

**DETERMINANTS OF WOMEN INVOLVEMENT
IN CRIMINAL ACTIVITIES IN ADO-EKITI**

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AWARD OF BACHELOR OF SCIENCE (B.Sc) DEGREE IN
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CERTIFICATION

This is to certify that the research was carried out by Bakare Oluwafemi Joshua, under my supervisor in the department of sociology, Federal University Oye-Ekiti.

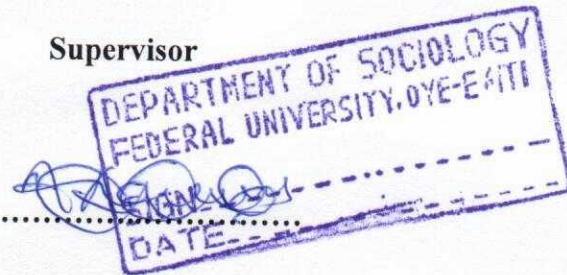
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EXTERNAL EXAMINER

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DEDICATION

This project is dedicated to God almighty and also my parents, Mr and Mrs A.O Bakare and also to my mother Miss A.O Adebayo who made it possible for me to be properly educated.

ACKNOWLEDGEMENT

I acknowledge the help of God and my fellow friends and family, I also acknowledge the help of my younger brother, Ayodeji Ajibola Bakare. Very big thanks to a very good and important friend Iyioluwa Foladade Sopeju, who stood by me before I got admission and during my course of study in this institution, though far from me, I love you so much. I am very grateful to my H.O.D, Professor Adewole Atere who has groomed us all in all aspect of life. Furthermore I'll like to sincerely appreciate the help of my supervisor Dr Kolawole Taiwo, who supported, assisted me all through the course of this research. All my lecturers in the department of sociology, Dr O.O Fasoranti who has been our father from the starting point till this stage, Professor Metiboba, Dr Omotosho, Dr Abimbola, Dr Chiedu Abrifor, Reverend Anthony Adebayo, Mr Fasoranti, Miss Adeoye, Mrs Bola Oriola you have all imparted lots of things in my life, God bless you all. I am also grateful to other staff of the University Mr Adeosun, Mrs Ajibaye, Mrs Oluwatoyin Toyosi, Mrs Ogunsola Tope, Mr Dominic, Mrs Apuabi, Miss Omole, Dr lawal, Miss Ogunkunle Mayowa, Mr Uzordinma Umenyilora, Mr Abatan, Mrs kinwumi and the rest I could not mention their names, you have all made me enjoy my stay during the course of my study, God's blessings and favour will not leave you all.

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Bakare, Oluwafemi Joshua.

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ABSTRACT

This study focuses on the determinants of women involvement in criminal activities in Ado-Ekiti. The major objective of the study is to identify the socio-demographic characteristics of females who have involved in criminal activities in Ado-Ekiti. Also, another important objective of the study is to examine the prevalence of female involvement in criminal activities in Ado-Ekiti. In achieving the objective, data was collected from two hundred respondents, through administering of questionnaire in Ado-Ekiti. Judgmental sampling technique was used to stratify Ado-Ekiti into different areas where the questionnaires were administered. Also, grab sampling technique was used in selecting respondents to respond to the questionnaires.

Findings obtained from the data generated revealed that women venture into criminal acts due to covetousness. The respondents also revealed that women between the ages of 18 and 22 are more prone to criminal activities. Findings obtained from the data generated revealed that majority of women that got involved in criminal acts from time were as a result of unemployment, low level of income and poverty.

On the basis of the findings, the study recommended that job opportunities should be created at all levels, most especially for women. Also parents are also expected to perform their responsibilities as any child that is not properly socialized within the family would cause severe problems in all other social institutions and society at large. Children should also be given stern warning to avoid and shun sub-culture group(s), because evil company corrupts good manners. The study has also revealed that the rate at which women are engaging in criminal activities is increasing day by day in the study area and also competing with that of their male counterpart.

CHAPTER ONE

INTRODUCTION

This chapter introduces us to the background of the study of “women involvement in criminal activities”, and it sheds more light on the research question and research objectives.

1.1 Background to the study

Throughout the world, women involvement in criminal activities is a pervasive problem that is common especially in the developing countries. The pervasiveness has been attributed to factors most of which are intrinsic and latent in nature, such as access to economic resources, need to survive and satisfaction among others. Crime may be defined as “crime is an (Statutory and case law), committed without defense or excuse, and penalized by the state as a felony or misdemeanor” (Tappan, 1964).

In recent decades, women’s participation in the labour market has increased considerably in most countries and is converging toward the participation rate of men. Though on a lesser scale, a similar movement toward gender convergence seems to be occurring in the criminal world, though more men than women still engage in criminal activity. Technological progress and social norms have freed women from the home, increasing their participation in both the labour market and the crime market. With crime no longer just men’s business, it is important to investigate female criminal behavior to determine whether the policy prescriptions to reduce crime should differ for women. There is still a gender gap in the crime market, but the number of women committing crimes is on the rise, partly because other socio-economic gender gaps have been shrinking. Women have more freedom than in the past, and with that come more opportunities for crime. Despite increasing social equality, police and judicial systems still tend

to be more lenient with female than with male offenders. Women constitute 49% of the total population in Nigeria, (controversial 1991) census. As it obtains in every capitalist society, as a rule, women are marginalised and oppressed in Nigeria (New Age Newspaper, 2005)

In a capitalist society a woman is doubly oppressed, first as a worker whose employer must maximize profit by exploiting her labour power and secondly, as a woman in patriarchal society. It has been noted that women oppression is rooted in class society; therefore, it had been with us before the advent of capitalism when it has however reached its peak. Patriarchy exploits the labour of women; capitalism exploits the labour of the wage earners either male or female. In Nigeria as elsewhere, religion and tradition are instruments of women oppression. They constitute among others the ideology of the society, which is a superstructure on the socio-economic foundation of any class society. Many of the religious beliefs and traditions are dated back to the feudal era. They were designed to justify and sustain private property. They are retained until now because of the fact that feudalism might have come to an end, the private property still remains except it has only changed character. Patriarchy is a by-product of class society. It came into being along with the private property, as it is the case of state, in order to preserve the interest of the early beneficiaries of the then new socio-economic arrangement i.e. men. Traditions and religion support the patriarchal society along with the private property and class society (UNESCO, 1993).

The patriarchal society sets the parameters for women's structurally unequal position in families and markets by condoning gender-differential terms in inheritance rights and legal adulthood, by tacitly condoning domestic and sexual violence and sanctioning differential wages for equal or comparable work. Tradition or culture and religion have dictated men and women relationship

for centuries and entrenched male domination into the structure of social organization and institution at all levels of leadership. They justify capitalism's marginalization of women in education, labour market, politics, business, family, domestic matters and inheritance (Wiener 1991).

As stated earlier, women oppression is a global phenomenon since capitalism or class society is universal, but in Nigeria a neo-colonial country under shackles of the imperialism and their multi-national agents, the conditions of women conveniently compete for the worst in the world among other third world countries. Although, there have been various legislations, laws, conventions and charters to protect the rights of women and equip them for a healthy future with their early exposure to family hardships. Several factors such as poverty, socio-economic, cultural and religious factors coupled with peer pressure has been identified and attributed as reasons for the upsurge and pervasiveness of the involvement of women in criminal activities, especially in the developing countries.

In Nigeria, the upsurge in women involvement in crime has been partly attributed to the introduction of the economic policy of Structural Adjustment Programme (SAP) in 1986. This economic policy affected the country's economy leading to the decline in the standard of living of Nigerians and subsequently an increase in the poverty level. With the downturn in the country's economy, millions of families, especially in the urban areas have resorted to sourcing for alternative means of supplementing their meager incomes by either permanently abandoning their education or working to earn a living for themselves and their families (New Age Newspaper, 2005).

1.2 Statement of the problem

The issue of women and crime has become a scholarly debate that is pervasive in nature. All over the world, especially in the developing countries such as Nigeria, this increasing phenomenon of women involvement in criminal activities has attracted a lot of attentions. The pervasiveness has been attributed to factors most of which are intrinsic and latent in nature, such as access to economic resources, need to survive and satisfaction among others. It has often been noted that many people in Nigeria do not consider women involvement in crime as a problem because it is widely believed that women are advancing towards liberation and equality, even several feminist theorists believe that women are gradually discarding their traditional roles and taking up the jobs of their male counterpart in the society (Olutayo, 1994). Thus, the involvement of women in criminal activities remains a very critical issue due to the unique factors of their socio-economic, cultural, traditional and developmental circumstances.

It could therefore, be seen that women involvement in criminal activities is directly or indirectly conditioned by the variety and characteristics of the larger society, thereby making women to engage in all sort of criminal activities. Women between the ages of 18 and above engaging in criminal activities often face humiliation.

Hence, determinants of women involvement in criminal activities could be studied from the perspective of the institutional collapse of the family economic, political, educational and religious institutions which results in the pervasive nature of the problem in the urban area. This study examines the determinants of women involvement in criminal activities, it will also examine the problems that predispose women to commit crime and identify factors responsible for the rising phenomenon in the urban areas.

1.3 Research questions

This research study will aim at answering the following questions.

- i. What is the level of female involvement in criminal activities among women in ado ekiti?
- ii. What are the socio-demographic factors of female who have ever involved in criminal activities?
- iii. Does age influence female involvement in criminal activities?
- iv. Does income influence female involvement in criminal activities?
- v. Does employment influence female involvement in criminal activities?

1.4 Objectives of the study

General objective is to know the factors that determine women involvement in criminal activities in Ado-Ekiti.

The specific objectives to be considered are to:

1. Identify the prevalence of female involvement in criminal activities in Ado-Ekiti.
2. Identify the socio-demographic characteristics of females who have involved in criminal activities in Ado-Ekiti.
3. Examine age influence on female involvement in criminal activities in the study area.
4. Investigate income influence on female involvement in criminal activities.
5. To examine what influence employment female involvement in criminal activities.

1.5 Significance of the study

Women in urban areas (Ado-Ekiti, inclusive) in Nigeria undertake economic activities in order to support their respective families. Thus, the economic activities cannot be equated with educational achievement.

This study will therefore sensitize people on the misconceptions of women committing crime as being advancing towards liberation and equality. It will further reveal the fundamental issues of women and crime through the involvement of women in criminal activities and how the future of a nation is being consumed through women underdevelopment. Women in Ado-Ekiti, do not often have equal opportunities like their male counterpart and are often discriminated against in their various places of work or where they carry out their economic activities based on personal observation. The study will expose us to various gender inequalities that women face in Ado-Ekiti.

Also, the study will aim at exposing the level of risks and dangers which women are exposed to in the process of carrying out their economic duties.

1.6 Operational definition of concepts

Low level of education: Low level of education in this study may be defined as women whose level of education is not more than S.S.C.E in Nigeria, relating to or being of low rank or importance. They are the set of people that are found in dirty collar jobs in any given society.

Low level of income: Low level of income in this study may be defined as women who engage in any form of economic activity and gets a very low pay for the services they have rendered in

any given society. It could also be defined as the state of being poor, lack of the means of providing material needs or comforts.

Gender inequality: Gender inequality in this study may be defined as when a gender is not equally treated like the other. Gender inequality refers to unequal treatment or perceptions of individuals based on their gender. It arises from differences in socially constructed gender roles as well as biologically through chromosomes, brain structure, and hormonal differences.

Divorce: The dissolution of a marriage is a legal act that may not always coincide with a couple's emotional tearing asunder. Divorce is typically a painful process for all concerned. While it can take adults time to regain psychological equilibrium. Divorce (or the dissolution of marriage) is the termination of a marital union, the canceling and/or reorganizing of the legal duties and responsibilities of marriage, thus dissolving the bonds of matrimony between a married couple under the rule of law of the particular country and/or state.

Crime: An act committed in violation of law where the consequence of conviction by a court is punishment, especially where the punishment is a serious one such as imprisonment.

CHAPTER TWO

LITERATURE REVIEW

2.0 Introduction

This chapter introduces us to the main concept of crime in relation to women's involvement in it. It also oversees many characteristics of crime, reasons why women engage themselves in criminal acts. Biologically, we humans have these natural animalistic tendencies in us; ability to manage ourselves and conform to the norms of our society makes us 'conformists' and for certain individuals who cannot manage their animalistic behaviours therefore automatically becomes 'non-conformists' otherwise known as 'deviants' or 'criminals' as the case may be.

2.1 The Concept of Crime

Crime is rather a difficult term to define. However, any attempt to study crime must be preceded by a definition at least. Many criminologists, sociologists and writers of law and jurisprudence have made various attempts to give a singular universally acceptable definition to the concept of crime but they have always come up with little or no success at all. This difficulty prompted Valdez (2007) to submit that "there is no word in the whole lexicon of legal and criminological terms which is as elusive of definition as the word crime". The same lack of clear definition characterizes such other basic concepts of social sciences as society, health, diseases, culture etc. Social scientists are always busy engaging in an unending search for the definition of their basic concepts and what we usually have is definition given in relation to certain ideology, discipline or contingency. Defining crime will largely depend on three (3) sets of related norms: the legal, the moral and the cultural. While defining the concept of crime, Stephen (1983) gave the

standard definition of crime in which it is seen as some acts or omissions, in respect of which legal punishment may be inflicted. Again, classical school of criminology also defined the term crime in legal terms. Jeffrey (1954) retained crime within the strict limits of criminal. In the same direction, Thompson et al (2013) gave an elaborate legal definition of crime as an intentional act of violation of the criminal law (statutory and case law) committed without defense or excuse and penalized by the state as felony or misdemeanor. We may deduce from the legal definition that the criminality of an act is defined in an important way as the punishment that follows such acts. In legal terms, Bennett (1987) opined that a crime is an act or omission forbidden by law and punishable by fine, imprisonment or even death. The definition was challenged and criticized as being too simple and broad because of the fact that not all acts that are penalized under the law are really criminal, minor traffic offences are good examples of these. The connection between crime and punishment has remained the key element in the legal concept of crime: "the possibility of punishment, as observed by Thompson et al. (2013) is not the only distinguishing mark of criminal trial but the most important one". Again, they view crime as acts or omissions which render the person doing the act or making the omission liable to punishment.

Lombroso (1968) defined crime as a function of a criminal disease or defective condition. According to Lombroso (1968), criminality is born; being the result of atavistic reversion or throw-back to an earlier evolutionary time. Criminals, to him, in other words, are throw-backs to a more ape-like type of human beings.

To the positivists, crime was like a disease and it appeared randomly among the weaker, more defective of human race. The positivist school seeks the definition of crime in criminal and not the criminal law. Lombroso developed the whole idea of born criminal, fatalistically destined to commit crime because of his bio-physiological constitution. In general, the positivist school

rejects the legal definition of crime and substitutes it with the concept of natural crime and the essential part of positivism. According to Shaw et al. (2005), it is the application of a deterministic and scientific method to the study of crime.

Another view, apart from legal and positivist views, is the social disorganization view. Notable among social organization theorists are Adolph Quatelet (1796 - 1874), Gabriel Tarde (1834 - 1904), Emile Durkheim (1858 - 1917) and a host of others. All of them introduced a wealth of ideas into the old problems of social and individual characteristics of human, including criminal behaviour. In this context, crime was seen as a social condition capable of being controlled if at all only in social terms. Sutherland, Brunton-Smith, and Jackson (2013) opine that society carries itself in some senses the seed of all the crimes which were going to be committed, together with the facilities necessary for their development. He was the pre-runner in the development of criminology as a modern science.

In his own account, Durkheim (1938) asserts that crime is normally in the society because a society cannot do without it. He added that for us to clarify crime among the social phenomena of society is not to say it is inevitable; though a regrettable phenomena due to incorrigible wickedness of man, it is to affirm that it is a factor in public health, a integral part of healthy society. Criminality is therefore a normal factor in the society and not pathological.

According to Durkheim, the fundamental exempt from crime would necessitate a standardization of the moral concept of all individual which is neither possible in law and if the society should advance forward, themselves and crime happen to be one such avenue for expressing itself. Durkheim (1906) stressed that social attributes rather than individual criminal are to be investigated in the quest in defining crime. Thus, the control of crime must be based on social

conditions and manipulations. For Durkheim, crime is scientifically normal in the society since it is found in all societies regardless of their level of development; and that is a question of fact and not of normal or philosophical judgment. Crime is impossible to be totally prevented by any human society. It will not disappear entirely; it will only change its form by negating the source of such crime and given rise to another source. Durkheim called our attention to what he called "a society of saints"- a perfect cluster of exemplary individuals. If then the society has the ability to judge and sentence offenders, if will define some acts as criminal, they have to be treated as such.

His argument revolves around two premises; if the social solidarity that binds people together is too strong, there will be little room for deviance but neither will there be any meaningful change nor progress. The presence of crime is believed to be a demonstration of the possibility of moral advancement and transformation in the society. Second, that crime and punishment must be taken together with a combined effect of reinforcing the major collective values of the society where crime weakens them. Its punishment reasserts and strengthens them. To clarify it, punishment of the bad is necessary to assert the good. In the same line with the strict legal definition of crime, we can also observe the connection between crime and punishment. Both have always been closely attached.

Conclusively, Durkheim defines crime as an act which offends and defends state of collective conscience which immediately engages our attention. Sharing the same view with Durkheim on the claim that crime is normal in the society is Shaw et al. (2005). They argued that no natural characteristics, no political regime, no system of law, police, judgment, treatment or even terror can exempt a country from crime.

On a general note however, sociological school defines crime as an anti-social behaviour, and to this end, Valdez (2007) note that criminologists should study violation of conduct norms rather than violation of legal norms in order to tackle the issue of crime in the society. According to Iwarimie-jaja (2013), there are criminologists whom have argued that almost all crimes are politically motivated. Chambliss (1975) and Quinney (1974) opined that crime entails those acts which threaten those who hold the reins of power and who fear the system of the privileged they have created. It is argued that those who rule the society and control the political process decide on what behaviour is considered to be criminal. Sutherland, Brunton-Smith, and Jackson (2013) now summarized that criminal law is thus conceived as set of rules orchestrated by the ruling class to protect itself, its possessions and its privileges from lower class attack. Chambliss (1976) note that the stratification of society into social classes where there are substantial differences in wealth, power and prestige inevitably leads to conflicts between the classes. It is in this line of thinking of inherent conflicts that the law takes its particular concept and form. It is out of the conflicts that the definition of some acts as crime emerges.

It can be concluded that crime involves four major principles, public wrong, moral wrong, law and punishment. Terrorism for example is a public wrong because it threatens the physical survival of the society. In relation to the second principle, adultery and prostitution are crimes which in a strict sense are morally wrong because they propagate moral decadence in the society. This brings us to the third point which states that unless an activity is explicitly spelt out in the law, it is not criminal. The saying that "no crime or punishment without the law" explains this. The final principle of crime is punishment which aims at serving as deterrence, protection, rehabilitation and retribution to both the criminals, the criminals, the victims and the general members of the society.

According to Tappan "crime is an intentional act in violation of the criminal law (Statutory and case law), committed without defence or excuse, and penalised by the state as a felony or misdemeanour" (Tappan, 1964:32). Crime is a violation of the criminal law, which is subsequently followed by legal punishment. A crime is an act or omission, which attracts sanctions. In studying the offender there can be no presumption that arrested, arraigned, indicted, or prosecuted persons are criminals unless they are also held guilty beyond all reasonable doubt of a particular offence. One thing you should bear in mind is that, one advantage of a legal definition of crime is that it is narrower and less ambiguous than a social definition of crime. Also, it is only a behaviour that violates the criminal law by definition that you can regard as a crime. The concept of crime has become a central issue of criminal dogmatism in the developing criminal law system of Nigeria, and indeed Africa as a whole. Leaving aside many individual issues, two essential points of criminal law from both legal theory and practical reform aspects must be focused on: the substantive definition of crime, and the delimitation of crimes and administrative offences.

Most people associate policing with fighting crime. Stories about policing and crime have always been popular in the news media as well as with novelists, playwrights and film makers. But these crime stories tend to be sensational. They focus on violent offences - stabbing, shooting, murder, rape - and on the behaviour of gangs. In fact, most criminal offence is (and always was) petty and usually involves the theft of small items or minor acts of vandalism.

Up until the end of the eighteenth century, crime was associated with acts of personal depravity. Explosive economic and demographic growth and resultant urban changes in early nineteenth-century Britain led contemporaries to view 'change' as a social force in its own terms. Linked with notions of 'change' were fears about the collapse of 'traditional values' such as the break-up

of extended families as society moved from a rural to urban base, and the sinister spectre of the 'poor'. The criminal, especially the offender drawn from the poorest section of the working class, symbolized these changes. Alongside these social dislocations was the advent of collection of various forms of economic and social statistics. Criminal statistics began to be collected for England and Wales from 1810, but the first figures collected went back to 1805.

In ordinary language, the term crime denotes an unlawful act punishable by a state. The term crime does not in modern criminal law have any simple, and universally accepted definition, though statutory definitions have been provided for certain purposes. The most popular view is that crime is a category created by law (i.e. something is a crime if applicable law says that it is). One proposed definition is that a crime, also called an offence or a criminal offence, is an act harmful not only to some individual, but also to the community or the state (a public wrong). Such acts are forbidden, and punishable by law.

The idea that acts like murder, rape and theft are prohibited exists all around the world. What precisely is a criminal offence is defined by criminal law of each country. While many have a catalogue of crimes called the criminal code, however in some common law countries no such comprehensive statute exists. The state (government) has the power to severely restrict one's liberty for committing a crime. Therefore, in modern societies, a criminal procedure must be adhered to during investigation and trial. Only if found guilty, the offender may be sentenced to punishment such as community sentence, imprisonment, life imprisonment, or in some jurisdictions, even death.

To be classified as a crime, the act of doing something bad must be usually accompanied by the intention to do something bad, with certain exceptions (strict liability). While every crime

violates the law, not every violation of the law counts as a crime. Breaches of private law (torts and breaches of contract) are not automatically punished by the state, but can be enforced through civil procedure. In this research, we cannot but talk about some key concepts such as "Deviance", "Crime", and "Delinquency". What do these concepts mean? Deviance according to American sociologist, Marshall B. Clinard, says the term should be reserved for 'those situations in which behaviour is in a disapproved direction and of a sufficient degree to exceed the tolerance limit of the community'. Deviance may be positively sanctioned (rewarded), negatively sanctioned (punished), or simply accepted without rewards or punishment. In terms of Clinard's definition, crime and delinquency are the most obvious forms of deviance. Crime refers to those activities which break the law of the land and are subject to official punishment. While delinquency refers to the criminal activities of young people.

The feminist school of criminology is a school of criminology developed in the late 1960s and into the 1970s as a reaction to the perceived general disregard and discrimination of women in the traditional study of crime. Proponents assert that the patriarchal domination of the field of criminology has led to the field being inherently biased and androcentric. This, they argue, leads mainstream criminology to either generalise or ignore criminological inquiry relevant to women in an effort to support the male dominated status quo.

The feminist school was closely associated with the emergence of the Second Wave Feminism and it speaks with multiple viewpoints developed from different feminist writers. The feminist theory emphasises that crime is caused by the hostility in men, but also states that crime is a result of inequalities within society. Politically, there is a range from Marxist, and socialist to liberal feminism addressing the "gender ratio" problem (i.e. why women are less likely than men

to commit crime) or the generalizability problem (i.e. "adding" women to male knowledge, whereby the findings from research on men are generalised to women).

2.2 Drifts in Women Involvement in Criminal Activities

Though very few women participated in criminal activities in the past, however, we cannot totally wave away the fact that women venture into various criminal activities of different kind. It is often argued that the late eighteenth and early nineteenth centuries witnessed a significant change in gender roles, which led to the emergence of "separate spheres" in the nineteenth century (Alder, 1975). The growing influence of evangelical ideology placed an increasing moral value on female domesticity, virtue, and religiosity. It is argued that increasing public life and work was confined to men, while women were expected to stay at home. New ideas about the female body led to a decline in the belief that women were the more lustful sex; now women were idealised as mothers "the angels in the house", while those who failed to meet expectations were censored as prostitutes with uncontrollable sexual desires (Alder, 1975).

In every study of serious crime ever conducted, men's and women's criminality has appeared different. Women are always accused of fewer and different crimes from men, and this was also true at the Old Bailey. Women account for only 21% of the defendants tried between 1674 and 1913, but this figure masks a significant chronological change. While women accounted for around 40% of the defendants from the 1690s to the 1740s (and highly unusually, over half the defendants in the first decade of the eighteenth century), over the course of the period this proportion declined significantly, so that by the early nineteenth century only 22% of defendants were women and by the early twentieth century the proportion had declined to 9%. By this point, serious crime had come to be perceived as essentially a masculine problem. Increasingly, female

deviance was perceived as a consequence and aspect of sexual immorality rather than crime, and was addressed through other agencies of protection and control (retrieved from www.oldbaileyonline.org, 2014)

Throughout the period, female defendants in the proceedings account for a significant proportion of the accused in only a small number of offences, particularly certain kinds of theft (pickpocketing, shoplifting, theft from lodging houses, theft from masters, and receiving stolen goods) as coining, kidnapping, keeping a brothel, or offences surrounding childbirth. On the other hand, relatively few women were accused of deception, other sexual offences, breaking the peace, and robbery (retrieved from www.oldbaileyonline.org, 2014).

The explanation of these patterns is complicated. Certain offences were legally or practically sex-specific: only men could be guilty of rape (though women could be accessories) and except in very rare circumstances of sodomy, while women were most likely to be accused of infanticide, concealing a birth, and unlawful abortion. Although prostitution itself was not tried at the Old Bailey, keeping a brothel was, and women account for about a third of those prosecuted. Beyond this, there are two sets of explanations for the gendered pattern of prosecutions at the Old Bailey: different attitudes towards male and female criminality; and different patterns of crime actually committed, owing to contrasts in the life led by women, and men.

According to women prescribed gender role, men were expected to be violent and aggressive, and consequently male deviance was perceived to be more threatening, and was more likely to be interpreted as crime, and more likely to be prosecuted. Because women were generally perceived to be more passive, they were not thought to be prone to criminality, and therefore the crimes

they did commit were seen as unusual, rather than as part of a general pattern. At this time, only a small fraction of crimes were actually prosecuted, and the less threatening crimes were least likely to be formally prosecuted. Although women who stepped far outside expected gender roles (through the use violence on children, for example) were prosecuted severely, most crimes committed by women were likely to be dealt with by less formal judicial procedures, such as informal arbitration and summary prosecution, or at the Quarter Sessions courts, and such cases do not appear in the Old Bailey records (retrieved from www.oldbaileyonline.org, 2014)

A second explanation for the appearance of fewer women at the Old Bailey, and their being charged with different types of crime, is that women may have actually committed fewer and different crimes than men because of the nature of their lives. Women, for example, were less likely to carry weapons or tools, or to spend time in alehouses. So they are less likely to become involved in spontaneous fights, and when they did they rarely had a lethal weapon in hand. Since they spent more time in the home they may have had fewer opportunities to commit crime, particularly temptations to steal. On the other hand, women were never confined to their own homes, and most had plenty of opportunities to commit theft. It is certainly likely that male and female patterns of theft differed, owing to the different types of work and leisure engaged in by each sex. Thus, prostitutes stole from their clients and were accused of pick pocketing; female servants stole from their masters and female customers, possibly motivated by desires to keep up with the latest fashions, stole from shops. In addition, women's participation in trading networks gave them skills suitable for buying and selling stolen goods. On the other hand, men were far more likely to be involved in thefts from places of work such as ships, warehouses, docks, and places of manufacture; and in rural areas, thefts of livestock (retrieved from www.oldbaileyonline.org, 2014)

Overall, women did account for a significant proportion of theft prosecutions, particularly early in the period, and this can be related to the significant economic hardships women encountered in London, particularly young recent migrants. New immigrants to the metropolis were often cut off from networks of support such as family and friends, and women's wages were typically significantly lower than men's, and their jobs less secure (retrieved from www.oldbaileyonline.org, 2014)

Historians disagree about the cause, and significance of the major decline in the proportion of female defendants tried at the Old Bailey between the early eighteenth and early twentieth century's. Malcolm Feeley and Deborah Little argued that this decline reflects real changes in women's lives, particularly the separation of home and work and women's exclusion from the public sphere, leading to a decline in actual female criminality. The extent of these historical changes in women's lives has been questioned. However, in contrast, Peter King argued that the decline in both the number and proportion of women tried at the Old Bailey was not linear but reflected significant fluctuations in the number of men prosecuted in times of war and peace, but was not mirrored in the records of other English courts. Perhaps, and most importantly, he notes that the late nineteenth-century decline in the number of women prosecuted reflected jurisdictional changes, as a large number of minor theft cases (which frequently involved women) were transferred to the lower courts. Ultimately, it is dangerous to draw wider conclusions about gender directly from evidence of the number of offenders prosecuted in a single court (retrieved from www.oldbaileyonline.org, 2014)

Denscombe (2001) believes that there has been an increase in female risk-taking behaviour, and an adoption of traditionally male attitudes. This has led to a 'ladette' culture with the