Introduction

The long nineteenth century was characterized by global social, economic, and cultural upheaval with rapid increases in population, moves to industrial capitalism, and changing notions of the state and of public space. Underpinning this momentous transformation were rigid ideas about social hierarchies and gender identities. Bourgeois ideology privileged the idea of the domestic environment as a haven from the stresses and strains of the public world. At home, men could retreat from the rough realities of working life into a female-managed space suited to women's perceived nature as nurturing, passive, and compliant.

As the century progressed, customary views and practices that viewed violence as a natural characteristic of masculinity were increasingly challenged by those who thought that the civilised man should demonstrate respectability and restraint. Female criminality was doubly abhorrent. Not only were women entering and engaging with the public sphere when they should be protecting the morals of the family and tending to hearth and home, but their so-called unnatural conduct was threatening to the whole fabric of society. It was accepted that men—particularly young men—might stray into bad behaviour, but only deviant, damaged, or diseased women would partake in such activities. This article, “Women Bandits,” compiled by the Wood Detective Agency, summarizes the prevailing attitudes:

Lombroso, the celebrated Italian criminologist, said, and the scientific world believed him, that woman was unsuited for crimes of violence.

She could and did commit murder, in moments of passion, but planned, cold-blooded crimes of violence for profit, such as burglaries, hold-ups and assassinations, could only be done efficiently by men.¹

James Wood, like many other social commentators, considered that female criminality was on the rise. This, they attributed to independent working women, living in towns, open to masculine influences, and increasingly displaying deviant and licentious behaviours.

Statistics

There were certainly differences in the numbers of men and women brought before the courts, reflecting prevailing views that men engaged in more criminal behaviour than women. Table 1 demonstrates that there was remarkable similarity in the proportion of male to female offenders across the state of New York in 1864, with roughly twice as many men being prosecuted than women.

This pattern is replicated elsewhere with, for example, the chief constable of Ashton-Under-Lyne in Lancashire, England, reporting that in 1874 there were 905 offences with 668 (73.81 percent) being committed by men and 237 (26.19 percent) by women.²

Delving further into the figures also reveals some interesting trends. Table 2 enumerates the crimes committed by women in the five most populous counties in the state of New York in 1865. In contrast with the stereotypical notions of womanly conduct, in the county of Erie, around 40 percent of female convictions were for assault and battery, illustrating that violence was not merely a male trait in the period. The table

Table 1: Criminal Statistics for the State of New York, 1865

<table>
<thead>
<tr>
<th>County</th>
<th>Total</th>
<th>Male</th>
<th>Percentage</th>
<th>Female</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albany</td>
<td>1027</td>
<td>702</td>
<td>68.35</td>
<td>325</td>
<td>31.65</td>
</tr>
<tr>
<td>Erie</td>
<td>1042</td>
<td>673</td>
<td>64.59</td>
<td>369</td>
<td>35.41</td>
</tr>
<tr>
<td>Kings</td>
<td>1322</td>
<td>832</td>
<td>62.93</td>
<td>490</td>
<td>37.07</td>
</tr>
<tr>
<td>New York</td>
<td>2679</td>
<td>1779</td>
<td>66.41</td>
<td>900</td>
<td>33.59</td>
</tr>
<tr>
<td>Rensselaer</td>
<td>746</td>
<td>488</td>
<td>65.42</td>
<td>258</td>
<td>34.58</td>
</tr>
</tbody>
</table>


Table 2: Crimes Committed by Women in the State of New York, 1865

<table>
<thead>
<tr>
<th></th>
<th>Albany</th>
<th>Erie</th>
<th>Kings</th>
<th>New York</th>
<th>Rensselaer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affray</td>
<td>2</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Assault and Battery</td>
<td>35</td>
<td>144</td>
<td>73</td>
<td>287</td>
<td>38</td>
</tr>
<tr>
<td>Breach of Peace</td>
<td>39</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Disorderly Person</td>
<td>45</td>
<td>7</td>
<td>—</td>
<td>—</td>
<td>60</td>
</tr>
<tr>
<td>Habitual Drunkard</td>
<td>—</td>
<td>—</td>
<td>2</td>
<td>—</td>
<td>2</td>
</tr>
<tr>
<td>Intoxication</td>
<td>131</td>
<td>92</td>
<td>404</td>
<td>—</td>
<td>111</td>
</tr>
<tr>
<td>Malicious Mischief</td>
<td>4</td>
<td>—</td>
<td>—</td>
<td>5</td>
<td>—</td>
</tr>
<tr>
<td>Malicious Trespass</td>
<td>—</td>
<td>3</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Misdemeanor</td>
<td>5</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Offence against Decency</td>
<td>1</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Petit Larceny</td>
<td>28</td>
<td>32</td>
<td>8</td>
<td>602</td>
<td>16</td>
</tr>
<tr>
<td>Prostitution</td>
<td>—</td>
<td>2</td>
<td>—</td>
<td>—</td>
<td>4</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>23</td>
<td>83</td>
<td>3</td>
<td>—</td>
<td>41</td>
</tr>
<tr>
<td>Violating Corporation Ordinance</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>1</td>
<td>—</td>
</tr>
<tr>
<td>Keeping Disorderly House</td>
<td>9</td>
<td>7</td>
<td>—</td>
<td>5</td>
<td>—</td>
</tr>
</tbody>
</table>

also demonstrates some of the challenges of using criminal statistics in this period. In four of the states, conviction for intoxication is one of the highest categories of offences by women. This mirrors the experience of Ashton, where two-thirds of the arrests of women were for drunkenness. Yet, in New York itself, there were no convictions for intoxication in the year under review. This almost certainly reflects differences in the attitudes of the city authorities regarding the prosecution and policing of particular offences. New York also stands out in the number of women found guilty of the crime of petit larceny or theft. Opportunistic stealing was more common in large towns or cities where the shoplifter and pickpocket could disappear readily into the crowds.

It is perhaps surprising that levels of prostitution and vagrancy appear so low in the New York State figures. Authorities were reluctant to prosecute vagrants unless they were a nuisance, usually offering them refuge for a night in a workhouse or hostel before moving them on. Vagrancy rates were calculated separately by the Chief Constable of Ashton, who noted that over 3,000 tramps had passed through the town over the past year: 2,639 men; 433 women; and 278 children. Prostitution in itself was not usually a criminal offence. Instead the authorities prosecuted for soliciting, living off immoral earnings, or running brothels. Some of the convictions in the New York figures for being a disorderly person or keeping a disorderly house may allude to the fact that the women were engaged in depraved activities but that the police were unable to prosecute them for prostitution. In fact, many contemporaries assumed that if women were brought before the courts, they were in some way connected with prostitution. Female criminals were considered to have departed so far from the nineteenth-century norms of femininity that their unnatural behaviour was bound to include deviant sexual acts.

**Female Crime**

While direct prosecutions for soliciting or running a house of ill repute remained low in the period, with the police often turning a blind eye if no other law-breaking occurred, the links between prostitution and crime were often revealed indirectly in the narratives of court records. Public opinion wavered between judging prostitutes as wayward, immoral creatures beyond redemption and viewing them as wretched, simple girls who had been led astray. The trope of an innocent country girl arriving in a big city and being inveigled into a life of debauchery was a familiar storyline in art and literature. It was a defence often employed by the prostitutes themselves. A petition from seventeen-year old Eliza Brown asking for her sentence of seven years transportation for the crime of robbery to be commuted to a jail sentence emphasized her helplessness and lack of agency:

> My Lord being without friends and having no protector I have been seduced from the path of rectitude and being left by my seducer and unprotected and no resource left but the miserable support by prostitution which has invoked me into the miserable situation I am now in.  

Even though Eliza's petition was supported by the person she stole from, her appeal was turned down, demonstrating that, in this case, her tale of being led astray and abandoned to a life of prostitution failed to move the Home Secretary.

Increasingly though, campaigners drew attention to the treatment of “fallen” women and the apparent immunity of their male clients who escaped both prosecution and public opprobrium due to the sexual double standard of the period. Feminists attributed this to the lack of civil, political, and legal rights possessed by all women and used the issue to campaign for the vote. Towards the end of the century, institutions and hostels were founded by philanthropists wishing to “rescue” women from a life of prostitution. The mission statement for the Magdalen Society of Philadelphia made direct connections between the unhealthy environment of the city and the levels of sexual crime:

> To the city the seducer lures his victim. To the city women come to hide their shame. The city is the great receiver of the fallen who cannot endure to remain in the smaller towns known to everybody. Therefore the whole country is responsible for the lost in the city . . .  

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3 HO 17/64/45: Petitions Lq-Ls; Eliza Brown, October 29, 1832
The Magdalen hostel was represented throughout the pamphlet as a “home,” with the residents referred to as “family,” thus the reformers hoped that by replicating the bourgeois space of the middle-class domestic sphere, an ex-prostitute could be rehabilitated into a useful life as a domestic servant:

Our comfortable home, and its cheerful surroundings, its inner life, its employments, its school are all designed to aid in the one purpose, and no mere outward reformation is valued, unless it be the consequence of that earnest prayer which the true penitent sends up.5

While the report is unsurprisingly upbeat about the organization’s success in reforming the women, publishing a number of letters from grateful former residents, their own statistics reveal that less than a third of the women who left the hostel entered service with others. The rest left of their own accord, were discharged for improper conduct, or returned to their friends and family. The reformers also used the annual report to attack the sexual double standard, lamenting the fact that the female offenders are “cast out” of society (although their removal from their communities and placement in the Magdalen Society may have stigmatised them irrevocably) while men are still allowed to “pollute the social atmosphere” and to circulate in “fashionable and refined” circles.6

Similar contradictions were apparent in the treatment of women accused of infanticide. It was overwhelmingly a female crime, one which challenged assumptions of femininity and motherhood. Lurid accounts in newspapers talked of unnatural and inhuman acts with the perpetrators themselves coming under close scrutiny regarding their sanity. For example, a report on a case in Freeport, Illinois, related how a lady arrived by train, walked to a nearby bridge, and threw her baby into the river. The woman was described in the press as

... well-educated, and has somewhat the appearance of refinement. She appears to be perfectly sane, and one of whom better things could be expected.7

Insanity pleas were often submitted as a defence or in cases of appeal. For example, an appeal in the 1805 case of Ann Gordon, a domestic servant, who was convicted and sentenced to death for infanticide, emphasised her state of mind at the time of the murder. The judge received the doctors’ reports with scepticism though, suggesting that her state of mind since the trial may have been more influenced by the shadow of the hangman’s noose rather than being a real affliction.8 Racial prejudice is also apparent in a report from 1846 detailing the strangling of “a colored infant by its dark, unnatural mother.”9 Newspapers rarely touched on the presence or absence of the child’s father in such cases, instead focusing on the aberrant acts of the mother.

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8 HO 47/34/5: Reports on Criminals: Correspondence, Apr. 12 1805.
In contrast, a debate by the Harveian Medical Society of London in the 1860s was more sympathetic to the plight of women who were driven by poverty or desperation to murder their children. The debate had been called because of the rise in infanticide cases—in one district alone, the figure rose from 84 to 114 in one year. The doctors debating the issue again drew attention to the inequalities of society which prosecuted desperate mothers while allowing fathers to go unpunished:

> Why, the most guilty party escaped, having perhaps promised marriage or paid a trifle for a few weeks, until he could place himself out of the reach of his victim. She, helpless, with an infant in her arms, forsaken by her relatives and former friends, was unable to bear up against her poverty and difficulties, and was tempted to destroy the innocent cause of her sufferings.¹⁰

The medics came up with a number of humanitarian suggestions for the prevention of infanticide, including more liberal marriage, divorce, and bastardy laws; the encouragement of female employment and education; and the removal of the death penalty from cases of child murder. The British government was also concerned with levels of infanticide in other regions of the empire. In particular, the murder of female children by the Jadeja and other Rajpoot tribes of Guzerat, India. In an attempt to address the issue, there was a public essay writing competition sponsored by the Bombay government. The winning essay, written by Bhawoo Dajee, an assistant teacher, focused on religious, humanitarian, and civilizing impulses in an attempt to persuade the male population of the region to denounce the practice.¹¹ Minority groups in society, such as the poor, women, and those from other races and religions, were subject to the prevailing white, patriarchal norms of behaviour. Even if they were treated sympathetically, they were considered at best weak, at worse uncivilised.

Conclusion

Although female criminals were considered abhorrent and abnormal in the nineteenth century, there was an enduring fascination and interest in the motives that drove women to crime in the period. In his treatise on “Women Bandits,” James Wood drew attention to a new type of criminal, the solitary young woman who pursued a life of crime and was as “cruel and bloodthirsty” as men could be. As an example, he related the experience of Sally Scott of Detroit:

> [She was] an eighteen year-old nurse girl, pretty, soft-spoken and employed by some of the wealthiest families of fashionable Grosse Point until a few weeks ago. Then she decided to go in for a career of crime. Why live on the small wages of a nurse girl when juries are so lenient and prisons have become hardly more than revolving doors for career criminals?¹²

A modern day highwaywoman, Sally tattooed “The Godless Girl” on her arm and, after procuring a gun, took to accepting lifts from men and then robbing them. Wood dryly noted that once she had served her time, she would emerge from prison with some kudos and recognition for her cool nerve. The mix of enthrallment and horror with which the public viewed some of the more notorious women miscreants was exploited by the popular press with the establishment of titles such as the National Police Gazette and Illustrated Police News which exclusively reported on crimes and criminals with alacrity. The insatiable appetite for such tales was also supported by short stories and pamphlets, often illustrated, which fed popular myths and stereotypes. A typical example is, Arrest, Confession and Suicide of Almira Cathcart. (See Figure 1)¹³ Almira’s story is a cautionary tale of the dangers of the city. She inveigles young girls into her house, plies them with alcohol and then pimps them to well-connected men. Once they have recovered, many

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¹⁰ Debate on Infanticide, Harveian Medical Society of London: May 17th, 1866, p. 4.
¹³ Arrest, Confession and Suicide of Almira Cathcart; Who Having Hitherto Eluded All Efforts to Capture Her, Was Arrested Last Week in Cincinnati: And after Writing Her Confession, in Which She Acknowledges Inveigling Thirteen Beautiful Young Ladies; She Poisoned Herself with Prussic Acid, Which She Had Concealed in One of Her Ear Rings: This Narrative Is a Warning to Old and Young, Philadelphia: C. W. Alexander, Publisher, 1869.
commit suicide or are driven to drink. Once tracked down after the suicide of her thirteenth victim, Almira killed herself in a suitably dramatic fashion by swallowing Prussic acid hidden in a glass earring.

The child-murdering domestic servant, the prostitute pickpocket, the middle-class female poisoner, or the wicked brothel-keeper were not the typical female criminals in the nineteenth century. The true story was more prosaic, with women dipping in and out of petty crime, often as a means to survive. As with male criminals, alcohol was very often a contributing factor with prosecutions for intoxication and drunkenness being the largest categories of women convicts. However, the public captivation with the bad girls or wayward women who transgressed societal norms increased throughout the period, fueled by cheap popular newspapers, pamphlets, and tracts. The stories of Sally Scott and Almira Cathcart are unusual in that the women are not portrayed as victims but as agents in their own right. This reflects a growing awareness of the connections between women, crime, poverty, and lack of political rights, an awareness that is present in many of the more scholarly tracts that acknowledge the gender inequalities and lack of options for women that often led them to lives of crime. Ironically, the women’s voices that are absent from many historical sources of the period may be traced more easily in the records of the criminal justice system, whether as victims, defendants, witnesses, or reformers. By using these sources creatively, it is possible to build up a more nuanced and subtle analysis of the lives of such women and the strategies they employed to survive in a society heavily weighted against them.

Suggested Further Reading