Criminal Conversations
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Introduction

In recent years the British media has devoted time and space to the alleged monstrosities lurking on the fringes of respectable society. Britain, at the turn of the twenty-first century, faces a threat from a brutish criminal underclass, containing inadequate parents, existing on “sink estates” who, living by a system of values unrecognizable to “respectable” society, have brought up such dehumanized individuals such as “Spider Boy,” “Rat Boy,” and “Balaclava Boy” to terrorize respectable neighborhoods from Oxford to Newcastle-upon-Tyne. To compound matters, the sense of crisis is further heightened by references to the inadequacies of the criminal justice system. Moral panic is alive and well! Not for the first time there has been a construction of an alien group, beyond the bounds of respectable society, that not only contains threatening and dysfunctional individuals but which brings into question both fundamental social institutions, notably the family, and the wider codes of behavior that bind society together.

But for the “underclass” of the late years of the second Elizabethan period one could substitute the “dangerous classes” or the “residuum” of the early and late-Victorian years, respectively. This chapter proposes to look more closely at the ways in which these threatening social entities—the “predatory classes” or the “destructive classes” to take two of the more pejorative nineteenth-century descriptions—were constructed through a variety of debates echoed in the media, and the purposes that they served in these conversations through two “snap shots”: one of the mid-Victorian period, the other of the Edwardian era.
The variety of terms used to describe the threat “from below” is indicative of both the scale of concern and the extent of uncertainty. There was no agreed or consistent definition of the social composition or geographical location of “the dangerous classes.” That they were “out there” and threatening was agreed but it was often left to intrepid social explorers to attempt a more precise delineation of these alien people. Commonly based on direct experience, the journalistic writings of a Henry Mayhew or the scientific findings of a Charles Goring had a commonsense authority that disguises the problematic nature of their evidence. If, as Edward Said has argued in his influential discussion of western conceptions of the orient, “the development and maintenance of every culture requires the existence of another different and competing alter ego” and that “the construction of identity . . . involves establishing opposites and ‘others’ whose actuality is always subject to the continuous interpretation and re-interpretation of their differences from ‘us,’” then the constructed “other” of the “dangerous classes” throws more light on the thinking and perceptions of the “respectable classes,” that is the observers, than it does on the observed. In addition to casting light on “respectable” values, social enquiries served a variety of functions. In part they were intended to (and did) create a sense of fear, acting as a wake-up call to society but in part they were also writings of reassurance. However, these writings did not exist independently of contemporary beliefs about the causes of criminal behavior, and it will be argued that changing explanations of criminality significantly reduced the element of reassurance and simultaneously heightened the sense of fear.

The “Dangerous Classes” in Early and Mid-Victorian England

While the notion of the criminal as an “outsider” threatening the health of the body politic is to be found frequently in eighteenth- and early-nineteenth-century accounts of crime, there was a shift to a language of class and conflict that emerged as urbanization and industrialization proceeded apace. The burgeoning working-class quarters of urban Britain were seen as the natural environment of the criminal. Further, it was commonly believed that the criminal, exercising his or her free will, chose a life of crime, for whatever reason, and in so doing set him/herself beyond the bounds of respectable society. It was this wilful desertion of the standards of respectability that dominated the criminal conversations about the dangerous classes.

Interestingly, some of the earliest influential writings that contributed to these criminal conversations in Britain were produced by French social
enquirers. Flora Tristan’s *Promenades dans Londres* (1840) described St. Giles’s in terms of its “extreme poverty . . . [and] total degradation.” Here was a population that lived “by prostitution and theft,” for whom entry to Coldbath Fields prison was a red-letter day of improved living standards.⁴ Eugene Buret in *Of the Distress of the Working Classes in England and France*, published the same year, spelled out more clearly the danger because

in the very heart of the busiest centres of industry and trade [in England and France] you see thousands of human beings reduced to a state of barbarism by vice and destitution. . . . The governments are rightly apprehensive. They fear lest formidable dangers may some day burst forth from amid these degraded and corrupted people.⁵

A third author from that same year, though focusing on France, coined a phrase that, for all its imprecision, captured the growing sense of imperilment. M. A. Frégier concluded that

the poor and vicious classes have always been and will always be the most productive breeding ground of evildoers of all sorts; it is they whom we shall designate as the dangerous classes. For even when vice is not accompanied by perversity, by the very fact that it allies itself with poverty in the same person, he is a proper object of fear to society, he is dangerous.⁶

Frégier’s notion of “the dangerous classes” was quickly taken up by English commentators and achieved considerable currency as it moved from specialist academic literature to more generalist periodicals during the next two decades. Thomas Beames, for example, popularized the notion that demoralization and moral contamination were to be found in the slums of London while Mary Carpenter made a series of high-profile appeals to rescue destitute children from a life of crime.⁷ In England the elision of working classes and dangerous classes may not have been so common as in mid-nineteenth-century France (Paris in particular) but there was a common feeling that within the working masses of the nation, particularly among its poorer sections, there lurked such “dangerous classes,” which in turn were largely synonymous with, and hosted, the indubitably threatening criminal classes.

Nowhere is this clearer than in the writing of Henry Mayhew who was at pains to ensure that his readers “should no longer confound the honest, independent working men, with the vagrant beggars and pilferers of the country,” but rather that they should appreciate that “the one class is as respectable and worthy, as the other is degraded and vicious.”⁸ Mayhew conceded that the binary division was misleading because there were some “casual” criminals,
responsible for “accidental crimes, arising from the pressure or concomitance of a variety of circumstances” and “the professional criminals [or] habitual ones.” It was the latter who were both morally and physically threatening. Mayhew’s description was graphic. Using language not dissimilar to that used by Dickens in his portrayal of Bill Sikes in *Oliver Twist* (1839), he described one of his ventures into criminal London:

On entering into a public-house in another alley near Union Street we came to see one of the most dangerous thieves’ dens we have visited in the course of our rambles. As we approached the door of the house we saw a dissipated-looking man stealthily whispering outside the door to the ruffian-looking landlord, who appeared to be a fighting man, from his large coarse head and broken nose. . . . We went to another outhouse beyond, where some thirty and forty persons were assembled around a wooden enclosure looking on, while some of their dogs were killing rats. They consisted of burglars, pickpockets, and the associates of thieves, along with one or two receivers of stolen property. Many of them were coarse and brutal in their appearance, and appeared to be in their element as they urged their dogs to destroy the rats. . . . The men apparently ranged from twenty-two to forty years of age. Many of them had the rough stamp of the criminal in their countenances, and when inflamed with strong drink, would possibly be fit for any deed of atrocious villainy.

Alongside such formidable characters co-existed “common thieves . . . often characterised by mental imbecility and low cunning . . . lazy in disposition and lack[ing] energy both of body and mind,” but the threat they posed to “decent” society was equally beyond dispute.

Mayhew was at pains to stress that criminals, “such strange members of the human family,” needed to be studied closely:

We have thought the peculiarities of their nature as worthy of study in an ethnological point of view, as those of the people of other countries, and we have learnt to look upon them as a distinct race of individuals, as distinct as the Malay is from the Caucasian tribe. . . . An enumeration of the several natural orders and species of criminals will let the reader see that the class is multifarious, and surely, in a scientific point of view, as worthy of being studied as the varieties of animalcules.

True to his claim, Mayhew presented a detailed analysis that produced, for example, a threefold categorization of thieves (based on the means whereby they operated) each of which was then duly subdivided. The reader is
presented with an ordered but also a mysterious world with its own language
to describe its nefarious specialisms: “rampsmen,” “bludgers,” “prop nailers,”
thimble screwers,” “sawney hunters,” and “dead lurkers” were terms intended
to send a frisson of fear down the back of respectable readers.

However, one needs to pause and consider the effect of such a representa-
tion. Behind the seemingly objective classification of the criminal classes were
a variety of messages. Emsley has argued that the “elite” constructions of a
criminal class “gave the reader a sense of superiority over criminals” but also
“alleviated at least some of the uncertainty and fear about crime.”13 In other
words, it was a rhetoric of reassurance. This is, undoubtedly, the case with
much of Dickens’s writing, contrasting the almost comic inadequacies of the
criminal with the moral and physical strength of the policeman:

\[
\text{[c]oiners and smashers droop before him; pickpockets defer to him; the gen-
tle sex (not very gentle here) smile upon him. Half-drunken hags check}
\text{themselves in the midst of pots of beer, or pints of gin, to drink to Mr. Field.}
\text{. . . One beldame in rusty black has such admiration for him, that she runs}
\text{a whole street’s length to shake him by the hand; tumbling into a heap of}
\text{mud by the way, and still pressing her attentions when her very form has}
\text{ceased to be distinguishable through it.}^{14}
\]

Having painted a grim picture of Rats’ Castle, Dickens was able to reassure
his readers with the conclusion that

Before the power of the law, the power of superior sense—for common
thieves are fools beside these men—and the power of a perfect mastery of
character, the garrison of Rats’ Castle and the adjacent Fortress make but a
skulking show indeed when reviewed by Inspector Field.15

The threat from below is less than we (poor, frightened readers) might imag-
ine; the forces that protect us stronger and in control. Sleep easy, gentle
reader; sleep easy as Inspector Field and his men guard the streets and houses
in which you live!

On the surface, Mayhew is less reassuring. At one level, the sheer detail of
his analysis gave force to the belief, encouraged by much popular literature,
that there was a separate world in which the criminal class lived.16 This was a
frightening thought, especially as there was, in the words of the 1863 Royal
Commission on Penal Servitude, “a class of person . . . so inveterately addicted
to dishonesty and so averse to labour that there is no chance of their ceasing
to seek their existence by depredations on the public.”17 The phasing out of
transportation added to this sense of fear because the hardened criminal was
now to live in the midst of respectable society. There was now present, as Lord
Kimberley observed, “a great army—an army making war on society.” And
yet, at another level, there was a sense in which Mayhew’s analysis was com-
forting, insofar as the criminal districts were, first, clearly defined in geo-
graphical terms, and, second, contained, and controlled by the police. While
never eulogizing the Metropolitan Police as Dickens did, Mayhew nonethe-
less painted a reassuring picture, as in the description of the police in action
in Bluegate Fields. The district was “nothing more or less than a den of
thieves, prostitutes and ruffians of the lowest description,” and yet

the police penetrate unarmed without the slightest trepidation . . . we pro-
ceeded to Brunswick Street, more generally known in the neighbourhood
and to the police as “Tiger Bay.” . . . We entered No 6, accompanied by two
policemen in uniform, who happened to be on duty at the entrance to the
place. . . . We afterwards searched two houses on the opposite side of the
way. . . . When the magic word “Police” was uttered, the door flew open, as
the door of the robbers’ cave when Ali Baba exclaimed “Sesame.”

However, there is something more going on. Mayhew’s criminal world (that
of Dickens likewise) was inhabited by grotesque figures, scarred both physi-
cally and morally; they wear the badge of crime on their very faces.

The language used to describe this world emphasizes both physical squalor
and lack of orderliness (“sickening smells,” “heaps of filth,” “noisome and
offensive,” “tumbling houses,” “lairs and holes”) and moral failings (“most
improvident manner,” “unprincipled parents,” “indiscriminate admixture of
the sexes,” “gross depravity or impropriety”). The “underworld” mirrors the
“over-world” in its highly complex structure but in that mirror world the
moral order has been subverted and “good” replaced by “evil.” There has been
a process of transference whereby all that is seen to be immoral, all that is
feared in respectable bourgeois society, has been ascribed to the inhabitants
of the slums and rookeries. In so doing, not only has an “other” or “nether”
world been constructed but also the superiority of “respectable” values has
been confirmed. Those intrepid domestic explorers discovering the East End
of London were effectively involved in the same process of discovery and def-
inition that Said associates with the West’s contact with the Orient.

Mayhew was not alone in identifying distinct criminal districts. James
Greenwood, a prolific journalist and master of disguise, whose direct obser-
vations informed his social commentary, was well aware that criminals were
to be found in many parts of London, but nonetheless stressed the concen-
tration of “desperate criminals” in one quarter “around the alleys of the Bor-
ough.” These were men whose “life is one continuous conspiracy against the
usages of property and safety of society,” but there were specific areas, such as “the quarter around Kent Street, in the Borough [that were] almost wholly tenanted by them.”20 Similarly, Gustav Doré and Blanchard Jerrold associated the criminal class with specific localities. It was in the “maze of courts and narrow streets of low houses” and “in the hideous tenements” in Whitechapel and Shadwell that were to be found “the densely-packed haunts of poverty and crime.”21 But, as with Dickens and Mayhew, these districts and their inhabitants were under the gaze and control of policemen such as the “intelligent, reflective and professional” detective sergeant Meiklejohn.22

The simple binary division—good/evil or respectable/rough—conceived in moral, physical, and geographical terms, provided an analysis from which the worried reader might draw comfort; but not all writers shared this view. The distinction (moral and geographical) between “the criminal or predatory class” and other elements of working-class society was not always seen to be clear-cut. In a major academic discourse, Thomas Plint, writing at the same time as Mayhew, saw the terms “criminal classes” and “dangerous classes” as synonymous. This segment of society included “not only the professional thief or burglar” in his “criminal or dangerous classes” but also “the whole rabble of the vagrant and dissolute classes, who labour by fits, and eke out subsistence by pilfering, and who are ever on the verge of a more serious breach of the law.”23 While constructing the criminal class as “other” in moral and religious terms, Plint did not see the geographical distinction between the criminal and the respectable working class. Worryingly,

the Criminal classes live amongst, and are dove-tailed in, so to speak, with the operative classes, whereby they constitute so many points of vicious contact with those classes—so many ducts by which the virus of a moral poison circulates through and around them. They constitute a pestiferous canker in the heart of every locality.24

In other words, there was no physical separation between decent operatives and dissolute criminals; one important boundary had been breached.

Plint described the criminal class as being “in the community, but neither of it, nor from it” and thus “isolated from the other classes” but this strengthened, rather than weakened, his earlier observation that this “pestiferous canker” has the effect of

revolting the sensibilities, and lowering, more or less, the moral status of all who come in contact with them. Their very presence, and the daily commission of offences by them, is an evil, because it so habituates society to the loathsome spectacle of the one, and the constant recurrence of the other,
that the sensibilities become blunted, and the judgment benumbed and stu-
pefied.\textsuperscript{25}

Other influential writers of the 1850s shared this concern about the inter-
mixing of respectable and criminal elements and the resultant blurring of the
lines between different elements of working-class society. Mary Carpenter, for
example, proposed a more complex (and not always clearly defined) fourfold
model of society that encompassed a working class, a ragged class, and a per-
ishing class as well as a dangerous class. On certain occasions she wrote of the
“perishing and dangerous classes” as if they were a single, continuous social
entity.\textsuperscript{26} This worrying fluidity between boundaries was well captured by John
Hollingshead. Another investigative journalist, Hollingshead was commis-
sioned by the \textit{Morning Post} to report on the distress that beset ordinary Lon-
doners in the severe winter of 1860/1. The series of articles, entitled “Horrible
London,” were reprinted later as \textit{Ragged London} in 1861. Recognizing the
“many different degrees of social degradation and unavoidable poverty,” he
noted how “daily . . . one or more [of these outcasts] drop through into the
great pit of crime.”\textsuperscript{27}

Although there were differences in expert analysis, there was a general feel-
ing in mid-Victorian England that there was a definable and distinct category
of people, the “dangerous classes,” that posed a threat to moral well-being and
social stability. In particular, the great towns (London specifically) were seen
to be scarred by criminal districts in which men and also women chose to live
a life outside the law of the land. The reality, even in London, was signifi-
cantly different. Many criminals, overwhelmingly drawn from the working
classes, and especially the less skilled elements therein, were scarcely distin-
guishable from the population at large. But the construction of a category of
threatening “others,” which was to be found in specific geographical areas,
gave both a sense of moral superiority and a sense of security, not least from
the knowledge that there were increasingly professional and efficient police
forces that protected the law-abiding majority from the depredations of the
law-breaking minority.\textsuperscript{28}

\textbf{Heredity, Feeble-Mindedness, and the Criminal in Edwardian England}

Concern with the presence of a demoralized and criminal class did not disap-
pear in the late nineteenth century. Fears were probably at their greatest in the
1880s.\textsuperscript{29} George Sims expressed concern at the “mighty mob of famished, dis-
eased and filthy helots . . . [whose] lawless armies” threaten to bring to Lon-
don “a taste of the lesson the mob has tried to teach now and again in Paris”
and bemoaned the fact that there was no longer a physical gap between
“respectable” and “dangerous” classes.30

Jones argues that fear of the “lawless armies” peaked in the 1880s but was
undermined, partly by the events surrounding the Dock Strike of 1889
(which revealed the residuum as a “small and hopeless remnant” rather than
an invading army), partly by the findings of Charles Booth in the following
decade and partly by the long-term decline in the recorded crime rate, which
led The Times, for example, to claim that “at the present rate of decrease the
professional burglar and pickpocket will soon disappear.” But not everyone
was comforted. The Pall Mall Gazette dismissed Booth’s report as “too much
like a complacent and comforting bourgeois statement of the situation.” Class
A might be small but it was not totally disassociated from the numerically
larger Class B and, as Booth himself conceded, the members of these classes
threatened to contaminate more respectable members of working-class soci-
ety. Second, one should not overlook a potentially more worrying finding of
Booth’s, namely that “every social grade has its criminal”: a conclusion that
strengthened the fear that there was an “enemy within.”31

The late-Victorian and Edwardian debate about crime, while sharing cer-
tain features in common with earlier discussions, took a distinct turn. This
was partly a product of the growing awareness of the problem of recidivism
and the existence of a class of persons for whom crime was a way of life; in
part, it was the product of new “scientific” explanations of criminal behavior
which cast doubt on classical explanations of criminality based on the notion
of free will. More specifically, the problem of the professional or career crim-
nal was at the heart of the late-Victorian and Edwardian concern. From this
concern emerged the Prevention of Crime Act 1908, which introduced onto
the statute book the idea of preventive detention.

Perhaps the most prolific writer on the career criminal and the most high-
profile (though not the most sophisticated) campaigner in the “crusade”
against professional crime, was Sir Robert Anderson who, although best
known as an experienced policeman, came from a legal family and was him-
self a trained lawyer. He first made his name when he was transferred to the
Home Office as adviser on Fenian affairs in 1876 and was subsequently
appointed to Scotland Yard, heading the Criminal Investigation Department
from 1888 to 1901. Pessimistic in outlook, he believed that without “statutory
morality” men had no “incentive to virtue” and nothing to hold them “back
from vice.” This was particularly the case with “the hopelessly depraved” for
whom Anderson’s solution was “social tutelage,” which meant placing habitual
criminals “permanently under police supervision.” After he left the force,
Anderson produced a series of highly publicized articles (subsequently brought together in book form) in which he sought to foreground the victims of crime and further “the protection of society” through the introduction of indeterminate sentences, which, notwithstanding the emotive arguments of “the humanity-mongers” in society, was the only way (in his mind) to tackle the problem.32

Anderson’s ideas were not universally welcomed at the time (he was variously described as simplistic, crude, and sensationalist) and have received little praise from later historians ("a hotchpotch of old and new theories . . . embroidered with religious quotations and written in a highly inflammatory way").33 This is not the place to attempt a resurrection of Anderson’s reputation. There was much about the man that jarred. Many contemporaries (let alone later historians) found him an unsympathetic character while his beliefs and mode of expression antagonized many. However, that does not mean that his ideas did not resonate in certain important quarters, nor that he lacked influence both in the general sense of shaping the public perception of the career criminal and in the specific sense of influencing legislation.

Anderson never doubted there was a general decline in crime ("the judicial statistics afford indisputable proof") but constantly reiterated that “professional crime is on the increase.” Like Mayhew, Anderson acknowledged a larger group of “weak” professional criminals, “those who are so utterly weak or so hopelessly wicked that they cannot abstain from crime,” but he focused his attention on the “hard” professional criminals “who pursue a career of crime deliberately, with full appreciation of its risks.”34 These were the men responsible for the increase in burglary and housebreaking and for inflicting suffering upon “honest and peaceful citizens,” and who were ignored by his pet hate, “the humanity-mongers.” Such “professionals” were numerous enough “to keep the inhabitants of our large cities in a state of siege.” To give substance to his general contention, he paraded before the reading public the likes of Henry Marchant, as a typical example of the desperate, professional burglar:

The prisoner under several aliases, has had a remarkable criminal career. In 1869 he had four months’ imprisonment for theft; in 1872 two months’; in 1874, twelve months’ for housebreaking; and in 1879, seven years’ penal servitude for larceny. Soon after his release on ticket-of-leave he was captured in the act of breaking into a house in Canning Town, when he tried to use a revolver on his captor. Liberated on heavy bail, he absconded, and when re-arrested at Manchester he was in possession of a revolver, a complete burglar’s outfit, numberless skeleton keys, and articles of jewellery, the proceeds of robberies in Manchester and Liverpool. He was tried at the Old Bailey and sentenced to ten years’ penal servitude. By good conduct in gaol
he again obtained a remission of sentence, and in 1896 he was caught housebreaking at Bow for which offence he was ordered twelve months' hard labour and sent back to complete his former sentence. When released again . . . he obtained employment and worked regularly for the greater part of the week, but carried out marauding expeditions on Saturday and Sunday evenings. . . . [Arrested February 1901] in his pocket he had a powerful jemmy and some skeleton keys, and in his room were found jewellery and other stolen property.35

Such men were self-professed “outlaws” who had by their actions forfeited their right to liberty. Challenging conventional wisdom, of “measuring his sentence by his latest offence,” Anderson argued that “the question should not be what the prisoner did . . . but what he is.”36 Only by introducing indeterminate sentences could society be protected: only such incarceration of the hardened criminals would create the necessary geographical separation that would offer general protection to respectable society and also ensure that the criminal’s trade was not taught to the next generation. Anderson’s construction of the career criminal was intended to exploit fears of an increase in serious crime but, as with Mayhew, there was a message of reassurance in his writing. The hard core of career criminals, he was telling his audience, was known to the astute detective, such as Anderson. These men, who held society to ransom, could be apprehended and (with a change in the law) dealt with effectively. Society could be kept secure by the indeterminate incarceration in a single prison of the few hundred “outlaws.”

It would be tempting to dismiss this as the ranting of an embittered and isolated policeman with but a crude grasp of Lombrosian criminology, tempting but not wholly accurate. Anderson received support from and was quoted with approval by a number of eminent figures. Major Arthur Griffiths, a former soldier and prison inspector, with considerable experience of the prison system, adopted a very similar line of argument. Concerned with “the extraordinary number of reconvictions that constantly occur,” he located “the essence of the criminality of the country” in that group of habitual criminals, “the outlaws, overt and undisguised against society . . . who persistently defy the law and refuse to abide by the rules and regulations that society makes, and which are respected by honest people.” For such people, who wage such “ceaseless warfare” against society, the only answer was “indefinite detention.”37 Dr. R. F. Quinton, a eugenicist also with direct experience of the prison system as governor and medical officer of Holloway prison (and also a defender of Edmund Du Cane), was another to inveigh against the “person who deliberately adopts crime as his profession” and demanded indeterminate sentences.38
Support was not confined to the “professionals” from the prison service. Mr. Justice Wills wrote to The Times in 1901 supporting Anderson, and later referred to his “remarkable work.” Faced with the threat of the calculative repeat offender, the “ideal system of punishment . . . would be the indeterminate sentence.” Wills looked to the Home Office “to hold its own against the outcry which at present seems sure to be evoked by any wholesome severity, however well deserved and however necessary for the protection of those amongst us who neither murder, steal, nor knowingly receive stolen goods.”

Similar sentiments were echoed by Mr. Justice Darby (notably in the case of R v Woodman) while Hugh Gamon, who had written an extensive and (from a working-class perspective, largely sympathetic) study of the London Police Courts, financed by the Toynbee Trust, painted a more alarming picture than Anderson. Focusing on the serious crimes of burglary, housebreaking and shop breaking, he noted that the “ratio of apprehensions to crime is lowest,” a result of such criminals being “more skilful in eluding arrest,” and argued that “these are emphatically the crimes of the professional criminal.” Thus, an early-twentieth-century Bill Sikes was recreated, through the writings of senior policemen, prison officers, and judges. But whereas Bill Sikes was duly punished (though not through the courts), his latter-day counterpart was effectively encouraged and nurtured by the “absurd system of punishment.”

It is difficult to assess the precise impact of these writers on opinion in the early twentieth century. Their analysis of the problem, and more so their prescription for it, aroused considerable opposition. The correspondence columns of The Times, as well as the pages of such publications as The Law Times, The Law Magazine and Review, The Law Journal, The Law Quarterly Review, The Nineteenth Century and After, The Edinburgh Review, and The Humane Review contained a vigorous debate with strongly expressed arguments on both sides. Nonetheless, a concern with the hardened professional criminal and the perceived need for a new form of punishment gained momentum and resulted in an important piece of legislation, the Prevention of Crime Act 1908.

Herbert Gladstone, the Home Secretary, introducing the bill with examples that could have been drawn from Anderson, laid great emphasis on “formidable offenders, men who are physically fit, who take to crime by preference, decline work when it is offered them, and refuse the helping hand.” Later, Gladstone sought to shock the House of Commons with a list of men who had chosen crime as their profession:

A., thirty-eight years of age, received his first conviction at twenty-five; had served sentences of two and six years’ penal servitude; time actually spent in prison, seven and a half years; a well-educated man, a professional forger.
B., forty-five years of age, received his first conviction at twenty-nine; served three terms of penal servitude and eleven sentences for stealing; now undergoing three years penal servitude for stealing and receiving; eleven and a half years in prison; C., forty years of age, received first conviction at twenty-seven; served thirteen sentences for stealing and housebreaking, now serving five years for larceny; nine years actually in prison. D., thirty-one years of age; first conviction eighteen; served nineteen sentences for stealing and shop breaking; now serving three years penal servitude for stealing; seven and a half years in prison.

Thus, Gladstone gave official sanction to the construction of the career criminal, a small but threatening band of men, who at relatively mature ages and in an apparently calculating manner chose a life of burglary or shop-breaking, thereby terrorizing the law-abiding property owners of any class.

Gladstone accepted (or exploited) other elements in this construction, for he asserted, in a manner that would have pleased Anderson, that such men mocked the present “absurd system” of punishment. There was a “large number of hardened, determined, persistent criminals, who rejoiced at only getting three years, because in two years and eight months they would be on the job again with health recruited and able to enjoy themselves again.” Herein lay the basis for the introduction of the new principle: “long-continued persistency in crime,” by men capable of earning an honest living, if they chose, was to be “punishable by indeterminate seclusion.” In other words, the most dangerous of the dangerous classes were to be taken out of respectable society and incarcerated “until the man gives bona fides and sufficient assurance that he will take to an honest life, or until by age or infirmity he becomes physically incapable of resuming a life of crime.”

Despite Gladstone’s eloquence the bill was not accepted in its entirety. The notion of the indeterminate sentence was rejected, in part, for in its place was substituted preventive detention for a specified period of between five and ten years. Nonetheless the Act recognized both the existence of (and endorsed the concept of threats to the safety of respectable society posed by) the “professional” criminal and the need for special punishment for such distinctive criminals. Gladstone had reassured parliament that preventive detention was intended for the danger to society rather than the nuisance but, in so doing, he (like others in the ongoing debate) drew attention to the fact that the habitual criminal could not be simply characterized as a strong-minded and calculative individual. There were also a large number of criminals whose lifestyle was the product of weakness rather than strength. In many respects, the habitual criminal as an inadequate individual, suffering from both physical and mental weaknesses (probably inherited), was a more widely recognized
figure. Concern with the degeneration of the country's urban population dated back into the last third of the nineteenth century but received further stimulus during and after the problematic second Anglo-Boer war when a significant minority of would-be recruits were shown to be physically unfit to fight and die for their country. The subsequent growth of the “national efficiency” movement in the 1900s strengthened the concern with and fear of the “weak” habitual criminal who seemed literally to embody the very physical and moral deficiencies undermining the standing of the nation.45

Even Anderson, for all his preoccupation with the hardened, professional criminal, had recognized the existence of “the poor wretch who, begotten and born and bred in crime, has not the moral stamina to resist when opportunity for theft presents itself,” for whom the proper institution was “the asylum prison, where his life can be spent in useful labour, with every reasonable alleviation of his lot.”46 Similar views could be found among his critics. For a growing number of commentators this was the more important element in the problem, not simply because of their greater numbers (Gladstone estimated there to be 5,000 calculative professional criminals compared with the 60,000 weak-willed habituals “wandering about the roads and cities in a state of semi-vagrancy and crime”) but also because of the more insidious threat they posed. The concern of people such as Anderson with the “calculative” professional criminal chimed with mid-Victorian commentators in the sense that they too claimed to have identified a distinct and threatening group preying on respectable society. While such predators no longer inhabited a separate geographical location, they were a definable “other,” set apart. With the weak-willed habitual the situation was less clear cut.

From the 1870s onward growing numbers of social commentators had noted the increase of urban degenerates, particularly in the great cities. The Reverend Osborne Jay had no doubt that in places like Shoreditch there were to be found a “submerged and semi-criminal class” who were in that position precisely because of their “physical, mental and moral peculiarities.” These were “drunken, besotted” creatures with “inherited defects of will and taints of blood,” existing in squalid conditions, little better than animals.47 “Skilled criminals” were not recruited from the “mentally inferior stocks of the proletariat,” as the medical officer of Holloway Prison wrote, but “some criminals are of bad or degenerate stock.”48 The presence of such human flotsam and jetsam, incapable of work but outbreeding respectable, law-abiding society, was an ever increasing source of worry in a country whose economic and imperial dominance appeared yearly under yet greater threat. But (not for the first time) a process of displacement is evident, whereby Britain’s relative economic decline and challenges to its imperial power, were seen as the product of a defective and criminal residuum. Fears about the health of the nation
were focused on the most visible manifestation of degeneration: the physically and mentally weak habitual criminal.

Given their threat it was imperative to identify clearly these problem groups and to prevent them from contaminating the rest of society. While rejecting Lombrosian ideas of the born criminal, the biometrician and Broadmoor doctor, Charles Goring, talked in his monumental study of the need for “a crusade against crime”:

To modify inherited tendency by appropriate educational measures; or else to modify opportunity for crime by segregation and supervision of the unfit; or else—and this is attacking the evil at its very roots—to regulate the reproduction of those degrees of constitutional qualities—feeblemindedness, inebriety, epilepsy, deficient social instinct, etc.—which conduce to the committing of crime.49

There is much in this to ponder, but the contemporary preoccupation with feeble-mindedness is particularly worthy of attention. Goring was not alone in this focus. Mary Dendy observed that “hooligans, or corner-lads, criminals, paupers and drunkards—all are these frequently only because they are feebleminded.” Sullivan identified the criminally inclined “bad or degenerate stock” were a specific group “within the great pathological class of the feebleminded.”50 What was particularly disturbing was the fact that much (especially much seemingly purposeless) crime was committed by those “semi-insane intellects” who inhabited the “borderland.” The desire to categorize and compartmentalize (never far from the surface) was particularly strong among a scientific community that saw identification and classification (via new scientific and statistical methods) as a necessary step in the battle against degeneration. But the confidence that allowed such men and women to distinguish between morons and imbeciles was undermined by the discovery of a “borderland” of feeble-mindedness wherein identification was highly problematic.51 The worry that this could engender is captured in an article by the medical superintendent of the Birmingham Education Committee.52 Auden cited a number of cases of youthful offenders, whom he identified as “moral imbeciles.” He then quoted approvingly Sir J. Crichton-Browne’s definition in a manner that might be taken to imply that the dangerous “moral imbecile” is a definable and hence detainable individual who can be identified and removed before inflicting damage on others.

However, one highly problematic case was described in detail.53 The background was the murder by some person or persons unknown of a fifteen-month “little toddling mite” who had been found half-buried in rubbish on waste ground in an unspecified part of the north of England. A week later,
a mother missed her own baby, who had been playing on the doorstep, and, on instituting a search found him in the arms of an eight-year-old boy, who had almost reached the fateful waste patch, the scene of the previous murder. He was accompanied by another small boy who was known to be mentally deficient. The [first] boy then made the following statement:- He had been in the street a week previously, and seeing the little boy crying, had picked him up. As he carried the child about it fell asleep in his arms. He carried it into the field and laid it down while he made a hole with his hands in the débris from the disused ironworks. As he laid the baby on its back in the hole it woke and cried “Mummy! Mummy!” He described how it struggled and kicked while he piled the rubbish, brick ends and a large stone upon the living grave. Having done this, he went home, totally unconcerned, to his tea.

The sense of shock created by this “youthful fiend” was magnified by the fact that

Every detail of this tale of horror was retailed without the slightest sign of compunction or regret, and he admitted that it had been his intention to repeat his exploit with the baby now found in his arms, though he said that he and his companion (the mentally-deficient child . . . ) had discussed whether they should bury this one or vary their method by drowning it.54

The most worrying feature of this whole case was the fact that the would-be double child-killer “had as yet shown no such signs of mental deficiency as had already marked out his companion of his second and fortunately unsuccessful attempt.” If there was any consolation to be found in the case it resided in the police officer’s report on the boy. Recognizing that the prisoner, though “not very bright” was “not insane,” he noted that the boy was illegitimate and had a mother who led “a very immoral life.” Clearly such indicators offered some prima facie evidence of feeble-mindedness in the family.

For Auden, the case highlighted a real dilemma for those grappling with the problems of “diagnosing the border-line of cases of feeble-mindedness.” To “commit an individual who shows no very clearly marked signs of mental defect to a semi-penal institution would be a gross infringement of the liberty of the subject.” But “it cannot be too strongly impressed upon our notice that every imbecile, especially the high-grade imbecile, is a potential criminal, needing only the proper environment and opportunities for the development and expression of his criminal tendencies.”55 The enemy was in the midst of society and sufficiently well camouflaged to escape detection. The threat of
crime was taking on a new and deeply disturbing form. War was being waged on decent society, not only by self-evident villains, with the marks of infamy on their faces, but also by the seemingly innocent. In the days of Mayhew, or even Booth, there was a relative comfort to be derived from the fact of having a clearly identified group of “barbarians,” at the gates of, or even encamped within, respectable society. In the early twentieth century this was being replaced by a growing anxiety generated by the fifth-columnist (had the term been invented) who passed her or himself off as a normal member of society whereas in reality s/he was a criminal time bomb just waiting to go off.

Conclusion

Over the past two centuries in Britain there has been a recurring series of social or “moral” panics. While writing this essay, the media has returned to the problem of juvenile crime and resurrected the careers of those dehumanized “boys” mentioned in the introduction, often using language that would not have been out of place in the 1850s. The threatening, law-breaking, and immoral young male is but one (often the most prominent part) of a wider construction of an “other” criminal class beyond the bounds of respectable society. The persistence of such a construction (notwithstanding important variations in details) across a long period of time raises questions about its purpose. From a Whiggish perspective such incursions into “alien” territory and the call for reform can be seen as evidence of a progressive desire to discover, understand, and ultimately civilize the less fortunate in society. Alternatively, such activities can be seen as a more complex process whereby a “criminal class” (the precise terminology varies over time) was constructed that was an inversion of “respectable” society. Such a construction reasserted “respectable” values but did (and does) add little to the understanding of the realities of the life of this “criminal class.” Despite drawing attention to threatening “others,” it also operated as a rhetoric of reassurance, in two ways. It was comforting to know that there was a distinct minority who were criminally inclined and a majority who were law abiding. Conversely, it was very worrying and difficult to accept that large sections of seemingly respectable society were, on some occasions at least, lawbreakers. Second, it was reassuring to know that the police were acting as a thin blue line, offering effective protection to the law-abiding majority against the law-breaking minority. In the specific period under review, from Mayhew and Dickens to Anderson, there was a dominant view in which the criminal threat was both identifiable and containable. The latter may have demanded change to the law but,
nonetheless, remained confident that the police could control the threat of the professional criminal in a manner not dissimilar from Mayhew. However, the effectiveness of such a construction was challenged by uncomfortable evidence and, perhaps even more so, by new ways of thinking about criminality from the late nineteenth century onward. Despite repeated attempts to construct a simple binary division (both moral and spatial) between criminal and noncriminal, it was apparent to successive social observers that “reality” was more complex. The “strong” criminal, choosing a life of crime, was to be found but so too was the “weak” criminal, constitutionally incapable of resisting the temptation to turn to crime. More worrying was the recognition that the “criminal” was to be found within respectable society and that the distinction between the respectable working man or woman and the criminal was blurred. Indeed, the respectable of today could be the criminal of tomorrow, particularly if today was relatively prosperous and tomorrow, not. Thus, criminals could no longer be seen as constituting a clearly identifiable and containable group. The enemy was within the camp and, in a nightmare scenario that was intensified by the growing concern with degeneration in general and feeble-mindedness in particular, increasingly difficult to distinguish from ordinary, law-abiding citizens.

Notes

1. See The Observer and The Independent on Sunday, 19 May 2002. Perusal of the websites of major newspapers (tabloid and broadsheet) and the BBC reveals the extent to which the media has been preoccupied with the threat of violent crime in the past four years.
2. Most recently Sir John Stevens, the Metropolitan Police Commissioner, castigated the “appalling” criminal justice system, which, in his view, shielded and encouraged criminals. The Guardian, 7 March 2002.
9. Ibid.
11. Ibid., 134.
14. Charles Dickens, “On Duty with Inspector Fields,” in *London Crimes*, ed. N. Aisenberg (Boston: Rowan Tree Press, 1982), 61. It is not possible in these confines to discuss Dickens’s construction of the criminal underworld, but this forms part of the larger project on which the author is currently engaged.
15. Ibid.
17. Ibid., 11.
18. Ibid., 15.
22. Ibid., 138.
24. Ibid., 146.
25. Ibid.
35. Ibid., 274–75.
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38. Quinton, *Crime*; Quinton, “Preventive Detention.”
41. *Hansard*, 1908, col. 1122.
42. Ibid., col. 247.
43. Ibid., col. 498.
44. Ibid., col. 1122.
50. Ibid.
53. There are obvious parallels with the high-profile Bulger case almost a century later, in 1993.
54. Ibid.
55. Ibid.