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Continuity or Change? Female Crime in the 19th-Century Netherlands

Manon van der Heijden¹, Valentijn Koningsberger²

Cet article démontre que dans la longue durée, la part des femmes dans les poursuites et les condamnations en Hollande, entre 1750 et 1838 est restée stable. Entre 1750 et 1811, les femmes représentaient en général 30 à 40% des poursuites. C'est le fort taux d'urbanisation qui fournit l'explication la plus évidente des taux de criminalité féminine élevés en Hollande. La relative indépendance des femmes leur faisait courir un risque plus élevé d'avoir affaire à la justice. Les données régionales pour la période 1811-1838 suggèrent qu'il existait aussi une forte continuité dans la proportion des femmes délinquantes pour l'ensemble de la période 1750-1838. Selon les statistiques pénitentiaires nationales, le taux d'emprisonnement entre 1839 et 1886 était plus faible: en moyenne, seulement 11% des condamnés à l'emprisonnement étaient des femmes. Ce faible taux peut être expliqué en partie par le fait que ces données visaient des infractions graves commises aussi bien par des femmes de la campagne que de la ville. Alors que le nombre d'hommes et de femmes adultes emprisonnés déclina entre 1840 et 1880, le nombre d'enfants augmenta considérablement. La préoccupation croissante pour l'enfance délinquante se traduisit par un taux de poursuite plus élevé aussi bien pour les garçons que pour les filles. Ni la proportion de ces dernières dans la criminalité, ni la sévérité des tribunaux à leur égard ne déclinèrent.

This article shows that there was long-term stability in the female share of prosecutions and convictions in Holland between 1750 and 1838. Between 1750 and 1811 women generally represented 30 to 40 percent of the prosecutions. The most obvious explanation for high female crime rates in Holland is the high level of urbanization. The relatively independent position of women caused greater risks of them becoming involved with the law. The regional data between 1811 and 1838 suggest that there were also extensive continuities in the proportion of female offenders between 1750 and 1838. The national prisons between 1839 and 1886 produce lower figures; on average 11 percent of those sentenced to prison were female. These low figures may in part be explained by the fact that the data represented felony cases of women from rural as well as urban regions. Whereas the numbers of both male and

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female adult prisoners declined between 1840 and 1880, the numbers of young children rose considerably. The growing concern for criminal children resulted in higher prosecution rates for children, and this trend involved both boys and girls; girls' proportion in crime did not decline, nor were girls treated with more leniency by the courts.

Criminologists and historians agree that women usually are responsible for a smaller proportion of recorded offences than men: approximately 13 per cent of all prosecutions in Europe³. However, there is much less agreement about patterns of change over time. Criminologists generally assume that sex differences in recorded crime rates are invariant over time and space, stressing the continuity of men's excessive contribution to criminality rather than discontinuity⁴. 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. Case studies on London and Amsterdam show that in the seventeenth century 50 per cent of all recorded criminals were female⁵. The data for various English counties and Dutch towns suggest that females represented 20 to 40 per cent of the recorded offences in the seventeenth and eighteenth centuries⁶. Such data show 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 perpetrators of crimes that are typically associated with males, such as property offences and violence⁷.

In his study on crime and the courts in England between 1660 and 1800 J.M. Beattie was one of the first to acknowledge that female crime patterns changed over time. In his path-breaking work Beattie paid particular attention to rural and urban differences, arguing that female crime rates were higher when women gained more independent positions and when their participation in public life increased⁸. Like many criminologists, Beattie linked strong gender differences in criminal behaviour to contrasts in their presence and functions in public life: women's limited freedom and opportunity may lead to less involvement in crime and more lenient treatment by the courts⁹.

The presumed link between women's participation in public life and their involvement in crime has led to a vigorous debate among historians about the precise timing of increase or decrease in women's freedom and opportunities as well as about the long-term trends in female crime. In several provocative articles Malcolm Feeley stirred the debate by arguing that in Europe the female percentage in crime dramatically declined over the eighteenth and nineteenth centuries. Feeley linked the decline of female crime to the (re-)emergence of patriarchal structures and the

³ *European Sourcebook of Crime and Criminal Statistics* (2010, p. 195).

⁴ Ruthenfrans (1989); Heidensohn (1996, 2nd ed.); Dow Burkhead (2006, p. 50); Silvestry, Crowther-Dowey (2008, pp. 26 & 191). See also a review of Palk (2006); Emsley (2008, pp. 130-131).

⁵ Feeley, Little (1991); Feeley (1994); Van de Pol (1987, pp. 149-151); Van der Heijden (1995).

⁶ King (2008, pp. 216 & 221); Zedner (2002, p. 1); Roets (1985, pp. 363-368); Faber (1983, pp. 253-259); Van der Heijden (1995, pp. 15-16).

⁷ Van der Heijden (1995, pp. 4-10).

⁸ Beattie (1975, p. 81, 1986).

⁹ Silvestry, Crowther-Dowey (2008, p. 27); Pollak (1961); Adler (1975); Arnot, Osborne (1999).

separation of public and private spheres which caused fundamental differences in male and female patterns of crime¹⁰.

Feeley and his co-authors Little and Aviram based their findings on the proceedings of the Old Bailey in London between 1687 and 1912 and on secondary literature on female crime in various European countries, particularly The Netherlands¹¹. Though recognizing that factors of demography, jurisdiction, and war might have played a role in the changing proportion of women in crime rates, they dispute the relevance of such factors, arguing that demographic developments and changes in the judicial system would not be sufficient to explain long term trends in female crime¹².

While most historians assume that a separation of private (female) and public (male) spheres in the eighteenth and nineteenth centuries may have reinforced the gendered crime pattern, other scholars raised substantial doubts about the idea of the 'Vanishing Female' as suggested by Feeley¹³. Peter King maintained that the English evidence points to long-term stability in female recorded crime in the eighteenth and nineteenth centuries rather than a long-term decline¹⁴. King agreed that the proportion of female crime rates strongly fluctuated between 1750 and 1850, though he links such changes to complex short-term developments, such as war and exceptional circumstances. Furthermore, there were wide variations in the proportion of offenders who were female¹⁵.

His findings confirm Beattie's argument of a close relationship between the degree of urban involvement in a region and its percentages of female offenders. Although spatial variations and the complex geography of female involvement in indictable crime make it difficult to draw general conclusions, there appears to be very little evidence of long-term decline, at least not until the second half of the nineteenth century. The work of Lucia Zedner on nineteenth-century England showed that there was no decline in the proportion of indicted women before around 1850. Furthermore, the numbers of suspected persons between 1893 and 1910 demonstrate that women's proportion declined as late as the twentieth century. Before 1905 women represented 22 to 23 percent of those suspected of crime¹⁶. King concludes that "the proportion of females to be found amongst indicted offenders showed very little, if any, sign of significant long-term change. On closer inspection therefore, the vanishing female offender vanishes"¹⁷.

Although it has been stressed that more quantitative and comparative data on the period between 1750 and 1900 are needed to determine the changing nature of recorded male and female crime, there is still no consistent evidence about long-term

¹⁰ Feeley (1994, pp. 250-259).

¹¹ Feeley, Little (1991, p. 719); Feeley, Hadar Aviram, unpublished online paper (2008): 'Where have all the women gone? The Decline of Women in the Criminal Process', unpublished online paper 2008 [http://lapa.princeton.edu/uploads/Where%20Have%20All%20the%20Women%20Gone_CELS.pdf]; Feeley, Aviram (2010).

¹² Feeley, Little (1991, pp. 724-740).

¹³ King (2008, pp. 198-199); Shoemaker (1988); Emsley (2nd edn, 1996, p. 152); Arnot, Osborne (1991, p. 8).

¹⁴ King (2008, pp. 199-220).

¹⁵ King (2008, pp. 202-206-220).

¹⁶ Zedner (2002, p. 36).

¹⁷ King (2008, p. 220).

trends in female crime in Europe¹⁸. This article aims at contributing to the debate on long-term developments in male and female criminal behaviour by presenting new evidence on patterns in the prosecution of Dutch female crime over the eighteenth and nineteenth centuries. As Feeley argued that a similar decline in female crime occurred in the Netherlands, the Dutch case is highly relevant to the general debate.

The purpose of this article is twofold. Firstly, we will show that there is no evidence of a long-term decline in the female crime rates in the Netherlands between 1750 and 1838. We will present recent examinations on the prosecution of men and women's crime in various towns in Holland between 1750 and 1838 and evidence from the national prison records after 1838. We will argue that the Dutch pattern of female crime between 1811 and 1838 to a large extent followed the pattern of short-term fluctuations and continuity as described by King. Secondly, our analysis includes an overlooked aspect regarding crime and gender in the nineteenth century, namely the increasing prosecutions of boys and girls by the institutions. Feeley argued that due to the new patriarchal structures women and children were removed from the economy and confined to a domestic sphere, though his examinations do not include prosecution patterns regarding different age groups. We will argue that a possible decline in the proportion of adult women after c.1870 may not correspond to the trend in crimes committed by girls, and is also not related to lower rates of female participation in the labour market.

We will first make some remarks about the arguments being raised and the methods used by Feeley and his co-authors. We will then turn to the Dutch case and present our findings on female crime in the Netherlands over the eighteenth and nineteenth centuries. The findings are based on recent examinations of the criminal records of various Dutch towns between 1750 and 1838, as well as national prison records and houses of correction between 1839 and 1880¹⁹.

SOME REMARKS ON THE DECLINE OF WOMEN IN THE CRIMINAL PROCESS

As King rightly argued, Feeley does not take into account regional variation of gender differences in crime, nor does he explain the impact of particular or exceptional circumstances, such as short-term socio-economic transformations and changes to law or procedural practice. There are no comparative studies on early modern Dutch crime, but the findings of various case studies – particularly on the period between 1600 and 1750 – confirm the suggestion that there were strong regional variations in crime rates. Data on various towns and cities in the Low Countries suggest that local circumstances did have an impact on gender differences in crime. The female contribution to crime varied greatly between regions and towns: generally the proportion of female criminals was much larger in big cities, particularly in port towns. In several towns the women's share in crime was approximately 20 to 30 percent (Ghent) while in other cities the

¹⁸ Arnot, Osborne (1999, p. 11); King (2008, p. 199); Feeley (1994); Van der Heijden (1995); Beattie (1995).

¹⁹ Our examinations are based on *Jaarboekje over 1836-1846*, uitgegeven op last van Z.M. den Koning' (Jaarboekje van Lobatto), 's-Gravenhage, 1839-1848; *Statistieke Tabellen van de Bevolking der Gevangenis in Nederland over 1847-1853*, 's-Gravenhage, 1848-1854; *Statistiek van het Gevangeniswezen over 1854-1905*, 's-Gravenhage, 1855-1906.

participation of women in prosecuted crime was much larger (in Amsterdam, Leiden, and Rotterdam ranging between 35 and 50 percent)²⁰.

There is a second methodological concern with regard to the Dutch sources used by Feeley and his co-authors to prove their argument: the most important data reach no further than the year of 1811. The evidence presented by them relates particularly to the seventeenth century, and they show very little data on the crucial period of the assumed change over the second half of eighteenth century and the nineteenth century. The evidence is not consistent enough and too limited to conclude that there was a long-term decline in the eighteenth and nineteenth centuries.

The lack of consistent evidence on the period around 1800 is particularly problematic because they link the alleged decline in female crime to the process of industrialization between ca.1750 and 1850. Patriarchal structures and the breadwinner ideal would have resulted in a clear separation of home and work, resulting in the removal of women from the labour market, and the confinement of women to the private sphere. Feeley argues:

By the end of the nineteenth century, there was a clear separation of home and work, a firmer sexual division, the exclusion of women from the public sphere and from productive work, and the confinement of women to reproductive and domestic work in the home. The new private and patriarchal family resulted in a decline of recorded female crime²¹.

Besides the lack of sufficient evidence for the period around 1800, the concept of 'the vanishing female' is problematic in itself. Gerd Schwerhoff already pointed to Feeley's poor elaboration of the concept and the need for a more critical and comprehensive interpretation of the sources. It is not clear to what extent processes of industrialization would have resulted in a decline in women's labour participation, nor is there evidence for a strong relationship between female crime rates and women's labour participation. In Germany the labour participation of women increased in the course of the nineteenth century, but increasing female employment rates did not result in higher female crime rates²². There is also no evidence that points to a link between developments in labour relations in the Netherlands and the decline in the proportion of women in crime. The process of industrialization started in Holland – the region that Feeley focuses on – as late as 1850 while the reliable Dutch data in Feeley's analysis cover the period before 1811²³. If Feeley's suggestions are correct in the sense that there was an actual decline of Dutch women in the criminal process after 1800, it seems very unlikely that such a trend can be explained by the process of industrialization.

There is another point regarding the alleged decline of female crime rates that deserves much more attention: the significant jurisdictional changes after 1800. For England, King pointed to the relationship between changes to the patterns of prosecution and procedural practice from 1850 to 1890 and the lower proportion of women brought to trial for indictable offenses in the new statistical series after

²⁰ Van der Heijden (1995, pp. 1-10); Van de Pol (1987, pp. 148-155); Faber (1983, pp. 243-254).

²¹ Feeley (2008, pp. 243-248 & 260).

²² Schwerhoff (2000), unpublished online paper 'Gender and Criminal Justice: the German Case', 19th International Congress of Historical Sciences, 6-13 August, 2000 [<http://www.oslo2000.uio.no/program/papers/s4/s4-schwerhoff.pdf>].

²³ Van Zanden (1997, p. 22).

1857. The judicial system of the Netherlands underwent fundamental changes after 1800 as well. In the early modern period crimes were prosecuted by local criminal courts, primarily in towns and cities. In 1811 the prosecution of crime became a national matter, resulting in the replacement of the old local courts and prisons by regional courts and national prisons. The Dutch sources used by Feeley, Little and Aviram do not include the correctional courts that existed between 1811 and 1838 and the national prison records after 1839 – an omission of data that may be crucial to their argument that women’s decline began after 1800 – nor do they give a careful explanation for the crucial differences between the local jurisdictions of the early modern period and the new national statistical series of the nineteenth century. To quote King, “Feeley and Little’s data on the period from the 1850s to the 1890s is clearly deeply suspect given the jurisdictional changes”²⁴.

There were also significant changes in the treatment of criminals by courts and prosecutors. In the course of the nineteenth century prosecutors began to focus on education and juvenile crime, and subsequently age became an important factor in the prosecution process. The changing attitudes to childhood were linked to broader public concerns about crime, poverty and juvenile offenders. King has shown that in England in the nineteenth century “there was a new desire to discipline rather than ignore juvenile offenders”²⁵. The examinations of Jenneke Christiaens on Belgian criminal children confirm this trend. Growing concern about the behaviour of poor and ‘immoral’ families led to a broad societal movement that linked family intervention to crime prevention. In order to bring these new values into practice, the state created legal instruments that allowed criminal justice administrators to increasingly intervene in the private sphere of the household²⁶. From the first decades of the nineteenth century onwards, Belgian children were increasingly removed from their families and placed in houses of correction in order to educate and discipline them²⁷. A considerable proportion of children who were confined at the request of their fathers, were female. Between 1861 and 1875, 35 percent of the 2157 confined youngsters were girls. By the end of the nineteenth century 200 to 300 children were incarcerated every year at the request of their parents²⁸.

Like in Belgium, the increase in the proportion of juvenile offenders in the Netherlands was linked to broader societal concerns about crime and children, and there was a growing awareness among public authorities that the state ought to take responsibility in such matters. Children were increasingly confined in houses of correction in order to discipline and re-educate them, regardless their age and sex. Next to state prisons, private initiatives were undertaken to establish houses of correction in which children from poor and often broken families were ‘re-educated’²⁹. The examinations of Chris Leonards on the nineteenth-century Dutch penitentiary institutions show that boys were increasingly imprisoned. The proportion of girls amongst the juvenile prisoners appeared not to decline between 1860 and 1900³⁰.

²⁴ King (2008, pp. 218-219).

²⁵ King (2008, p. 112).

²⁶ Christiaens (1994, pp. 149-169, 1999).

²⁷ Christiaens (1999, pp. 149-169 & 157-160).

²⁸ Christiaens (1994, pp. 158-159).

²⁹ Groenveld, Dekker, Willems (1997, pp. 324-331); Dekker (2001).

³⁰ Leonards (1995, p. 279); Bakker (2010, p. 432).

The studies on England, Belgium, and the Netherlands may offer an indication of the numbers and percentages of young women and girls who were imprisoned, but none of these works include gender differences in their analyses. The data on juvenile delinquents concerns almost exclusively boys, except for the studies of Heather Shore and Pamela Cox on juvenile offenders in nineteenth-century Britain. Such explorations may offer explanations for changing attitudes of prosecutors and courts towards male and female crime, and subsequently to changing male and female crime rates. Shore found that institutional responses to juvenile crime were based largely on a concern of boys rather than girls. However, such considerations are unnoticed in the work of Feeley and his co-authors³¹.

THE PROPORTION OF FEMALE OFFENDERS IN HOLLAND 1750-1811

Dutch evidence on male and female crime is mainly available for large towns in Holland during the period between 1600 and 1750. Various studies on Amsterdam, Rotterdam, and Leiden have shown that the proportion of women who were prosecuted by the criminal courts was – at times – exceptionally high. The study of Sjoerd Faber on Amsterdam between 1680 and 1811 showed that females represented 35.2 percent of those sentenced by the Amsterdam criminal court³². In the last quarter of the seventeenth century women's involvement in crime in Amsterdam was generally 49 percent, though there were continuous short term fluctuations, and in some years the female crime rate was as low as 20 percent. The occasional low figures at the end of the eighteenth century gave Feeley reason to believe that there was a long-term decline of female crime in Amsterdam, which set in around 1800. Although the proportion of women amongst those who were prosecuted appeared to fall to 20 percent at the end of the eighteenth century, in some years between 1750 and 1800 female crime rates continued to be exceptionally high (more than 50 percent). Recent examinations of the new criminal courts of Amsterdam after 1811 make it possible to extend the period and expand the information about the prosecution pattern in the nineteenth century. As we shall see below, the figures appear to show a picture of long-term stability in the sense that there were continuous short-term fluctuations in the proportion of female defendants.

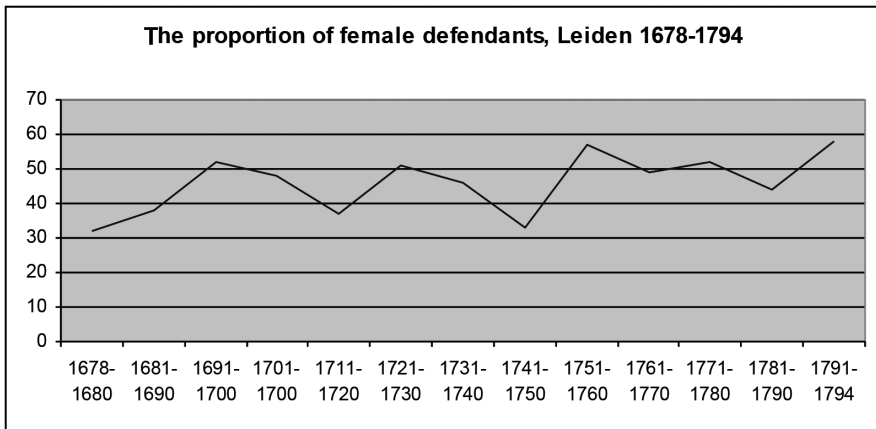
For the figures on the city of Leiden, Feeley relied on the examinations of Diederiks and Noordam. However, the data are problematic because they involve unpublished material that is derived from a general overview of all prosecutions in Leiden between 1601 and 1811 (made available by Van den Heuvel). Based on the findings of Diederiks and Noordam, Feeley claimed that the female share in crime in Leiden rose to almost 60 percent around 1770, and then began to decrease toward the end of the eighteenth century. He therefore believes that there was a decline in women's involvement in crime from the end of the eighteenth century onwards. Nevertheless figures that were disregarded by Feeley as well as recent data for Leiden show that between 1675 and 1811, the percentage of female defendants and convicts in Leiden was rather stable, fluctuating between 32 and 59 percent.

³¹ Shore (1999); Cox, Shore (2002).

³² Faber (1983, p. 254).

Reliable data on Leiden is presented by Kloek's examinations in 1990 on the confessions of defendants between 1678 and 1794. She found that in this period women's share in all offenses was approximately 41 percent, and there was no decline over the course of the period. Between 1781 and 1790 women represented 44 percent of those who were prosecuted, and between 1791 and 1794 women's share in crime was 58 percent³³. Women were particularly represented in property offenses (47%), moral offenses (67%), and offenses against public order (31%). It may seem obvious that women were heavily represented in moral offenses because they were prosecuted for prostitution, though most of those cases against women were related to adultery and fornication.

Chart 1



Source: Leiden confessieboeken; Kloek (1990).

Recently, Tegelaar provided new data on the long-term patterns of male and female crime in the criminal records of Leiden in the eighteenth and beginning of the nineteenth century (sentence books), and her findings confirm the female crime trends as described by Kloek³⁴. Tegelaar shows that there may have been years with lower female rates in the 1770s, but as Kloek already revealed, there was no decline in the share of women in crime after that period. Tegelaar presents data on the early nineteenth century, and demonstrates that there were extensive continuities in women's involvement in crime between 1700 and 1804. Between 1700 and 1702, for example, 40 percent of the offenders were female, between 1800 and 1802 women's involvement in the criminal process was around 43 percent.

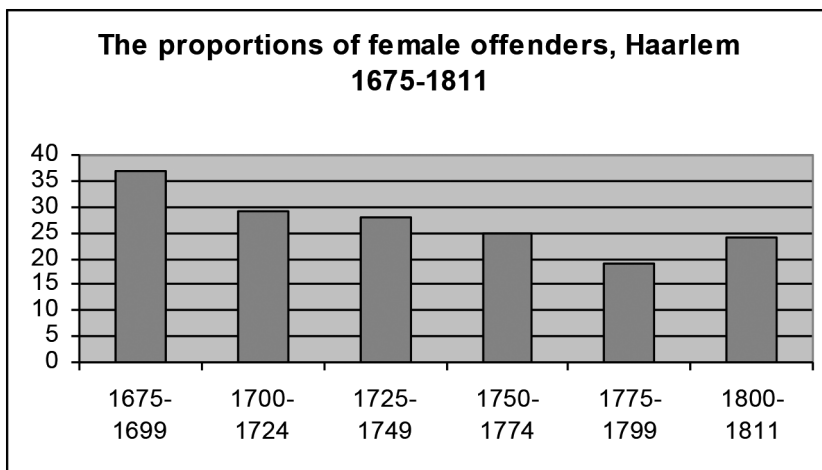
The study of Tegelaar includes another textile city in Holland, Haarlem between 1675 and 1811. Overall, the percentages of female involvement in crime were a bit lower compared to the other towns of Holland, but there appears to be long-term stability as well. The data reveal an average of women defendants of 29 percent for the entire period (1675-1811). During this period there were considerable

³³ Kloek (1990, p. 133).

³⁴ Tegelaar (2012b, pp. 31-48).

fluctuations in women's involvement in crime. In the period between 1680 and 1689, for example, the proportion of prosecutions that involved females rose to 39 percent, and between 1770 and 1779 women represented only 18 percent of those sentenced by the court.

Chart 2



Source: Tegelaar, *Vrouwencriminaliteit*, p. 30.

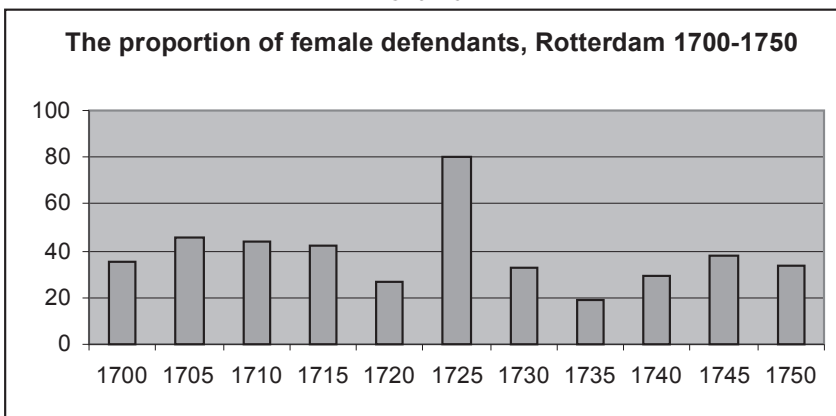
Women were mostly prosecuted for property crime, and in the course of the period 1675-1811 this offence became increasingly important in the cases that were handled by the criminal court. Detailed information on the criminal cases shows that between 1600 and 1604 only 21.5 percent of the women who were prosecuted were held for a property offense, yet between 1700 and 1704 almost 70 percent of the cases involving women concerned property, and between 1800 and 1804 that percentage rose to 83.3. Clearly, in the course of the period women were increasingly prosecuted for committing property crimes, and less for moral offenses. Between 1775 and 1804 women rarely came before the criminal court for committing a moral crime. There may be a link between increasing percentages of property offenses and poverty, because in the course of the eighteenth century women increasingly pointed to their poor circumstances as the reason for their offenses. Indeed, in the second half of the eighteenth century the textile industry of Haarlem declined, and a considerable proportion of the employees working in this sector became unemployed. Haarlem's population declined considerably because many textile workers left the town to find work elsewhere. The people who were brought before the courts at the end of the eighteenth century were increasingly poor migrants and wage labourers whose work was related to the textile industry of Haarlem³⁵.

Lastly, there are new figures on the prosecution of men and women in Rotterdam during the second half of the eighteenth century. In earlier works about women's criminality, Van der Heijden showed that between 1700 and 1750 women represented

³⁵ Tegelaar (2012b, p. 48).

on average 35 percent of those brought before the criminal courts of Rotterdam. The information on the Rotterdam criminals included both the criminal sentence books in which felony cases were recorded and the correction books which consisted of misdemeanours, particularly violence. The latter were referred to as fight books (*vechtboeken*), though the records included a much wider variety of offenses, including felony cases. The figures on women's share in the total number of offenses (the number of persons was lower) was slightly higher, on average 38 percent of the misdemeanours were committed by women. Clearly, the figures on female crime in Rotterdam between 1700 and 1750 resemble the fluctuations in female crime in other cities. Women were prosecuted for a variety of offenses: 33 percent of them for a moral offense; 23 percent for a crime related to property; 23 percent for crime against public order; and 21 percent of female offenders for violence. Those moral offenses were not related to prostitution, but primarily to adultery and to a lesser extent fornication. The fact that Rotterdam was an important town of the East Indian Company had a significant impact on female crime; like in Amsterdam, most adulterous women were left behind by their husbands who worked as a sailor for the company³⁶.

Chart 3



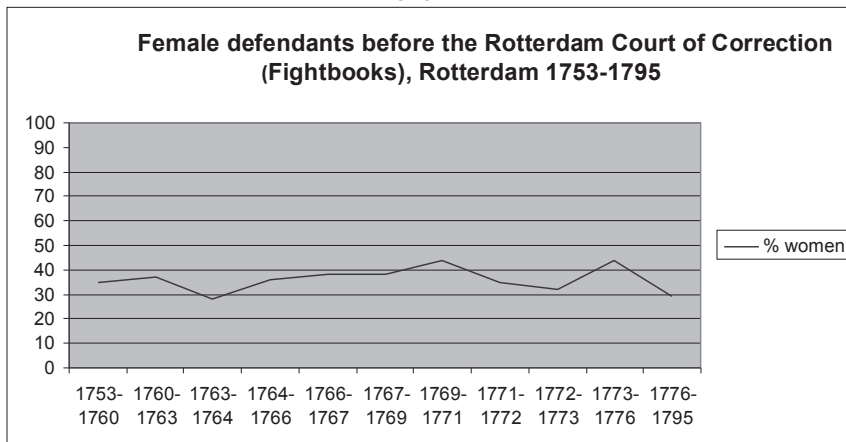
Sources: Judicial Archives Rotterdam (ORA), Sententieboeken en Vechtboeken 1700-1750.

What about the proportions of female offenders in Rotterdam in the second half of the eighteenth century, the period about which Feeley has no information? New data on the fight books between 1750 and 1795 reveal that the proportion of women's involvement in crime did not decline in the second half of the eighteenth century. It may not be a surprise that the figures on female crime rates continued to be stable in the years between 1750 and 1795 – considering the figures of the other towns in Holland – but it is remarkable when one looks at the nature of the offenses that were recorded in the fight books. Although in this period all crime categories were recorded in the fight books, 40 percent of the prosecuted persons had committed a crime related to violence. Surprisingly, women made up a substantial portion of

³⁶ Van der Heijden (1995, 1998, pp. 46, 75 & 154-155).

those who were held because they displayed violent behaviour. On average women's share in crime in the fight books between 1750 and 1795 was 36 percent, though in some periods women were responsible for 44 percent of the offenses³⁷.

Chart 4



Source: Judicial Archive Rotterdam (ORA), Vechtboeken 1750-1795.

URBANIZATION AND FEMALE CRIME RATES

How can we explain the stable high rates of female crime in the early modern period? The most obvious explanation is the extent of urbanization in Holland, a link that is particularly explored by Beattie in his work about the criminality of women in England. Beattie found women's contribution to crime to be generally much higher in cities than in rural communities or small towns. The lack of economic and social support from the traditional community caused women in towns to lead more independent, public and exposed lives³⁸. In his survey on the London data on female crime, King also suggested that the wide variation in the proportion of offenders who were female may be explained by the degree of urban involvement in a region. The most urbanized regions, such as Surrey and Kent, had the highest proportions of female offenders; the rural areas had much lower percentages of women who were prosecuted.³⁹

The close relationship between the degree of urbanization and the percentage of female offenders is particularly relevant to the highly urbanized region of Holland. At the end of the eighteenth century, 30 to 40 percent of the Dutch population lived in towns, in England 20 percent, in Italy 18 percent, and in Germany 5.5 percent. In

³⁷ Stads Archief Rotterdam, Oude Rechterlijke Archieven (ORA), Vechtboeken 1750-1795.

³⁸ Beattie (1975, p. 81); Shoemaker (1991, pp. 208-209).

³⁹ King (2008, p. 215).

Holland, the level of urbanisation was as high as 70 percent⁴⁰. Furthermore, the towns in Holland were characterised by an exceptionally high ratio of women. Compared to many other towns in Western Europe, Dutch urban centres, and particularly those in the province of Holland, were characterised by very large numbers of women living alone – either permanently or temporarily. The relatively independent position of women and consequently their greater public presence may explain the exceptionally high female crime rates in the towns of Holland⁴¹. Being involved in public activities, women had more opportunities to make their own decisions, to move around freely, and to work outside the home. This freedom also caused greater risks of getting on the wrong side of the law. Because of their more public lifestyles, the insecurity of their employments, and their lack of family support, independent women – especially if they belonged to the lower classes – were more likely to enter into disputes and to commit crime in times of hardship⁴². For many young lower-class women migrating from the countryside to the city, criminal activities became a logical survival strategy⁴³.

The size of a city and the proportion of migrants probably had an impact on the involvement of women in crime: in migrant cities such as the cities of Holland women lived more independent and public lives and as a result they generally ran greater risks of transgressing the law than their counterparts in rural areas. In small towns the living conditions may have been very different, though much further research is needed on the differences between rural and urban areas, and various types of towns.

FROM A LOCAL TO A NATIONAL PENAL SYSTEM

Comparing early modern crime sources with nineteenth century criminal records and national statistics is highly problematic. Before 1811, male and female offenders were prosecuted by local (often urban) courts and the numbers and types of crimes to a large extent represented the specific social, economic and demographic circumstances that urban populations lived in. These particular circumstances are the most plausible explanation for high female crime rates in the towns of Holland between 1750 and 1811. The figures on courts after 1811 do not necessarily represent convictions of persons from a specific city or region, but offenders from a large region. The national statistics on prisons represent all prisoners from various regions in the Netherlands. Scarce information in the national statistics about the place of origin or the place of residence of offenders makes it very difficult to draw conclusions about the relationship between the percentage of female prisoners and the degree of urban involvement in a region. The records used by Feeley for the early modern period represent primarily women's involvement in crime in the towns of Holland, the most urbanized region in the Low Countries, and are hardly comparable with the courts that were established between 1811 and 1838, and the courts and national statistics after 1838. The patterns of female crime rates found in the national

⁴⁰ De Vries, Van der Woude (1995, p. 83); Clark (2009, pp. 119-123 & 128).

⁴¹ Van der Heijden, Van den Heuvel (2007).

⁴² Shoemaker (1991, pp. 208-209).

⁴³ Moch (2003, p. 146).

data may be much more a reflection of jurisdictional changes and the overall pattern of crime in the Netherlands than possible changes in the involvement of women in crime. In 1811, the Code Pénal – the French criminal law – was introduced, which transformed the judicial system of the Netherlands from a fragmented system with primarily local courts that handled almost all criminal cases into a central system with fewer courts that dealt with specific crimes. The Code Pénal distinguished between various types of crimes: felony cases (*crimes*), offenses (*délits*), and less serious offenses (*contraventions*). Before 1811, 200 local courts dealt with felony cases; after 1811 the number of courts was reduced to only two (*Cours d'Assises*). Regional correctional courts (*Tribunaux de première instance*) dealt with offenses, and violations were handled by local police courts (*Juge de Police*). In 1838 the judicial system changed again, and now the courts of the period between 1811 and 1838 were replaced by district courts for violations, district courts for offenses, and provincial courts for felony cases. Since 1886 there are 19 district courts that handle felony cases, offenses and violations, and two higher courts of appeal.

As the young nation state of the Netherlands began to assume responsibility for most public facilities, prisons became the sole responsibility of the central authorities that cooperated with a new institution for the moral improvement of prisoners: 'Genootschap tot Zedelijke Verbetering der Gevangenen' (translation: Society for the Moral Improvement of Prisoners). From 1833 onwards, the distinction between adult crime and juvenile crime resulted in the establishment of national youth prisons that where initially meant for both sexes, but which became separate institutions for boys and girls after 1836⁴⁴.

The Dutch penal codes of 1810 and 1867 distinguished between children below and above the age of sixteen. Children under sixteen were not held accountable for their actions while children over 16 were sentenced as adults. However, the law made exceptions for younger children who were believed to have consciously committed crimes (*nullum crimen sine culpa*). Although such children were not convicted in the same way as children over 16, they did not escape imprisonment. Those who received the verdict *nullum crimen sine culpa* were placed in houses of correction until the age of twenty⁴⁵. Special prisons were established in order to distinguish between convicted juveniles and children under 16⁴⁶.

THE GENDERED PATTERN OF CRIME 1811-1886

Dutch criminal historians have focussed either on the early modern period or on the contemporary period, and there's little information about the period between 1811 and 1838. Several studies present information about the newly instituted criminal courts in the period between 1811 and 1838. Recently, Ruitenbeek examined the correctional court of Amsterdam between 1815 and 1835. The data from the correctional court of Amsterdam are to some extent comparable to the Amsterdam criminal courts before 1811, or the early modern fight books of Rotterdam. The records of the correctional court hold felony cases (*crimes*) as well as misdemeanours (*délits*), just like the old

⁴⁴ Leonards (1995, p. 110); Dekker (2009, pp. 17-36); Petersen (1978, pp. 119-146).

⁴⁵ De Smet (2005, p. 3).

⁴⁶ Leonards (1995, pp. 57,175 & 182, 1989, p. 108).

Amsterdam criminal court before 1811. However, as these records included cases coming before the Amsterdam correctional court as well as the Court of Assizes of North Holland, the defendants were not exclusively from Amsterdam.

Ruitenbeek's study reveals that the figures on female crime rates in the first quarter of the nineteenth century are quite similar to the prosecution trends that can be observed for the seventeenth and eighteenth century. Between 1815 and 1835 women constituted on average 19.4 percent of those who appeared before the criminal court of Amsterdam. In the course of this period the proportion of female criminals increased rather than declined: in 1815 only 14.5 of the accused were women, while in 1835 this had risen to 25.4 percent. The proportion of women who were subsequently prosecuted for a crime increased as well: in 1815 only 17 percent of all trials had a female defendant, in 1835 the proportion of trials involving women had increased to 30.5 percent.

Table 1. The proportion of female offenders among Amsterdam prosecutions 1815-1835

Year	Total accused	Females accused	% females	Total trials	% trials involving women
1815	345	50	14.5	246	17
1820	331	54	16.3	249	18.9
1825	435	93	23	325	21.9
1830	909	152	16.7	547	22.1
1835	701	178	25.4	486	30.5

Source: Ruitenbeek, 'Niet zonder kleerscheuren,' p. 67.

The court records of Amsterdam between 1815 and 1835 clearly show that the rates of accusations and trials against women fluctuated, just as they did in the previous periods. Furthermore, the overall number of individuals prosecuted increased considerably during the first half of the nineteenth century, particularly in the period after 1830.⁴⁷ This trend was not linked to demographic changes in the city of Amsterdam. In the period between 1815 and 1836 the population of Amsterdam slightly increased from 183,000 inhabitants to 206,000, while the numbers of the accused individuals grew considerably faster⁴⁸. The female crime rates as revealed by the examinations of the Amsterdam correctional court were slightly lower than the figures for the Amsterdam criminal court before 1811. That might reflect a small decline in female involvement in crime, although jurisdictional changes may be a more plausible explanation. The records of the correctional court between 1811 and 1838 include defendants from various towns and villages in the north of Holland, not just Amsterdam.

Ruitenbeek also presents information about the records of the Court of Assizes of The Hague (1811-1838) whose jurisdiction covered felony cases in the south of Holland⁴⁹. This court handled crimes such as theft and burglary, assault, homicide,

⁴⁷ Ruitenbeek (2010, pp. 66-67).

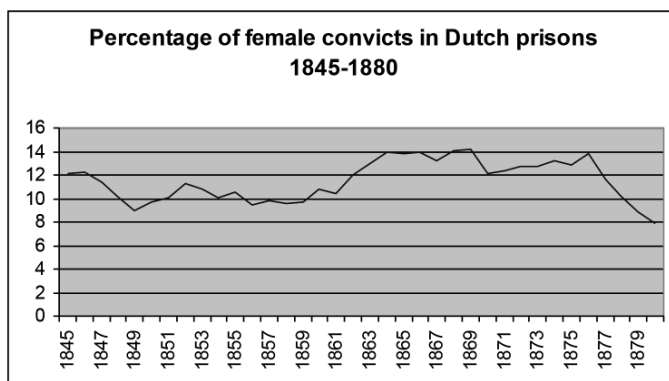
⁴⁸ Ruitenbeek (2010, p. 68); Aerts (2006, pp. 242-243).

⁴⁹ Van Rutter (1989).

manslaughter, infanticide, patricide, poisoning, and rape. Around 10 percent of the defendants were eventually acquitted, and released without punishment. Those who were convicted by the Court of Assizes received prison sentences that could range from a few months to 20 years, often in combination with a fine or scaffold punishment. Van Ruller examined the records of the South-Holland Court of Assizes for the years between 1811 and 1838 during which he counted 3,704 defendants. The involvement of women in felony cases appeared to be rather high, as 19 percent (699 women) of the defendants were female. Most of these women (around 80 percent) were held because they had committed theft in combination with other offenses. Around 20 percent of the defendants were prosecuted for violence and assault, and occasionally for manslaughter or murder. Much additional research needs to be done on the period between 1811 and 1838 to draw definitive conclusions. However, the present evidence suggests that there were extensive continuities in the proportion of female offenders amongst the various courts between c. 1750 and 1838.

What about the national statistics on male and female crime after 1838? This survey includes our own examinations on the national statistics of the prison population between 1839 and 1886. The information includes the records of ten national prisons and four state-run houses of correction. The prisons were located in towns across different regions in the Netherlands, and its populations came from all over the Netherlands. There is no information available about the original place of residence of the offenders. Between 1839 and 1886 a total of 147,352 individuals were committed to prison, an average of 3,000 prisoners a year. Between 1836 and 1886 on average 400 children were imprisoned every year. During the first period after the introduction of the Dutch Penal Code children constituted only a small part of the total prison population, generally about 6 to 10 percent. However, in the course of the nineteenth century the proportion of imprisoned children rose to over 25 percent⁵⁰.

Chart 5



Source: Statistieke Tabellen van de Bevolking der Gevangenen in Nederland over 1847-1853; Statistiek van het Gevangeniswezen over 1854-1905.

⁵⁰ Our sources: *Jaarboekje over 1836-1846*, uitgegeven op last van Z.M. den Koning (Jaarboekje van Lobatto), 's-Gravenhage 1839-1848; *Statistieke Tabellen van de Bevolking der Gevangenen in Nederland over 1847-1853*, 's-Gravenhage 1848-1854; *Statistiek van het Gevangeniswezen over 1854-1905*, 's-Gravenhage 1855-1906.

To what extent does the evidence from national prisons differ from the patterns of courts records before 1839? Between 1845 and 1880 on average 11 percent of those sentenced to prison were women. The proportion of female prisoners was considerably lower than that of women who were sentenced by the courts before 1838. Between 1845 and 1877 the proportion of the imprisoned women varied between 9 percent in the 1850s and 14 percent in the 1860s and 1870s. The figures show a sharp decline after 1877 when the proportion of women in national prisons dropped to 8 per cent, thus resembling twentieth-century female crime rates.

The question is what these figures really represent and to what extent the national data are comparable to the data for the period before 1838? The prison statistics on criminal men and women include convicts from both rural and urban regions in the Netherlands, from inside and outside Holland, and from small villages as well as large towns. This means that it is very problematic – if not impossible – to measure the impact of urbanisation in some regions on the proportion of female crime rates. There is more information about the types of crimes committed by female prisoners for the period between 1845 and 1880. The criminal women who were recorded in the national prison statistics were all sentenced to two years or more and all were convicted of felony. About 73 percent of the incarcerated women had committed property offenses, which usually meant theft or burglary. Almost a quarter of the female prisoners were sentenced for manslaughter or murder, mostly infanticide; 67 percent of those women who were convicted for violence had killed their child. The low figures represented by the national prison statistics may thus in part be explained by the fact that the data represented felony cases of women from both rural and urban regions.

The decline in numbers of adult prisoners in these statistics over the course of this period makes it even more difficult to interpret the figures on female crime rates. Between 1845 and 1880 the number dropped from 211 convicted women a year to 45, while the number of convicted men dropped from 1523 to 502. This appears to reflect a permanent trend of steady decrease in the number of adult prisoners between 1845 and 1880. The decrease in prosecutions between the 1840s and 1880s was not related to a decline in population growth in the course of the nineteenth century⁵¹. Between 1840 and 1900, the size of the population in many towns in Holland doubled or even tripled. The population of Amsterdam rose from 211,349 inhabitants in 1840 to 510,853 in 1900, while during the same period of time the population of Rotterdam rose from 78,098 to 318,507⁵². Around 1880 about half of the Dutch population (2 million people) belonged to the working class, a quarter of which received poor relief⁵³.

What happened to criminal men and women after 1845? There is much further research needed, but it may be that those criminals who were previously sent to prison, were increasingly sent to the state-run reformatory institutions and workhouses (*Rijksopvoedingsgesticht* and *Rijkswerkinrichting*). Recent work of Bijleveld and Weevers on the state-run workhouse in Leiden shows that between 1886 and 1892 approximately 380 female beggars and vagabonds were sent to the workhouses, many of whom were recidivists who later returned to the institution. Around 54 percent of

⁵¹ [www.bevolkingstellingen.nl] (September 2012); Kok (2003); Leonards (1989, pp. 98-99).

⁵² Van der Woud (2010, pp. 42-45).

⁵³ Van der Woud (2010, p. 58).

these women were sentenced by the regional courts in Amsterdam, The Hague and Heerenveen, and apparently they were sentenced to the workhouse as an alternative to prison. Their male counterparts were most probably sent to the male workhouse in Veenhuizen (in the north-east of Netherlands). However, the increasing importance of workhouses is not a sufficient explanation for the sharp decline in the proportion of women in the Dutch prisons after 1877. The study of Bijleveld and Weevers indicates that the number of women in the workhouses was much lower than the number of men. In the last decades of the nineteenth century, 2,700 to 3,000 men were brought to the workhouse in Veenhuizen every year, against only 100 women to the workhouse in Leiden⁵⁴

The data on the inmates of the Dutch main state-run prison makes it possible to also examine the number and percentages of convicted boys and girls between 1836 and 1886. The figures represent boys and girls under 20 years of age who were confined to a prison or a house of correction. The evidence points to a rather static pattern in the proportion of imprisoned girls, suggesting a considerable amount of continuity during this period of time. Girls constituted between 9 and 21 percent of inmates during the period under examination. Between 1837 and 1886 a total of 3,306 girls were sentenced to one of the Dutch prisons, an average of 70 girls per year. The number of the imprisoned boys was considerably higher, on average 346 boys per year. Between 1836 and 1886 a total of 16,785 boys under twenty were confined in one of these prisons. The proportion of the boys ranged between 79 and 91 percent. The evidence therefore suggests that there was no decline in the proportion of young girls in the juvenile prisons between 1840 and 1880⁵⁵.

Chart 6



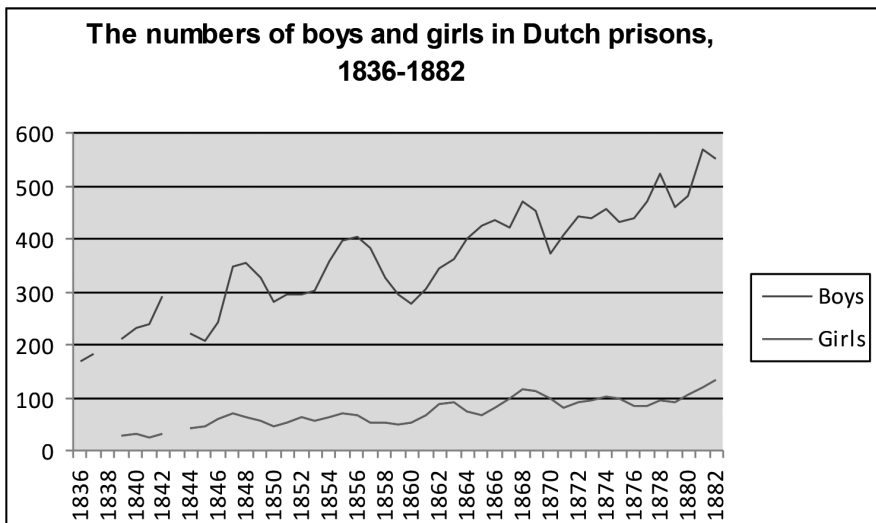
Source: Statistieke Tabellen van de Bevolking der Gevangenen in Nederland over 1847-1853; Statistiek van het Gevangeniswezen over 1854-1905.

⁵⁴ Weevers, Bijleveld (2010a, pp. 351-364, 2010b).

⁵⁵ These data are based on the following sources: *Jaarboekje over 1836-1846*, uitgegeven op last van Z.M. den Koning (Jaarboekje van Labatto), Den Haag 1839-1848; *Statistieke Tabellen van de Bevolking der Gevangenen in Nederland over 1847-1853*, Den Haag 1848-1854; *Statistiek van het Gevangeniswezen over 1854-1905*, Den Haag 1855-1906.

The prison records and the records from the houses of correction show that the proportion of boys and girls was rather stable in the period 1836-1886. For instance, in 1846 about 19 percent of the imprisoned juveniles were girls, while in 1886 the proportion of girls amongst the prisoners was similarly 19 percent. There were however substantial changes in the numbers of the imprisoned juveniles. Between the 1840s and 1880s the numbers of prosecutions involving both boys and girls increased considerably, from 216 juveniles in 1836 to 638 in 1882. The number of boys under twenty increased from 167 in 1836 to 551 in 1882, while the number of young girls rose from 33 to 132⁵⁶. The large proportion of boys was also reflects increased patterns of recidivism. Girls were generally prosecuted only once in their lives while many more boys appeared to return to prison repeatedly. Each of these returns was counted in the records. Therefore, the real proportion of the convicted girls was higher than the above mentioned figures. Much more information is needed on the proportion of boys and girls in juvenile prisons before we can draw definite conclusions about long-term trends in the prosecution rates of girls, but so far the evidence indicates that there was no decline in the proportion of imprisoned girls.

Chart 7



Source: Statistieke Tabellen van de Bevolking der Gevangenis in Nederland over 1847-1853; Statistiek van het Gevangeniswezen over 1854-1905.

Over the nineteenth century new juvenile institutions were built leading to a considerable increase in the capacity of prisons to accommodate young criminals. However, the rise in the number of juvenile prisoners was not necessarily linked to such improvements. In 1859 the government opened a new penal institution for young female prisoners (Montfoort), but the increased capacity did not lead to a notable rise in the number of juvenile prisoners in the following years⁵⁷. Instead the

⁵⁶ Leonards (1995, pp. 48, 58, 64-65); King (2008, p. 214).

⁵⁷ Leonards (1995, p. 64).

numbers and the proportion of juveniles who were committed to prison gradually increased in the course of the nineteenth century. This trend represented a rise in the prosecution numbers of both boys and girls.

The government's statistics on the prison population also provide information about the types of crimes committed by boys and girls, as well as the duration of the imprisonment. Property offences were by far the most important category among the crime committed by boys and girls. Between 1840 and 1880 more than 50 percent of juvenile crime pertained to theft, burglary or destruction of property. Both girls and boys were confined predominantly because of theft or attempted theft, and these figures were stable throughout the period. Between 1836 and 1860 nearly 80 percent of all juvenile inmates were sentenced because of theft, but after that period there was a remarkable shift in the categories of juveniles who were committed to prison. This was not so much related to the types of crime committed by juveniles, but to changes in the prosecution of different age groups. Property offences continued to be the most important reason for the conviction of juveniles.

An important additional category consisted of those juveniles imprisoned on the basis of section 66 of the Dutch criminal code. These were minors under the age of 16 who were not convicted, but confined because they were suspected of having consciously committed a crime. Because of their young age they were not held fully accountable for their deeds, like adult offenders. These juveniles were placed in houses of correction in order to improve their behaviour in order to reduce the likelihood of them committing crimes in the future. Unfortunately, the records do not include information about the crimes committed by this type of offenders.

From the 1870s onwards the category of juveniles who were confined under section 66 of the criminal code increased considerably. In the first decades after the introduction of the criminal code of 1810, only a small number of juveniles under the age of 16 were sent to prison for correction. During the nineteenth century the prosecution and imprisonment of juveniles under 16 increased both in number and proportion. By the 1880s the majority of imprisoned juveniles under 20 were confined under section 66: 71 percent of the girls and 65 percent of the boys. These figures indicate a remarkable shift in the prosecution policies of the national government. Prosecutors and courts increasingly followed the principle that the national government should be responsible for the education and well-being of criminal juveniles. The trend also indicates a growing concern for the criminal behaviour of children under 16⁵⁸.

The growing focus of prosecutors on children of all ages involved girls as well as boys, and girls were not treated differently. Girls did not get more lenient treatment by the courts but received similar punishments for similar types of crime. In the period between 1840 and 1880 approximately 26 percent of the convicted children by Dutch courts received a prison sentence of between 12 months and two years, while around 20 percent of the children were confined for 5 to 10 years⁵⁹.

⁵⁸ Groenveld, Dekker, Willemse (1997, pp. 300-303); Van der Vlis (2002, pp. 43-47); Leonards (1989, p. 108).

⁵⁹ *Jaarboekje over 1836-1846*, uitgegeven op last van Z.M. den Koning (Jaarboekje van Lobatto), 's-Gravenhage 1839-1848; *Statistieke Tabellen van de Bevolking der Gevangenis in Nederland over 1847-1853*, 's-Gravenhage 1848-1854; *Statistiek van het Gevangeniswezen over 1854-1905*, 's-Gravenhage 1855-1906.

CRIME AND LABOUR PARTICIPATION

What information do we have about the employment and occupations of the prosecuted women and girls? It is often suggested that in the course of the eighteenth and nineteenth centuries prevailing ideologies about domesticity led to fundamental differences in the labour participation of men and women, with lower participation of women in the labour market. Feeley assumed that the exclusion of women and children from productive work and their confinement to the household led to a decline in female and juvenile crime, without providing evidence for any link between female crime rates and female participation in the labour market. There are only a few studies on the labour participation of Dutch women in the nineteenth century, and there is no consistent evidence about the labour patterns of women in this period⁶⁰. However, recent work on women's participation in the labour market indicates that there was no decline in the labour participation of women in the course of the nineteenth century. Demographic historian Van Poppel suggests that the Dutch industrialization around 1850 had little impact on women's labour participation. Thus while industrialisation did not necessarily create employment for women, it did cause an increase in the exclusion of women either⁶¹. Recent examinations on the labour participation of Dutch women point to a different image, that of high levels of female labour participation well into the nineteenth century. The growing bureaucracy provided ever more employment opportunities, and women profited from this as much as men did⁶².

There is substantial evidence to suggest that the alleged disappearance of women from the public sphere in the Netherlands over the nineteenth century simply did not occur. Evidence from the criminal court records of Amsterdam shows that most of the women who were prosecuted were in employment. Between 1811 and 1835, 62 percent of all female delinquents had an occupation at the time of arrest. Increasingly these women were prosecuted and convicted because of violence against neighbours, and less often because they had committed property offences or moral crimes such as prostitution or adultery⁶³. These figures indicate that men and women's activities in the public sphere do not reflect prevailing ideologies of domesticity. In practice women's activities transcended the realm of the household, and many of them were not able – even if they wanted – to uphold the ideal of the husband as the breadwinner⁶⁴.

We have also information from the national prison records about occupations of those women who were sentenced to prison. These figures reveal a remarkably high degree of labour participation by women between 1835 and 1880. Throughout the period 70 to 90 percent of the women were employed by the time of their arrest, and there was no decline in the labour participation of these women. On average 28 to 39 percent of the female convicts were wage earners, often working in the

⁶⁰ Some studies on women's work in the nineteenth century: Schilstra (1976); Stavenuiter, Dorsman (1993); Van Nederveen Meerkerk (2006).

⁶¹ Van Poppel, Van Dalen, Walhout (2006); Braspeninx, Kalkhoven, 2009.

⁶² Van der Heijden, Schmidt (2010).

⁶³ Ruitenbeek (2009, pp. 18-19 & 45).

⁶⁴ Van der Heijden, Van den Heuvel (2007); Van der Heijden, Van Nederveen Meerkerk, Schmidt (2009); Walker (2003).

textile industry, while around 30 percent of them worked as domestic servants. The rest earned their living through independent activities, such as traders, retailers, innkeepers or food sellers. The data show that there was no link between the degree of labour participation and women's involvement in crime or female prosecution rates. According to the national prison statistics the proportion of women who were confined fell to 8 percent after 1877, though the proportion of women who worked before their detention continued to be high⁶⁵.

How can we explain the sharp decline in the proportion of incarcerated women in the last quarter of the nineteenth century? Obviously, more research on the prisons records and workhouses is needed to draw definitive conclusions about the patterns of female prisoners after 1870. Nevertheless, there may be a plausible explanation for a decline in female crime rates towards the end of the nineteenth century. Economic historians, such as Gregory Clark and Jan de Vries, have argued that after 1850 women's position in North-West Europe generally improved as a result of increasing living standards. Clark suggests that overall the equality between men and women in societies after 1850 increased. In addition to material income, there were also improvements in the quality of life in terms of life expectancy, health, numbers of surviving children, consumption and social care⁶⁶.

Dutch historian De Haan draws similar conclusions when she links improving living conditions to declining female crime rates and lower levels of female recidivism. De Haan points to the rise in women's involvement in societies and committees devoted to the improvement of the living conditions and re-socialisation of female prisoners. From the second half of the nineteenth century onwards, changing legislation on illegitimate children and child support also improved women's social and economic position, which may have diminished the despair which sometimes prompted women to commit theft or infanticide⁶⁷. The evidence on the nineteenth-century female workhouses shows that those women who were sentenced to the workhouses were older women who lived alone, often with children, and employed in the lowest-paid jobs. Bijleveld and Weevers describe them as a rather exceptional and isolated group of women who committed crime as their final option to survive. These women were not bad but poor⁶⁸.

How about the link between juvenile crime and the level of children's labour participation? Little work has been done and there is no general agreement among historians about the level of labour participation of children in various sectors during the nineteenth century⁶⁹. Most historians argue that in Europe, child labour – both in industry and agriculture – declined over the nineteenth century because of the increasing focus on education and the introduction of laws that prohibited child labour⁷⁰. The previous paragraphs showed that there was no decline in the

⁶⁵ In 1880 70 percent of the incarcerated women were employed, a proportion similar to the year of 1855.

⁶⁶ Clark (2007, pp. 272-283); De Vries (2008, pp. 199-201).

⁶⁷ De Haan (2000).

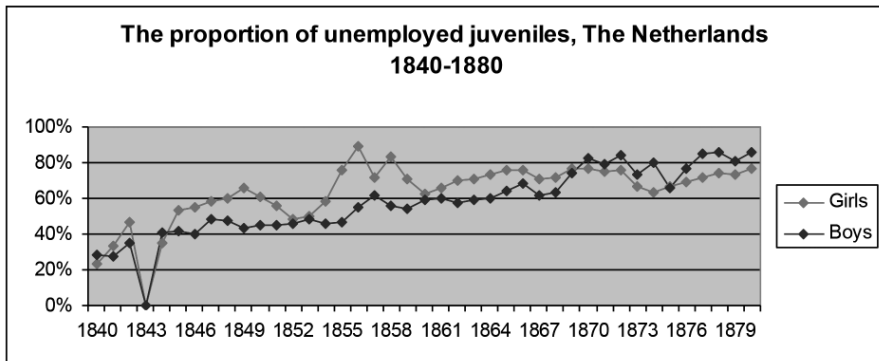
⁶⁸ Weevers, Bijleveld (2010a).

⁶⁹ Brugmans (1978 pp. 92-107); Smit (1996); De Kruik (2002); Schmidt, Van Nederveen Meerkerk (2006); Schenkeveld (2008); See also the English debate: Cunningham (1990); Kirby (2005).

⁷⁰ Schenkeveld (2008, p. 31).

Netherlands in the prosecution of young girls at criminal trials. Is there evidence of a stable pattern of labour participation of the boys and girls who were prosecuted?

Chart 8



Source: Statistieke Tabellen van de Bevolking der Gevangenen in Nederland over 1847-1853; Statistiek van het Gevangeniswezen over 1854-1905.

The figures on juvenile criminals without paid employment for the period 1840 to 1880 suggest that the proportion of working juveniles declined in the course of the period. During the first half of the nineteenth century about 60 percent of all prosecuted children were employed, while the proportion fell to less than 20 percent between 1860 and 1880. This is not surprising, considering the increasing numbers and proportion of imprisoned juveniles who were under the age of 16. The data thus suggest that there was no link between the prosecution rates of children and the degree of children's labour participation; indeed, the numbers and proportions of imprisoned juveniles rose, for boys as well as for girls, whilst the proportion of working children declined. Clearly, the age factor became increasingly important in the criminal process.

CONCLUSIONS

The Dutch case confirms the pattern of female crime as described by Peter King for England in the eighteenth and nineteenth centuries. Detailed investigation of the sources in this period reveals that there was long-term stability in the female share in prosecutions and convictions between 1750 and 1838. Between 1750 and 1811 women's involvement in crime continued to be very high in the urban areas of Holland. Generally, women represented 30 to 40 percent of the defendants at criminal trials, in some periods reaching 60 percent or higher. The data on Amsterdam, Leiden, Rotterdam, and Haarlem suggest that in Holland there were extensive continuities between the seventeenth and nineteenth centuries. The most obvious explanation for the high female crime rates in Holland is the levels of urbanization; at the end of the eighteenth century 70 percent of the population in Holland lived in towns, and these towns were characterized by an outstandingly high proportion of women.

The relatively independent position of women caused greater risks of coming into conflict with the law.

Fundamental jurisdictional changes after 1811 make it very difficult to compare findings on the early modern period with data after 1811. The figures on the criminal courts between 1750 and 1811 cover local – particularly urban – figures on crime, while the court records and prisons statistics after 1811 represent regional or national data on crime. The regional data between 1811 and 1838 suggest that there were extensive continuities in the proportion of female offenders amongst the various courts between 1750 and 1838. The figures between 1811 and 1838 appear to be slightly lower than the figures for the previous centuries, though such changes may be caused by jurisdictional changes. The data for the period between 1811 and 1838 concern regional prosecutions, including defendants from rural and urban areas.

The evidence for national prisons between 1839 to 1886 looks different to the patterns reflected in the court records before 1838. Between 1845 and 1880 on average 11 percent of those sentenced to prison were women, and there appears to be a sharp decline after 1877 when women's involvement dropped to 8 percent. The low figures reflected in the national prison statistics may be partly explained by the fact that the data includes felony cases for women from rural as well as urban regions. Information on the occupational status of those women who were convicted reveal that there was no relationship between declining female crime rates and women's participation in the labour market between 1815 and 1880, as 65 to 90 percent of female prisoners were employed by the time of their arrest.

Much further research on the prison records and workhouses is needed to draw definitive conclusions about the pattern of female prisoners, but improving living standards may also have caused a decline in female crime rates after 1870. Improvements in the quality of living in terms of material income, life expectancy, health, numbers of surviving children, consumption and social care, may have had a positive impact on the lives of women in particular. The small numbers of women – as compared to men – who were confined in workhouses were predominantly old, single, and isolated women. These women were not bad, but poor.

Whereas the numbers of both male and female adult prisoners declined between 1840 and 1880, the numbers of young children – particularly under the age of 16 – considerably increased. Data for incarcerated boys and girls under twenty years of age reveal that in the course of the nineteenth century the increasing focus on juvenile delinquency resulted in a rise in the conviction rates for young children. Similarly to England and Belgium, the growing concern for criminal children resulted in higher prosecution rates for children. This trend involved both boys and girls; indeed the involvement of girls in crime did not decline, nor were girls treated with more leniency by the courts.

The English and Dutch data show that there is no evidence for a long term decline in female crime from the end of the eighteenth century onwards. A complicating factor is the caesura in the study of crime. Historians and criminologist tend to focus on either the early modern period or the period after ca. 1800, and not much work has been done on the period of transition between 1800 and 1920⁷¹. What we need is more consistent and comparative evidence that includes local and regional variation, differences between urban and rural areas, and jurisdictional differences between

⁷¹ See for this problem also: Habermas, Schwerhoff (2009).

regions within Europe and beyond. Only then may we find an answer to the question whether, when and why female crime rates declined after 1850.

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