

RESEARCH PROJECT
CRIME AND GENDER 1600-1900: A COMPARATIVE PERSPECTIVE
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Introduction

Women are responsible for a smaller proportion of indictable offences than men: approximately 13% of all prosecutions in Europe (*European sourcebook of Crime and Criminal Justice Statistics 2010*, 195). This strong gender difference in criminal behaviour is generally linked to differences in the public lives of men and women: the fact that women have lesser freedom and fewer opportunities may cause a lower participation by women in crime, and may also lead to more lenient treatment by prosecutors (Silvestry & Crowther-Dowey: 2008; 27; Burke: 2006; Arnot & Osborne: 2003; Pollak: 1950; Adler: 1975). Furthermore, scholars generally assume that such sex differences in recorded crime rates are consistent, stressing the continuity of men's excessive contribution to criminality rather than any change (Heidensohn: 1996; Burkhead: 2006, 50; Silvestry & Crowther-Dowey: 2008, 26, 191).

This project, based at the University of Leiden, The Netherlands and funded by NWO (The Dutch Organisation for Scientific Research), contests the assumption of continuity and stresses the importance of historical variation. It introduces a conceptual framework of public roles that looks at male and female public roles and their impact on gender differences in recorded crime. In order to test the assumed link between public roles and recorded crime, the project compares different areas within Europe in the period between 1600 and 1900. These objectives will be reviewed in detail in the following paragraphs.

1 Historical Variation in Crime and Gender

Data on early modern Europe show that in France, England and the Netherlands between 1600 and 1800 women played a much more prominent role in crime than in the twentieth century (Farge: 1974; Van der Heijden: 1995; Feeley, 1991, 1994; King, 2008; Spierenburg 2008: 117). Such data reveal that women's involvement was not limited to distinctively female offences such as infanticide, witchcraft and prostitution. Women also constituted a large part of the cases that are typically associated with male crime, such as property

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offences and violence (Beattie: 1986; Schwerhoff: 1991; Feeley, 1994; Van der Heijden: 1995; King 2008; Zedner 2002). There are clear indications that between 1600 and 1900 20 to 50% of the property crimes (theft and burglary) were committed by women (Schwerhoff: 1991, 178; Feeley: 1994, 235; Wunder: 1995; Eibach: 2008; Wettmann-Jungblut: 2009; Van der Heijden: 1995, 4-11). In contrast: in the twentieth century women were responsible for only 12% of the property crimes (*European Sourcebook of Crime and Criminal Justice Statistics* 2003, 64-65 and 2006, 67-68).

The high percentages of female crime in the seventeenth and eighteenth centuries have led to an academic debate about trends in male and female recorded crime. Using data from several European cities, the criminologist Feeley argued that – as a result of increasing patriarchal structures – the female percentage in crime declined dramatically during the nineteenth century (Feeley and Little: 1991; Feeley: 1994). Other scholars have raised substantial doubts about the idea of the ‘vanishing female’ (Emsley: 1996,152; Hudson: 2005, 37; Arnot & Osborne: 2003, 8). Peter King maintained that the English evidence points to long-term stability in female recorded crime in the eighteenth and nineteenth centuries rather than to a long-term decline (King: 2003, 220).

Although it has been stressed that more quantitative and comparative data on the period between 1600 and 1900 are needed to determine the changing nature of recorded male and female crime, no scholar took up the challenge (Arnot & Osborne: 2003:11; King 2008; Feeley: 1994; Van der Heijden 1995;Beattie: 1995). This project will undertake a long-term comparative analysis that links gender differences in recorded crime to contrasts in public lives led by men and women in England, Germany, Italy and the Netherlands.

2 Public Roles and Gender Differences in Crime

The hypothesis of this project is that gender differences in recorded crime are determined by ideologies and practices of male and female public roles which varied according to particular economic, social, and political circumstances.

Generally, there are two sets of explanations for the gendered pattern of prosecuted crime: 1. Women actually commit fewer and different crimes than men because of the different nature of their lives: women are more confined to the domestic sphere while men have more freedom to engage in public and criminal activity. 2. According to their prescribed gender role women are expected to be less criminal and more law-abiding, resulting in biased criminal justice procedures (Schoemaker: 1988; Zedner: 1991; Schwerhoff: 1991; Rublack: 1999; Palk: 2006; King 2008; Spierenburg: 2008). Historians who use the concept of public

roles focus on the nineteenth century, assuming that the separation of public and private spheres caused gendered crime patterns (Feeley & Little: 1991; Feeley 1994; Palk: 2008; Zedner: 2002; Emsley: 2008).

There are several problems with this model: 1. The paradigm of private and public spheres has not been tested systematically 2. The model is too narrow because it focuses primarily on labour participation, while it masks the fact that both men and women moved easily from so-called private to public spheres (Kermode & Walker, 1994; Walker: 2006, 10; Arnot & Osborne: 2003, 23; Shoemaker, 1988: 311; Eibach: 2003; Seidel Menchi & Quagliani: 2004) 3. It does not distinguish between ideology and practices. A more nuanced concept of public roles is therefore much needed.

This project introduces a conceptual framework of public roles which distinguishes between moral norms about male and female public roles and the actual behaviour of men and women in everyday life. The assumption of this project is that dominant household ideologies do not necessarily represent men and women's public activities. The gendered patterns in crime rates depend as much on moral and legal norms relating to the different public roles of men and women as on their actual roles in everyday life. The various religious and legal forces promoting gender differences were not always successful, and there were many instances where in practice both men and women engaged in public activities (Shoemaker: 1998, 313; Wunder: 1998; Rublack: 1999; Jacobson Schutte, Kuehn & Seidel Menchi: 2001; Harrington: 2001; Wright: 2004; Walker: 2006: Van der Heijden, Schmidt & Van Nederveen Meerkerk: 2009; Van der Heijden & Van den Heuvel: 2007).

This project uses a broad definition of public roles: the activities of men and women around or outside the household involving direct or indirect contact with non-household members. This definition prevents a too strict division between public and private activities, which may mask the large overlap within the private and public lives of men and women. I distinguish three domains where men and women display public activities: 1. Around the house and within the neighbourhood 2. On markets, at workplaces, in streets, and places of recreation 3. Around community buildings and facilities (secular as well as ecclesiastical). Those crimes that are committed within the house and out of the sight of others are labelled as crimes committed in the non-public sphere.

Although most historians agree that social-cultural structures and economic circumstances may cause gender differences in crime, no systematic analysis has been carried out to explain which factors are conducive to the freedom of men and women to lead public lives

and to commit crimes. This project hypothesises that the leeway of men and women to lead public lives and the incentive to commit crime is strongly determined by circumstances that have varied over time and space. In order to explain the varying public roles of men and women this project distinguishes between various determinants: 1. Moral and legal norms 2. Urbanisation 3. Family systems 4. Labour participation 5. Living standards.

4 Methodology

As the impact of such determinants varies over time and place, this project compares different areas within Europe: England, Germany, Italy and the Netherlands. These areas have been selected for three reasons:

1. Data suggest that in the period 1600-1900 there were significant differences between these areas regarding the proportion of male and female crime.
2. These areas featured both divergent and convergent developments regarding moral and legal norms, urbanisation, family systems, labour participation, and living standards.
3. There are available sources for a long-term approach.

The long-term historical approach adopted in this project will provide systematic quantitative and qualitative data to assess the concept of public roles for explaining gender contrasts in recorded crime. The comparative perspective also contributes to global comparisons, in which the European cases can be compared to gender roles and crime in other parts of the world (Wong:1999; Wright: 2004; De Moor & Van Zanden:2006; Kok: 2010).

The following research questions are central to the project:

1. How did male and female recorded crime rates vary in Europe between 1600 and 1900?
2. To what extent did ideologies of the public roles of men and women correlate with their actual gender role differences, and to what extent did such ideologies influence the prosecution policies of governments?
3. How were the various types of crime committed by men and women linked to their roles in various public domains: 1. Around the house and within the neighbourhood 2. Around markets, workplaces, streets and places of recreation 3. Around community buildings and facilities (secular as well as ecclesiastical).
4. To what extent were moral and legal norms, urbanisation, family structure, labour participation, and living standards determining influences on the public roles of men and women, and their incentive to commit crime?

Three main assumptions underlie the project:

1. There is discontinuity rather than continuity in the contribution of men and women to criminality in Europe between 1600 and 1900.
2. Gender differences in crime rates are strongly determined by the public roles attributed to men and women and by the roles they acquired, which both varied over time and space.
3. The public roles of men and women and gendered crime rates are determined by: 1. Moral and legal norms 2. Urbanisation 3. Family structure 4. Labour participation 5. Living standards.

Model

The above assumptions and questions are summarized in the model below. This model proposes male and female crime rates between 1600 and 1900 as dynamic. Crime rates change and vary according to historical circumstances which determine the public roles of men and women. The model assumes that the scope of men and women to undertake public activities had a defining influence on gender difference in crime. In addition, the model tests how moral and legal norms, urbanisation, family structure, labour participation, and living standards can explain the radius of men’s and women’s public activities and thus their contribution to crime.

Determinants	Effect on public roles	Effect on crime rates
Moral and legal norms of public roles	Men lead more public lives than women	Biased criminal procedures: 1. Men commit more crimes than women. 2. Men more often prosecuted. 3. Men and women prosecuted for specific types of crime.
Level of urbanisation	High: > larger public roles Low: < lesser public roles	> Higher female share of crime < Lower female share of crime
Gender equality in family structure	High: > larger public roles Low: < lesser public roles	> Higher female share of crime < Lower female share of crime
Gender equality in labour participation	High: > larger public roles Low: < lesser public roles	> Higher female share of crime < Lower female share of crime

Living standards	Low: > larger public roles	> Higher female share of crime
	High: < lower public roles	< Lower female share of crime

This project will gather systematic information about the types of crimes committed by men and women, age, marital status, social-economic background, level of cooperation with other offenders, spatial context, and institutional setting (treatment by prosecutors and courts). These variables are good indicators for the assumed connection between public roles and varying gender patterns in crime between 1600 and 1900. The research is based on a variety of sources:

1. Period 1600-1800: court records in England, Germany, Italy, and the Netherlands.
2. Period 1800-1900: court records, national statistics, prison records, published crime reports.
3. Published sources: laws and legislation, treatises on crime, poverty and immigrants, medical and psychiatry reports; scientific works of criminologists; and normative essays on the (ideal) behaviour of men, women and children.
4. Secondary literature will provide additional information on socio-economic determinants, and on crime and gender patterns within and outside Europe.

Researchers in this project:

Manon van der Heijden, director of the project: European crime and gender models within and outside Europe.

Ariadne Schmidt, senior researcher: comparison England and The Netherlands, ca. 1600-1850.

Marion Pluskota, postdoc researcher: Europe in the nineteenth century, particularly England, Germany, Italy, and the Netherlands.

Jeannette Kamp, PhD student: Germany, ca. 1600-1800

Mirjam Bekker, PhD student: Italy, ca. 1600-1800

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