

A CRIMINAL HISTORY OF BRITAIN

HOOLIGANS, HARLOTS, AND HANGMEN

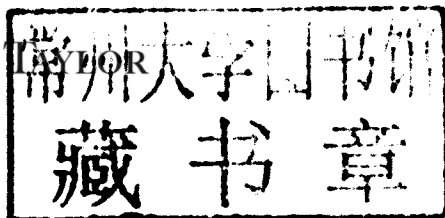
CRIME AND PUNISHMENT IN VICTORIAN BRITAIN



HOOLIGANS, HARLOTS, AND HANGMEN

*Crime and Punishment
in Victorian Britain*

DAVID



A Criminal History of Britain
Barry Godfrey, Series Editor



PRAEGER

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HOOLIGANS,
HARLOTS, AND
HANGMEN

To Rosey, Keelan, Poppy, Jessica, and Jamal

If men could learn from history, what lessons it might teach us! But passion and party blind our eyes, and the light which experience gives is a lantern on the stern, which shines only on the waves behind us!

Samuel Taylor Coleridge, *Table Talk*, 1835

The one duty we owe to history is to rewrite it.

Oscar Wilde, "The Critic as Artist," *Intentions*, 1891

SERIES FOREWORD

The books in *A Criminal History of Britain* series—together comprising the history of crime, policing, and punishment from the Middle Ages to the 21st century—make some demands upon us as readers. We are required to address complex and sometimes uncomfortable issues from the history of British society. The authors pose questions about attitudes and events in our past that have shaped, and continue to shape, our relationships with those we believe transgress accepted norms within society—lawbreakers, deviants, outlaws, and criminals. But how was “crime” socially constructed and legally defined, and how did those conceptions develop through the ages? How was authority expressed within society; by whom; and with what results? How did the aim to maintain order in society in the 18th century—to control the dangerous revolutionary mobs that threatened to overturn the ruling classes—then transform into an aim to improve effective policing? How did notions about “the criminal other” change over time—from the lazy and disobedient apprentices of the 17th century, to the violent criminals who lurked in the growing 19th-century cities as members of the shadowy and dangerous “criminal classes,” to the “joy-riders,” cannabis users, youth gangs, and binge-drinkers who became the folk-devils of the 20th century? How did our attitudes toward transgressors change, and what part did the rise of scientific criminology play in this process? Why did forms of punishment for offenders shift from punishing the body, or banishment in one form or other, to forms of incarceration designed to inhibit liberty and bring about a change in the character of individual criminals: to bring about their reformation rather than their containment? What are the legacies of these changes in today’s criminal justice system?

Finding the answers to these questions has provided a challenge to the authors, and they have all produced lively and accessible books that comprehensively explore the key elements of crime in their period. As expected of experienced researchers and acknowledged experts in their fields, the books

comment on contemporary and modern debates, with detailed footnotes and references, so that readers can go on to immerse themselves in scholarly works if they so wish. All of the volumes contain quotes from historical documents, case studies of particular episodes in history, and a range of contemporary illustrations that bring color to the text. An important aspect of the whole series is that connections are made between the books. Each volume discusses the institutions of order, the groups that were identified as a problem to mainstream respectable society, and the steps taken to control and to punish criminals—and this approach has unified the series into a complete history of crime in Britain.

In this first volume, for example, David Taylor's examination of crime in the Victorian period discusses some of the debates and themes that were current in the Middle Ages, demonstrates how the worries and fears of the Victorians produced particular criminal justice solutions, and thereby provides the foundation for a discussion of crime in the modern period (where many of those fears and anxieties about change, "foreigners," and urban living then produced their own solutions to the problems of law and order).

The seven decades under discussion in this volume probably represent the most dynamic and fast-moving years that Britain has ever experienced. In the 1830s most people in Britain lived in the countryside. By the time Queen Victoria died in 1901, the majority of the population lived in towns and cities. The population had boomed over the same period, and so had the economy—producing new forms of industrial output and a proletariat with new leisure and social pursuits. The British Empire became vast, stretching across the world and establishing expectations and norms of behavior that tried to distinguish the civilized from the uncivilized. Meanwhile, at home, the poor lived in cramped lodging houses and workhouses and on the streets. They appeared to some to be a breed apart—with their own forms of speech (criminal argot or slang), entertainment, and ways of earning a living. The rougher areas of towns fascinated and scared respectable dwellers in equal measure, and Victorian social explorers penetrated the dark hearts of the major cities to bring back information on the unrespectable and criminal poor. This information helped to feed society's appetite for tales of degradation and vice amongst the atavistic and the immoral. David Taylor skillfully weaves together these contemporary narratives and illustrations with modern understandings of the place of class, gender, and race in defining and categorizing those labeled as deviant in Victorian society. His book comprehensively describes the impact of new forms of policing on the lives of ordinary men and women, as well as the impact they had on thieves, pick-pockets, and scallywags that fell into the hands of the New Police. These uniformed public servants are perhaps the most recognizable and iconic of 19th-century institutions. The "Peelers" had an immediate effect, but Taylor rightly explores other forms of authority and order, notably the development

of a magistrates' court system that could then bring to justice the masses of petty offenders (therefore massively inflating the number of offenses brought to prosecution from the 1870s onwards). In those courts, particular groups in society were over-represented. Taylor profiles the criminal groups that caught the public imagination—drunken violent uncivilized Irishmen; the degraded criminal classes lurking in the heart of the cities; street prostitutes, drug takers, and roughs; and the juvenile delinquent. Despite popular conceptions, most criminals appeared before local magistrates, rather than the Old Bailey judges—although, as Taylor describes, many notorious criminals did appear there and suffered dreadful punishments for their crimes. He examines all of the forms of punishment that were developed in this period, the start of mass incarceration, and the emergence of the prison as the natural disposal for offenders—replacing the stocks, the scaffolds, and the ships that transported felons to America, then Australia. Lastly, Taylor asks three extremely important questions—questions that still perplex us today: What was the point of the system in this period? How successful was it in achieving its aims? What lasting impact do the changes made to crime and its control have on British society in the 21st century? Society cannot afford to leave such questions unanswered.

—Barry Godfrey
Director of the Research Institute for Law,
Politics and Justice, Keele University

PREFACE

There is a fascination about crime and punishment that draws people from all walks of life. Crime present has a fascination rooted, in part at least, in fear; crime past has a fascination rooted in curiosity. Today's street mugger has an ominous presence; his Victorian counterpart, the garrotter, has more of the exotic. It might be argued that the fascination with crime past is a form of self-indulgence. We can scare ourselves with stories of highwaymen and hooligans, knowing that they do not pose a real and present threat; much as children scare themselves with stories of giants and ghosts that they know to be fictitious. But in a more profound sense, exploring crime past (rather like reading Grimm's fairy tales) enables us to confront some of the darker aspects of human nature in a relatively safe environment. Safe in the knowledge that we are no more likely to meet Jack the Ripper than Jack the Giant-killer, we can consider not only the criminals of the past and what motivated them, but we can also reflect on the extent to which we share such characteristics.

There are also similarities in attitude toward punishments today and punishments in time past. The urgency that surrounded the debates about public executions in the mid-19th century, for example, has disappeared with time, and we can reflect on the progress we have made since the streets of London and other towns and cities were periodically brought to a halt as crowds assembled to watch some poor unfortunate be dispatched for a relatively petty crime. But past and present are intimately linked. The debates of the 1860s on capital punishment raise questions that are still pertinent today. The death penalty may have been abolished in Britain, but the questions constantly recur: Should it be reinstated for certain criminals? Should murderers, drug dealers, or child molesters be executed rather than imprisoned? And if imprisoned, what form should prison take? As I write, Jack Straw, the advocate of Titan prisons, in yet another restatement of New Labor policy, is stressing the need to put "punishment and reform" at the heart of the criminal justice

system, while reassuring people that this does not represent a return to harsh Victorian notions of crime and punishment.¹ It would be reassuring to think that Straw has looked at the Victorians' attempts (for there was never a single Victorian experience) at implementing a system of punishment and reform, for it would have brought home to him the enormous gulf between rhetoric and reality and the repeated failures to establish effective regimes, either in Victorian Titan prisons, such as Pentonville, or in smaller, local prisons. In many respects, the Victorians were pioneers in the use of prison and had little choice but to learn from experience that prisons were, for the most part and at best, expensive failures that did little to satisfy those worried by the threat of crime and less to deter or reform criminals. Ignoring (or unaware of) the historical realities, Straw asks us to invest yet more money into an approach that has a track record, going back over a century and a half, of persistent failure, notwithstanding repeated expressions of high hopes and good intentions.

It would be naïve to suggest that there are simple lessons from the past to be learned from the study of history, but an awareness of the past does provide insights and perspectives that can inform and enrich contemporary debate. The following chapters are intended to provide a brief but critical introduction to how the Victorians and Edwardians sought to understand and confront the problems of criminal behavior. There is much that is positive, for example, the reduction in the use of capital punishment and a growing awareness of the complex mix of factors that account for criminal behavior. Also, there is much that is negative—such as the failure to devise an effective, alternative system of punishment and reform based on the prison—but the purpose of the book is not to judge our forefathers or award them points for their efforts but to better understand how they sought to grapple with a problem (or, more accurately, a nexus of problems) that they did not fully understand and with limited resources. With the benefit of hindsight, it is easy to point up and mock the follies of the past—the simplistic explanations of criminal behavior, the excessive fears of crime, the overoptimistic hopes of reformers, and so forth—but such an approach is unproductive. A better, more sympathetic awareness of the Victorians does not minimize their failures but makes them more understandable. This makes for better history, but it also makes for more useful history, in the sense that it encourages a degree of humility and honest skepticism when considering the problems of today. Many of the issues that confront society in the early 21st century were familiar to the Edwardians 100 years ago and the early Victorians 150 years ago. Violent gangs of young men and women are nothing new, nor are alleged professional criminals. Each generation likes to believe that it faces new and unprecedented threats. To some extent this is true: the problems associated with illegal drugs are on a scale that would shock a Victorian time traveler, though she or he might be amazed at the self-inflicted damage that

has resulted from our narrow and counterproductive preoccupation with the criminalization of certain drugs. But many of the problems of today are but variations on well-worn themes. In times past, intelligent, well-intentioned men and women, constrained (as are we) by the intellectual and material limitations of the time, struggled with these problems. Understanding better the successes and failures of the past can play an important part in achieving success and minimizing failure in the present.

In the writing of this book, I am indebted to many people. I owe much to fellow academics in institutions across the world on whose detailed research I have drawn and also to my colleagues and students at the University of Huddersfield who have provided a critical but encouraging environment in which to work. Above all, I owe a debt to my family for their contribution. My children (and in some cases their friends), despite very busy lives, have given up time to read and comment on various drafts. Not constrained by the blinkers of the academic historian, their perceptive comments have greatly improved this book. Finally, and not for the first time, my greatest debt is to my wife, Thelma. Not only has she read and commented on every draft of every chapter—in itself a cruel and unnatural punishment, some would think—she has provided constant support and encouragement throughout the writing of this book. Finally, it is to the grandchildren that this book is dedicated in the hope that they may find both interest and insight in the study of the past.

CONTENTS

<i>Illustrations</i>	ix
<i>Series Foreword</i>	xi
<i>Preface</i>	xv
Introduction: Crime and Its Context	1

PART I: CRIME AND CRIMINALS

Chapter 1	Crime in Victorian Britain: Miracle or Mirage?	9
Chapter 2	Crimes of Violence	23
Chapter 3	Garroters, Bank Robbers, and Poachers	37
Chapter 4	Sex and Drugs	51

PART II: EXPLAINING THE CRIMINAL

Chapter 5	The Malevolent Male	71
Chapter 6	Harlots and Hooligans	91

PART III: COURTS AND COPPERS

Chapter 7	Creating Criminals: Victorian Courts	107
Chapter 8	The Creation of a Policed Society	123

PART IV: PUNISHMENT

Chapter 9	The Death Penalty: Dismantling the Bloody Code in Early Victorian Britain	145
Chapter 10	The Death Penalty: The Abolition of Public Executions and the Failure of Total Abolition	157
Chapter 11	Prison and the Problem of Secondary Punishment: Grinding Men Good	169
Chapter 12	Prison and the Problem of Secondary Punishment: Grinding Men Down	183
Chapter 13	Prison and the Problem of Secondary Punishment: The Treatment of Female and Juvenile Offenders	197
Chapter 14	Afterword	211
	<i>Notes</i>	213
	<i>Bibliography</i>	251
	<i>Index</i>	275

ILLUSTRATIONS

1. Victim of Jack the Ripper, Whitechapel, 1888	26
2. Florence Maybrick on Trial, Liverpool, 1889	28
3. Domestic Violence, 1875	31
4. Street Mugging in London, 1867	38
5. Prostitutes in the Haymarket, London, c. 1860	54
6. An East End Opium Den, 1870	63
7. Lombrosian Criminal Types, 1895	80
8. A British Rough, 1875	86
9. Juvenile Offenders, c. 1840	96
10. Court Scene, 1891	108
11. The Kind-Hearted Policeman, 1864	124
12. Constable on Traffic Duty in London, 1895	132
13. Despotice Police! Hyde Park, London, 1855	135
14. The Execution of Mary Ansell, 1899	151
15. "The Great Moral Lesson": The Gallows Crowd Outside Horsemonger Lane Gaol, 1849	155
16. The Execution of Sach and Walters, 1903	167
17. The Silent System: Associated Labor in the Workshop of Millbank Prison, London, 1862	173

- | | | |
|-----|--|-----|
| 18. | The Separate System: Prison Cell in Pentonville Prison, London, 1862 | 176 |
| 19. | The Separate System: The Exercise Yard at Pentonville, 1862 | 177 |
| 20. | Chatham Prison: Convicts Breaking Rocks, c. 1860 | 186 |
| 21. | The Treadmill at Cold Bath Fields Prison, Clerkenwell, 1874 | 187 |
| 22. | Cell with Prisoner at Crank Labor in the Surrey House of Correction, 1862 | 188 |
| 23. | The Silent Hour at the Female Convict Prison, Brixton, London, 1862 | 199 |
| 24. | Boys in the Exercise Yard at Middlesex House of Correction, Tothill Fields, London, 1862 | 203 |

INTRODUCTION

Crime and Its Context

The web of our life is of a mingled yarn, good and ill together; our virtues would be proud if our faults whipped them not; and our crimes would despair if they were not cherished by our own virtues.

—William Shakespeare, *All's Well That Ends Well*
(Act 4, Scene 3)

Only crime and the criminal . . . confront us with the perplexity of radical evil . . .

—Hannah Arendt, *On Revolution*, 1963
(chapter 2, part 5)

The Victorians and Edwardians prided themselves on their civilization, the progress they were making, and the example (as they saw it) they gave to the world. For the British, law and liberties were intimately related. Time and again they quoted Locke's dictum that "where there is no law, there is no freedom." But at the same time they worried about the problems that seemed to threaten their civilization—and crime and the criminal were among the greatest of these problems. Furthermore, the threats to stability and order appeared to be clearly located among the dangerous classes that inhabited the slums and back streets of the sprawling towns and cities that were multiplying across the length and breadth of the country. The working classes needed to be disciplined, and the law, and particularly its newly formed agents in blue, the new police, had a critical role to play in this disciplinary venture. There is much truth in the observation that "the history of crime . . . is largely the history of how better-off people disciplined their inferiors."¹ As a consequence, crime (almost irrespective of its cost to the nation as a whole, rather than to the individual victim of crime)² was seen as a key indicator of the health of the nation and the criminal seen as the embodiment of wider problems associated with a rapidly modernizing and increasingly urbanized society, and in the latter years, with an imperial power that was losing its standing in the world.