



This is a repository copy of *Forty Years of Crime in London (Journal)*.

White Rose Research Online URL for this paper:
<http://eprints.whiterose.ac.uk/86283/>

Version: Accepted Version

Article:

Shoemaker, R.B. (2015) *Forty Years of Crime in London (Journal)*. *London Journal*, 40 (2). pp. 89-105. ISSN 0305-8034

<https://doi.org/10.1179/0305803415Z.00000000063>

Reuse

Unless indicated otherwise, fulltext items are protected by copyright with all rights reserved. The copyright exception in section 29 of the Copyright, Designs and Patents Act 1988 allows the making of a single copy solely for the purpose of non-commercial research or private study within the limits of fair dealing. The publisher or other rights-holder may allow further reproduction and re-use of this version - refer to the White Rose Research Online record for this item. Where records identify the publisher as the copyright holder, users can verify any specific terms of use on the publisher's website.

Takedown

If you consider content in White Rose Research Online to be in breach of UK law, please notify us by emailing eprints@whiterose.ac.uk including the URL of the record and the reason for the withdrawal request.



eprints@whiterose.ac.uk
<https://eprints.whiterose.ac.uk/>

Forty years of crime in London (Journal)

Robert B. Shoemaker

(To appear in the London Journal, 40:2 (2015), 1-17,

Formatted: Font: Not Bold

Crime and criminal justice have been some of the more popular themes in the London Journal since its launch in 1975, serving as the primary focus (when articles about policing and punishment are included) of twenty-seven articles, or about eight per cent of those published in its first forty years. As a contribution to the Journal's anniversary celebrations, but also as an exercise in identifying common themes on a topic of fundamental importance in London history, this article surveys this corpus, arguing that what is distinctive about London crime is not its severity or frequency, but the depth of evidence the records of its prosecution provide about the distinctive features of metropolitan life.

Compared to the wider historiography of this subject,¹ crime was a topic which came late to the Journal. Only two articles were published in its first decade, four in its second, and six in its third, with fifteen, more than half of all the articles on this topic, published in the last decade. This growth has been accompanied by a change in topics, with an earlier focus on policing, prosecution, and the available sources (accounting for seven articles between 1985 and 2004) supplemented by a dramatic increase in articles about crime itself in the last decade, when nine were published. This shift, including analysis from the criminal's point of view, has pushed the London Journal into the forefront of the historiography, in the sense that while much work in the field remains focused on policing, prosecution, and punishment, articles in the Journal have marked a return by historians to the more difficult task of studying crime and the accused.

Undoubtedly, this shift was largely due to the publication, between 2003 and 2008, of the online, searchable and freely accessible edition of the Old Bailey Proceedings, a periodical, also known as the 'Sessions Papers', originally published between 1674 and 1913. This remarkable publication provided the reading public with accounts of virtually every trial which took place at the Old Bailey, London's primary court for felonies (from 1834 officially titled the Central Criminal Court).² While ostensibly a record of criminal justice, the often detailed trial accounts also provide valuable evidence of crime itself, as well as of London daily life more generally, and they have been frequently consulted by Journal authors (most notably in a 2005 special issue, 'Tales from the Old Bailey').³ The publication of the Old Bailey Online also explains the large number of articles published about the eighteenth century in the last decade (eight), though the wide chronological range covered in articles published since 2005, stretching from the middle ages to after World War II, extends well beyond the limits of this source. Nonetheless, reflecting the wider historiography, the eighteenth century has accounted

for the majority of the articles on crime published over forty years, while only three concern the period before 1700 and ten are about the nineteenth and twentieth centuries (some articles are about more than one period). Only one article, a review essay by A. E. Bottoms, has addressed contemporary London; it is hoped that more will do so in the future.⁴

*

*

*

There are several reasons why scholars and the public associate London with distinctively high levels of crime, particularly serious crime: the accessibility of the courts, intense policing, an omnipresent print culture, and the nature of the available sources. A city divided into numerous jurisdictions, the number of courts available to hear criminal complaints, in addition to the Old Bailey, has been considerable, including, in the period before the creation of police courts, separate sessions held for the City, Westminster, and the counties of Middlesex and Surrey, not to mention petty sessions held by justices of the peace. In the era before public prosecutors, private citizens had easy access to judicial fora, and filled their records with crime reports. Since London was the centre of the British print trade, particularly before the late eighteenth century, printed accounts of crime and justice were widely disseminated. The City was intensively governed, and the presence of the national government meant that the city's governors, assisted by press reports and the presence of so many politicians in the metropolis, were able to convince parliament to legislate to increase police powers.

All this generated a rich source base for historians of crime. In her inaugural lecture as Professor of London History, Valerie Pearl (the first editor of the *London Journal*) noted that early modern London 'has probably the finest archives of any great city of the world'.⁵ Before the explosion of printed literature, the richest records available concerning crime are judicial. Although these records are often laconic, providing only the briefest of descriptions of the offending behaviour, we shall see that some historians have been able to exploit them effectively. With the dramatic expansion of print in the late seventeenth century, printed crime reports, exploiting widespread public interest in the topic, became extremely useful for historians of crime. Leigh Yetter used broadsides, ballads, and pamphlets to explore how knowledge about crime shaped Londoners' understanding of the city's geography.⁶ This was the time when the *Old Bailey Proceedings* were first published, along with a sister publication, the *Ordinary of Newgate's Accounts*. Written by the Ordinary (chaplain) of Newgate Prison, the *Accounts* provided biographies and 'last dying speeches' of the convicts who were executed. Public interest in these lives stemmed from the belief that, since everyone had the potential to commit the sins which led to crime, lessons could be learned from these examples, particularly since the words of men and women about to meet their maker were thought to be almost sacred. As Andrea McKenzie explains, however, changing religious sensibilities and understandings of criminality in the mid-eighteenth century meant that the *Ordinary's Accounts* lost their audience of

respectable readers and they ceased publication in 1772. Crime was no longer seen as a fault which 'everyman' was prone to commit, and instead it came to be understood as a product of 'environmental and class-specific factors'. This led to 'a growing discomfort with a genre in which the criminal was cast in the role of an Everyman qualified to preach to the general public'.⁷

For somewhat different reasons, the audience of the Old Bailey Proceedings also declined in the late eighteenth century, as demands by the City of London for increasingly detailed reporting of trials rendered the Proceedings expensive and time-consuming to produce, leading them to succumb to competition from newspapers. Over the eighteenth century newspapers were published with increasing frequency and circulation, but until the 1770s their reports of Old Bailey trials were predominantly copied from the Proceedings. Between 1770 and 1800, however, they began to report trials more quickly and sometimes in more detail than the Proceedings, leading to a loss of readership for the latter (though the Proceedings continued to be published, largely for lawyers and City and Home Office officials, until 1913). As Simon Devereaux demonstrates, however, the coverage of crime in the newspapers was limited and highly selective. Only about ten per cent of trials were reported, with those chosen for detailed treatment either the 'most strikingly violent and threatening crimes', or, more intriguingly, trials where there was 'some perceived disjunction between the apparent character of the defendants and the suspicions that they were guilty of criminal actions', for example when a respectable individual such as the clergyman William Dodd was accused of the capital offence of forgery. Readers were interested in the 'apparent disjunction between outward appearance and inward corruption', rather than the ordinary crimes of non-elites. This reflects the same changing understanding of criminality discussed by McKenzie, as crime was increasingly seen as the product of 'an irredeemable criminal type', a 'criminal class'. While a topic of considerable contemporary concern, readers did not wish to consume seemingly endless reports of such crimes.⁸

Scholars of the nineteenth and twentieth centuries have relied on different collections of sources, which in some respects are not as rich. New types of records which become available include the papers of the Metropolitan Police and the Home Office. Some particularly detailed police records have been used by London Journal authors, notably an album of 102 'Foreign Prostitutes and Associates', compiled in 1936 and consulted by Stefan Slater; a nineteenth-century police complaints book studied by Stephen Inwood which 'provides probably the best existing picture of relationships between a large working-class community and the Metropolitan Police in the 1840s'; and a variety of police records supplemented by oral histories used by Louise Jackson in her study of female police between 1919 and 1959.⁹ The limitation of these records, of course, is that they tend to view crime from the point of view of the police.

Like all historical sources, those used by historians of crime and criminal justice have their limitations, but as this survey of some of the major sources used by London Journal authors suggests, a rich body of evidence on London is available for research. Paradoxically, however, it contributes to the misleading impression that, particularly since the eighteenth century, London has suffered disproportionately from crime.

*

*

*

The treatment of crime in the Journal has tended to eschew analysis of overall patterns, focusing instead on specific types of crime, topics more suitable perhaps for article-length analysis. Authors have tended to take a generally sympathetic approach, seeking to understand why Londoners committed, or were accused of committing, those crimes. Among property crimes (the most common type of serious crime prosecuted), attention has focused on a selection of specific offences, largely ignoring major categories of theft such as shoplifting and burglary, perhaps because there is little that can be said about the motivations for such crimes. One of the earliest articles about crime in the Journal, by Peter D'Sena, concerned the criminalisation of the practice of taking 'perquisites' from the workplace on the London docks in the eighteenth century. As D'Sena explains, the clearing away of 'waste' (such as spillage) from ships and the wharfs was a useful service provided by dockworkers, and both employees and employers (and often Old Bailey jurors) accepted that labourers were entitled to such goods as a part of their wages. Nonetheless, there was room for disagreement and misunderstanding, and from the 1780s hard-pressed employers began to attempt to withdraw this privilege, prosecuting those who continued to carry out the practice with the capital offence of theft.¹⁰ This conflict was only resolved with the building of the enclosed docks in the early nineteenth century. D'Sena's argument was further developed by Peter Linebaugh in his classic book *The London Hanged* (1991), which gave rise to one of the most colourfully worded exchanges in the Journal's history. While the debate on the merits of this book (and whether it should be read by undergraduates) perhaps cast more heat than light, the consensus among historians is that Linebaugh (and D'Sena) perceptively identified one, but only one, of the many contexts in which theft took place in the eighteenth century.¹¹

Other studies of felonies have focused on activities which are no longer considered as crimes, and used the Old Bailey accounts to shed light on social practices. David Turner studied bigamy, the subject of 283 trials in the eighteenth century. Most defendants were men, who were accused of sexually exploiting women. Turner, however, finds more complex motives: sometimes bigamy was a mutually agreed response to the difficulties of obtaining a divorce, but in other cases it was used fraudulently for material gain.¹² While Turner used bigamy cases to gain a better understanding of plebeian marriage,¹³ Rictor Norton studied sodomy cases to attempt to write a 'new gay history from

below'. As Norton argues, the accounts of 85 Old Bailey trials for sodomitical offences, and 50 more for blackmail, in the eighteenth century represent 'a legal history of homophobia', but he argues that it should be possible to read these trials 'against the grain of the judicial structure' to 'construct a history of homosexual identity'. London is the perfect place to carry out this exercise, since it was 'the only city in Britain in which a well-organised gay subculture has been detected' in this period, and it 'forms the principal exemplar for most gay histories of eighteenth-century Britain and even Western Europe'.¹⁴

Gender has been a common theme in articles on crime, but the focus has been predominantly on women, since they featured prominently as defendants at the Old Bailey, particularly in the eighteenth century. Nicholas Tosney studied trials for false coining, in which women account for 46 per cent of those accused between 1674 and 1749. Tosney attributes female participation in this crime to their precarious economic position, and the fact that they possessed the skills necessary to create moulds, melt metals, trim coins, and pass them off as legal tender in shops.¹⁵ Other crimes committed by women took advantage of female skills such as the buying and selling of consumer goods and networking, as well as the demand for prostitution. Janice Turner writes that women's experiences as pawnbrokers working in Rag Fair on Rosemary Lane (in the East End, near the Tower), led them to have 'few qualms regarding the buying and selling of stolen goods or using prostitution as a means to survival',¹⁶ while Kathy Callahan identifies women as particularly likely to engage in the crime of receiving stolen goods since it matched their employment experience in the retail trade and it could take place indoors.¹⁷

Prostitution was an offence with an ambiguous legal status (the act itself has rarely been illegal, but prostitutes were frequently charged with associated offences such as 'disorderly' behaviour and theft). Women in certain suspicious situations were quick to be charged with the offence, but there is evidence that it was frequently linked with other crimes. We have seen that the women of Rosemary Lane combined the buying and selling of stolen goods with prostitution, while Mary Clayton describes the methods of the recidivist pickpocket Charlotte Walker as: 'She either accosted men in the street, and then put her hands in their breeches pockets, or she picked men's pockets whilst drinking with them, or she or an accomplice took men to lodgings and stole their money and watches while they slept.'¹⁸ The association of prostitution with theft explains why prostitutes have received so much attention from the police, but in the early twentieth century attention shifted to the crime of murder. Stefan Slater cites a former detective in 1933 as claiming that 'prostitution, in some way or other is the basic cause of most murders, is managed by foreign bullies and largely carried on by foreign bullies'. Slater attributes this concern with foreigners (with its exaggerated link to violence) to an intolerance of immigrants in the interwar period, noting the prevailing belief that foreign prostitutes entered into 'marriages of convenience' with British citizens in order to gain leave to live in

London. While he admits that London was 'an ideal destination of foreign prostitutes', he puts this into perspective by noting that foreigners accounted for only a small proportion of the prostitutes in the West End.¹⁹

Another distinctively female crime was infanticide, but prosecutions for this offence declined considerably from the seventeenth to the twentieth centuries, as unmarried women who gave birth in private were increasingly seen as victims rather than perpetrators. In his study of Jewish women and infanticide between 1890 and 1918, Daniel Grey found only five women tried at the Old Bailey, but in this case foreignness, or more specifically ethnicity, does not appear to have coloured either the nature of the crime or its treatment by the courts. However, he notes that, for reasons which are unclear, Jewish women in these circumstances were more likely to be diagnosed with reproductive insanity.²⁰ In addition to women and foreigners, the other social group frequently blamed for crime has been juveniles. David Smith studied juvenile delinquency during and after World War II, when boys in particular were frequently caught selling rationed goods on the black market and stealing from air raid shelters and bombed out premises, and occasionally participated in gang-based street violence. Nonetheless, like women accused of infanticide, he argues that for the most part the young were treated as in need of reformation rather than punishment.²¹

When relying on the records of justice and the police, it is easy to adopt the perspective of viewing those accused of crime as the objects of state control (or mercy), but it is important to note that despite their socially marginal positions, some female criminals were able to fight the system, and win. Women accused of false coining and receiving stolen goods were able to avoid conviction or punishment by exploiting the principle of the 'feme sole' (by which a married woman could not be convicted of an offence if she had committed it with her husband) or by using what must have often been false claims of pregnancy.²² More remarkably, Charlotte Walker, the prostitute and pickpocket studied by Clayton, was able to avoid punishment for twenty-four years, despite having been arrested at least thirty times and tried at the Old Bailey on twelve occasions. By ensuring that stolen goods were not found on her person, stealing coins (which were difficult to identify as someone else's property), and giving a 'spirited defence' at her trials (including highlighting her physical weakness and the drunkenness of her victims, and exploiting any inconsistencies in the evidence), Walker was 'adept at sowing the seeds of doubt about the prosecutor's evidence'.²³

*

*

*

The victims of crime have received much less attention, but there has been some focus on those who prosecuted crime, since until the nineteenth century the judicial system largely relied on privately-initiated prosecutions. Once again, we see women playing a crucial role, particularly in the case of

petty crimes, demonstrating their ability to use the law to advance their own interests. The only article about medieval crime in the *London Journal* analysed litigation at the Sheriff's Court of London and the royal court of Common Pleas at Westminster. While it is difficult to distinguish between civil and criminal actions in these courts, some of the cases involved trespasses and litigants who sought sureties for the peace. As Matthew Stevens argues, while London women were able to take advantage of the legal customs of the City of London to initiate a considerable number of prosecutions in the fourteenth century, the result of 'a permissive environment of relative female autonomy in commercial and social affairs', after the plague in the following century they were almost half as likely to act as litigants, and frequently needed to rely on men to bring their disputes before the courts.²⁴

In the eighteenth century women were remarkably adept at prosecuting petty offences. For Jennine Hurl-Eamon (née Hurl), this included pregnant women, who, when they bound over those who assaulted them by recognizance to appear in court, ensured that their pregnancy was recorded. This meant that such women could benefit from the increasingly positive representation of motherhood at the time.²⁵ Tim Meldrum's analysis of defamation cases (primarily insults involving calling women 'whore') in the consistory court between 1700 and 1745 shows that women used the church courts to defend their reputation for chastity. Women accounted for 94 per cent of litigants, two-thirds of the time prosecuting other women. The number of cases declined considerably over the course of the eighteenth century, however, a trend which Meldrum attributes to the labelling of the consistory court as a 'women's court'.²⁶ But women continued to bring cases before the City of London's summary courts. According to Drew Gray's analysis of prosecutions of assault, they accounted for almost half of the cases brought to the Guildhall justice room from 1784 to 1796.²⁷ Like the litigation analysed by Stevens, such cases fell on the boundary between civil and criminal actions, and the prosecutions were often initiated as a means of seeking a negotiated settlement and some compensation, rather than punishment.

What is most surprising about litigation in the summary courts is its sheer frequency: Gray estimates that owing to ease of access and low cost one in seven households in the City was involved in an assault case at a summary court every year. Thus he concludes that that the summary courts 'played an important role in the regulation of violence and community relations', and that plebeian Londoners, both male and female, were 'experienced in using the legal system to seek resolutions in their interpersonal disputes', which he suggests continued in the nineteenth-century police courts.²⁸ Similarly, in her analysis of recognizances to attend the Middlesex quarter sessions, Norma Landau argues that this procedure was used by 'private plaintiffs, many of them quite humble people' (again, both women and men) to seek resolution of what were often greyessentially civil disputes. They were able to do this, she argues, because the sessions' clerical staff developed 'an effective clerical machine

ensuring the routine, mechanical conduct of the ordinary processes of the court', which meant that defendants were forced to appear in court.²⁹ Arguably it is the efficiency and availability of procedures like this which has made London such a hotbed of litigation and criminal prosecution over the centuries—and which enabled women to play such a prominent role as litigants.

*

*

*

Increasingly, however, the enforcement of the law was taken over by the police. The earliest forms of policing involved community participation, with householders serving by rotation in the unpaid offices of watchman and constable, but in the seventeenth and eighteenth centuries these parish officers were increasingly seen as inefficient and inadequate to the task. From the 1690s the offer of rewards, both by victims for the return of their stolen goods and by the state for apprehending and convicting of those guilty of the most serious offences, encouraged the growth of thief-takers, who straddled the border between the law and criminality to make a living out of these inducements. Janice Turner demonstrates that thief-takers prospered in Rosemary Lane, developing complex alliances with prostitutes and keepers of brothels, thieves and pawnbrokers, and dishonest justices of the peace and their clerks. By staging 'bogus crimes', they were able not only to eliminate their rivals, but also make a handsome profit. Turner argues that women's ability to navigate these networks shows that they could be 'decision-makers and decision-takers', but this was a dangerous world in which 'you needed to choose your allies carefully'.³⁰

Over the course of the eighteenth century watchmen and constables were increasingly paid for their services, and expectations of their roles in the prevention of crime increased accordingly. Andrew Harris's article about the growth of the 'City Patrole' in the City of London demonstrates how increasing expectations of public order, particularly following the French Revolution, led to significant changes in policing decades before the advent of the Metropolitan Police in 1829. Demands from City residents, merchants, and the Corporation of London all fuelled an increase in the number of men hired to police specific areas of the city (such as the banking district and the quays), by day as well as by night, and at public events at which large crowds gathered, such as executions, fairs, and elections. The growing use of these special constables, he argues, 'radically altered' the City's 'understanding of what policing was and how much they were willing to pay for it'.³¹ Devereaux suggests that this growing focus on surveillance, as opposed to apprehending those who committed crimes, reflects the changing understandings of crime in the late eighteenth century. A growing belief in the inherent criminality of certain groups meant that crime could not be deterred by exemplary punishments and had to be prevented through systematic policing instead.³²

Just as the significance of the 1829 Metropolitan Police Act has been downplayed as a result of recent research into earlier innovations, historians have questioned arguments that the new police imposed higher standards of morality and discipline on the working classes. Using the only surviving police complaint book from the period, Stephen Inwood examined the policing of morality between 1829 and 1850 and found that the police navigated pragmatically between middle-class pressures for systematic law enforcement and working-class lifestyles and resistance, as the police sought to avoid, in the words of police commissioner Mayne, 'unpopularity and accusations of tyranny'. Drunks were only taken into custody if they could not find their way home, and disorderly houses were only prosecuted when they were open during the church-going hours on Sunday morning. Similarly, prostitutes, particularly 'around Rosemary lane and the London Docks', were 'accepted as a part of East End life ... and not arrested unless they were disorderly'. As Inwood concludes, 'The urge to control was tempered by weakness, fear, realism, tolerance, familiarity and humanitarianism'.³³

In the twentieth century, as Slater's article suggests, the scholarly focus shifts to the ways in which the policing of morality was concentrated on foreigners. From the 1870s there were growing concerns about Chinese 'opium dens' in the East End, where smoking was linked to fraud and 'abominable sin', and there were worries that the vice would spread to the English and lead to 'middle-class degeneracy'. In fact, Virginia Berridge argues, opium smoking was a normal part of Chinese social life and it is questionable whether there were any such 'dens' at all; the moral panic was a result of anti-immigrant feeling and racism.³⁴ Slater demonstrates that the policing of prostitution in interwar London targeted the French, who were associated with exotic sexual practices. One of the reasons for this focus on foreigners was the success of English prostitutes and pimps in resisting prosecution, playing on widely held fears that police interaction with the sex trade led to corruption and heavy-handedness, and encroached on the liberties of the subject.³⁵ Once again, police powers were constrained by public opinion.

Paradoxically, despite gendered limitations on their responsibilities, female police officers were in some ways more powerful than their male counterparts. Some women served as special officers during World War I, but the first official female police officers (25 of them) were appointed in 1919. Louise Jackson shows that these women adopted a distinctive approach to policing, with a more sympathetic approach to female offenders, including prostitutes. But they also could be more effective: when they undertook undercover work, they were able to infiltrate criminal networks more successfully than their male counterparts owing to their ability to melt into the background.³⁶

The police in present day London appear more powerful than their predecessors, but less connected to the communities they serve. A 1985 essay by A. E. Bottoms reviewed a three volume report on *Police and People in London* by the Policy Studies Institute, published in 1983. This report presented

the results of a survey of 2,000 Londoners together with analysis of 'The Police in Action', based on observations and informal interviews. Bottoms focuses on the issue of 'police stops', which were targeted at young men, particularly those of West Indian origin. 'Nearly two-thirds' of these men 'had been stopped in the last year'. The authors of the report concluded that as many as one-third of these stops were not justified, and it found, unsurprisingly, that those stopped 'tend to develop hostile views of the police'. Bottoms comments that 'the short-term pursuit of law enforcement may have long-term deleterious effects on police-community relations, and may therefore in the long term damage the general maintenance of order in the community'. These findings no doubt resonated strongly in the wake of the 1981 Brixton riots, but read today they also represent an ominous foreboding of the riots in 2011. Citing other research, Bottoms comments on the 'closed nature' of twentieth-century British policing, a strong contrast with both the community-based policing of pre-modern London and the cautious approach of the Metropolitan Police in nineteenth and first half of the twentieth centuries.³⁷

*

*

*

Pre-modern punishments also involved significant public participation, particularly at executions where crowds traditionally accompanied the condemned on the two mile journey from Newgate prison to the site of executions at Tyburn. This journey was abolished in 1783, when in an effort to make executions more orderly they were moved to in front of Newgate. Despite the more confined space and the scheduling of executions early in the day, these public hangings continued to attract large crowds into the nineteenth century. In his article on this subject Matthew White focuses on an execution attended by about 40,000 people in 1807, in which thirty people were crushed to death. Despite the dangers, Londoners from a wide range of respectable occupations continued to be drawn to these events, which is why, as Harris demonstrated, so many constables were hired to attempt to maintain order. White is unable to explain precisely what motivated people from all over London to get up incredibly early and walk to Newgate to witness this gruesome sight, but he notes 'an admixture' of reasons including 'curiosity, ghoulish intrigue, vengeance, the attraction of witnessing celebrity felons, or simply the excitement of constituting a boiling crowd in its own right'.³⁸

Imprisonment, which became the most common punishment sentenced at the Old Bailey from the early nineteenth century, was also originally a public punishment, in the sense that visitors were allowed to mix freely with the prisoners. This changed, however, with the advent of the reformed prison from the 1790s. C. W. Chalklin's article on 'The Reconstruction of London's Prisons, 1770-1799' documents the early history of this process. Although, as he argues, these decades witnessed 'the almost total reconstruction of the metropolitan prisons', for the most part improvements were driven by practical considerations, including concerns about overcrowding, security and the prevention of disease, rather than a new desire to reform prisoners through hard labour, solitary

confinement, and religious instruction. The layouts of most of the rebuilt prisons were therefore conventional. The first major departure was Cold Bath Fields prison, which opened in 1794 and had 232 single cells, a radial plan which facilitated oversight of prisoners, and facilities for putting prisoners to work. As Chalklin admits, prisons built earlier outside London were more influential in the history of prison design.³⁹

In the second half of the twentieth century there was a new focus on juvenile welfare, as part of the emerging 'penal-welfare state'. David F. Smith argues that the experience of juvenile crime during World War II 'reinforced the notion that delinquency was the result of familial and social deprivation', and experts increasingly adopted psychological approaches and sought to provide individualized treatment rather than retributive punishment. This system 'flourished in London for 25 years following victory in 1945', as 'part of a vision that confidently accepted the dominant role of the welfare state in education, health, and the economic policy of the nation'.⁴⁰ How the treatment of juvenile offenders evolved after 1970 is a topic which demands attention.

A final article reminds us of the importance of understanding punishment from the point of view of the punished, and that we should not underestimate their ability to fight the system. In 'Refusing the Royal Pardon', Lynn MacKay writes about the seven women and nine men in 1789 who were sentenced to death and then refused to accept conditional pardons, mandating that they be transported to Australia. The women claimed they were innocent and they feared the long voyage to the other side of the world, a place where they claimed they would be 'devoured by savages' (this was only two years after the colony at Botany Bay was established). By daring the court to order their executions when they knew it was reluctant to do so (because the executions would excite public pity), these convicts challenged the authority of the court and the king himself. One woman, Sarah Cowden, 'outmanoeuvred the judge throughout the exchange... mock[ing] the court's pretensions to justice and humanity with impunity'. While ultimately the convicts all accepted their pardons, they had for a time fundamentally undermined the authority of the court, and in the longer term the state was forced to rethink its procedures for awarding pardons.⁴¹

*

*

*

This is a rich historiography, if inevitably uneven when viewed from the contents of only one journal. Although much work on crime and criminal justice has (understandably) been published in books and other journals, there is a strong London focus to the whole body of published literature on crime and criminal justice which is not surprising. Not only do some of the richest available primary sources pertain to London, particularly before the nineteenth century, but the experience of crime in London was a major driver of innovations in state policy, particularly in policing (though not, as noted, in

imprisonment). But London does not warrant attention necessarily because it experienced higher levels of crime than elsewhere. Levels of actual crime are unknowable in the era before the British Crime Survey, and comparative studies of levels of prosecutions in other British and European cities are rare. If there are reasons to think that the levels of prosecution of crime in London have been high, it is because London was so closely governed and intensively policed, with a dense network of courts available for trying criminal accusations. In short, historically it has been easier to prosecute crime in London than in other places.

That London has been intensively governed in the past is an argument first made in the *London Journal* by Valerie Pearl in 1979. Arguing against the view that seventeenth-century London experienced 'crisis, conflict, and social polarisation', Pearl pointed to the strength of local government in the City, 'a multitude of overlapping courts and jurisdictions in which the citizens and housekeepers were either represented or took part in person'. The most important of these were the wards, small districts which appointed numerous local officers and held regular 'wardmotes', meetings of all inhabitants to regulate the watch and resolve disputes.⁴² In two subsequent articles, Steve Rappaport made a similar argument for the sixteenth century, attributing the fundamental stability of London in the face of dramatically rising prices in the 1590s to the 'astounding' 'degree of participation by householders in local government', not only in the wards, precincts and parishes, but also the livery (gild) companies, which played a major role in resolving interpersonal disputes.⁴³

Both Pearl and Rappaport were writing about the separate legal jurisdiction of the City, and the early modern period. Pearl saw the suburbs, which of course would soon dominate London demographically, as less well governed and 'sometimes chaotic'. She also suggested that violent crime increased after the 1670s as the wardmote declined, though she noted Dorothy George's astute observation that eighteenth-century London was characterised by 'a seeming paradox: the extreme disorderliness... and yet, beneath the turbulence, an essential orderliness'.⁴⁴ London continued to be intensely governed, but (as Pearl noted) the institutions became more centralised and less dependent on citizen participation, setting the precedents that eventually led to the creation of the Metropolitan Police. Harris argued that the growth of the 'City Patrole' in the late eighteenth century was driven by the City's governors as much as the demands of local inhabitants, while the rotation offices staffed by aldermen from 1737 provided much of the summary justice which generated the records analysed by Gray.⁴⁵ Westminster and the parishes outside the City were governed by the increasingly active Middlesex justices of the peace and their clerks, which as Landau demonstrated were highly effective in encouraging and processing prosecutions using the recognizance.⁴⁶

Concurrently, however, the growth of printed literature made Londoners increasingly aware of crime. First ballads and broadsides, followed by the *Old Bailey Proceedings* and *Ordinary Accounts* and then

the newspapers, disseminated an image of the metropolis as overwhelmed by crime. As Devereaux notes, London newspapers circulated in the rest of the country in the late eighteenth century highlighted the most serious crimes, 'maintaining an image of London as a place of pre-eminently serious crime and immorality by comparison with the provinces'.⁴⁷

*

*

*

Research on crime in London, therefore, does not lead to the conclusion that the metropolis had a particularly severe problem with crime, though there are identifiable characteristics of London criminality, arising for example from the social composition of its population and the nature of its economy. But because the city has historically been so intensively policed, and crime and criminal justice have been so well recorded and publicised, studying crime in the metropolis is particularly rewarding, as it provides a window onto distinctive features of London life. The final section of this article will review some common themes that emerge from the articles reviewed.

One of the most important is the depth of community ties found within the city. In contrast to the stereotype of urban life as 'anonymous', we learn from the crime literature and the processes of prosecution and punishment that Londoners valued their interpersonal relationships and worked hard to preserve them. Yetter's analysis of printed crime reports in the late seventeenth century demonstrates that through reading this literature Londoners acquired 'an intimate and self-referential knowledge of the city and its inhabitants and [it] suggests a kind of common social and cultural topography that was full of familiar meaning'. Knowledge of which crimes had occurred where contributed to Londoner's 'colloquial knowledge, even ownership, of local space'.⁴⁸ Meldrum's research into church court prosecutions demonstrates how intensively neighbours policed reputations and enforced moral norms. This is a point paradoxically reinforced by David Turner's study of bigamy, which showed that despite the apparent ease of faking identities and avoiding detection, 'ordinary Londoners' possessed 'a strong sense of morality', and bigamous spouses were regularly detected and brought to court.⁴⁹ While some of these community bonds were based on locality, others transcended individual neighbourhoods. Meldrum argues that the social values enforced by defamation prosecutions were also those of 'middling identity'.⁵⁰ Similarly, White's study of attendance at public executions shows that audiences came from across the metropolis in order to share a common experience of sociability: these 'city wide events of community interactivity... offered mutually shared experiences with colleagues and friends, families and strangers'. And when disaster struck, he found 'an intriguing picture of mutual support' among witnesses and participants as they sought to bring the injured to hospital.⁵¹

Nonetheless, many studies identify the distinctive characteristics of localities within the metropolis. Janice Turner's study of the 'disorderly neighbourhood' of Rosemary Lane seeks to understand the peculiar social and gender dynamics of a place on the border between the City and Middlesex, where women formed a high proportion of the population; brothels, radicalism and religious dissent flourished; and criminals, thief-takers and justice of the peace resided cheek by jowl. Her conclusion that we 'need to encompass the varied neighbourhoods of the capital' within our understanding of London history is salutary.⁵² We find similar distinctive social dynamics in the labouring practices on the East End docks (D'Sena), the intense local government of the City (Gray, Harris), and the zones of prostitution in the West End (Walker, Slater). But it must be noted that vast parts of the metropolis have not received this type of detailed local analysis: there is nothing from south of the river or north of the City, or from the outer suburbs. Of course, there is often a need to focus on much smaller districts, streets, or even buildings: Norton's study of homosexual London identifies specific 'gay cruising grounds' including London Bridge, the Royal Exchange, Lincoln's Inn Fields, the Savoy precinct, and Moorfields (location of 'Sodomite's Walk').⁵³

As Norton's study suggests, a final, and frequent, theme in the literature is that of gender, though the focus has predominantly been on heterosexual women. Women's greater visibility in the metropolis owing to higher levels of immigration and employment created both vulnerabilities and opportunities. Women were frequently prosecuted for crime, as in the summary courts studied by Gray, possibly owing to concerns about their independence, particularly if they were single. As Slater demonstrates, such women were particularly likely to be charged with prostitution, especially if they were foreign and there were contemporary concerns, as during the interwar period, about the increased mobility of women and promiscuous sexuality. Smith finds that such concerns continued during and after the war, when female juvenile delinquents were seven times more likely to be put under the protection of the juvenile courts.⁵⁴

London also, however, gave women frequent opportunities and incentives both to engage in crime and to work the judicial system to their advantage. We have seen women acting frequently as receivers of stolen goods and keepers of disorderly houses and brothels, often working in alliance with thief-takers (Callahan, J. Turner). When charged with crimes, they were able to play the system effectively to avoid conviction, taking advantage of prevailing images of women as victims and their knowledge of the law (Callahan, Grey, Tosney), most notably in the case of Charlotte Walker (Clayton). As prosecutors, as Hurl-Eamon demonstrated, pregnant women were able to take advantage of 'the greater freedom available to women in an urban environment to seek retribution'.⁵⁵ And even in the police, women were able to use their position as members of the perceived more passive sex to infiltrate criminal networks (Jackson). Yet in opening up these new opportunities for women, urban life also had the potential to undermine gender differences, particularly among criminals. Tosney

argues that false coining was 'a skilled procedure which... seems to have had little or no sexual division of labour'.⁵⁶

* * *

In the past forty years we have learned a considerable amount about crime and criminal justice from the London Journal, some of it perhaps surprising in terms of the extent and nature of female crime, the limitations of the powers of the police, and the ability of ordinary Londoners, particularly women, to manipulate the legal process. Research on these topics has the ability both to enhance our understanding of how the city has been governed over time and to shed light on patterns of social and gender relations in urban communities. But much more work needs to be done. We need to know more about both medieval and contemporary crime, about specific types of crime (notably burglary, robbery and white collar crime), about victims, and about what patterns of crime can tell us about urban masculinity. More comparative research needs to be undertaken in order to identify what is distinctive about the experience of crime in London. With respect to justice and policing, we do not know enough about the role of the police courts and the impact of recent legal and organisational changes on the Metropolitan Police. And with respect to punishment, we know far too little about the metropolitan prisons in the nineteenth and twentieth centuries. These are just some of the topics we hope will be covered in the pages of this journal in future issues.

[8110 words, including footnotes]

¹ Due to limitations of space, this article focuses on articles published in the London Journal only. For a preliminary bibliography of the wider literature, see T. Hitchcock, S. Howard and R. Shoemaker, "Research and Study Guides - Bibliography", Old Bailey Proceedings Online <www.oldbaileyonline.org>, version 7.0 [accessed February 13, 2015].

² T. Hitchcock, R. Shoemaker, C. Emsley, S. Howard and J. McLaughlin, et al., The Old Bailey Proceedings Online, 1674-1913 <www.oldbaileyonline.org>, version 7.0, 24 March 2012).

³ T. Hitchcock and R. Shoemaker, eds, 'Special Issue: Tales from the Old Bailey', London Journal, 29:2 (2005). It should be noted, however, that some articles based on the Proceedings were published prior to the creation of the online edition, including P. D'Sena's article discussed below.

⁴ A. E. Bottoms, 'Law, Order and the London Copper', London Journal, 11:2 (1985), 179-83.

⁵ V. Pearl, 'Change and Stability in Seventeenth-century London', London Journal, 5:1 (1979), 3.

⁶ L. Yetter, 'Criminal Knowledge: Mapping Murder in (and onto) Early Modern Metropolitan London', London Journal, 33:2 (2008), 97-118.

⁷ A. McKenzie, 'From True Confessions to True Reporting? The Decline and Fall of the Ordinary's Account', London Journal, 30:1 (2005), 55-70, quotes from 61, 65.

-
- ⁸ S. Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press 1770-1800', *London Journal*, 32:1 (2007), 1-27, quotes from 10-12, 19.
- ⁹ S. Slater, 'Pimps, Police and Filles de Joie: Foreign Prostitution in Interwar London', *London Journal*, 32:1 (2007), 55; S. Inwood, 'Policing London's Morals: The Metropolitan Police and Popular Culture, 1829-1850', *London Journal*, 15:2 (1990), 137; L. Jackson, "'Lady Cops'" and "'Decoy Doras'": Gender, Surveillance and the Construction of Urban Knowledge 1919-59', *London Journal*, 27:1 (2002), 64.
- ¹⁰ P. D'Sena, 'Perquisites and Casual Labour on the London Wharveside in the Eighteenth Century', *London Journal*, 14:2 (1989), 130-47.
- ¹¹ P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London: Allen Lane, 1991); L. Schwarz, 'London, 1700-1950', *London Journal*, 20:2 (1995), 48; P. Carter, ". . . On no account let undergraduates near it . . .": A reply to Leonard Schwarz's review of Peter Linebaugh's *The London Hanged* and L. Schwarz 'Transformations of Labour and *The London Hanged*: A reply to Paul Carter', *London Journal*, 23:1 (1998), 61-65. The book was reviewed in this journal in volume 17:2 (1992), 184-85.
- ¹² D. M. Turner, 'Popular Marriage and the Law: Tales of Bigamy at the Eighteenth-Century Old Bailey', *London Journal*, 30:1 (2005), 6-21.
- ¹³ See also J. Hurl-Eamon, 'Insights into Plebeian Marriage: Soldiers, Sailors, and their Wives in the Old Bailey Proceedings', *London Journal*, 30:1 (2005), 22-38.
- ¹⁴ R. Norton, 'Recovering Gay History from the Old Bailey', *London Journal*, 30:1 (2005), 39-54, quotes from 39, 42, 44. See also his *Mother Clap's Molly House: The Gay Subculture in England, 1700-1830* (London: Gay Men's Press, 1992).
- ¹⁵ N. Tosney, 'Women and "False Coining" in Early Modern London', *London Journal*, 32:2 (2007), 103-23.
- ¹⁶ J. Turner, "'Ill-Favoured sluts'?: The Disorderly Women of Rosemary Lane and Rag Fair', *London Journal*, 38:2 (2013), 95-109.
- ¹⁷ K. Callahan, 'On the Receiving End: Women and Stolen Goods in London 1783-1815', *London Journal*, 37:2 (2012), 106-21.
- ¹⁸ M. Clayton, 'The Life and Crimes of Charlotte Walker, Prostitute and Pickpocket', *London Journal*, 33:1 (2008), 8.
- ¹⁹ Slater, 67.
- ²⁰ D. J. R. Grey, 'Almost Unknown Amongst the Jews': Jewish Women and Infanticide in London 1890-1918', *London Journal*, 37:2 (2012), 122-35.
- ²¹ D. F. Smith, 'Delinquency and Welfare in London: 1939-1949', *London Journal*, 38:1 (2013), 67-87.
- ²² Callahan; Tosney.
- ²³ Clayton, 10-11.
- ²⁴ M. F. Stevens, 'London Women, the Courts and the "Golden Age": A Quantitative Analysis of Female Litigants in the Fourteenth and Fifteenth Centuries', *London Journal*, 37:2 (2012), 67-88, quote from 78.
- ²⁵ J. Hurl, "'She being bigg with child is likely to miscarry": Pregnant Victims Prosecuting Assault in Westminster, 1685-1720', *London Journal*, 24:2 (1999), 18-33.
- ²⁶ T. Meldrum, 'A Woman's Court in London: Defamation at the Bishop of London's Consistory Court, 1700-1745', *London Journal*, 19:1 (1994), 1-20.

-
- ²⁷ D. D. Gray, *Crime, Prosecution, and Social Relations: The Summary Courts of the City of London in the Late Eighteenth Century* (Houndmills, Basingstoke: Palgrave Macmillan, 2009), p. 95.
- ²⁸ D. D. Gray, 'The Regulation of Violence in the Metropolis; the Prosecution of Assault in the Summary Courts, c.1780–1820', *London Journal*, 32:1 (2007), 75-87, quotes from 75, 83.
- ²⁹ N. Landau, 'Appearance at the Quarter Sessions of Eighteenth-Century Middlesex', *London Journal*, 23:2 (1998), 30-52. quotes from 45-46.
- ³⁰ J. Turner, 95, 102, 104.
- ³¹ A. T. Harris, 'Policing and Public Order in the City of London, 1784–1815', *London Journal*, 28:2 (2003), 1-20, quote from 1.
- ³² Devereaux, 18.
- ³³ Inwood, 139, 143, 144.
- ³⁴ V. Berridge, 'East End Opium Dens and Narcotic Use in Britain', *London Journal*, 4:1 (1978), 3-28, quotes from 13, 15.
- ³⁵ Slater, 60-63.
- ³⁶ Jackson.
- ³⁷ Bottoms, 180-82; S. Holdaway, *Inside the British Police* (Oxford: Basil Blackwell, 1983).
- ³⁸ M. White, "'Rogues of the Meaner Sort"? Old Bailey Executions and the Crowd in the Early Nineteenth Century', *London Journal*, 33:1 (2008), 135-53, quote from 149; Harris.
- ³⁹ C. W. Chalklin, 'The Reconstruction of London's Prisons, 1770–1799: An Aspect of the Growth of Georgian London', *London Journal*, 9:1 (1983), 21-34, quote from 21.
- ⁴⁰ Smith, 68, 82.
- ⁴¹ L. MacKay, 'Refusing the Royal Pardon: London Capital Convicts and the Reactions of the Courts and Press, 1789', *London Journal*, 28:2 (2003), 21-40, quotes from 32, 35; S. Devereaux, 'Imposing the royal pardon: Execution, transportation, and convict resistance in London, 1789', *Law and History Review*, 25:1 (2007), 101-38.
- ⁴² Pearl, 3, 15.
- ⁴³ S. Rappaport, 'Social Structure and Mobility In Sixteenth-Century London: Part I', *London Journal*, 9:2 (1983), 107-35; S. Rappaport, 'Social Structure and Mobility In Sixteenth-Century London: Part II', *London Journal*, 10:2 (1984), 107-34, quote from 110.
- ⁴⁴ Pearl, 4-5; M. D. George, *London Life in the Eighteenth Century* (1925; London: Penguin, 1979), p. 9.
- ⁴⁵ Harris; Gray.
- ⁴⁶ Landau.
- ⁴⁷ Devereaux, 5.
- ⁴⁸ Yetter, 106, 110.
- ⁴⁹ Meldrum, D. Turner.
- ⁵⁰ Meldrum, 15.
- ⁵¹ White, 146, 150.
- ⁵² J. Turner, 105.
- ⁵³ Norton, 40.
- ⁵⁴ Gray, 80-81; Slater, 62, 66; Smith, 71.

⁵⁵ Hurl, 20.

⁵⁶ Tosney, 117.