specific roles of women and men, historians should look at the variety of similar motives that exist for both sexes.¹³ Dean also argues strongly for a new direction in the research on women's criminality: one which does not take women's confined position in work and family as a starting point, but instead considers the variety of activities and work opportunities available to women. He advocates a more flexible notion of gender, a multi-dimensional spectrum rather than a binary divide, in which different male and female behaviours are represented "alongside a broad band of shared, similar behaviours".¹⁴

Indeed, from the onset of the focus on women in crime in the 1980s, historians have drawn attention to the differences between the crimes committed by women and those committed by men. Women were overrepresented in - or exclusively prosecuted for - such offences as witchcraft, infanticide, scolding and moral offences. These typical 'female crimes' received ample attention after the introduction of gender into the field of crime history.¹⁵ Social historian Walker emphasizes that assumptions about women and crime are often based on our own cultural stereotypes and a lack of information on women's crime in the past.¹⁶ As women were disproportionately prosecuted for witchcraft, infanticide and prostitution, not only have historians focused their studies of women and criminal justice on such crimes, they have also labelled them as typically 'female'. Consequently, all other crimes are implicitly viewed as typically 'male' or 'masculine'. Without extensive knowledge and information on early modern crime, such distinctions remain important in narratives on women's crime, but

they have little to do with the real practices of female offenders. Walker states that, in fact, in early modern England women participated in most categories of crime. In addition, the majority of the crimes committed by women were similar to those committed by men. Thus, they were far more likely to be prosecuted for typically 'male' crimes such as theft and assault than they were for 'female' crimes.¹⁷

Recent studies on early modern Holland confirm that assumed patterns of men's and women's crime do not correlate with the everyday practices of female offenders. Also, in Holland there were more similarities than differences between the types of crimes of men and women. In the cities of Holland between 1600 and 1800, women particularly participated in property crimes such as theft and fencing and were less well represented in burglary. The gender gap in property theft in general in the textile city of Leiden in the seventeenth and eighteenth centuries was remarkably small, and women accounted for almost half of all thefts.¹⁸ In some cities, like Amsterdam and Rotterdam, women were also heavily prosecuted for respectively prostitution and adultery. These activities that later became decriminalized were prosecuted as sexual crimes by the criminal courts in the early modern period, and this doubtless contributed to the high female crime rates in the seventeenth and eighteenth centuries. It is thus important to keep in mind that changing definitions of crime and criminalization of certain behaviours affected crime rates and may at least partly explain fluctuations in the gender gap over time. However, it would be wrong to conclude that patterns found in Amsterdam and Rotterdam were apparent everywhere.¹⁹ The share of women prosecuted for moral offences in the small industrial town of Gouda, for example, was much smaller.²⁰ The very fact that large numbers were prosecuted for a certain offence did not necessarily make it a 'female crime', as historian Kloek correctly emphasized. She, for example, agitated against the characterization of infraction of banishment as a typical women's crime. Kloek showed that the numbers of women prosecuted for this offence by the Leiden criminal court were large, but the numbers of men prosecuted for infraction of banishment were equally large. Characterizing infraction of banishment as a typical female offence, as has been done by Noordam, does not add any analytical value nor does it do justice to the experiences of male and female criminals.²¹ Another problem with the characterization of a crime as a 'women's crime' is that it does not capture the experience of most women, whether criminal or non-criminal. Infanticide, a crime primarily committed by women, had a huge impact, though not numerically. The Amsterdam criminal court dealt with 30 cases in the years between 1680 and 1810.²² In that sense it was not representative for the majority of female criminals.

Caution is therefore needed in generalizing the experiences of female criminals. Not only should future research take into account regional variations, attention also has to be paid to the urban-rural divide. Most studies on early modern criminality in Holland, and especially those examining female criminality, limit their focus to urban areas. Consequently, far less is known about crime patterns in rural areas. General studies have shown that rural and urban patterns of criminality diverge, with violent offences being far more dominant in the countryside.²³ To what extent this influenced the experiences of female criminals in rural areas still needs to be further examined.

Recently, historians have begun to look at both differences and similarities in their work on crime and gender in the past, and these explorations have resulted in new insights

into, for example, violent female offenders. When talking about violent crimes, it is first and foremost important to address the definition of violence. The definition applied by early modern historians is often rather broad, since it usually includes physical violence as well as verbal violence, such as scolding. Gerd Schwerhoff has emphasized the importance of such a broad and 'inclusive' scope. He argued that only by applying a 'thick description' of violent behaviour and categorizing changes, forms and intensity, can we really understand violence in history.²⁴ Other historians – like criminal justice historian Spierenburg – prefer a narrower definition and focus on serious violence, leaving verbal violence aside.²⁵ Definitions may differ according to the aim of the examination. It is thus highly important to give clear definitions of the sub-types of violent crimes, not only for the sake of comparability but also as different types of violence were prosecuted by judicial institutions at different levels, as we will see.

As most crime historians assumed that women were not violent, scholars largely neglected women's role in assaults. In his article "How violent are women?" Spierenburg found that between 1650 and 1750, the Amsterdam court only prosecuted a small number of women for violence and a fair number of them were charged with trivial acts. As the low figures for female violence in Amsterdam are in line with the findings of other researchers, historians generally assume that women were not fighters.²⁶ Yet the picture appeared to be more complicated than this. Indeed, Walker's work shows that in seventeenth-century Cheshire there was little difference in the actual methods of fighting used by men and women.²⁷

More recently, historian and social scientist Warner came to similar conclusions in her examinations of violence in Portsmouth in the seventeenth and eighteenth centuries. In Portsmouth, women accounted for just over 31 per cent of all recorded assaults, and there were very few differences between the fighting styles of men and women.²⁸ For Scotland between 1750 and 1815, Kilday also concluded that female violence that came before the Scottish Justiciary court was more aggressive and brutal than historians commonly assume.²⁹ For Holland, Spierenburg's selection of sources seems to have hindered a clear understanding of women's violence. Van der Heijden's research on the Dutch lower courts, the institutions that dealt with street fights and quarrels, revealed that the share of women was much larger. In Rotterdam in the eighteenth century, women accounted for up to 30 per cent of the fighters who were prosecuted by the correctional court.³⁰ Clearly, women's violent behaviour remains invisible in the early modern higher criminal court, but becomes more apparent in the records of the lower courts which particularly handled fighting and aggression within neighbourhoods.

The gender gap: a quantitative approach to criminality

The problem of gender ratio is a second issue that is often raised by feminist criminologists as well as crime historians. This problem of gender ratio and the generalizability of crime are inextricably connected as a focus on gender in theories of crime was too often set aside as unimportant, as there were "so few women criminals."³¹ The issue fuelled the debate on quantitative research and gender: to what extent can both be combined? Although

criminologists often adopt a quantitative approach for the study of crime, since the 1970s social scientists have also criticized the use of quantitative analysis. The feminist critique against quantitative methods was fierce. Opponents argued that crime and gender can only be understood within a specific social, cultural and historical context and by using thick description analyses. Scholars such as Cook and Fonow suggested in the 1980s that quantitative data and counting crimes would invalidate one's findings and prevent scholars from truly understanding who, why and how crime is committed.³²

In their introduction to a special issue on Gender, Crime and Criminal Justice in 1993, sociologists Kruttschnitt and Gartner challenged the view that quantitative research might have little to offer to scholars in the field of crime and gender. They argue that scholars should not rely strictly on one methodology in their research, but rather choose to combine quantitative and qualitative approaches. The first can reveal general patterns and provide evidence for explanations, while the latter method is indispensable in order to understand "the complex and diverse pathways that lead to female offending and victimization".³³ Kruttschnitt and Gartner mention several examples to show the value of combining 'objectivity and abstraction' with 'subjective' and concrete source material on women's crimes and lives. The debate on quantitative research methods in the historiography of crime partly developed along similar lines and shows some very interesting parallels, as we will see.

Like criminology, the work of historians of crime, too, was dominated by quantitative research methods for a long time. The 1970s and early 1980s saw a large number of studies on different regions in Europe presenting statistical data in an attempt to explain the long-term trends in criminality. The works were true breakthroughs and, with their choice of variables examined to understand crime rates (i.e. in relation to the prices of grain, the level of urbanization and industrialization), they were also highly innovative. However, no attention was paid to gender differences.

Feminist historians critiqued the quantitative research methods that were so commonly applied by crime historians. Quantification of crime showed that women often formed a minority among the offenders and it was argued that a focus on statistics thus led to the marginalization of women and female activity in early modern crime. As Garthine Walker so tellingly warned: "What tends to happen is that women are counted, and being a minority of offenders, are subsequently *discounted* as unimportant."³⁴ She remarked immediately afterwards that this was partly the result of the types of sources chosen for quantification and thus that the marginalization was rather the result of an underestimation, which resulted in a wrongful interpretation of the role of women in crime. Gender historians especially called for the application of other methodologies and the integration of quantitative and qualitative approaches for the proper understanding of gender differences in crime.³⁵ The feminist critique on the gender-blind use of a statistical approach has without doubt, and beside other critiques, contributed to a critical re-evaluation of the application of quantitative research methods in the history of crime.

One of the first problems of early modern historians with quantitative research methods is that it is much harder to obtain data that are statistically significant. Scholars tend to look at recorded crime or they use statistical data to reveal the number and proportion of women's crimes, but such figures bring to light only a fraction of women's participation in crime. This relates first and foremost to the well-known and general problem of the 'dark

number' that all criminologists and crime historians encounter. Scholars working on crime are well aware of the fact that there was always an unknown share of criminality that was not registered and therefore remained outside the official statistics. Social scientists can solve this problem by using other sources, such as interviews and self-reporting of female offenders, but historians have a much more limited variety of sources available to them. Early modernists seemed to be double handicapped in this respect. As a consequence of a far less well developed police system, the share of crime that remained undetected and unregistered was much higher in the seventeenth and eighteenth centuries than in modern times. The issue of the 'dark number' is an even larger problem for early modernists, because they have to deal with information that is more scattered. Data usually have to be collected from incomplete registrations that come from much less professionalized administrations. A significant example is that crime in the early modern period was often dealt with through financial agreements or fines that are only recorded in the administration of the public prosecutor - if they left traces at all. Personal relations and preferences played an important role in the choice for judicial procedures, which obviously led to highly biased outcomes in terms of social class and gender.

As there is no easy solution for early modern historians to deal with the problem of the 'dark number' in crime, creativity is needed. When interpreting the figures, it is highly important to take into account the historical context in which crimes are committed. First, reflection upon the preparedness to indict crime is essential. It is likely that both the seriousness of the offences as well as the size of the community were relevant here. Secondly, the size of the police force should be taken into account as a factor of influence on the volume of hidden crime. The context and different types of crimes might also have affected the impact of gender on the volume of the 'dark number'. The prosecution of prostitution constitutes an excellent example in this respect.

The first point to consider is that moral norms were an important factor in crime rates. Prostitution was often regarded as a transgression of the social norms, but it was not always criminalized, neither in all instances, nor in all locations. In early modern Holland, all forms of extramarital sexuality were illegal and, as a logical consequence, prostitution was prosecuted.³⁶ Secondly, even when prostitution was criminalized, the prosecution was not always consistent. The lack of prostitution-related cases, for example, does not imply that prostitution did not take place. Lotte van de Pol has shown how the prosecution policy of Amsterdam magistrates fluctuated throughout the seventeenth and eighteenth centuries, depending on such factors as the nuisance prostitution caused in the neighbourhood.³⁷ The clientele of prostitutes were rarely brought before the court. Visiting prostitutes was illegal and was also considered as a criminal offence, but one that was often settled through composition. Such financial settlements agreed upon with the bailiff to escape further prosecution were especially popular in cases of moral offences.³⁸

A final consideration in the visibility or invisibility of crime is, again, the fact that the early modern judicial landscape was characterized by legal pluralism. Not all criminal offences were dealt with by the criminal courts that are most often studied by early modern historians. There were various courts through which social control was exercised and there were various legal instruments to solve disputes, both formal and informal. The gender

balance among the defendants in these various judicial institutions varied at different levels, as we will demonstrate below.

As signalled by Walker, quantification may lead to the marginalization of women as criminals and to underestimation of their criminal activities. Also, their role in the legal process is related to the sources that historians choose to use. Historians often focus on felonies and study the 'formal indictments' in England or the records of the criminal courts in Holland. These courts dealt mainly with felonies, the most serious offences.³⁹ Consequently, looking at criminal courts may hinder our understanding of women and crime. On the other hand, the broad variety of courts and procedures of conflict regulation in early modern Europe may give a more exact picture of women's large involvement in various types of crime. Various recent studies indicate that the proportion of women involved in crime was much higher than is often assumed. Thus, historians can be seen to have methods and sources at hand that might improve our understanding of women's crime in ways that current social science research may not. The ways in which people used the various forms of justice and semi-legal procedures had an influence on the number and proportion of cases of male and female criminal behaviour. The share of women in the types of crimes handled by the lower courts or less formal methods of dispute regulation were often much higher than their share in the crime dealt with by the higher courts, such as the London Old Bailey, which handled more serious crimes.⁴⁰

The under-representation of women in serious crime seems to have been a constant in time and place. King showed that women were better represented amongst those imprisoned for non-felonies⁴¹, Jones observed for late Medieval Kent that women featured more prominently in lesser courts and were much more visible in church courts,⁴² and Karla has shown that at the end of the sixteenth to the early seventeenth century 7% per cent of women were tried at the assizes, 20% at the quarter sessions and 73% at local courts.⁴³ Frank showed for Imperial Russia 1834-1913 that "the lower we move down the jurisdictional ladder, the larger was the proportion of women".⁴⁴ Variations in the proportion of women among offenders are not only determined by the 'seriousness' of the crime. As shown above, women's violent behaviour remains invisible in the early modern higher criminal court records of Holland, but becomes apparent in the records of the lower courts which particularly handled fights and aggression within neighbourhoods. Research on these lower urban courts revealed that the proportion of women in assault cases was higher than is often assumed. Usually, less than one out of ten perpetrators tried for violent offences before the criminal court were female. We already saw that in eighteenth-century Rotterdam the share of women among the fighters prosecuted by the correctional court was much larger.⁴⁵ In Amsterdam, similarly, the share of women involved in violent offences registered in the bailiff's account that recorded the offences of suspects who remained at large instead of being imprisoned awaiting trial was higher than the share of women in violent crimes that were brought before the (full) criminal court.⁴⁶

That a critical approach to the figures as they appear from early modern records is mandatory is a commonplace. But historians who have used gender as an analytical category have been able to identify the pitfalls inherent in using quantitative research methods in an attempt to assess the role of women in early modern crime. When combined with an awareness of the gender biases and the ability to avoid the pitfalls, the quantitative approach

can be highly valuable and has already led to important new insights. Counting women's share systematically does undisputedly show that the proportion of female offenders was much higher in the early modern period (1500-1800). Whereas criminal statistics reveal that in the present day women comprised about 10-15 per cent of all indicted criminal offenders, in early modern Europe women usually accounted for about 20 per cent of all indicted crime. In eighteenth-century London, women made up a substantial proportion - and at times even 45% - of all offenders tried for felonies before the Old Bailey court.⁴⁷ Research on Dutch towns revealed that at times women accounted for up to half of all indicted crime.⁴⁸ Such historical studies show that women's involvement in crime has not always been marginal, but varies across time and space. While criminologists generally assumed that women always and everywhere commit fewer crimes than men, historians pointed at changes over time. Their quantitative efforts had led to a fundamental and important new insight, namely that in Europe female crime rates were much higher before ca. 1800. Evidence from the early modern period not only questions the biological explanations, but also challenges the traditional representation of women as more law-abiding than men.⁴⁹ In addition, it opens up new questions and makes clear that we should look for other explanations for gendered patterns of crime. But before we delve into this issue, we will first discuss how gender affected the prosecution of crime.

Crime or prosecution?

Sociologist Pollak argued in 1950 that crime statistics were seriously distorted by gender perceptions that influenced the prosecution of female crime. He argued that women were just as criminal as men but that women were convicted less often and judged less harshly due to the preconceptions about women and female behaviour in the male-dominated judicial system. Besides the idea that women were better able to conceal their crimes, 'male chivalry' in the justice system also played an important role, Pollak claimed. Officers of law were predominantly male and less inclined to arrest women and prosecute women or to find them guilty.⁵⁰ Pollak pointed to the influence of gender stereotypes in prosecution. This idea was followed up on by criminologists, including feminist criminologists, and crime historians. Interestingly, though, their conclusions on the relationship between gendered notions and prosecution and the way in which gender functioned in judicial systems differed fundamentally and Pollak received fierce critique. Pollak's opponents emphasized that gender norms and stereotyping disadvantaged women.⁵¹

In line with the further development of the concept of gender and theorizing in social science, the use of the concept of gender in crime history, particularly in the early modern period, became broadened. The development of this process can be followed along the lines as described by Acker, 'from sex roles to gendered institutions'. The early usage of gender as a synonym for 'sex' or 'women' led to attention being paid to the role of women in offending in the past. The application of gender as an analytical category and the addition of gender as a variable in the models of investigation was functional in documenting gender differences in the experiences of criminal women and men, and in power relations.⁵² To understand *how* gender differences are produced and reproduced, one needs to look at the processes that

created sex segregation and institutions that shape gender relations. It requires, as Acker argued, attention for 'gendered institutions' which refers to gender "present in the processes, practices, images and ideologies, and distributions of power in the various sectors of social life".⁵³

Krutschitt and Gartner remarked that this field needs further theoretical development, because "studying women and crime is in large part the study of social control by various institutions."⁵⁴ As a first step in this direction, they refer to Steffenmeier who examined arrest rates between 1960-1990, and concluded that a focus on economic and occupational roles of women affecting female-to-male criminality ignores other ways in which gender and gender relations structure social life.⁵⁵ More recently, Heidensohn and Silvestri concluded that within criminal theory work still needs to be done "in relation to the need to recognize the state (and the criminal justice system) as a gendered institution".⁵⁶

Historians also acknowledge that gender played a role throughout the whole process of criminal justice. It follows that the impact of jurisdictional changes on fluctuations in crime rates and crime patterns should be accounted for. An important contribution was provided by Zedner. She showed that the proportion of indicted women began to decline in the second half of the nineteenth century (when the percentage fell from 27 to 19%).⁵⁷ Zedner argued that the traditional legal discourse on women gradually shifted towards a medical discourse, along with the growth of biological explanations for crime. Victorian notions of femininity and the increasing conceptualization of women as the weaker sex, made them "particularly susceptible to a process of medicalization".⁵⁸ It was the intervention of psychiatry, as Zedner argued, that tended to decriminalize female deviancy. Women's criminal behaviour was increasingly explained by a tendency to madness, instead of a "deliberate contravention of social norms or laws" rather "as the manifestation of innate pathology", or, in short, women were reassessed from 'bad' to 'mad'.⁵⁹ She concluded that women's crimes in earlier times "appear to have been determined more by their socioeconomic situation than by any innate sex differences". We will come back to this later.⁶⁰

Wiener similarly attributed the changed statistics to changes in notions of gender in the nineteenth century. He believed that the relative share of women decreased due to a steep increase in the prosecution rates for men caused by changing codes for male behaviour and the Victorian reconstruction of manhood. His focus was on changes in the conceptualization of masculinity. Traditionally there had been an acceptance of a high degree of physical violence in the behaviour of males.⁶¹ The "readiness to resort to violence" had long been at the "heart of manhood" but this altered under the influence of changing notions of civilization that in the case of men focused on their aggression which had to be restrained.⁶² The use of violence thus became increasingly stigmatized and criminalized, which had repercussions for prosecution rates. Changes in the gender gap should in this view be attributed to the "criminalization of men".⁶³

The specific gendered notions of deviancy only began to play a role at the end of the nineteenth century and obviously did not affect early modern prosecution policies. Zedner's and Wiener's findings nevertheless underline that we have to be aware that underlying dimensions of gender could be of influence on the *perception* and the *prosecution* of male and female crime. Zedner argued that the behaviour of criminal women was perceived as deviant in two ways: women not only broke the law, but they also acted against the norms of

femininity.⁶⁴ It was Peter King who linked Zedner's interpretation to that of the concept of 'double jeopardy' and 'double deviancy'.⁶⁵ Heidensohn used this concept to contest Pollak's idea of 'male chivalry' determining responses to female crime - a view that became accepted in much conventional criminology.⁶⁶ Both believed that gender notions in criminal justice systems had an impact on the prosecution of women. But whereas according to Pollak's chivalry thesis the judicial system protected women, which led to the under-reporting of women in crime and to milder punishments, Heidensohn, by contrast, argued that women were treated more harshly due to sex discrimination by the criminal justice system. Female defendants broke the law, but they also acted against the more fundamental norms that governed sex-role behaviour.⁶⁷

This way of conceptualizing gender - the interpretation of judicial systems as gendered sites - certainly found its way into the historiography, and has been fruitfully implemented by historians. In 1999, Arnot and Osborne wrote: "It is now generally accepted that in the past European legal systems treated women and men differently and that women and men were likely to use the law in different ways."⁶⁸ The outcome of the criminal processes in the past can only be interpreted against the backdrop of knowing that criminal justice systems were controlled by men and dominated by men.

King elaborated upon this issue in his contribution to the volume edited by Arnot and Osborne by examining how gender affected the outcome of trials in late eighteenth- and early nineteenth-century England. King calls for reappraisal of Zedner's conclusion that the judicial response to male offenders who were perceived as sinners was different from that to females. He does not agree with her suggestion, though, that this led to harsher judgements of women. On the contrary, according to King women were treated with more leniency. He repudiated the idea that 'instinctive chivalry' lay at the basis of this more lenient treatment of women by the court, but believed that it was a combination of paternalism, protectionism, practicality and prejudice were of influence on the verdicts for women.⁶⁹

The issue of gender-based leniency became a much debated topic in the historiography on early crime.⁷⁰ Besides King, other historians also suggested that early modern courts treated women less harshly. Shoemaker showed that women were less often prosecuted by indictments than men in seventeenth- and eighteenth-century London and Middlesex, but concluded that sources for these gender differences are complex. It is difficult to assess whether women committed less serious crime, or whether they were less often *accused* of committing serious crimes but that female crime was thought to be a less serious crime than male crime.⁷¹ Feeley and Aviram showed that leniency could entail the choice for a type of punishment, pointing to the fact that for women corporal punishments decreased in favour of disciplinary punishments like confinement in workhouses.⁷² Spierenburg similarly has shown that Amsterdam judges applied somewhat milder punishments to women who committed some categories of crime, like swindling and non-qualified theft. In such cases women were - at times - whipped less often compared to men.⁷³ If this is so because the judicial system on the continent was different, or because norms were different, remains to be seen. Kilday showed for Scotland that there was no systematic difference in the penal treatment of women compared to men and thus that gendered leniency was "not so readily practised" in the north as it was in early modern Britain.⁷⁴ What has come out of the research on England, though, is that the examination of possible lenience towards women needs to be carried out with the

utmost care as various factors as well as decisions at various levels could have led to differential treatment.

Walker and Palk, for example, have shown how gender played an essential role in the various stages of the criminal justice system. Walker emphasizes that, when addressing the issue of leniency, it is important to compare like with like instead of looking at aggregates and that historians should pay careful attention to the contexts of particular crime.⁷⁵ Palk's findings confirm the importance of looking at different categories of crime.⁷⁶ But leniency also had a different impact in different stages of the prosecution process. For example, overall, women were less likely to be hanged, but once convicted they had a larger chance to be hanged than men.⁷⁷ Morgan and Rushton conclude that "If there was a culture of official chivalry towards the female criminal, it had its limitations in north-east England."⁷⁸

A careful scrutiny is needed of why women were eventually treated more mildly. Gender could interact with other factors, or other factors might have more impact, or gender could have operated in unexpected ways. Age, for example, often appeared to be a more important reason for a lenient decision than gender.⁷⁹ Until the age of ten, children did not appear as defendants in Dutch criminal law. But it was not uncommon to find ten to twelve-year-olds tried by the criminal courts. Even though they only legally reached the age of majority between 21 and 25 years, they were regarded as adults between 17 and 18, as Florike Egmond has shown. Until that age, they *could* be sentenced with similar punishments as adults. Courts treated them as "neither completely naive or inculpable nor as responsible and fully liable - but with circumspection and attention to specific circumstances, and above all with concern for individual differences."⁸⁰ And in the considerations of the specific circumstances, youth certainly played a role as well as possibly - though not always - leading to the imposition of a lighter sentence.⁸¹

The impact of the various factors fluctuated over time and thus must be historized. Age has become an ever more important factor in the prosecution policy and the severity of punishments over the course of time. The impact of another factor - that of marital status - that sometimes led to more lenient treatment disappeared. Historians have pointed to the impact of the legal status of married women in the prosecution and judicial decision in early modern times. A married woman, as *feme covert*, acted as one with her husband and was assumed to lack accountability as her legal rights and obligations were subsumed by those of her husband upon marriage. Husbands were not 'automatically held accountable' for their wives' criminal actions nor were wives "routinely discharged on the grounds that they had acted in accordance with their husbands command".⁸² But some women benefitted from coverture and some escaped further prosecution. Moreover, the awareness that their legal leeway was limited may also have influenced the decisions of magistrates and possibly mitigated some of the harshness with which their deeds were condemned. The married status of women, however, in some cases might very well have been different from what was often thought. Conviction rates for theft, for example, were lower for wives than for unmarried women in seventeenth-century England. Garthine Walker has shown that it was not so much the supposed lack of accountability of married women, but rather the acknowledgement of the responsibilities of the mistresses of the household that according to Walker led to the practice in which wives were more often pardoned.⁸³ Here, it was the consideration of the importance of their economic roles rather than their legal inferiority that was decisive.

This typical legal status - that in England had less effect in practice than is often assumed - was non-existent in the Netherlands. Women, whether married or not, were fully accountable for their criminal offences. To what extent women were treated more leniently in practice has not been examined fully. On some occasions the penalties women received were less harsh, as we have seen. But research on the Dutch courts does not give evidence for the assumption that women were systematically treated more mildly than men.⁸⁴ The absence of leniency would fit the pattern of the much higher female crime rates in Dutch cities. The gendered prosecution of offences could also work against women. The flip side of leniency in the early modern prosecution of crime was the double standards that were applied. Discrimination against women in either in the legal norms or in the legal practices influenced the outcomes of the prosecution process. A prominent early modern example is the way in which authorities dealt with moral behaviour. The prosecution of sexual offences changed over time. During the sixteenth and seventeenth centuries, authorities in Protestant as well as Catholic countries increased control over the sexual behaviour of women and men but this especially led to more sustained prosecutions of women in moral offences, such as adultery, fornication and prostitution.⁸⁵ Women who had committed adultery - considered and prosecuted as a serious criminal offence - were generally punished more harshly than men.⁸⁶

Similarly, in Holland, prostitution was forbidden, as we have seen above. Prostitutes were prosecuted, but their male clients usually were not and could get away with a financial agreement.⁸⁷ A disadvantage for women was, of course, that their illegal extramarital intercourse became impossible to conceal if it resulted in a pregnancy. 'Pleading the belly' could lead to a milder treatment as pregnant women were spared corporal punishment, though this certainly should not be equalled with leniency towards women, as Walker correctly remarked.⁸⁸ We should be careful not to attribute prosecution policies to ideological considerations too easily. Diane Wright working on early modern female criminals in another cultural context, that of early modern Japan, showed that the increase of convicted women in government records from the late eighteenth century on, did not simply result from an ideological bias of authorities that tried to restrict women to the 'female sphere'. Also, the bare fact that more women were engaged in criminal behaviour played a role.⁸⁹

A whole range of explanations for the possible gender bias in prosecution came across in the historiography: the reluctance to prosecute women or the tendency to treat them differently may be rooted in the idea that women were legally less responsible for their actions, that the actions of women were seen as trivial, women were less of a threat to the public order, and they were more vulnerable and needed support rather than punishment, as Palk summarized.⁹⁰ Gender-based leniency - or discrimination - was not constant but varied according to different types of crimes, in different stages of decision-making and for different categories of women. When discussing the influence of gender on prosecution policies, it is vital to have an awareness of this historical variation.⁹¹ Yet, the long-term changes from high to low female crime rates cannot be explained by changing attitudes only but are also attributable to actual living conditions.

Emancipation as an explanatory factor

Biological explanations for sex differences in criminality persisted for a long time. In the 1960s and 1970s, however, social explanations gained popularity. Particularly influential in this respect were the works by Simon, *Women and Crime* and Adler's *Sisters in Crime*, both published in 1975. Both argued that social circumstances caused gender differences in crime. Adler's theory, which has become known as the liberation thesis, was that women's participation in crime was related to their public roles. She predicted that female crime rates would rise as a result of the success of the women's liberation movement. Increased participation of women in public and economic life would also give women more opportunities to commit crimes, and both the frequency as well as the type of criminality would become more similar as the position of women approximated the position of men.⁹²

The *liberation - or gender equality thesis* - was criticized by several feminists, and various overviews highlight the different aspects of the critique. One was related to the assumption that, once restrictions were lifted, women would automatically act like men - violent, greedy and crime-prone.⁹³ Pointing to the 'dark side' of women's emancipation was at least delicate.⁹⁴ The objection put forward by Steffensmeier and Alan, that the evidence for time-space variations in the gender gap is meagre, can easily be contradicted with evidence on early modern criminality - which will be discussed below.⁹⁵ Yet other - feminist - criminologists did believe in variability, but reasoned the other way around and argued that it was not equal chances, but rather discrimination and poverty that drove people to crime. Steffenmeier and Allan explain this gender inequality hypothesis: "Patriarchal power relations shape gender differences in crime, pushing women into crime through victimization, role entrapment, economic marginality, and survival needs."⁹⁶

Similar arguments came across in the debates on the history of gender and crime. Criminologist Feeley with co-authors provided traditional criminology with a historical dimension. In his influential thesis on the vanishing female, unfolded in several articles, he explains the long-term changes in female criminality in relation to changes in the social roles of women.⁹⁷ Feeley observed that female crime rates were high until the end of the eighteenth century, declined dramatically in the decades thereafter and eventually led to the 'vanishing' of the female from the judicial system. According to Feeley and his co-authors, changes in the social and economic roles of women caused this decline. Economic and social transformations such as the rise of industrialism, the upcoming cult of domesticity, and the separation of the private and the public spheres and patriarchal structures restricted women to the home and limited their public roles. The link with the decline of the role of women in the criminal process suggests that "women had fewer opportunities to commit crimes and were subject to increased private informal controls rather than public legal controls".⁹⁸

Feeley's thesis received critique from historians working on early modern crime.⁹⁹ First, historians found little evidence for a long-term decline. King showed that evidence for England rather pointed at long-term stability, and that trends in female crime rates were characterized by short-term fluctuations and significant spatial variations.¹⁰⁰ Koningsberger and Van der Heijden showed that in Holland the involvement of women in crime in urban areas also remained high between 1750 and 1839.¹⁰¹ A second point of critique concerned the data. Historians pointed out that lower figures of female involvement reflected jurisdictional changes rather than an actual decline. Thirdly, linking the decline with the broader social and economic transformations was questioned.¹⁰² King very briefly remarks that Feeley pays too

little attention to the arguments of women's historians about the nature and extent of changes in the roles of women.¹⁰³ Van der Heijden, Schmidt and Pluskota pointed at the literature that showed that women did not disappear from the public sphere, that female labour force participation did not decline as steeply as suggested, that many women continued to be active economically and simply could not afford to uphold the ideal of domesticity and the male breadwinner.¹⁰⁴

The theory that links female crime rates to gender equality and public roles has been highly influential in the explanatory models of early modern crime. This is related to the marked rural-urban disparity in female crime. Historians working on England have shown that women committed most of their crimes in cities, and female crime rates were particularly high in urban areas. Beattie, who was the first to observe this disparity, related the high female crime rates in cities to their place in society. Whereas in rural areas paternalistic controls restricted women's behaviour and at the same time provided protection, according to Beattie, in urban areas women were thrown in direct contact with the wider society. In cities women were "more regularly part of the workforce and more dependent on working for wages and thus were more vulnerable to economic fluctuations".¹⁰⁵ They were both less restricted and at the same time also less protected and less sheltered than in the countryside. To what extent this rural-urban divide played a role in female criminality in Holland – a province that was highly urbanized - still needs to be examined.

Early modernists have shown that high female crime rates were clearly related to the social and economic reality in which women lived. Some historians argue that economic hardship drove women into criminality and that crime was primarily a survival strategy.¹⁰⁶ Others acknowledged the impact of economic circumstances but emphasize the assertiveness of criminal women or saw their involvement in crime as an indication of women's independence.¹⁰⁷ The involvement of women in crime was related to the unequal sex ratios in cities that resulted in large cohorts of women who had to provide for themselves.

Other factors pointed out by early modern historians were the high level of mobility of women and the large impact of marital status on crime. Single women were over-represented in crime. These women did not fall under the legal guardianship of a husband and had to provide their own income. This made them both independent and vulnerable as options for women on the labour market were far more restricted than for men.¹⁰⁸ The vulnerability of women was partly rooted in severe gender discrimination. For example, female participation in the labour market was high, yet their options were far more restricted than those of men. Women were often hit harder when economic circumstances deteriorated, and the wage gap between women and men made it difficult for women than for men to maintain themselves with work. The over-representation of singles and female-headed households among recipients of charity in early modern towns points to their vulnerable position.¹⁰⁹

But gender was not always decisive. Marital status and the pre-industrial living standards that were much lower also had a considerable impact. Women's leeway and independence had impact on women's opportunities to commit crimes but these factors cannot be interpreted in terms of emancipation. In the early modern period, inequality between the sexes was legally established. Early modernists have shown that vulnerability and independence are not mutually exclusive in the explanation for the involvement of women in crime.

Conclusion

The aim of this article was to examine in what ways gender concepts may have contributed to the study of crime in the early modern period. Although historians have not always used the same terms as criminologists or sociologists, they do deal with similar questions and problems regarding the examination of women's crime.

Firstly, the question of the generalization of crime as introduced by criminologists has also been raised by various historians. Recently, crime historians have increasingly begun to focus on both the differences and similarities in men's and women's crime. Such research has resulted in a much clearer understanding of the frequency and context of women's criminal behaviour in the past. Secondly, the issue of the gender gap in crime and the quantitative study of the gender ratio as discussed among criminologists offered relevant approaches to historians as well. Although the counting of crime between ca. 1500 and 1800 provided more information about the numbers of men and women being prosecuted by the courts, the quantitative approach also led to wrong assumptions about women's involvement in crime. Thirdly, though using different terms, the notion of gendered institutions with regard to crime has also been useful to historians. How gender functioned in the prosecution process and to what extent women were treated with more leniency by the early modern courts are still important topics among crime historians working on gender. Finally, the idea that patriarchal roles may be one of the most important explanatory factors for low female crime rates has been adopted as well as heavily criticized by historians.

The introduction of gender in the quantitative and qualitative work of crime historians has resulted in insights that are not only useful to historians, but also to criminologists and sociologists. First, in European cities before 1800 the gender gap seemed to have been much smaller than in current times; women's proportion in crime was considerably higher in the early modern period. Second, historical research on men and women's crime in the past shows the importance of the social and economic context in explaining the frequency and type of crimes committed. The high proportion of female crime before ca. 1800 was largely due to women's socio-economic living conditions in towns: they led independent, but risky and vulnerable lives that resulted in their greater involvement in crime. Finally, historical research has shown that women's high involvement in crime in the past was not in any way linked to female emancipation. Early modern urban women had a legally inferior status; they may have led relatively free and independent lives, but their crimes were the result of their poor living conditions and were a feature of their strategy to survive.

¹ Marcello F. Abi and others, *European Sourcebook of Crime and Criminal Justice Statistics 2014*, fifth edition (Helsinki: European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI), 2014).

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- ³ Malcolm Feeley and Deborah L. Little, "The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912," *Law and Society Review* 25, no. 4 (1991): 719-757; Manon van der Heijden, *Women and Crime in Early Modern Holland* (Brill: Leiden, 2016).
- ⁴ See: <http://crimeandgender.nl/>.
- ⁵ For a good overview of the debate, see the above-mentioned review article of Heidensohn and Silvestri, "Gender and Crime".
- ⁶ Carol Smart, *Women, Crime and Criminology: A Feminist Critique* (London: Routledge and Kegan Paul, 1976).
- ⁷ Frances Heidensohn, *Women and Crime* (London: Macmillan 1985); Frances Heidensohn, "The Deviance of Women: A Critique and an Inquiry," *The British Journal of Sociology* 61 (2010): 111-126.
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- ⁹ Pamela Davies, "Women, Crime and an Informal Economy: Female Offending and Crime for Gain," *The British Criminology Conference, Queens University, Belfast, 15-19 July, 1997. Selected Proceedings, Volume 2*, (British Society for Criminology, 1999).
- ¹⁰ *Ibid.*
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- ¹² Darell Steffensmeier and Emilie Allan, "Gender and Crime: Toward a Gendered Theory of Female Offending," *Annual Review of Sociology* 22, no. 1 (1996): 483.
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- ¹⁴ *Ibid.*, 412.
- ¹⁵ For instance: Peter C. Hoffer, *Murdering Mothers: Infanticide in England and New-England, 1558-1803* (New York: New York University Press, 1981); Martin Ingram, *Church Courts, Sex and Marriage in England 1570-1640* (Cambridge: Cambridge University Press, 1987).
- ¹⁶ Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 4.
- ¹⁷ *Ibid.*, 3-4; Garthine Walker and Jenny Kermode, "Introduction," in *Women, Crime and the Courts*, ed. Garthine Walker and Jenny Kermode (London: The University of North Carolina, 1994), 1-7.
- ¹⁸ Els Kloek, *Wie hij zij, man of wijf. Vrouwengeschiedenis en de vroegmoderne tijd* (Hilversum: Verloren, 1990), 135.
- ¹⁹ Van der Heijden, *Women and Crime*.
- ²⁰ Criminal sentence books Gouda, "Analyses van de criminele vonnisboeken (vonnissen in strafzaken), 1447 – 1810 (Samenstelling drs. C. Doedeijns)," available at [Streekarchief Midden Holland](http://streekarchief.middenholland.nl/), Gouda. See also: Ariadne Schmidt, *Crime and Gender before the Dutch Criminal Courts* (forthcoming).
- ²¹ Kloek, *Wie hij zij*, 150, note 54.
- ²² Sjoerd Faber, "Kindermoord, in het bijzonder in de achttiende eeuw te Amsterdam," *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden* 93, no. 2 (1978): 227.
- ²³ Maarten van Dijk, "De stad als onafhankelijke variabele en centrum van moderniteit. Langetermijntrends in stedelijke en rurale criminaliteitspatronen in de Nederlanden (1300-1800)," *Stadsgeschiedenis* 1 (2006): 7-26.
- ²⁴ Gerd Schwerhoff, "Social Control of Violence, Violence as Social Control: The Case of Early Modern Germany," in *Social Control in Europe 1500-1800*, ed. Herman Roodeburg and Pieter Spierenburg (Columbus: Ohio State University Press, 2004), 220-246; See for this paragraph: Manon van der Heijden, "Women, Violence and Urban Justice in Holland, 1600-1838," *Crime, History & Societies* 17, no. 2 (2013): 71-100.
- ²⁵ Pieter Spierenburg, "How Violent Were Women? Court Cases in Amsterdam, 1650-1810," *Crime, History & Societies* 1, no. 1 (1997): 9-28.
- ²⁶ Pieter Spierenburg, "How Violent Were Women?," 9-28.
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- ²⁹ Anne-Marie Kilday, *Women and Violent Crime in Enlightenment Scotland* (Woodbridge: The Boydell Press, 2007).
- ³⁰ Van der Heijden, "Women, Violence and Urban Justice," 76.
- ³¹ Daly and Chesney-Lind, "Feminism and Criminology," 527.
- ³² See for this opposition: Candace Kruttschnitt and Rosemary Gartner, "Introduction to the Special Issue on Gender, Crime, and Criminal Justice", *Journal of Quantitative Criminology* 9, no. 1 (1993): 323. According to the authors some members of the American Society of Criminology (ASC) had approached the Executive Board of the ASC because they thought that "Quantitative research on gender doesn't count".

- ³³ *Ibid.*, 324.
- ³⁴ Walker, *Crime, Gender and Social Order*, 4.
- ³⁵ Margaret L. Arnot and Cornelia Osborne, "Why Gender and Crime? Aspects of an International Debate," in *Gender and Crime in Modern Europe*, ed. Anort and Osborne, (reprint: London, New York: Routledge 2003), 7-11; Walker, *Crime, Gender and Social Order*, 4-5.
- ³⁶ Van der Heijden, *Women and Crime*, 98-127.
- ³⁷ Lotte van de Pol, *Het Amsterdams Hoerdom. Prostitutie in de zeventiende en achttiende eeuw* (Wereldbibliotheek: Amsterdam, 1996), 196-198.
- ³⁸ Van de Pol, *Het Amsterdams Hoerdom*, 241.
- ³⁹ Walker, *Crime, Gender and Social Order*, 4-5.
- ⁴⁰ Drew D. Grey, *Crime, Prosecution and Social Relations. The Summary Courts of the City of London in the Late Eighteenth Century* (London: Palgrave Macmillan, 2009); Peter King, *Crime and Law in England, 1750-1850. Remaking justice from the margins* (Cambridge: Cambridge University Press, 2006).
- ⁴¹ King, *Crime and Law in England*, 219.
- ⁴² Karen Jones, *Gender and Petty Crime in Late Medieval England. The Local Courts in Kent, 1460-1560* (Woodbridge: Boydell and Brewer, 2006), 6.
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- ⁵⁰ Otto Pollak, *The Criminality of Women* (Philadelphia: University of Pennsylvania Press, 1950), 151.
- ⁵¹ Heidensohn and Silvestri, "Gender and crime," 337; Frances Heidensohn, "New perspectives and Established Views," in *Gender and Justice, New concepts and approaches*, ed. Frances Heidensohn, (London/New York: Routledge, 2006), 2-3.
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- ⁵⁵ Darrell Steffensmeier, "National Trends in Female Arrests, 1960-1990: Assessment and Recommendations for Research," *Journal of Quantitative Criminology* 9, no. 4 (1993): 438.
- ⁵⁶ Heidensohn and Silvestri, "Gender and crime," 350.
- ⁵⁷ Lucia Zedner, "Women, Crime, and Penal Responses: A Historical Account," *Crime and Justice* 14 (1991): 319. Also: Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford: Clarendon Press 1990).
- ⁵⁸ Zedner, "Women, Crime, and Penal Responses," 308.
- ⁵⁹ *Ibid.*, 351-352.
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- ⁷³ Pieter Spierenburg, *The Spectacle of Suffering. Executions and the Evolution of Repression from a Preindustrial Metropolis to the European Experience* (Cambridge University Press: Cambridge 1984), 167.
- ⁷⁴ Kilday, *Women and Violent Crime*, 23.
- ⁷⁵ Walker, *Crime, Gender and Social Order*, 177.
- ⁷⁶ Deirdre Palk, *Gender, Crime and Judicial Discretion 1780-1830* (Woodbridge: The Royal History Society, 2006), 166.
- ⁷⁷ Walker, *Crime, Gender and Social Order*, 163, 274.
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- ⁸¹ *Ibid.*, 81-84, 87.
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- ⁹⁹ See for a discussion of the critique, Van der Heijden, "Women and Crime," 254-256.
- ¹⁰⁰ King, *Crime and the Law*, 196.
- ¹⁰¹ Manon van der Heijden and Valentijn Koningsberger, "Continuity and Change? The Prosecution of Female Crime in the Eighteenth and Nineteenth Century Netherlands," *Crime, History & Societies* 17, no. 1 (2013): 101-107.
- ¹⁰² Van der Heijden, "Women and Crime," 255-256.
- ¹⁰³ King, *Crime and the Law*, 198.
- ¹⁰⁴ Van der Heijden, "Women and Crime," 256; Schmidt and Pluskota, "Gevaarlijke vrouwen".
- ¹⁰⁵ John M. Beattie, "The Criminality of Women in Eighteenth Century England," *Journal of Social History* 7, no. 4 (1975): 109.
- ¹⁰⁶ Shoemaker, *Prosecution and Punishment*, 208-209; Herman Diederiks, "Quality and Quantity in Historical Research in Criminality and Criminal Justice. The Case of Leiden in the 17th and 18th Centuries," *Historical Social Research* 15 (1990), 57-76, 61; Manon van der Heijden, "Criminaliteit en seks in achttiende eeuws Rotterdam. De verschillen tussen vrouwen- en mannencriminaliteit tussen 1700-1750," *Tijdschrift voor Sociale Geschiedenis* 21, no. 1 (1995), 1-36.

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- ¹⁰⁸ Ariadne Schmidt, "Profiling the Female Criminal in Early Modern Holland. Women Before the Criminal Courts in Amsterdam, Leiden, Rotterdam and Gouda, 1600-1800," paper presented at the European Social Science History Conference, Vienna, 2014.
- ¹⁰⁹ Ariadne Schmidt, Isabelle Devos and Bruno Blondé, "Introduction. Single and the City: Men and Women Alone in North-Western European Towns since the Late Middle Ages," in *Single Life and the City 1200-1900*, ed. Julie DeGroot, Isabelle Devos and Ariadne Schmidt (Basingstoke: Palgrave Macmillan, 2015), 1-24. Frances Heidensohn and Marisa Silvestri, "Gender and Crime," in *The Oxford Handbook of Criminology*, ed. Mike Maguire, Rod Morgan and Robert Reiner, (Oxford: Oxford University Press 2012), 336-369.

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Short Bios

Ariadne Schmidt is assistant professor at the Institute for History at Leiden University.

After she received her PhD from the University of Amsterdam for her research on widowhood in the 17th century, she was affiliated with the International Institute of Social History where she directed a research project on women's work in the early modern Northern Netherlands. In 2010 she came to Leiden University where she co-directed the research project on *Crime and gender, 1600-1900: A comparative perspective*.

She has published on gender and the history of women's work, labour ideologies, guilds, family history, law, singles and crime. She has co-edited the volume *Single Life and the City 1200-1900* (Palgrave MacMillan 2015) with Isabelle Devos and Julie De Groot and is finishing a book on crime and gender before the Dutch courts, c.1600-1800. She is executive editor of the TSEG - The Low Countries Journal of Social and Economic History.

Manon van der Heijden is full professor of Urban History at the Institute for History at Leiden University. She is a social historian working in the field of urban history. Since 2012 she is director of the research project Crime and Gender 1600-1900: A Comparative Perspective. She is secretary of the European Association for Urban History and member of the editorial board of *Crime, History & Societies*. She published *Civic Duty. Public Services in the Early Modern Low Countries* (Newcastle: Cambridge Scholars, 2012) and *Women and Crime in Early Modern Holland* (Boston: Brill, 2016).

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