Introduction

Few are now unaware of the media-fueled public outrage surrounding the 1993 murder of James Bulger by two children, Robert Thompson and Jon Venables. British newspapers and television branded the two killers as “evil.” When the accused children were brought to trial, television images showed impassioned adults attacking the van they were in. The emotional media reporting of the case has been heavily criticized for generating the impetus for a witch hunt. Certainly public commentary surrounding the case generally failed to provide any defensive reasoning for why two children had turned into killers; they were simply presented as highly dangerous and a liability to society. The trial, verdict, sentence and the furor surrounding their release eight years later can only be described as ongoing “trial by the public.” But though it has been suggested that this type of criminal conversation was unique to the twentieth century, there was similar media-induced public outrage surrounding juvenile crime in the Victorian era.

This chapter examines debates fueled by moral outrage and public concern about juvenile criminality in the mid-nineteenth century. Its focus will be upon the public disclosure of juvenile criminals, to make an assessment of the impact of such on society’s understanding of childhood delinquency. Analysis of contemporary crime reporting shows that many children were branded criminals after committing what now appear to have been very slight misdemeanors. The incidence of child-performed crime was generally seen as high, and to Victorian alarm, it ranged from petty theft to murder. Twentieth-century consideration of child criminality remains centered on its total unacceptability, but what is not recognized is that twentieth-century debates
simply continue a dialogue which took its modern form in the Victorian age, when juvenile criminality was first legally set apart from adult offending.

The reality of childhood for Victorian society was significantly different to that of today. If childhood for the middle and upper classes has close modern echoes, it was not so for the working classes. Most of these children were expected to help earn an income from seven or eight years of age. Crime was for many the only means to that end, with children starting a criminal career by lifting small items of clothing. Victorians considered something such as handkerchief theft or shawl robbery as serious crimes, not just because of the principle of thievery involved, but also because the act may have robbed a hard-working poor citizen of a precious symbol of respectability. The combination ensured that these crimes often generated harsh sentences. While the Victorian period saw new legislation specifically intended to deal with juveniles, and reduce the threat to society by lowering levels of child crime, a great amount of confusion and ambiguity remained, as regular debates in the print media underline.

Juvenile criminality was not a new phenomenon. However, increased use of publicly accessible written material during this period provided a platform on which individual crimes were reported on a mass scale, promoting a greater uniformity of debate and consequent national consciousness of levels of child crime. Through print, social commentators were able to voice their concerns to a national audience, making theories on the reform and treatment of child criminals very accessible to the increasingly literate Victorian audience. The contemporary impression was that juvenile crime rates were extremely high, and yet statistical evidence modifies this image, suggesting that as a proportion of total Victorian crime, juvenile crime was not dramatically elevated. This suggests it was media constructions which provoked public anxiety. While this is by no means a comprehensive study, it is hoped it will demonstrate some aspects of the “conversations” this subject initiated.

The “Moral” Concern Raised by the Criminal Child

It has been suggested by many writers and thinkers throughout the nineteenth and twentieth centuries that the twin processes of industrialization and urbanization concentrated the social problem of “lawlessness” in Britain by the mid-nineteenth century. As the chapters from Taylor and Swift indicate, “classes” of offender were identified and labeled as “dangerous” or “criminal” and generated associated public concern. Thus the middle-class law reformer and social commentator generated a classification of persons who could be easily identified as responsible for the majority of criminal activity. To further
compound identification of these groups, the “dangerous,” “criminal” or “perishing” classes, were singled out as predominantly part of the working classes, with criminality promoted by the dense, overpopulated conditions in which they existed. There was a popular belief that most, if not all, children who lived in these appalling conditions were inexorably, even inevitably, drawn into a criminal lifestyle, thereby increasing the size of the established criminal classes. So identified, they provided a coherent group that could be directly targeted for investigation by concerned social reformers.

The “causes” of criminality in children were heavily debated in a variety of venues including Parliament, and presented to a wider public via the media. It was the print media which effectively popularized and fixed the stereotypes associated with juvenile criminality. The background for this conversation was predominantly urban, because increasing population density made crimes committed by children more visible to greater numbers of concerned adults:

The enormity and amount of juvenile depravity is a subject which now most painfully engages the public mind. The mature and headstrong character which it exhibits has been unveiled and presented to the public eye in colours, fearful, because true, by various recent publications, which must make every Christian heart shudder and tremble.

So what was the agenda of those producing these publications and reports, the people responsible for the level of publicity generating such strong feeling? Did they create a level of anxiety that was not warranted by the numbers involved, or the types of crime committed?

Promoting the Visibility of Juvenile Crime

Victorian society featured many social commentators who concentrated some or all of their efforts on the plight of working-class children, and the issue of juvenile criminality. Among the most prominent was Mary Carpenter who pioneered the introduction of Ragged Schools. She was in many ways typical, in that her interest in this area resulted from a wider concern with the ills of Victorian society and a belief that long-term remedies depended on reforming the young, including their living and working conditions. Her interest in a range of measures associated with education provided the path through which her focus on their criminality developed. In her contributions to this criminal conversation, she described two classes from which, in her experience, juvenile criminals came. There were the “perishing classes,” those who “have not yet fallen into actual crime, but who are almost certain, from their
ignorance, destitution, and the circumstances in which they are growing up, to do so, if a helping hand is not extended to raise them.” There were also what she dubbed in 1851 as the “dangerous classes,” those “notoriously living by plunder, who unblushingly acknowledge that they can gain more for the support of themselves and their parents by stealing than by working.” Her research and published comment established Carpenter in the Victorian public mind as an expert in the field of juvenile crime.

Another well-known contributor to the debate was Henry Mayhew, journalist and social explorer, who produced comprehensive studies of working-class London society in the 1850s, including his renowned social study on London Labour and London Poor, first published as a series of articles in the Morning Chronicle. Indications of public interest in the living conditions of the urban poor prompted Mayhew to suggest that the newspaper carry out an investigation into the actual condition of the laboring classes to “bring before the public the social iniquities rife both abroad and throughout England.” Their success in that format encouraged the incorporation and expansion of the articles into book form. Mayhew portrayed children who often had no alternative but crime to survive, being “Untaught, mistaught, maltreated, neglected, regularly trained to vice, or fairly turned to the streets to shift for themselves.” Mayhew was primarily a journalist, reporting the ills he saw as part of a vague philanthropy, while Carpenter was more of an activist, using her writings to stimulate particular reforms.

They represent two types of commentators writing on this topic in a range of outlets, with writings based on some form of personal experience, but also on other information available in the public domain, who significantly raised the profile of juvenile criminality in the public consciousness. Newspapers, and police and court circulars, contained a multitude of stories detailing further criminal activities of children, underlining the visibility of child crime and explaining also why such commentators found a ready audience for their pronouncements. These reports interspersed accounts of child criminality with those of adult men and women committing a range of indictable offenses. The reporting structure of newspapers such as The Times and the Manchester Guardian thus created an atmosphere of public opinion which agreed that children who committed crimes had to be held, tried, and punished in the same courts, if not always quite under the same legislation as their adult counterparts, because of the level of threat they posed to the stability of the community.

The Nottingham Review can be used to demonstrate the vast scale of disclosure of juvenile criminality: all the following cases were reported on the same day, 3 February 1854. Further examination of local and national news-
papers indicates that juvenile petty theft was similarly common and widely reported throughout the country, national papers often echoing reports in the provincial press, and bringing them together in a way that emphasized the countrywide spread of such offending:

Sarah Smith, aged 17 years, a servant in the employ of Mr. Pearson, pork butcher, Hockley, was apprehended by Inspector Raynor at 5 o’clock last evening, charged with stealing 8d from her Master’s shop. The prosecutor however, not wishing to press the case further against the girl, discharged the case.

William Ratcliff, aged 17 years, lace-maker, Fyre-street, was apprehended by Sergeant Taylor for attempting to steal cotton yarn. Radcliff was committed to the House of Correction to be kept to hard labour for one month.

George Litchfield, 14-years-old of Montford-street was charged with attempting to pickpocket some ladies standing near a shop window in Wheelergate. Lichfield denied the charge but was committed to the House of Correction to be kept to hard labour for 14 days.

Ann Smith, aged nine years, a child of very sickly appearance, stole a piece of beef weighing about 61bs. She was sentenced to 14 days imprisonment with hard labour.11

All these cases (except the first, where the prosecutor dropped the case) indicate that children were regularly committed to prisons, often with hard labor, for a range of petty offenses. Why did Victorian society react so strongly to the evidence of relatively minor wrong-doing, especially when, as in the case of Ann Smith for example, it was often clearly driven by economic necessity?

Juvenile Criminals

A twentieth-century view of the nineteenth-century child criminal depicts an Artful Dodger–style figure embroiled in some organized underworld, run by a fearful Fagin-like character who trained and forced his pupils onto the streets to prey on the unsuspecting majority. This modern view is not far removed from many of the stereotypes afflicting Victorian society, stereotypes which Mayhew promoted, though other commentators such as Carpenter sought to mitigate them with more measured insights. However, the dramatized view of
child criminality remained an appealing part of media reporting despite efforts to argue that, in the majority of cases, it was far from the truth of the real children who, through circumstance, had resorted to crime.\textsuperscript{12}

The expectation was that males would provide the majority of criminals brought before the courts, and boys did commonly form the majority of perpetrators. However, girls did engage in criminal activity, often involving peculation from employers (though not all automatically prosecuted). In one case, alarmingly headlined “Juvenile Depravity,” Elizabeth Atkins was convicted of stealing clothes and money from a tenant of her former employer. The seriousness with which the case was viewed, however, had as much to do with the fact that she was eventually arrested after seeking out an actress of her acquaintance, Miss Neal (who had declined to take her in!). Given the popular association made between actresses and prostitutes, this indicated the depths of Atkins’s moral danger, and explains her commitment to a Reformatory for five years.\textsuperscript{13} Contrast this with the experience of Mary Ann Dible, aged ten or eleven, found guilty in 1853 of stealing a pair of shoes and a pair of trousers from her master, which she had attempted to sell to a Mrs. Ford. Mary was sentenced to three months, but interestingly enough, Mrs. Ford was also cautioned, on the grounds that buying from a child so young could tempt her to steal again (no hint of sexual impropriety was involved here).\textsuperscript{14}

Girls regularly committed petty theft in public places, possibly because they were the less obvious suspects and so were able to move through crowds and market areas quickly with less danger of immediate detection. Although their crimes might appear of an opportunistic nature, there was often skill and premeditation involved, as in the example of Elizabeth Coggar, thirteen, imprisoned for three months for stealing a purse containing two shillings. The arresting policeman stated she was continuously picking pockets and stealing, and actually had a lining in her petticoat to hide the stolen items. Worse, she often took her younger brother along to screen her actions, showing she was capable of detailed planning and application in her criminal activities.\textsuperscript{15} Equally worrying were examples such as Caroline Driscoll, sixteen, described as a “notorious thief” when brought before Westminster police court charged with “a series of robberies.” She picked the pockets of shopkeepers whose attention was temporarily distracted by young accomplices accompanying her on her larcenous sprees. Caroline was remanded for a week “in order that other charges may be exhibited,” then sent to the Assizes and transported.\textsuperscript{16} Louisa West and Eliza Cranstone, both seventeen, were found guilty of breaking and entering a dwelling to steal gowns and other items. In the same session they had both been previously charged with stealing and receiving stolen trousers. For both crimes they were sentenced to a total of six months.\textsuperscript{17}
Not all juvenile “crime” was obviously criminal. Two reported incidents of “sliding” in Trafalgar Square and snowballing by children under seventeen years resulted in convictions, fines, and warnings to the “offenders,” because these juvenile high jinks were presented as a serious disturbance to the comfort of passersby. Clearly, the variety of “criminal” activity engaged in by juveniles was complex, ranging from organized felonies to nuisance behavior. But reportage of all under similar labels combined to ensure that the incidence of juvenile crime was portrayed as a frequent and real threat to society.

**Crimes of Murder and Assault**

Children were also the perpetrators of more serious crimes including murder and assault. Two contrasting, yet similar cases, demonstrate the levels of pressure from the public gaze. One example explored here is dated before the period under main focus in this chapter, however it has been utilized to emphasize the channeling of such public pressure through the forum of the media. As a comparative model it is invaluable in demonstrating the development in the application of public concern over a thirty-year period in the mid-1800s.

The first example, from 1831, was the trial at the Summer Assizes in Maidstone of the curiously named John Any Bird Bell, fourteen, for the murder of little Richard Faulkner Taylor. The motive was money; John knew that Richard would be walking to collect the family Parish Relief, and joined him, accompanied by his brother James. According to written accounts of the event, John said to his brother, “There goes young Taylor, James, let us kill him and take his money and let us lay him under these stones that we can’t count over.” The murder was bloody:

> The little boy lay down crying and while the boy was lying down, he cut his throat. He took the money from the boy’s glove and gave part to his brother. His brother gave him his knife to cut the boy’s throat. The boy squeaked when his throat was cut as a rabbit squeaked.

Thirty years later came a murder as brutal and shocking as the above. At Chester Assizes on 9 August 1861, Peter Barratt and James Bradley were placed at the bar for their trial of the murder of George Burgess, aged two. The murder was described by the judge as a “most extraordinary case, almost unparalleled in the annals of crime.” The accused, who came from poor homes, and were neglected, uneducated and “accustomed to brutal
sports and habits,” took their little victim from his minder. The following day, George’s drowned body was discovered in a pond. He was badly battered, with injuries inflicted while he was still alive. When questioned, the boys revealed a litany of brutality. They had undressed him, ducked him several times in the water, and then begun to beat him:

Morley (the arresting police officer) then said, “Where did you hit it?” Bradley said, “Over the back,” and Barratt added, “Yes, and over the head.” Morley said, “How long did you hit it with the stick?” Bradley said, “Until it was dead.” Barratt said nothing then, but upon Morley saying, “Then it was quite dead before you left it?” he said, “Yes.”

But while such cases made Victorian headlines and heightened perceptions of the dangers of juvenile criminality, they were relatively uncommon when compared to the bulk of cases dealt with at summary levels. Even the majority of those referred to the higher courts featured lesser offenses than murder or serious assault.

A Real Nuisance?

Was it the actual volume of petty theft reported which frightened and concerned the public rather than the seriousness of the crime, or were there other factors involved? The issue of opportunism versus premeditation was one such factor. The thought of preplanned organized crime was (and still is) more terrifying than the image of crimes committed on the spur of the moment by those down on their luck. Actual evidence of gang activity on the lines of that organized by Fagin was relatively scanty, but the fact that there were some examples ensured a continuing fear of organized child crime. Suggestions of repeat offending by juvenile criminals also fulfilled the stereotype of the hardened and irredeemable offender, the more terrifying because of their youth and the consequent time their subsequent career could offer for further deprivations.

Cases involving children suggest that Victorian contemporaries readily extrapolated a vision of organized criminality from regular petty thefts, regardless of their economic and social circumstances. Consider the case of Henry Tibbetts, ten, charged with stealing two loaves of bread in London. Henry’s mother attempted to excuse this behavior by stating that since the death of his father, he had taken to running around the streets with a lot of “bad boys.” This vague statement was heavily capitalized on by the magistrate, Mr. Newton, and the newspaper reporting implicitly approved this
through the choice made to highlight the magistrate’s comments, without qualification or criticism. *The Times* reproduced Newton’s comments that it was “bad company” which was to blame, and that this was a common cause of criminal behavior by children. Although Newton did not suggest an organized gang culture existed, he did indicate that these incidents were a major problem, giving his opinion that there was need for drastic action: sending these children to prison and/or whipping them. It seems probable that Henry’s crime was opportunistic, and while it remains possible his actions were committed under the influence of others, there was no substantial evidence of this having been a serious and malicious incident.

This was certainly true for Dennis Collins, fourteen, also charged with “stealing a half-quater loaf” by Shoreditch baker and churchwarden, Jeremiah Death. Death announced that “the charge would not be pressed . . . but for the fact of incessant petty robberies of this character” in the neighborhood. Supporting police evidence described a “gang” of juvenile shoeblacks who resorted to stealing food “when the dry weather afforded but little occasion for their polishing avocations.” With the implication of gang involvement hanging over the case, it is not surprising that Mr. D’Eyncourt sent Collins to the House of Correction for a month. Vagrancy and begging on the streets by children were also technically criminal activities, and the Victorian legal system took such incidents seriously. In Nottingham, George Leggat, thirteen or fourteen, was charged with being “one or two nights in a state of destitution,” bordering on starvation. He had absconded from the local Workhouse but was promptly sent to the Union until his proper abode could be identified. As their reporting underlines, the suggestion in such cases was that the infringement of the law involved in vagrancy would inexorably lead to a criminal career.

Such cases demonstrate the apparent disregard, certainly in the mid-Victorian period, of the circumstances of the individual child, something that aroused the particular indignation of philanthropists and reformers, who sought to use print to correct the stereotype of naturally bad children wilfully taking to offending, and moving from begging to thievery. Their argument was that if children did so develop, it was the system which created the criminal career, not the initial offending, which was anyway often not performed out of choice. One philanthropist, Thomas Guthrie, reported the case of John Sullivan described as “a little bare-footed boy” who was brought before a magistrate, charged with begging “with great activity” in Regent Street. His mother had sent him out begging, where he sometimes “earned” as much as two shillings a day, used to buy “much gin and ale” for his mother. Sending Sullivan to the workhouse to separate him from his mother, the magistrate commented upon the frequency of like cases, recounting details of a little girl
he had discharged only a couple of days before, to witness her begging at the door of some public houses the next day.25

Any regular reader of crime reporting would have known that cases like these were part of the daily diet of the provincial and national press. Reporting regularly depicted children sent out by parents too inebriated to beg for themselves, to bring in enough money for the family to survive on, as the case of Charles and Emily Palmer, “two wretched-looking children” of eleven and nine, charged with begging. It was “one of those cases, unhappily too common, in which the benevolent feelings of the public are imposed upon by an appearance of fictitious distress.” The father was regularly employed but “took very little care of his children.” The mother “sent them out every day begging, while she watched them” and “speedily disposed” of the proceeds on gin.26 All too often, when caught in the act of “supporting their families” in this way, children were in danger of being branded as criminals. Instances such as these generated great concern not only from philanthropists like Guthrie but also among some of the urban stipendiary magistrates, like Sir Robert Carden. They were aware that established responses to this activity punished a child who (having criminal or destitute parents) had no moral example on which to base their behavior, and who had not voluntarily taken to offending. As Mary Carpenter pointed out in 1853, “The law as it now stands punishes the obedient child, and lets the disobedient parent go free!”27

Thus juveniles involved in this type of offending were not seen as bearing sole responsibility for their crimes. Attitudes to certain types of theft were also complex, with temptation by irresponsible shopkeepers being blamed in reports of shoplifting, for instance. Newspapers regularly reported magistrates’ criticisms of owners who allowed their goods to be displayed openly at the front of their establishments, so providing an almost irresistible temptation for destitute children.28 While comments mitigating the responsibility of the children for their lawbreaking may imply that the community at large was beginning to recognize the need for change, not all child crime was viewed so sympathetically. Even where some level of mitigation or responsibility was admitted, the Victorian judicial process often failed to respond adequately to demands for better strategies to deal with juvenile offenders, for a complex mix of factors.

Reform?

From the 1840s on, there was impetus for judicial reform in a number of areas, including juvenile criminality and appropriate sentencing practice for child criminals. Part of the publicity generated by the incidence of juvenile
crime promoted debates on the vexed question of the efficacy of the contemporary legislation and the utility of using the same legislation as adults to deal with child criminals. Early reformers of the legal system and philanthropists identified dangerous flaws in the old system. Their arguments promoted development of a discrete juvenile criminal process by the end of the 1840s, with the introduction of the Summary Jurisdiction Act 1847. This made it possible for certain offenses to be tried quickly in magistrates’ courts, and was held to be particularly beneficial for children because it did away with the need to incarcerate vulnerable children in dubious surroundings before trial.29

*The Times* followed the debate which led to the enactment of this legislation, reporting, among others, the opinion of the Attorney General in his capacity as Recorder in Bristol:

> it had long been considered, he said, that there were cases which might be decided by the magistrates without coming before the judges at assizes or sessions . . . persons, especially the youthful, were sent to prison before trial, when the same discipline cannot be administered as after; they became contaminated by conduct with hardened criminals, and came out worse than they went in.30

Yet there was also dissent about the usefulness of this legislation. One letter to *The Times* described the proposed legislation as a “two-edged sword doing all kinds of mischief” because it would take away the rights of law (i.e., the judgment of a jury) from children and leave them to the dubious mercy of justices of the peace.31 Such debates formed part of the mass of material produced on the nature, causes, and treatment of juvenile criminals which stimulated the wider public conversation, courtesy of the print media.

For instance, in the absence of alternatives, penal sentencing regularly continued to be utilized despite the recognition of the failure of traditional methods in reforming child criminals. Magistrates themselves found the law challenging to apply and often used discretion; their reservations were widely publicized. Thomas Paynter, a Metropolitan Police Magistrate, in his evidence to the 1852 Select Committee on Criminal and Destitute Juveniles, agreed that the law was “ambiguous” and that punishments available to the magistrates were ultimately ineffective in diminishing crime and reforming individuals. He referred to the new provisions for juveniles in the Summary Jurisdiction Act 1847 and its 1850 amendment; where the 1850 Act stated that children under fourteen years and over sixteen years could not be whipped. Paynter commented that this was a useless tool where (as was common) a group of boys of mixed ages were found guilty. He referred to the uselessness of short sentences for juveniles, merely “exposing the criminal to the
contamination of the gaol" without having the intended “deterrent effect.” Paynter admitted to using a large amount of discretion when hearing cases of juvenile crime. Rather than committing children to short terms in jail, he preferred to release them to sureties of their families if at all possible.32

Paynter was not alone. In the Palmer children case, for instance, Sir Robert Carden was reported as observing that “an Act of Parliament” to enable the offense and punishment to be shifted to the parents was “almost required.”33 A similar “sad tale of castaway children” featured in the *Pall Mall Gazette* in 1865. Taken into custody for begging, they admitted that their idle father “flogged them” if they “did not bring home as much money as he thought they should get.” Consequently, “the magistrate remanded them for a little while to see if anything could be done for them.” They were eventually removed from their father’s care and sent to an industrial school, at the father’s expense.34

**Sentencing in Practice**

Despite such examples, however, the practical dilemma of what to do with convicted juveniles exercised reformers, philanthropists, magistrates, and many members of the public. The post-1840s period witnessed an increased use of more humane punishment regimes, shifting away from the earlier concentration on transportation, and so forth, to a focus on rehabilitation and reform. New Utilitarian thinking on prisons and punishment promoted public discussion and a general opinion that children should not be automatic candidates for the traditional “prison,” especially if there was a chance of rehabilitating them into useful members of society. Pressure for reform of the conditions in which juveniles were held generated the creation of alternative forms of incarceration, including Industrial Schools and other reformatory establishments.

The *Daily Telegraph*, for instance, reported the 1856 public meeting in Manchester on the need for a juvenile reformatory there, where “a strong sentiment seemed to be entertained generally, that there was a necessity for something being done”; but it was agreed that it was a national problem, and could not be dealt with efficiently by “any voluntary effort,” requiring the intervention of the state. They argued for a national system of reformatories, supported at the public expense.35 However, such a system was never properly established, despite the setting up of numbers of reformatories and industrial schools, largely as a result of interested local endeavor. It meant that, all too often, convicted juveniles ended up in adult prisons, especially (but never exclusively) where the conviction was for more serious offenses, ensuring a criminal record with all the implications that had for them on release. For the
panicmongers in the media, therefore, there was a sustained base of recidivist juveniles to fuel the construction of the deviant and outlawed children running through society, and the continuation of harsh sentencing. But severity was not automatic, as legal and reporting reactions even to more serious crimes indicates.

Henry Crewe, twelve, William Cody, fourteen, and Peter Butler, eleven, along with other boys, were charged with breaking and entering a shop and stealing a quantity of earthenware. The named boys all appeared to have previous convictions. Butler’s “career” appears to have started at nine, and he clearly knew a great deal about the legal system. Given the opportunity to cross-examine the witness, Butler did so with “remarkable shrewdness,” protesting his innocence until he was given the option of being committed for trial at the Old Bailey, or pleading guilty and being dealt with under the Summary Jurisdiction Act 1847. He then unhesitatingly chose the second option, with its lesser sentences. This crime was demonstrative of a rarer, more organized class of crime and criminal. The main perpetrator, Butler, appeared to have gained not only criminal expertise in relation to his actual crimes but also knowledge of the criminal justice system. He could handle himself on the streets and in the courtroom, unfortunately influencing others along the way: a character not unlike a fledgling Artful Dodger. Was Butler born with these “talents” or had he been subjected to a thorough training process in the prison system? Interestingly, however, the boys were awarded a sentence of fourteen days imprisonment, followed by five years at a reformatory school, indicating that despite their previous offending, they were seen as potentially reformable. The prisoners were reported to have been “astonished” and “pleased” on hearing the sentence. Should this have been the desired effect of the prescribed sentence?

It is also instructive to examine the reaction to girls involved in burglaries and more organized crimes. As girls were less frequent perpetrators and expected, according to Victorian stereotypes, to be purer creatures, their sentencing often seems to have been more severe in relation to their crime when compared to a boy committing the same offense. In the Old Bailey Session papers for just one year, 1853–1854, convicted girls were all sentenced to confinement, suggesting a greater severity of reaction against deviant girls.

It is also interesting to examine the sentences allotted in response to the serious crimes examined earlier. Back in 1831, Bell was not shown any leniency. He stated he knew he should be hanged and showed no remorse or emotion during the trial. In passing the death sentence, the judge commented on the amount of interest the case had excited and the “excessively crowded state of the court, by all classes; of the fair sex there was a vast assemblage, all well dressed, and some fashionably.” But the case was not widely reported by the
newspapers of the day, and Gatrell has pointed out that the newspapers which
did report the trial failed to mention the age of the boys, only referring to the
atrocities of the crime.38 There appeared to be no humane reasoning or excuse
voiced in defense for this young offender and during all procedures he was
treated as an adult. In the mid-Victorian atmosphere promoting rehabilitation,
the widely reported trial of Bradley and Barratt saw a different result. Their
defense counsel had argued that the accused “were mere babies,” with no idea
of the consequences of their actions, asking the jury “not to let the brand of
felons fall upon such infants as they saw before them.” Convicted only of
manslaughter by the jury, the judge endorsed their conclusions by sentencing
the boys to a month’s imprisonment, followed by five years in a reformatory. 39

When such a slight sentence and willingness to understand the actions of
these child killers are compared to reactions to cases of handkerchief theft and
begging, the levy of Victorian sentencing appears truly unrepresentative of the
crime. These examples do suggest, however, that sentencing policies did appear
to have one thing in common. If the public witnessed, were everyday victims
of, or were inconvenienced by, a relatively petty action classified as criminal, it
potentially carried far greater consequences than another act which only
affected a few and so could be seen as atypical or unrepresentative. Cases of
child killing, generally headlined in the media as “unique” in their horror, were
more condonable because of that supposed uniqueness. Society was more con-
cerned with sentences which reflected their desire to rid the streets of nuisance
crimes, condoning harder sentences as means of control, instead of focusing on
scales of punishment appropriate to the actual crime. Newspaper reporting
ensured that the public were more aware of their potential to become victims
of petty crime, and their consequent outrage was expressed in demands for
punishment for commonplace, rather than unusual, crimes.

Thus sentences continued to be mixed, ambiguous and, according to
reformers, often inappropriate for the children, and public debate raged on,
with the conversation arguing for and against punishment or for and against
reform. No happy medium was apparent. In theory, the emphasis was plainly
on the side of the reformers and their powerful print expressions. Benjamin
Waugh argued that “Our convict prisons, it is believed by persons who at once
have authority to speak and lack the liberty to do so, are supplied with a large
proportion of their inmates from the juvenile victims of fatally unsuitable
proceedings of law.”40 Hesba Stretton used Waugh’s book in a powerful novel,
well reviewed in the press, about David Fell who started on a life of crime
after initial incarceration on being convicted of begging.41 She finished with a
postscript in which she argued the solution to “the problem of juvenile crime”
lay in Waugh’s argument that there should be “no gaol for children,” and at
worst, institutions which would “serve not only for the purpose of punishment, but also provide for the education of the wards; the neglect of education being recognized as one of the chief sources of crime.” She concluded, “The Gaol Cradle: Who Rocks It? You and I.”42 In practice, sentencing continued to take more account of more immediate pressures on magistrates and judges.

Conclusion

What effect did this amount of printed comment have on Victorian understandings of the criminal child? Whether it was the increased visibility of juvenile crime itself which prompted this production or whether the increasing use of material available to the public brought the criminal child and associated concerns into the public gaze, the fact remains that the phenomenon of juvenile delinquency gave rise to great public concern and outrage. The mass reporting of petty theft, for example, portrayed a scenario where children ran like uncontrollable savages through towns and cities threatening the health and happiness of the law-abiding.43 The horror of juvenile crime was thus established at a very real and personal level, with tales of the theft of personal property predominating in the reportage and being equated to an infringement of an individual’s rights to security within the community.

Print productions also spread the idea that lawbreaking led to a child’s inevitable downfall and misery.44 The concept of the criminal child was a powerful stimulus to the generation of cheap, widely available print material, and few were oblivious to the idea that juvenile criminality was a “real” moral evil, in danger of spreading through society. The legal system struggled to address these concerns while legislation, generated in this new politicization of juvenile crime, was often considered ineffective and confused, for a range of equally confused reasons arising out of individual agendas and fears. Media conversations constructed highly contradictory images of juvenile criminals, depicting both violent, unruly urban savages and forlorn neglected “innocents” in need of care and susceptible to reform, with both categories capable of performing the same crimes. The confusion inherent in the increased visibility of child criminals ensured a continuing moral outrage in Victorian England.

Notes

2 PP VII.I, Select Committee Report on Criminal and Destitute Juveniles (1852). Criminal returns for 1848 demonstrate the fairly erratic nature of juvenile crime statistics: *The Friend*, 1 October 1849, 149.


17. *OBSP*, 1853, Surrey cases, Session 4, 401.


22. *The Times*, 5 January 1870. Ann Smith, also convicted of stealing food, was awarded the same punishment as the boy, seventeen, convicted of stealing lace.


28. PP VII.I, Select Committee Report on Criminal and Destitute Juveniles (1852), Evidence, W. J. Williams, 15.

29. The Summary Jurisdiction Acts 1847 and 1850 enabled trial by magistrate of cases of simple larceny under the value of five shillings. If the cases involved a greater amount but the juvenile pleaded guilty, the magistrate had powers to sentence up to six months' imprisonment.
30. The Times, 6 November 1855.
31. The Times, 10 August 1840.
32. PP VII.I, Select Committee Report on Criminal and Destitute Juveniles (1852), Evidence, T. Paynter, 85.
33. Daily Telegraph, 6 January 1861. Emily, eleven, went to a reformatory school; Charles was returned to his mother's care.
34. Pall Mall Gazette, 25 July; 2 August 1865.
35. Daily Telegraph, 5 June 1856.
36. The Illustrated Police News, 2 February 1867.
37. The Times, 30 July 1831.
39. The Times, 10 August 1861.
42. Ibid., 186.
43. PP VII.I, Select Committee Report on Criminal and Destitute Juveniles (1852), Evidence, M. Davenport Hill, 43.