

Christopher Hibbert

THE ROOTS OF EVIL

A social
history of
crime and
punishment



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A SOCIAL HIS
CRIME AND PUN

Christopher



LITTLE, BROWN AND
Boston

ROOTS

F

IL

TORY OF
NISHMENT

Hibbert

ND COMPANY

Toronto

AUTHOR'S

A book covering so wide a range of expert knowledge of none of them of prefatory explanation, not to say

When I was first asked to write it I knew little of criminology or sociology, the criminal law, almost nothing of fact, no more than an amateur knowledge of contemporary crime and punishment most of my countrymen. To undertake which such a book entailed would not be my work for my usual publishers but taken far more time than I could then

In 1959, however, I changed my reasons for this: I was able in that year to write and I went inside a prison to see a man I had known in the army who had been sentenced to death. A few days after my visit, I read in the newspapers that the quarters of those questioned in a particular case that they would like to see a return to the death penalty in the scope of capital punishment.

I have tried to show in this book the nature of punishments, to the reactions of those who have been threatened by them or those who have concerned themselves with the prevention of crime, that Sir Samuel Johnson's definition, which I have chosen as my epigraph, was a well-founded one and had always been a well-founded one and is now.

In a sense, then, this is a tendency to be not a prejudiced or misleading one but a statement of facts and events rather than to express an opinion. I attempted to draw all the facts and

NOTE

of subjects by a writer with
requires, I think, some sort
warning.

At some years ago, I refused.
ology, less of psychiatry and
of penal methods. I was, in
historian with an interest in
ment shared, I suppose, by
take the amount of research
not only have interfered with
but would, in any case, have
en afford.

my mind. There were two
year to devote all my time to
for the first time, to visit a
o had once been flogged. A
a paper that almost three
public opinion poll had said
to flogging and an extension

by reference to the history
of those who have suffered
and to the endeavours of
es with the criminal and the
el Romilly's belief, which I
well-founded one in 1813,
e and is a well-founded one

atious book, but I hope it is
e. I have wanted to record
ess opinions. And I have not
events that I have recorded

into the framework of the arg
to propound. It is aimed at
sources are given in the text
imply that it is a work of sch
but because I think that the
opportunity of referring to th
experts on which I have re
and generalisations of the laym

I want to thank my broth
aspects of the book, and Dr. A
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League for Penal Reform, has
For their help in a variety o
Joan St. George Saunders, o
Miss Frances Ryan, Mrs. A.

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long since dead. Of more rece
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heim, Henry D. McKay, Ter
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land, Donald Taft, Frank Ta
Lady Wootton.

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AUTHOR'S NOTE

argument which the book is intended for the general reader. References to scholarship, which of course it is not, should be given the general reader should be given the most detailed works of scholars and applied, whenever the interpretations seem incomplete or misleading. I am particularly indebted to Mr. A. J. Salmon for his help with some of the legal material and to Mr. J. Klare, Secretary of the Howard League, who has been kind enough to read the proofs. I also want to thank Mrs. J. R. McDougall and my wife.

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C.H.

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W

2 THE AGE OF LEARNING

'Hangman, I charge you to pay particular attention to the lady. Scourge her soundly, man. Scourge her down.'

3 THE AGE OF ELEGANCE

'Executed at Tyburn, July 6, Elizabeth I, for murdering a child; Catherine Conway, for forging a will; Margaret Harvey for robbing her master.'

GENTLE

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SIR THOMAS FO

TS

PUNISHMENT

3

*ghtfully, and bind trans-
han to fast on Fridays.'*
WILLIAM LANGLAND, 1377

20

*rticular attention to this
erge her till her blood runs*
JUDGE JEFFREYS, 1685

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*eth Banks, for stripping
ng a seaman's ticket; and
ter. They were all drunk.'*
SEAMAN'S MAGAZINE, 1750

OF REFORM

5

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*n; and in this vain and
nishment of crime, forget
ention.'*
WELL BUXTON, MP, 1821

- 2 THE POLICE REFORMER
*'My own opinion is that not
for specifically.'*
- 3 THE PRISON REFORMER
*'The mood and temper of the
ment of crime and criminals
of the civilisation of any coun'*

CRIMINAL

- 1 L'UOMO DELINQUENTE
*'The atavism of the criminal
trace of shame and pity, may
the brutes themselves.'*
- 2 CAUSES AND CURES
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- 3 THE CRIMINAL'S PSYCHOLOGY
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*'You cannot conceive the riot
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Marshal Turenne's.'*

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REPORT OF THE COMMITTEE ON JUVENILE

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*I should recognize it, but
re a bachelor, a solicitor, a
ow nothing whatever about
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whole America.'
EDMUND BURKE, 1775

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is that a man in this line
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*edge that for many years
ces for advancement.'*
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*at I have made the choice.
I must speak out, that I
one of those, whoever they
r.'*

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ends more to harden and
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'After a while you forget that you are there and then you find some thing for all these years not seem to realise is that in a few years they are punished they are also doing themselves Hells a mouse trap, when it is else.'

4 POLICE

'The Cozzpots are not all id'

5 THE YOUNG OFFENDERS

"Juvenile delinquency, particularly come to be considered one of the day, and the epidemic be spreading so fast that it can make to control it—or"

6 THE SEXUAL OFFENDERS

'A person who carnally knows a bird; or carnally knows another or by or with the mouth; or knowledge; or attempts sex is guilty of sodomy and is not more than twenty years'

NEW YORK

PA

PROGRESS AND PALIN

'It is better to prevent crim'

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FRANK NORMAN, 1958
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- 'idiots.'* ROBERT ALLERTON, 1961
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- ER*
- particularly in the United States, has one of the most urgent social problems. The epidemic of arrogance and crime seems to obliterate the best efforts society makes even to understand it.'*
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- ER*
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NEW YORK PENAL LAW, SECTION 690, 1950

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- comes than to punish them.'*
CESARE BECCARIA, 1764

*‘I call upon you to remember that
an inevitable tendency to produce*

*at cruel punishments have
be cruelty in the people—'*
SIR SAMUEL ROMILLY 1813

Part I

THE GROWTH OF P

602-1750

PUNISHMENT

CHAPTER

THE AGE OF C

*'Kings and knights should govern
gressors; and to do so is far better*

'TRAITORS and deserters they hang
the shirker of military service and t
bodies by vice, they plunge into a f
over them.'¹

The Germans, as described by T
death of Christ, considered only tre
and sexual perversion to be crimes s
by death. In a society where every
asset, execution and mutilation could
suitable punishments for lesser offen
and so, as Tacitus discovered, the Ge
convicted paid a fine 'in a stated num
the fine was paid to the King, half to
was being obtained or to his relatives.

In England a similar system was de
Kentish laws of King Ethelbert, am
written in the English language, p
variety of crimes from murder to for
compensation to be paid in each case
carefully graded. While a murderer
shillings, the compensation was limi
assailant only succeeded in smashing
part of the body had its value, from

ONE

CHIVALRY

*rightfully, and bind trans-
er than to fast on Fridays.'*

WILLIAM LANGLAND, 1377

on trees; the cowardly fighter,
those who have polluted their
soul swamp with a hurdle put

Tacitus, sixty years after the
treachery, desertion, cowardice
serious enough to be punished
fighting man was a valuable
not reasonably be considered
crimes, such as murder or theft;
German murderer or thief when
number of oxen or cattle. Half of
to the person for whom justice

developed. The seventh century
amongst the earliest documents
provided a list of fines for a
communication. The amount of com-
was carefully stipulated and
might have to pay a hundred
ted to twenty shillings if the
his enemy's chin bone. Every
fifty shillings for an eye or a

foot to sixpence for a toe-nail, a man's ability to work or fight was valued more than those which disfigured him. A man who was deemed to be worth two hundred and thirty shillings, but the loss of a hand cost three hundred shillings and a front tooth six hundred shillings and to cut or lacerate his ear cost only six hundred shillings, the same as to break three hundred shillings' compensation, but to break a hand cost twelve.²

These amounts of compensation were fixed by the laws of Ethelbert and other Anglo-Saxon kings in accordance with the rank of the offender. A man who lay with a maiden belonging to a nobleman received fifty shillings compensation, but if the offender's compensation was halved. A nobleman's serving maid was as valuable as a nobleman and with a commoner's servant. A man who raped the slave of a commoner received three hundred shillings' compensation, but if he was castrated.⁴ Similarly to break a man's hand was a greater offence than to break a man's foot, although fighting in the presence of a nobleman was five times more expensive than fighting with a commoner,⁶ to fight in the house of a nobleman was to fight in the house of a commoner, and a man who killed a man everything that he possessed.

All these early English laws, which were developed as an enforced alternative to the traditional system of a part, clearly show the influence of the Church. They have been continually growing since the time of King Athelstan in Thanet in 597 as Pope Gregory the Great called the heathen islanders. A man who killed a man receive as compensation two hundred shillings, but if from a consecrated place, the compensation was sometimes greater than the compensation for the same payments made by miscreants who were not clergy.⁸

The influence of the Church was also seen in the offences which were created for fornication and adultery.

THE VALUE OF PUNISHMENT

mail. Injuries which interfered with a fight were compensated at a higher rate than those which did not. The loss of a thumb, for instance, cost twenty shillings and a disabled shoulder cost ten. The loss of an ear was worth only twelve shillings. To break a man's thigh cost ten shillings, to break off his little finger eleven, but to break off his hand cost twenty. To injure his power of speech cost ten shillings. To pierce his penis cost six shillings. To break both his collar bones cost ten shillings.

The compensation for injury as assessed by the early English kings varied in accordance with the status of the accused and of his victim. A man who committed a crime against the King, for example, had to pay a heavy fine, but if he was a noble the compensation was lower, and if he was a slave still lower at twelve shillings. A noble who committed a crime against a noble was compensated at twelve shillings, a noble against a freeman at six shillings.³ If a freeman committed a crime against a freeman he had to pay no more than five shillings, but if a slave raped this same girl he was fined ten shillings. To break into the house of a rich man was a crime, but to break into a peasant's cottage was not.⁵ And the compensation for the presence of an archbishop was twenty shillings, for a bishop ten, and for a nobleman five. To fight in the house of a nobleman was a crime, but to fight in the house of a peasant was not. The compensation for the presence of the King of Wessex could cost a heavy fine.⁷

The early codes of law, in which compensation was assessed according to the blood feud plays so important a part, show the influence of the Church whose power had increased ever since Augustine had landed in England. Gregory's missionary for the conversion of the English. Not only was the Church entitled to a heavy fine, but twelve times the value of goods stolen. Not only was a bishop's compensation assessed at twenty shillings, but the King's, but large shares of certain lands and tithes passed into the hands of the Church.

The influence of the Church can also be seen in the new codes of law, in the increasingly severe penalties for crimes, for eating meat during a fast and making

offerings to devils, and in the immu
 A bishop's word, like a king's, althoug
 incontrovertible; and a priest could
 oath in his vestments before the altar.
 tween sunset on Saturday evening and
 contrary to the Lord's command,' coul
 if he 'made a journey of his own on th
 six shillings' compensation or, in the l
 able to afford this sum, he could hav
 to a stake round which he was lashe
 of knotted cords.⁹ The amount of com
 mitted on Sundays or holy days wa
 and by the laws of Alfred a man who
 suffer the additional penalty of the los

Punishment by mutilation and death
 of the tenth century taking the place of
 number of offences. By a law of Canu
 'both nose and ears' for adultery; by t
 craft and sorceries and spells, if deat
 and the accused could not deny the cha
 and by the laws of Wihtred a freeman
 could also be put to death if the Kin
 be 'sold beyond the sea' or held to ra
 penalty took was often an aggravated
 guilty of theft was either thrown from
 case of a male slave, sixty and twent
 him. And if any of them fails three tin
 self be scourged three times.' When th
 slaves who had killed him had to give
 that he could buy another one. A fem
 also killed by eighty other slaves, each
 logs to make a fire to burn her on.¹⁰

Often, it seems, mutilations were
 the laws of Alfred and Guthrum make
 who, having had a limb cut off, 'surv
 the laws of William I, particularly sa
 fractions of forest rights, go so far as
 to slay the culprit outright but to hack
 dead.¹²

Many of the laws invested those w
 the power to inflict these punishment

nity of bishops and priests. Though unsupported by oath, was clear himself by taking an

A servant who worked 'before sunset on Sunday evening, and be fined by his master; and that day' he had either to pay the likely event of his being un- the one leg fastened by a ring and by a three-thonged whip as compensation for offences com- as double the ordinary rate who stole from a church had to as of a hand.

was, in fact, by the middle of compensation for a growing rate's a woman was to forfeit the laws of Ethelstan 'witch- th was occasioned by them' rge, were punished by death; caught in the act of stealing g did not decide he should ransom. The form the death one. A free woman found n a cliff or drowned. 'In the y slaves shall go and stone nes to hit him, he shall him- e slave was dead, each of the three pence to his master so ale slave guilty of theft was of whom had to bring three

intended to be mortal, for e specific provision for those 'ive the third night'.¹¹ And vage when dealing with in- to enjoin the punisher not his body about until he was

who had been wronged with s summarily and personally

when proof of guilt had been taken by this *inſangthief* is a James Stephen said, one more and blood feuds'.¹³

In the absence of incontrovertible evidence, the case was decided by the ordeal. Trial by ordeal in England until 1219, was a custom which had adopted it, as she had adopted it in her efforts to gain influence over the people and in her efforts—these they now seem—to make a bargain by ordeal took place inside a large pit. In the man Conquest this ceremony was held in specially prepared pits. At the beginning of the ceremony began, a fire was kindled in a deep bowl of water and bands of wood were placed around the spectators, all of whom 'must be present with their wives during the night'. The accused themselves into two rows on either side of the water and walked up and down between the two rows of water and giving it to them to drink. 'The sign of Christ's Cross' for them. The water was boiling the accused, who were given 'bread and water and salt and herbs' each of the three days, approaching the water with his arm while the spectators were shouting 'the whole truth'. At the bottom of the water. If he was to undergo the 'simple' ordeal, he was to go into the water up to the wrists. If he was to undergo the 'complex' ordeal, he had to put his arm up to his elbow and then pick up a red-hot iron bar and walk three paces. His hands were then bandaged. Evidence of guilt.¹⁵ As an alternative to the ordeal, a man was sometimes required to walk out being seared, place his hand on a red-hot iron bar and pick up a red-hot iron bar and walk three paces. His hands were then bandaged. If after three days a blister appeared on his hand, he was declared guilty and must die. Even if the ordeal pointed to innocence, the man's character was supposed to be ruined.

H OF PUNISHMENT

en obtained, and although the step
a short one it is, nevertheless, as Sir
e distinct step 'away from private war
vertible proof, the guilt of the accused
his procedure, not formally abolished
of very ancient origin but the Church
lopted so many other pagan practices,
e and power over a highly superstitious
-savage, narrow and selfish though
barbarous people less brutal. The trial
church although soon after the Nor-
y of 'God's judgment' was removed
or trenches outside it.¹⁴ Before the
it in the middle of the church and a
ages were brought in by a priest. The
t be fasting and have abstained from
'', then came in silently and divided
either side of the church. The priest
en them, sprinkling them with holy
o sip and the 'Gospels and the symbol
to kiss. When the water in the bowl
for three days had eaten nothing but
nd herbs' and had attended Mass on
oached the fire. The priest bandaged
prayed that God would 'make clear
tom of the boiling water was a stone.
gle' ordeal he had to plunge his hand
st; if the 'triple' ordeal had been pre-
n into the bowl so that the water came
ck out the stone. After three days the
dence of scalding was taken to be proof
to the ordeal by water, the accused
walk over red-hot ploughshares with-
mand in a glove of red-hot iron or to
nd hold it in his bare hand while he
nd was then sealed by the priest and
he size of half a walnut had appeared,
ight have to suffer mutilation or death.
o his innocence he was banished if his
be bad. The priests themselves, if

accused, did not have to undergo the trial tried by the *corsnaed* which involved eating bread and cheese before the altar. God sent the angel Gabriel to stop the throat of the accused and so prevent him swallowing the food of his crime.

Guilt and innocence could also be determined by a trial of purgation in which a number of compurgators required depended upon the rank of the accused. The accused swore that they believed in his innocence—swore that they believed in the innocence of the accused. Such oaths, although perjury, were accepted as proofs of innocence just as the absence of a sufficient number of them at the time of the trial was proof of guilt. Forms of trial of this sort were common in the courts of the Anglo-Saxons and in them may be seen some of the elements of a system which was more fully developed in the courts of the Continent. The scope and significance of this system was increased by William the Conqueror, who encouraged the growth of a Court of Law before France and Germany had outgrown their primitive systems.

Following the Norman Conquest, the trial of purgation was regulated under regulations¹⁶—as ancient in origin as the trial of purgation—a recognized method of trial. Trials by purgation were used to settle civil disputes but a man accused of a crime could establish his innocence by challenging his accuser to a duel which knights fought with swords and spears, and staves made lethal by iron heads.¹⁷ Priests and infirm were excused from fighting and the accused was to appoint champions to fight on the day of the trial. In the court of law, both parties were required to perform certain duties, according to a procedure laid down in the laws. The laws were to teach them 'all manner of fighting that belong to a battle sworn'. Each combatant was to wear a tunic made of red leather and red stockings and the laws said 'his adversary shall not lightly espy his blood, for his blood will be lightly seen'. It was the duty of the priests for the contestants and to see that a Mass was said on the day of the trial. After the trial the weapons were blessed by the priests who were to guard the field of battle.¹⁸

While primitive trials like this were common in the twelfth century, trials by ordeal had by then been

these ordeals, but instead were eating a piece of consecrated bread which was prayed to send down fire upon the priest if he were guilty of perjury which would be proof of his guilt.

Decided at this time by compurgators—the actual number of compurgators, the nature of the offense and the nature of the crime involved in the innocence of the defendant were common, were taken as proof of the innocence of the defendant. The presence of compurgators or an oath of trial were taken as proof of the innocence of the defendant. This was common to many primitive societies. The inchoate germs of the jury system were developed and vastly extended in England by the Norman Conqueror and later by Henry II. The Common Law in England long preserved their local customs.

The combat—'private war'—of the origin as the ordeal, became a public battle. In battle were more often used. A man accused of felony might also challenge his accuser to a judicial combat. Knights and lances, commoners with spears and bows, priests and women and the old and young fought personally and were allowed to fight for their behalf. In time, as in a modern trial, they were represented by counsel whose duty was to fight down for trials of treason, murder and other crimes. The art of fighting and subtleties of arms were required. The contestant had to wear shoes of red and white over his greaves 'because of the blood; for in all other colours the blood would be seen.' Counsel's duty to engage three knights was required. That these priests each sang the Masses the harness and the combat came up to the barriers of the combat.

The combat was still held in the fourteenth century but was soon abolished and the various

courts established over the with some regard to the administering it with increas

The conception of sin, by law, had altered its character longer regarded as torts wh but as sins for which penan of the traditions of the rec come to be regarded as cri King, as leader of that socie was acquiring the power and

New ideas about the vir gaining ground and while i had been seen largely as a or, under the feudal system to whom grants of this jur other services, now it was n sion, deterrence and retri laws by extracts from the B after his death that determ Mosaic Law of retaliation i of physical punishments fo been expiated by compens by the threat of savage pu predisposition to crime be c it was hoped, be a better de pensation; and if mutilatio as a punishment for specif crimes committed had no the fault of a too lenient p intensified. Thus it was, f Ethelstan had provided th off,¹⁹ by the time of Henry terred others from committ had made a common offen A century later, coining wa in Edward I's time 280] offence alone.²¹

The idea that criminal ju was not, of course, forgot criminal matters had been

centuries were administering the law rules of evidence. They were also varying, if fluctuating, severity.

They were then fully absorbed into the criminal law. Murder, robbery and rape were no longer crimes which could be settled by compensation, but for which punishment was required. Under the influence of the newly discovered Roman Law, they had also discovered crimes against society at large which the State, as a body, was entitled to punish and which he had the means to punish.

The nature and purpose of punishment were different from those of earlier centuries. Criminal jurisdiction was now a source of revenue, either to the King or to the prelates and lords of the manor. Criminal jurisdiction had been made in return for the protection more clearly seen as a method of reprobation. King Alfred had prefaced his translation of the Book of Exodus but it was not until long after his time that similar attempts were made to put the law into general practice by the substitution of punishment for many crimes which had previously been settled by compensation. It was now felt, too, that only severe punishments could check the people's growing lawlessness. Execution or mutilation might be more deterrent than the obligation to pay compensation. For example, for many crimes which had previously been settled by compensation, the fact that the number of such crimes had decreased was often supposed to be due to the severity of punishment which must accordingly be increased. For example, that although the laws of England provided that a coiner should have his hand cut off, in the reign of Henry I, when this punishment had not deterred the more general use of money, coiners could be castrated as well.²⁰ This practice was still widespread and after an enquiry into the matter Jews were hanged in London for this crime.

Criminal jurisdiction should be a source of revenue for the King once the initiative in the law was transferred to himself from the kindred

of the injured. In the King's courts, felonies were still common enough, and outlawry, when an outlaw fell to the crown, was a frequent occurrence. King Henry III ordered his justices to recoup the King's revenues in Scotland by imposing money penalties on the assizes in the north. Of seventy-seven persons convicted of murder, all but five were outlawed. In London, of thirty-one persons convicted of murder, all but three were outlawed.²² The Church, too, by establishing courts for punishments and penance, which considered many matters with religion, ensured that her rights were not infringed.

For those who could not pay or who were poor there was, nevertheless, scant mercy. In a court decided in the case of a woman (for a capital offence) during a murder trial, 'let her eyes be torn out'.²³ Nor was mercy shown in public punishments were intended to deter. 'The award of the court,' that in the reign of Edward II, 'is that for your treason and hanged, and beheaded; that your body be burnt to ashes and that the ashes be scattered; that your body be cut into four quarters, one quarter hanged upon the tower of Carlisle, another upon the castle, a third upon the Bridge of York, and the fourth buried; and that your head be set up upon a pole for example to others that they may never do such treasons as yours against their liege lord.'

The Church, in her punishment of those who rebelled to her authority as traitors were to the King, was equally relentless. Lending her approval to those afflicted for treason, for which biblical punishments were already by the twelfth century, before modern punishments were devised, lent her approval to the punishment of heretics. The Paterines, one of whom was burned with hot irons, whipped through the streets, and given no shelter. As householders were forbidden to give shelter to anyone displaying the brand

ines and forfeiture of goods
ry, by which the goods of the
nt sentence. In 1255 Henry
e cost of an expedition to
ies during the forthcoming
ven persons presented for
n 1279, sixty-eight cases of
of those found guilty were
lishing the principle of com-
es imposed in her ecclesiastic
rs only remotely concerned
f jurisdiction were profitable

whose goods were worthless
She had deserved death, a
a found guilty of perjury (a
'but by way of dispensation
rcy shown to traitors, whose
add horror to the sentence
ne Earl of Carlisle was told
your treason you be drawn,
heart, and bowels and en-
thoughts, be torn out and
scattered to the winds; that
, and that one of them be
ther upon the tower of New-
k and the fourth at Shrews-
on London Bridge, for an
er presume to be guilty of
e Lord.'²⁴

heretics—as great a threat
ne authority of the King—
proval to the punishment in-
uthority was found, she had
more ferocious punishments
he whipping and branding
se heresies was a refusal to
baptism, were seared with
s and forbidden to seek or
re not permitted to offer
d of the heretic on his fore-

head and as it was a severe and starvation. Others joined bands of outlaws which acc them and any woman prepa

These gangs of brigands employed as mercenaries by for years in complete contr countryside, as they had do time of Stephen when, in the the dungeons of the baron women put in prison for th pains unspeakable'. Before years in the hands of a brig of the port, siezed its carg royal style.²⁵ At Yarmouth, the country under their ov defying all authority.²⁶ In exported stolen wool, impo ments and seals, took people held them to ransom and we accusations at the next me paid not to do so. In 1451 rode into Walsingham dur and secured the acquittal of a

Bands like these became u ment of private disputes, in and, above all, in the frequ 'great multitude of men', i marched in military array his fences and gates, broke hundred head of cattle an Exeter believed at first that collecting supplies for an a the Abbots of Sherborne Countess of Lincoln's estat killing her game, cut down An Archbishop of Canterb animals and trees but even in the manor were themse estate in Wiltshire, in whic inmates of the manor ho

TH OF PUNISHMENT

the winter, many Paterines died of cold and one or other of the growing number of accepted any man prepared to fight with them to sleep with them.

, sometimes led by knights and often powerful barons, frequently remained in control of towns and of large areas of the country with even less interference in the words of the *Peterborough Chronicle*, 'their castles were full of both men and their gold and silver, and tortured with the Black Death, Bristol was for some time and who had taken military possession of the town and issued proclamations in the name of the king, three hundred men marched about the town banner like an army of invasion, in Suffolk, a gang of versatile criminals started counterfeit money, forged documents from their homes or from church and went about the town threatening to bring about the execution of the justices unless they were satisfied. A gang of four hundred armed men attended the sessions then being held there and all their friends.'²⁷

Useful instruments in the forceful settlement of the prosecution of private vendettas were the frequent raids upon landed estates. When a knight, including one of his former chaplains, raided upon one of his manors, demolished the houses into his buildings, and carried off three hundred and a thousand sheep, the Bishop of Hereford declared that a 'foreign enemy had landed' and was to be met with an army.²⁸ A band of fifty men, including knights and Middleton, who invaded the manor at Kingston Lacy, not content with carrying off all her timber and carried it away. In 1381, in a similar raid, lost not only his manor but also his corn.²⁹ Often the people who lived in the manor were attacked; and in a raid upon an estate in which the Prior of Bristol took part, all the men and women were murdered, the lady of the

house was raped and her chaplain

The marauding gangs of robbers, hazards of English life for centuries, after the misgovernment of Henry I Montfort into leading his followers appointed in 1305 found that these seized and held landed estates, bought threats, 'impeded and corrupted constabular officers', but had invaded manor house cellar to attic, attacked and maimed jurymen telling the truth at assizes and for battery, assault and mayhem.³²

Villages, towns and whole districts until 'robberies, murders, burnings and in the Patent Rolls of the chronicler at Westminster was not safe and when Edward I, was away in the north fighting broke into the Treasury by smashing and escaped with treasure worth a hundred more than twice as much as the King had been thirty years before.³³

Edward was thirty-five when he was crowned in 1274. A tall, good-looking man with a taste for and dangerous hunting, he had, unlike his father, energy but the capacity to give his dream of government some promise of reality. He employed an Italian as well as English, to guide him in the reform and classification of the English legal system.

* It seems that men who had returned from the most ferocious, particularly in the massacres of the time of the Fair, the threatened Jews took refuge in waving banners that they had brought back from on those who remained at their mercy. The Jews of the Jewish quarter and removed the contents with a view to punishment. The same depredations were ordered by ordinances for their voyage to the Holy Land which the Crusaders may have grown accustomed to. On board ship was tied to his victim's corpse. If murder were committed on land he was buried. If 'wounded to the blood' he was to lose his hand. If let his head be shaven as though for the order. If continued, 'and let boiling pitch be poured on his back. If the ship may touch, let him be cast forth.'³¹

was frightened to death.^{30*} which had been part of the , overran the entire country II had provoked Simon de to civil war. Commissions gangs had not only forcibly nt others for paltry sums by ables, bailiffs and the King's es and plundered them from rors and witnesses to prevent hired professional assassins

were taken over by outlaws d thefts' were commonplace s. Even the Royal Treasury n Henry's son and successor, ng the Scottish rebels, a gang through a wall of the Abbey undred thousand pounds— ngdom's whole revenue had

s crowned at Westminster in a passion for tournaments like his father, not only the eam of a strong yet popular . Relying on great lawyers, m, he began a reorganization l system which was to earn

m a Crusade were frequently the of Jews. At Stamford during the ge in the castle. The Crusaders, om the Holy Land, led the attack ey sacked all the houses in the ithout interference or subsequent e reported from Lincoln. The d reveal the kind of brutalities to med. A man who killed another e and thrown into the sea; if the ried alive with it. If he merely d. 'If a thief be convicted of theft, eal by battle,' the Ordnance con- head, and, at the first place which

him the name of 'the English' of his reign scarcely a year. The important Statute until even eliminated from political law was built.

Edward realized, however, beginning to threaten the whole merely by reorganizing the missing incompetent or conduct it was to administer the Statute of Winchester, the was intended to enforce the

The Statute of Winchester new system of law enforcement traditional methods that centuries and were eventually the modern police forces of Many of these traditional their origins and some of them now all brought to life again them work.

Since the time of the Saxon law enforcement had been been associated in tithings able for each other's good territorial divisions of ten the support of one family had its own court where justice with local customs that were difficult if not impossible had found the hundred a of his Norman garrison was instance, the murderer was trary, to have been a Saxon assume responsibility for Edward's time much of the lost but, theoretically at least

* The Laws of Ethelstan and offenders who, it was hoped, might if they were 'so rich' or belonged be punished.³⁴

WITH OF PUNISHMENT

ish Justinian'. In the first fifteen years passed without Parliament passing an act, virtually the old feudalism was virtually ended and the groundwork of a new land

er, that the depredations that were before the basis of society could not be ended by the existing legal system and by dis-rupting sheriffs and other officials whose duty was justice. And so in 1283 he drafted the Statute of Westminster, which was the codification of a system of police, which was the observation of the law.

er was not a revolutionary or even a reformer but it gave a new importance to the law. The laws were to remain largely unchanged for centuries to provide the basis upon which the common law of Britain and the United States are built. The methods were so old that no one knew they had fallen into disuse, but they were still in use and the people were obliged to make

under the Saxon Kings, the underlying principle of the law was one of mutual responsibility. Men had to live in tithings, originally groups of ten men responsible for their own behaviour, and in hundreds which were groups of hundreds of hides or measures of land sufficient for a hundred men and its dependants. Each hundred had its own justice and justice was administered more in accordance with the laws of the kingdom which were not possible to enforce.* William the Conqueror made the tithing a useful instrument. Whenever a member of a tithing was found dead inside its boundaries, for the murder was presumed, without proof to the contrary; and the hundred had accordingly to pay the fine for the murder.³⁵ By King Henry II the significance of the hundred had been diminished, but it still held a responsibility for crimes

committed. He admitted the impossibility of punishing certain criminals who might be removed to another part of the kingdom, and 'to so powerful a kindred' that they could not

he began to assume the importance that he had. From being little more than a high-ranking constable, he now had the control of constables and the administration of the law. The constable was the descendant of the Knight-tythingman, a man of the people, but the descendant of the Knights of Ricardian England. The constable enforced the observance of the Statute of the Staple, the feudal system men had been taught to respect. The Manor as the administrator of the King's peace took the place of the feudal lord. The constable, the local landowner.⁴¹

Throughout the Middle Ages his duties that were imposed upon him and the responsibilities were more and more extensive. Apart from the administration of justice he pursued as the supervision of the help of the dinner-hours of labourers. When he performed his unpaid duties uncomplainingly, the constable was so. Like the watchmen in the town, all householders in rotation, only 'Clerkes and Women' being excepted, may have been acceptable in a primitive society. In the more complex society which was developing, the merchant could not abandon his business to perform the duties of constable, and join in a manhunt every time that a crime was committed.

So the 'Hue and Cry' gradually fell into disuse, and the duty of paying a proxy to perform the duties of constable was enforced.

But if Edward I's success in the pursuit of a more efficient form of police by strengthening the old traditions was sadly limited, his efforts in the administration of justice, despite the immense efforts he made, were so. The Statute of Westminster of 1285, which provided for the 'return of the officers' and the means of correcting their misdoings, had little effect on their misdoings. The sheriffs and country officials were appointed by the King, and they were found to be as corrupt as the old ones. The second Statute of Westminster, passed in 1287, complained that sheriffs still took in bribes and indicted them and imprisoned them in order to extort money from them.

that he has ever since enjoyed. A-born constable himself he has assistants in the execution of his office. A descendant of the Anglo-Saxon *shire-reeve* the justice of the peace was first introduced by Edward I who were enjoined to execute the commands of the King. Under the reign of Henry II to respect the Lord of the King's justice; now the justice of the peace was a feudal lord and was, like him, a

of great importance grew and the office of constable became a sinecure. In the enforcement of the law the justice was engaged in such diverse occupations as the relief of the poor and the regulation of the market. While the justice performed his duties the constable could not afford to do so. Constables were chosen from the ranks of Religious Persons, Knights, and Burgesses. And although this system prevailed in the medieval world it was no longer so in the modern world now evolving. The busy farmer, the artisan his tools still less to drop everything at the call of the 'Hue and Cry' was raised. The office of constable fell into disuse and the practice of appointing a constable came into

the place of a permanent establishment of a constable. In strengthening and extending early efforts to reform the administration of justice the efforts he made, was even more successful than those of 1275, although 'a legal code in many respects was the result of his subsequent behaviour. New justices were appointed but within two years they were replaced.⁴² A few years after the first, innocent men, unlawfully imprisoned, in order to 'extract money from

them'.⁴³ Prisoners were tortured for evidence against their supporters and left in prison to die. Fifty appeared in 1348.⁴⁴ Juries were frequently more convictions and so raised and pocketed. In the following reign for once, could not agree or be shut up 'until Monday' with

Throughout the next century presided over by sheriff or King's times impossible to obtain. This infected the whole system. The king compelled to appoint to enquire officers were not the first appointed for this purpose. This had been preceded and was the fact that jurors could not be against criminals. If juries often took the side of the accused that crime was not so reprehensible who administered justice so far from impartial justice was impossible; so long as not only in England could be shown to be Thorpe was in 1350; so long as illegal profits from his high office believed to have done in 1350 served on juries was not like the judices against the courts like the clergy and rich alike, enjoyed. This meant originally that an order could be tried only in the ecclesiastical changing its nature. It came to punishment in any court and merely by ordained clerks but could produce evidence that was to read a few lines of a prescription in fact, learn by heart with which was often taken as being sufficient.

For those who could not afford offered the protection of some

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held in gaol to force them to give up their accomplices and were afterwards the traitors died in York Castle alone in the night picked by the sheriffs to ensure the payment of more fines which they themselves had to sign it was reported that a jury which, in a case where a wanted conviction was ordered to be given without food or drink.⁴⁵

The search for redress in the courts, whether through the king's justice, was difficult and some- times impossible. Bribery and corruption continued to be a feature of the commissions which Edward I was obliged to inquire into the misdeeds of his legal officers and nor the last of many commissions. The Statute of Winchester of 1283 was intended to be followed by others lamenting the fact that juries were induced to bring in true verdicts if they were not bribed or intimidated they were often accused as a matter of course, believing it was reasonable as the extortion of the judges, was done so obliquely. So long as England's far- most justice was in the hands of the rich and the power- ful lawyers but a Chief Justice of the Bench was to be in receipt of bribes, as William de Longchamp as the Chancellor himself could make a bad office as William of Wykeham was in 1213, the honesty of ordinary men who were to be assured. Nor were their prejudices easily to be overcome when so many men, enjoyed special privileges. Benefit of clergy was obtained by a clerk charged with felony could be claimed in ecclesiastical courts,⁴⁶ but it was already intended to be accepted as a plea against capital punishment and the benefit could be claimed not only by anyone accused of crime who was an educated man. The ability to read the prescribed text, which the prisoner could, with the help of an accommodating gaoler, furnish sufficient evidence of education.

Otherwise to evade the law, the church provided a sanctuary. As it had been considered

sacrilege to remove the criminal fugitive from the land of the King and Rome, so it was recognized by the law as a crime. The law sought escape from the law on sacred ground. The law posts pointed the way to sanctuaries as early as the seventh century as to monasteries but any territory which the King or the Pope or the Pope's she inspired deemed to be sacred.* A criminal had to confess his crime to a priest and to obey the rules of the religious house for his fee; but he was then safe for himself up to justice, clothed in sackcloth and carrying all his goods but he was allowed to wear a long white tunic and carrying a cross. It was usually stipulated that he had to be given a specific time in which to travel every twenty-five miles or so of his journey to ships at Dover ready to sail, the fugitive was up to his neck and that was considered

The likelihood of escaping punishment was a frequent issue of general pardons to the army for a year's campaigning. The King's of surnames ensured that these pardons were hand to hand without the possibility of a man to mine whether those who held them were

While punishment for crime remained a rare and acquittals could so often be bought that the law to settle their own grievances by private law. The conditions of the time may be gained from the fact that there were eighty-eight known cases of murder in the most populous part of England and Wales in about the same as that of Sheffield today. If committed on this scale now, there could be about a hundred murders a year in England and Wales in a hundred and forty. Most murderers committed suicide, but nearly all murderers th

* As the centuries passed more and more sanctuaries were granted by royal charter. From the sixteenth century unsuccessful attempts were made to deny the law to the Minories, the Mint, Salisbury Court, Whitefriars, and others. Only a few were but a few of those which survived in London.

ive from the temples of Egypt
y Christians that those who
ground were inviolate. Sign-
s which had been recognized
being not only churches and
the Church and the laws that
fugitive who sought sanctuary
t, surrender his arms, swear
ise which he entered and pay
rty days. When he delivered
loth, he was obliged to forfeit
'abjure the realm'. Wearing
s, he had to walk to the coast.
d to make for Dover and he
o get there, usually a day for
ourney, but if there were no
itive could walk into the sea
red punishment enough.⁴⁷
ent was also increased by the
riminals who would enlist in
e far from universal adoption
ions frequently passed from
of a court being able to deter-
vere entitled to do so.⁴⁸
ed so uncertain and arbitrary
t or contrived, men continued
nitive methods. Some idea of
ed from the fact that in 1348
of murder in Yorkshire,⁴⁹ not
d with a population probably
oday. If murders were com-
not be less than ten thousand
instead of an average of about
today are imprisoned or com-
men were permitted to become

laces were granted the privilege of
nth century onwards, constant and
eir protection to criminals. The
riars, Ram Alley and Mitre Court
ondon until the eighteenth century.

outlaws because this was m
them.

Mutilation which the law
flicted except upon the very
of private vengeance as
Mortimer, the rector of the
a grudge against one of his
offence which the courts w
with the help of a fellow
parishioners cut off his upp
for what an obliging court
fifteenth century was cutting
out his eyes declared to be a

By then the people's exa
partiality of the law, with th
and with those who so easil
at least one of whose decl
lawyers. The revolt had bee
1349 the Black Death, a t
trade routes had brought w
about half of the five millio
of those who died were labo
who tried to look after them
Death over a third of the
cultivated; crops rotted in t
a labour shortage that they
had learned their value, de
tervened by passing the Sta
unemployed men and wome
to them at the wages curre
Statute had proved unenfor
upon employers who had
Parliament passed another
who left his place of work t
with the letter F on hi
Other laws were passed to
master, to preserve the cla
ture from breaking up.
to wear clothes suited only
to pay more for his cloth t
lewd women' to dress like

more profitable for those who convicted
 v allowed but which was not often in-
 y poor, was quite as common a method
 murder and as little punished. Guy
 e church at Kingston-on-Hull, bearing
 s parishioners, William Joyce, for an
 would not punish, attacked Joyce and
 v clergyman and some of his other
 per lip. Mortimer was eventually fined
 decided was a trespass. Not until the
 g out the tongue of an enemy or putting
 felony.⁵⁰

asperation with private justice, with the
 nose who so unfeelingly administered it
 y evaded it, had culminated in a revolt
 ared objects was the execution of all
 en a long time impending. In 1348 and
 errible sort of bubo-plague which the
 estwards from China to Europe, killed
 n inhabitants of the country; and most
 ourers and artisans and the poor clergy
 a.⁵¹ In the years that followed the Black
 arable land in England remained un-
 he fields; employers in the towns faced
 had never known before. Workers, who
 emanded higher wages. Parliament in-
 atute of Labourers which compelled all
 n under sixty to accept any work offered
 ent in 1346. Ten years later when the
 ceable, despite the heavy fines imposed
 paid higher wages than it permitted,
 Statute decreeing that any labourer
 o seek higher wages should be branded
 s forehead as a sign of falsehood.
 e keep the worker in subjection to his
 ss system, to prevent the social struc-
 It became a crime for a labourer
 to a higher station in life, for a servant
 than a prescribed amount, for 'common
 'good noble dames and damsels' and

so make it difficult to discover 'what the grounds that 'all the wealth of the of artisans and labourers,' Parliament on every individual in the country w

This was in November 1380. In men of Kent, led by Wat Tyler (who a highwayman) and inspired by the 'Mad Priest' John Ball, advanced on London to other parts of the country and soon moderate rebels were persuaded to their demands would be conceded and them. But, as in the Gordon Riots of were not to be satisfied with promises, attacked the gaols and released the prisoners, and, in imitation of public executions, Sudbury who was also Archbishop of surer, Sir Robert Hales, and paraded streets on pikes.⁵³

Further promises were made and made and the violent ones who stayed to defeated. As soon as order was restored made to the peasants in the hour of necessity made mock of the pardons granted.

But although the immediate result reaction, it was certain now that the and justice could not be permanent years later the Wars of the Roses, transformed by the nobility upon their own Englishman was able to remain neutral the nobles and strengthened the Crown.

In the sixteenth century this new the private but infectious wars of barons and corruptible justice of ambitious made violence and cunning, the tools manners of a whole society. The critical attitudes of mind of the past, but his methods of society and gradually became world.

rank they are'. Eventually on the Kingdom was in the hands that levied a tax of one shilling who was over fifteen.⁵²

June the following year the had once, so it was said, been apocalyptic harangues of the London. The rebellion spread became menacing. The more go home with promises that pardons would be granted 1780, there were many who They marched into London, prisoners, broke into the Tower killed the Chancellor, Simon of Canterbury, and the Trea- ed their heads through the

more of the rebels went home terrorize the city were soon ed, however, 'every promise ed was broken and a bloody ated by the king'.⁵⁴

lt of the revolt was a cruel movement for emancipation tly suppressed. Seventy-five hat 'bleeding operation per- body', in which the ordinary tral, weakened the power of wn.

royal authority finally ended arous barons and the private nobles, which had formerly of the criminal, the accepted iminal was still to retain the methods were no longer the me the methods of an under-

THE AGE

*'Hangman, I charge you
 lady. Scourge her soundly
 runs down.'*

'THERE is no country in the after the reign of the Tudors thieves and robbers as in England to go alone in the country except fewer still in the towns at night.

Henry VII knew the immediate To strengthen a central government tices with some of its authorities which no man however rich injuries more afraid of having Chamber than of bringing in a owner or criminal, to do the of the new middle classes rising the backing of a standing army shrewdness which the new King

For some years there was possible for a cunning lawyer member of a rich or noble family countryside in which they could 'they took sheep, avoided liability to the King's army, annexed despoiled wrecks, released felons

CHAPTER TWO

OF LEARNING

*to pay particular attention to this
), man; scourge her till her blood*

JUDGE JEFFREYS, 1685

world,' reported the Venetian envoy had begun, 'where there are so many England; in so much that few venture cepting in the middle of the day, and ht, and least of all in London.'¹

nsity of the challenge that faced him. rnmment and to arm trusted local jus- ry, to establish new prerogative courts or powerful could overawe, to make to explain their conduct in the Star a verdict against an intimidating land- se things with the guarded approval ng to wealth and influence but without rmy, required all the patience and ng possessed.

little superficial change. It was still r to join forces with an unscrupulous family and for the inhabitants of the mmitted their crimes to complain that bility to pay fines and to supply men ed treasure trove, smuggled wool, ons from bribes, poached gulls' eggs,

took bribes for permitting hunting on the lands of his embezzled clients' money and terror.

But this sort of behaviour was becoming more common. The crimes committed may not have been as serious as in the first half of the sixteenth century, but the same were obtained and crime was far more common. A criminal class was emerging. Men still hunted the King's deer but they did so with the same ruthlessness or in disguise. As late as the reign of Henry VIII Hurstmonceaux organized a party to hunt the King's deer, persuaded all those who joined him to do so, and tried to prevent them. They passed through the forest though these men did not apparently intend to be attacked and one of them was killed. Such incidents have been exceptional during the period, but they certainly would have been: Dacre was

The firm grip in which, by then, the King's power was being extended to the Church, was to have profound effect on the land. Those who had committed crimes against the Church had long been liable to severe punishment. The King became head of that Church, and refused and these punishments were carried out with certainty. In the days of Henry IV, the King was inspired by Wyclif to question the authority of the Church, to attack the sale of pardons and Masses, and those who had been persecuted. Some recanted when they were burnt. But the deaths do not seem to have been many and Wyclif himself died peacefully in Lutterworth in Leicestershire in 1384.

Compared with heretics on the continent, the King was at that time fortunate. When Philip the Fair persecuted the Templars in France torture was used to extract confessions to crimes which were more serious than in England. In England torture was unknown to the King. Clement V wrote to Edward II: 'What is contrary to the laws of your land is contrary to Canon Law, Our Law; therefore I command you not to torture . . . You have already shown yourself a favourer of heretics . . . Withdraw your favour from you remission of sins.'⁸

a ground which was not theirs, seized complainers into flight.'² coming rarer. The number of men appreciably reduced during Henry, but far more convictions less flagrant. A specifically all raided parks and hunted the their faces blackened or masked of Henry VIII, Lord Dacre of hunt on a nearby estate and to swear to kill anyone who three men on their way and always provoke them, they were all The event in itself would not previous century, but its sequel as executed.

Henry VIII held the State and this new revolution of in the history of crime in England against God and against were punishments but once the heresy and treason were inflicted with far greater and Henry V, the Lollards, authority of the Pope and to for the soul, had indeed threatened with burning and not appear to have been many in his own country parish at 4.

continent, the English heretic Philip IV wanted to stamp out the ed indiscriminately to obtain more often than not imaginary. the Common Law and Pope e hear that you forbid torture d; but no state can override mmand you at once to submit ready imperilled your soul as your prohibition and we grant

Edward gave way 'throughout the land'. The Inquisition came to England and many men were condemned. But the condemnations were few and it was not until the late fifteenth century as political ones that they were common. The determination.

To the medieval English man the heretic was acceptable because living out of the world was more excusable than living in the world. Heresy was just as much a criminal offence as the other. Most laymen believed that the Church did; and they continued to believe that the Church had lost its hold on a people. The young Henry VIII was as a result of Luther, earned from the Pope's money, and encouraged the burning of heretics. Henry began to question the doctrine of the Church. But, as Henry soon discovered, she had lost much of her influence. Her promise or reform, her insistence on the sanctuaries, her sale of relics, her influence in the lives of the people, her undistributed wealth and the influence of foreign nominees of the Pope. The anti-clericalism which Henry VIII encouraged. It was not originally an enemy of it were admitted. It was not originally an enemy of religious order. The man who encouraged, was beheaded. The man who was Supreme Head of the Church of England, London Bridge. But before the Act of Supremacy was admitted, Protestants, too, had to take the sheriffs' oath requiring them to swear to the Act until 1625. The Act of Supremacy was by the Act of Six Articles which should be inflicted on anyone who denied the Eucharist. The need for a man to be hanged in London. It was possible for a man to be exhumed and burned—for one such man a gallows was

WITH OF PUNISHMENT

h reverence for the Holy See,' and the
1. The evidence was obtained and the
by Continental standards the deaths
all religious crimes could be interpreted
ere punished in England with obvious

mind persecution was nevertheless ac-
side the laws of the Church was no
outside the laws of the State. A man
whether he broke the laws of one or of
eved this as strongly as the clergymen
believe it long after the Church had be-
ple who were no longer barbarians. The
orthodox as his father. He condemned
pe the title of 'Defender of the Faith'
g of the Lollards who had once more
ctrines and practices of the Roman
on came to understand, the Church
ence in England. Her refusal to com-
tence on old rights of benefit of clergy
elics and pardons, her spying interfer-
people to extract fines for sin, her
e remunerative appointments given to
be, all gave force to a growing tide of
y was able to turn to his own purposes.

anti-Catholic revolution. Catholic
edly executed; and Sir Thomas More,
rs and the popular superstitions they
for disputing Henry's claim to be
ch and his severed head was fixed on
this judicial murder had been com-
d been executed and the clause in the
n to destroy Lollards was not omitted
remacy of 1534 was followed in 1539
which decreed that the death penalty
e who denied the doctrine of Transub-
erical celibacy. It was still possible for
on for eating meat on a Friday; just as
be burned—and even for his corpse to
r refusing to deny the holiness of relics.
was prepared in Smithfield.

'on which he was hanged in chains, by quick; and under the gallows was made and burnt to death. At his coming to the prepared a great scaffold on which sat the King's majesty's most honourable Council to that wretched creature, if any spa happened to him. There was also present a Reverend Father in God, and a renowned of Worcester, called Hugh Latimer, declared by his forwardness that he neither would before his execution, a huge and great image which image was brought out of Wales sought and worshipped,' and was burned in fire come and that present death was at a ladder, which he would not let go, but so no man that ever put his trust in God godly ended his life.'⁴

Men and women turned into criminals and punished with ferocity because as well as religious institutions continued generations. A boy of fifteen was burned meaning of which it is difficult to believe priests were hanged in Oxfordshire hanged in Devon. The heresy laws put in her passionately held belief that she was in fires burning for four years and killed men and women who had broken them.

By the time Elizabeth succeeded to the throne Protestant again, 'for the first time in putting people to death for their religious their political acts' had been created the Act of Supremacy passed in 1559 abolished in England; the Act of Uniformity made the law except those contained in the Prayer Book. Heresy disputes became involved with disputes to the throne and heresy and treason were never. Before the execution of Edmund Tyburn in 1581, a procedure punished for treason and not for religious Queen's name. When he said that he

the middle and arm-holes, all a fire, and he was so consumed in the place of execution, there was the nobles of the realm, and the King—only to have granted pardon for a mark of repentance would have prepared a pulpit where a Right Reverend and famous Clerk, the Bishop appeared to him his errors; but such would hear nor speak. And a little message was brought to the gallows, and of the Welshmen much gathered under him. 'When he saw the executioner's hand, he caught hold upon the gallows and impatiently took his death that he never so unquietly nor so un-

was by fanaticism or conscience of their threat to political as he was condemned to burn at Smithfield for repeating words that he believed he understood. Catholic and Protestant preachers were put into execution by Mary, who was working for God, kept at least three hundred men

from the throne and made England a sentiment against religious opinions as distinct from the people.⁵ The new Act made it illegal to hold any services according to the Book of Common Prayer. Thereafter religious controversies concerning the succession were more confused than when St. Ignace and St. John of the Cross were in England. St. Ignace, the Jesuit missionary, was being persecuted for his religion that he was being persecuted for his religion was read out in the presence of the King, he was

asked for what Queen he meant of Scots had often been men accused him of having formed Elizabeth and of having tried support of a foreign invasion subjected in the Tower failed committed crimes of treason was sufficient to obtain from crimes were suggested.

The use of torture, although Law, was now often used in warrant had been obtained from used without a warrant. Its use period. Prisoners could legally at least as early as the reign the Tower by the time of Henry Scavenger's Daughter—a dev blood spurted out of the nose of stretching it 'until the bones asunder'—was also in comm

But although the Government the exigencies of the moment who defended it, as a Contin English tradition.^{7*} The danger less, to justify it in the context severity of punishment seemed of violence and robberies which gradual establishment of nation that yet severer punishment any security against death and Chief Baron, advocated burments 'with all extremity of engaged in painful manner' as excuse that 'no man in future by such means' was offered of the Bishop of Rochester was Marsh by his cook, poisoning

* The limitations placed upon it might well have been due more to early methods of trial, and the excuse than to 'the generalities of Magna Carta'

THE HISTORY OF PUNISHMENT

...ent to pray. The name of Mary Queen
...tioned at his trial and his indictment
...ed a conspiracy in Rome to murder
...d to stir up a rebellion in England in
...on.⁶ The tortures to which he was
...ed to elicit a confession to these un-
... although the very sight of the rack
...n lesser men admissions to whatever

...ugh still not recognized by Common
...riminal trials of this sort after a war-
...the Council and may well have been
...se was not unknown before the Tudor
...ly be tortured by licence of the King
...ign of Henry II. The rack was in
...ry VI and by the following century the
...vice which crushed the body until the
...rils and the tips of the fingers instead
...ones and joints were almost plucked
...on and authorized use.

...ment felt obliged to resort to torture in
...nt, it was recognized, even by those
...mental method of inquiry alien to the
...ngers of the times seemed, neverthe-
...emporary mind, just as the continued
...ed justified by the numbers of crimes
...nich were still committed despite the
...onal order. Many lawyers, indeed, felt
...s were essential if men were to have
...d ruin. Sir Roger Manwood, the Lord
...ning in the face or tongue, punish-
...irons', and public exposure 'with jaws
...nd the pulling out of tongues.⁸ The
...would have any security against death
...in 1531 when, after the household
...was poisoned at his palace in Lambeth
...g was deemed to be high treason by

...ts use, however, Sir James Stephen thought,
...to 'the extremely summary character of our
...cessive severity of the punishments inflicted'
...Carta or any special humanity of feeling'.¹⁰

statute,⁹ and the offender was to be 'advantage of his clergy'. Although the cook was publicly boiled to death in 1570, in 1571 a maidservant was boiled to death at King's Lynn.¹¹

A similar excuse was offered in the Statute of Vagabonds, a runaway servant with a V on his chest and adjudged to be the thief who cared to buy him. His owner was to give him a small drink and refuse meat and cause him to be chained or otherwise', at any kind of punishment. If he ran away again and remained a year he was to be branded with an S on his forehead for ever. His owner, if he wished, could cut off his neck or leg.¹²

The problem of the vagabond had resulted from the break-up of the old system of indentured labour, the disorganisation of the wool trade which by 1550 had put thousands of labourers out of work in the towns, the increase in population, the immediate effects of the dissolution of the monasteries, and directly or indirectly to aggravate the problem of a growing criminal class. The Statute of Vagabonds eventually helped the weak and the poor by providing a distinction between those who could not work and those who were idle. It was never easy to make and many offenders were whipped rather than a whipping, suffered with a branding iron. They were the Tudor counterpart of the laws. As late as 1572 vagabonds above the age of 14 were 'grievously whipped and burned through the ear with a hot iron of the compass of a shoe-maker'. No able person could be found to take the offender into his service after the age of eighteen a vagabond was to be given 'a roguish life', he was to be hanged if he could not find employment for two years. A third lap was to be given out the chance of redemption.¹³ As the problem developed, the severity of these laws increased. In 1554 provided for the establishment in each county of a 'House of Correction', where men and women could be confined. In 1597 an 'Act for erecting hospitals and almshouses' and 'Houses for the Poor' was passed.¹⁵

boiled to death without the Statute was soon repealed in Smithfield, and in the same death in the market-place at

the next reign when, by the Statute, a vagrant was to be branded on the forehead and a slave for two years of anyone who refused to 'give him bread, water, or victuals, or to use him to work by beating, or by any other labour 'though never so vile'. For a fortnight he was to be kept in the stocks and to be adjudged a slave if anyone would put an iron ring round

his neck. It had been growing for years as a result of the growth of farming and the development of sheep raising profitable and profitable work. The growth of the growth of the spread of commerce, the growth of the monasteries, all tended to the problems of vagabondage. The Elizabethan Poor Law distinguished between the unfortunate, but the distinction between those who would not, and those who deserved bread and those 'sturdy beggars' who were medieval retainers and outcasts. The age of fourteen could be reached through the gristle of the right hand, unless some responsibility was put on them into service for a year. If they fell for the second time into vagabondage unless he obtained suitable employment, the result was hanging without mercy. The system of poor relief was relaxed. In 1576 an Act required that every county of 'Houses of Correction' should be made to work;¹⁴ and the system of Abiding and Working

But up to the middle of the sixteenth century the criminals were mutilated and some were hanged. How many criminals were hanged can be ascertained. The quoted figures by Stow for the thirty-seven years were founded but there is no doubt. President of the Council in the sixteenth century, in hundreds, right and left, making theft any less frequented—and in the reign of Elizabeth the innumerable hangings on the gallows strangled on that cursed tree.

But Coke's was a lonely case. His class believed that, to be hanged was frequent and severe. And Coke, before him, could find biblical justification for the punishment inflicted on the criminals of their genitals which was so common and decapitation as an aggravation. Painful and degrading parts of the body and quartering were omitted. As late as 1817 at a public execution for high treason at Derby, decapitation was used. In the sixteenth century, the sentence was carried out exactly. The man was cut down and often sometimes even disembowelled. Bourne, who was executed in 1539, was enough to cry, 'Oh, Jesus, Jesus, Jesus!' He was disembowelled, cut open, and his bowels held up so that the crowd could see. Before beholding the traitor's bowels, after watching the quartering, he cried, 'Lord! Have mercy upon me, Lord! Have mercy upon my bowels. Those unable to protest against these men were reminded of their parboiled quarters, and their heads were blown down into London,' and their heads were blown down into London. The practice of displaying the heads was not discontinued until well into the eighteenth century. Passers-by paid sixpence to see the heads and they were blown down into

THE HISTORY OF PUNISHMENT

In the sixteenth century many men were hanged for little worse than idleness. The number of men hanged in all during these years cannot be ascertained, but a figure of seventy-two thousand as given for the years of the reign of Henry VIII is ill-founded. It is probable that Bishop Rowland Lee, as Lord of the Welsh Marshes, 'hanged thieves' ¹⁶—without, on his own admission, any fault in the disorderly areas he administered. In Elizabeth's reign, Sir Edward Coke protested at the execution of 'so many Christian men and women of the gallows'.¹⁷

In the sixteenth century, for the average Englishman of the time, the effective, punishments must be both public and painful. Sir Edward Coke, himself, like the medieval bishops, exercised secular authority for the 'godly butchery' of traitors, even for the dismemberment sometimes added to the disembowelling and the public humiliation. Some of the more severe punishments of the sentence of hanging, drawing and quartering were commuted in later years but as late as the execution of three peasants convicted of treason, decapitation followed hanging.¹⁸ In the execution of the traitor, the body was normally followed down from the gallows while still alive and the traitor survived disembowelment. Collingwood, for a libel on Richard III, lived long enough to see the executioner, having quickly opened his chest to take out the heart and to show it to the people, could 'behold the heart of a traitor' in the traitor's severed head.¹⁹ And another man, the nephew of his uncle, cried out 'Oh, Lord! Spare me!' as the executioner took out his profit from the spectacle of the execution. The public display of the deserts of treason by the sight of the traitor 'set upon sundry gates of the City of London upon London Bridge or Temple Bar. The traitor's head 'for an example to all traitors' was carried through the streets on a windy night.²⁰

The traditionally ritualistic ceremony of quartering was considered to be an important punishment for high treason, as, indeed, it was. The ceremonial to be observed during the execution was carefully stipulated and the ceremony was followed, for example, when a man had shed blood during a quarrel at the King's Bench. An Act passed late in the reign of Edward I. prescribed the formality. The Sergeant of the Wood stood by with his axe and cords. The Master Cook then handed the severed head to the Sergeant of the Larder who held it up. The Sergeant of the Poultry stood by with his knife to be cut off on the block and whose blood was poured on the stump of the wrist. Meanwhile the Master Cook stood watching a coal fire on which the searing irons were heated. The Chief Surgeon held the Groom of Salcery held vinegar and called out if the victim should faint. The Sergeant of the Execution Chamber and Chandry attended with basin, cloth and water. The Sergeant of the Pantry came with a tray of bread. The Sergeant of the Cellar with a pot of red wine.

The spectacle of these ritualistic executions had a less effect, however, in serving as a deterrent to crime than in accustoming men to the horrors of the instruments of human butchery. 'I saw the heads of the traitors up to be boiled,' wrote a seventeenth-century chronicler. 'The Hangman fetched them in a cart to some by-place; and, setting them down, he and his fellows they made sport with them. They took them by the nose, jeering, and laughing at them; and calling them by their names, boxed them on the ears and chafed them. The man put them into his kettle, and put in salt, pepper, and Cummin-Seed—that to keep them from stinking, and to keep off the fowls from seizing on them.'

A horrifying example was not, though, the only deterrent. The dismemberment and subsequent public display of the victim's body was also intended that the victim should be a warning. Execution figured largely in all contemporary literature. That is why hanging, traditionally regarded as the most usual form the death penalty took for centuries, was not, from the time of William the Conqueror, w

ennial of hanging, drawing and
important aspect of the punish-
of all physical punishments.
ing mutilation and branding
complicated procedure to be
had his hand cut off for draw-
ing's Court was laid down, by
Henry VIII, with macabre
yard first brought in a block
anded the Dressing Knife to
it 'until execution was done'.
with a cock whose head was
ody was to be wrapped around
the Yeoman of the Scullery
the Sergeant Farrier heated
a seared the stump while the
old water in case the patient
wery and the Yeoman of the
and towels for the Surgeon.
with a tray of bread and the
d wine.²¹

ecutions and mutilations had
bject lessons in the wages of
e sight and smells and instru-
eads when they were brought
h-century prisoner in New-
n a dirty dust basket, out of
wn among the felons, he and
ok them by the hair, flouting,
then, giving them some ill-
eeks. Which done, the Hang-
arboiled them with Bay-Salt
m from putrefaction, and this
em.²²

ugh, the only purpose behind
display of a traitor's body. It
ld be humiliated, for degrada-
ary theories of punishment.
garded as degrading, was the
or ordinary criminals. Since
ho had the Earl of Hunting-

don beheaded in 1076, decapitation was reserved for the highly born; a more suitable death for women. 'For the exposing and publicly making known is, to be drawn to the gallows for the common thief and murderer, not a form of death but of debasement.'

Public humiliation was a necessary part as well as of hanging, and it had often been as much a part of the execution. The Lord of the Manor's gallows were in use in every town in the country. Dishonest tradesmen to public shame, men and women guilty of running a business preliminary to other punishment were often, in effect, a sentence to the stocks which held the culprit by the neck and by the wrists to the wooden board so that the spectators of his misery threw stones until his feet did not reach the ground. The treatment of two criminals who had earned the particular punishment was at least uncommon: 'Eagan and Salmon amidst a surprising concourse of people, offenders exposed in the pillory, were pelted with brickbats, potatoes, dead dogs, and other blows they received occasionally of a large size; and by people hanging round them nearly strangled. They had been in the stocks when a stone struck Eagan on the head and he expired.'²⁴ Salmon died in prison.

Men guilty of homosexuality were punished in the same way. One of two homosexuals who were executed and Eagan were killed, 'soon after his death from his nostrils, his eyes, and his ears, blood attacked him with great fury, and he fell down dead on the stocks. The other was likewise so maimed and died. He lay there without hope of recovery.'

Occasionally the court sent

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penitence had been regarded as a right and burning was regarded as a more or as the decency due to the sex forbids ungluing of their bodies, their sentence was and there to be burnt alive.'²³ But for a murderer, hanging was not merely a punishment.

A necessary part of all other punishments had always had been so. The pillory had been the equipment of the feudal castle as the stocks and his drowning pond; and was now the equipment of the country. Frequently employed to expose the offender to public ridicule, it was also used to punish the offender for calumny-mongering and slander and as a punishment for more serious offences. It was a punishment of death. Far more painful than the stocks, not only by his ankles, the pillory held the wrists. His ears were sometimes nailed to the stocks so that he could not hang his head when the stones or filth at him; and occasionally the stocks were raised so that he was throttled. In 1780, James Eagan and James Salmon, two men of great hatred of the mob, was not in the stocks and Salmon were taken to Smithfield where a great number of people, who no sooner saw the stocks than they pelted them with stones, bricks and cats and other things . . . The stocks were raised so that their heads to swell to an enormous size and the skirts of their clothes they were raised in the pillory about half an hour and then a stone was thrown on the head, and he immediately died in prison soon afterwards.

All offences were often treated in this way. One man was pilloried a few years after Salmon and his face grew black in the face and blood issued from his eyes and his ears; the mob nevertheless was satisfied. When the pillory was opened he was taken out of the instrument. The other man was not hurt by what was thrown at him that day. The punishment was a recovery.'²⁵

The court sentenced the prisoner to be punished

both before and after being put in London described the punishment of Alexander Leighton, a Doctor of 'scandalous book against kings, peer

- '1. He was severely whipped before
 2. Being set in the pillory he had
 3. One side of his nose split.
 4. Branded on one cheek with a re
- signifying a stirrer up of sedition, and prisoner to the Fleet, to be kept in close

And on that day seven-night, his sore face being not cured, he was whipped again and there had the remainder of the sentence cutting off the other ear, splitting the other side of the other cheek.'²⁶

Women were far more rarely pilloried. Morrow who had been found guilty of for the purpose of marrying three doctors by the stones flung at her by an executioner, the procuress, Mother Needham, corner of Bawdy House', was pelted in an 'unpleasant manner' were other degrading punishments not were subjected. In Newcastle, 'chiding' was apparently led round the streets on a cart called the branks, which is like a crown of thorns musled over the head and face, with a key forced into the mouth which forced the tongue also be whipped. An Act of 1530 prescribed that sexes were to be 'tied to the end of a cart with whips . . . till the body shall be bloody'. By 1597 those to be whipped were carried behind the cart but had to be stripped. The humiliation might be less but the pain was more. Judge Jeffreys is said to have once ordered to pay particular attention to this lady and to scourge her till her blood runs down her face for madam to strip. See that she is whipped thoroughly.'²⁸

The ducking of immoral or nagging women, of men, sometimes resulted in death.

at the pillory. The Bishop of
 its inflicted in 1630 upon
 Divinity who had written a
 's and prelates':

he was put in the pillory.

one of his ears cut off.

ed hot iron with the letters SS,
 afterwards carried back again
 e custody.

es upon his back, ear, nose, and
 gain at the pillory in Cheapside,
 sentence executed upon him, by
 her side of the nose, and brand-

ied than men although Ann
 of disguising herself as a man
 different women, was blinded
 eptionally violent crowd; and
 icted of keeping 'a common
 merciful manner'.²⁷ But there
 no less painful to which they
 g and scoulding women' were
 a rope, 'wearing an engine
 n, it being of iron, which was
 a great gag or tongue of iron
 the blood out'. Women could
 rovided that vagrants of both
 a cart naked, and beaten with
 y by reason of such whipping'.
 obliged no longer to go naked
 oped only to the waist. The
 ain was as great. 'Hangman,'
 commanded, 'I charge you to
 . Scourge her soundly, man;
 ! It is Christmas, a cold time
 you warm her shoulders

ng women, like the pillorying
 And if the woman was being

ducked to discover whether or not she was a witch. A witch, bound and tied to her left toe and her right hand, was then flung into a pond. If she did not drown, she was not a witch; if she did not, she was a witch. Knowing that, even though they were often to their own satisfaction if not

The campaign against witches and Protestants alike, spread rapidly until 'witches were burnt in scores and hundreds. A big one was burnt five hundred within three hundred, a bishop of Würzburg was condemned, apparently in 1627.

Witch-hunts in England were common in the seventeenth century and were the most common of all crimes. The rooting out of witches came in a book published before he came to England. He moved to write his book by the name of 'The Discovery of Witchcraft' in this country, of those devils, sorcerers and enchanters'. When he came to England in compliment to him, 'against all such evil and wicked spirits, and against all such detail than any previous Act of Parliament'. 'entertain, employ, feed or receive any such skin or bone—for purposes of witchcraft or to practise any witchcraft by which any person is wasted, pined or lamed'.³⁰

Although men and women were subjected to the fearful torture and the methods adopted for discovering whether or not the Devil were agonizing enough after having fornicated with the Devil. In which 'lustful women to be burnt painful because the devil has a horned head and sometimes shod with iron, at the end of his tail and his semen was cold as ice. It was said that the body of a woman who had been hurt by a witch should show that she had been hurt by a witch. It proved in court to be a virgin.

or not she was a witch, drowning was and cross-bound with her right thumb right toe to her left thumb, would float if float she was pulled out to be punished or relatives had the comfort perhaps of dead, she had been proved innocent not always to that of her accusers.

Witchcraft, fought furiously by Catholics all over Europe in the sixteenth century, turned no longer in ones and twos but in thousands. A bishop of Geneva is said to have burned three hundred in six months; a bishop of Bamberg six hundred and nine. Eight hundred were burned in one body, by the senate of Savoy.²⁹ In England, however, were never carried out on this scale, but witchcraft, nevertheless, became one of the chief crimes. An impetus to the movement for the suppression of witchcraft came from James I whose *Daemonology* was published in 1603. James had been called 'the fearful abounding, at this time the most detestable slaves of the devil—witches came to England, an Act was passed against Conjurat[i]on, Witchcraft, and dealing with evil spirits'. It treated the problem in greater detail and made it a capital offence to 'know, use, or endeavour toward such a spirit or any part of it—of enchantment or sorcery' or to practise witchcraft. Anyone 'should be killed, destroyed,

or suspected of witchcraft were not subject to the same penalties as were common on the Continent, the punishment being if a person had been seduced by a witch, or a witch by a man, enough. Many women became witches by having intercourse with the devil or having kissed his rectum which he 'took especial delight'. Coitus was very common and had an extremely large and hard penis, and others covered with brittle fish-scales, and were very hard. But this did not necessarily mean that a woman who had been entered by him would be defiled. It was possible for a woman who was a virgin to have 'committed uncleanness'

with the Devil as she could have flowered.³¹

In the absence of witnesses who they had seen the accused fornicate with an incubus, evidence was accepted from such as Matthew Hopkins who was at the height of his career. Hopkins was not a woman was possessed by the devil in her flesh to discover the places rendered by touch. Witches could also be detected by pulling back their hair, their inability to walk backwards and intertwining their fingers.

The prevalence and danger of witchcraft was noted by Matthew Hale, the Lord Chief Baron of the Exchequer, in his evidence that there were such creatures'. At the trial of two women to death on the evidence of a child, children 'coughed extremely and bled from the nose once a big 'nail with a very broad head' was put together with forty pins. A doctor spoke of the humours while giving his evidence and explained the 'flux of pins'.³³

The vomiting of pins was, apparently, a sign of the Devil's agency was at work. In 1716 Elizabeth, who was just eleven, was convicted on her own confession, sold their souls to the Devil for a few hours to perform this painful miracle. The evidence of a woman of making him vomit pins was eventually arraigned at Surrey Assizes. This was, however, not before he was convicted by Sir Thomas Lechmere, the Lord of the manors. The witch's accuser could be convicted by Thomas, by scratching her. He was convicted on his point. He did so and, immediately, she vomited a big piece of bread and cheese.³⁵

In 1736 the Statutes against witchcraft were repealed. In many years suspicions continued to exist of those whose eccentricities or secretiveness were known to their neighbours; and ducking and burning were still used against that of a bible were still used. The legal punishments had disappeared.

be done so without being de-

o were prepared to swear that
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om distinguished witch-finders
himself hanged for witchcraft
ns could discover whether or
devil by sticking long pins into
dered insensitive by the Devil's
ted by their habit of throwing
cry, their practice of walking
gers.³²

itches was emphasized by Sir
on, who 'made no doubt at all
t a trial in 1665 he sentenced
e of a woman who said that her
brought up crooked pins' and
head' which she produced to-
ke of the 'subtlety of the Devil'
ained how the working of the
his subtlety brought about this

arently, a sure sign that the
Mary Hicks and her daughter
re hanged for having, on their
e devil and obliged their neigh-
cle.³⁴ But a man who accused
and of taking away his appetite
assizes as a cheat and impostor.
had succeeded in getting the
ane, a firm believer in her evil
only get relief, so he told Sir
s told to scratch her to prove
ely regaining his appetite, ate

chcraft were repealed but for
to centre upon any persons
s had aroused the hostility of
measuring a woman's weight
l to discover witches long after
red. Charges arising out of the

drowning of witches were, according to the records of the districts up till the beginning of the eighteenth century.

In the American colonies a similar case of witchcraft threatened to befall the colony of Massachusetts in 1692. In the spring of 1692 Salem became the centre of one of the most famous episodes in history. Here ten girls, between the ages of nine and sixteen, met in the evenings of the previous year in the house of Parris, the pastor of the village, and accused the slave Tituba of witchcraft. Parris spoke to these girls about magic, and they told him of conversations had already interested them in the use of magic palms. They accused the slave of bewitching them. In the subsequent hysteria many more people were accused, and eventually hundreds of people were executed. The evidence of these bewitched people was the only evidence of their death.

The trials were conducted according to the law and precedent, and the manner of punishment was the same as those used in England. Most methods of punishment were the same as those used in England. The stocks, the ducking-stool; and less painful methods of punishment, such as wearing of a wooden board made of iron, were the same as those used in England. The use of drunkenness had become a common method of torture to extort confession in England, but in the trials of witches men being pressed to death for heresy, and in the century Massachusetts code of laws, idolatry, blasphemy and adultery were broken on the wheel. Torture was not tolerated in New England. Religious offences, were severe. The offence of God and the Devil had been committed, and hot iron; and not only blasphemy, but unseemly clothes were penalized. A man was put in the stocks for his 'lewd' behaviour, and his wife on their doorstep after he had been in the stocks for three years. It was a Sunday.

The strict regulation of morality was a pervasive influence in life in the

Accordingly, not uncommon in country of the nineteenth century.³⁶

At the end of the seventeenth century, an even greater problem than in the Massachusetts village of Salem the most celebrated witch-hunts in which nine and seventeen years old, had the previous winter at the house of Samuel Parris's West Indian slave girl—in which their parents' converted them—and taught them how to read and two old women of being witches. Many more women were accused and they were arrested and, largely on the girls, nineteen were condemned to

be strictly in accordance with English hangings were performed in the English punishment in the New World, in fact, in England. The idea that humiliation punishment had been recognized by the pillory, the branding iron and the public humiliations such as the enforced march with a red D for those convicted was part of the Puritan tradition. As in England, confession was not generally permitted, but cases have been recorded of men refusing to plead; and a seventeenth-century law provided the death penalty for perjury. In New York and Virginia men were publicly whipped. This punishment was not, apparently, applied to women, but penalties there, particularly for adultery, were enough. A man who denied the existence of a hole bored in his tongue with a needle and then even smoking and wearing a ring in it was punished. A Captain Kimble was once put in the stocks for his behaviour in 'publicly' kissing his wife on his return from a voyage which had lasted a year.

The punishment by law and custom was as severe in these colonies as it had been in England

during the time of the Commonwealth in England for the punishment of incontinence, crime and adultery a felony. In 1647 persons who had acted in any public place could be punished as rogues;³⁷ in 1648 men in public could be whipped and the women could be fined;³⁸ in 1654 cock-fighting was abolished because it was cruel but because it was 'gaming, drinking and swearing'.³⁹ 'Rogues walking' on the Lord's Day was prohibited and made to enforce public worship and industry and trading. A new Act was passed in 1654 which became an offence to gamble with a boy, apprentice or a servant, to remain idle on a holiday. For six months horse-racing was even considered a crime, in contrast to football.

One John Bishop, an apothecary of Maidstone, 'wilfully and in a violent manner to and fro,' and kicked 'up and down the street within the said town and country with a certain ball of leather, commonly called a football.'

Punishment for crimes such as theft was severe but the crime of blasphemy was particularly heinous. Naylor, who said that he was God, denied the pleasures of love with any woman of the same sect. His own sect was more numerous and sat round his chair for hours on end. He was sentenced to be set in the pillory at the Old Exchange by the hangman, to be branded with a B; to be taken to the stocks and to be sent through the town on a cart to the tail; then to be placed in solitary confinement.

At the Restoration in 1660 many of the laws of the Commonwealth against rowdiness, gaming and swearing were repealed; but punishments in general were as savage as they had been for generations. The bones of regicides and other regicides were exhumed and thrown into the sea that the return to the House of Stu-

wealth. Acts were passed in
continence, making fornication a
7 an ordinance decreed that all
playhouse in London were to
men and women who had acted
ose who had watched them act
nting was prohibited, not be-
'commonly accompanied with
Anyone 'profanely or vainly
alized; and stricter rules were
d to prevent Sunday travelling
against profane swearing and it
n cards, and if you were an
in a tavern after eight o'clock
e-racing was abolished and it
certain circumstances, to play

y, was charged with having at
nt and boisterous manner run
n in the common highway and
unty, called the High Street,
called a football . . .'⁴⁰

his were unlikely to be severe,
punished ferociously. James
eclared that a man might enjoy
man provided she belonged to
ostly composed of women who
nd chanting, 'Holy! Holy! To
Glory to the Almighty!' Naylor
in Palace Yard; to be whipped
n; two days later to be pilloried
e bored through his tongue; to
Bristol to be publicly whipped
horse's bare back with his face
ary confinement at Bridewell.⁴¹
ny of the laws passed in the
pleasure, blasphemy and vice
n general continued to be as
ions. The bodies of Cromwell
and hanged as if to give notice
art meant no relaxation in the

severity of the law; and the punishment for perjury in 1685 was, although in the period, Oates was to be Westminster bearing a placard showing he was to stand in the pillory at the Exchange; and on the third day was to be taken to Tyburn. On 9 August 1685 he was to stand in the pillory at Westminster every year he was to be pilloried in April at Tyburn. It was expected long before this.⁴²

Savage as punishments could be in the colonies, they were, however, not so inflicted on the Continent. In 1685, forty-four were beheaded, twenty-eight were sent to the wheel, twenty-eight were sentenced to be burned.⁴³ A man who made a false oath had his hand burned off, molten lead was poured into the stump and four horses were harnessed to the strength of the horses. When the executioner loosened his hold, the men sentenced to death were hurled into execution with red hot pincers. The tongues of blasphemers.⁴⁵ Confessions were obtained by means of the *Fass*, a cradle in which the prisoner was rocked, the *Knebel* tightened, the *Aufziehen*, a screw which raised the body up into the air by a rope which was fastened behind his back, by the application of lighted candles to the body. Tortures elicited confessions which were innocent alike is not to be doubted. Others from crime may be judged from the diary of the executioner at the constant demand. Having confessed, Renckhart went one night to the miller's third with a companion. 'The miller's wife and the miller's wife to join in eating the

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sentence passed upon Titus Oates though extravagant, characteristic of walked round all the courts of Westminster following the nature of his offence; he at the gate of Westminster Hall for next day for an hour at the Royal day he was to be whipped from New- east of every year thereafter he was Westminster Hall Gate, on 10 August oried at Charing Cross and on 24 ted, however, that he would be dead

d be in England and in the American mild in comparison with those in- 666 at Auvergne, 276 criminals were aded, thirty-two were broken on the nt to the galleys and three were an attempt on the life of Louis XV ten lead and boiling oil was poured ses were set to drag him apart. As proved inadequate for this task joints with a knife.⁴⁴ In Germany, nipped on their way to the place of rs which were used to tear out the onfessions were regularly extracted e with spikes on the inside of which *Kranz*, a headband which was slowly machine that hoisted his weighted rope tied to his hands which were the thumbscrew, by the rack and by his armpits.⁴⁶ That these ferocious ith equal facility from guilty and in- bted. But their efficacy in deterring ged from these typical extracts from t Nuremberg whose services were in mitted two murders already, Kloss a mill in the mountains to commit a y shot the miller dead, did violence maid, obliged them to fry some eggs dead miller's body, then forced the nem. He kicked the miller's body and

said: "Miller, how do you like this mill?"⁴⁷

Renckhart was broken on the wheel by Nicklauss Stüller. Stüller, with his brother von Sunberg committed eight murders; firstly he cut open a pregnant woman and took out a dead child; thirdly he again cut open a woman in whom were two male children; he said that they had committed a great crime and he would be priest and baptize them, so he cut open the infants to a priest to be baptized and he himself be priest and baptize them, so he dashed them to the ground. For this he was drawn on a sledge at Bamberg, his tongue was cut out, and then he was executed on the wheel.

Legalized torture in England and France, ever, was by now limited to the *peine forte et dure* inflicted on those who refused to plead. A prisoner who declined to enter a plea was stretched on the gallows to death was considered more humane than the *peine forte et dure* was substituted. The words:

'The prisoner shall be remanded to the stocks and put in some low, dark room, and the manner of covering except a cloth round his waist shall be drawn to one quarter of the room with the other and his feet shall be used in the same manner shall be laid on him as he can bear. He shall have three morsels of barley bread a day and water to drink in the prison so that it be not current and that he drinks, nor drink on the same day. He shall so continue till he die.'⁴⁹

Usually the threat of torture (abolished in 1772) passed directing courts to enter a plea if the prisoner refused to plead) was enough to force a confession. Sometimes a few minutes of agony would do it. Thomas Spiggot, a highwayman, had a confession under the weight of four hundred pounds. Occasionally a man remained obdurate and his property might pass to his heirs which would

norsel?" He also plundered the
 neel for these murders, as was
 companions Phila and Görgla
 rders. 'First he shot a horse-
 nant woman alive in which was
 en a pregnant woman in whom
 ce more cut open a pregnant
 children. Görgla von Sunberg
 eat sin and that he would take
 , but Phila said he would him-
 he took them by the legs and
 these deeds, he Stüller, was
 body torn thrice with red-hot
 he wheel.'⁴⁸

in the American colonies, how-
ne forte et dure which was only
 lead. Before 1406 the prisoner
 arved to death, but as pressing
 mane the punishment of *peine*
 sentence was awarded in these

place from whence he came, and
 re laid on his back, without any
 nd his middle; and one arm shall
 with a cord, and the other to an-
 me manner, and as many weights
 ear, and more. He shall have
 and he shall have the water next
 l he shall not eat on the same day
 ay on which he eats; and he shall

shed in 1827 when an Act was
 lea of 'not guilty' if a prisoner
 rce a man to change his mind.
 y achieved the same purpose.
 held out for half an hour until
 nds forced him to give in.⁵⁰
 ate to the end so that his estate
 ld not be the case if he were

hanged. One of those accused to death; and in 1658 Major having shot a man he did not to death in Newgate. Several hasten his end they jumped weight to that of the iron and agony, Strangeways died.⁵¹

Sometimes an attempt was twisting their thumbs with wh

'If he remains obstinate, he a prisoner who said he was de

An officer of the Court baw you must be pressed to death

'Ha!' said the prisoner.

'Read the law,' said the ju his thumbs.'

The executioner tied his th ance of an officer drew the kno

This conversation followed

Prisoner: 'My dear Lord, I am

Executioner: 'Guilty or Not Gu

Prisoner: 'My sweet, sugar, pre been so these ten years.'

Executioner: 'Guilty or Not Gu

Court: 'Hold him there a little a little time to consider of it, if he continues obstinate, for

Prisoners condemned to deat tied together with whipcord i nounced upon them. For cour of them and justifiably proud that of most courts on the Co ment. Thumbs were twisted there and as the skirt of the brander turned to the judge t

Before 1698 thieves who s were branded on the hand; bu that thereafter they were to be left cheek, nearest the nose, in open court, in the presen

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l of witchcraft in Salem was pressed
r Strangeways, who was accused of
want to marry his sister, was pressed
l of his friends were present and to
on top of the press adding their own
d stones, until, after ten minutes of

made to force prisoners to plead by
ipcord.

e must be pressed,' a judge once told
eaf and could not read.

led in the man's ear, 'The Court says
if you won't hear.'

dge, 'but let the executioner first tie

thumbs together 'and with the assist-
t very hard'.

a deaf as the ground.'

ilty?'

icious Lord, I am deaf, indeed, and have

ilty?'

e . . . Now loose the cord and give him
but let him know what he must expect
r the Court will not be trifled with.'⁵²

h also commonly had their thumbs
n court after sentence had been pro-
ts of law, proud as Englishmen were
when comparing their procedure to
ontinent, were also places of punish-
there and brandings were performed
prisoner blackened and smoked the
to declare, 'A fair mark, my Lord!'⁵³
uccessfully pleaded benefit of clergy
t an Act passed in that year provided
e 'burnt in the most visible part of the
which punishment shall be inflicted
ce of the judge'. Eight years later,

however, it was admitted that this had been done 'by deterring offenders' for because of the honest work, it had made them the

The boast that an Englishman was innocent until proved guilty lost its force when it was proved that to prove guilt was easier than to assume innocence. The advantages that he has today. If challenged, until well on into the nineteenth century, counsel to cross-examine witnesses was not permitted. The judge had to be relied upon to afford a fair trial, but, often enough, the judge considered the interests of the Crown. Up to the reign of George III, appointed to hold office 'during the King's pleasure' instructed how to proceed in the court. 'Be sure to execute the law to the utmost of your power to those that are now known (and we have known many by the name of Whigs,' Lord Jeffrey said in 1820. You are likewise to remember that the judges of the Jeffreys, although the most notorious of the judges, by no means unique. Most of them could not beat everyone in court except the prosecutor. The first, after all, was made Lord Chancellor of England and returned to London, having sent over three hundred to the gallows during that 'mockery of justice' which was the Assizes held at Winchester in 1685.

As often as not the only hope for the accused was the 'benevolence' of the judge to mitigate the effects of the technicalities of procedure'.⁵⁶

It was not unknown, for instance, that a man was acquitted because of some trifling inaccuracy in the indictment or misspelling of his name. Nor was it unusual for a man to be quashed when a jury committed a verdict of 'pious perjury' and undervalued the amount of the fine. It was no longer a capital one.

The system was also mitigated, for instance, by the wholesale bribery which prevailed in the courts despite a special Act⁵⁷ passed against it in 1729. A full-time profession; and perjured themselves for the defence just as well as for the prosecution. They were called from their habit of

had not had 'its desired effect
it prevented them getting
'more desperate'.⁵⁴

was always assumed innocent
men it was so much easier to
e. The accused had few of the
arged with felony he was not
ineteenth century, to have a
or to address the jury. The
rd the prisoner his protection
ered himself a prosecutor on
gn of James II, judges were
ing's pleasure' and were often
cases of important prisoners.
utmost of its vengeance upon
ve reason to remember them)
s advised his successor, 'And
the Snivelling Trimmers.'⁵⁵
is of his brother judges, was
nsidered it their duty to brow-
secuting counsel; and Jeffreys,
by the King when he returned
ndred men and women to the
stice' known as 'the Bloody

r a prisoner lay in what Sir
l the 'general conspiracy of
of the system 'by excessive

for a prisoner to be acquitted
n the indictment, such as the
unknown for a capital charge
ted what Blackstone termed
rticles stolen so that the crime

or those who could afford it,
rvaded it. Perjury was still,
t it in the sixteenth century,
vidence could be given for
prosecution. 'Straw men,' as
discreetly advertising them-

selves by sticking bits of straw up and down outside the court-rooms.

Juries, too, could be bought frequently gave verdicts which were manifestly unjust. When William Penn was tried for an unlawful assembly, the jury of 'speaking in Grace Church or you shall starve for it,' thought that Penn was not guilty and contrary to plain evidence'.⁵⁸ *Post* juries in Middlesex were at Appleby's and five guineas for the Crown or Government', of expenses.⁵⁹

By the beginning of the eighteenth century the courts had come to be a source of great misfortune. In 1725 the trial of the Chancellor, revealed how deep was the field's practice of selling the Masterships to be one of the recognized practices of the law not blamed for continuing a course of such legal appointments; but he was not to be blamed for the Masterships that the new Chancellor was appropriating the funds lodged in the court. He alleged at his trial that he had been deceived himself. He was fined thirty thousand pounds. He had recently lost a considerable sum of money in speculations, he paid it within a few days.

Macclesfield was not so fortunate as the temporaries as a more unfortunate man was punished for being 'so barefaced a rogue'.⁶⁰

For it was a time not only of universal greed for quick profit but also of universal acceptance without distaste of the speculative trade of the South Sea Company in 1713 which opened trade with Spanish America. The speculation was.

The apparent success of the speculation led to 'a mania for speculation'.

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draw into their shoe buckles, walked
arts ready to sell their services as wit-

and even when they were not, they
ch they came to for reasons of senti-
was tried for having taken part in an
decided that he was guilty, but only
Street'. 'I will have a positive verdict
the judge told them. So they decided
and were consequently fined for 'going
' According to the *London Evening*
regularly 'allowed an elegant dinner
as a man, if a verdict be given for the
otherwise they paid their own ex-

eighteenth century the corruption in
accepted as a national but inevitable
of the Earl of Macclesfield, the Lord
up the corruption had gone. Maccles-
Masterships in Chancery was admitted
perquisites of his high office. He was
custom which extended to many other
was blamed for charging so much for
newly appointed Masters took to mis-
ged in the Chancery Court. It was
had, in fact, dipped into these funds
thousand pounds and, although he had
um of money in the South Sea specu-
weeks.

much a worse man than his contem-
nate one. Ballad writers condemned
a Bungler' rather than for being a

dy of insensibility but of an almost
fits. It was a time, for instance, which
at one of the principal assets of the
should be the monopoly of the slave
Slaves were a commodity, as sugar

the South Sea Company inevitably led
Hundreds of companies were floated

and most of them offered purely imaginary profits out of the public. 'A wheel for perpetuity hereafter promulgated,' the importation of a breed of gigantic asses from Spain' stimulated the public imagination and enabled the companies to make immense profits. And thousands and thousands of people were ruined; scapegoats were demanded; but few were the values of a society in which the free

It was a time, too, in which British merchantmen and murdered Spanish vessels were instruments even of Government policy. A ship was sent to New York as Governor of the colony committed in the West-Indies, which had some of the inhabitants of North America at its advantage that could be gained by the means fraudulently obtained,' was one of his pieces of advice of a Colonel Levingston, who had been. Bellamont consulted a Scottish sea captain, William Kidd also lived in New York where he had a small vessel with which he traded and he suggested that a company should be formed to fight the pirates and that Captain Kidd should receive a tenth part of the profits was to go to the King, his Lord Chancellor, enthusiastically agreed that the rest was to be divided up among the shareholders. Kidd sailed without any conditions but that which he should execute his commission on the seas which promised better than he had behaved with more discretion than he had. The shareholders would not have been satisfied with his conduct; but his activities as a licensed privateer were so reckless that he had to be disowned and executed in the Dock, East Wapping in 1701.⁶¹

In previous centuries the condonation of piracy by the grants of regular privateering commissions from the Crown, had bestowed not only riches but also a certain respectability on many criminal adventurers. The buccaneers set the pattern for the West-Indians who was commissioned by Sir Thomas Mordaunt, Governor of Jamaica, to fight the Spaniards in

inary proposals to get money
etual motion,' 'a design to be
tion of 'a hitherto unknown
were all ideas that caught the
directors of fraudulent com-
d when the hysteria collapsed
d, vengeance was sought and
ew thought to question the
nzy had arisen.

ish pirates who sank Spanish
n sailors were national heroes,
licies. When Lord Bellamont
r in 1695 'the piracies com-
d been greatly encouraged by
America, on account of the
the purchase of effects thus
is principal problems. On the
was living in New York, Lord
captain, John Kidd. Captain
ne had become the owner of a
among the pirates. It was sug-
med to equip an expedition to
Kidd should command it. A
King William III who, with
y supported the venture, and
gst the shareholders. Captain
being placed upon the way in
on and attacked any merchant
eing a profitable prize. If he
there seems little doubt that
nquired too closely into his
used pirate were so wantonly
d he was hanged at Execution

tion of piracy by the Govern-
ateering commissions by the
es and fame but also a kind
dventurers. The Elizabethan
elsh privateer, Henry Morgan
nas Modyford, the Governor
1668. Although he exceeded

the terms of his commission killing hundreds of defenceless other expeditions. He was Lieutenant-Governor of Jamaica.

Buccaneers like Morgan, and Edward Teach, the famous quasi-official support in return all of them traded openly with pirates was considered sharing the profit of wrecks was often ignored and rare for a foreigner.

In some coastal villages, on the English coast, the victims were often seen. By an act of law accounted a wreck if a man was seen. But sailors who tried to swim were drowned, and sometimes the waves were too strong to prevent them from reaching the shore they might receive in profits. The cliff tops on stormy nights were lit with lights. They moved buoys and lanterns, kneeling down to pray, as in the New World, America, that the ships would not be wrecking and plundering men. It seems, because the wrecks were often of foreign ships.⁶² Wrecking was made a crime after an Act⁶³ had created a connection with it. Neither the courts nor the juries casts in the communities in which they were tried to justice rarely succeeded. At Eastbourne, Sussex, having been tried, went with five dragoons to Pevensey' in 1744, a hundred men attacked them with pistols and bayonets. The smugglers then loaded their goods and made towards London. The captain of a wrecked ship cut off his fingers to get his goods. Some were bitten off by a woman on them.⁶⁵

on, pillaging the towns of Cuba and
 ess people, Morgan was entrusted with
 s knighted in 1674 and appointed
 aica.

Captain Avery, William Dampier and
 'Blackbeard', all received official or
 urn for a share in their profits and
 th the American colonists. For trading
 ed to be no less pardonable than
 ers. An unseen and unknown victim
 rely pitied, particularly if he were a

indeed, and more often in villages on
 s of the wreckers were not pitied even
 n Act of Edward I, no ship could be
 , a dog or a cat escaped alive from it.
 m to safety were left, without help, to
 ey were killed if the seas were not
 reaching the shore. For the shares that
 s from wrecks, Cornish villagers lined
 s to lure ships on to the rocks with false
 nd smashed the lamps in lighthouses,
 villagers did on the Atlantic coast of
 uld founder; but not until 1753 were
 ade capital offences and then mainly,
 ers had not limited their attentions to
 ontinued, of course, as smuggling did
 many more capital offences in con-
 wreckers nor the smugglers were out-
 which they lived; and attempts to bring
 ded. When the 'officers of the customs
 ng intelligence of a gang of smugglers,
 ounted to the seaside over against
 red smugglers, supported by villagers,
 nd swords and drove them away. The
 'run goods on about a hundred horses
 '.⁶⁴ In Cheshire a few years later, the
 was stripped naked by villagers who
 rings. The ear lobes of another sailor
 a who wanted the gold pieces hanging

The men and women of Cheshire were not the only English people to have the law as they were unimpressed by rope.

e and Sussex were by then
become as contemptuous of
the threat of the hangman's

THE AGE

*'Executed at Tyburn, July
a child; Catherine Conway
Margaret Harvey for rob
drunk.'*

I LAST week set a man to watch
Between the hours of seven and
came out 1,411 persons exclud
children intoxicated with their
seven to fourteen years of age.'¹
'In the parish of St Giles there
for the reception of idle persons
there for twopence. In the above
one woman alone controls sever
miserable beds from the cellar
In these beds, several of which
often strangers to each other
bed being no more than threep
But as these places are thus ac
provided for drunkenness, gin
quartern, so that the smallest s
'Should the drinking this poison
the next twenty years, there w
people left to drink it . . . gin
so called) of more than a hundr
The intoxicating draught itself

CHAPTER THREE

OF ELEGANCE

... 6, *Elizabeth Banks, for stripping
... for forging a seaman's ticket; and
... robbing her master. They were all*

GENTLEMAN'S MAGAZINE, 1750

... the door of a gin shop on Holborn Hill...
... and ten in the evening there went in and
... and young children . . . I am shocked at seeing
... fathers and mothers, children of from

... there are great numbers of houses set apart
... for idle and vagabonds who have their lodgings
... in the parish and in St George's Bloomsbury,
... all of these houses, all accommodated with
... to the garret for such twopenny lodgers.
... are in the same room, men and women,
... lie promiscuously, the price of a double
... licence as an encouragement to lie together.
... adapted to whoredom, so are they no less
... than being sold in them all at a penny a
... sum of money serves for intoxication.'²
... can be continued in its present height during
... will be by that time few of the common
... is the principal sustenance (if it may be
... of a thousand people in the metropolis . . .
... disqualifies them from any honest means

to acquire it, at the same time that it robs and emboldens them to commit every wrong. 'There is not only no safety of living in the country now; robbery and murder among people have become what they never were. These accursed spiritous liquors which in former times were so scarce and in such esteem are to be so easily had and in such abundance that they have altered the very nature of our people, and will in time alter the very race.'⁴

In letters, pamphlets and sermons, in petitions to committees and in charges to juries, the evils of excessive drinking of gin in the first half of the eighteenth century were constantly deplored. The concern was expressed in 1721 when the orgy of spirit drinking, which had just begun, the Westminster Committee found to be the principal cause of the increase of our crimes and debauchery among the inferior sort. The principal cause of the increase of our crimes and felonies and other disorders committed in the city was the great increase of alehouses. In no part of the town where the number of alehouses was 'daily increase, though they were so numerous in one of the largest parishes every tenth house had one or another of those liquors by retail. The Westminster Committee of justices found that the number of alehouses was increasing and that the known retailers were but the total, for there were many others who sold in cellars, back rooms and other places. The number of retailers consists, and such who sell fruit or vegetables in their barrows sell geneva, and many inferior retailers keep it in their shops for their customers. At Bethnal Green above forty weavers sell

It was sold in workhouses and in brothels and in barbers' shops. By 1750 one man was drunk a year and every sixth house in the city was believed to be a dram shop. The bodies of the dead could be seen lying dead drunk where they had fallen of the day as well as at night, in many of the worst quarters of St Giles and Spitalfields. The bodies sat on the straw, propped up

removes sense of fear and shame
picked and desperate enterprise.'³
in this town but scarcely any in
have grown so frequent. Our
were before, cruel and inhuman.
to the shame of our Govern-
quantities drunk, have changed
if continued to be drunk, destroy

the reports of parliamentary
the evil consequences of the
half of the eighteenth century
ern was real and justified. In
g which was to last for thirty
er justices reported that 'the
r poor and of all the vice and
of people, as well as of the
ted in and about this town'
and spirit shops. There was
bers of these places did not
umerous already that in some
house at least' sold 'one sort
l'.⁵ Four years later, a com-
mbers of gin-shops were still
ers were only a proportion of
who sold 'privately in garrets,
. . . All chandlers, many tobac-
herbs in stalls and wheel-
rior tradesmen begin now to
omers . . . In the hamlet of
l it.'⁵

in prisons, in factories, in
43 eight million gallons were
the metropolis, whose popu-
even hundred thousand⁷ was
s of men, women and children
they had fallen, in the middle
ny of the streets of the slum
s. In the gin cellars rows of
p against the walls until the

effects of the spirits wore off. Before the Licensing Act of 1751, the government was reluctant to act because of its dependence on the sale of spirits from English grain—cheap spirits were universal causes of vice, the abject poverty and crimes of violence, 'carried to the extreme by the increasing numbers of the poor, and by people reduced to desperation.'

When in 1734 Judith Duff was described as 'a woman of a wandering mind but always roving,' carrying a child where it had been 'new-clothed' and 'a dead body in a ditch. She sold the child for the money on gin.'⁸ It was not only the newspapers for the period are full of accounts of women who would do anything for a few shillings rather than live without food, but crime or an aggravation of it was often responsible for widespread suffering. Children were starved by drink, and many were sent out to pick pockets, beg, and prostitute themselves and many not made to eat up with the foul distemper of the streets, made to beg and sometimes to steal. It was to be more successful in exciting the passions.

They rarely did excite it. Unwanted babies were thrown on to dung heaps, and the baiting of animals was a popular sport. The baiting of foreigners were as universally exciting. The papers every week contained accounts of them. from *The Weekly Journal*:

'At the bear Garden at Hockley, on Monday the 1st of the month, one of the largest and most beautiful bears in England to be baited to death. The bear was baited with fireworks all over him. To the great amusement of the people, who were present in the afternoon because the sport continued till late in the evening.'

The baiting of foreigners was

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and then they started drinking again. In 1751—forced on an Administration whose vested interest in the distillation of gin had brought the worst years to an end, was justly blamed not only for the spreading of the rising death rate but for the many crimes to a degree of outrageous passion,' and for crimes against property committed in consequence of their craving for alcohol. In 1754, a dipsomaniac 'never in her right mind', who had collected her baby from a workhouse and had bought it new clothes for 1s. 4d. and spent the rest of her money on gin, committed an exceptional crime. The Sessions were full of such terrible stories of men and women who, in order to get gin and suffer any punishment, were not directly a cause of their suffering, degradation and vice. In consequence of drunken parents and parish nurses, they were forced to become more than twelve years old were 'half-witted' or 'half-temper' of venereal disease,⁹ they were scarred or crippled so that they might excite pity.

Pity was still a strange and valuable commodity. Many were left out in the streets to die or to be thrown into open drains; the torture of cat-dropping, bear-baiting and bull-baiting, and the enjoyment of throwing stones at cocks, and news-sheet advertisements like this one taken

from the *London Gazette* in 1751: 'The Bull-baiting in the Hole at the request of several persons, on the eleventh of this instant of June, is to be performed by several mischievous bears that was ever seen in London, with other variety of Bull-baiting and cock-fighting. A Bull to be turned loose in the Game Place, and the cock-fighting to begin exactly at three o'clock in the afternoon, and to last an hour long.'¹⁰

It was no less common a diversion than the

baiting of bulls. The French traveller described how unpleasant and 'almost honest man, and more particularly for dressed, to walk in the streets'. For a dog, called a 'French dog' and spattered with blood, not dead dogs and cats' would be thrown at him. If he were to get angry, his treatment would be worse. If he assaulted an Englishman himself, he would be treated as a Portuguese visitor who after a fight was 'nailed by his ear to a wall. Some time afterwards he ran with the loss of part of it and ran; but they followed out and wounded him with a sword. He fell or threw himself into a puddle of water. A Jew who had also given offence to a soldier was given 'the usual discipline of ducking'. He was thrown into the Jewish quarter of Duke's Place, where he smashed all his windows, smashed the interior furniture, threw out into the street 'three barrels of powder'.¹³

Such wanton cruelties were not, of course, confined to the Mohocks, a society whose membership was mostly gentlemen. They employed the services of prostitutes and old women to stand on their heads so that they could prick their legs with needles. They would jump up and down to avoid the sword. They would blind their victims by boring out their eyes. They would waylay servants and, as in the case of a maid, beating them and slashing their faces. They would go up to the necessary pitch of enthusiasm by first drinking so much that they were incapable of attending to any notions of morality. The customs of the Mohocks seem also to have been similar to those of the Bold Bucks who, apparently, had formally to deny themselves the pleasure of eating every Sunday a dish known as Hot and Cold. The customs of the Bold Bucks were more specifically those of the Mohocks and consequently, as it was possible to obtain a conviction for rape and as the age of licence was more openly conducted. An experience which was indeed, shared by many, if not most, of the Mohocks. One evening in the 1770's, Richard S.

veller César de Saussure
st dangerous' it was for 'an
or a foreigner, if at all well
he was sure of being jeered
d with mud and 'as likely as
own at him. 'If the stranger
ld be all the worse.'¹¹ If he
might even be killed like the
with an English sailor was
e after he broke from there
the mob was so incensed that
th knives till at last he either
f water where he died.'¹² A
sailor was forced to undergo
was then chased to his home
e where his pursuers broke
nd, together with the furni-
children sick of the small-

course, limited to the mob.
bers were dedicated to the
their fellow creatures', were
eir ample leisure in forcing
their heads in tar barrels so
their swords; or in making
winging blades; in disfiguring
s or flattening their noses;
case of Lady Winchelsea's
faces.¹⁴ To work themselves
m for their ferocious games,
ere quite 'beyond the pos-
reason or humanity'.¹⁵ Some
members of the Bold Bucks
y the existence of God and
oly Ghost Pie. The ravages
lly sexual than those of the
practically impossible to ob-
e of consent was twelve, they
ectation of inviolability was,
t young men of this class.
avage, who claimed to be a

son of the Countess of Mac playing cards in Robinson's ran one of them through with but he was subsequently pardoned named Plunket called at a shop did not hesitate to pick up the wig-maker's throat from ear to the price by more than a guinea.

Senseless murders such as this violence was still an accepted to be expected in an age when that it could be otherwise. to go and laugh and jeer at women knocking each other about to throwing bricks at defenceless to being given a holiday on the go to the fair at Tyburn and at the end of the rope; to see whipped and burned and die to passing the putrescent bodies in cages near the scenes of the in which these things were to the view that brutality was that the age was any more had preceded it, but there was seemed so and why it has occurred between the new elegance and the conscience of men who attacked not recognized as such or less of tion and industry and the maintenance the belief that the only answer was an increasing number of to create the impression that it was how more heartless and so

* Jeering at lunatics was not, Geneva and in Germany they were France, they were made to perform raged them to make them more treated with less inhumanity; but in Virginia in 1773 the emphasis was on punishment.

TH OF PUNISHMENT

clesfield, quarrelled with some people
s coffee house, lost his temper, and
th his sword. He was tried for murder
rdoned. And when a young gentleman
nop to collect a wig he had ordered he
a razor from the counter and slit the
r to ear, because he would not reduce
ea.

as this were as common as riots. For
d part of everyday life, and it was not
ich set so little store by human dignity
Men accustomed to paying twopence
the lunatics in Bedlam;* to watching
about with bare fists in the boxing ring;
celess people in the stocks and pillory;
the day of a hanging so that they could
l cheer as men and women slowly died
eeing their fellow human beings being
sembowelled and cut into four pieces;
dies of highwaymen suspended in iron
eir crimes—men accustomed to a life
commonplace were not likely to come
as inexcusable. It was not, of course,
violent or unfeeling than those which
ere many reasons why it has sometimes
ften been so described. The contrasts
ad the familiar brutality, the awakening
acked evils which their forebears had
ft unquestioned, the growth of popula-
means of communication and publicity,
er to the increasing number of criminals
of public punishments, all tended to
Hogarth's contemporaries were some-
qualid than Holbein's. But the cruel

of course, a peculiarly English pastime. At
re given grass to eat to amuse visitors, and in
rm grotesque plays. Spectators purposely en-
amusing. In America they were, apparently,
t in the first hospital opened for the insane in
s upon physical subjugation rather than treat-

diversions of the people in eighteenth century London. New diversions, the savage crimes were not new punishments were not new punishment. Being hanged down in the street was as likely to be let off as in 1750, but in 1750 when this happened in a house, Walpole was alive to tell the story that the customers inside placed bets on whether the people were dead or not and that a passer-by who was bleeding was shouted down as this would ruin the betting. In 1752 an Act legalized cock-fighting, which had been commonly displayed in this way for many years. In 1750 thousands of people were executed at Tyburn but criminals had been hanged since the twelfth century and the scenes there were less grotesque. If there is no evidence to the contrary, the people's manners and morals were those of the eighteenth century and, in fact, it is true that despite the widespread drunkenness and immorality the progress towards enlightenment was not being denied that the period saw the growth of crime, the growth of the first real underground economy, the savage reaction of a frightened society, and the existence was threatened.

This new development in the history of crime was the activities of a single, astonishing man.

Jonathan Wild was the son of a poor tanner in Wolverhampton in 1683. He was apprenticed at fifteen to a buckle-maker in Birmingham. In his apprenticeship he married and had a child. He was of buckle-making, however, he became a thief. He left his family and set off for London. By the time he had for dislocating his hip at will, he was a passers-by on the road that he was plying for hire in arousing the pity of a woman who was a prostitute. Soon after arriving in London he was locked up in the Wood Street Jail. He was a prostitute Mary Milliner, whose husband was a bully) he became on his release. With the help of his brothels and was the principal assistant to the corrupt and homosexual City Marshalsea. He was a source of personal profit. Hitchen taught

th-century England were not
re not new crimes, the brutal
ments. A poor man who fell
ft there unaided in 1520 as in
ened outside White's coffee
musing and well-remembered
bets as to whether the fellow
who suggested that he should
uld interfere with the fairness
ed gibbeting¹⁶ but bodies had
y for at least four hundred
came out to watch the hang-
n publicly hanged there since
en could not have been any
ce, however, to suggest that
degenerating in the first half
t, much evidence to suggest
ess, debauchery and violence
was at last quickening, there
the beginnings of organized
derworld and the consequent
y which feared that its very
y of crime owed much to the

oor carpenter and was born
s apprenticed when he was
gham and while still in his
a son. After about ten years
me bored with his trade and
y means of a peculiar ability
l, he gave the impression to
ainfully lame and succeeded
ffered him a lift in her car-
he got badly into debt and
t Compter, where he met
'Buttock's twang' (whore's
in a few years he owned two
ant of Charles Hitchen, the
al who used his office as a
ght Wild how to make money

out of receiving stolen property for the capture of thieves, but soon Wild was in business and his two brothels became renowned for law dealing with the punishment made more severe and fences and profits of their trade justified as increasingly difficult to sell stolen goods of its true value. Wild, who was recognized as being close to genius in evasion of the law.

He called a meeting of the thieves and gave them his advice. They were no longer any more but to give him a list of names from whom they had been robbed. The owner, say that he was a broker, 'stopped a parcel of goods of value and to return the articles proved to be a trouble and the broker had

The scheme was not an invention of the previous century by Mary Pickens, a shop in Fleet Street, but it was more than it had ever been worked before. It proposed usually proved satisfactory. The thieves paid more for their loot than they could get from fences and to the victims of robbery the advantage of an offer to receive their goods, which would otherwise have been irretrievably lost. The law for, as it appeared, the thieves who had been robbed but offered to return to the invented broker. His name became so well known that if a man had been robbed he opened an account with the robbery might call on him.

Eventually a Bill,¹⁷ specifying that it became a felony to take property without prosecuting the thief, was passed by the Solicitor-General. Wild continued his technique and carried on his business successful and more and more numerous and he employed a butler and

WILD'S METHOD OF PUNISHMENT

property and out of the rewards offered but the association was short-lived and Wild was a thief-taker and fence himself and receiving houses for stolen goods. The punishment of receivers had recently been made so certain that the thieves were now making so certain that the risk that thieves were finding it in their interest to return stolen property for more than a fraction of its value whose ingenuity had already been recognised, conceived a profitable plan for the

thieves at one of his brothels and gave them the plan not to bring the things they stole to him but to list of them and the name of the person from whom stolen. Wild undertook to go to the streets looking for 'an honest broker' who had no suspicion' and that he had authority to provide that nobody was 'brought into the streets' something in consideration of his care'. This was the original one, having been practised the day of Frith, a highwaywoman who had a plan. Wild made it work more successfully than ever before. The arrangements he provided were satisfactory both to the thieves who were able to get out of the ordinary course of the robbery who were able to take over their property which would otherwise have been lost. Wild himself infringed no existing law. He accepted nothing directly from those who were only shared in the legitimate reward paid for the business became so profitable and Wild was able to instead of calling on those who had an office in Cock Alley where the victims of

was specifically directed against Wild, by which a reward for restoring stolen goods to the thieves who stole them, was brought in by Wild, however, made a few alterations in the plan as before. He became more and more rich. He bought a country house and a footman. He had a manager and

several clerks. He bought a sloop to transport his goods to the house he rented in Holland and to bring back his profits. Soon the acknowledged leader of the gang, who had been accepted his leadership profited by his followers. Many were hanged, often on perjured evidence. As the underworld extended, it is impossible to say how long last he was brought to trial, the evidence against him suggested that his power had been immense. He was not only of being a receiver but of forming a gang, of dividing the whole country into districts, each its own gang; of training and appointing men, organized in church robbery, picking pockets, robbing mail; of sending other gangs to follow him to the fairs and the various country fairs; of employing craftsmen to alter and reset stolen jewels. That criminals were organized in this way was suspected, but that they existed in increasing numbers is doubt. Highwaymen infested all the main roads, in the towns street robbers watched their prey actively from every alley. Walpole's comment that it was not to travel even at noon as if one was going to a picture than a picturesque exaggeration of an actual fact. Men did not wear swords for fashion's sake and many carried blunderbusses with them on their way. Some were afraid to use them and sometimes did. Forensic evidence of a surprising quantity of robbers . . . all very common. Both they and English people took to robbing for money. This, however, did not always mean that robbers often 'knocked down people and then they demanded their money' and were as light as during the night. To be stopped in Piccadilly in the middle of the morning was, provided a story of only passing interest.

By working in gangs, as Wild insisted, they achieved an impunity which, in some ways, was complete. 'Officers of Justice,' Henry Fielding owned to me that they have passed by so often and against them without daring to apprehend them. They could not be blamed for not exposing the gang; for it is a melancholy truth that no sooner gives the alarm within certain

take stolen goods to a ware-
ing back contraband. He was
criminal class. Those who
cunning; those who did not
ce. How far his influence in
ble now to say; but when at
ence given against him sug-
nense. He was accused not
ng a 'corporation of thieves'
o districts and allocating to
ointing gangs which special-
ts or the collection of black-
y the Court, the law circuits
mploying several artists and
wellery and objects of art.¹⁸
ay few people had previously
easing numbers no one could
ain roads in the country, and
the well-dressed contempla-
nplaint that one was 'forced
ing into battle' was no more
undoubted truth. Men did
lone and women who took
ay to Court were prepared
eign travellers found 'a sur-
ry audacious and bold'; and
to carrying purses of false
ways save them, for street
and wounded them before
re almost as active in day-
ed in a chair and robbed in
g, as the Earl of Harborough
nterest.

sisted they must, criminals
parts of London, was com-
lding wrote in 1751, 'have
such criminals with warrants
mend them; and indeed they
themselves to sure destruc-
t, at this very day, a rogue
ain purlieus than twenty or

thirty well-armed villains assistance.'¹⁹

Gangs like one known as 'to pay clerks to keep their amounted to about five hundred three thousand pounds today with a hundred members treasury and have reduced system'. The 'Resolution Club strict as those observed by the mute', another insisted 'that away when stopped should be prosecuted a member of the ular vengeance.'²⁰

'London is really dangerous told his friend the Rev Wil formerly content with mere people down with bludgeons In Covent Garden they come and attack whole parties.'²¹ I been himself attacked and s in Hyde Park, thought it country is grown'.²²

The morning on which W were executed at Tyburn. diminution in crime'.²³ The sequence of events; but the rope was not yet questioned.

TH OF PUNISHMENT

are found ready to come to his

The 'Thieves' Company' were believed to have a clubhouse and divide their profits, which amounted to a hundred pounds a year (worth perhaps £1000 today) for each member. Another gang was reported to 'have officers and to bring theft and robbery into a regular club' imposed on its members rules as strict as the Mafia. The principal rule was to 'die or be cut down and crippled'. Anyone who violated the Club was to be marked out for parti-

cular notice at this time,' William Shenstone wrote to William Jago in 1744. 'The pickpockets, who by filching, make no scruple to knock down passers in Fleet Street and the Strand . . . are in large bodies armed with *couteaus*, and are very bold. Eight years later Walpole, after having been shot in the face by some highwayman, wrote a letter which was shocking 'what a shambles this

Walpole wrote his letter seventeen men were taken. There followed 'not the slightest protest'. This was by now a tragically familiar scene. An Englishman's trust in the hangman's word was his only defence. It was, after all, his only defence.

Part I

THE BEGINNINGS

VI

OF REFORM

THE LAW REFO

*'We rest our hopes on the hangman's
deceitful confidence in the ultimate
forget the very first of our duties—'*

SIR THOMAS F

(i)

As Voltaire was not the first to observe
is good for nothing.'¹

Even the most obdurate supporters
not fail to agree with this view; nor
five discoverable elements in the
deterrence, prevention, expiation, retri-
was at least one which capital punishment
tain. But as the reform of the criminal
importance compared with the protec-
an argument which carried much
discussion.

A distinction is made now between
and although it is generally recognized
be any degree of revenge in punishment
as right that punishment should never
of retributive or denunciatory element
method of relating the penalty to the
butive element should be taken as far
death on the worst offenders, without
personalities, while nowadays consider-

ONE

FORMERS

*an; and in this vain and
te punishment of crime,
its prevention.'*

FOWELL BUXTON, MP, 1821

re, 'a man after he is hanged

of the 'Bloody Code' could
could they deny that of the
theory of punishment—
tribution and reform—there
ment certainly could not con-
was considered of negligible
tion of society, this was not
weight in contemporary

a retribution and vengeance
l as wrong that there should
nt, it is generally recognized
ertheless contain some sort
t so that there can be a just
offence. But that this retri-
as imposing the penalty of
t regard to their motives or
red by thoughtful people to

be morally indefensible, was not to be abolished until the eighteenth-century corner was turned.

Even those who then believed that the State to exact so final a retribution on most of whom might not be deterred by the prospect with comfort the fact that the punishment was preventive, for dead men do not suffer, were deterred illegally from transportation by the reflection that it was intended to be a deterrent to most people. Many men felt constrained to wonder whether it was intended to deter.

Cesare Beccaria, writing a treatise on the subject still frequently, savagely and unjustly, was not only an act of ferocity but also a crime, nor necessary. It could only be a punishment against a popularly established law, the only way of preventing other crimes. The State, he argued, had no right to punish by servitude for life would be a punishment of certain deterrent. He agreed with Montesquieu which was not soundly based on the tyrannical and that the more tyrannical the more the minds of men grew free. He wrote these words in 1764. There is no doubt we agree with him.

Even Montesquieu, who believed that the punishment should be moderate, had never suggested that it should be abolished altogether, for 'the punishment is a sick society'.³ And of the many criminal codes which were in use in Europe, only two—those of France and Prussia, to abolish it. In Prussia, under Frederick the Great, and in Sweden, under the influence of Montesquieu, after the Revolution, the severity of the punishment was reduced by extensive reforms. In France, it remained in the codes and was not abolished until 1791. It had little success when she attempted to do so in Russia.⁴ In England the reform was not attempted.

England's was a special case. It was not far as to suggest that capital punishment should be abolished.

ANNINGS OF REFORM

not a matter which gave much trouble
conscience.

believed that it might be wrong for the
tribution from so many of its criminals,
e beyond reform, could at least regard
the death penalty was unquestionably
did not escape from prison or return
. They could also console themselves
as, in the very nature of things, bound
ople. But how effective, in fact, a few
der, was it as a deterrent to those whom

at a time when the death penalty was
publicly inflicted, believed that it was
t that as a threat it was neither effective
be justified if it could prevent a revolu-
established government or if it was the
ers from committing crimes. But the
ht to inflict it and, in any event, penal
more feared and, therefore, more cer-
h Montesquieu that every punishment
based upon absolute necessity was
e cruel and severe the punishment, the
w 'hardened and calloused'.² He wrote
were at that time few men disposed to

had also insisted that penalties should
uggested that the death penalty should
r it was the repugnant 'remedy of a
various new and more enlightened
e introduced into eighteenth-century
f Tuscany and Austria—did, in fact,
the influence of Frederick the Great;
ence of Gustavus III; and in France,
scope of the death penalty was much
rms in the criminal law but it still
was still inflicted. Catherine the Great
attempted in 1767 to curtail its use in
ormers were quite as unsuccessful.
case. No influential reformer went as
al punishment should be done away

with entirely. There were far too many before the citadel itself could be secured,' wrote a magistrate in 1776 'there are above one hundred and so subject the parties who are guilty to. And the number was constantly growing the following century, there was 'p the world', so it was suggested in a Pa so many and so great a variety of hur with loss of life as in England'.⁶ The sixty capital offences was mentioned published in the 1760's;⁷ but by authority, sixty-three further offences formidable list.⁸

Apart from crimes such as treason ing, rape, sodomy and, in the case therefore unable to plead benefit of money or goods worth more than a then been capital offences for many punishable by death to appear arm 'where any deer have been or shall be a tree 'in any avenue . . . garden, or fire to an out-house;¹¹ to send a letter with a fictitious name;¹² to impersonate make a false entry in the books of the a Privy Councillor;¹³ to damage We to remain in quarantine;¹⁷ and to co or less reprehensible, some of which alone capital ones, before.

While the numbers of men executed little relation to the numbers of me ings were nevertheless common enough as common as in former centuries when capital statutes, the ones that existed figure of nearly two thousand executions 1547¹⁸ is without doubt extravagant seventy-four people were sentenced alone;¹⁹ and it seems that at the beginning an average of over seventy executions every year in the County of Middle include London where the rate was u

any earthworks to be destroyed stormed. 'It will scarcely be, 'that by the laws of England sixty different offences which to the punishment of death.'⁵ living until by the beginning of probably no other country in parliamentary debate, 'in which man actions' were 'punishable the number of a hundred and ed in an authoritative work 1819, according to another ces had been added to the

, murder, piracy, arson, steal- of people unable to read and clergy, every sort of theft of shilling—all of which had by years—it was now an offence and disguised in a park be usually kept';⁹ to cut down orchard or plantation';¹⁰ to set ter demanding money signed ate a Chelsea pensioner;¹³ to e Bank of England;¹⁴ to strike Westminster Bridge;¹⁶ to refuse commit many other acts, more had not even been crimes, let

ed for offences like these bore en liable to execution, hang- gh. They were not, of course, en, although there were fewer were less often evaded. Stow's ions a year between 1509 and ant; but certainly in 1598, ed to death in Devonshire ginning of the following cen- tions were being carried out sex which did not, of course, undoubtedly higher.²⁰ In fact,

the annual number of executions was calculated as being on average about one hundred, dropping to ninety in the eighteenth century in the Commonwealth.²¹

But although, after a period of severe capital statutes in the late seventeenth century, the number of executions in the eighteenth century approached, there were still a few executions in London and Middlesex. In 1780, still an average of about one hundred, the Street Runner giving evidence, said that in the 1780's he had seen about one hundred on a single day.²² And out of every hundred, it was estimated, eighteen were less than twenty years of age.

The offences which resulted in the abolition of the indication of the intended punishment were the result of a legislature which, startled by the changes of the Industrial Revolution had been unable to cope with property by threatening life. The number of executions in London and Middlesex had changed. All the other executions (for which are not known) were still about one hundred, many as seventy-four were for burglary; and yet robbery, which had been increasing for many years, was still increasing.

The reasons for this alarm were given in 1751 by Henry Fielding in his important *Inquiry into the Causes of the Increase of Crime*. But although Fielding saw the causes as 'the increase of luxury'—with its attendant vices of whoring and other amusements, the inadequacies of poor relief and the inadequacies of the criminal law, he did not think that the law might have been more effective. In 1753, although a Committee, soon afterwards a Committee of Commons, did suggest that the death penalty be replaced by other punishments, the House of Commons to put this suggestion into effect, and, in any event, immediately after the year 1753. Another committee was set up in 1754 to consider the

utions at Tyburn alone has been calculated to be 140 in the reign of James I, before the reign of Charles I and during the

period of severity in the application of the death penalty in the seventeenth and early eighteenth centuries. Executions did grow less as the nineteenth century advanced. There were as many as ninety-seven executions in Middlesex in 1785, ninety-two in 1787 and only twenty-one in a fortnight in 1799. A veteran Bow Street Magistrate had twice seen forty men hanged in a fortnight, and every twenty criminals hanged, so it was not unusual to see men less than twenty-one years old.²³

Results of these executions give a clear indication of the purpose of the eighteenth-century legislation. It was the unrest that the social evils of the eighteenth century had brought about, sought to protect property.

In 1785 (the year of ninety-seven executions in Middlesex) only one murderer was executed (apart from three, the reasons were for crimes against property.²⁴ As the century advanced, robbery, burglary and housebreaking had been the most common crimes. In 1785 they were still increasing and continued to

dominate the criminal state of affairs had been examined by the Bow Street Magistrate, in his *Causes of the late Increase of Robbers*.

He examined the causes of crime in the 'vast torrent of the most violent evils of gin-drinking, gambling, and gaming—more or less expensive—in the eighteenth century and in the defects of the administration of justice. He did not consider the possibility that the death penalty would be more effective if it had been less severe. And in 1770 he was afterwards appointed by the House of Commons that the death penalty should be retained for some offences, the steps taken to reduce the death penalty into effect were very limited and were completely defeated by the House of Lords. In 1770 and again some limited

mitigation in the severity of the laws only capital statutes ultimately brought largely obsolete and none of them property; and, even then, the Bill which them was, like earlier measures, defeated.

Despite the caution of the House and the obduracy of the House of Lords the large number of men in both places were in favour of the reform. The practicability, apart from the humaneness, of the proposed measures. These men, led by such enlightened statesmen as Sir Archibald Macdonald, Sir Charles Bunbury, were not able to prevent the passage of new capital statutes; but they succeeded in replacing transportation for the death sentence. Bills were constantly being brought in for consideration and also in forcing the House to consider that although 'the gallows groaned' the blame might not be laid on 'that system' but on the law. Instead of operating as a preventive to crime they were to influence and promote them, by adding to the number of offenders. And, although their few supporters were not able to influence the decisions which were taken, they acted with admirable regularity, a man like Lord Holland, with a good understanding, could prepare the ground for the reform-minded attitude which was, belatedly, adopted.

Outside Parliament, too, a feeling of indignation was growing. The national uproar of protest over the execution of the preacher, the Rev William Dodd, for treason, in the opinion of Dr Johnson thought a crime of 'great turpitude',²⁶ made it clear that, in parliament, the reformers were on the side of the reformers.

It was not, however, so much with the passions of the people were easily aroused and they were concerned, but with the revision of the laws. They fought to convince their fellow countrymen that the 'Black Code' was not only bloody but that it was a source of national contention, for the moment, they were on the side of the reformers.

When William Eden, a brilliant young lawyer, published his *Principles of Penal Law*, published in 1764, he called for the repeal of capital statutes and the continued use of transportation as a 'last melancholy resource',²⁷ he was on the side of the reformers.

was recommended. But the arguments brought forward for revision were not related to crimes against property, which was drawn up to repeal the law passed in the Upper House.

of Commons, however, and there was a small but a growing number who were beginning to doubt the wisdom, of the existing system.

Members of the Commons, such as William Meredith and Sir John Eardley, prevented altogether the enactment of the law. They did succeed, on occasions, in attaching a penalty in the Bills which they brought for debate. They did succeed in convincing, whether, in view of the fact that the 'evil continued to increase', that the extreme severity (which) in the case of crimes rather tended to increase the desperation to villainy'.²⁵

in the Lords were unable to carry their proposals. Taken there with such predictability, and speaking with vigour and authority, they laid the ground for the more open discussion, to open the way to progress.

of discontent was growing. In the execution of a popular cause, such as a forgery which his chamberlain had committed, of 'no very deep dye of crime', in particular cases, public opinion

in particular cases, in which the law was applied, that the true reformers of the criminal law generally. In the eyes of his countrymen that the 'Bloody Code' did not work; and in this respect it was disbelieved.

A young barrister, proposed in his Bill in 1771, a thorough revision of the law of the death penalty only was angrily answered by those

who saw in such pamphlets a more practical answer to the question of this pamphlet suggested the wheel, whipping to death, or prove more effective deterrent war against the criminal class seemed insufficiently severe. *An Essay Humbly Offer'd, on Capital Crimes* (1731) suggested to 'produce the keenest Anger not be entirely broken on the wheel and hung on a gibbet where the potential criminals the 'most Those of Eden's less extreme with these pamphleteers, believed not due to a lack of more feeling to a reluctance to inflict the law, could point with satisfaction severe and influential *Thoughts* advocated the rigorous enforcement of statutes. The year after Madoc by a pamphlet, *Observations on Thoughts on Executive Justice* anonymously. Its author was

Romilly was one of those who combined humanity with a deep intelligence of the House of Commons. He was the son of a Huguenot iron maker and jeweller, who had been richer than himself. Samuel's mother, a nurse, a religious, gloomy woman, had formed his mind by telling him about the law, reading to him long extracts from the law, served in his father's shop, by himself, until a legacy of two thousand pounds from his relatives allowed him to be called to the bar. His grandfather was called to the bar in 1783 and he was not then a Member of Parliament. He held the office of Solicitor-General in 1806. He remained in the

as *Hanging Not Punishment Enough* the problems of the day. The author that for certain criminals breaking on h and hanging alive in chains might ts than the gallows in the mounting ass. Even these methods, however, to George Ollyffe whose pamphlet, *for an Act of Parliament to prevent* ted, amongst other tortures designed uish', that a condemned man should wheel but taken off it while still alive his cries might bring home to other t exquisite Agonies' of retribution. ne opponents who could not agree ieving that the increase in crime was arful punishments than hanging but death penalty in all cases allowed by action to the Rev Martin Madan's *nts on Executive Justice* (1785) which cement, and even extension, of capital an's tract appeared, it was answered *s on a Late Publication, Intituled,* *tice*. This pamphlet was published Samuel Romilly.

e rare men, combining a passionate gence, who have ennobled the history Born in Frith Street, Soho, in 1757, mmigrant from Montpellier, a watch- d married a fellow Huguenot much s early education was left largely to a oman who tried to improve the boy's he sufferings of the martyrs and by s from the *Newgate Calendar*.²⁸ He now a rather gloomy young man him- sand pounds from one of his mother's articulated to a solicitor and eventu- eat qualities were soon recognized. He s, made a KC in 1800 and, although ament, he was offered and accepted l in the Ministry of 'All the Talents' House of Commons after the fall of

the Ministry the following year and that was to occupy his attention.

By then his knowledge of the cr and of the Continent was unsurpassed to observe much and he had read studied the works of John Howard, had read Jeremy Bentham's impo on punishments and found it of 'very mitted a debt to Beccaria, but unlike thought—as Jeremy Bentham then concerned—that the death penalty reason why I cannot think that de avoided among human punishments the greatest of evils,' he once wrote to and his disciples confess that it is punishments as being more severe doubtedly, that if human tribunals h punishment than death, they must itself.' There was, though, he admitt danger of hanging an innocent man tribunals and the impossibility of h of the guilt of a criminal', and this s any argument' he had 'ever before h question'.²⁹

It was not, however, with abstrac principally concerned. He strongly d Madan's view that capital statutes s and with Archdeacon William Paley's *of Moral and Political Philosophy* t only occasionally inflicted, was witho means of preventing crimes. But Ron rather than with emotion. He realize subsequently condemned them outri his opponents were not necessarily in the indispensability of the deat enormous number of potential wrong well satisfied that the lenience of juric tively rare and that the criminal deser by the judge or, in the last resort, par of his Royal Prerogative of Mercy were commuted in this way. In th

in 1808 began the campaign for the rest of his life. Criminal laws both of England and France were reformed. He had had the opportunity to do much. He had carefully studied the work of the great prison reformer, Howard. He had written an important and influential treatise on the subject of 'extraordinary merit'. He had also done what the Italian philosopher, Beccaria, had also done so far as murder was concerned. 'One death was a sad necessity. 'One death ought so carefully to be inflicted is that I do not think death ought to be inflicted on his brother-in-law. 'Beccaria had not, and recommended other means, and effectual, forgetting, un- necessary, and have a right to inflict a severer punishment. 'I have a right to inflict death on a murderer. 'At the same time, the grave is not a punishment. 'Owing to the errors of human nature, the death penalty, having absolute demonstration of its utility, struck him 'more forcibly than any other punishment heard on the same side of the

Atlantic. 'The arguments that Romilly was opposed to, disagreed with the Rev Martin Byles, who should be vigorously enforced. 'The contention in *The Principles of the Law* that the death penalty, even if it is not, is out question the most effective punishment. 'Romilly answered them with facts and figures, and, as many of those who have not read it might have failed to realize, that the death penalty is inhuman. They all believed that the death penalty as a threat to an offender, and that many of them were not. 'The fact made its infliction comparatively less. 'The mercy could be reprieved. 'The death penalty was ordered by the King in exercise of his prerogative. 'And death sentences often were commuted in the five years 1761-1765, for

instance, 567 criminals condemned, of them being transported for life. If the punishment might be severe, Romilly's opposition to the less enforcement was mitigated. The criminal procedure was more liberal than elsewhere in Europe.

Aware of the force of argument, Romilly gathered people who agreed with the campaign with circumspection. He proposed a substantial limitation of capital offences, both in the whole of the country and in the colonies, and without adequate reasons. He believed that by revising or abolishing the death penalty thereby relaxing the excessive severity of the law to reduce crime and create a more humane and reaching reforms might then appear unambitious but it was not so. He was a man who did not make the mistake of his opponent's position, he wanted to achieve too much at once and in too short a time possible in his day to accept a practical approach and a change in the habits of thought.

And so in 1810, when in the House of Commons he devoted a great deal of time to the punishment, he devoted a great deal of time to the House of Commons to a debate on the death penalty as these had gained great respect and authority but at the same time he spoke of the death penalty as being tempered by the soundness of the law. His speech was at once moving and powerful. As well as a condemnation of the death penalty as a 'kind of state punishment as a 'kind of state punishment as a 'kind of state excessive exercise of authority and a violation of social progress, it contained a strong appeal to which the prevailing practice was opposed and with a firm mastery of the subject. He was able, Romilly showed how the death penalty resulted in the courts interpreting the law as the authority of the law. If the law is to be they need be less severe.³¹

These were views which did not

condemned to death were pardoned, most for fourteen years instead.³⁰ The laws opponents could argue, but their reluctance by such traditional safeguards, and more liberal in England than anywhere

arguments like these and the numbers of them, Romilly decided to conduct his mission. He knew that there could be no capital punishment without extensive re-formation of criminal justice and in social suitable alternative punishments; but he was for repealing most capital statutes, and to give severity of the law, he would help to create an atmosphere in which more far-reaching might be possible. His approach might have been formulated by a man of sound sense and a sense of underestimating the strength of the opposition who knew that he must not try to do more than that even the little that it would be able to accomplish, could only be achieved by a careful and reasoned questioning of established

By introducing three Bills to limit capital punishment, he made a great deal of his brilliant speech in the House of Commons, a firm refutation of Paley's doctrines, and respect amongst the opponents of reform, he was regarded as a man whose strength of feeling was balanced by common sense of the lawyer. His speech was both analytical, heart-felt and empirical. He showed that a criminal law based on capital punishment was a standard of cruelty, to justify harsh and arbitrary' and consequently as a barrier to reform. It was an attack on 'the lottery of justice' which had become. With many examples of the little data which were then available, he showed the savage severity of the Statutes had been meting them in a way which undermined the effectiveness of punishment were certain, he insisted, but it did not command much support. Those

who argued against Romilly believed system based on the death penalty was society's survival. They discounted the professional police which many of them himself feared—would inevitably claim freedom, and they paid little attention to punishments, although a writer who thought offenders should be castrated and branded. Led by the judges, by a majority of other Members of the House of Lords and Members of the House of Commons, they decided that the only satisfactory path was the one that successive Ministries had chosen to follow. Romilly had to wait two years before with the Statute which imposed the death penalty the Statute had after all become almost obsolete. The pockets were children employed by the law, and prosecutions under the Act were accounted for by three Statutes³³ which Romilly now had to deal with in other matter. They provided for the punishment on shop-lifters who stole things and on thieves who stole things worth more than five shillings from private houses or from ships on navigation. When these were repealed, the death penalty was retained for crimes against property. Romilly had been secretly but now his purpose of moving a Bill of a like nature 'one by one', as he later pointed out, was revealed. Sir William Grant (Master of the Rolls), Canning and William Wilberforce supported him, and a few others on his side. One member voted to 'alter the law of England' which was effectively in this 'rich and flourishing country'. Mr William Frankland, who, in a later Bill, proposed the crimes for which the death penalty was to be retained, of Deuteronomy, said that capital punishment was absolutely necessary as without it. The death sentence from the 'blunderbuss' did.³⁴

Only one of Romilly's three Bills was passed, and all of them were vehemently attacked.

Both the Lord Chancellor, Lord

and implicitly that the present was the only hope of a decent life, the possibility of an efficient system feared—as indeed Romilly clashed with British concepts of justice to the problem of secondary punishment who suggested that capital punishment received some support.³² The bishops, by most of the lords and by several influential members of the Commons, Romilly's opponents were the one which succeeded. They had allowed Romilly to propose the repeal of an Elizabethan statute which imposed a death penalty for pickpockets. The statute was a dead letter, for most pickpockets were professional thieves and were accordingly discouraged. But the statutes which wished to repeal were an infliction of capital punishment on those worth five shillings or more, or two pounds or more from navigable rivers. If these Acts could be removed from most of the statute book, Romilly had started his campaign directed against all capital statutes of the kind. He put it himself in his memoirs, (as Master of the Rolls), George supported him; but he had never said that he would never support a statute which preserved property so long as it was 'the best of the nation'; another member, after debate, quoted at length the statute which was decreed in the Book of the Commons that punishment for stealing five shillings of property would not be safe unless the law was strengthened malefactors 'like a lion'. The proposal was adopted by the Commons but was rejected in the Lords. Lord Eldon, and the Lord Chief

Justice, Lord Ellenborough, Archdeacon Paley, spoke against with sincere indignation. Lord Ellenborough went beyond those of Paley, for while it was right that the income tax which Romilly had successfully introduced, Lord Ellenborough thought its going on was wrong. And when Lord Eldon suggested that shop-lifters should remain in prison from five to ten shillings, Lord Ellenborough opposed the compromise.

'I trust your Lordships will be a prudent experiment pregnant with danger. I have warned them solemnly, 'and I have seen so long been held necessary by the public with the rest of the judges, that I should be no remission of the punishment of offenders. Such will be the result of this statute that I am certain that I would immediately be committed to prison.'

My Lords if we suffer this we stand; we shall not know what we are doing . . .

Repeal this law and see the result. I will be self for an hour out of doors and see the result. I was swept off by the hardened robbers.

He was, he had said, 'convinced that the law did agree with him and had no objection against reform. They were not a boy aged thirteen in 1801 for stealing a spoon; of two sisters aged thirteen and of thirteen people hanged in the company of gipsies, cannot be taken to contemplate, but the law was believed, if public order were maintained, a boy of ten was sentenced to death by execution to consult his fellow-judges. It was a historic decision, that the law of the land of this boy's punishment must be maintained.

basing their arguments on those of Ellenborough's views, in fact, went even further than Ellenborough's views, whereas the Archdeacon had argued for the operative statute against pickpockets which was repealed in 1808, should go, Ellenborough marked 'a most dangerous innovation'. He suggested that, while the death penalty was maintained, the modifying limit should be raised to £100. Ellenborough strenuously opposed

'I will pause before you assent to an innovation which is dangerous to the security of property,' he said, 'before you repeal a statute which has been enacted for public security. I am convinced, that public expediency requires there should be a terror denounced against this description of offenders. To be the consequence of the repeal of the present law, is to open the door to depredations to an unlimited extent. . . .'

'If the Bill to pass, we shall not know where we are upon our heads or our heels.'

The contrast—no man can trust himself without the most alarming apprehensions—every vestige of his property will be taken from him.³⁵

'I am convinced, with the rest of the judges', said the Chief Justice, 'that at most, and perhaps all, of the judges were of opinion that their faces set, blank and uniform, they were all merciless men. The hanging of a man for breaking into a house and stealing a watch, was eight and eleven at Lynn in 1808; and in a single assize for being found in possession of a watch, it was not to be maintained. In 1748 when a man was executed for the same offence, the Chief Justice postponed the execution until the next assize. The judges decided, in a character which might be 'a means of deterring other

children from the like offences'. In 1790 a boy was sentenced to death, the judge's sentence spoke of the 'infinite danger' of which he might commit such a crime with impunity. The judges sincerely believed in this 'infinite danger' which the people did, cannot be doubted.*

So Romilly's Bills were thrown out of the House but he had little support. Lord Eldon and the judges on his side of the House of Lords at Canterbury and a substantial following of the Bench deterred, Romilly brought his three Bills in 1811, together with two others aimed at the Statutes which imposed the death penalty for stealing ten shillings or more from bleaching grounds and five shillings or more from bleaching houses. Romilly was able to support his Bills against the opposition from the very people for whose benefit they were intended. The proprietors of the bleaching grounds were petitioning for the repeal of the Statutes which had made them ineffective. Their petition was rejected because prosecutions were so rare and the House of Lords was defeated by the House of Commons on account of the doctrine of maximum severity of Romilly's Bills 'on account of the fact that it was possible to examine the effect of the abolition of the death penalty for this particular offence on long enough taking it for granted that the law would restrain crime,' one of Romilly's supporters, Lord Buxton, said in a debate in the House of Commons. 'It is now arrived in which we may fairly judge that the law has restrained crime.' Buxton was able to answer his question by saying that whereas crime had generally and widely increased in Lancashire since 1811, the number of prosecutions on the grounds had quite as noticeably fallen.

The abolition of the death penalty

* Fifty years later although boys as young as ten were still cruelly treated. Between 1851 and 1860 1,000 boys were sent to prison for stealing less than 6d. and 1,000 were imprisoned for stealing less than 2s. 6d.³⁹

† The same complaints were made by barristers who petitioned for the repeal of Statutes which imposed the death penalty for stealing less than 10s.

1800, when another boy of ten who refused to respite the sentence of it getting about that 'a child unpunished'.³⁶ That most of the 'imminent danger', as so many other

about. Lord Holland voted for Lord Ellenborough had not only on the side, but the Archbishop of Canterbury's view of bishops as well. Unopposed Bills in again the following year failed at repealing two recent laws: the death penalty for stealing goods worth more than 100 shillings from dwelling grounds in England³⁷ and the death penalty for stealing goods worth more than 100 shillings from dwelling grounds in Ireland.³⁸ In 1801, with two significant petitions from the clothiers and the calico printers in opposition to the Acts because their property was not being protected and convictions rarer.† Even in 1802, this unanswerable refutation of the Acts and voted for the adoption of the petitions'.⁴⁰ Nine years later in 1811, the fact which the abolition of the death penalty had had. 'We have gone on for years that capital punishment does not deter our predecessors, Sir Thomas Fowell Bland, Speaker of Commons. 'And the time has come to ask, does it do so?' Fowell Bland's refutation by telling the house that the number of thefts had very noticeably increased in the number of thefts from bleaching in 1811.⁴¹

for the crime of stealing from

as this were no longer hanged they were hanged. In 1852, fifty-five boys under fourteen were hanged. In the same period 136 were imprisoned.

knives who twenty years later petitioned for the death penalty for forgery.

bleaching grounds was the second was to have only one other. In the repeal of an old Statute¹² for a soldier or sailor to beg with His Bill to repeal the shop-lifting House of Lords in 1811 as it was for the third time in 1813 and the House that even as he spoke a man was awaiting execution in Newgate after it had been adopted by the Commons but thrown out by the Lords. He tried for a second time but again it was thrown out and he was disappointed by this latest defeat by the death of a wife, whom he married himself in November 1818 in a sudden

Even his opponents lamented that his nature had been wholly unaffected by the court the next morning 'he was called to a place within the Bar which Rogers' eyes filled with tears. "I cannot speak" he said, "being in great agitation, he broke down."

The greatest and most influential time when he was needed most was in the Midlands—particularly in the Midlands where 'Satanic mills' were already part of the fabric of society—and the end of the century nearly four hundred thousand men and women unused to peace, had contributed to crime, particularly in crime against

This was no time, the opportunity for a familiar argument, to make any concessions were bad enough as they would only make them worse. The law would only make them worse. The only way they had been preserved during the riots that followed during the Corn Law riots in 1815 was by such capital Acts as the Corn Law. Lord Byron's passionate protest against the Nottingham had destroyed the mills as being the causes of their misery.

But in spite of the widely

cond of Romilly's successes, but he in 1812 he succeeded in bringing about which had made it a capital offence without a pass. It was his last success. His Anti-Smuggling Act was again defeated in the Commons, he had been defeated in 1810. He tried and yet once more in 1816 telling the story of a boy of ten convicted of shop-lifting and sent to Newgate prison. But on both occasions, in the Commons, his Bill was thrown out. On the fifth and last time in 1818 and a few months later he died. Bitterly disappointed and overwhelmed with grief by the death of the woman he had loved devotedly, he killed himself by a sudden access of despair.

He is remembered for the generosity of his spirit. When Lord Eldon came into office he was struck by the sight of the vacant seat which Romilly was accustomed to occupy. His death he said, "I will not stay here," he exclaimed; and he rose up and took up his court.⁴³

The influence of the reformers had died at a young age. The social unrest in the country was increasing in the South and the North where the 'dark days' were beginning to change the whole structure of society. The Napoleonic wars, which had released thousands of soldiers and sailors into an England which had not expected much to a marked increase in crime, especially against property.

The opponents of reform insisted, using a variety of arguments, that any 'dangerous experiments' would be dangerous; to tamper with the criminal law would be to tamper with the criminal justice. The safety of the country had been threatened by the economic troubles of the 1790's, the harvest failure of 1811, and the famine of 1815, by the 'terror of death' imposed by the death penalty passed in 1812—passed despite opposition in the Lords—after rioters in London had broken down the stocks and other machinery used for punishment.⁴⁴

The opponents expressed fears and arguments of

those who agreed with Lord Ellenborough, the country was beginning to change. A campaign met with little but abuse at first, but by the time of his death the tide had turned. It was at first a slow and scarcely

Capital statutes were still being changed, but the death penalty was re-introduced in 1801. The frames and machinery, having been established in 1790, years before.⁴⁵ But the reformers in 1801 were becoming so influential that this step had become impossible; and they were able to bring the death of public opinion unknown before the death of the Corporation of London in 1802. It was a revision of the criminal code. It was supported by petitions and resulted in a motion in the House of a Committee of Inquiry in 1803.

The debate on the motion was attended by a large number of Members compared with the sixty-seven Members who attended on Romilly's Bill in 1810,⁴⁶ and was conducted in a sense and the obvious desire of all present to judge the matter unemotionally upon its merits. The speakers, Sir James Mackintosh and Lord Brougham, both spoke with power and conviction. In the words of the reformers, Mackintosh told the House that the criminal code or to abolish capital punishment, an attempt to place offences in more numerous classes and punishments to suit them. The proposal was, however, discreditable, Fowell Buxton insisted that the offender being caught, prosecuted, a hundred to one against the offender, a thousand to one against the sentence being carried into effect. He said that the crimes punishable by death, that formerly made capital in the reign of the Plantagenets, were in the reign of the Tudors, thirty-six in the reign of the Stuarts, and less than 156 since.⁴⁷

The motion was carried and the Committee was accordingly appointed set about its business. Numerous witnesses were examined and evidence was collected from merchants, magistrates, prison chaplains. The views of only a

borough, the feeling in the
Although Romilly had seen his
e and contradiction in his life-
ide had already begun to turn.
perceptible process.

created. In 1817, for instance,
ed for the destruction of lace
abolished for that crime three
the House of Commons were
ort of legislation would soon
now supported by a strength
. The month after Romilly's
n drafted a petition for the
was followed by several other
for the appointment by the
to the Criminal Laws in 1819.
ended by 275 Members, com-
s who had attended the debate
was remarkable for its sound
those who took part in it to
on its merits. Romilly's suc-
l Sir Thomas Fowell Buxton
tion. It was not the intention
the House, to make a new
punishment, but to make an
reasonable categories and find
esent system was absurd and
l. The chances were five to one
fifty to one against his being
st his being convicted, and a
e pronounced by the law ever
t there were now 223 different
our of these crimes had been
ntagenets, twenty-seven in the
ne time of the Stuarts and no

Committee which was accord-
ness with great thoroughness.
l and a vast amount of useful
nts, bankers, shop-keepers and
one judge were sought because

'judges could not with propriety be obliged to enforce' and they were to be repealed after they are brought into force.

The inquiry was mainly confined to houses and with forgery; and the Committee on these matters. They advised the repeal of the statutes; and the substitution of a fine for the death penalty in most cases.

Although the practical effect of the publication of the Committee's report was small, the debates of 1820 and 1821 served to bring the law in the public mind and to the attention of Robert Peel began soon after his appointment as Secretary of State in 1821.

Peel's was not an original idea, but sympathetic and receptive. When Buxton passed to him the burden of the reforms introduced by the Ministry, he was less contentious, they knew that the ideas were in the hands of a brilliant man with a gift for judging what was practical.

He did not go far enough, but he was less cautious reformers, but his reforms were remarkable. By a series of Acts he abolished capital punishment on navigable rivers to the Thames; repealed the Waltham Black Act; abolished capital offences;⁵⁰ he abolished the distinction between petty and grand larceny; and for courts to abstain from punishing convicted persons except in the most heinous cases. He repealed a hundred confused statutes in the law of property.

Indeed, it was this emphasis on the abolition of the death penalty which most displeased his critics. They said that 'Sir R. Peel's impetuosity was confined to the consolidation and pruning away of statutes, and the pruning away of the impediments to justice.'

society censure what they might soon be 'only see the exterior of criminal brought into a court of justice'.⁴⁸

concerned with larceny in shops and and the subsequent recommendations matters were constructive and valuable. for amendment of obsolete capital n of transportation or imprisonment t cases.

achievements which followed the ee's Report were negligible, the long ved to keep the reform of the criminal o prepare the way for the work which after his appointment to the Home

or creative mind, but it was an alert, one. When Mackintosh and Fowell den of reform, believing that measures would be more successful because they were placing Romilly's hopes and ant administrator with the statesman's acticable and what was not.

h or work fast enough to please the his achievements were nevertheless cts passed between 1823 and 1827 he t for larceny in shops, and on board he value of two pounds or more;⁴⁹ he Act which had created innumerable hed benefit of clergy⁵¹ and the dis- grand larceny;⁵² he made it possible pronouncing the death sentence for all murderers.⁵³ He reduced over three nto four intelligible Acts.⁵⁴

sis on reduction and combination that Bentham, who now demanded the y even for murder, thought that Peel d done 'but little'; the *Morning Herald* rovements were almost entirely con- and *arrangement* of certain criminal ray of certain technical incumbrances Where there was a mitigation of the

severity of the law, it was done with the hope that it would be a deterrent from which little practical benefit followed.

It was certainly true that while the law was being reformed for various sorts of forgery he had proposed the abolition of it for those who stole two shillings, but he had retained it for those who stole more than two shillings. One of his most uncompromising critics said that the law was "a *human life!*"⁵⁷ He had consulted the reformers, which the reformers had rarely done, and he had taken their cautious advice so that he eventually adopted a policy of restraint not only against Mackintosh but also against Lord John Russell and Lord Brougham. It was one of the few things that few of the reformers had done, that he had done, and it was dependent upon police reform and the reorganization of the police, 'the obtaining of a perfect system of police as was considered to be necessary in a free country,' that he was cautiously proceeding.

Meanwhile the petitions still came in. The public complained that the only result of raising the penalty to five pounds in the case of thefts from private houses was that £4.19.6. had been stolen instead of £4.19.6. Bentham, of Wilberforce, of John Wakefield and of the Quakers became more active. The Press began to take up their call with more vigour. And then in 1832 the movement to reform the law began and slowly gathered momentum.

Men and women were still being hung for theft, and so were children. As late as 1831 a boy of nine was hung at Chelmsford for setting fire to a house. In 1832 another boy of nine was sentenced to death for pushing a stick through a cracked window pane for a pennyworth of printer's colour.⁶¹ In 1833 a miner was hung in chains from a gibbet for stealing a bookbinder, whose execution was witnessed by a large number of people, was gibbeted at Leicester.⁶²

Such scenes, however, were becoming less frequent. Those who advocated their continuance were becoming fewer. The law of branding was abolished in 1834; the pillory, although branding had continued until 1830, was abolished in 1837; that it had often been done with a collar of iron and a thick piece of ham held in the outstretched hands was a relic of the past.

that extreme degree of caution followed.⁵⁵

abolishing the death penalty preserved it for others; while five pounds from private houses to five pounds⁵⁶—a 'sum', one said, which fixed *'the price of the judges on his various Bills, and he listened to their counsel, and found himself defending his country and Fowell Buxton, but not Mr. Peel realized, though, as a reform of the Criminal Law and it was towards the remaining for the metropolis as consistent with the character of a but surely moving.⁵⁸*

flooded into Parliament. Men raising the limit from two to five private houses was that juries decided of £1.19.6.⁵⁹ The voices of Bright, of Edward Gibbon more and more insistent. The less and less equivocation. to revise Peel's cautious Acts

changed for trivial offences and a boy of nine was hanged in a house;⁶⁰ and two years later to death at the Old Bailey shop window and taking two in 1832 the body of a coal bet at Jarrow and the body of witnessed by thirty thousand

ing much rarer now and those becoming rarer too. Gibbet- was abolished in 1837; and in 1829, for many years before and iron or with a hot iron on a stretched hand.⁶³ In 1831 out

of 1,601 persons sentenced to death and three years later the City of London was one of its two salaried executives, and he was asked by the government to do.⁶⁵

Peel continued to insist that the execution by hanging was retained, would be a 'most important spoke against the country's progress as accepted now, as one of its justifications in a debate on the abolition of the death penalty of forgery, that 'the experiment was a feeling, at least to be tried'.⁶⁷

Seven years later there were no more hangings. And the experiment was proved to be not to be dangerous at all.

Executions, though, were still allowed this until 1868. Many had been made in the hangman's m

The first of these improved was in 1760. Shortly after nine o'clock Ferrers, a homicidal maniac 'brothered with silver' left the gallows drawn by six horses and was taken to the Tower months before, conceiving the idea of a new method. The steward, Mr Johnson, 'had been appointed him of a contract for the execution of the gallows to attend one Friday afternoon and he knelt before him on

While in the Tower, Lord Ferrers was 'in a state of discomposure of mind', but after seeing a madman taken to the gallows he suggested, 'because they never petition to be beheaded privately, and crowds of spectators were gathered around the gallows. It was known that a new method was being tried, and the people were curious to know what it was. It was a small collapse

death, only fifty-two were executed⁶⁴ of London was obliged to dismiss prisoners for there was so little work for at the abolition of the death penalty 'a large number of offences for which it was the most dangerous experiment'.⁶⁶ But he had strong feelings. Even in the Lords it was not all judicial members, Lord Wynford, said in favour of capital punishment for every sort of crime that ought, in the present state of public opinion, to be only fourteen capital statutes left. 'The experiment—' as such experiments usually do

(ii)

was all carried out in public and the law was improved by then, however, by new methods.

The execution was demonstrated on 5 May 1789. In the morning of that day Earl Ferrers 'dressed in a white suit richly embroidered' and was taken to Tyburn in his own landau from the Tower of London in his own landau to be executed. Three witnesses, that his honest and hard-working friends combined with the trustees to disorganise coal-mines,' the Earl had ordered a dinner at the hall and there had shot a hole in the carpet of his room.¹

Ferrers had 'exhibited evident proofs that it was not only for the entertainment of the scaffold, nor, as Ferrers himself never saw a Lord hanged before'—his execution having been rejected—that the guillotine was to be used and the people were to be used and if it would work. It did not have a wooden platform, about eighteen inches

high, supported by beams of wood. The intention was that when the condemned man was on the top of this platform, with the halter round his neck, he should retire beneath the scaffold and the sheriff should pull the ropes and the man should fall. The props.³ Death would thus come more humane. Unfortunately on the first trial it was given the raised stage dropped 'far enough for the toes of the hands' and Ferrers was slowly strangled.⁴ 'After a few minutes the body was received in a coffin and conveyed to surgeon's hall, where a dissection was made from the neck to the bottom of the breast, and the result of the inspection of which the surgeons declared that it held greater signs of long life in any man of his age in their notice.'⁵

But although on its first public appearance it might be a failure, its mechanism was afterwards improved. By 1783 it was adopted as the general mode of execution. In the same year also, another reform was instituted. It was accepted that 'the long parade of the condemned man to Tyburn', far from providing a warning to the people, was an excuse for the assembly of the riotous mob. It should become an established part of the law. On the recommendation of the Sheriffs, Sir Benjamin Franklin and Sir John Skinner, the place of execution was to be a 'great area' that had recently 'been cleared of the consequence of the rebuilding of the prison in the year of 1780. And, in an endeavour to give a more solemn atmosphere of awful solemnity, the scaffold should be draped in black cloth. The man to ascend it apart from the criminal should be the chaplain, and the condemned man came out of the prison in a coffin and down the funeral bell should toll.⁶

The Sheriffs did not for a moment think that the execution should be performed behind the prison walls. This rarely was considered. Even enlightened men like John Eden and Jeremy Bentham believed that capital punishment would be largely improved if it were not public. Bentham, indeed, advocated

to which ropes were tied. The condemned man was standing on the ground round his neck, the executioner and on the word being given by which would drag away the more quickly; hanging would be on this occasion when the signal was a few inches, which was only requiring man to touch it, so that after hanging an hour and five minutes the coffin lined with white satin, and an incision was made from the throat and the bowels were taken out, on which was declared that they had never been seen on any subject which had come under

their appearance the drop was seen to be afterwards so much improved that it was the usual method of execution. In this method was adopted. For it had at last been found that the criminals from Newgate to Tyburn were being hung and a deterrent was the result of the mobs which had, by then, been the usual London scene. On the recommendation of Bernard Turner and Thomas Turner the gallies were transferred from Tyburn to a new gallies opened before Newgate in 1789. 'Newgate Prison' after the Gordon Riots was the scene of the ceremony in an open square. The sheriffs also suggested that the gallies be taken, that the only man permitted to be hung was the condemned and the 'necessary officers of the gallies' that from the time the condemned was taken to Newgate until his body was taken

to the gallies. It is not to be considered that the execution was carried out in prison walls. Such a possibility was suggested by reformers such as William Pitt who held that the deterrent value of the gallies was vitiated if executions were carried out in an even more awe-inspir-

ing ritual than the Sheriffs, justice dressed in crepe, the terror of his appearance', the religious music preparing the important lesson they were a celebrated outburst, attacks on old methods, he said, were taken away? he asked Sir William intended to draw spectators. I don't answer their purpose. To all parties, the public was supported by it.'⁸ Most endorsing the Doctor's views.

As it happened there was Fair was swept away but its as ever thronged to see the into a more limited space, d brutal horseplay, coarse jest ribaldry were so great, in fact the Old Bailey, who were with windows overlooking the day's performance at high repeated erection of the scaffold protests were ignored and by tury, as the practice of har crimes gradually died out, execution and the scene of debauchery and violence. In were executed for the murder mated that no less than forty the small area round the gall push their way out of the scaffold and trampled to death; and it stooped down to pick up the men and a woman with a baby also crushed to death beneath. By the time the hanged men last dispersed by the City A hundred dead and dying were

But the public executions were put up and placards wa

CHANGES OF REFORM

with a black scaffold, the officers of executioner masked 'to augment the judges in attendance and 'serious and the hearts of the spectators for the about to receive'.⁷ Samuel Johnson, in the new 'fury of innovation'. The best. Why was Tyburn to be swept Scott indignantly. 'Executions are in- If they do not draw spectators, they The old method was most satisfactory gratified by a procession; the criminal t people agreed with Boswell in en-

no cause for their concern. Tyburn spirit remained. 'As many spectators dreadful show, and they were packed disporting themselves as heretofore by ts and frantic yells.'⁹ The noise and act, that those residents in and about not fortunate enough to have rooms he gallows which could be let for the rents, protested strongly against the fold in their neighbourhood. But their y the beginning of the nineteenth cen- ging criminals at the scene of their Newgate became the regular place of increasingly disorderly outbursts of a 1807 when Holloway and Haggerty er of a lavender merchant it was esti- thousand spectators were crammed in llows. Women and children trying to ccating mass were forced to the ground n Green Arbour Lane, when a pieman pies scattered from his basket, several by at her breast fell over him and were th the feet of the panic-stricken mob. had been cut down and the crowds at Marshals and their constables, nearly a re found lying in the streets.¹⁰

s went on; and although stout barriers rned the people to 'beware of entering

the crowd!' they had little effect.¹¹ At the murder of the Prime Minister, and the forger Fauntleroy's execution, and Courvoisier's in 1840; and at the Mannings were estimated as being even larger than Haggerty's and quite as impervious to the distribution which it was still expected that the Mannings and Mrs George Mannings were hanging in the Newgate Lane gaol in 1849—the victim moaned,' (the victim had been shot by a Belgian woman) 'I never liked him with a ripping chisel,' is a classic of its present and was, so he told *The Times* and appalled by the wickedness' of the idea what the hanging of the Mannings' friend. 'The conduct of the people was that I felt for some time afterwards a city of devils.'¹² As late as 1864, at Müller for the murder of a bank clerk *Times* reported that 'robbery and violence, fighting, obscene conduct and still more round the gallows far and near'. The most 'incorrigible dregs' of London—'betting men, the outsiders of the boxing singing halls and billiard rooms'.¹³

Yet in this same year when the whole subject was referred to a Royal Commission of men distinguished in public life, including those not convinced of the undesirability of public executions, now, however, in the minority. Twelve members of the House of Lords had recommended that public executions should no longer be in public; now the same advice, drawing attention to the fact that of 167 people under sentence of death, 100 of them had witnessed a public execution, was difficult to ignore, and in the same year a private Member's bill, introduced by Mr. St. John, providing for the future carrying out of public executions, was accepted by the Government and passed.

* Public executions remained legal in France until the Exhibition of 1899, the execution of Allorto.

at Bellingham's execution for Spencer Percival, in 1812; at in 1824; at the murderer Mannings's in 1849 the crowds larger than at Holloway's and to the object lesson in retribution would be given. When Mr hanged on the top of Horse-husband's confession: 'He by Mrs. Mannings, a passionate well, and I battered his head of this kind—Charles Dickens was on the same day, 'astounded at the spectacle. 'You have no idea what Mannings really was,' he wrote to a friend. 'It was so indescribably frightful, almost as if I were living in the public execution of Franz Schlegel in a railway carriage, *The* violence, loud laughing, oaths, and more filthy language reigned. The spectators comprised the worst—'sharpers, thieves, gamblers, and a bad ring . . . the raking of cheap

The whole matter of capital punishment, there were still many attending several judges, who were present at public executions. They were abolished five years before a Select Committee recommended that executions be abolished. The Royal Commission gave in 1867 a report that out of a total of 164 deaths in a certain town, 164 of them were by execution.¹⁴ This sort of evidence was presented at the next session of Parliament by Mr J. T. Hibbert and proposed the abolition of executions within prisons, and became law in 1868.^{15*}

France until 1939. During the Paris Commune and Sellier drew more visitors than

By now the apparatus of the guillotine had been replaced. Instead of a collapsible platform, the condemned man was seated and secured by bolts, was fitted with a special apparatus by means of a lever the bolts were released and the criminal fell to 'immediate death'. In fact, death was often far from instantaneous. At Tyburn, the executioner had to cut off the man's legs; once or twice the rope broke during the struggle. Evidence given by a convict at the Public House Punishment in 1864 revealed that Calcraft, the official hangman of the guillotine, was much the same as if he had been a common hangman. Apparently, when executing William Calcraft to avoid being hanged by three other men in a condemned cell and was consequently sent to the scaffold, Calcraft disappeared. When he was persuaded to return, he was managed by means of frantic efforts to get to the side of the drop, was still alive when he was pushed off and, eventually, he was killed by him.²⁰

After 1868, when these revolting spectacles, they were still executed in the walls. A black flag and a dread drum were hoisted and the crowds outside saw and heard the execution in Newgate most official and the older methods. The condemned man was taken to the minute when the chaplain in the prison read the burial service and then the out some of the officials turned their backs entirely theirs now. Not only the arrangements, but they could not be seen. The condemned man left the prison for

the Eiffel Tower. Thomas Cook, the first to use buses which he had hired to transport the condemned when Weidmann was executed at Newgate. The guillotine were rented at high prices long before they were used in New York State in 1835. But they were used into the twentieth century. They were used for many years before a man was hanged the

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The drop had been greatly improved. A trap-door, supported by beams fixed into the floor of the scaffold. By these were withdrawn, the trap-door fell in 'mediate death'.¹⁶ Or so it was supposed. It was not instantaneous. Sometimes, as at the execution of a man, he tried to pull hard on the hanging man's rope and the rope broke; often there was a violent struggle before the Commission on Capital Punishment reported that the methods of William Calcraft in the City of London, were 'very rough, and had been hanging a dog'.¹⁹ Once, William Bousfield, a man who had tried to hang himself on the gallows in the county of Kent, was so weak that he had to be carried to the gallows. He appeared after having pulled back the trap-door and tried to return Bousfield, who had been struggling to regain a foothold on the gallows. Calcraft pushed him off. Four times he tried to get a foothold. Four times Calcraft pushed him off, pulled on his legs until he strangled

the revolting scenes were no longer public spectacles. They were enacted often enough behind prison walls. The tolling funeral bell were all that was heard, but after the first private execution, the condemned man would have preferred a return to the gallows. A condemned man broke down at the last moment. A 'voice trembling with emotion' had been heard when the execution was not completed 'withdrawing sick'.²¹ The responsibility was placed on the gallows had they to make all the practical arrangements and no longer feel that once the condemned man was for the gallows they had handed him

The travel agent, filled all 280 seats in seven coaches to transport his customers to the attraction. In 1939 the guillotine at Versailles all rooms with a view of the guillotine were before.¹⁷ Public executions were abolished in the United States were performed in other states until well on into the 20th century. They were not illegal in Kentucky until 1938; and two years later they were before an estimated 20,000 spectators.¹⁸

over to society and that the mob ousted them. They were responsible now, too, and until very recent times he continued. When Mathew Atkinson, the Durham man, broke and it was not until twenty years later a new rope had been supplied that the Parliamentary report, 'the second hanging of two but three attempts were made at Exeter Prison and on each occasion the hangman pulled the lever. 'Case of Goodall Brownless was hanged it was the rope on this occasion embedded itself into the neck. 'The ceremony was very badly bungled' his ironic *Handbook on Hanging*, 'presented to the onlooker a spectacle of the most intelligent advocates of the hangman'.

In 1886 a committee was appointed to inquire into the manner in which executions were carried out, and how these failures might be avoided. The procedure is largely based on the recommendations advocated as essential 'a thickish rope under the left ear, and a length of drop for the prisoner'.²⁶

'The knot,' Mr Albert Pierrepoint, the hangman assures us, 'is the secret of the execution, it is put on the left lower jaw, and if we have it on the right side it would finish up by strangling the neck forward which would be strange. The rope is pulled a quarter of an hour then.'²⁷

In the days before Mr Pierrepoint's method of strangulation was, in fact, the usual method, 'a surgeon wrote in the *British Medical Journal* to be aimed at, but, out of all my patients who died, I proved rather an exception, while in the majority of cases the cause of death was strangulation and a

This, no doubt, accounts for the recommendation of the Commission on Capital Punishment that the condemned man was left hanging

apparently, always dead with the hangman into the condemned cell some distance away. It is usual to spare him hearing the sound of the guillotine does not, in fact, see the hangman at his death. This was not so in the case of his predecessors, James Berry recorded in his memoirs that he asked the prisoner to confess if he had anything to say before execution. 'I have approached him in a kindly manner, asking him, and he has refused to confess the justice of the sentence that I am not hanging an innocent man. I have done so, either in the cell or on the scaffold.'²⁹

Berry calculated 'for three days the time of entering the condemned cell, the tragedy for the doomed man, the march to the procession to the execution chamber, the chaplain, nine warders and the executioner.'

The procedure laid down in 1949 was: 'He is expected to perform his duties for the time he enters the condemned cell, his height and weight and he has to be of a physique unobserved, for the guillotine or jaws will not permit them to be seen. In the execution chamber with the necessary adjustments to the guillotine.'

The prisoner has known that he is to die. Throughout the time he has been in the cell reserve cell he has his own bath and lavatory and visits the canteen and is watched continuously on eight-hour shifts. He is provided with a hospital diet with special privileges with regard to his execution, an hour before the execution comes to talk to him. The p

* In 1949 five men had been reprieved on the grounds of some physical deformity. It is ill advised to say that it is a less cruel means than hanging.³¹

within ten seconds of the entry of the condemned cell, unless the execution chamber is usually next door and care must be taken to avoid the hangman's rehearsal. He does not appear at all until a few moments before the execution of Mr Pierrepoint's day. One of the hangmen, who applied for his post in 1883, said that he was always anxious to get the execution done so before the time of the execution, 'in order that I may feel sure that I am an innocent person. In most cases they are taken to the cell, or at the last moment on the way to the cell, three minutes to be occupied from the time they are taken to the cell to the finish of life's great work'.³⁰ He was accompanied in the slow way to the execution chamber by his assistant, the prison chaplain, and two wand-bearers.

The hangman for today's hangman is more brusque. He does his duty as expeditiously as possible. By the time he reaches the condemned cell he knows the prisoner's name and has had an opportunity of studying his face. There are men the shape of whose necks he knows to be hanged.* He has had a rehearsal with a bag of sand and has made the chain and the rope.

The prisoner knows the date of his execution for some time. He has been lying under sentence of death he has been in the condemned cell with his cell-mates in the visiting room. He takes exercise alone in the yard by two prison officers working in the yard, provided with games and books and lives on the prison allowances of beer and tobacco and has access to letters and visitors. On the morning before he is due to hang, the chaplain visits the prisoner sits with his back to the door of the cell. He has grieved in the last fifteen years on account of the fact that it is illegal in England to execute a man by other

so that he will not see the executioner at the time of the hanging the Governor, the medical officer and the High Sheriff to whom this duty is usually delegated. The Sheriff, the executioner and his assistants and another prison officer, enter the cell, the prisoner's arms behind his back, one in front of him and an officer on either side. The man is led out to execution. In the execution chamber he is made to stand on a spot marked in white chalk, the middle division of the trap. A white cap is put over his head around his neck. The assistant executioner, when everything is ready, the executioner steps forward, pits and pulls the lever which withdraws the trap and his neck is broken.³²

This is the 'ideal to be aimed at', to achieve it. The man may struggle but if he has to be carried to the scaffold and he is too weak to hold on to the planks, the executioners hold on to, and he stands on the planks. The man may be hanged sitting on a chair. An executioner is sick and often he defecates 'since people often do when they are frightened, and the huge crowd of people when the rope tightens removes the man from the scaffold together with the social need for it to happen which should happen only once. Women are now required to wear wa-

In Mr Pierrepoint's experience, the latter rarely occur. In his evidence before the Commission that he had never had to carry anyone to the scaffold done that,' he told the Commission. 'I have never got there.' Once he admitted that a man was carried as he entered his cell, but he was 'not a spy and he kicked up rough.' General Pierrepoint resigned. Women, in particular, were carried to the scaffold, two women shrieking to the scaffold,³³ 'a woman is braver than a man'. He has 'never seen a man braver than anyone living' and has 'never seen a woman'.^{38*}

* Dr Corre's investigations published in *The Law Reform Commission's View*. Corre investigated the deaths of eighty

come in. A few minutes before
 or of the prison comes with
 heriff or the Under Sheriff
 ated. At a signal from the
 stant, with the Chief Officer
 cell. The executioner pinions
 and, with the chaplain in
 side of him, the condemned
 execution chamber he is made
 walk with his feet astride the
 out over his head, the noose
 tioner ties his legs together
 executioner goes down into the
 ws the bolts. The man falls

but it is not always possible
 or faint and if he faints he
 held in position by 'an officer
 re's a rope for the officer to
 k and holds him up'.³³ Or he
 and sometimes the prisoner is
 ople usually want to do this
 e shock to his nervous system
 e last vestige of self-control
 t'.³⁴ And 'still other things
 y in nightmare dreams'.³⁵
 terproof underwear.³⁶

hough, 'untoward incidents'
 e Royal Commission he said
 to the scaffold. 'I have never
 'They have just managed to
 an had rushed at him as soon
 ot an Englishman. He was a
 ly the prisoner was calm and
 e brave. Berry had to drag
 ' but Pierrepoint thinks that
 e has seen 'more executions
 seen a man braver than a

Les Criminels (1889) bear out this
 y-eight executed criminals—sixty-

Despite Mr Pierrepoint's report to the Royal Commission, however, he himself didn't 'turn a hair' at any of the hangings are other than revolting. At times they have been reserved for the unworthy of any less dishonour than of punishment in the ancient Roman Empire as unbecoming to a man as drowning, crucifixion, impalement, flaying, precipitation from a cliff, crushing and cutting apart 'under and under axes of iron',³⁹ and other revolting deaths, and most of the few of them were considered unbecoming. In medieval Europe men were sometimes alive and tied to wheels to be broken at the fortieth stroke life was taken, and above the heart or on the back were burned alive together with adulterous women and wizards. Suicides were put in casks and were boiled in oil. But only those with money or influence, were had to be eaten by birds or to be cut up for prophylactic parts of the body, hanged on special beams with their heads and a dog beside them, they were.⁴⁰

Criminals frequently begged to be disgraced by being hanged. An entry in the diary of Hans Skeyer who recorded the case of a man executed by the sword rather than his daughters might not find his

four men and twenty-four women. Some resigned and remorseful, twelve were in a state of extreme nervousness, some seemed indifferent, the remaining few a desperate struggle with the executioner—one—a poisoner—demonstrated himself possessed and repentant.

restrained and sober evidence before
 ver, and despite the fact that he him-
 execution, it cannot be supposed that
 lting. In other countries and at other
 ed for degraded criminals considered
 urable death. Hanging was a rare form
 world and was regarded in the Roman
 civilized state. Beheading, burning,
 aling, stoning, smothering, boiling,
 height, destruction by wild beasts,
 nder saws and under harrows of iron
 as employed by David, were all as
 of them were more painful ones, but
 so degrading. This feeling persisted.
 re flogged to death, garrotted, buried
 e hacked with a sharp-edged bar until
 extinguished by a blow on the breast
 nape of the neck. Heretics and coiners
 with murderers, robbers, sodomites,
 rds suspected of dealing in poisons.
 nd thrown into rivers and matricides
 the lowest of men, without friends or
 nged and left on the gallows to rot or
 ut up by those who dealt in the magical
 e human body; and only Jews were
 th a cap lined with hot pitch on their
 m to show the world how despicable

ged to be beheaded rather than die
 'Beheaded as a favour' is a frequent
 Schmidt, the Nuremberg executioner,
 man who successfully pleaded to be
 er than the rope as otherwise his two
 usbands.⁴¹ Women were very rarely

Of the men, only eighteen appeared calm and
 ere cynical and theatrical, four 'accepted their
 s excitement accompanied by loquacity,' five
 g twenty-five died in 'abject fear' or after a
 ioner. Of the women only five seemed afraid;
 'a revolting cynicism'; the rest died self-

hanged because in an age of chivalry a woman's sex must not be dishonoured. By the Criminal Code of the Emperor Charles V. 'if a female homicide might be buried alive or if the mode of execution was conveniently at hand', she could not be hanged. In 1580 women were not decapitated in Germany, but unless the privilege was one which she might claim. Valentin Deusser, according to a contemporary, was not an expert. In 1641 he was instructed to execute a woman who was so 'very ill and weak' that she could not stand on the scaffold.

'When she had sat down upon the chair, the executioner, man, walked round her like a cat round a mouse, a span from her neck and took aim and struck her neck and struck off a piece of her head, and she fell down from the chair. Then the executioner had sat down and this blow did not have the effect that she should be allowed to go, because she was all in vain; and she had to sit down again. She wanted to take the sword and strike with it, but he would not allow, and himself struck a second blow so that she again fell to the ground, and she lay upon the scaffold. Whereupon he was ready for her death if the armed town guard had not been present.'

In England, where beheading was the method of execution of peers of the realm traditionally reserved for them, was more often bungled than not.* The execution of the Duke of Monmouth by Macaulay.

'Here are six guineas for you, executioner. Do not hack me as you have heard that you struck him three or four times.'

Disconcerted by this, the executioner struck the neck altogether, inflicting only a superficial wound.

* The axe was used instead of the sword, and was considered a mark of ignominy. In Denmark the more privileged criminal who was allowed to choose his mode of death, if he was at rest were bound, laid face downwards on the block and the axe.⁴³

y, whatever their crime, their
the terms of the Karolina
Charles V a woman guilty of in-
paled or 'if water for the pur-
e might be drowned; but she
n were granted the privilege of
the headsman was expert the
t well have wished to forgo.
emporary report, was clearly
cted to behead 'a poor sinner'
she had to be half-carried to

ir, Master Valentin, the heads-
l a hot broth and held the sword
then struck the blow and missed
head as big as a dollar and struck
or soul got up quicker than she
rm her. Then she began to beg
use she had been so brave; but
gain. Then the Löwe (assistant)
h it himself; but this the master
second blow somewhat stronger,
d then he cut off her head as she
would soon have been stoned to
rescued him.²⁴²

unknown to the law, but for
placed hanging, the ceremony
A characteristic occasion was
uth which has been described

, 'Monmouth said to the
did my Lord Russell. I have
ur times.'

ner nearly missed the Duke's
rficial wound.

although in other countries this was
k, for instance, the sword was used
lowed to have his hands free. The
the scaffold and beheaded with an

“The Duke struggled, rose from the ground, and fell again at the executioner. The head separated, and fell to the ground repeated again and again, but still continued to move. Yells of rage and triumph were heard as he flung down the axe with a curse, ‘It fails me.’” “Take up the axe from the rail,” roared the mob. At the second blow the head separated, and the executioner, in an ecstasy of rage that the executioner had failed to separate the head from the shoulders, raised the severed pieces and was conveyed away upon a stretcher.

In France the swordsman was replaced by the executioner with his axe and a bungled execution. After an execution in 1517 France was burned down over the Comte de Chalais was the ninth stroke of the sword.⁴⁶

When there were several heads of difficulties naturally increase, ‘unfit for another,’ warned the Executioner of the High Work on the problems of dealing with which the Revolution entailed the sword, which is liable to change anew if there are several conflicts at the same time; it is therefore necessary to have swords in a state of readiness. Swords have often broken during the Revolution.

But it was not only considered necessary to suggest to the Constituent Assembly the use of the guillotine for decapitation. Another and perhaps more important proposal was that a machine for all Frenchmen, would be confined to aristocrats.

The guillotine certainly seemed a humiliating means of death. In 1793 he saw a model despatch three miles by it.

“The ceremony,” he wrote, “is performed by a naked executioner; the bandage

from the block, and looked reproachfully
 down once more. The stroke was re-
 l the neck was not severed, and the body
 e and horror rose from the crowd. Ketch
 se. "I cannot do it," he said, "my heart
 an," cried the Sheriff. "Fling him over
 length the axe was taken up. Two more
 mains of life; but a knife was used to
 ulders. The crowd was wrought to such
 ecutioner was in danger of being torn to
 nder a strong guard.'⁴⁴

as often as clumsy as Jack Ketch with
 ion had the same effect on the crowd.
 lurat had to fly for safety to his house
 r his head;⁴⁵ and in 1626 the head of
 eventually hacked off at the twenty-

heads to sever one after the other, the
 d. 'After each execution, the sword is
 Charles-Henri Sanson, hereditary
 rks, when asked to advise the Jacobins
 with the great numbers of executions
 ed. 'It is absolutely essential that the
 ip, should be sharpened and whetted
 demned persons to be executed at the
 necessary to have a sufficient number of
 ss . . . It should further be noted that
 ing such executions.'⁴⁷

erations like these that led Dr Guillotin
 t Assembly 'a simple mechanism' for
 rhaps even more important reason for
 ine, used as a sole means of execution
 ean an end to beheading as a privilege

eeded not only a faster but also a less
 than the hangman's rope. Byron who
 robbers in Rome was deeply impressed

including the *masqued* priests; the half-
 ged criminals; the black Christ and his

banner; the Scaffold; the soldiery; the s
rattle and heavy fall of the axe; the splas
of the exposed heads—is altogether more
ungentlemanly “new drop”, and dog-like
sufferers of the English sentence.’⁴⁸

The guillotine was probably not a I
such a machine in 1266, Germany in
early model.⁴⁹ In England the Halifax
back to a remote period and by the mi
a thief found guilty of stealing ‘to the
penny’ was ‘forthwith beheaded upo
days’ by the engine which the people o
purpose on Gibbet Hill.⁵⁰ In Edinbu
introduced into Scotland by the Rege
had been impressed by the efficacy o
he had seen on a visit to England, was in
earliest victims was Morton himself.⁵¹

These, though, were isolated mach
model existed in France at the beginni
it was not until Dr Antoine Louis, s
Surgeons, presented detailed plans fo
Dr Guillotin that its use as a nation
accepted. The French imagination wa
was reproduced in miniature as a tabl
incorporated in earrings, brooches, sn
it was given a profusion of nicknames
Louison (in honour of the doctor
People’s Avenger, the National Razo
La Veuve, *L’Abbaye de Monte-à-Ro*
Lady Guillotine, Sainte Guillotine—
mark, it became a toy: an expensive
an effigy of Robespierre between its u
blade to fall, the head to be severed and
the neck; a cheap toy for children wh
Arras discovered, amused themselves
of mice.⁵³

* Its name was, perhaps, derived from the
meant the place where justice was administere
is that it was called ‘the maiden’ because it r
before it was used.⁵²

slow procession, and the quick
 h of blood, and the ghastliness
 impressive than the vulgar and
 e agony of affliction upon the

French invention. Italy had
 1300; the Irish, too, had an
 k gibbet law has been traced
 ddle of the sixteenth century
 sum of thirteen-pence half-
 n one of the next market-
 f Halifax had erected for this
 urch the Scottish Maiden,*
 nt, the Earl of Morton, who
 of the Halifax gibbet which
 n use by 1581 when one of its

ines and although a crude
 ng of the seventeenth century,
 ecretary to the Academy of
 r the machine advocated by
 al means of execution was
 as immediately captured. It
 e decoration; its design was
 uff boxes, cups and plates;
 s—*Louissette* and *La Petite*
 who had designed it), the
 or, the Patriotic Shortener,
regret, la Butte, la Bascule,
 it became a popular tattoo
 toy for 'aristos' who placed
 prights and watched for the
 d the spurt of red scent from
 no, as the *conseil général* of
 by chopping off the heads

e celtic *mod-dun* which originally
 d. A more popular belief, however,
 remained in Scotland a long time

It was immediately recognized as a notorious instrument of death; but the heads in the basket wonder if the question was much debated. It was held up that year and slapped down. 'I swore that it not only blushed but of indignation'.⁵¹ For more experiments in France have been conducted to cover the answer to the question.

The debate is not yet closed. Piedlièvre and Fournier have been tancous. Every vital element of a savage vivisection followed by death is certainly rarely so successful. So experiments conducted by Negovsky's Resuscitation of a brain cut off from its oxygen supply by breaking down sugar for a period is effective for five or six minutes in a severed head, as the subject, although still living is not fully recovered.

But as executions in France have increased since 1939, the number of officials by Article 26 of the Code of Criminal Procedure has increased. The opportunity of the public execution has been reduced to a few days of Charlotte Corday.

At least—although whether the condemned man does not know—the United States, when a man is taken to the guillotine by two warders in stocking caps, they suddenly, wake him up and offer him a cigarette, a glass of water, then he is taken to the guillotine. The back of his neck and the guillotine record sheet is produced. The Director of the prison writes a note for carrying out the sentence. (before the film *Nous Sommes* would have already been made.)

* By Article 13 of the French Code of Criminal Procedure, the condemned man is to go to the guillotine barefoot, with

gnized as being an undeniably expeditious but did it, those who saw the grimacing man, kill instantaneously? In 1795 this was done, as when Charlotte Corday's head was severed by the assistant executioner, men aged but showed 'most unequivocal signs of youth'.⁵⁵ More than a hundred and fifty years, doctors conducting experiments in their efforts to disprove the theory.

ended. Within the last few years Drs Blass and others have concluded that 'death is not instantaneous. . . (It is) averted by a premature burial'.⁵⁵ 'Sudden' death. When the heart stops beating, experiments at Dr Vladimir Aleksandrovich Bogdanov's Laboratory in Moscow suggest, the brain's energy supply turns to an emergency system based on energy by anaerobic glycolysis and this can last for several minutes. It must be hoped that the brain of a man who has been hanged, is still conscious.

Executions have been carried out in the prison of spectators being limited to nine. Under the *Code Pénal*, there is no longer an appeal to judge for itself like there was in the

whether this is a comfort or not is arguable. The condemned does not know as he does in Britain and France when he is to die. A little before dawn the executioner's feet approach his cell. They enter and tell him his appeal has failed. He is given a glass of rum, the consolations of the chaplain; he is taken to the records office where the hair is cut from the top of his head and the upper part of his shirt is cut away. His name is written and he signs it and underneath the name is written 'handed over to M. the Executioner'. His ankles and wrists are tied up. In the *Annales Tous des Assassins* was shown he was kept shackled in leg irons)* and he

Under the Penal Code of 1810 a parricide was required to wear only a shirt, with his head covered by a

hobbles to the prison—it is the Santé held there. ‘The assistants thrust him. It tips him into position. The *lune* Monsieur de Paris presses the lever. The knife falls. The head drops into the sideways into the long coffin-shaped again.’⁵⁷

The guillotine is peculiar to France, employed in Turkey and the Irish Republic. Spain chooses garrotting, Greece the custom varies from state to state. New York to adopt the electric chair and this seemingly and egregiously modern device was soon in use in other states.

‘The culprit is fastened by straps to a table. He is shaved and upon it is strapped one of the electrodes, a sponge soaked in salt water so as to moisten the skin to prevent burning. The other electrode is held in the hand. Current is then turned on at the switch by the operator for a certain number of seconds, and turned off. This is then turned on and then turned off, this process is repeated to produce death.’⁵⁹

‘As the switch is thrown,’ a former Ward of the State is a sputtering drone, and the body leaps and struggles against the straps that hold it. Sometimes a thin wisp of smoke comes from under the helmet that holds the head. The odour of burning flesh. The hands turn black. The bones of the neck stand out like steel bands.’⁶⁰

The length of time before death came was a matter of thought, varied ‘according to the subject’s physiological resistance than others’. ‘The length of time anyone killed by electrocution died inside the chamber the subject’ might be.’⁶¹

The realization that it was not, after all, as humane as its advocates suggested led other states to seek more humane methods. Utah overcame the

black veil. And until 1832 his right hand was not used. Other provisions were repealed in 1958.⁵⁶

Prison as all executions are sharply against the *bascule*. *ette* closes round his neck. The jaws of the grab open. The bucket, the body is tipped basket. Society can breathe

ce. The hangman's rope is public as well as in Britain. firing squad.⁵⁸ In America, New York State was the first seemingly clean, painless, quick on adopted by fourteen other

firmly-built chair, his head is electrodes in a cap fitted with make the contact close in order is fastened to the ankle. The by the executioner, left on for a After a short interval it is again s repeated as often as necessary

den of Sing Sing wrote, 'there as if to break the strong leatherisp of smoke pushes itself out d electrode, followed by a faint red, then white and the cords

ne, Professor L. G. V. Rota object'. Some had a 'greater But he did not believe that tantly, 'no matter how weak

r all, so quick or so painless states to search for more problem by allowing its con-

to be cut off before his neck. The

demned criminals to choose. Nevada in 1921 decided to do it by gas; and Major D. A. Turner of the Army Medical Corps, who made a thorough attempt to discover the 'quickest way of putting a human to death', came to the conclusion that nothing more efficacious than hanging was sometimes to be made before the man reached the chair; men remained conscious for several minutes after the hangman's stroke, and then came instantaneously to the end of their being of his heart; but with the loss of consciousness came immediately.

Gas, also, has the advantage of being a less unpleasant task to perform than hanging. Not that the expert executioner is not a man of objectionable. Anatole Deibler, a Frenchman, confessed that his family had a tradition that it was an exception; and even when he was received with derision in his own country he changed his name and tried to make a name for himself where, on his identity being discovered, he last decided that he could not do it. He joined his father in the service and suffered from haemophobia, and after he had hanged hysterically after an execution, he was spattered with blood, he perceived a violent complaint. By the time he was thirty he was as all but the most active of his kind.

The family tradition has been passed on to Obrecht who was appointed executioner in his veins and is, in a sense, the last of the Desfourneaux—executioners of the Sansons.⁶⁵

The family tradition is a

* They usually choose shooting, but Deibler has chosen hanging. When he is at the gallows and a heart-shaped target is placed on the wall, he volunteers one of whom has a blank, but the four bullets do not always hit the mark; of them touched the target and the

between hanging and shooting.* But despatch them by means of hydrocyanic gas. The United States Army Medical Department has made a thorough investigation of the problem in an effort to determine the best and most humane method of putting a man to death. It came to the conclusion that there was no gas. Three or four attempts had been made to see if a man could be killed in the electric chair. It was found that it was possible for anything from three to fifteen minutes to elapse before the trap was sprung; death did not always come. A man who was shot even after the riddling gas, Major Turner thought, unconsciously and 'death almost so'.⁶³

It is a disgrace that its administrator has a less reputation than the more traditional executioner. The executioner seems to find his employment more desirable than the soldier who did not want to enter the profession. The customarily followed for generations was the guillotine, after having joined the army where he was treated with contempt and disgust and having consequently refused to settle down in a department store. When he was discovered, he was again tormented, at first he made no longer protest against his fate and then he begged for the guillotine.⁶⁴ And although he sometimes and on at least one occasion screamed in protest, he was proud of his perfectly clean coat and he performed his duties thereafter without complaint. When he retired he had severed as many heads as his ancestors.

The guillotine continued to the present day. André Deibler, executioner in 1957 has Deibler blood. In addition, 'tortuously related' to the guillotine is the guillotine before the Revolution—as well as to

almost as strong in England as it is in

Since 1912 only one man (executed in 1958) has been shot the condemned man is strapped to a chair and pinned on his breast. The firing squad—five men—stand twenty-five feet from him, each with a .30-caliber cartridge—stand twenty-five feet from him, and fire. At an execution in 1951 none of the condemned men bled to death.⁶²

France. 'It's in the family, really,' says succeeded his uncle who had succeeded

In neither country do the rewards loyalty to an esoteric craft. France's ex income but it is a small one. England and expenses for each execution a guineas.¹⁷ This is much less than decessors received. William Calcraft, City of London until 1874 had a guine for each execution when hangings we also got half a crown for each man h of five guineas for acting as executi Gaol. He also hanged men in country much as Pierrepoint did a hundred family loyalty be explained by any es enjoys by virtue of his public office. and was compensated accordingly. So as assistant to his father, the Bishop received, when he became the 'Mate only a good salary, a free house and fees for each infliction of torture as v sation for prisoners who were respited on the rope, wood and brimstone wh was able to increase these perquisites and skin to the superstitious. When have at last become 'a respectable perso

In pre-Revolutionary France the h High Works was even better rewarded guillotine the art went out of decapitat any danger that the mob, enraged b would attack the executioner; and diminished. The executioner was, th loathing and awe and occasional admir with fascination. The fascination has the disappearance of public execution and mysterious about the whole proce attitudes that this secrecy and myste an argument against capital punishm a weighty one.

Did people ask him questions about asked by the Royal Commission on C

Albert Pierrepoint who succeeded his father.⁶⁶

of office explain this family executioner receives a monthly fee. The hangman gets ten pounds and his assistant gets three pounds. In his nineteenth-century predecessor who was executioner to the Admiralty a week and another guinea were much more common. He was flogged and a retaining fee was paid for his services as executioner at Horsemonger Lane and other prisons for which he got as much as £100 a year. Nor can the esteem which the executioner enjoyed in the past be detested. Schmidt who began his career as executioner of Bamberg's executioner, 'the Executioner of Death' at Nuremberg, not a fee for each execution but a salary as well. He was given compensation and allowed to make a profit which he used. In addition he was paid by the sale of human hands. When he retired he felt relieved to be free of his profession.⁶⁹

Hereditary Executioner of the Admiralty. But with the arrival of the modern era. There was also no longer any respect for an unskilful performance, so the payments gradually thereafter, regarded not with respect but with disdain—and the salary, of course, increased, with the respect. There is something secret about the profession now; and if the unhealthy conditions engenders stood alone as a profession, the argument would be

at his duties? Pierrepoint was the last executioner of Capital Punishment.

'Yes,' the hangman replied something I think should be really.'⁷⁰

These are the words of a family tradition, in that sense.

There are, of course, many the last of the Deiblers retired for the vacant post including a boxer and a former barber, journalists, a watchmaker and 'works'.⁷¹ When Berry applied as a man in 1883 there were 1 years past the Prison Commission five applications a week.⁷³ To apply for so distasteful a job concluded, 'reveals qualities foster in its citizens.'^{*}

Whether many of these are necessary in a competent hangman is a common willingness to become more than mere technicians must be artists. For 'is not a without brutality despatch and about the operation which brain, cool and calculating, found in the realm of the great

The hangman must also signed in March 1924, tried in the cruelly grotesque hang at a later attempt.⁷⁶ In the Schweitz, shot himself at Br also killed himself having 'p burning one candle for each short term of public office'. often had no need of suicide death himself. In 1368 the rich, was burnt alive for cowardice beheaded for treason.⁷⁸ C

* It is presumably not irrelevant is reported to have said that he had an orgasm while watching an

ed. 'But I refuse to speak about it. It is
be secret to myself. It's sacred to me

a devotee or even of a cabbalist. The
use at least, is explained.

ny outsiders anxious to break in. When
red there were numerous applications
g three engineers, a solicitor, a former
, a medical student, two unemployed
nd, apparently, a 'deputy foreman of
ed for and obtained the post of hang-
,399 other applications.⁷² For several
missioners have received an average of
The ambition that prompts these men
n appointment, the Royal Commission
of a sort that no State would wish to

applicants possess the qualities neces-
un—apart from the apparently not un-
me one—is to be doubted. They must
ians, Charles Duff has observed, they
a man an artist who can painlessly and
another man? There is a certain delicacy
needs a steady eye, a swift-working
and a cleverness which is only to be
at arts.⁷⁵

be unemotional. John Ellis, who re-
to commit suicide after his experiences
ging of Mrs Thompson, and succeeded
e same year the German executioner,
eslau; and his successor, Paul Spaethe,
prepared the way to depart this life by
n head that he had severed during his

⁷⁷ In earlier centuries the executioner
for he was so frequently condemned to
German executioner, Meister Fried-
ining; a successor, Meister Hans, was
ratwell, the London hangman, was

t to notice here that an American criminologist
knew a guard in a Northern penitentiary who
electrocution.⁷⁴

executed for robbing a booth at Bartholomew's. In later years Derrick, Brandon, Price, R. and Dennis were all found guilty on the same fact, was actually on his way to Tyburn with the criminals when he was served with a writ to carry on with his duties if he promised to do so. He agreed to carry on but the crowd of people attacked and wounded so badly that he was killed.

The ideal executioner is, of course, one who is not. If he has criminal or suicidal tendencies, he should be eliminated them. He is usually unimaginative and invidious to despise him or to scoff at his office. State.

blomew Fair in 1538; and in
rose, Marvell, Thrift, Turlis
capital charges. Marvell, in
yburn to hang three other
writ. He was told he could
l to obey the summons later.
would not let him. He was
e lost consciousness.⁷⁹

, a man of a different cast.
ies he has overcome or sub-
ative and often pious. It is
him. He is the servant of the

THE POLI

*'My own opinion is that
paid for specifically.'*

A FRENCHMAN travelling in England was surprised to discover that some counties to get rid of thieves offered a considerable sum in the daytime and night to his family, 'and if he declares the theft before the sun sets, and can produce the thief from him in such and such a manner, the man who has been robbed is obliged to reimburse the sum.' A friend of mine, who was residing in England, was able to declare the theft, and he had no difficulty in recovering the sum. This is the case of the county of Hertfordshire.

In some cases, too, a county offers a reward for the payment of damages to the thief, and a reward for the arrest of a criminal. But these counties are concerned themselves with the reputation of the county to remain their own policemen. In the last few centuries, were losing favour, and the practice of being gradually denied by the government. The limitations on victims who had no money. Edmund Burke brought in a

CHAPTER TWO

CE REFORMERS

nothing is well done which is not

L. B. ALLEN, A MAGISTRATE, 1821

(i)

England in the early eighteenth century that there was 'a queer law to encourage'. If a person 'is robbed of a considerable sum on the high road,' he wrote home to the Sheriff of the county to prove that the sum has been taken at a place, the county in which he has robbed him the sum. This happened to a man who was robbed of two hundred guineas. Being unable to prove it before the sun went down, he recovered the amount from the sheriff himself.¹

the county could be held responsible for the actions of its executors of anyone killed while trying to prevent these attempts to force the people to confession of crime, and to compel them to pay as they had theoretically been for the crime. The principle of mutual liability was established by Statutes imposing restrictions and penalties on those who made claims for damages.² And when a Bill to make local people collectively

responsible for the victims of shipwreck; for while his fellow Members make the people of the coast behave to their selfish interests, they did not agree that the offer of a reward for information was the right means of arousing public opinion. He believed in the more positive methods which were the established cornerstones of the eighteenth century: stern repression of crime by an increase of the number of the police and the offer of rewards to all those who brought criminals to justice. By these two methods, it was held that crime could be kept in check and the establishment of a professional police force avoided.

More and more reliance was placed on the use of armed civilians and the Trained Bands. Men of worthy citizens like John Gilpin, who had been a soldier of crisis, had stopped the advance of Cromwell's forces and undertook to protect London against the Jacobites during the rebellion of 1745. The Government, too, on military guards, on special constables, on additional watchmen raised and paid for by the local authorities, on residents, and on societies whose members were engaged in the capture and prosecution of felons and thieves and 'persons'. These societies, indeed, like the Trained Bands, at times, became a sort of voluntary police force. They were reformers and securing numerous convictions and societies for the reformation of manners. Many of them were formed by the Methodists and were more concerned with the activities of the religion than with the activities of the police. They were particularly interested in the observance of the Sabbath which were still numerous. They were anxious to see people on a Sunday to stay away from the streets by the Toleration Act without excuse,³ to see people in their own parishes,⁴ to do 'worldly Labour' and 'Works of Necessity and Charity',⁵ to see people with their Money and Goods (except Milk and Mackerel) and to see people in 'Service',⁶ to use a 'Gun or other Engine' to drive cattle or to transport goods in the streets. It is not surprising to learn that one society for the Suppression of Vice—was able to prevent the sale of spirituous liquors to people during the first two years of its existence. It was also successful in other of these laws.⁹ Nor is it surpris-

wrecking gangs, he had no
agreed that the only way to
humanely was to appeal to
agree that collective responsi-
serving these interests. They
ands which were by then the
teenth-century system—the
creasingly severe criminal law
e who brought criminals to
oped, order would be main-
professional police force might

d on voluntary associations
Bands of respectable, trust-
o, always available in times
Charles I at Turnham Green
ainst rioters and thieves as
f 1745. Reliance was placed,
instables, on squads of addi-
business houses and private
members were devoted to the
other 'lewd and scandalous
the trade guilds of former
ce force employing paid in-
ctions. Originally created as
ers, they had been adopted
concerned with morals and
e professional criminal class.
ne laws against the breaking
erous. It was forbidden for
a place of worship allowed
to play games outside their
, Business or Work except
put up for sale 'wares, Fruit
el) before and after Divine
gine for destroying Game',⁷
n a wagon.⁸ It is not, then,
alone—the Society for the
prosecute over six hundred
s activities for breaking one
rising to learn that this and

other societies were viewed those otherwise innocent people on Sunday, not only by public who were also hunted out by people who saw in their act emphasis on the blessings impediment to political and an offence for a person having made Profession of, to deny 'any one of the pe Scriptures to be of Divine ing and drunkenness were influenced a movement which stringent than it had been for example, to make it a a band at Windsor on Sunday even to hold a fair. They publication of obscene books Proclamation Society, persuaded proceedings against 'Mon book from which he derived in sending to prison for a Paine's *Age of Freedom*. interference with freedom of informers to attack the pleasures their decline. One tract published far as to suggest that men should classes but not against their as 1698 condemned the laws Laws in which the small Fli through;' ¹² and more than a ing a similar complaint in the the 'immediate effect of a vision of vice, is an involuntary to be suppressed'. 'The fear taught by constables, nor the a common informer.' ¹³ 'The ought to denominate itself persons whose income does annum'. ¹⁴

These sentiments were re

with dislike and suspicion not only by people who wanted to work or play on cans, prostitutes and brothel-keepers, by the societies' agents, but also by many activities a threat to freedom and in their of patience, frugality and religion an social reform. Not content that it was being educated in or 'at any Time the Christian Religion in this Realm' persons in the Holy Trinity or the Holy Authority',¹⁰ not content that swear-Common Law offences, these societies which strove to make the law even more during the Commonwealth. They tried, crime to publish newspapers or play in day, to be a prostitute or an adulterer, wanted to tighten the laws against the books and prints; and one of them, the advised the Attorney-General to institute 'k' Lewis for writing the macabre lived his nickname,¹¹ and succeeded a year the impoverished publisher of But it was not so much the societies' of thought, as their reliance on spies and cures of the poor, that eventually caused published under their auspices went so would lay informations against the lower social superiors. Daniel Defoe as early vs which they had inspired as 'Cobweb es are catch'd and the great ones break a century later Sydney Smith was voic- the *Edinburgh Review* when he said that voluntary combination for the suppres- ary combination in favour of the vices r of God,' he thought, could 'never be he pleasures of religion be learnt from e Society for the Suppression of Vice 'a Society for suppressing the vices of s not exceed five hundred pounds per epeated in the House of Commons when

a Bill, more commendable than most societies, was introduced to prohibit of the 'unfairness of depriving the poor the great were left in possession of the to the 'petty, meddling, legislative spirit vexatious code of laws for the protections'.¹⁵

While concentrating on the pleasure societies left the problems of the administrative reform of the police undiscussed; and were growing. The danger came not dependent criminals and numerous mob—the 'Fourth Estate' as Henry very large and powerful body' which the other three estates of the realm.

Some attempt to control the activities dangerous moments had been made in Act¹⁶ which made it a capital offence to remain 'riotously and tumultuously hour after being commanded by proclamation to disperse. But often, in fact, when no Justice or other authorized officer was willing to perform what might prove view of the sort of men whom he had this could not always be considered in

A series of Acts passed in the early nized the need for more peace officers watch,¹⁷ for the confirmation of the must assist the authorities in pursuing for rates to be levied and money set. But no Act could be effective so long remained a grasping and probably ignorant or shoemaker whose shop was his court of justice; so long as the average constable by proxy who was paid so little for his the habit of taking bribes and collecting as Henry Fielding could truthfully describe 'metropolis'—like the Bellmen or 'Chap patrol the streets in Stuart times—as poor old decrepit people who are, strength, rendered incapable of getting

of those sponsored by the bull-baiting. Canning spoke of their pastimes while theirs; and Windham referred to those who had 'a most objection of their own amuse-

es and vices of the poor, the administration of the law and the year by year these problems only from thousands of in-criminal gangs but from the Fielding had called it, 'that threatened the existence of

ties of the mob in its more 1714 by the passing of a Riot for twelve or more people assembled together' for an amation in the King's name any serious riot threatened, icer could be found who ve a dangerous duty; and in as constables to assist him, excusable.

years of the century recog- and an improved nightly e principle that all citizens g and arresting criminals,¹⁸ aside for law enforcement.¹⁹ g as the average magistrate illiterate grocer or chandler ourt and who made a trade able remained a man serving service that he soon fell into g protection money; so long scribe the 'watchmen in our rlies', who had helped them e being 'chosen out of those from their want of bodily a livelihood by work. These

men, armed only with a pole, to lift, are to secure the persons from the attacks of gangs of well-armed villains.²⁰ And lazy to pursue young criminals John Poulter, a professional robbery in 1753, recorded in Ivelchester gaol that one gang, a watchman walked by the others carried on with the for a Quart of Drink'.²¹

Yet men preferred to trust guardians as these, who were institutions established by the wisdom at least, of constitutionality, police. For it was not of freedom that the eighteenth century countenance such a step, but their country's escape from violence and ruthless oppression constant cause for self-congratulation. French word not used in modern sense, unknown. The Government might be all foreigners who had to find a way when they were not under frontiers—the term *gendarme* for men-at-arms—but such an island race of Englishmen. Too, that prejudiced them against that was its cost. The loss of worth of goods and money than the supposedly prohibitions prevent it. What little money local authorities was devoted to inducement and encouragement towards, misguidedly offered accompanied by a free pardon eighteenth century's main crime.

They had already been given

WININGS OF REFORM

, which some of them are scarcely able
sons and houses of his Majesty's sub-
gs of young, bold, stout, desperate and
even if not too old, or frightened or
uls, watchmen could usually be bribed.
nal criminal who was hanged for
n the account of his life that he wrote
ce, as he was shopbreaking with his
. One of the gang took him away while
eir work. This was always 'easily done

ust their lives and property to such
e, after all, part of the 'ancient institu-
om' of their ancestors, and a guarantee,
rather than to establish a professional
ly from fear of tyranny and love
enth-century Englishman refused to
ut from fear of change. They felt that
what they took to be the prying inter-
ssion of the police of Europe was a
gratulation. The very word police—a
fficial English until 1714—was, in its
The idea of policemen paid by the
very well for Frenchmen and other
use for their standing armies at times
r danger of attack from across their
me was a corruption of the French
an arrangement would not do for the
There was, of course, another reason,
gainst a professional police force, and
of hundreds of thousands of pounds
stolen each year was more acceptable
itive cost of paying enough men to
ey was spent by the Government and
ed to the payment of rewards as an
ment to private enterprise. These re-
, often corruptly won and usually
on to those in need of one, were the
answer to the problem of detecting

ven a firm legal basis at the end of the

previous century by an Act which offered a reward for the conviction of a highwayman.²² The reward was to receive, in addition, not only the highwayman's horse, weapons and moneys, but also the property that they had been stolen. Once recognized as a means for the apprehension of criminals, the offer of a reward in the criminal law became full of 'Parliamentary provisions for the conviction of a wide variety of criminals and a reward could be demanded and obtained. It was the practice of apprehending criminals for specific offences, and for the capture of named men or the property of named persons had long been practised. After the Act of 1719 a reward of a thousand pounds was offered for the apprehending of Charles Stuart and his accomplices and Abbettors', and when the Civil Wars were over, rewards were offered for the capture of the regicides and of Jesuits and seminary priests.²³ But it was not until the eighteenth century that the idea took firm hold. Rewards were offered regularly both by the Government and by private individuals, then the offer of a 'Tyburn ticket', which exempted the holder from liability for certain parish duties, had become a valuable incentive by Statute.²⁴ A reward of a hundred pounds was payable and consequently had a cash value. In the parish of Covent Garden, where rewards were particularly unwelcome, it cost a hundred pounds and at an auction in Manchester it fetched as much as three hundred pounds.

The regular practice of the Government in offering rewards soon followed by insurance companies and private individuals. In 1716 the directors of the London Fire Office and the *Union Office* jointly announced a reward of five hundred pounds 'such who shall discover any wilful incendiaries, which any of the late Fires were committed by, and the *County Fire Office* were recommended to offer five hundred pounds during the Hurricane of 1703. The evidence which resulted in convictions was not sufficient to compensate a man for leaving his part of the property to remain in it with safety after giving notice to the organized subscription lists and offering a reward to a number of men who destroyed their machines and property of families who had been robbed many times.

ered a reward of forty pounds.²⁴ The recipient of the reward received a free pardon but the high court would not grant a pardon unless it could be proved that the offer was recognized as a practicable device. The system developed fast until the 'mercenary rewards' for the conviction of ways in which pardons were developed, too, as a system of rewards for crimes. The offer of rewards to the perpetrators of named crimes was common. At the battle of Worcester in 1651 Charles II offered 'for the discovery and apprehension of other Traytors his Adherents and Accessories' similar rewards for the conviction of homicides and for the conviction of traitors. It was not until the following century that pardons and rewards were offered by the crown and by local authorities. By the eighteenth century exempting the holder from the payment of a fine had also been recognized as a reward. And as this ticket was transferable, it was a valuable document. In the nineteenth century the duties of constable could be sold for twenty-five pounds. At Worcester a 'Tyburn ticket' once sold for fifty pounds.

The government in offering rewards was not alone. Merchants, businesses and private individuals also offered rewards. The *Hand in Hand Fire Office* offered the offer of a reward to anyone who reported and unlawful practices by the company 'occasioned'.²⁵ By 1830 the government offered rewards of as much as £100 for the conviction of men who gave false evidence for arson—'enough to compete with the country, for he could not get a reward for giving evidence'.²⁶ Manufacturers offered rewards for the conviction of their employees; relatives and neighbours also offered rewards for the

conviction of the thieves, often of promising the largest rewards for the conviction of the thieves. Birmingham who offered a reward for the discovery of the author, maliciously attacked them; and the provisions for the prosecution of the informer for conviction of a crime made handsome incomes by the 'information trade'.

The common informer, known as early as the seventh century, was hated and despised in 1551. Hated and despised for being given extensive powers in the law provided that a man who proved to be 'living idle and a wretched vagrant as a slave' was repealed in 1549, advancing for common informers to be those who 'did vex and depauperise the ends'.²⁸

It was not, however, until the centuries that the common informer became a detective and a prosecutor. Many statutes making provision for the informer to become a rich man. Various rewards were given, worth fifty shillings a conviction, with any great profit, but even peddling could yield five pounds, a dog yielded ten pounds. Conviction was a profitable field, while the success of an informer opened an unlicensed garden in the miles of London would bring a heavy penalty inflicted which could be as £166.13.4. could be earned. Opportunities for his custom were provided by his knowledge of the law as a common informer specialized in offences peculiar to specific areas. In Oxford, for example, work was done out of anyone who fraudulent

men vying with each other for the credit
ward; pestered minorities offered re-
their persecutors, like the Dissenters of
a hundred pounds (without success)
author of various handbills which had
while numerous high-minded associa-
elons promised rewards to the common
so many sorts of evil-doer that men
devoting the whole of their time to the

a free-lance policeman, recognized as
by the laws of Wihfred, survived until
for at least five centuries, he had been
e reign of Edward VI by a statute which
o laid information against a pauper,
and loiteringly', was to be given the
for two years.²⁷ Although this statute
stage had been taken of it often enough
described by Coke as 'viperous vermin'
ze the subject . . . for malice or private

il the eighteenth and early nineteenth
informer, used by authority as both
or, was able to take advantage of so
sion for his services, that he could be-
offences relating to hackney coaches
ction were, admittedly, not prosecuted
ach conviction for illegal hawking and
ounds and a conviction for stealing a
ommercial frauds were a particularly
ccessful prosecution of a man who had
n for music or dancing within twenty
ing to the informer the whole of the
d be a hundred pounds. And as much
ned if the convicted man had offered
ners to play an illegal game. A sound
a whole was not necessary, for most
zed in a particular type of offence or
cific localities. An informer practising
ould know that he could make money
tly claimed exemption from his parish

duties, who wrongfully exercised the full licence which was granted to an apothecary and to sell wine without a licence from the University;²⁹ but he would not need to be charged with any of the nineteen different offences relating to the licence.

The opportunities for blackmail were numerous. An ambitious informer, apparently, once disclosed to the police no less than 'three thousand, six hundred and fifty names of Great Britain' he having contrived to obtain, on various occasions, tolerated in his house, room, and garden, all sorts of diverse posture-makings, jigs and dances, and his victims were capable of paying such sums for the privilege of residing on the side of the law and provided a reward of information. Information was laid against two persons who had been compelled to ignore the law and buy expensive licences in order to stay in business with a thousand unlicensed dealers, so it was easy for each to avoid arrest.³¹

The activities of the detested community were directed mainly against the petty law-breaker and the informer led to the creation of another species of crime practised as a regular occupation the profession of hunting and prosecuting the professional thief who first demonstrated how profitable the profession was Jonathan Wild, whose activities afforded him with exceptional advantages. He boasted himself, 'Thief-Taker General of Great Britain and Ireland'. But for Wild, thief-taking was not a profession, it was a means of keeping the law on the side of the empire. He was a cruel man, so savage in his treatment of one of his mistresses during a quarrel that he called her a 'bitch', so vindictive that he could send a man to the gallows daring to suggest that he would not let him live. He was cunning and shrewd as well as cruel, and in punishing those who tried to cheat him or who tried to get away with 'the feel of the hangman's hemp' he was in his power to make them feel it by rendering them liable to Tyburn, he could keep his own men wary of him, while at the same time he could offer a reward for the conviction of those who

functions of a proctor, or who were necessary to practise as within the precincts of the to familiarize himself with to London hackney coaches. ere, of course, limitless. An demanded of a rich victualler er pounds of "lawful money y to the statute on sundry om, garden, or other place violin scrapings'.³⁰ Few ums, but the Gin Acts forced respectable shopkeepers out-five pounds on each convic-twelve thousand poor people regulations requiring them to in business and about three calculated, paid ten pounds

mon informer were directed, but the offers of rewards s of private policeman who more dangerous profession essional criminal. The man le this profession could be s an underworld leader pro- ges. He was, in fact, as he eral of Great Britain and was not merely a profitable ing control of his criminal ge that he could cut off the quarrel to 'mark her for a nd a man to the gallows for et Wild sleep with his wife, l. He knew that by threaten- who refused to work for him, and by proving that it was ularly sending independent s enemies in fear of him and e same time earning not only no underestimated his power

but also the gratitude of his associates for his activities which he so assiduously pursued. He led to believe that he was a man of power, he once boasted with a thief in the metropolis. He was as well as for a fact and in 1725 he carried a notebook in which he recorded hundreds of thieves in his country. He had a reputation for keeping his conduct never had cause to fear any reason for his summons. He was a world, secure acquittals as a rule and buying perjured evidence within the limits of his friendship could be done.

How many convictions he had secured newspapers of the time were full of which included the arrest of a thief in a single day. In a petition to the king he was 'very desirous of becoming a justice and complacently called attention to sixty criminals to the gallows he had secured the conviction of in the metropolis'.³²

In 1725 Wild was hanged for a law against receivers which had broken up his criminal empire split up by his death, the profession of thief-taking profitable, grew and prospered.

A Frenchman who watched Wild was a mistake to get rid of so much money had disposed of a robbery help several were hanged even though that thief-takers were indisposed to them further opportunities which carried a reward. Already a share in the reward had been recognized as being a danger as possible to catch a thief singly made available to those who brought criminals to justice and arranged rewards to be given to those

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honest people who, from the reports of assiduously supplied to the Press, were their courageous servant. It was in his without undue exaggeration, to hang every had a remarkable memory for a face case this memory should ever fail him which were entered details that kept control. He was careful, too, to maintain word. A criminal promised a safe con- r a visit to Wild's house whatever the could, it was well known in the under- surely as convictions by bribing juries nce, so that those within the narrow feel secure.

he secured will never be known. The re full of stories about his successes a hundred street robbers in Southwark n to the Lord Mayor he said that he ing a freeman of this honourable city' ntion to the fact that he had sent over ws. Two years later he claimed that ons of 'seventy-two of the worst felons

ed himself for a violation of the Act been named after him.³³ But although and fell into less capable hands after f thief-taking, which he had made so ed.

ned Wild's execution thought that it o successful a policeman. The Govern- ber but 'he was only one, and by his very year'.³⁴ The Government agreed pensable, and after Wild's death gave by adding to the number of felonies eady the number of people entitled to een increased, for thief-taking was erous profession and it was often im- ple-handed. Rewards were accordingly o were injured while trying to bring rangements were made for shares in e who helped thief-takers make their

them in lucid prose. His *Inquiry into the Increase of Robbers* published in 1749 was a thorough investigation of the causes of crime, but a criticism of the administration of justice. Many of the reforms, negative and unoriginal today and so much of the severity of the law, are undone. The transition did not appear so at the time. The transition and much of what was best in it is a monument for reform. The practical experiment carried out in Bow Street had an even greater influence.

He arrived at Bow Street in 1748. After twenty years and had been succeeded by an inexperienced man, the office to decline into its former ineffectual state. The constables of Westminster—most of whom were found that only six had the qualities of a constable. But these six, trained by the sensible and experienced constable of Holborn, Saunders Welch, were full of enthusiasm, and when their year of office expired, they refused to stay on, although they could expect the ordinary thief-taker's rewards.⁴² They were generally respected as 'Mr Fielding's peepers' and were known as the Bow Street Runners.

In handling serious disturbances Fielding used his troops as his predecessors and successors. He made constant appeals in the Press to the public. He was known as Fielding, Esq., at his house in Bow Street. The Bow Street, but successful civil organization was not long-lived. Within a year the newspapers were able to report that highwaymen, street robbers, burglars, and cheats had been committed within a year. It was, perhaps, a small beginning but the force of men at Bow Street grew and the organization increased.

In 1754 Henry Fielding died in London. The reforms he had inaugurated was extended by the reforms of his successor. He was loved him so devotedly and so greatly that the 'Peepers' who, it was said, could recognize their voices, remained at Bow Street. The reforms he died most of the plans which he and his successors together were developed and shown to be successful. There were always honest orderly men

into the Causes of the Late 1751 contains not only an indictment of many aspects of the views expressed seem to me, such as his condonation of the most blatantly repressive; but they in fact made a profound impression on the growing movement of his ideas which were to have a deeper influence.

De Veil had been dead two years. He was a septuagenarian old man who had allowed himself to become inefficient. Of the eighty parish officers of them proxies—Fielding was looking for honest and trustworthy High Constables, were fired by Fielding's example, and all of them agreed to accept no payment other than the usual 'poor rate'. They became known and ultimately 'the prototypes

Fielding had to rely on military officers to do; but by convincing the public to report crime to 'Henry Fielding's Office', the existence of a small number of thieves was made known. After little more than a year he was able to report that, 'Near forty, or thereabouts, rogues, vagabonds, and idle fellows, were taken up every week by Justice Fielding.'⁴³ But each year the efficiency of the office increased and each year its numbers in-

London; but the plan which he had conceived was the blind half-brother who had long been highly admired him. The 'Blind Beggar' was to organize three thousand thieves by the year 1760 for twenty-six years. When the plan was drawn up to be successful. By the 1760's the office was on duty at Bow Street and,

between the hours of one o'clock and nine, at least one magistrate consisting of regular controls was extended in 1763 when cover all the roads leading was in existence by 1782.*

The need for an actively factory means of tracing criminal announcements in the Press, publication after 1772 of the *or Extraordinary Pursuit*, each Fielding's 'favourite prevention descriptions of wanted criminals to all 'the Mayors, Chief Magistrates the United Kingdom'. Early of a variety of wanted men such

Samuel Broughton, by trade inches high, brown hair, his right the left, generally wears light clothing *William Thompson*, by trade a pale complexion, effeminate voice of which turns up, charged with *Rouse*, alias *Riley*, about twenty inches high, fair complexion with had on a light coloured fustian : broke out of Cambridge gate stealing . . .⁴⁴ *Benjamin Bird*, hair tied, thick lips, the nail of his ably clumsy, comes from Coventry the last at Liverpool . . . *John* middle sized, thin visaged, smooth a large white wig, bandy-legged

* The Horse Patrol was reorganized streets were so infested with restrict its activities to the Metropolitan reinforced and divided into two battalions of four divisions comprising 161 men they wore a uniform of blue double coat, white leather gloves, and black truncheon and handcuffs. All of the cottage near the road they had to pass

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lock and two and between five o'clock
rate. The idea of a preventive police,
s, put into practice as early as 1755,
the Horse Patrol began operations to
into London. A regular Foot Patrol

co-operative public and a more satis-
factual, recognized by Henry Fielding's
s, was to some extent satisfied by the
the *Quarterly Pursuit* and the *Weekly*
ly forms of police gazettes and John
'preventive machine'. In these publications
notices were distributed from Bow Street
Magistrates and Acting Magistrates of
the lists contained detailed descriptions
such as:

a worsted weaver, about five feet two
his right arm is withered and is shorter than
the other, charged with felony at Norwich . . .
a butcher, about five feet five inches high,
dark hair, light curled hair, flat nose the end
of which is bent, charged with felony in Leicestershire . . . *William*
thirty-two years of age, five feet two or three
inches high, with a long hook nose, wears his own hair,
a blue frock and waistcoat and leather breeches,
a pistol, being under sentence for horse-
stealing, a tall thin man, pale complexion, black
hair, his forefinger of his right hand is remark-
ably thick, and is charged with several forgeries,
John Godfrey, pretends to be a clergyman,
a ruddy face, ruddy cheeks, his eyes inflamed,
and is charged with fraud at Chichester . . .

abolished in 1805 and again in 1821 when the Lon-
don robbers that the Foot Patrol was obliged to
patrol in the metropolis. The Horse Patrol was consequently
divided into branches, the mounted and dismounted, each
with ten men in all. They were all ex-cavalrymen and
wore a buff-breasted coat with gilt buttons, scarlet waist-
coat and black leather hat. Each carried a pistol, sabre,
and their names had to be married and they were given a
regular patrol.⁴⁶

Elisha Nash, a husbandman, tall and thin, with a pair of teeth, round shouldered, charged with felony.

It is a tribute to John Fielding's doggedness that the schemes he so persistently recommended to the Government, unwilling to spend any money he was obliged to, gave him little encouragement. The first, in fact, only came into existence after the passing of the value of circularized descriptions of the murder of a Mrs Hutchings in King's Bench Prison, of Jews, one of the gang turned King's Bench Prison his accomplices. By dispersing their headquarters to the Office and the offices of Excise and Customs, they were able to arrest four of them almost immediately.

Fielding even had difficulty in getting the Government to reimburse him for his expenses. He had to write to the Home Office that money was due to him for every penny he spent. In 1756 his expenses were £100 on his own men and outside informers.

Finding evidence for a murder, 1/3

For an information of counterfeit half-pence, 1/3

For suppressing an illegal music meeting, 1/3

For detecting an imposter and suppressing his designs, 1/3

For opening a pavement on suspicion of a murder, 1/3

For dragging the ponds to find the clothes of a murdered man, £2. 2s

For dresses, tickets and other expenses in the apprehending nine notorious gamblers, £1. 10s

For sitting up in an hospital with a high fever, fit to be examined, £1. 11s. 6d.

For pursuing Watts, a housebreaker to the death, 10 days, £3. 10s.⁴⁷

The more successful Fielding became, the more the Government were prepared to support him. As the years went on, however, prevalent, his allowances were reduced. In the 1750's, they considered a generous sum for the time, but by the 1760's, the Government decided that they thereafter be cut down. Then, after the passing of the Act in 1763, had kept the roads relatively

thin, talks fast, black hair, full
 colony in Essex.⁴⁵

determination that any of the
 ended came to fruition, for the
 more money than they were
 ment. *The Quarterly Pursuit*,
 er Fielding had demonstrated
 in 1771, when, following the
 g's Road, Chelsea by a gang
 ng's Evidence and described
 descriptions through the Post
 Customs, Fielding's men were
 immediately in Birmingham.

getting the Government to re-
 had frequently to remind the
 him and had to account for
 annual record of expenditure
 s went into such detail as:

ence, 2/6

g, 4s

ng a dance, 8s

murder, 12s

hes of Cannicot's Wife that was

to proper persons for detecting
 olers at the Ridotto, £8. 2s. 6d.
 highwayman that was wounded till

o Bristol, for horse-hire twenty

me, the less the Government
 soon as crime seemed less
 ed. Thus, having allowed what
 ne destruction of street-robber
 a broken up by the middle of
 d that the police funds could
 the Horse Patrol, established
 vely clear of highwaymen for

some months, the fund which for this purpose by the Court continued.⁴⁸ And yet all the time being as the 'first magistrate' compared to the sums which the Government in rewards. By 1781 to £10,840 and by 1787 to £11,000 a year, the figure rose to £18,000. Bow Street Runners had of course no evidence before a Committee of the House of Commons, Metropolis, was negligible. By 1787 up amongst all those who had been of Bow Street's most successful, left for either himself or any other forty pounds a year.⁵⁰ Men who made good incomes by accepting of them were worth the large sums were others who brought the Court evoked memories of the MacCarty almost destroyed John Fielding caused him to publish a denunciation of his own 'honest and faithful men' who 'by assuming the character of a very 'laudable employment' in

So long as Fielding was alive, the Bow Street Runners were more or less justified. The Bow Street Runner as a profession to decline. The famous Runners and Ruthven, became little more than Townsend, an amusing man employed by the Court and by George III and the Regent. of his time travelling in Russia, Empress and of the Prussian nobility and gentry,' John S. happen to them, we might get paid by the proprietors of the seems, considered themselves. Vickery learned that there was did not give the information to a solicitor to the Post Office and

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n had been made available to Fielding
ancellor of the Exchequer was dis-
allowances which were paid to Field-
for Westminster', were insignificant
n were still paid out annually by the
1786 the total of these had risen to
5,060. After falling in the intervening
3,000 in 1815.⁴⁹ The share which the
these rewards, according to their own
ee on the State of the Police of the
y the time the money had been divided
ad a claim upon it, John Vickery, one
ful Runners, said there was not enough
of his colleagues to make more than
as well-known as Vickery, of course,
pting private commissions; and some
e sums paid to them, although there
Bow Street Runner into disrepute and
Daniel and Berry scandal which had
ing's little force in its early stages and
nial in the *Public Advertiser* that his
n' had any connection with 'wretches'
cter of thief-takers' had brought that
nto disgrace.

alive the claims he made for his men
But after his death the reputation of
n impartial servant of the law began
ners, like Townsend, Sayer, Vickery
more than private detectives. James
with the tastes of a dandy, was often
d was on friendly terms with both
George Ruthven spent a great part
sia and Germany in the service of the
sian Government. 'We attend the
ayer said, 'and if any accident might
get five or six guineas.'⁵¹ Others were
heatres or banks and all of them, it
res quite independent. When John
as to be a robbery at a post office he
to a magistrate but went direct to the
nd made sure that he was paid for it.

John Sayer, on his own initiative, between the bank robber, James MacKoull in Glasgow for the return of about £1000 MacKoull had stolen on the underground against MacKoull should be dropped £1000 pounds when he died and at least some £1000 stolen from the Paisley Bank. Town £1000 pounds and Ruthven died in receipt of £1000 Prussia as well as from the British C

But although the Bow Street Run result of a system based on personal in open to private hire. Being unwilling parish or corrupt proxies, 'necessarily who 'from age and imbecility (were) they were, with few exceptions, as like prevent it. They did not consider th in any criminal case, unless expressly were encouraged to do their duty partly which they, of course, like all other and partly by being allowed fees for a they might otherwise attempt to avoid petty sessions, billeting soldiers, going sure that shops and public houses were vices, patrolling fairs and making law rewarded, too, by being given a share strates who, so one of them once said to be paid rather than condemn a criminal of punishment, which would leave the his pains'.⁵⁷ A Hornsey constable vagrant he brought before the local Owen, who admitted having sentenced them, sometimes on the constable's evidence all, quite wrong, another magistrate should be 'compelled day after day and search of some atrocious ruffian' was merely because it was his duty.⁵⁹

These views might have been more stables had gone out night after night ruffians. But for the most part they so, often coming to terms with informants to avoid competition for the rewards

carried on negotiations between Koull and the Paisley Bank twenty thousand pounds that understanding that proceedings. Sayer left thirty thousand of the money was in notes and send left twenty thousand of pensions from Russia and Government.⁵²

ner was the most celebrated incentives, all constables were and unpaid delegates of the 'degenerate,'⁵³ or even men 'not equal to any service',⁵⁴ 'to encourage crime as to themselves liable, 'to interfere called upon to do so.'⁵⁵ They by the thief-takers' rewards citizens could win or share, a great variety of jobs which d. These included attending on a night search, making ere shut during Sunday ser-ists of jurors.⁵⁶ They were e of fines imposed by magi-d, sometimes ordered a fine riminal to some other form e constable with 'nothing for got ten shillings for every magistrate, the Rev Henry ced 'about five hundred' of vidence alone.⁵⁶ It was, after considered, that a constable nd night after night to go in without specific reward and

e acceptable if, in fact, con-ight in search of atrocious could not be induced to do ners and thief-catchers so as and even refusing to arrest

criminals in districts where law was low. They sometimes even carried one law in case by doing so they stood against another and more profitable to leave coiners alone and for bringing in utterers did not. These districts, indeed, contributed to the criminals themselves. They could not do but there was no satisfactory remedy.

Many of them went into business or into any trade which might be threatened with the loss of disorderly houses and garrets with a closing order. And the result was a return for three parishes of inhabitants in all, revealed the existence of one sort or another in the streets.⁶⁰ Apart from the profits of these houses with the goods which grew rich on 'hush' money which the proprietors meant as much as if a constable was not an active he made it difficult for himself to complain to a Parliament. He suffered a loss of two hundred pounds and offended his customers during the course of his duty.⁶²

If the average constable and watchmen were no less lazy than a hundred years before, and the jokes at their expense. 'It is a pity to see, readers, that a man who presides over a man to a parish at the West of London by depredators, was lately told that I am astonished at the impudence of a fellow as you are, being so idle in your station, when you are capable of being a derisive advertiser called for:

'A hundred thousand men for the

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the allowances for doing so were too declined to bring in offenders against they reduced the numbers of offenders profitable one. It was, for example, more alone so that the supply of rewards did not dry up. Constables in many did more to the crime rate than the could be fined for neglect of their duty, way of proving that they were neglect-

business as coal or tobacco merchants supplied not only publicans who could of their licences but also the owners of gaming dens who could be threatened. The number of such places was immense. There were, with less than sixty thousand in 1817 there were 360 brothels in the area, employing two thousand people. Profits to be made out of supplying of their particular trades, constables which for some of the more successful was a thousand pounds a year.⁶¹ Even a private profiteer in vice, by being in trade himself to act impartially; and one constable reported to a committee that his business had earned him a hundred pounds a year because he had been fined during the Corn Law riots merely by doing

as becoming increasingly corrupt, the more and decrepit than they had been a few years ago. As newspapers were repeatedly making it plain, as said, the *Morning Herald* told its correspondent for the office of watchman at the End of the Town very much infected and returned away with this reprimand—"I have no patience of such a great strong sturdy fellow as to apply for a watchman's situation on the ground of labour".⁶³ In another paper a

the London Watchmen's Company. None

need apply for this lucrative situation th
 sixty, seventy, eighty or ninety years, bli
 little with the other; crippled with one o
 and such that will neither hear nor see
 what does not, unless well palmed or ga

Prostitutes were their most common
 money' for a licence to parade unmole
 beats."⁵ When not asleep in their wat
 so frequently were, they would pass
 in public houses or brothels or even

No one knew how many flash houses
 were unwilling to admit the existence o
 the necessity for as means of commur
 but they could be found all over L
 notorious were the *Jane Shore* (the
 officer who hung his staff above the
 Shoreditch, the *Angel and Crown* in
 Soho Square, the *Wheatsheaf* in Dru
 mouth Street, the *Cock* in Bishop
 Regent's Park, *Jesse's* beyond Cleme
 Bow Street and the *Black Hell* in Win
 food and drink and an escape at the b
 flash houses let out 'beds and privat
 or otherwise' for 'gambling and debau
 largely by coiners, some by 'petty thi
 the higher scale', but nearly all of th
 numbers of young boys and girls tha
 at several houses in St Giles's there w
 boys and girls and at one of them fo
 up for them every night.⁶⁷ At the
 the boys were rarely more than eight
 twelve and some of the girls were no
 dancing here twice a week and b
 occasional retirement of the boys an
 night'. Several of the girls between e
 under the protection of boys of 'nea

But they were not only places of e
 hiding places for men and for boot
 fences. Crimes were planned in ther
 their excursions from them and retu

that have not attained the age of
and with one eye and seeing very
or both legs; deaf as a post . . .
what belongs to their duty, or
garnished for the same.'⁶⁴

garnisher, paying them 'gin
rested up and down particular
ch-boxes, as these watchmen
s their spells of duty sitting
in flash houses.

ses there were, for the police
of more than they could plead
nication with the underworld;
London. Some of the more
landlord here was a parish
bar), the *Adam and Eve* in
Whitechapel, the *Falcon* near
ury Lane, *The Rose* in Mon-
sgate, the *Jew's Harp* near
ent's Inn, the *Brown Bear* in
iffell Street. Besides providing
ack or through the roof, these
e rooms either for the night
chery'. Some were patronized
eves', others by criminals 'of
hem were remarkable for the
t frequented them.'⁶⁶ Indeed,
were never any customers but
our hundred beds were made
Bull's Head in Vere Street
teen years old and often only
more than eight. There was
eds were provided for 'the
nd girls but not to sleep all
ight and ten were prostitutes
rly a correspondent age'.⁶⁸
entertainment, they were also
y and the known haunts of
m and thieves started out on
urned to them to share their

plunder. They were clubs

Constables, like watchmen, were engaged in the gambling and being paid for their services drunk at the expense of the 'house' could go on 'without' any other means when questioned by a conscientious person. Their visits as necessary in order to attend to their occasions—although they were often excused on the excuse that was justified and in the eyes of the magistrate 'felt bound to testify' that 'many of the most notable' of the city had it not been for these 'particular' persons they afforded the means of getting

But in the same year in 1848, when the trial was appointed, the trial of many of them were concerned with all facilities and agencies for the purpose of reasons. At this trial the activities of crime was again revealed. The trial of the Patrol and Robert Mackay, two police officers, had appeared in connection with professional burglary. The incident suggests the ruthlessness of the man named Barry, went up to the market.

"My master," said Barry, "has a lot of fellows; but it is very *hard* work."

"Oh!" answered the poor man, "it is very hard the work."

"Oh! But there is some hazard."

"Why," continued the poor man, "mounting a ladder five stories high is attended with great hazard; but it is not for danger."

"I know that," said Barry, "and I know that no man is bound to do it. My master would not hire any man that if he leaves the work he would be

This young Irishman together with the others agreed to take the oath and

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for criminals and schools of crime. They, were frequent customers, joining in and being killed with drink until they were 'dead boys and girls' and 'the business of the night without any molestation'.⁶⁹ The constables, the conscientious magistrate, would excuse their behaviour 'to obtain information'. And on these were comparatively rare occasions—the information was obtained and used. As a result of a Parliamentary committee in 1816 'serious thieves' would have escaped had it not been for the 'particular places of rendez-vous' which they were bringing them into his power.⁷⁰

It was which that Parliamentary committee of various police officers showed how they had managed to keep these places—and indeed how they were open for quite different activities of the policeman as the instigator. One of them was Mr. George Vaughan of the Bow Street Watch of the City Patrol, together with other officers who had recently been working for months in conjunction with burglars and as *agents provocateurs*. One of the objects was to show the shrewdness of their methods. An accomplice, a ragged Irish labourer in Cheapside

was plenty of employment for some smart fellows. . . .

One man, "I want bread and do not mind how I get it."

Another said in it!"

Another fellow, "So has every kind of work; I am high with a heavy load of mortar . . . is it not so? But an Irish labourer does not care much for the work."

"But this is work of a very peculiar kind, and if you are bound to stay at work he does not like . . . anyone, but such as will take a solemn oath that they will never speak about it." "

Another man with three others who joined him, and so all four of them were taken to a

room where some metal, a file, a pair of pliers were laid out on a table. Realizing nothing more was required to do, they decided to leave the room instead of going out for their dinner. But in the morning the Lord Mayor and told them that they need not go to work. They were ordered for them. Soon afterwards they returned to the house and arrested them for coin clipping. They were bound by the oath which they had taken and were found guilty and sentenced to death.

It was only through a revealing revelation and followed up by the Lord Mayor's inquiries that his suspicions had been aroused by it, that the case was brought to light. Fortunately by then a priest had told them that they need not consider themselves bound by the oath which had been administered unlawfully. They were discharged and settled down on a farm with the aid of money collected on their behalf.

It was, of course, inevitable that a system of police based largely on appeals to personal interest would be rife with corruption. Despite the obvious need for reform, however, the reform developed pitifully slowly and it was not until Fielding's ideas influenced the Committee of the House of Commons in 1750 that any real progress was made. The committees of 1770 and 1771 did more than suggest minor reforms; their suggestions passed into law, but the law was of even temporary value. Acts passed in 1751 related the licensing of public houses, but the law was evaded and twenty years later the 'Act to drink their hell beforehand' was being passed. The Act of 1752 empowered judges to receive fees for their expense in taking criminals to court. The prosecutor was not instituted for many years and at that time private people continued to be rewarded for their expense of prosecuting.* An

* This problem was still not solved in 1832. In 1832 Bennet, the Radical M.P. for Shrewsbury, brought forward a bill to give monetary rewards and to give new powers to the police and witness for their trouble and loss of time. The Select Committee on the State of the Police of

of scissors and other tools
what it was they were re-
house under the pretence
the hall Barry stopped them
go out, as dinner had been
the police officers came into
ing. At their trial they felt
en, and refused to reveal the
enced to death.

mark made during the trial
Sir Mathew Wood, whose
the true facts came to light.
and the four young Irishmen
es bound by an oath which
ney were pardoned and dis-
in Ireland bought for them
by the Lord Mayor.⁷¹

system of law enforcement
interest should have led to so
incapacity of the system to
the movement for police
with many setbacks. Henry
tte of Enquiry appointed by
and John Fielding's work
and 1772 but none of these
nor improvements. Some of
but little of this legislation
sed in 1751 and 1753 regu-
but magistrates connived at
the 'liquid fire by which men
ag sold as before.'⁷² An Act
reimburse private prosecutors
court, but the office of public
ny years and in the mean-
reluctant to go to the trouble
Act of 1756 allowed the

1818 when the Hon. Henry Grey
brought in his Bill to abolish Parlia-
courts to compensate prosecutors
Bennet had been chairman of the
the Metropolis which had sugges-

constable of Westminster to limits but only a few constables even within their own parishes. The duties of watchmen, regulated by their rattles and specified their rattles and remained the ineffective 'pebble-bawlers' which they had always in attempts to limit the amusement of the people, but the people's appetitional framework was left un-

And then, in the stifling four wild days into the hands of a desperate need for a new system of law. clear.

The riots began on 2 July led by Lord George Gordon striking gifts and astonishing a petition demanding the repeal of some minor relief to Roman Catholics in uproar. Chapels, prisons, and to the ground within the next few days and gangs of apprentices molested the inhabitants. At least 100 lives.⁷⁶

'Such a time of terror,' Dr Johnson had been fortunate in not seeing the flames from Langdale's church and the screams of rioters with a lantern in his hand,' passed the yard, 'calling the hour as if it were midnight.'

It was not only the watchmen that constables or magistrates were found, or being found were not in authority. All except a very few. trouble was over and some C.

ted that apart from relaxing the severity of the law towards criminals to justice was to make it a matter of course for the prosecutor and his witnesses. His Bill of Rights.⁷⁴ But pleas for a Public Bill by Patrick Colquhoun, were ignored. A new Prosecutor was appointed.⁷⁵

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to pursue criminals across parochial boundaries were prepared to pursue criminals everywhere. An Act of 1774 carefully prescribed and regulated the length of their beats and their staffs, but the watchmen themselves were 'straggling Horologists' and 'Hour-glasses been.'⁷³ Several Acts were passed to improve the morals and regulate the morals of the watchmen. The tradition was merely whetted. The tradition was questioned.

In the hot June of 1780, London fell for the first time to the hands of a desperate mob and the imperativeness of a professional police was unmistakably demonstrated.

It was in June when the Protestant Association was formed, a rank, embittered demagogue of the name of John Bull, delivered to Parliament a bill for the repeal of a recently passed Act granting civil rights to Catholics. By nightfall the town was in flames and hundreds of houses were burned down in a few days; escaped convicts, drunken apprentices and prostitutes terrified and the streets were filled with at least seven hundred people lost their lives.

Mr Johnson told Mrs Thrale, 'you have seen the scene.' And in this time of terror, while the smoke of the distillery made the sky 'look like blood' and the streets were filled with the air, 'a watchman with his lantern shining by the wall of St Andrew's church-yard was seen in time of profound tranquillity.'⁷⁷ The watchmen who were useless. Everywhere where the watchmen were wanted they were not to be seen. They were not to be persuaded to use their lanterns. A few hid themselves away until the morning. The city aldermen, who hoped to profit from the sale of the watchmen's lanterns.

In the severity of the law the only way to bring more order to the streets was a less expensive business for the private prosecutor. The bill eventually became law after some amendments. The bill was introduced by the Attorney-General, backed by Jeremy Bentham and Lord Mansfield. It was not, in fact, until 1879 that a Public

the Government's danger, actually piling themselves on the side of the rioters. The constables continued to wear blue cockades, the Association, long after this organization had been dissolved, the riots; and the Lord Mayor, a fortnight later, concernedly told Lord Beauchamp, as the rioters were in Moorfields blazed around them, 'To be that the mob got hold of some people whom they do not like and what is the harm in that?'

Even when troops were called out, the Lord Mayor was found to give them any orders, let alone any advice. It was not until the King threatened to send the military authorities were not given any orders, 'great supineness of the civil magistracy' was restored by a decision of the Privy Council to order officers to open fire on a lawless mob, 'in obedience to a magistrate's orders.'⁷⁹

The decision, as Horace Walpole pointed out at the time, raised a storm of protest. During a debate in the House of Lords in 1734, Lord Shelburne strongly attacked the Government for ordering troops to open fire on civilians and a suggestion was made by Lord Shelburne, while the rioters were still outside the House, that the alternative of a more efficient police, based perhaps on the model of the Paris police, was almost universally condemned.

'It must be evident,' Lord Shelburne said, 'that the Police of Westminster is an imperfect, inadequate, and inefficient body. The commission of the peace is for the most part in the last degree, and capable of every mean and oppressive act to the justice of the laws which they are to administer with truth, equity and wisdom. The inefficiency of the Westminster Police is so obvious to every eye, that it points it out as the fit object of reformation, and that it ought to be entirely new modelled. Recollect what the Police of France is. Do not let us be blind to its evil.'⁸⁰

There was no doubt that this advocacy of the Continental model deeply shocked the Commons and the Houses, and when the danger was past the Government again for many years. The Gordon Riots

professed themselves on the
in Alderman Bull's Ward
the symbols of the Protestant
n had dissociated itself from
rmer brothel owner, uncon-
ne houses of Irish labourers
The whole mischief seems to
ple and some furniture they
? 178

, magistrates could never be
one to read the Riot Act. It
to head the Guards himself
given the powers which the
ites' denied them, that order
y Council permitting military
mob without waiting for a

predicted, although accepted
t when the Riots were over.
ds, the Duke of Manchester
r authorizing the military to
n made in a previous debate
were shouting in the streets
ve to martial law was a more
better aspects of the French
ned.

rne thought, 'that the Police
quate, and wretched system.
illed by men, base to the
a act derogatory and opposite
their office obliges them to
sdom. The miserableness of
that the example of yesterday
ation and shows most forcibly
illed and this immediately . . .

Examine its good but do not

cacy of a professional police
cked most Members in both
t it was not seriously debated
Riots had made them aware

of the problems presented world, growing year by year level of decent life; but the methods for a solution rather

The associations of armed Association, which had done during the riots, seemed to the philanthropist, whose a few months after the riot influential advocates. He re-prising volunteer bodies each lent part of the community support, particularly in the chance to create a sort of C although the London Militia the Honourable Artillery C occasion go out 'on a spirit in Islington,⁸³ the Govern experiment of an armed ar not carried into general practice

Similar suggestions that institution of the *posse com* to arms everyone over fifteen the purpose of 'keeping the transformed militia, were p Government fell back into subscribe to the Solicitor-C Gordon Riots had been 'a power which, in all probabi

There were, however, a f not prepared to let the prob Prime Minister between 178 younger Pitt in 1784. Both ideas on police reform, and Archibald Macdonald, intr Police Bill.

The Bill was a remarkable portant and practicable prop Fielding went to Bow Stre the Cities of London and W wark into one 'District of th

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by so large and so unruly an under-
r and scarcely submerged beneath the
e Government looked back to the old
er than forward to new ones.

l civilians, such as the London Military
ne so much to help to restore order
provide one solution. Jonas Hanway,
book *The Citizens' Monitor* appeared
ts, was one of the associations' most
recommended 'a plan of police', com-
h of twenty-three men from the 'opu-
in each parish'.⁸¹ The idea found some

City where the aldermen saw in it a
City army under their command;⁸² but
ry Association, which was merged with
Company in 1781, did on at least one
ed search' after some violent criminals
ument saw to it that the dangerous
mateur police outside its control was
tice.

reliance should be placed on the old
mitatus by which the sheriff could call
en and 'under the degree of a peer' for
e peace and pursuing felons', or on a
ut forward, and largely ignored. The
complacency and appeared willing to
General's comfortable opinion that the
single instance of a defect in the civil
lity, would never again occur'.⁸⁴

few men in the Government who were
blem slide. The Earl of Shelburne was
82 and 1783 and was succeeded by the
these men were known to have strong
d in 1785 Pitt's Solicitor-General, Sir
roduced the London and Westminster

ple attempt to incorporate all the im-
posals that had been made since Henry
et. It provided for the unification of
Westminster and the Borough of South-
e Metropolis' which was to be divided

into nine Divisions. Three Commissioners with wide powers to enlist constables, one Office in each Division and to select a Justice to act there'. Commissioners and Justices' salaries.⁸⁵

The Bill raised passionate opposition, where as a Member of the House of Commons had been applied to the buildings there it caused alarm'.⁸⁶ Another City Member, Alderman, was not being 'bloody-minded' but the removal away from the City its traditional independence 'derogatory to the dignity and destruction of the Aldermen'.⁸⁷

Pitt, relying so heavily for support from the City, felt obliged to give way and for over thirty years did a comparable job.

In 1792, however, an Act was passed in opposition, creating seven new Public Police Offices, each of which was to be for the Peace.⁸⁸ Three more Police Offices were created, the River Police in 1800⁸⁹ so that by the year 1800, the Metropolis had nine Police Offices, each with a Justice of the Peace as magistrate receiving salaries of not more than £100 a year. The magistrates were to select constables at each office and to pay them for their services.

There were numerous applications to the magistrature—one from a man who was that he wanted an opportunity to deal with 'advantages which they could not have from a man who said that to deal with the lower class and their attorneys, a candidate with the patience and strength and force of it so happened, he possessed all these qualities usually selected, however, were for the most part unscrupulous and unscientific. But the fundamental problem was still the same.

There was still the same muddy water, the authorities, directed, it was estimated to be regulated by perhaps a dozen different Trusts; regulated by perhaps a dozen Acts'.⁹¹ Each parish jealously guarded its boundaries, and its watchmen could

tioners were to be appointed
s and to 'organize a Public
suitable Justice of the Peace
stices were both to be paid

ion, particularly in the City
ommons said, 'if a torch had
ould not have created greater
erman Townshend, said he
e Bill, which intended to take
ependence and liberties, was
ctive to the authority of the

t upon business interests in
the Bill was abandoned. Not
le measure emerge.

ssed in the face of renewed
Offices, soon to be known as
have three paid Justices of
es were created for the new
en, counting the one at Bow
ce Offices with twenty-seven
t more than four hundred
re authorized to employ six
them twelve shillings a week

for the various appointments
n whose reason for applying
ty of giving his daughters
ave in the country', another
h the villains of the criminal
e needed 'the Eyes of Argus
ortitude of Hercules' and, as
e qualities.⁹⁰ The men event-
most part intelligent and con-
lems remained.

de of independent police
l in 1797, by 'above seventy
s double that number of local
ded its own privileges and
rarely be persuaded to offer

any help outside it, preferring to pretend not to have happened or to pretend not to have happened. At night watches came off duty and the day watches came on, so there was plenty of darkness in unwatched streets; and if a watch, its neighbours suffered. A Parliamentary committee gave a report on a district near his, he was asked 'What [had] increased lately?'

'Very much in the Hendon and

'Towards Edgware and Harrow

'Yes.'

'That is where you have driven

'Yes.'⁹³

The rivalries between parish and new Police Offices, one of which was a committee if there was any other Police Offices. 'Certainly not,' he said, 'information to themselves, and to others, that they may have more offenders.'⁹⁴

Some areas were outside the jurisdiction of the authority. The Royal Parks, for example, that householders in the neighbourhood petitioned for protection from 'repeated attacks' which were common in Park. One man complained that 'the want of common Decency' that he had his friends to go to the back window.

But although the Act of 1792 was intended to check the spread of crime, it had a side effect: a reform of the police, for one of the men who proposed it was Patrick Colquhoun.

Colquhoun had been a high official in Glasgow when he had been elected to the House of Commons in 1797. He came to London in 1797 a man with an immense variety of experience. He saw in the Act of 1792 an opportunity for reform in practice. He was an inflexible man who had no patience with those

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ing to 'stand and look on' if anything to notice it.⁹² In any case, most of the several hours before the day watches of time for criminals to do their work one parish did happen to have a reliable record accordingly. A witness before a court gave evidence of this. Was there any case, in which 'depredations or crimes

Mill Hill Road,'
any?'

them?'

cases extended to the magistrates at the time. A question was asked by a member of another court in correspondence between the various courts. He replied. 'Different Police Offices keep their records and do not wish to communicate it to other courts for the credit and advantage of detecting

the known responsibility of any individual. For instance, were so rarely patrolled and the vicinity were frequently obliged to suffer from the 'many, daring, alarming and depredations made upon their houses from Hyde Park. That the scenes had become 'so disgusting that he had had to forbid 'his wife and children to go to the lows'.⁹⁵

The Act of 1792 had little immediate effect on the police, but had an indirect and profound effect on the police system of the new magistrates appointed under the Act.

A highly successful businessman in Glasgow, James Clerk Maxwell, became Lord Provost at the age of thirty-three, and with his family in 1789, a respected and liberal set of ideas on social reform, and he had the opportunity to put these ideas into practice. He was the enemy of the popular agitator and the middle-class radicals who praised the

principles of the French Revolution, the misery of the poor and unfortunate Hunger Riots of the 1790's he helped for the starving poor which the Quakers had paid for; and throughout to be a man whose good feelings could sympathy. As a philanthropist he was and not without a certain prudery censure. In numerous pamphlets he law, the abuses of the system of gaol in hulks, and the absence of any reform system which disgorged hundreds of brutalized convicts back into society appointment of a public prosecutor comprehensive register of criminals and information about them. He attacked and extravagance of the time and benevolence was closely related to the morals and habits of the lower ranks 'growing progressively worse and vices were 'no longer to be restrained influence of moral principle'. Some urgently required. In his most celebrated *Police of the Metropolis* (1795) he engaged in the war against this increasing crime divorced from the judiciary and controlled but with 'the Prevention and Detection

By reference to a mass of illuminating prepared and unscientifically treated urgent was the problem with which million pounds, he maintained, were 115,000 people in London (including supported themselves by 'pursuits of immoral'; three million pounds were spent on drink in 5,204 licensed million pounds were spent annually by forty-three gaming houses; three thousand goods and some fences were worth professional thieves were so numerous that no existing power will be able unless the Police of the Metropolis were

, but did nothing to alleviate
unfortunate at home. During the
to organize the soup-kitchens
ers, in default of Government
at his life he showed himself
did not find satisfaction in mere
is not without pride, perhaps,
but entirely without condes-
attacked the severity of the
granting pardons, imprisonment
remedial tendencies in a prison
of not only unreformed but
ty each year. He urged the
and the establishment of a
and a department for receiving
ed, like Fielding, the profligacy
believed that the prevention of
the prevention of crime. 'The
in Society,' he decided, were
worse'; but these evil propen-
by the force of religion or the
something more practical was
rated work, *A Treatise on the*
defined what the main agency
crime must be—a police force
concerned not with punishment,
'*Prevention of Crimes*'.⁹⁶

ting if somewhat haphazardly
and statistics, he showed how
society was confronted. Two
lost through theft every year;
(including fifty thousand prostitutes)
either criminal, illegal or im-
pendent each year by 'labouring
houses; seven and a quarter
by eight thousand gamblers in
thousand shops dealt in stolen
thirty thousand pounds; pro-
that it was 'much to be feared
to keep them within bounds'
was 'not greatly improved and

better adapted to the present of more energy, and a greater attention'.⁹⁷

Colquhoun's plans provided that the police should not be responsible for the maintenance of order or the detection of crime but for the maintenance of public order as well. He suggested a system of police stations in all the other places of amusement and public houses where the people such as prostitutes, gamblers, and drunkards might sell polluted or watered wine, and the presence of such things obscene or subversive so as to arouse the protests of those who were not. He thought that like these endangered the freedom of the city. In this case, the morals of the lower classes were in danger. 'social, economic and political reform in the Metropolis,' one of Colquhoun's proposals was 'to ferrets to scab the remaining holes'.⁹⁸ But the deepest reason for his praise of the French police was certainly unfortunate that it seemed to imply a condonation of the

He held up for their approval the most notorious of the *Préfecture de police*, and he gave an instance of the part in the capture of a criminal. This criminal had escaped from the Austrian Ambassador's apartment in Paris police, and asked him to inform the authorities. De Sartine said that the man had now gone to Vienna but that the man had now gone to Vienna. De Sartine was not doubted that de Sartine was deceived from Vienna was captured. Sartine replied, 'to inform the person he looks for left Paris is now lodged in a back room on the second storey of a house, number number of Vienna's own capital of Vienna.'⁹⁹

To the eighteenth-century watchfulness was not admirable. Colquhoun condemned the 'pride and

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state of Society, by the Introduction of a higher degree of system in its administra-

tion. He proposed for a police which would not only maintain the maintenance of order and the prevention and the correction of manners and morals, but also the supervision of public houses and the strict supervision of various classes of people, such as gipsies, servants, retail dairymen who sold milk and ballad singers who might be troublesome. This aspect of his plan naturally attracted those who thought that repressive measures were necessary for the freedom of the subject and that, in any of the lower classes could only be improved by such repressive reforms. 'The Police of the City of London,' Colquhoun's critics wrote, was 'already oppressive enough without employing new measures to drive pleasures out of their skulking haunts. The objection came from those who saw in the proposed reforms a new threat to liberty, and it was this one example of their efficiency and the employment of their inquisitional methods.

Colquhoun equalled the exploits of de Sartine, perhaps the most celebrated pre-Revolutionary *lieutenants-généraux* of Paris, in the effluence of his efficiency by recounting his exploits as a criminal wanted by the Viennese police.

Colquhoun returned from Vienna to Paris where he was met by de Sartine, then chief of the Police, who was anxious to hand him over to the Austrian Ambassador, but that he would have been glad to help Colquhoun to return back to Vienna. The Ambassador was not so obliging as the information he had received was not so graphic. 'Do me the honour, Sir,' de Sartine said to the Emperor, your Master, that the Police of Vienna was on the tenth of the last month; and Colquhoun was looking into the garden on the third of the last month, ninety-three in ——— Street, in his

Colquhoun, an Englishman this sort of efficient and energetic but hateful; and when Colquhoun was accused of 'ill-grounded jealousy' of the City

which had brought Pitt's Bill of new enemies and fresh abuse for power and Authority, so enormous and extensive of despotism and inquisition hither to this country'.¹⁰⁰ Men were reminded of Cromwell, unable to restore order to the divided England and Wales up into counties under command of a Major-General with the authority to use spies and informers to compel obedience and hunt down dissent. This taste of a police state on the part of the government was never remembered for generations and was a strong argument against a professional police by the public.

And so, despite Pitt's sympathy, no concrete plans for the moment. Two years later, in his *Treatise*, however, he was asked by a merchant to suggest a plan for the prevention of thefts in the docks in the Port of London which he believed, to 'nearly three hundred thousand' a year. He set to work with characteristic industry and suggested that not three hundred thousand pounds were stolen each year, mostly by watchmen and customs officers.¹⁰¹ He also mentioned river pirates, Colquhoun also found, with money provided by receivers and agents, carrying special tools, to open and break open chests also provided by receivers, designed to hold sugar. For granting 'a licence to pilfer' was a ginger to these 'depraved nautical characters'. Excise officers were getting as much as £100 a day mudlarks prowled about the docks waiting for the lumpers to throw down their goods as they were unloading; and rat-catchers used by their trade to pilfer from ships were also used to push rats through the ports. Their services had not until then been

The West India Merchants, who made up half the total in the Port of London, were Commissioners of Excise, had tried for years to suppress the crime in the docks. In 1711 cons

1785 to disaster, he earned projecting an 'Engine of Power' so extensive as to threaten a species of despotism without a parallel in this country since once again of 1655 when without resort to his army, had divided London into twelve police districts each with wide judicial powers and a special force of militia to deal with the unruly and the vicious. The continental model had been so frequently used as an argument that all those who wished to avoid

nothing came of Colquhoun's proposals after the publication of his report to the West India Merchants to deal with the losses from thefts from the ships and when amounted, the Merchants estimated at 'one thousand pounds'. Colquhoun's report and in a subsequent report estimated at one thousand but over half a million pounds a year by port workers and sailors, Large professional gangs of thieves, were bribing customs officers and were boarding ships at night to re-seal casks, and black bags, to hold a hundred pounds of 'under' sugar, coffee, rum and 'vagabonds', ships' mates and was thirty guineas a night. During the night in the mud under the ships they found bits of the cargo which they used the opportunities afforded by the rats which were infested by vermin holes of other ships in which they were required.

These losses amounted to nearly one million, together with the Commission without success to stamp out the thieves. Commissions had been appointed and

paid ten shillings a week and but they had merely become a century pilfering and smuggling extensive that the help of the Government.

On Colquhoun's recommendation in 1798. It was an regular men than all the Metropolitan. These men, instilled with a sense of their profession as officers Captain John Harriott, the toll Office opened at Wapping successful. The West India Company whole of the expense of the it was money well spent. By June in the preceding year the only in the river were those which following month the new West of loading and unloading management, ready to adopt an organization successful by private enterprise into an official Thames River independent until its absorption in the

The triumphant example of followed by the establishment the next few years, a period in social conditions allowed more force for the metropolis as a whole. But when the blockade enforced with France resulted in the neutral traffic pass through British this action were disastrous American traffic and the United sided a solution. Trade with many factories had closed, by the streets and the failure of misery to thousands.

In December of this terrible hungry, machine-breaking riot unreasonably but nevertheless murder of two families in London

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and five shillings for each conviction, for thieves and connivers, and towards the end of the century the pillaging by armed gangs had become so rampant that troops had to be demanded from the

foundations a Marine Police was established. The ambitious Establishment with more Metropolitan Police Offices put together. The sense of discipline and of the importance of a preventive police, were led by a High magistrate of a new River Police on the Thames. And they were immediately successful. Merchants, who had borne nearly the whole burden of the new Establishment, could feel that in June 1799 they were able to claim that their ships to be extensively plundered were not under their protection. The East India Dock¹⁰² made the supervision much easier, and in 1800 the Government organization once it had been proved successful, transformed the Establishment into a River Police¹⁰³ which remained independent of the Metropolitan Police in 1839.

If the Marine Police was not, however, of any comparable force; and during the years of prosperity and an improvement in the law, men to hope that a professional police force would not, after all, be required. The invasion of Napoleon in the renewed war of 1803. The Government's attempt to make all the British ports, the economic effects of the war. Neutral traffic virtually meant that the United States refused to accept so one-sided a policy. Europe came to an end, and by 1811 thousands of unemployed came out into the streets. The harvest brought starvation and

In 1811, a terrible year, the fear caused by the outbreaks of the Midlands was increased, not less appreciably, by the ferocious murders in London. These murders, Southey told

de Quincey, were 'amongst the few of depth and expansion of horror attending the dignity of a *national* interest'. De Quincey called it 'the most superb of the century by the *début* of an 'artist; at least, for any great exterminating *chef-d'œuvre*.'¹⁰⁴

De Quincey's artist had made his debut on 7 December 1811 at 29 Ratcliffe Highway, a draper, who lived there with his wife and maid. At about midnight, Mr Marr, the draper, began to put away the rolls of cloth for sale during the day; but before locking up he sent out his maid for a bowl of punch. When the maid came back she found the door locked; so she rang the bell. There was a watchman who, an hour later, was standing on the door. Then a neighbour opened the door, jumping over the fence, and entered the yard. Inside the shop, Mr Marr was lying in blood which was also spattered on the wall. He was battered to death. Upstairs Mrs Marr was dead. A ripping chisel and a maul were found in the shop.¹⁰⁵

A few days later an almost national panic was caused by a second-floor window of the King's Arms, Whitechapel, shouting in terror to the people below: 'People in the house!' A constable and a publican entered the house and found the publican, his wife and maid all lying soaked in blood. Each had a wound in the neck and a deeply cut throat.¹⁰⁶

According to a contemporary newspaper, the public immediately in an uproar. The drums of the fire-bells were rung, and every policeman was at the spot. The police searched every house in the River, while every cart, waggon and horse was examined. Magistrates and police officers were busy with the progress of their investigations; the Government, the parish and the Thames Runners and the Bow Street Patrol led by the numerous men were examined and the names of the Williamsons and a brother of

domestic events which, by the
ending them, had risen to the
Quincey, himself, thought them
'many degrees' marking the
everything the public knew . . . a

his *début* on Saturday night
highway, the shop of Mr Marr,
wife and child, shop-boy and
with the help of the shop-boy
that he had been offering for
ing up his shop for the night
oysters for supper. When the
or, which she had left open,
was no reply. She went to find
till ringing the bell and knock-
er saw that the back door was
he entered the house through
er and the shop-boy, covered
ver the floor and window, lay
Marr and her child were also
were found lying on the floor

ked man, clambering out of
Arms, a public house nearby,
ow, 'They are murdering the
d several neighbours broke into
Mr Williamson, his wife and
of them had a fractured skull

yspaper, 'all Wapping was im-
of the volunteers beat to arms,
erson flew in consternation to
house around and every boat
on and carriage was stopped.'
'assailed with enquiries' about
rewards were offered by the
ames Police Office; Bow Street
nt a hand in the investigations;
several, including a neighbour
f Mr Marr, were arrested. At

one moment the murders were sailors, at another of Irishmen. He hanged himself in Hertford gaol but was not found.¹⁰⁷

The 'fear of 'further Horrid Wapping. The Home Secretary had been caused 'not only throughout the Country'; and in Parliamentary authorities for giving way to 'no less than forty or fifty persons accused the Shadwell magistrates ignorant people that the murders.

At last through the mail shop, John Williams, a lodger in Wapping, was arrested. Before he hanged himself in his cell at the Fields, but there was little doubt of the murders.

He was responsible for the murder of Leon Radzinowicz has said, 'not brought the capital so close to being an illustration of the failure of the stables, did the public expression of the traditional manner.

All the watchmen in Shadwell were formed of men armed with the river police were ordered to form and new voluntary associations of 'habitants' were formed for the householders must determine the *Morning Post*, 'or we must hang under the orders of proper officials.

Suggestions as to how they should be armed and how citizens should be brought into the Home Office by even amongst others no less eccentric 'a Hanger, Javelin or Pike' to ward off a blow while one was brought into action.¹¹¹ A pamphlet published the following year, had a great deal of alarm based on what he termed

ere said to be the work of Portuguese men, at another of a man who had aol. But the real 'inhuman Murderer'

rid Depredations' spread far beyond tary was told that a 'general alarm' roughout the City but throughout the t Sir Samuel Romilly attacked the o the general panic by apprehending persons on bare suspicion'. Sheridan rates of intensifying the suspicions of rders were a Popish plot.¹⁰⁸

which had been found in Mr Marr's er at the Pear Tree public-house in re he could be committed for trial he the House of Correction in Cold Bath doubt that he was guilty of all seven

ch else besides. 'Never before,' as Dr not even after the Gordon Riots which o utter destruction, and gave so strik- dings of the justices and parish con- so vigorous and persistent a condem- chinery for keeping the peace.'¹⁰⁹

well were discharged and new patrols with cutlasses and pistols. In addition to patrol the streets over the holidays; ns of 'gentlemen and respectable in- police duties. 'Either respectable to be their own guardians,' said *The* ave a regularly enlisted armed police ers.¹¹⁰

is police force should be organized could best protect themselves came ery mail and included a proposal— ric—that every house should contain ogether with a wicker-basket shield or other of these weapons was being phleteer, whose proposals were pub- other ideas. He advocated a system med the 'Glazier's Tocsin'. Believing

that alarm bells were cowardly, he su really happening', the threatened ho window and *dash out* a pane or two a *TOCSIN*, ready in every chan reach the window they were ad through the panes, a shoe, or anything writer had ideas, too, for watchmen. with a stick of two or three yards lo an iron talon or hook, which being fugitive, would stop his course soon with the hands. Let not this importa It will have good in two ways; it w but possibly also into the skin, and the wicked.'¹¹²

Most suggestions, however, were n them so much as hinted at a sympath a fundamental alteration in the nation idea.

Certainly the Government seemed far-reaching reforms and the Opp prompting them. At the beginning o mittee to investigate the state of the p issued at the end of March was a hu based mainly on its recommendatio ultimately abandoned.

And so the panic engendered by t once more into complacency. 'They Paris,' wrote John William Ward e 'but they pay for it dear enough. I ha throats should be cut in Ratcliffe years than be subject to domiciliary Fouché's contrivances.'¹¹³ It was a fa

Certainly it was to take more t ferocious, to convert men like these a professional police force. And af Police, over a quarter of a century w was followed—a quarter of a centu reckless industrialization and of econ country almost to the edge of revolut

The Luddite riots of 1811 were fo of 1815, the Spa Fields riots of 1816

suggested that 'in case of attack householder should 'flee to the *with force . . .* This would be *number.*' If persons could not be advised to 'throw something near them'. This ingenious They should all be 'furnished with a long staff, and at the end should be struck at the drapery of the window and better than grappling with a staff. This suggestion be overlooked. It will not only strike into coats, but so far may *strike terror* into

more conventional. But few of us with Colquhoun's hopes for equal attitudes towards the police

would be unwilling to embark on any proposition showed no signs of interest. In 1812 a Parliamentary Commission on Police was set up, but its report was a long and dull document and a Bill, introduced and debated in July, was

the Rattcliffe murders relapsed. We have an admirable police at present, but expressing a general opinion, that rather half a dozen people's lives on the Highway every three or four years, visits, spies and all the rest of it, are far from uncommon sentiment. It is rather than a few murders, however, that led to a belief in the necessity for a new police. After the creation of the River Thames Police was to pass before its example of undiminished crime, of economic crises which brought the police into disrepute.

followed by the Corn Law riots of 1817, the riots of 'The Blanketeers'

in Lancashire in 1817 and the Manchester in 1819; and in all Cavalry had to be used to disperse the crowds, with casualties and a fierce resentment. In the mouth, the Home Secretary, Lord Castlereagh, created several new regiments of Yeomanry, created several new regiments of Yeomanry. In the riots which spread in 1819, troops of Yeomanry were on duty in many places, which they had been called out to suppress. In some places they had to be rescued by Dragoons, who were pelted with stones and fire-balls; in some places rioters who took shelter behind buildings were pelted with bits of rock. In some places rioters were stoned for hours. In some places they were replaced by special constables. In some places the means of suppressing the riots were the same as the instances of their knowing man. In some places they had much influence in keeping the peace. In some places Hussars and Manchester Yeomanry were used. In some places wealthy master manufacturers were called upon to assist by a (strictly speaking) a largely peaceful crowd, in some places several of whom were killed or injured.

By the autumn of 1819 Lord Castlereagh wrote to the Lord Chancellor, 'the clouds in the North' which he wrote to the Lord Chancellor asking for laws of greater and more effect. He wished he could persuade him to use either in law or force', to curb the rioting which was impending and too probable etc.

The forces of law were weak. The courts sentencing batches of rioters, most of them; and, in Sidmouth, the troops. But neither man, apart from a professional police and a corps of yeomanry'.¹¹⁸ They were rejecting the idea of police, the *Report of a new Committee of the Metropolis* had been published. The committee which had been appointed to inquire into the evidence after interviewing nu-

the 'Peterloo' riots in St Peter's Fields, all of them regular troops or Yeomanry disperse the crowds. There were many incidents, particularly when Lord Sidmouth, a strong supporter of the use of regular squadrons of them in the northern counties spread all over the country in 1816, was on many occasions attacked by the mobs and failed to disperse. In Devon and Cornwall they were used against the rioters; at Norwich they were attacked and in Essex they were thrown back by the rioters and tombstones in a churchyard and
¹¹⁴ In Glasgow, Dragoons and Highlanders until they had to be withdrawn and the militia who 'appeared to be a more effectual force than the soldiers . . . The circumstance of the crowd personally must have been a great impediment to keeping order.'¹¹⁵ At 'Peterloo' both regular troops and Yeomanry, their ranks 'filled chiefly by militia and without the knowledge possible of a regular military body,'¹¹⁶ were used against the rioters, including many women and children, and many were wounded.

Lord Sidmouth was seriously worried by the riots which he thought must soon burst; and the Duke of Wellington, Lord Eldon, who was still pressing for greater severity, to tell him that he must be satisfied of the 'sufficiency of the means, to suppress the spirit of revolt and 'crush its effects'.¹¹⁷

Lord Sidmouth, weakened, in Eldon's opinion, by the deaths of the rioters to death and then reprieving them, was, in Sidmouth's opinion, by an insufficiency of force. Lord Sidmouth, apparently, considered the possibility of a militia and continued to rely on 'the formation of a militia'. If it did have, it must be said, reason for its existence for in the previous year the *Third Report of the Committee of Inquiry into The State of the Police* was published. The members of the Committee, appointed in 1816, collected a mass of evidence from numerous witnesses; but although their

subsequent reports confirmed the u system, they concluded that the pre of great difficulty. It is no doubt true than to punish it; and though your system of police that might arrive at a free country, or even in one where of society is permitted, such a system and repulsive, and one which no C carry into execution'.¹¹⁹

The problem was, accordingly, re solved. In 1820, however, Governm conspiracy of such bizarre and monstro tion of police and the rankling temporarily forgotten. 'Every argum Walpole said, 'was hushed amidst the country;' and the Ministers of in the warmth of an astutely fostered the conspiracy by means of *ager* same time pointed to the evident n they had recently passed limiting the

The Cato Street Conspiracy, as born in the disordered brain of a fan wood, a former estate agent and s had been arrested after the trial of the provisions of the Habeas Co allowed the Government to arrest a periods any suspicious character. W wood challenged Lord Sidmouth to a prisoned for a year. He came out of p of authority and he collected arou anarchists and criminals who, he h the institutions of the country. Some were more interested in making mon and one, a man named Edwards, a sell to Sir Herbert Taylor, an offic Windsor Castle, information about

Thistlewood, it transpired, had Cabinet, attack the 'old man and t House and the Bank of England—s a 'Provisional Government' with hi ambitious scheme for a band of th

utter incapacity of the existing prevention of crime 'is a subject that to prevent crime is better'—the Committee could imagine a better object sought for, yet, in the case of any unrestrained intercourse with the world of necessity be odious. The Government would be able to

turned to Lord Sidmouth un-derstand that spies discovered a con-stant eccentricity that the ques-tion of memories of 'Peterloo' were a precedent for moderate measures,' as the universal indignation of the Government could relax its sympathy as they encouraged *agents provocateurs* and at the necessity of the six Acts which would be the freedom of the people.

It was afterwards called, was a radical idealist, Arthur Thistle-wood, a soldier from Lincolnshire who was one of the Spa Fields rioters under the Corpus Suspension Act which would be imprisoned for indeterminate periods. When he was released, Thistle-wood was challenged to a duel and was accordingly im-prisoned with a passionate hatred against the Government and him a gang of terrorists, who he hoped, would help him destroy the Government, though, rather than beginning a revolution. A Government spy, promised to be a member of the Royal Household at the time of Thistlewood's plans.

He decided to murder the entire family of 'the old woman'—the Mansion House and set fire to London and establish himself as dictator. This was an idea of thirty odd men, but the murder

of the Cabinet Ministers which was a possibility when it became known that Lord Harrowby, was to entertain his guests at Grosvenor Square on 23 February.

Thistlewood decided that he and his associates would wait at their headquarters at 10 Edgware Road, while a second party waited in Grosvenor Square. One of the conspirators, pretending that he had a parcel, opened the door, all the other conspirators threw their hand-grenades. The Minister of the dining-room and the heads of the household, a strong supporter of the cause, were to be carried off in a bag.

The arrangements, confidentially made and to Lord Harrowby himself, were forestalled by the simple fact of a dinner. While the would-be assassins waited for their victims to arrive, a detachment of guards were sent to arrest the conspirators.

The Guards entered the street and the Street Runners rushed up a ladder to their own. The conspirators were killed by candle-light and after a fierce fight a Runner with his sword, nine conspirators and fourteen others managed to escape. They were subsequently captured and tried. One was put in bed in a house in M... and the others were shot with cartridges.

Six weeks later he was put on trial. Edwards, the informer, had given an ample Government pension for his King's Evidence and ensured that the others of whom were condemned to death consisted mainly of abuse of Lord Harrowby's condemn on the scaffold which was a particular national institution.

All the conspirators, except one, were put to their fate and one of them, who was sucking oranges, seemed hys...

PLANNINGS OF REFORM

which was to inaugurate it seemed a well-known fact that one of them, Lord Sidmouth, had invited his colleagues to dinner in his house in Grosvenor Square in January 1820.

The plan and the main body of his supporters were to meet in a ruined stable in Cato Street, where a secondary party dealt with the Ministers. The object of his party was to call at the house, demand the Ministers to deliver, and when the footman was to rush in with knives, pistols and the Ministers were to be slaughtered in the presence of Lord Sidmouth and of Lord Castle-
the Home Secretary's methods, were

explained to Sir Herbert Taylor by Edwards himself by another member of the gang, the device of postponing the Ministers' assassins waited in Grosvenor Square a squad of Bow Street Runners and sent to Cato Street to arrest the other

street at the wrong end and the Bow Street Runners were discovered cleaning their pistols in the street, in which Thistlewood killed three of them were arrested. Thistlewood failed to escape but most of them were arrested. Thistlewood himself was found next day at Moorfields with his pockets full of

on trial with eleven of his supporters. One had gone abroad to enjoy, so it was said, the fruits of liberty; but another conspirator turned traitor on the conviction of the remainder, five were sentenced to death. Thistlewood's defence counsel attacked Sidmouth whom he continued to attack there, to emphasize his scorn of this government, he sucked an orange.

But Davidson, seemed quite indifferent to the proceedings, Ings, who joined Thistlewood in the trial, was ironically cheerful. 'Come, old cock-

of-wax,' he said to Davidson. 'It was sung to a friend in the crowd, sang snatches of liberty, asked the executioner to 'cut off my head,' smiled at the sight of the row of coffins, and gave three cheers for the spectators.'

When the five bodies had been hanging, a man in a mask came forward to cut their throats, that they were traitors. At the sight of the man they gasped in horror. At the sight of the man they had predicted—they laughed.¹²⁰

The Ministers, whose popularity had been increased by the sympathy created by the conspiracy, had just attended a service to give thanks for the deliverance. They were in trouble again and were obliged to deal with a recurrent problem of police. In the same year an ill-used wife Caroline returned from France. There were fresh riots in which the houses of Lord Sidmouth's, were attacked by the mob. The mob called out, but this time the army was called in with consequence. One battalion of the 3rd Buffs was in a serious mutiny and was confined to barracks. The mutiny had significance. At first this significance was one man in the Cabinet, though the mutiny meant. He was the Duke of Devonshire. He immediately to the Earl of Liverpool. 'I am of your opinion,' he told Lord Liverpool, 'I will not lose out the loss of a moment's time, to send for a police in London or military corps, or to send a description from the regular military.'

The warning from this great man was taken. Lord Liverpool who, when Lord Sidmouth was persuaded to retire, appointed Robert Peel to his place. Peel's views on the need for a centrally controlled police had been in office only two months. The appointment of yet another committee to inquire into the metropolis. The Committee was appointed hastily given three months later, showed what his supporters had yet to do. It was repeating a traditional formula, 'to have a police with that perfect freedom

will soon be over.' He nodded
atches of songs about death or
'do it tidy' and 'pull it tight',
fins lined beneath the gallows,
ors.

anging for half an hour, a man
heads off, to remind the crowd
of the first head the spectators
e fifth—as Romilly might well

y had risen on the wave of
ators' outrageous intentions,
their escape, but by June they
ged once more to consider the
at month George IV's foolish
to England and was the cause
of several Ministers, including
y the mob. The Guards were
peal to force had a fearful
rd Guards mutinied. It was not
o a few men, but it had a fateful
ce was not appreciated. There
gh, who saw clearly what the
Wellington and he wrote im-
, the Prime Minister. 'In my
The Government ought, with-
adopt measures to form either
, which should be of a different
y force, or both.'¹²¹

was not lost upon Lord Liver-
s, in January 1822, at last per-
t Peel to the Home Office in
for reform in the criminal law
ce force were well known. He
nths when he moved for the
ttee to report on the police of
was appointed but its Report,
owed how much work Peel and
difficult, the Report concluded,
reconcile an effective system
of action and exemption from

interference which are the greatest in this country'. The committee 'forfeiture or curtailment of such sacrifice for improvements in police

Peel shrewdly changed his matter of police reform to criminal law. And in 1828 when was almost completed, he moved the ground had been most carefully the Report that Peel wanted a to introduce his *'Bill for Improving the Metropolis'*.

The Bill owed much to the in the previous century, to the less directly to Bentham and something, too, to Peel's own experience where Pitt's abortive Westminster with some modifications, the introducing his new Bill, which refer to his predecessors but police committees since 1770, absence of any consequent relation had increased by fifteen 1828, crime had increased by clearly be done 'but he did not extensive a scale but would end to effect a gradual reformation'

This promise of caution and of Wellington who introduced certain minds at rest. The Bill opposition and became law in 1829

It provided for a new Police force of paid constables commanded by Commissioners, who had administered a new Metropolitan Police in the City of Westminster and various parishes in the City, in view of the history of the City Police's recent improvement

The first two Commissioners were gifts. The younger was Richard Peel who was making a reputation on the

great privileges and blessing of society the committee had, therefore, decided that the advantages would be too great a price to pay for 'the improvement of the police'.¹²²

For the moment he left the committee to concentrate on the reform of the police, and then his great work of consolidation was reserved for another committee. This time he was fully prepared. The Committee gave him a mandate and in the following year he was able to publish *Improving the Police in and near the*

work of the pioneers of police reform, from Fieldings and to Colquhoun and, later, to Edwin Chadwick; but it owed some of its success to the experiences as Chief Secretary of Ireland which the Master Police Bill of 1785 had become, the Dublin Police Act of 1786.¹²³ When the Act became law in 1829, Peel did not seem to be content to recall the numerous reports and their revelations of defects and the causes of crime. He said that while the population had increased by one and a half per cent between 1821 and 1829, the crime had increased by over forty per cent. Something must be done. He did not intend to proceed at first on too bold a course, but he did not intend to proceed at first on too much caution, as on other occasions,

his usual moderation and restraint, emphasized by the Duke of Devonshire's opposition to the Bill in the Lords, set many unpassed bills both Houses without serious effect in 1829.¹²⁴

The Metropolitan Police Office in Westminster with a new structure was commanded by two Justices, later called Commissioners, to perform administrative but not judicial duties. It was divided into three Police Districts which comprised Westminster, Middlesex, Surrey and Kent. The provisions of the 1785 Bill and in view, also, of the experience of the 1785 Bill, was excluded.

Those appointed were men of remarkable ability. One was Edward Mayne, a clever barrister who had been called to the Northern Circuit; the other was

Colonel Charles Rowan, who had, with his regiment, the 52nd, 'to the high

The office with which the Metropolitan Police them was at 4 Whitehall Place, the a courtyard known as Scotland Yard. Prisoners moved there in 1829 a new building begun.

(ii)

The speed with which the new police was being organized. Rowan and Mayne first met on 1st January 1829 and they set to work on them to prepare a 'detailed plan for the night later the plan had been drawn. In three months, the Duke of Wellington came to congratulate him 'on the entire success

Although the Metropolitan Police Act of 1829, by the Bill, was limited in area, by the City of London had been divided into 3,200 beats. Rowan, who had been trained by Moore, perhaps the greatest training officer ever had, adapted the organization of a civilian police. Company commanders and subalterns became inspectors, and sergeants had at first been intended that the uniform but as this might have taken the men was chosen instead. The men wore a blue the collar of their jackets the number of their beats. Their only weapon was a short wooden

They were very poorly paid and in finding suitable men are emphasized missals—nearly five thousand—between 1829 and 1839 there were also more than six of them 'not being altogether voluntary received two hundred pounds a year, a year, sergeants twenty-two shillings constables (after two shillings had been nineteen shillings a week. 'Your police Croker told Peel. 'Three shillings a reading, to say nothing of *understanding*

in Peel's own words, brought 'the best state of discipline'.¹²⁰ The Metropolitan Police Act provided the back of which opened on to the road. When the two Commissioners in the history of police had

the force was established was astonishing. On 6 July 1829 when Peel asked the Commissioners 'on organizing the Police'. A fortnight later they were set up and approved.¹ In less than a month the Commissioner was able to write to Peel 'on the success of the Police in London'.² The Metropolitan District, as originally defined in the Act of 30 July practically the whole of the London police divisions, sections and streets were organized and influenced by Sir John Lubbock, a regular officer the British Army has transferred a number of the military regiment to the police. Sergeants became superintendents, privates became constables. It was decided that the uniform should be red and gold,³ a departure from military tradition too far, blue jackets and top hats and tail-coats and on the breast the number and letter of their division. The Commissioner's golden baton.

The Commissioners' difficulties were magnified by the numbers of resignations between 1830 and 1838. In these years there were six thousand resignations, most of them 'voluntary'.⁴ Superintendents received 100 pounds a year, inspectors a hundred pounds a year (100 shillings and sixpence a week and 10 shillings deducted for their uniform) and constables 10 shillings a week. 'The constables are not paid sufficiently,' the Commissioner wrote 'a day for men capable of even reading and executing the printed

instructions seem wholly in shillings a day and can you have done for (considering the degrading a common workman's wages?) policemen remained disgraced in the century, in the early years of householders on their beats for

The meagre rewards of the the problems that the new police universally resented. Tories called 'upstart' and renegade for his Emancipation, and both they and the Police Rate.* Radicals of the moment of possible tyranny, and revolutionary hopes, which had in the 1820's, would not now be fulfilled. 'And Honest Men!!!' was the slogan circulated in thousands during 1830: 'We assure you from a thousand cutlasses have been removed. Peel's Bloody Gang . . . These Will you put up with this?'"

Several newspapers which called for not to put up with the police, spread rumours—Sir Robert Peel would be Wellington on the throne, the tyranny was to be repeated, the inquisition was imminent.⁶

The aristocracy, although wroth with the new police, also attacked it because it failed to obey the traditions of eighteenth-century England that the force did not provide for the nominees whose characters were known to their patrons. The magistrates, for example, were condemnatory and openly hostile. One was arrested for assaulting the police and another threw a constable on to spiked pikes. The men were merely bound over the court as guilty of attacking and almost

* In previous years the poorest and most ignorant had been chosen to be constables so as to

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adequate. Every artisan has five
ve higher and more laborious duties
ductions) about one-half the rate of
Peel did not agree and the pay of
ully low throughout the nineteenth
f which policemen habitually asked
a Christmas box.⁶

ir difficult profession was but one of
police had to face. They were almost
associated them with Peel, now an
his unexpected support of Catholic
and the Whigs hated having to pay
all sorts saw in the police an instru-
d extreme Radicals feared that their
ad seemed near to realization in the
filled. 'Liberty or Death! Britons!!
ne heading of a handbill which was
ng the Reform Riots of November
ocular demonstration that six thou-
oved from the Tower for the use of
damned Police are now to be armed.

clearly believed that the people ought
armed or not, published the wildest
was going to use the police to put
Cromwellian experiment of military
he introduction of a secret political

willing to accept the protection of the
because the Commissioners, refusing
hteenth-century patronage, ensured
ide employment for the numerous
were recklessly guaranteed by their
reasons of jealousy, were even more
showed their sympathy for those
police. The ringleader of a mob who
d railings was fined a pound; twelve
to keep the peace after being found
ost killing one policeman, severely
nd most decrepit men in some parishes had
to make savings in the Poor Rate.

wounding three others and incapacitating many more. The poor and merchants disliked the idea of a professional police force, and feared that they might not now be able to get their property back from thieves for the return of stolen property. The poor disliked the idea and did all they could to prevent it. And even those with no personal motives believed that a professional police was a threat to liberty.

But liberty did not consist, as Peel said, in having your house robbed by organized gangs and leaving the principal streets of London 'filled with drunken women and vagabonds'.¹⁰ The fact that houses were less frequently robbed and quieter at night; nor could anyone deny the police an unexpected ability to control mobs and to disperse troops and even to prevent mobs from forming.

In 1833 the tide of resentment began to turn. In that year Lord Melbourne, the new Home Secretary, gave the National Political Union permission to hold a meeting at Cold Bath Fields and instructed Colonel Rowan to disperse the ringleaders who disobeyed this order. Colonel Rowan was ready with men to carry out his instructions. Rowan was described as 'temperate'; and in general they were.

The mob threw stones at the advancing police and with their truncheons. Three policemen were killed. But although the rioters were energetic and chased them needlessly, the meeting, when all was over there were no more than a few people left. The police were made—the police had been driven back and been knocked about brutally, men were lying defenceless on the ground. At the inquest the jury brought in a verdict of 'justified homicide'. The Government then attempted to shuffle the blame on to Colonel Rowan. Even the most violent members of the crowd at Cold Bath Fields acknowledged the verdict and the Government's subsequent actions as unfair. A reaction in favour of the police was set on foot by the promising critics of the new system. The police were to be reformed; parishes outside the Metropolitan Police

titating eight more.⁹ Bankers
the new force because they
able to come to terms with
property. Criminals, of course,
uld to encourage opposition.
tives for resentment still be-
s incompatible with British

eel wrote to Wellington, 'in
zed gangs of thieves, and in
lon in the nightly possession
And soon no one could doubt
bbed and the streets were
ny that the police had shown
s in London without the help
assembling.

egan to turn. In May of that
ome Secretary, refused the
to hold a public meeting in
olonel Rowan to arrest any
r. The order was disobeyed
early five hundred policemen
n told them to be 'cool and

ncing constables who charged
men were stabbed and one of
mainder dispersed the crowds
lessly far from the scene of
e were no serious injuries to
Of course, the usual charges
nk, women and children had
had been struck as they lay
quest on the killed constable
ustifiable homicide'; and the
fle their responsibility on to
ent radicals who had been in
owledged that both the jury's
quent behaviour were grossly
police set in. Former uncom-
found good things to say of
District asked to be taken into

it; and soon provincial towns in London to come to their heels.

For in the provinces crimes and riots, such as one in which demonstrated the urgent need for a reformed police. Criminals driven out of London were operating in the large parochial system still prevalent. The characters to the general population in 1837, to one in forty-five in Bristol and as high as one in ten in And the population of all the Midlands and the North was Birmingham, for example, was doubled in twenty years.

In 1839, in an effort to find a Royal Commission was appointed of establishing an efficient police for England and Wales. Soon after a Report, which revealed an disastrously inadequate means of permitting counties to raise objections raised to taking action similar to those raised to the counties which did take advantage of congratulation. Cheshire had ten years but it was so ill-organized than the parochial system which was the first county appointed a retired naval officer as Chief Constable and the result of the counties of Suffolk, Hertfordshire obliged to follow Essex's example. At times unwillingly did the same. Twenty-two counties completed these, some continued to rely on the system; while others vainly attempted to employ trained Superintending Constables.¹⁴ But in both cases the force for the poor who could not afford stables still demanded. The first

PLANNINGS OF REFORM

... were asking for police officers trained
help.¹¹

... was increasing fast and the violent
... the centre of Bristol was burned,
... for the reform of local police forces.
... London by the new Metropolitan Police
... large provincial towns where the old
... failed. The proportion of known bad
... population had risen, so it was calculated
... in Liverpool, to one in thirty-one in
... twenty-seven in Newcastle-on-Tyne.¹²
... these and other industrial towns in the
... as growing rapidly. The population of
... which was 150,000 in 1832 had almost

... find a national answer to the problem,
... appointed to enquire into the best means
... constabulary force in the counties of
... after publication of the Commission's
... a appalling amount of crime and a
... means of repressing it, an Act was passed
... and equip paid police forces.¹³ The
... advantage of this 'Permissive Act' were
... the Metropolitan Police Act, but those
... advantage of it soon had cause for self-
... had already had a paid constabulary for
... un that it was scarcely more efficient
... which it had replaced. Essex, however,
... to make use of the 'Permissive Act',
... officer of remarkable talents to be its
... ults were immediate. Soon the adjoin-
... Hertfordshire and Cambridgeshire felt
... ample. Other counties tardily and some-
... ne. But by May 1853, there were still
... tely without a paid police force. Of
... solely on the old, outmoded parochial
... attempted to modernize it by employ-
... Constables to look after their amateur
... e results were disastrous, particularly
... afford the payments the local con-
... following bill¹⁵ was one presented to a

poor man who lived in Devizes and in
 stolen his boots. He caught the thief i
 over to a constable who brought him
 paid the bill he was poorer by many tir

To apprehending prisoner
 To maintaining prisoner (2 days)
 To guard watching (one night)
 Conveyance of prisoner at 9d a mile and
 constable at 8d a mile
 3 days' loss of time
 Hire of conveyance, coach and other fare

The man might have been considered
 willing to help him at all, for many
 constable once pleaded that he was no
 derers of a local farmer without a w
 had been committed in daylight and
 and in another county a constable ap
 to come out to quell a riot but he 'ser
 understandably felt that they must cor
 from burglars with spring guns and
 had been declared illegal in 1827¹⁷ ;
 chased thieves with bloodhounds.¹⁸

So unsatisfactory a state of affairs
 and in 1856 another Police Act was
 for all counties to raise and mainta
 over a hundred years after Henry
 appointment in Bow Street, all Eng

The advantages of it, as a means
 impossible to deny. In the ten years be
 which the average increase of popula
 cent, the average increase of commitm
 but in the ten years between 1851 an
 of England and Wales increased from
 the number of commitments fell from
 sand of the population to ninety-one.²⁰

By then the British police, helped
 votion' of Charles Dickens,²¹ were al

1853 chased a thief who had
in Somerset and handed him
back to Wiltshire. Having
times the value of his boots.

	£	s.	d.
		2	6
		3	0
		2	6
allowance to	2	15	5
		15	0
es	1	1	2
	<hr/>	<hr/>	<hr/>
	4	19	7
	<hr/>	<hr/>	<hr/>

lucky for finding a constable
could not. A Bedfordshire
not allowed to arrest the mur-
arrant, although the murder
there were many witnesses,
apologized for not being able
at his staff by bearer'.¹⁹ Men
continue to protect their houses
man traps, although these
and in Cambridgeshire they

could clearly not continue,
passed making it obligatory
in a constabulary.¹⁹ At last,
Fielding had taken up his
and had a paid police force.
of preventing crime, were
between 1811 and 1821, during
tion was about nineteen per
cents was forty-eight per cent;
and 1861 when the population
n 17,927,609 to 20,066,224,
156 for every hundred thou-

by the 'almost fanatical de-
ready earning the admiration

and envy of the world. Speak of personal freedom' in England, before that he only had to look how different things were in Germany.

'Recently,' Goethe said, 'When the boys' children wanted to try to catch a policeman instantly appeared, running away as fast as they could. They and their companions would not do it. I can see that they are always sure of themselves and feared the police. A boy cannot crack a nut, a man will appear at once to forbid it.'

Goethe was right. The concept of the British 'Peeler' should be 'mercenary in the hands of the law' was, and has remained, unbound, as any other citizen, but

ANNINGS OF REFORM

...ing to Eckermann about the 'blessings
...land, Goethe had said some years be-
...k out of the window in Weimar to see
...Germany.

...n the snow was on the ground, my neigh-
...out their sledges in the street. Whereupon
...d, and I saw the poor little creatures run-
...d. Now the spring sun tempts them, and
...uld like to have a game out of doors, but
...half afraid, as though they were not quite
...the approach of some big bogeyman of
...his whip or sing or shout but some police-
...id it.'"²²

...nstantly repeated determination that
...l never become a 'bogeyman' or a
...he Government' had had its effect. He
...mune from political manipulation and
...by the laws of his country.

THE PRISON RE

*'The mood and temper of the public
 sentiment of crime and criminals is one
 of the civilisation of any country.'*

W

(i)

IN 1773 John Howard, a land o
 appointed to the office of High Sher
 small, thin man whose sad and sallow
 eyes and a warm and gentle smile. H
 from long periods spent in foreign tr
 to his estate at Cardington, to philan
 and to meteorological observations. I
 firstly to a widow of more than twice
 through a dangerous illness and after h
 who had also died some few years
 consciously obstinate and painstaking
 did, he took up his duties as High S
 social responsibility.¹

One of these duties was to accomp
 but although his predecessors had
 with the formality of the obligation,
 merely to watch the operations of th
 from which the prisoners came and b
 The condition of the place horrified
 concerned to discover that the gaole

THREE

REFORMERS

*ic with regard to the treat-
of the most unfailing tests*

WINSTON CHURCHILL, 1910

owner in Bedfordshire, was
riff of the county. He was a
face was enlivened by bright
He was forty-seven and apart
travel he had devoted his life
anthropic work in the district
He had been married twice,
his age who had nursed him
er death to a younger woman
later. Deeply religious, self-
ly thorough in everything he
heriff with a strong sense of

any the judge at the Assizes,
largely contented themselves
Howard felt compelled not
e court but to visit the gaol
back to which they were sent.
him and he was particularly
er and turnkeys received no

salaries but got what they could and that even when prisoners were not released until they at last he demanded that the officials so that these unjust practices refused to burden the precedent could be found. He did not succeed; but the case covered in his search confirmed the rest of his life in the cause. 'In my ease and leisure,' he wrote, 'the opportunity, afforded me by the death of the miserable.'²

The appalling conditions actually unchanged for centuries. The Society for Promoting Christianity movement for their relief of their horrors given by such were not, and never had been places where people could be punished and where debtors' population in the eighteenth century creditors were satisfied. Even the House of Correction had been established in 1576 on the site of the Palace of the Kings by Edward VI where work was done by the unemployed in uncommensurate conditions. In Howard's time become indistinguishable from imprisonment as a form of punishment. Indeed, been known since the days of the Romans that death, mutilation, banishment, or public indignity were the only alternatives to imprisonment for offenders, prisons remained places of confinement rather than of punishment.*

* As early as the fifteenth century imprisonment was an alternative to a fine in certain cases. In the City of London a man would wound with a sword in the City of London was sentenced to ten days' imprisonment. Sentences of imprisonment were very rarely awarded. In many cases prisoners were sent to the prisons where they could be served. In the City of London prisoners awaiting trial could be sent to the prisons in several parishes but never used, but

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ould out of the prisoners by levying fees, ers were acquitted by the court, they had paid for their freedom. Immedi- county should pay a salary to its gaol fees might be abolished; but the jus- county with the charge unless some Howard left Bedford to find one. He ruelty, injustice and squalor he dis- ned him in his determination to spend se of prison reform. 'I could not enjoy onfessed later, 'in the neglect of any Providence, of attempting the relief

in English prisons had remained vir- ies, despite the recent activities of the istian Knowledge, a growing Parlia- reform and the accurate descriptions uch writers as Henry Fielding. They een, prisons in the modern sense, but e held while awaiting trial or physical tors, who formed most of the prison h century, could be held until their n the Houses of Correction which had the model of Bridewell, a house given could be provided for vagrants and nfortably severe conditions, had by stinguishable from the ordinary gaols. punishment for various crimes had, the time of Ethelstan but so long as nt and the infliction of physical suffer- the principal methods of dealing with for the most part places of confinement They were, of course, as Howard dis- nt as well; but this was, theoretically, ury the law had allowed imprisonment as an ses. For example, the penalty for inflicting a f London was a fine of twenty shillings or forty f imprisonment seem, however, to have been ountry districts there were, in any event, no ved. Men sometimes had to be hired so that e handcuffed to them. There were 'cages in eing unsafe'.³

incidental to their main purpose. They did not do so much to make them better men. The example of punishment helped those who were able to make money out of them.

Almost half the local prisons in England were owned. The Duke of Leeds owned Leeds Prison; the Bishop of Durham owned Macclesfield Prison; the Bishop of Ely owned County Gaol at Durham; the Duke of Devonshire owned the field gaol which he hired out for eight years. J. R. Walter's prison at Exeter there was 'no court, no sewer'; in the Bishop of Ely's prison men lay down to the floor on their backs with their hands and feet on their necks and heavy iron bars over their heads, which were not always possible to pay for their removal.

Payment for 'easement of irons' was made to the gaols and this was only the first of the expenses which the debtor was expected to pay. He had not only to pay for his food, but he often had to pay even to exist. In many prisons men were given nothing to eat and charitable contributions were confiscated in the markets as unfit for human consumption. In the debtors' weight, soon fell into the hands of the creditors. In the debtors' ward was called the 'shewbread' and men were forced for food by letting down a shoe from the ceiling. In many prisons men were marched through the streets of London in chains, and in some prisons even when food was provided it was so scanty that more than a bowl of 'bread boiled in water' was all that was given. A Parliamentary Committee found that in 1838, 'dying of starvation in Marshalsea prison in the last six months of a previous year the deaths were upwards of a hundred. The sight of men and women fighting with rats in damp cellars for their food, and of men being thrown through a trap-door' was not uncommon. In 1839 a dog was taken into Knaresborough gaol with him, but the dog was soon destroyed and the sight was 'not to be figured by them'.⁴ These terrifying conditions were 'noisome, half a foot deep in water, or more, and were let through the centre of the floor. The prisoners lay on the place, no barrack beds; the wretched men and women for warmth upon heaps of filthy rags and straw, and the air reeking with foul exhalations and fumes of the most describable nastiness.'⁵

prisoners were punished not
but because the threat and
who owned or ran the prisons

the country were privately
Halifax Prison; Lord Derby
hop of Durham owned the
of Portland owned Chester-
hteen guineas a year; in Mr
was 'no chimney, no water,
ly's prison men were chained
with spiked collars round
their legs unless they were

as, in fact, common to many
fees which the new prisoner
y to pay to avoid being tor-
t, for in many gaols prisoners
le contributions of food, con-
man consumption or of light
he prison bullies. At Exeter
' because the inmates begged
the window; other prisoners
f the town to beg. In some
, it did not amount to much
in mere water'. In 1729 a
more than 350 prisoners were
rison and that in only three
ath toll had reached three
men in many other prisons
the scraps of food 'thrown to
uncommon. A man took his
a 'to defend him from vermin,
the prisoner's face much dis-
cellars were 'often damp and
with an open sewer running
y had no chimneys, no fire-
inmates huddled together for
and bundles of rotten straw
etid with all manner of in-

Frequently the daily ration for washing and in one prison to be bought. With insufficient sanitation, shivering half naked the summer heat, most prisons unutterable misery. Others stayed drunk, oblivious to the birth to babies who were left to rats burrowing in the dirt suffering from gaol fever, that a high proportion of prisoners

Immense quantities of soap in the smallest prisons, for the keeper of 1751 from doing so, derived from alcohol.⁶ '120 gallons of gin at Bench Prison 'besides other things'. A nineteenth-century governor of prisons, paid a magistrate for sending all his prisoners to the workhouse was no need to do so, for the cells contain and the tap-rooms are filthy. A nineteenth-century governor, in place and considered that, he had 'got a bargain'. During his prison was full of wealthy prisoners three thousand and four thousand pounds given in private'.

In return for this sort of privilege allowed to live a life of comfort was illegal to charge prisoners for any particular accommodation twenty guineas for the right of his prison which, in order to be deemed to form part of his quarters the prisoner was charged although he rarely had a room however, was comfortable enough as he liked, provided they all were and he could order what food his mistress could live with him

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on of water allowed was not enough on, Howard found, that even this had no water and ventilation, with vermin everywhere, without proper food or light or fresh air, naked in the winter and suffocating in the summer. Prisoners lived out the days and nights in misery. Some who could afford it got drunk and became stumbling lunatics, to women giving birth and left to die on the piles of filthy straw, and to fellow prisoners spreading dirt and excrement, to fellow prisoners spreading that virulent form of typhus which killed thousands every year.

Spirits were consumed in all but the poorest cells, although prohibited by statute in part of their large profits from the sale of 'strong drink' in were sold every week' in the King's 'house of spirits in proportion'.⁷ A seven- Newgate, the oldest of the London prisons, cost forty pounds a year 'on condition of being kept open'; but a hundred years later there were as many inmates as it could hold and bars were constantly full. One eighteenth-century prisoner, paid a thousand pounds for his imprisonment even without his profit on drink, he made between three or four months of one year, when he was surrounded by Jacobite prisoners, he made between five and six thousand pounds 'besides valuable pre-

of disbursement rich prisoners were in comparative ease in Newgate. Although it cost more than 2s. 6d. a week rent for a cell, the governor of Newgate charged prisoners to live in the less uncomfortable wing of the prison theoretically to comply with the law, but in his own house. Once admitted to these cells, prisoners charged eleven shillings a week rent, and could buy food or even a bed to himself. His life, however, was not rough. He could have as many visitors as he pleased, paid their three shillings entrance fee, and had food and drink he wanted. His wife or children could visit and he could send for his servants.

Major Bernardi, a political prisoner who at the age of eighty-two had married that he had waited for a trial that was his wife, had had ten children all born in Gordon who died there in 1793 spent in placid contentment. He carried on as with friends and acquaintances all over America. He had all the books and newspapers attended by two little maidservants; than eight guests for dinner. On occasions in his cell and there would be dancing by the Duke of York. On Saturdays he came a devout convert to the Jewish faith into a synagogue and with the help of public service.⁹ But although he lived in the prison, it was impossible even for disease of gaol fever which killed so many in the autumn epidemic of 1793.*

Outbreaks of gaol fever were, by the earlier years they had been a serious community. Prisoners brought into court, visitors to the prisons and particularly those living within the walls while free to move released with the virus in their saliva and their bodies, were all carriers of the disease. It died at Oxford during the Black Assizes, died at Exeter in 1586; in 1730 'some' Lent Assizes in Taunton; and in 1750 and two Judges were among the many regular epidemics in the army and in the fleet sent to America lost above two thousand infection were carried from the gaols and the mortality thence occasioned various diseases or means of death put together in a prison, a serious epidemic might halve the weeks. According to Howard more people died in 1773-1774 than were executed.

* Gaol fever is described as 'a contagious, attended with tremblings, twitchings, restlessness, early phrenzy and lethargy; while the pustules and purple spots'.¹⁰

who died in Newgate in 1736 twice during the forty years never held and, by his second in the prison.⁸ Lord George at his years of imprisonment an enormous correspondence er the world, particularly in newspapers he wanted; he was he rarely entertained less sions he would give a party g to the music of a band lent Lord George, who had be- ish faith, turned his room f various Polish Jews held a d in the most healthy part or him to escape the dreaded many of his fellow prisoners

then, becoming rarer but in threat to the general com- workmen engaged in repairs, prostitutes who earned their move outside them, men re- tured clothes if not in disease. Five hundred people ze of 1577; almost as many e hundreds' died during the the Lord Mayor of London many victims.¹¹ There were the fleet. 'The first English ousand men . . . the seeds of d-ships into the squadrons; was greater than by all other er.'¹² In the enclosed area of ve its population within a few people died of gaol fever in

putrid, and very pestilential fever, sness, delirium with, in some in- e victims break out often into livid

Apart from the danger to entailed, the danger to a yo great. For prisons were no described them, they were earth to live in, they were al

Every prisoner, as soon as for what was known as 'ga emptying the pockets and habitants of the ward into Buxton in his *Inquiry in* described the case of a young 'chummage' in Newgate wa himself. He refused and prisoners' court over which sided, wearing a towel tied i Acquittal could only be obt and jury and as he could n demned to the pillory, that the legs of a chair to whic lawyer was frequently tried for a variety of invented off should not be touched', and ance of his companions' un consented to drink with t Buxton said, 'he began to caught their flash terms ar their revels and acquired, i a taste for spirits'.

His wife visited him and first fortnight in the same be now with 'female associates She could not face being in asked him to come to the b the passage. Once he was to to go inside and found him, in dreadfully dirty state, th enjoying my distress'. He h the others five shillings wh half 'otherwise he would ha

Some wives could not ent by the smell of it even whe

to health that incarceration in a prison
 young prisoner's character was quite as
 t only prototypes of hell, as Fielding
 not only the most expensive places on
 also 'schools of crime and of profligacy'.
 s he entered one of them, was set upon
 'arnish' or 'chummage' which entailed
 buying drinks for all the other in-
 which he was put. Thomas Fowell
into the System of Prison Discipline
 g lawyer who after being forced to pay
 as then invited to join in the drinking
 was accordingly brought before a
 the oldest and most skilful thief pre-
 into knots in imitation of a judge's wig.
 rained by means of bribes to the judge
 ot pay these, the guilty man was con-
 is to say his head was forced through
 ch his arms were painfully tied. The
 and punished by this 'kangaroo court'
 fences such as 'touching objects which
 d 'coughing maliciously to the disturb-
 til, fearing for his life, he gave in and
 them. 'By insensible degrees,' Fowell
 lose his repugnance to their society,
 and sang their songs, was admitted to
 in place of habits of perfect sobriety,

was heartbroken. He had slept for the
 d as a highwayman and a murderer and
 s of the most abandoned description'.
 the same room as his companions and
 ars so that she could talk to him from
 o ill to come to her and she was forced
 so she said, 'pale as death, very ill and
 he wretches making game of him and
 ad been up the whole night and owed
 ich she was obliged to pay on his be-
 ave been stripped of his clothes'.¹³
 ter the prison without being made sick
 en they held a handkerchief soaked in

vinegar to their nostrils, and others stay not bear being searched by the vulgar affected to believe that all female criminals going in to plot a new crime abled confederates. Many visitors were the prison not only as a meeting place a printing shop for forged notes, a m even a hiding place for stolen goods.¹⁴

Early attempts to reform this and stitutions had not been successful. The of Christian Knowledge made an invest in 1702 but its extensive proposals Committee was appointed in 1729, General James Oglethorpe, the nobly p son and Burke, and was instructed 't Gaols in this Kingdom'. The memb sequently reported that the more they the more dismal and shocking was the and extortion which they disclosed'.¹⁶

Hogarth's painting of a meeting of instruments of torture which were pa officials of the Fleet prison. In the demonstrates how prisoners were tort and necks fastened together by metal the Warden, described by Walpole, oil sketch for the picture, as an 'inhu head of the table near John Huggins purchased the office from the Earl of pounds.¹⁷ The treatment in the Fleet was cited by the Committee as a chara barous manner in which prisoners the

Arne's clothes were stripped off him ment for being unable to pay 'chumma into a dark, unventilated, foul-smellin sewer where he remained for some c thrown to him and a fellow prisoner body, somehow managed to get him a that the door of his dungeon had bee ran into a room next to the chapel, th sticking to his skin and giving him th of a 'fantastic and repulsive bird'. F

ayed away because they could
r woman in the lodge who
visitors were prostitutes or
e with their temporarily dis-
, indeed, criminals and used
e, brothel and tavern but as
int for counterfeit coin and

other equally grotesque in-
e Society for the Promotion
tigation into London prisons
were never published.¹⁵ A
under the chairmanship of
philanthropic friend of John-
to enquire into the State of
ers of the Committee sub-
proceeded in their enquiries
e scene of cruelty, barbarity

F this Committee shows the
art of the equipment of the
foreground a man in rags
ured by having their hands
clasps. Thomas Bambridge,
to whom Hogarth gave his
uman gaoler', appears at the
a previous warden who had
Clarendon for five thousand
t of a prisoner named Arne
characteristic example of the bar-
ere were treated.

n on his arrival as a punish-
ge' and he was thrown naked
g dungeon above the prison
days. Food was occasionally
, pitying his poor shivering
a mattress. One day noticing
n left open, he escaped and
e feathers from the mattress
e appearance, so it was said,
He was ordered back to his

dungeon and the Warden, the door to be close locked'.

Bambridge, the Committee many debtors to pay for the 'most notorious breaches of the highest crimes'. He was subsequently acquitted by juries who made his predecessor, Huggins, after years with the same scant resources, put them in similar terms. He died in 1753 but 'afterwards lived in credit'.

The sad and inescapable state of affairs caused much concern to a largely conservative Committee appointed in 1753, had little to propose; a few, such as the provision of a day for their maintenance, were all evaded or ignored. As a prison expert was already in evidence to yet another Committee appointed in that year, *John Howard*, at Taunton, introduced two reforms: one prisoner had customarily to be discharged; the other to be kept for providing for the whitewashing. This was subsequently discovered years later in a hundred and fifty prisons.

The effect of the publication of this exhaustive work, *The State of the Prisons*, was less disappointing. Though Howard's tours in France, the Low Countries, as well as in his own country, had shown what the author had seen but could not reform. It proposed, among other things, prisoners according to their labour; the appointment of scientific chaplains and medical officers; the removal of prison bars; the provision of proper clothing and ventilators, of proper cleanliness and wholesome food; and the appointment of these improvements were ins

'having no compassion on him caused

tee decided, had not only permitted their escape but had been guilty of the breach of his trust, great extortions and the committee were subsequently brought to trial but was twice fined and they have been paid for their verdict. His conduct in having treated the Committee members with disrespect as Bambridge, was censured by the House and was imprisoned in Newgate for a time and died at it to the age of ninety'.¹⁹

The fact was that prison reform was not of the kind of a complacent and uninterested public. The Committee of 1729, like that of another committee in 1777, had the same effect. Measures of reform were proposed and passed into law; nearly all of them. After John Howard, whose standing was already recognized by 1774, had given evidence to a committee of the House of Commons in 1777, Alexander Popham, the member for the County of Middlesex—Bills—one to abolish the fees that a debtor had to pay after his acquittal before he could be released, and another to lessen the danger of gaol fever by providing for the improvement of prison interiors. But, as Howard wrote in 1777, 'it was only in fifteen out of a hundred that the law had been strictly obeyed'.²⁰ The publication in 1777 of Howard's important and influential work, *A General Survey of the Prisons in England and Wales*, is his great book, written after extensive travels in France, the Netherlands, Prussia, Denmark, Sweden, the Low Countries, Germany and Switzerland, and which, not only described in graphic detail the state of the prisons but also made many valuable suggestions for their reform. Amongst other things, the classification of prisoners according to their offences; their employment in useful work; the appointment of honest and humane gaolers, and constables; the appointment of medical officers; the closing down of unnecessary prisons; the closing of infirmaries and chapels, of baths and of houses of prostitution; the improvement of clothes and sanitation; a daily allowance for food; the appointment of inspectors to make sure that the law was strictly obeyed; and the appointment of a committee to be insisted upon.

He wanted prisons 'to have so many that each criminal may sleep alone. their being together in the day-time, to be separated at night . . . Women should be separated from men, and young criminals from old and hardened. Those who are ill should not remain in the day-time in the prison, but they should have a common ward, day and night.'

Howard's proposals that prisoners be kept together during the day-time and separately confined at night, after the sanction and approval of two lawyers of good standing, was given the sanction of Lord Eden (afterwards the first Baron Auckland) and William Blackstone, whose monumental *Commentaries on the Laws of England* had recently been published. Howard envisaged the building of several new prisons of the hardest and most servile kind, for which 'the most necessary repairs required' should be performed by convicts, and that they should remain in solitary confinement.²²

It was, however, not entirely a reform of the prison system to give these proposals effect by an Act of Parliament of 1779, for by then some new means of dealing with the criminal population had become essential. On 19 April 1775, the first shots of the American Revolution had been fired at Lexington and the Government of Great Britain had to face the fact that the transatlantic trade in convicts was considered a convenient dumping-ground for the surplus of the prison population.

(ii)

The systematic transportation of convicts to the American colonies had been initiated by Act of Parliament in 1718, years before that the sale of criminals to the West Indies had been carried out. The practice had never been recognized as a punishment, but an advantage had been taken of some provisions of the Vagrancy Act,³ which empowered justices to send convicts overseas, and by a decree of James Oglethorpe in 1733 had been transported to Virginia. Convicts had been transported to Virginia, a practice which was afterwards established as a punishment applicable to all classes of offenders who were sentenced to death. But it was not until the 1717 Act that the practice was

by small rooms or cabins . . . If it is difficult to prevent they should by all means be quite separate from men and women offenders . . . Prisoners should be set to work in the day-room or kitchen.²¹

should be set to work in the night, caught the imagination of the great influence, Sir William Blackstone (New York and New Jersey) and Sir William Blackstone's *Commentaries on the Laws of England*. Eden and Blackstone's prisons where tasks 'of the which drudgery is chiefly performed by convicts who were otherwise

of a reformatory spirit that led Parliament to pass the Penitentiary Houses Act of 1779. Four years before, on the occasion of the American Revolution had the British Government had soon been obliged to deal with the colonies could no longer be used for unwanted men.

criminals to the American Parliament in 1717.¹ For some time before the American Revolution, the transportation of convicts to planters in America and the West Indies was common, although transportation was not a punishment by the Common Law.² Some of the clauses of Elizabeth's Statute of 1597 gave the Justices to banish offenders to the West Indies, a hundred 'dissolute' men were transported to America. Cromwell made use of the Statute of 1597 as being a Statute law⁴ as being a Statute law who were under sentence of death. The Act was passed that regular

transportation became part of the system. Prisoners were made over to contractors who sold them (or their service) in the New World. The slaves from West Africa and the 'industry' they 'might be the colonies and plantations more

On some plantations the cruelty with which they were treated, others the hard and healthy surroundings 'combined to kill some of those who had before been robust. In Maryland transported criminals contracts were made to cover the expense to the Government of the farmers and planters, buying them as they had once been. The transportation of transported men into the colonies by the time the Revolutionary Government to look for other sources who were allowed to escape from

For ten years no alternative was suggested that criminals might be transported to the coast; but a more practical suggestion was the ships that had formerly been used on the Atlantic as floating prisons.

And then in 1786 it was suggested that the islands covered on the other side of the Pacific might provide the alternative. Captain Cook had recorded the discovery of plants which had been found off the coast of what he called 'New South Wales' to give this part of it the name 'New South Wales meadows abounding in the most fertile soil, with a few savages', so it was suggested that the Lords Commissioners of the Admiralty might be a suitable destination for the savages 'as they would be their Lordships at home'.⁷

In the spring of 1787 a Commodore and Chaplain were

t of the penal system. By this Act by order of the Court to private contracts, to be legally precise, who sold their labour. They took their place beside the negro and it was hoped that 'by their labour and the means of improving and making the colony more useful' to the home country.⁵

conditions in which they worked and they were treated were appalling, but on their work, the strict supervision, the new effect a reformation in the case of even those who had been the most abandoned criminals'.⁶ Convicts were so much in demand that they were conveyed across the Atlantic without difficulty; and some of them in time became respectable members of the population in the ports of disembarkation. This absorption into the general population was well advanced when the Seven Years War suddenly forced the British to find other means of disposing of those criminals who were still remaining.

A better alternative method could be found. William Dampier suggested that convicts might be exchanged for Christian slaves and Mohammedan pirates of the North African coast. The most practical and immediate solution was the use of the convicts to man the ships which had taken their human cargoes across the Atlantic. The ships were to be moored in the estuaries of rivers.

It was accepted that the new continent discovered by James Cook in the world some years before by Captain Cook was the answer that had so long been sought. Cook wrote in his journal that the great quantity of furs collected when his ship laid at anchor in the Bay of New South Wales, had induced him to name the bay Botany Bay. Its 'series of beautiful pastures and only inhabited by a few natives' was suggested in an official letter addressed to the Secretary of the Treasury, would prove 'an admirably cheap way at present a heavy charge upon

Governor, Lieutenant-Governor, Commodore, and a fleet of six convict

ships, containing 558 men and 192 women, to establish the new penal settlement in the fleet arrived in Botany Bay and found a fertile, pleasant land they had expected and sand. Captain Arthur Phillip, the extensive charges on to an inlet which Cook and here he disembarked them. There more than there had been when the convict ships had died on the long journey; others had two women had gone off in a French ship remained had not been selected with the men for building a settlement or for farming the land to clear. Many of them had scurvy and there were no medical supplies. Therefore these were obliged to spend more time recovering from attacks of natives, provoked into hostility by and unruly convicts to work.

Soon the food began to run out and was diminished by raids upon them by the natives. Captain Phillip felt compelled to hang some for offence; others were banished from the settlement. Still the thefts went on. What little was pilfered by the hungry men.⁸

'In the whole world there is not a vegetable seen,' Captain Phillip complained in 1790, 'the seeds we have put in the ground have not yet come up cheaper to feed convicts on turtles and fish at the Tower than to be at the expense of sending them to the Secretary of State sends out more convicts than he says that he will bring misery on all the world.'

The transportations nevertheless went on. The ships, some of them still chained together, were 'so emaciated, so worn away by long confinement and lack of food' that many of them died immediately after disembarkment. 'Of the 1,000 males sent out by the last ships,' one report said in 1790, '261 died on board and fifty have since died.'

The transport contractors were paid for the men they took on board and not by the number who survived. More, therefore, that died, and the more profit they consumed, and the greater the profit . . . the more reduced . . . that many convicts were

men, set sail from Spithead in Australia. In January 1788 found it, far from being the ed, a barren area of swamp e Governor, took his appre- ook had named Port Jackson were far fewer of them now had left England. Over forty had managed to escape; and discovery ship. Those that any regard to their capacity g the land they were expected or syphilis or dysentery and were not enough guards and e in fighting off the constant lity, than in getting the sick

and the stores were further the uncontrollable convicts. ng seventeen men for this he colony or whipped. But wheat grew and ripened was

worse country than we have desperation. 'Almost all the rotted . . . I think it will be and venison at the London ending men here . . . If the convicts I shall not scruple to hat are sent.'⁹

ent on. Men came out of the her, the Governor reported, onfinement or from want of tely on landing. 'Of the 939 of his surgeons reported in ve died since landing.'¹⁰

by the numbers of convicts numbers they landed. 'The oner, the less food was con- The rations were so much actually starved to death.'¹¹

Mutiny on board the transport Hogan of H.M.S. *Marquess* Wales in 1796, reported a the ship and take her to Hogan wrote, 'we commenced engaged on that disagreeab women received their pun I heard dreadful cries in th been punished were murder To rescue these from the v to fire amongst them with b

As soon as the transport first, the non-commissioned garrison came on board to able to their persons'. They to begin their seven or fourt tions which were ruinous 'b The 'whole community mig and those who drank them giving in marriage . . . two Bands of robbers . . . infest committing 'the most fearfu

The Governor insisted develop with the same pitia Government encouraged h to come out by paying their sidized settlers did emigrat 'not very superior' to the swamped by the floods of c

By 1810, according to appointed to report on the lation of the colony, apart ten thousand and 'the grea of assigning these convicts well. Although the settlers food and shelter for prison or servants, less than an ei this way and women, if acc rather as prostitutes than apart from a few who had were 'unused to active emp

ports was not infrequent and Captain *of Cornwallis*, en route for New South mutiny of men who tried to take over America. 'At eleven o'clock,' Captain ed flogging these villains and continued le service till forty-two men and eight ishment . . . On the 22nd at 9 p.m. e prison and found those who had not rring those that gave any information. vengeances of the others I was obliged plunderbusses and pistols.'¹²

s laid anchor in the cove, the officers officers next and finally the men of the 'select such females as are most agree- n the rest of the convicts came ashore een years of work in the squalid condi- oth to their health and to their morals'. ht be classed into those who sold spirits n . . . there was neither marrying nor thirds of the births were illegitimate. ed the country, levying black-mail' and atrocities'.¹³

that the colony would continue to ble and depressing slowness unless the onest, healthy, and capable emigrants r fares for them. After 1796 a few sub- e but most of them were described as e convicts; and their numbers were riminals who were still pouring in.

a House of Commons Committee affairs of New South Wales, the popu- from the 1,100 troops, was just over t majority' were convicts. The method amongst the settlers had not worked were required to provide nothing but ners assigned to them as farm workers ght of the convicts were employed in cepted by settlers at all, were 'received as servants'. The rest of the convicts, 'been in a higher station in life' or who ployment' and were consequently given

tickets of leave and exempted from employment in gangs in the Government. In these chain gangs worked at least a day. At night they were shut up in their heavy iron fetters, and were there was not enough room for them all to sleep at the same time.¹⁴

After 1809 when General Macquarie became Governor, these gangs were at least employed for a lasting purpose. Roads and harbours were turned into solid towns, Sydney huts and cabins named after the Secretary of State—was pulled to the ground and rebuilt. Macquarie kept the gangs busy in construction work, but he neglected agricultural development, which was more important. He hoped that gradually the convicts, after their years of enforced labour had experienced the habits and ambitious citizens; but he was to be disappointed. Many preferred to sell their newly-acquired property, the towns they had helped to build so they could spend their money on women and drink, or to go back to their old life, that if convicts were given posts of responsibility, when freed, they would become reliable, well-to-do citizens. Convicts, after the treatment they had received, were given the opportunities granted them and they were not to take these opportunities at all discouraged. The colony, which did not begin on a satisfactory note, was improved. Brisbane succeeded Macquarie in 1822.

Meanwhile, although the colony was improving, convicts in Government service were still treated badly. They were 'fed with the coarsest food, and were reported in 1820, 'governed with the most severe discipline to the stern and frequently cruel commands of an overseer,' who was often a convict himself.

The well-being of those assigned to Government service, of course, entirely on the type of settlement they were treated well; but others, allocated to private service by the Assignments Board, which bore no responsibility to make any inquiry about the conditions of their service, served their period of slavery, were often sold as men for mere venial offences scourged.

into their shoes,' a witness testified. 'I have seen the flesh tainted from the effects of severe flogging go again instantly to the field when he was better treated, and a punishment had been instituted by me as Governor, Sir Richard Edwards be happy. 'I believe the year of discontent and unhappiness ending the colony in the 1830's convicts know no pleasure beyond satisfied.'¹⁶

By this time the end of the Grants of land of up to two acres willing to employ twenty prisoners demanded for convict labour, led the colony that the demand should be settled was now arriving. He was disreputable ex-convicts, who of power, were able to exercise by the excessive crime rate; who became bushrangers and men who lived as squatters and fences for the robbers inside were more convictions for h were for all robberies put together the amount of drunkenness and And he was outraged by the convict labour who not only encouraged them to go out in the neighbourhood. Gradually the influence of New South Wales to become who saw an end to transport for this aim, became irresistible. Franklin had protested when the colonies was at its height, 'snakes to England?'¹⁷ Now

In England, too, transport was different reasons. It was argued that roads and harbours could be built in Wales, it was argued, why could

told a Parliamentary committee. 'And
 and smelling on a living human body
 gellation. After being flogged he must
 ls . . . There is no compassion.'¹⁵ Even
 after reforms in the methods of assign-
 y Sir Ralph Darling and his successor
 Bourke, the convict was not likely to
 rs of assignment are passed away with
 ,' wrote Charles Darwin after visit-
 in the survey ship *Beagle*. 'The con-
 nd sensuality and in this they are not

transportation was already in sight.
 thousand acres, offered to any settlers
 isoners, had enormously increased the
 but there was a growing feeling in the
 ould not be satisfied. A better sort of
 e resented the influence that rich and
 no had been able to rise to positions
 rise over his life. He was disheartened
 by the numbers of escaped convicts
 nd by the hundreds of ticket-of-leave
 on the outskirts of towns and acted as
 e them; by the knowledge that there
 ighway robbery every year than there
 ither in England. He was disgusted by
 and the number of brothels in Sydney.
 e conduct of some of the employers of
 y ill-treated their slaves but actually
 n gangs to rob and plunder the neigh-
 uence of the new settlers, who wanted
 e a decent and respectable colony and
 tation as the only means of achieving
 e. 'What would you say,' Benjamin
 n transportation to the American
 'if we were to transport our rattle-
 similar protests came from Australia.
 portation was condemned, but for
 acked as a wastage of man-power. If
 constructed by convicts in New South
 ould they not be built by convicts at

home? Also was transportation really a punishment? Smith, for one, certainly did not think so.

'A sentence of transportation to Botany Bay, in my sense is this,' he told the Home Secretary in 1793, 'for this offence, the sentence of the court is a punishment burdened with the support of your wife and children, immediately removed from a very bad climate to a climate with people to one of the finest regions in the world. Human labour is every hour increasing and you may ultimately regain your character.'

That some men had improved their character while in Australia. There was one well-authenticated story of a man sentenced to transportation paying a visit to his wife where she arranged for him to be a free man. Thereafter they lived happily in Sydney until he was released from crimes. Many other men, it was suggested, were transported for the sole purpose of earning a fortune. It was another reason, too, apart from its lack of deterrent value which led to the abolition of those in England who wished to be transported was that it had proved to be in no sense a punishment. Dr Whateley insisted, should be corrected, 'but transportation was corrupting, more objections' than any punishment could be 'conceived as a substitute for it.' And Jeremy Bentham, in large measure, agreed.

These objections, together with the fact that the islands in New South Wales which were arranged for by the Colonial Office, were considered inferior to those which proposed that transportation should be continued as soon as possible and that the cost of labour at home or abroad should be reduced.

This was a policy which it was not possible to carry out immediately, for there were at that time a large number of convicts who would otherwise have been confined and the hulks were already high in the water. Therefore, decided that although transportation to New South Wales would be abandoned, the islands would continue to receive prisoners for a number of years.

The largest of these islands, Tasmania,

a punishment at all? Sydney
k it was.

y Bay translated into common
; "Because you have committed
is that you shall no longer be
e and family. You shall be im-
ate and a country overburdened
of the earth where demand for
and where it is highly probable
er and improve your future." ¹⁸

future could not be denied.
ory of a man who had been
his wife's fare to Australia
assigned to her as a servant.
dney on the proceeds of their
gested, had committed crimes
ree passage there. But there
wastage of man-power and
ent weight to the arguments
end transportation; and that
use reformative. Punishment,
ective, 'or at least not corrupt-
ng and was, in fact, 'open to
nt which had been proposed
stitute' to the death penalty.¹⁹
ure, agreed with him.

ose of the protesting settlers
iving with increasing force at
n 1837 by a Select Committee
to Australia should be dis-
that confinement with hard
substituted.

impossible to carry out im-
ne far too few prisons where
een transported could be con-
deously overcrowded. It was,
ansportation to New South
ads to the south and east of it
rom England.

ania (or Van Diemen's Land

as it was then called) was almost as terrible as life here was as terrible as transportation on the main line. Convicts and a fifth of the world for crimes committed since punishments were peculiarly and often naked were taken to bay; they were flogged with nine knots in each tail. A man ment ground of a convict station court described in a scarifying the back of a man who had been

'squashing out of his shoes at each blood off the triangles, and the human flesh that the lash had scourger's feet had worn a deep which he whirled himself round hundred lashes at about half-ninety ment through nearly an hour . . . each other spell and spell about like a couple of butchers.'²⁰

Some convicts committed suicide; some were executed; sometimes three men murderer, who victim and witness certain death in the wilderness fearful camps.

One of these men was A. . . . horrifying as they are, were men who were working in a . . . decided to steal a boat and . . . Their theft was discovered and . . . after a time they became obese . . . said he was so hungry he 'couldn't do before, he said, and it was . . . another member of the gang . . . the convict station, had his . . . bled him, cut off his head and . . . fried his heart and ate it. For . . . and while eating parts of his . . . struck down from behind by

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ready in use as a penal settlement and it had ever been in the early days of the colony. In 1835 a quarter of the male and a quarter of the female prisoners were undergoing punishments which they had been sent there; and the punishments were very savage. Prisoners sometimes in chains were obliged to spend the night on rocks in the open air, and were whipped with special cats-o'nine-tails which had been used by a man who had walked across the punishment on his way to give evidence in court. One man in the prison book how he saw the blood from a man who had been flogged running down his legs and dripping with sweat on every step he took. A dog was licking the blood from the pants were carrying away great pieces of bread and meat scattered about the ground . . . The punishment was a hole in the ground by the violence with which the prisoner was pressed on it . . . The infliction was one minute time, so as to extend the punishment for a long time. . . they had a pair of scourgers who gave the punishment and they were bespattered with blood.

Prisoners were punished for serious crimes so that they might be punished. Some drew lots to decide who should be punished; others went off to almost certain death rather than go on living in the prison.

Alexander Pierce whose experiences, were not exceptional. Pierce and some other men were confined on one of the islands in the bay and they made their escape to the mainland. They made for the barren hills where they were pursued by thoughts of food. One of them was killed and eaten. The like had been done before. 'I had tasted much like pork'. That night, a man was killed, who had once acted as a flogger at the prison, and his throat cut. Some of his companions were killed and eviscerated the trunk. Then they were buried. Four days later another man was killed; his heart and liver yet another man was killed by one of his fellow cannibals. Only

Pierce and two others were left now on alone. One of them lagged behind exhausted. The leading man, Greenhill, asleep killed him with an axe. Greenhill's body so that Pierce should not take any now only remaining companion. The man gone to sleep with the axe still stuck in his head, so he later confessed, began to fear he would be killed. So he got up and killed Greenhill and part of a thigh and went on by himself. He wandered into a flock of sheep and was killed. Soon after this he was recaptured. The following year with a man named Campbell was found some days later. When Pierce was found time he was still carrying the bread which he had escaped. He had killed the man from the human body, particularly the head, 'by far preferable'.²¹

Stories like this, illustrative of the conditions subjected to years of punishment in the prisons could sink, had their effect on the recommendations of the committee of 1837 and the subsequent reforms of the prisons. By 1840 transported convicts went way up through various grades of a 'penitentiary' system on Norfolk Island and gang labour. The well-behaved convict could get a 'ticket of leave' pass, to a final stage—before he was held a ticket of leave.²²

This system was extended in scope by the Superintendent of Norfolk Island, who reported criminals were sent. Maconochie, a captain who had been the first to be sent to University College, London, had gone to be secretary to the Lieutenant-Governor of Tasmania. In the controversy about transportation to Tasmania, investigations he carried out for the Improvement of Prison Discipline in Tasmania, the system was iniquitous.²³ 'The proper object, he wrote later, 'is to prepare men for reform. The system now being made in Tasmania of brutal punishments not only debase

7, and these three men went and the others and fell down all, went back and finding him Greenhill strapped the axe to his back and took it from him and rejoined his party. That night after Greenhill had been strapped to his body, Pierce, who would be killed in the morning, was killed instead. He cut off an arm of himself. In the morning he was killing a lamb, he ate it raw. But he escaped again the next day. The ox whose mangled body was found was recaptured for the second time. The men had food and pork and the fish with them. Cox, he said, because food was scarce, he ate the thick part of the arm, was

the degradation to which men were subjected in the worst penal settlements. The recommendations of the Commission for the administration of the island were that convicts were allowed to work their own land on a 'probation' system from detention, through a stage in which they were given a paid job while holding a probation ticket, to being pardoned—in which he

was mentioned by Alexander Maconochie, who was sent to Tasmania where all the worst of transgressions were committed. Maconochie, a Scottish retired naval officer and Professor of Geography in Glasgow, was sent out to Tasmania in 1837 as a probationer. He had taken no part in the penal system while in England, but once he was sent out on behalf of the Society for the Reformation of Prison Discipline he was convinced that the object of prison discipline, 'not to punish but to discharge.'²⁴ No attempt to reform the convicts in Tasmania, where he believed the best method was to treat the convicts as Alexander

Pierce had been debased, but the experiments and authorized their... to criminals which 'when it is more than benefits them'. But severe and vindictive'. There was 'no less than he thought, 'than that the cost and all, not of any section of the individuals are sacrificed, the

On Norfolk Island, the largest about nine hundred miles north given an opportunity to put it unsuitable for the experiment by supposedly irreclaimable men second or third time after their expired. There were, in Macao men cooped up in a nutshell of penal colonies.²⁶ But he was the intendent and set to work. He 'hell' and left what he claimed to become 'a peaceful well-ordered

His system was a simple one determined by the expiration of time and hard work. The convicts were to 'sweat of their brows'.²⁸ Marks were given as punishment. A good day's work earned convicts ten marks each, although they had to do their own work. To teach them self-dependence they had to grow their own food which varied from three marks, the best meals were given to a man saved, he shortened his term and divided into three periods; the first one of discipline; the second one of self-interest; themselves into groups of six and they became interested in each other. The first period was one of conditional

Maconochie was a good man, somewhat puritanical one. He lived with convicts with his wife and children. He was free from the Superintendent's hands. The lash and irons which he used when necessary, he hardly ever used

not also those who inflicted the punishment. He did not advocate lenity unjudiciously extended, injures rather than benefits. Severity should be made 'parental, not paternal, more important in social science', 'the common interest is the interest of each member; that when beyond all question the public also indirectly suffer'.²⁵

As a test of a group of islands in the Pacific north-east of Sydney, Macconochie was put to his theories to the test. It was quite small, being inhabited for the most part by convicts who had been reconvicted for the same crimes. Their original terms of punishment had expired. In Macconochie's own words, 'two thousand convicts'. Two-thirds were the refuse of both the colonies. He accepted the appointment of Superintendent and found the island a 'turbulent, brutalized, and degraded community', had 'no order, no industry, no community'.²⁷

Instead of a sentence to be determined, he instituted one to be lessened by the amount of work done. Men were told to 'earn their freedom by the amount of work done'. Work was given as wages and deducted from the sentences. Labour at piecework rates earned the more the more could be earned by extra work. By industry and self-reliance they had to buy their freedom. In price, the simplest meals costing five marks. And for every ten marks earned they were reduced by a day. Sentences were reduced by the amount of work done. The first period was one of stringent discipline, in which men formed habits of industry and by being paid or fined as a group for their work and behaviour; the third period was one of freedom.

Macconochie was a brave man although perhaps a little timid. He walked unarmed amongst his convicts; he took down the protective bars from the cells; he also took down the gallows. His predecessor had found constantly that the convicts were not to be trusted. He built two churches and re-estab-

lished schools; he held his court in p
 'stand up like men' when talking to h
 their heads as they had formerly bee
 privileged prisoners to wear ordina
 smoke tobacco 'not to encourage its co
 indulgence which it is impossible to p
 markable. Of 1,450 prisoners dischar
 lived on Norfolk Island only three p
 been reconvicted.²⁹

The idea that imprisonment was a
 ever, and that additional penalties, p
 should not be heaped upon the conv
 going it, was one which few other m
 was severely criticized. When the new
 occasion of the Queen's birthday, he
 have a holiday, play games, act in a p
 health, 'the decision to recall him,' in
 'waited only on the choice of a succes

Maconochie went home in 184
 so promisingly begun was abandon
 brought back the gallows and the las
 four of the staff were murdered and
 were hanged. For the next ten years,
 penal colony in 1856, Norfolk Island
 hell' that Maconochie had discovere
 stalls were used and an instrumen
 stretcher, an iron frame on which a
 head hanging down backwards with
 hours spent on it could—and on at l
 in death. Chained prisoners were str
 huts by one hand, and sent to work,
 putrescent backs, in the Cayenne pe
 dust maddened them.³⁰

At Port Arthur years of such tre
 who had been transported at the age
 into 'a grizzled, gaunt and half-nal
 corner'.

'The peculiar wild-beast smell which b
 madness exhaled from his cell' (a man
 'The gibbering animal within turned an

public and made the convicts his officers instead of bowing to him as obliged to do; he allowed them to wear decent clothes and to grow and work, but to legalize an 'indulgence' which had been prevented'. His success was reaped during the four years he was governor. One per cent were known to have

been punished in itself, how- ever. The punishments and humiliations which were inflicted on the convicted prisoner while under- sentence were then shared. Maconochie when he reached London that on the 15th of 1840 he had allowed his convicts to play and drink Her Majesty's wine and beer. In the words of his biographer, 'the worst of the worst'.

4. The work that he had done was continued by his successors who were not so successful. In a revolt two years later, in 1842, afterwards twelve prisoners were killed, until it was abandoned as a failure. It became once more the 'brutal system' of the old. Gags, bridles and head- stocks, the instrument of torture known as the 'cat' was extended with his arms outstretched without support so that twelve or thirteen at least one occasion did—resulted in the men being hung up to the ceiling of their cells. They were with lacerated, foul-smelling, and bleeding sores pepper mill where the stinging

treatment had turned a convict into a man. One of thirteen for stealing a hare was found dead, an old man coiled up in a

cell. It belongs to some forms of furious punishment (as one who visited him in 1870 said). I saw him and his malignant eyes met mine.

"Take care," said the gaoler, "hold the peep-hole to try and poke your nail-bitten hairy finger like the simian neatness through the aperture," said the good warder, forcing his thinking."³¹

By this time the whole system of Tasmania, 'swamped with the convicts being deserted by its free colonies on probation passes, tickets-of-leave, and there was no work for them to do was going bankrupt. In 1852 the British Colonial Office in London sought a new dumping ground. Not the Falkland Islands, and Labrador were reasons found unsuitable. It was taken as many convicts as the Executive Council of Queensland could take in inquiry as to whether there might prove a good settlement. At the same time Western Australia supplied convicts but by now another steam convict ship that left for Western Australia to sail from England.

The passing of the Penitentiaries Act had little immediate effect. There was for the first of the proposed reforms and intractable John Howard had an ability to work with his few supervisors created by the Act.

The temporary measure—the 1850's—of imprisoning convicts sentenced to transportation, on convict ships, interfered with the House of Commons as did the return to transportation on a

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he has a habit of sticking his finger through someone's eyes out." I drew back, and a toe of an ape was thrust with rapid and aperture. "This is how he amuses himself," to the iron slot. "He'd best be dead, I'm

tem of transportation had collapsed. the criminal classes' from England, was colonists. Thousands of prisoners with leave or pardons were looking for work them to do. The colonial government it refused to accept any more convicts. London began a desperate search for a Northern Australia, New Guinea, the for were all considered and for various Bermuda and Gibraltar had already they reasonably could. A request to the island was immediately answered by an was not some part of Britain which ent for Queensland's criminals. For a plied settlements for transported con- age in penal history had begun. The Western Australia in 1867 was the last

(iii)

ary Houses Act in 1779, like so many the English prison system, had had e had been an argument over the site new penitentiaries and the obstinate d, whose great gifts did not include llow men, resigned as one of the three ct, and the whole scheme had lapsed. -continued, in fact, until well on into men, who would formerly have been in the hulks of the suddenly idle n the schemes of the reformers in the e discovery of Australia, which made a large scale possible again. They con-

tinued to do their best to arouse the men for the improvement of prison success. Some local acts were passed prisons on the new cellular model and built at Gloucester in 1791. But the General Prisons Act in the same year national penitentiary scheme remained its critics continued to maintain would be quite outrageously expensive it appeared so economical that Jeremy Bentham in *The Panopticon, or Prison Discipline*. The idea of the Panopticon but that of his remarkable brother B. Bentham who had adopted both his being the rough equivalent of hono Russia where he had become recogni gunnery and dockyards. He had show vision of dockyard labour to his broth adapted to the supervision of prisoners

Jeremy Bentham's Panopticon was 'iron cage glazed,' as he described it, of Ranelagh. The prisoners in the ce ence; the officers, Governor (Chaplain. The officers, concealed by 'blinds an give to the prisoners a feeling that th sort of invisible omnipresence' and v whole circle of cells from their vantage-

The prisoners would be taught to useful work and by being allowed to although the scheme contained many were ultimately adopted, Bentham's complete the building for only nineteen after maintain each man for a Treas a year was recklessly hopeful. The prepared to believe him and entered was paid two thousand pounds on sig an order for a cast-iron frame-work. Bentham went ahead with his project, for a suitable site and buying materia sands of pounds out of pocket with show either for his efforts or for his

enthusiasm of their country-conditions, but they had little, permitting the erection of a model prison was, in fact, despite the passage of a year, the establishment of a chimera. Such a scheme, apart from any other drawbacks. And it was largely because Bentham's proposals set out *in fine* appealed to the Government was originally not Jeremy's brigadier-General Sir Samuel Rank and his knighthood as conferred upon him in as an authority on naval his scheme for the superintendent who saw how it might be

to be a circular building, 'an a glass lantern about the size occupying the circumference, Surgeon, etc.) the centre' and other contrivances', would they were being watched by 'a would be able to review the ground.'

'love labour' by being set to share in their produce. But sound ideas, some of which proposition that he could thousand pounds, and there- subsidy grant of twelve pounds Government, however, were into a contract by which he nature so that he could place Enthusiastic and impatient, talking to architects, looking als, until he was many thou- out anything very much to s money. Ministers with the

Napoleonic War on their minds, and they were in abeyance, particularly as the war drew to a whole idea, and it was not until 1801 that it was taken to relieve Bentham of the management of the matter in the hands of a Government. Bentham was paid twenty-five guineas for his loss and the construction of the new prison at Millbank was at last undertaken.

It was, however, to be some years before it was finally completed (at the end of 1807) and in the meantime, as indications continued to show few signs of improvement, some prisoners were still chained down. At least, 'there were but two gaolers, and the rest could be chained down like the dogs'.¹ Nor was there any acquittal as innocent'.² Nor was there any mitigation in many prisons. In Newgate, for example, who was imprisoned there in 1801, 'there were any'.³ A Select Committee of the House of Commons boys were mixed 'indiscriminately' and 'from ten to sixteen or eighteen, exhibiting a variety of characters differing in degrees of guilt, from the first offender with the hardened countenance to the hardened offender who had witnessed such painful exhibitions of suffering, which the older thieves too often imitated, and entered vicious courses'.⁴ Two inspectors were appointed, although the class of prisoners was required by Act of Parliament to be 'separated for the law'. Two Inspectors of Prisons were appointed that in Newgate men convicted of the same crime were up in the same wards as yet, and were chained to the same rope mats with the hardened criminals awaiting their trial, who were obviously pretending to be penitents. The comer entered was settled by the wardens, to whom the Governor assigned a salary which was openly paid. Most of the prisoners were kept out by the wardens who made the most of it as they could.⁵

'The days were passed in idleness and in a state of

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inds were content to leave the matter to the King was strongly opposed to the until 1810 that a definite decision was his personal responsibility and put the government contractor. Three years later three thousand pounds compensation tion of the long-awaited penitentiary way.

Several years before the vast structure (at a cost of over half a million pounds) stood after its completion, prison conditions showed signs of improvement. As late as 1823 'laid to the floor; and in one county, at 'the total deliveries for the year,' so a prisoner was 'this 'from six to eight months and then there was there much attempt at classification at Newgate, as Edward Gibbon Wakefield, in 1827, discovered, there was scarcely had reported some years before that 'nately together from the ages of eight to twenty, exhibiting a great variety of character and including the tried and the untried, and the first and last convicts'. None but those who had witnessed the process could be aware of the pleasure taken in corrupting those who had 'just been sentenced. Twenty years after this Report was published, the reformation of prisoners was by then almost entirely neglected, 'the greatest contempt was shown in the management of Prisons, appointed in 1835, found that 'the most heinous offences were shut up in the same ward with young boys awaiting trial and slept on the same benches with them; minor offenders were put with those sentenced to transportation; lunatics with those sentenced to be mad. The ward which a new-arrival of prisoners, known as wardsmen, to whom was assigned this duty and to whom bribes were given, the prisoners were in rags; food was served to them, and they made as much money out of their office

illness, debauchery, riotous quarrelling,

immoral conversation, gambling, instructively discourse upon past criminal exploits, others to be perpetrated after release. No for the employment of prisoners. There the boys were taught anything, and they were convicted prisoners . . . Drink, in was still to be had . . . Women saw men wives; even boys were visited by their worst feature of the visiting system was t prisoners to have access to the female side

On the female side, in contrast, 'more lance of decorum was maintained'. And to the efforts of a single, remarkable visited Newgate for the first time c more than thirty years before this rep was written. She saw starving women on the stone floors without bedding. pressed to the bars, stretching out gre for pence to spend in drink at the tap were fought with by those behind; h the hair, pinched them, punched the elbows.'⁷

Elizabeth Fry had been persuaded by the American Quaker, Stephen Gre tions there were far worse than anyt Continental travels. Mrs Fry, herself to one, for whom she was eventually already well known for her philanthr ately agreed to extend it in the way success was astonishing and deeply family it was impossible for her at first to the prisoners, but at Christmas 181 the selfless work for which she is organized regular visits, she started a s she gave the women clothes and food nothing in return but 'a voluntary s sobriety, cleanliness and decent conv

To the surprise of the prison aut So sincerely sympathetic, so spont standing, and with a Christian outlo

tion in all nefarious processes, exploits, elaborate discussion of no provision whatever was made was no school for adults; only an instructor, with his assistant, more or less unlimited quantities if they merely pretended to be sweethearts . . . Perhaps the permission accorded to male . . .⁹⁶

the system and a greater semblance of this was almost entirely due to the woman. Elizabeth Fry had on an icy January morning, in the report of the Prison Inspectors, many of them drunk, lying on the ground. 'The women, seeing visitors, with outstretched hands, whining, begging for food of the prison. Those in front of the women snatched them back by pulling them in the ribs with fists and

to make her visit to Newgate Prison, Grellet, who told her that condition of things he had seen during his visit. Grellet was born a Quaker and married to a woman who bore eleven children, was engaged in domestic work; and she immediately adopted that Grellet suggested. Her visit was moving. Having so large a family she had to devote much of her time to her family. In 1796 she started with her friends who were so deservedly admired. She established a school for the prison children, and she demanded subordination to the rule of 'the prison conversation'.

authorities she had her reward. She was so generously tender, so unflinchingly so refreshingly and com-

pletely without humbug and of these poor women, reduced to cruelty and neglect 'to the level which could both respect and love.

It was a triumphant achievement followed by only a very few imitations. Her tours of provoking hulks, her useful and heartfelt work in the House of Commons, her benevolent and reforming prisoners and not all looked upon by the general public rather than of a practical mind. James Neild, whose book *Tales of the Land and Wales* had been published by Martin, who had devoted his life to the Gaol; the work of Elizabeth Fry and of her other brother-in-law, who founded the Society for the Reformation of Juvenile Delinquents in 1816, all alike were accorded the sympathies lay more with the opinions unequivocally in the 'amiable excellent woman,' 'Society is a thousand times better than the method but hers is not the method really meant to keep the men to evil-doers, there must be friends—no education but reformation no weavers' looms or carpenter's deal of solitude; coarse food, irksome, eternal labour; a positive exclusion of happiness and comfort.

The immense penitentiary was founded in 1821, some months before the birth of Sydney Smith and those who were enterprise. It was possible, by nursing and petting of felons 'in part' he would 'rather take a real hard labour prison discipline than a new penitentiary.'⁹

The inmates of Millbank were being nursed and petted

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hypocrisy, she was accepted by most as previously they had been by 'level of wild beasts', as a woman they

movement but the example she set was others. She was admired rather than in the local and foreign prisons and of the evidence before a Committee of the belief that it was society's duty to try not to starve and degrade them, were regarded by the public as indications of a soft heart and. The travels of Howard's successor, *The State of Prisons in England, Scotland and Wales*, published in 1812; the work of Sarah Fry's life to the prisoners of Yarmouth and Fry's brother-in-law, Samuel Hoare, and his brother-in-law, Thomas Fowell Buxton who had written *The Reformation of Prison Discipline in England* were held in scant respect by a people whose opinion was voiced by the Rev Sydney Smith who voiced his opinion in the *Edinburgh Review*. 'Mrs Fry is an example of the same infamously infamous neglect that preceded her; to stop crimes. In prisons which are a multitude in order, and to be a terror to the prisoners—no sharing of profits—no visiting of religious education—no freedom of diet, no access to the prisoners' benches. There must be a great deal of dress of shame; hard incessant, unrelenting and regulated and unrelenting comfort.'⁸

at Millbank had been completed in these words were written, and it seemed to those who thought as he did a very dangerous experiment. One of its critics admitted, that 'this system might reform a few 'but for his own sake a culprit for a servant after six months' discipline' than after three years in the

were hardly likely to agree that they were justified. Architecturally the prison owed

something to the influence of Bentham in the shape of a six-pointed star, management it owed something to the ideas of Buxton, and Elizabeth Fry. But it seemed its coldly echoing halls like an immense sprawled over seven acres and one who there had still not learned his way about a piece of chalk, with which he "blaze" a backwoodsman does the forest trees. The winding staircases, dark passages, in fact bewildered him as much as they did.

The convicts occupied separate cells for the first half of their sentences; during the second half they were allowed to work in association with one another. The Governor had to find work for them to do; and eventually the principal occupation in the penitentiary was weaving. It was as monotonous and boring as prison life itself. The punishments were more severe; the Governor was more sincerely to regret the occasional flogging. The food was stodgy but adequate. Most particularly the female prisoners, found to be quiet, ordered, phlegmatic, lonely life was the only one expected of them. There was a great epidemic. The Governor was compelled to call in the military to restore order. Five years later there was a great epidemic of dysentery and cholera in which more than a hundred were ill and thirty of them died. A special Act of Parliament passed to permit the removal of the sick to the country, eventually pardoned as this was felt to be necessary for their health, and the men were distributed to other prisons. When the prison was re-opened after the epidemic had made more healthy and palatable, the food was improved, some games were allowed, candles were provided, and limited educational facilities were provided. The prisoners were classified in three groups. Millbank was closed again. But it remained, in fact, an unimproved prison.

However much the dullness of existing prison life dulled the mind and spirit, though, this tenor was to be replaced by a new system of prison discipline. The system, in the intentions of its advocates, was all to be done by the deprivations and tortures of the present.

m's Panopticon, being built and in its organization and ideas of John Howard, Fowell seemed to those who entered dense and nameless tomb. It was a reward after years of service to get out it. 'He carried with him the path as the American Angles every twenty yards, and a numerable doors and gates' every newcomer.¹⁰

cells where they worked alone during the second half they were others. But it was difficult to find any activity carried out and this could be as monotonous. There were few physical pleasures than most and seemed to be a mix of recalcitrant convicts; many of the prisoners, however, found it impossible to live the way that their Evangelical superiors wanted. There was a serious riot and the Bow Street Runners to deal with it. There was an epidemic of scurvy, and more than half the prisoners fell ill. The Act of Parliament had to be amended. All the women were to be the only way of restoring order. The hulks were moved between various hulks. The hulks were being fumigated, the diet was improved, and the ventilation was improved, and some were put in the cells, a few were provided and prisoners were allowed to work. It became a promising prison but a murtherably dreary one.

The sentence there tended to destroy any hope of reformation. The only hope was to be emphasized by the fact which, however creditable it might be, was almost as cruel as the physical punishments of the previous century.

Howard's suggestion that and, if it were 'difficult to p association by day, had been prolific pamphleteer, Jonas essential that they be separa possible so long as the old p new ones were being built, experiment should be made.

In the United States, it ready in operation in Penns been considered a matter of William Penn had made his Province of Pennsylvania a acted. It was almost as the English seventeenth-century true God' a capital offence the smiting by children of the drunkenness ranked as equal ment was replaced by impr to be 'free as to fees, food an 1683 only murder was a c Assembly was persuaded by criminal law; but by 1786, dependence, the death pena rape and arson, all other sen ping, imprisonment or hard public.

In 1790 the legislature famous as the Pennsylvania new block of cells should Walnut Street Prison in Ph there were placed in solitary every cell, according to a c small window, placed high t secured by a double iron gra to it was successful, the pers earth, on account of the thic confined here, is permitted n bed, or anything else but wha

There were only twenty-t and the majority of the pris

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prisoners should be separated at night to prevent their being together', work in questioned by, amongst others, that Hanway, who believed that it was not done all the time. This was clearly impracticable as prisons were still in use, but now that it seemed to some reformers that the

was pointed out, this system was already in Pennsylvania where penal reform had long been of importance by the legislature. In 1682 William Penn's 'Holy Experiment' and founded the colony and a new 'Great Law' had been enacted which was democratic as the Puritan conception of law which had made 'denying the oath, blasphemy, sodomy, buggery, adultery and fornication with their parents. But although swearing and drunkenness were crimes with murder, corporal punishment and imprisonment in work-houses which were used for 'feeding and lodging';¹¹ and by an amendment of the law of capital offence. On Penn's death the Governor was ordered to re-introduce English law. Ten years after the Declaration of Independence the death penalty was reserved for treason, murder, and other serious crimes being punished by whipping and hard labour performed by chain gangs in

Penn had created what afterwards became the Pennsylvania prison system by providing that a new prison be built within the grounds of the University of Philadelphia. The convicts imprisoned were to be confined and given no work. In a contemporary account, there was 'one window high up and out of reach; the window well lighted, so that, provided an effort to get up, a person could perceive neither heaven nor earth through the thickness of the wall. The criminal, while in the cell, has no convenience of bench, table or even a stool, but what is barely necessary to support life.'¹² In the four cells in the new block, however, the prisoners were still kept in the old part of

the prison where, although some attention and silence was enforced at work and was impossible. As the years passed more crowded, discipline relaxed, the the board of management by political tions were eventually compared with Gaol of colonial times and even with where abandoned mines were used in Maine, where convicts were kept in be entered by ladders.¹³ Other prisons Street block were built in New York Massachusetts, but in these as well of ment soon resulted in conditions even delphia and led ultimately to an abandonment.

In the face of these setbacks Pennsylvania Prison Society and the Alleviating the Miseries of Public Debt Quakers, demanded that the separate chance. And eventually it was. Two in Pennsylvania and in both of them separately confined. The Western Penitentiary was built at Pittsburgh in 1818 on the pattern of the Eastern Penitentiary was built at Chester of John Haviland whose plan of separate centre had already been used in the cell in England.¹⁴ Once in his cell a prisoner for years, taking his exercise by himself, it, working at some lonely task if possible for him, reading the Bible—in most cases no work could be found, meditating sins, not even being allowed out of the having to listen to the voice of the concealed behind a black curtain. One prisoner was that 'a number of convicts became visit to the Eastern Penitentiary in men were capable of estimating the and agony which this dreadful punishment inflicts upon the prisoner' and believed tampering with the mysteries of the worse than any torture of the body'.¹⁶

empt was made to classify them
d meals, separate confinement
the prison became more and
ne Quakers were replaced on
al appointees and the condi-
those of the old High Street
h conditions in Connecticut,
as prisons, and with those in
a deep pits which could only
s modelled on the new Walnut
York and at Charlestown in
overcrowding and mismanage-
en worse than those in Phila-
ndonment of separate confine-

s and disappointments the
the Philadelphia Society for
Prisons, both inspired by the
system should be given a new
new state prisons were built
them all the prisoners were
penitentiary was built at Pitts-
entham's Panopticon and the
erry Hill in 1829 to the design
veral wings radiating from the
onstruction of Ipswich Prison
oner might remain alone in it
self in a little yard adjoining
uitable work could be found
cells the only book allowed—if
g—so it was hoped—on his
his cell for divine service but
chaplain who preached con-
redictable result of this régime
me insane.'¹⁵ Dickens after a
1842 decided that 'very few
e immense amount of torture
ishment, prolonged for years,
ved that the 'slow and daily
ne brain' was 'immeasurably

'Over the head and face of every house,' Dickens wrote, 'a black an emblem of the curtain dropped is led to the cell from which the whole term of imprisonment is children; home or friends; the the prison-officers but with that countenance or hears a human dug out in the slow round of year thing but torturing anxieties and

Some of the new cell blocks at York, built at about the same tentariaries, also contained cri by night, and here without other blocks at Auburn pris during the night but were allo provided they observed the str

'In their solitary cells,' the Bos 'they spend the night with no o they proceed in military order columns, with the lock march order at the hour of breakfast, of their wholesome and frugal n be heard through the whole apar

Convicts are seated in single towards the centre, so that the

The silent system at Auburn Men and women were flogged looking up when they should work.¹⁹ Captain Elam Lynds did not believe in the possibil ducing obedient prisoners and With the help of John Gray, cage in a large room of simi wall, an invention which w subsequent prison architectur

That he did produce obed The rows of silent men marc

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prisoner who comes into this melancholy hood is drawn; and in this dark shroud, wed between him and the living world, he never again comes forth, until his has expired. He never hears of wife or life or death of a single creature. He sees in exception he never looks upon a human voice. He is a man buried alive; to be ears; and in the meantime dead to every- and horrible despair.¹⁷

at Auburn Prison in the State of New me time as the Pennsylvanian peni- minals meditating alone by day and even the consolation of work. But in oners were kept alone in their cells owed to work together in the day-time, strictest silence.

ston Prison Discipline Society reported, other book than the Bible, and at sunrise , under the eye of the turnkey, in solid to the workshops, thence in the same to the common hall, where they partake meal in silence. Not even a whisper might rtment.

e file, at narrow tables with their backs re can be no interchange of signs.¹⁸

was maintained by the fear of the lash. ed for offences no more serious than d have had their eyes fixed on their s, the Warden, a relentless martinet, ities of reform and aimed only at pro- d keeping them securely incarcerated. he invented the inside cell, a sort of lar cages with no access to the outer as to have a profound influence on re in America.

lient prisoners, no visitor could deny. hing from their cells to the workshop

or the dining-hall with their heads a sight which impressed many officials. Rev Louis Dwight, Secretary of the Society, advocated the Auburn method with unqualified enthusiasm. Other system; while some, believing that was more important than the product tried more liberal experiments. In system of rewards as well as of punishment. Kentucky prisoners were credited for their maintenance; in Tennessee being commuted as a reward for good prisoners in Vermont were allowed in Massachusetts education other than permitted; at the new Connecticut the first honour system in United States by the strict but humane Moses Pilsbury.

It was, however, the separate system of Auburn which had attracted English observers. One of these was recently been created an Inspector of Prisons created by an Act of 1835.²⁰ Crawshaw and other European observers, visited on their return drew up an enthusiastic report for the Home Secretary, Lord John Russell.

In 1842 a large new penitentiary was built and by 1848 no less than fifty-four had been built on the same plan, having rows of six cells in separate blocks radiating from a central point like a wheel. Apart from Wormwood Street Prison and Dartmoor, begun in 1806 for the military and made into a convict prison in 1818, the other English prisons were, in fact, built on the same plan like Reading Prison, which itself was built on the same plan in Berkshire after Windsor Castle had been converted into a college. '... a collegiate appearance'.²¹

Pentonville, a characteristic example of the separate system, had windows on their outside walls and no windows on the inside landings in the galleries. Each cell was six feet broad and nine feet high and had a table and a hammock with mattress.

cast down submissively, was
al observers. One of these, the
the Boston Prison Discipline
od during his extensive travels
er states began to adopt the
the training of good citizens
duction of obedient prisoners,
Georgia as early as 1832 a
punishments was instituted; in
for the work they did and de-
nessee by 1833 sentences were
good behaviour; well-behaved
tobacco, letters and visitors;
than religious instruction was
State Prison at Weatherfield
States prisons was inaugurated
ury.

system of Pennsylvania and the
ad the greatest influence on
as William Crawford who had
of English Prisons, a new office
ford, in company with several
America in 1836 and on his
rt which caught the interest of
sell.

was completed at Pentonville
r other prisons had been built
ngle cells arranged in tiers and
central hub like the spokes of
crubs which was built in 1874
French prisoners-of-war but
850, practically all the large
in the 1840's, many of them,
s considered the finest building
, combining 'with the castel-

mple, had 520 cells with little
d doors leading to the narrow
was thirteen feet long, seven
ad a shaded gas-burner, a stool,
s and blankets.

'It is admirably ventilated,' an scientific principle, and by means agreeable temperature. It has even an unlimited supply of warm and good; the food is also good bell-handle, too.²²

But although the prison was more pleasant than it is today getting blocked and because of communication—'the luxuries of by communal, evil-smelling' was so appallingly monotonous took on that look that Dickens thing of that strained attention blind and deaf, mingled with all been secretly terrified'.²³

During the first eight years were apparently 'upwards of' be according to the normal rate twenty times more cases of mental in the country.²⁵ An official report thousand persons confined in insanity, 210 cases of delusion.

As at Auburn, there was punishment the men tramped from their beds cloth so that none should recognize through the two holes candle-like phosphoric lights shining.

On reception all the new prisoners by the medical officer, then the rules and punishments, then they were stripped and made to stand in nudity while he examined with of their persons'. The officers in the minds of the convicts through and repression.²⁸

Breakfast consisted of ten of a pint of cocoa; dinner was of meat) five ounces of bread meal of the day was a pint of g

WINGS OF REFORM

admiring visitor wrote, 'on the newest
of warm air it is kept at an even and
the luxuries of a water-closet, and of
and cold water. The bedding is clean and
and plentiful in supply. There is a

comfortable enough, and no doubt
now that—because they were always
the pipes served as a means of com-
a water-closet' have been replaced
recesses', the life of a prisoner there
us and dreary that in time the men
had noticed in Philadelphia—'some-
n which we see upon the faces of the
a kind of horror, as though they had

ers of Pentonville's existence, there
ten times more lunatics than should
ate'.²⁴ And in later years there were
mental disease than in any other prison
report admitted that 'for every sixty
Pentonville there were 220 cases of
ns, and forty suicides'.²⁶

perfect order and perfect silence as
lonely cells wearing masks of brown
ognize them, 'the eyes alone appear-
at in the front, and seeming almost
through the sockets of a skull'.²⁷

isoners were perfunctorily inspected
easured by the Governor about the
preached at by the chaplain, then
efore an officer 'in a perfect state of
h disgusting particularity every part
barked their orders and left no doubt
hat prison was a place of punishment

ounces of bread and three-quarters
s half a pint of soup (or four ounces
and one pound of potatoes; the last
gruel and five ounces of bread.

Work began at six o'clock in the seven at night with breaks for meals, in the chapel where each prisoner sat in a pew so that although his head was visible he was hidden from the view of his fellow prisoners, mostly for attempts to communicate with one another common. The refractory cells were single 'luminous chink or crack' and here for three weeks on end. The refractory, though, was to be denied the privilege of communication.

In many prisons the provision of work was disregarded and recourse was had to the prisoners occupied. Sir Robert Peel's Commission on the observance of a 'reformatory system' obliged prison authorities to inform the public of 'tyrannical punishments'. But it was the performance of arduous yet completely unproductive work abandoned. Just as classification of prisoners in confinement in different blocks, was advocated on the grounds of economy by the cost of cellular prisons, so the treadmill had been advocated as punishment and as means of occupation that would be profitable to honest men. They were still, in the 19th century, used by those who believed that prison should be degrading, exhausting and deterrent. Pointless, degrading work on the treadmill and the crank consisted of a big iron frame of steps around which a wheel could be fitted to a mill or used for pumping water. A wheel like the paddle wheel of a steam engine, which the prisoner had to turn by hand, could be used for productive purposes. But that was not the case. Prisoners, male and female, worked in their own separate compartments or cells. They did at Cold Bath Fields Prison for years, doing nothing except the climbing of 8,640 steps on the crank, worked for the same length of time, against the resistance of the gravel in the bottom of the wheel ten thousand revolutions. This sort of work was, as Dostoevsky discovered when he was in prison, a

morning and continued until exercise, and the daily service had his own pigeon-hole of a visible to the warders on duty, his neighbours. Punishments, like with other prisoners were in the completely dark without a light and prisoners could be confined in the most dreaded punishment, the treadmill of work.

Useful work was impossible or confined to other means of keeping prisoners busy. The Act of 1823 had insisted on a 'penal regime' in prisons, and had required the Justices of every county to inflict some punishment on every prisoner as many years before the penal system of useless tasks was completely abandoned. As at Maidstone, had been the case by those who were horrified by the treadwheel and the crank. It was thought that would be easy to apply and would not threaten the livelihood of the prisoners. In fact, advocated in the 1860's that labour should be pointless so as to be exhausting so that it should be both below and above all exhausting, and certainly were. The treadwheel, with a revolving cylinder, could be used for pumping water; and the crank, with a beam fitted into a box of gravel and turned by means of a handle, could also be used for the same purpose. But it was rarely that either of these means of punishment, the treadwheel, trudging up the steps in the wheel might work as they were intended for six hours a day and achieve 100 feet; and others, turning the treadwheel for time to do nothing but break the treadwheel and turn the handle through the treadwheel of useless and fatiguing activity. The 'buried alive' in a Siberian

prison, not only a degradation
'torture and most cruel revenge

The dangers of this embittered
mill and the crank and the pi
the use of iron in the building
unsaleable, but also by the wh
little understood, or if under
recognized, for instance, tha
severity 'according to the disp
many of his countrymen, als
comfortably for penance'.³⁰
Archbishop of Dublin, whos
respected. Whateley attacked
was inclined to favour the cr
warned against making prison
parative comfort and ease, as
even to tempt men to commi
them a refuge from distress'.³¹

Views such as these found v
prison scandal caught the atten
over the treatment of prisoners
Act of 1824³² establishing
prisoners, the Act of 1835³³
first Penal Servitude Act of
labour for certain sentences v
periods of transportation, all p
however, the report of a Roy
into the allegations of crue
country-wide concern.

Between 1849 and 1851 t
was Captain Alexander Maco
Norfolk Island. Maconochie
Pentonville was ruinous of a m
operation the marks system t
Although he had done so wi
Justices, the apparent declin
the prison which they subsequ
The Assistant Governor, Lieu
over certain of Maconochie's
the prisoners a cruel tyrann

... but a provocation, an embittering
... e'.²⁹

... erment, caused not only by the tread-
... cking to pieces of old rope long after
... ng of ships had made oakum largely
... sole repressive, punitive system, were
... rstood, disregarded. Sir Robert Peel
... t solitary confinement varied in its
... position of the culprit' but he, like so
... so believed that prisoners lived 'too

So did Dr Richard Whateley,
... e views on punishment were much
... d transportation, which he believed
... riminal rather than punish him, and
... as so much resemble abodes of 'com-
... to forfeit all right to the name and
... t crimes for the sake of obtaining in

... wide support. It was only when some
... tion of the Press that public concern
... ers was aroused. Peel's consolidating
... the principle of classification of
... creating Inspectors of Prisons, the
... 1853³⁴ substituting periods of hard
... which would formerly have been for
... passed without much notice. In 1854,
... al Commission appointed to enquire
... elty at Birmingham Prison caused

... the Governor of Birmingham Prison
... nochie, the former Superintendent of
... believed that the silent system of
... man's body and mind and had put into
... that he had developed in Australasia.
... th the approval of the Birmingham
... e in the rigidity of the discipline in
... uently noticed was not to their liking.
... tenant Austin, was instructed to take
... duties and thereafter exercised over
... ny. Maconochie protested. Austin

offered to resign. The Justices refused and asked the Governor himself to go.

What happened when Austin was during the inquest on a fifteen-year-old self to escape further torture and was Commission's report and in Charles *Late to Mend*. Prisoners, including brutally whipped; a special type of crank made the ten thousand daily revolutions, and failure to complete the revolution by a night in the crank cell without frequently in use and, in the Royal Commission report, was described as an 'engine'. At Leicester Prison, the Royal Commission report, except on Sundays, until he had made a number of revolutions; 1,800 revolutions he could have breakfast of watery gruel before the midday meal; and 5,400 revolutions had to be done afterwards if the prisoner was One man the Commission believed could do three weeks of working days.³⁶

The revelation that such cruelty was practiced in prisons supposedly under the care of local Magistrates led to a growing demand for prisons placed under national control. It was not until this idea was reached but in 1865 a new Act transferred some of the powers formerly exercised by local Magistrates by a further Act³⁸ swept away the rest of the powers for the appointment of not more than one person who were to be responsible to the Home Secretary.

Apart from its progressive step towards national control, the 1865 Act was, however, a conservative measure, reflecting a general return to the old system of deter through severity instead of moral reform of prisoners' character'.³⁹ It confirmed the separate system had already obtained by prohibiting prisoners from having any communication with each other by every prisoner being kept in a separate cell except when he is at chapel or taking exercise. A prisoner being confined by night in his cell was to be under the superintendence during the day as well

sed to accept his resignation

left to himself was hinted at
old boy who had hanged him-
s later described in the Royal
Reade's novel *It's Never Too*
boys, were savagely and contin-
s, invented in Leicester Prison,
ions a trial of agonizing diffi-
quired number was punished
food; a strait-jacket was fre-
mission's far from emotional
ne of positive torture'.³⁵ At
ssion found, no convict could
had completed his requisite
utions were necessary before
cocoa and dry bread; 4,500
before supper. A further 2,700
they had not been done before.
had only had nine meals in

ies could be perpetrated in
f the local and unpaid visiting
nd that all prisons should be
s to be some years before this
Prison Act³⁷ took away many
local authorities and in 1877
of their powers and provided
an five prison commissioners
Home Secretary.

in the direction of national
, a distressingly unimaginative
o the view that 'prisons should
making futile attempts to alter
ed the hold that the silent
viding that 'prisoners shall be
ication with each other, either
parate cell by day and by night
g exercise, or by every prisoner
and being subjected to such
will prevent his communicating

with any other prisoner'.⁴⁰ 'shot-drill, crank and capstan irons was authorized as were solitary cell, close confinements and water at the discretion of

The harsh régime approved by the new Prison Commission. Lieutenant-Colonel Edmund, an imaginative organizer who 'pursued which is the very reverse of the policy of the institution: the treatment of the English prison system under his direction was for the promotion of misery' almost as bad as they had been at Chatham, according to a Report in 1879, prisoners severed their hands themselves beneath the wheels of the basins in their efforts to escape; if they did not die they were flogged. 'They said, 'why they should not be mutilated an arm or a leg.'⁴²

Because they were so badly driven to eating live worms and other things on Dartmoor and other places, the Commission ordered gruel to make it more satisfying.

The Progressive Stage System, introduced by the Servitude Act of 1853, like the old system, allowed a prisoner to work his way up through the stages involving at least six hours on the treadmill in each stage in which he might write letters and have a limited number of visits. The system introduced as a consequence of the Commission of 1878, segregation. But otherwise, apart from individual cells, and a reduction in overcrowding, prisoners still had a separate cell, there was no work, and of which the Commissioners discouraged industries, which were abolished; cells were made as comfortable as possible, the daily grind of a lonely life. Prisoners came out into the world

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'Hard bodily labour' by treadwheel, was approved; the use of chains and punishments of a month in a refractory for three days and nights on bread and water, the Governor, and flogging.

which in 1865 was continued after 1877 by the prisoners under the chairmanship of John Howard. Du Cane a highly talented but unorthodox, prided himself on achieving an aim which was 'that sought in any modern penal system, of all offenders exactly alike'. The system of control became 'a massive machine'.⁴¹ Conditions in some prisons were no better at the beginning of the century. At the end of a Royal Commission which made its findings, 'I have seen men who have severely mutilated themselves and thrown themselves out of the railway wagons in the dock to get away from the fearful place. If they did not, there was no reason,' the Governor said. 'I have seen men who have been flogged, because they had only

been fed, the convicts at Chatham were given bread and frogs and rubbish⁴³ and at Portchester they melted candles in their cells for light.⁴⁴

The new System, introduced by the Penal Act of 1830, Maconochie's marks system, allowed prisoners to rise from 'Hard labour of the First Class', which included the treadwheel or crank, to a fourth class and receive a limited number of visits from a number of visitors. And the Star Class was introduced in consequence of the report of the Royal Commission which separated first offenders from the others. Improvements in sanitary conditions were made, leading until practically every prisoner in the national prison system could justifiably feel proud. The enormous prisons had built up, were no longer cheerless and comfortless as possible; they were as dreary as it had ever been. The prisoners were world numbed and stupid, sometimes

insane, often unemployable, nearly all with an average (at least for the three years) of six pence in their pockets,⁴⁵ ready to come out and unreformed. It was, in fact, 'the large number of prisoners leave prisons as recommittals' which led a Department into Prisons, which had been appointed by the *Ballad of Reading Gaol* had so stirred the public that there was 'ample cause for a serious consideration of the features of prison life'.⁴⁶

The Committee under the chairmanship of Mr. St. John Lubbock made this searching inquiry and concluded that the prison system was failing in its purpose and should be more effectually designed to awaken the higher susceptibilities and moral instincts, to train them in order to be fit for whatever they might meet wherever possible, to turn them out as useful citizens, and to treat women physically and morally than men.

This was clearly not being done. It was felt that better progress might be made if the system was abolished; if cellular confinement was to be retained, the excessive severity of Du Cane's system was to be abolished. The Government agreed. Du Cane was replaced by his intelligent and more liberal successor, Ruggles-Brise, to whom Du Cane had been succeeded because the younger man had diffidence in carrying out some minor point of policy. And so, in the latter part of the reign of Victoria, a very interesting and hopeful era in the history of English penal reform, the Act⁴⁸ was passed incorporating most of the recommendations. Corporal punishments were abolished, sentences conditional upon good behaviour were introduced, 'Labour of the First Class' was abolished, and the sentencing court to decide in each case whether a prisoner should serve his sentence in the open air or in the cells, with elasticity was provided by enabling the court to fix the terms by rules made with the authority of the Home Office, but without the necessity of recourse to Parliament. In a few years a whole series of Acts was passed, and a system of standing orders was made and arranged, which limited punishment and limiting its abuses.

The difficulties of translating leg-

always bitter and resentful, with years preceding 1878) of seven—commit more crimes, undeterred by the moral condition in which a nation and the serious number of offences. The Royal Commission on Prisons and the Criminals Committee of Inquiry were appointed soon after Oscar Wilde's trial, and were charged, in the name of the public opinion, to report on a searching enquiry into the main

responsibility of Herbert Gladstone came to the firm conclusion that was its purpose. 'Prison discipline should be maintained, stimulate or improve the habits of prisoners, to develop their moral and industrious habits, and to produce out of prison better men and women when they came in.'⁴⁷

The Committee recommended that hard labour should be made if useless labour was limited to short periods; if the régime were to be relaxed. Gladstone was about to retire and he was replaced by a more liberal deputy, Evelyn Ashley, who had not spoken for some years but who recently expressed disapproval of the present régime. He at last, began a new and seemingly more liberal régime in English prisons. In 1898 a new report of the Committee's recommendations were limited, remission of sentence for good behaviour was introduced, 'Hard labour' was abolished, the system of enabling prisoners to work in one of three divisions the 'open' system was established, and greater responsibility for the details of routine to be placed in the hands of the Home Secretary instead of the Home Office. In the following years a series of bills were passed and a constant succession of reports were recommended extending the scope of the legislation into profitable practice

were, however, still almost all private. Prisons were nationalized. Prisons were divided into divisions but they still 'all were alike'—monotony, loneliness, silence. The man who had been in Dartmoor in 1906 was deeply shocked.

'As I walked along the endless long narrow blocks,' he wrote, 'I saw some men immured in Dartmoor. Their doors were barred, their heads were closely guarded, so that in addition to the darkness they were covered with a sort of dirt. It was so dark that a pair of clippers could not be seen. A man turned to the nearest wall and remained standing in this servile position until he was ordered to move, to avoid assault or to avoid some other procedure, to avoid assault in prison conduct.'⁵⁰

The Gladstone Committee had reported on the subsequent behaviour of cells. The report was on contamination in a prison. It said: 'Any man who came from a cell would discover that men could fall into a habit and the average man was inexorable. The example of the men around him was not escape. Within a year, he was a habit and habit and point of view.'⁵¹

It was in the knowledge that the men in the cells were almost invariably corrupt that the Committee asked Ruggles-Brise to visit the United Kingdom's state Reformatory schools. The report had yet been done to establish a system for young offenders. The Parkhurst was a severely repressive prison in the United Kingdom for under eighteen, but it was one of the few places after deportation to Australia. The report empowering magistrates to send young offenders to Mary Carpenter, leader of the movement for the long demanded—had had little effect. The men and boys sent to them were to be sent to other Reformatory Schools. The report insisted on an initial period of

INGS OF REFORM

as great as they had been before the prisoners might be placed in separate through the same mill of grinding and futility'.⁴⁹ A visitor to Dart- by the conditions he found there.

ndings and corridors in the great cellular thing of the 1,500 men who were then rab uniforms were plastered with broad shaven . . . Not even a safety razor was the stubble on their heads, their faces ty moss, representing the growth of hair remove . . . As they saw us coming each nd put his face closely against it, remain- we had passed him. This was a strictly ult or familiarity, the two great offences

ad warned of the effect on a man's tular confinement; but the effect of ke this might be equally disastrous. decent house outside was appalled to to such depths of moral beastliness, tricably dragged down by the conduct ound him, whose company he could was almost unrecognizable in speech

that young men sentenced to prison upted in this way, that led Evelyn ited States where the growing system y impressed him. In England little lish efficient prisons specifically for urst Act of 1838⁵² had provided a he Isle of Wight for young criminals ly intended to prepare them for life a. The Schools Act of 1854⁵³ while order grants for reformatories—as e reformatory school movement, had e to say as to how they should be run spend a fortnight in prison first. An- act⁵⁴ which became law in 1866 also f imprisonment. This was altered by

an Act of 1893⁵⁵ and the position was not improved. But while new laws were being passed, reformatories and industrial schools, which were running were comparatively rare and the discipline remained extremely severe. The Rev. J. C. Phillips of the Redhill Reformatory which was founded by the Philanthropic Society, believed in severing them alone for 'a few days' in unwholesome water diet and by whipping them 'with as much force as possible'.⁵⁷

It was not until Ruggles-Brise returned to the real advance in the treatment of young offenders after he came back a building in the Strand was taken over as an institution where boys who were sent to prison could be trained 'mentally and morally' by an experienced staff. Within four years the Home Office promising that the Prison Commission would be empowered to legislate to establish the institution, and to permit the courts to send boys under sixteen and twenty-one to reformatory for up to three years. The request was granted in the Prison Act of 1908.⁵⁸

With the help and encouragement of the Home Office the most understanding and far-sighted of men, the Borstal system grew and prospered. It was a realization of Paterson's belief that 'you can reform a man in a condition of captivity',⁵⁹ a Borstal was largely built by the boys themselves at Borstal Grange, near Nottingham. Four years after the first Borstal in England was started at New Hall, in 1902, last, after so many years, steps were taken towards the reformation of the criminal rather than in humiliating punishments. The 'open prison' from the beginning, was quickly extended to other parts of the country and came to be 'generally regarded as the best method of administration of criminal law in England'.⁶⁰

But although the former insistence on the reformation of the criminal was now being replaced by fresh attempts to secure a satisfactory life after his discharge, the same type of men to enter the prison system and the theories into practice were as great as

was again modified in 1899.⁵⁶ Concerned about who might go to re-regulations concerning their and punishments in them re-Sydney Turner, in charge of s under the auspices of the severely punishing boys by put-heated cells on a bread and n as much solemnity and form

returned from America that any ng offenders was made. Soon village of Borstal, Kent was boys who might otherwise be ally, morally and physically' by rs the experiment seemed so oners asked the Home Secre-Borstal system as an official tence girls and boys between ies for periods of up to three ne Prevention of Crimes Act

t of Sir Alexander Paterson, ed of Prison Commissioners, ed. In 1930, in official recog-annot train men for freedom rstal without walls or wire, s, was opened at Lowdham s later the first 'open prison' l Camp, near Wakefield. At being taken to prevent crime ther than by his degradation en prison' system, successful nded and the Borstal system the principal asset of the and'.⁶⁰

on obedience and conformity pts to help a boy lead a more he difficulties of finding the ervice and put these excellent ever. During the early years

of their existence there were the young offender, seemed instincts. 'I learnt more about anywhere else I have ever a magistrate when describing nothing in the way of a trade but I never got a chance to learn man's job—sweeping up and was because there were a lot and they bullied me,' another a lot of sexual stuff went on got beaten up.'⁶²

The recollections of embittered but there is far too much conceivable that the experiences of exceptional. Nor is it possible writing books about prison life and 1940's did not have a fourth

Sir Alexander Paterson, of the Prison Commission, contended Howard had begun in the eighteenth century something more than squalid and worked and much as he achieved remained unsolved at his death.

The history of American prisons is more distressing. By the end of the nineteenth century in many American gaols had been years. Although the crank and punishments during the whole were ferocious. In 1835 a Committee kept in darkened cells on bread and days and had been brought in ice-cold water; they had on end or of their main meal arms and legs strapped and placed in the 'mad chair', a impossible to move; strait-jackets when released the men's necks

the Borstals which, far from reforming, actively to encourage his criminal thieving from the chaps there than it had been,' a confirmed criminal told me of his Borstal training. 'I got taught nothing either. There were two trades taught, but I learned none. All I did was a sort of handy-work—that.'¹⁰¹ 'The reason I hated the place was the lot of chaps there much bigger than me,' another former Borstal boy said. 'There was a rule in that place . . . if you refused you

scattered criminals are naturally suspect of corroboratory evidence for it to be possible if these boys were either invented or made up to believe that even the most scarifying tales which were published in the 1930's were a foundation of terrible truth.

During the years in which he served, he continued the work, which men like John Howard in the eighteenth century, to turn prisons into places of confinement. Hard as he tried to relieve, the fundamental problem remained in 1947.

(iv)

Prisons throughout this period is even worse than of the Second World War conditions. Conditions improved little in more than a hundred years and the treadmill had never been used, a practice of that century had often been reported that prisoners had been denied bread and water for as long as forty-two hours; they had been delirious; they had been ducked; they had been deprived of food for three days; they had been in the day for three weeks; with their hands and feet wearing handcuffs they had been confined in a box made of planks in which it was so dark that the walls had been laced so tightly that the walls were black with congealed blood;

gags of wire and chain had cut men's hands in leather gloves had been their backs to chains round their necks had been strangled.' Seventy years later at West, 'punishments were varied and frequent. One was by paddle, a scientific instrument to inflict a maximum of suffering within the humane law of the State'.² The law of the State was 'beating with cold water' and 'whipping with a strap' but by the use of the 'paddle', a sort of scientific instrument, a man could be punished with equal severity. The man's naked back conformed with the law of the State. In a book published in 1900 a prisoner described the strait-jacket used in the State Prison. It was made of canvas about four and a half feet long and three feet wide. When spread out on the floor it was the top of a coffin, broad near the end for the head and narrow at either end for the feet. Big brass eyelets run down the length in various sizes, and is designed solely for punishment. 'I know many cases,' this prisoner said, 'where a man was kept up for a week and in one instance for a month.'

When one man was paralysed by a fall from a window and another man died, the State legislature decided that the strait-jacket should be abolished as a form of punishment. The punishment should be more carefully regulated. Accordingly the State Prison Directors adopted a resolution that no prisoners in strait-jackets for more than six hours. After this resolution became operative the punishment was for six hours, then the prisoner was 'put in a cell for six hours' before being tied up again.

As late as 1928 visitors to one gaol were shown a man with swathes in the shape of a cross round his neck for easy identification.

In each corner of the punishment room were four boys. The floor and ceiling. These boys were handcuffed to the floor and ceiling. These boys were handcuffed to the floor and ceiling. These boys were kept thus manacled night and day. The boys were not allowed to sleep on the concrete floor. The jailers were not allowed to handcuff here for ten days. One case was mentioned in a former employee in which two boys had been kept in the punishment room for three weeks for the offences of homosexu-

s mouths and tongues open; drawn so tightly up behind the necks that some prisoners had to be taken to a penitentiary in the Middle West. Frequent but the most common punishment was a carefully designed, it seems, without infringing upon the dignity of the prisoner, expressly forbade 'showers with the lash on the bare body', and a piece of leather tennis racket, a man's head and a sheet placed over his eyes, and lessened the likelihood of escape. Published in 1912 a former inmate of San Quentin: 'a piece of leather, cut to fit about the human body, it has the same shape as the corset, tapering at the shoulders and tapering at the sides. It is manufactured and used as an instrument of torture. When a man was "cinched" for ten days.'³

Such treatment and another method used was not that the strait-jacket was used as a punishment but that its use should be limited. Accordingly, the State Board of Prisoners forbidding the lacing up of a strait-jacket for more than six consecutive hours. In 1907, the strait-jacket was applied to a prisoner who had permitted the freedom of the press to be taken away again.⁴

It was found barefoot boy prisoners were often cut through their hair for

one man was 'an iron pipe attached to the wrists and handcuffed to the pipes and were often used. Boys have two blankets but have no shoes. It was said that the boys were usually used for punishment, however, was reported by a former inmate who had been handcuffed to the pipes for several days for insubordination and running away.'⁵

Other violent punishments bare feet and on all parts hands after ice had been he of soap.⁶ At least as late as kept on bread and water for still regularly used the strap handcuffed to their cell door remained in use as a form of The guards in Wyoming 'shackling a man to a post a him'.⁷ 'Treated like a beast convict, repeatedly subjected afterwards, 'Can society exp I could not reform if I did t came out they will send me

The sense of injustice an being 'no conceivable relat offence and the severity of assault, theft and sodomy we same list with talking, looki of button from clothing etc. punishment inflicted.'⁹

Indeed, the list of rules in in some cases still do contain that the best-behaved pris ing them. The Iowa State I which took up twenty-eight haviour during the silent me was regulated by Rule 51 wh your right hand; coffee or w your fork; soup, hold up y knife; if you want to speak t up your left hand.' Among t *Manual of the Massachu. Prisoners* were eating befo profane, being dilatory, bein tive in line, staring at visitors and the ill-defined offence offences, one institution add

The offence of talking at v a common one in most priso

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in common use were beating on the back of the naked body, beating on the head in them and the enforced chewing of straw. In 1938 in some prisons convicts were kept for fourteen days on end, eight prisons included, in eight others prisoners were still in the strait-jacket and in at least one the strait-jacket was used as a punishment rather than of restraint. At the State Penitentiary still continued to be turning a stream of cold water on the face. 'I am going to act like a beast,' said a convict to such degrading treatment, said to him, 'What do you expect me to reform? In the first place I am not a beast. I was told right in my face when I was in the strait-jacket, "I don't care anymore."'⁸ The resentment was increased by the contrast between the seriousness of the crime and the 'punishment' in prison. Murder, for example, in 1920, at least, all 'included in the list of crimes in the wrong direction . . . absence of any corresponding variation in the

in many prisons contained—and indeed in many—so many and such bizarre offences that prisoners could scarcely avoid breaking the rules. The State Penitentiary had over a hundred rules printed on pages of the rule book. Before the Second World War, even after the Second World War, the rules which read: 'If you want bread, hold up your hand; if you want water, hold up your cup; meat, hold up your spoon; vegetables, hold up your hand; if you want to see an officer about food or service, hold up your hand.' The sixty-nine offences covered by the rules of the *Massachusetts Reformatory for the Use of Women* were: 'being inattentive in chapel, being inattentive in the dining room, laughing and fooling,' 'gaping about' or 'loitering about' or 'crookedness'. To these and other offences was added that of 'acting queer in room'.¹⁰ At various times and in various places was used, but it was not, nor ever had been,

possible to prevent prisoners commu-
 the prison at Cold Bath Fields in En-
 report put it, 'the silent system is be-
 highest degree of perfection, there w-
 than 5,138 punishments for talking
 necessary to talk. Signs and gestures,
 washed walls and dirty window pane-
 the earth of exercise yards all had the-
 in the most silent and apparently well-
 sations were being continually carried
 man to man.

'The walls of a prison under the very e-
 of information and are marvellous ins-
 Gautier discovered. 'There is first the litt-
 of a ball made of bread crumbs, and so
 another, while one holds on to the bars o-
 in the library which circulate covered wit-
 for water and hot air make excellent sp-
 which needs persons with some instructi-
 wall. It is not necessary that the persons
 should be in contiguous cells. I once got
 a comrade forty or fifty metres off.'*¹²

In only a very few prisons and gaols
 ever, had any pretence of segregation
 became increasingly difficult to enforce
 general population grew, the prison p-
 buildings were hopelessly ill-equipped
 When an official observer found betwe-
 one negro girl and one white woman
 Carolina in 1919¹³ he was witnessing
 example of a general problem. Ten y-
 making any attempt to segregate the r-
 did not institute examinations for ven-
 though when examinations had begun
 earlier, twenty per cent of prisoners w-

In the Cook County Jail in Chica-
 intended for single occupants' were fil-
 sometimes five men'.

* The most usual wall-knocking code is t-
 Koestler's *Darkness at Noon*.

communicating with each other. In England 'where', as an official believed to be brought to the fore in the year 1836 no less 'and swearing'.¹¹ Nor was it symbols scratched on white-boards, patterns of foot marks in air peculiar significance. Even in un-disciplined prisons, conversation and messages passed from

eyes of the guard offer a world of instruments of correspondence, a cord, stretched by the weight of the window to be thrown from one window to another of the window. There are books with cryptograms. Then the pipes and speaking tubes. Another dodge, a variation, is that of knocking on the wall communicating by this method of valuable news in this way from

in the United States, however, has never been possible and it has been the rule of silence. As the population grew too; and the authorities had to deal with the newcomers. Between eight and ten negro men, packed in a single room in South Carolina no more than an exaggerated overcrowding. Years later few prisons were found to be mentally defective, and some were the cause of a general disease until 1928 although in federal prisons two years later were found to be infected.¹⁴ In Chicago in 1920 'cells originally packed with 'two, three, four or

that used by Rubashov in Arthur

'Prisoners are in these cells two to a cell. Their food is pushed through a door; they eat it crouched on the floor. Particles of food left behind are of poor quality . . . For two hours each day the men are herded into dimly lit corridors and "pens". Here there is nothing to do but to form in groups and walk slowly. The noise is so great that it is almost impossible to hear one's neighbour. At one end of each cell is a hole in the floor used as an urinal.'¹⁵

In 1924 three quarters of the prisoners suffering from congestion. In 25 per cent of the gaols there were no running water and there was no running water and no clothes washed.¹⁶

During the 1930's the population of the 150 states in America. Between 1923 and 1930 the population of the 150 states increased from 84,761 to 191,776.¹⁷ In 1930 the population of these various institutions was 1,000,000 and out of date. Joliet, the most famous of these, seventy years old and had been built by various prison commissioners. The cells were parts of which dated from the 18th century, long by 6ft 7in high and the walls were made of brick. Twenty-one per cent of men were in solitary. Buckets were standard equipment. The Wickersham Report considered the system as cruel and inhuman. The warden of Sing Sing, believed to be the most cruel.

Men were locked up for months because overcrowding made it impossible to do so little work for them to do. The system of solitary work was replaced by work in factories and some of the most famous ones. The Connecticut Penitentiary, built in 1850 and 1850 earned a profit of \$100,000. The prisons adopted the Grade System. The warden, Joshua Webb and developed the system.

PLANNINGS OF REFORM

twenty hours out of every day,' it was re-
to them in pans through the bars of their
the sides of their bunks or sitting on the
behind attract vermin, the food is of poor
n morning and again in the afternoon the
ighted, inside recreation rooms, or "bull
o do but stand around, sit on the floor or
vly about a small space. The congestion
mpossible to move without brushing your
a of these "bull pens" is an open drain in

the gaols in Georgia did not isolate
ntagious diseases; in seventy-seven per
e no towels; in seventy-four per cent
; and in half the blankets were never

sition deteriorated still further all over
nd 1940 the yearly average prison
te and federal institutions rose from
933 there were 693,988 commitments
nearly all of which were overcrowded
Northern Illinois Penitentiary, was over
repeatedly been condemned as unfit
ions.¹⁸ The cells at Sing Sing, some
1825, were only 3ft 3in wide by 7ft
re was no internal plumbing. In fact in
's prisons in the United States in 1933
pment in all cells. The whole system,
ncluded, was 'antiquated, unintelligent
human'. And George W. Kirchwey, a
ed this verdict 'erred by moderation'.¹⁹
most of the day in their cells, not only
it essential but also because there was
. In the previous century, after experi-
k in cells, many prisons had been turned
them had been moderately successful
nitentiary, for example, between 1833
over ninety thousand dollars.²⁰ A few
ed System, originally devised by Sir
ed in Ireland by Sir Robert Crofton,

and by this men who had passed their years of solitary confinement were allowed to pass to various higher grades of collective labour, better than the last. Various systems were adopted, and labour could be hired out to contractors. As a result of this led, the activities of reformers were directed to chain-gang labour particularly in the South and in lumber camps guarded by convicts. In all, the objections of labour unions to the employment of convicts, led to the development of other systems, as entrepreneur, customer or employee systems, and the organization of prison labour. None of these, however, was found to be ideal and the reformers turned to the more promising ones such as the chain-gang. And so the little and usually boring and unprofitable work was allowed to do, apart from being regarded as a punishment, came to be regarded by the prisoner not as a punishment, nor emphatically 'as a craft, but as a part of the punishment of imprisonment.

Rehabilitation in these years could not be of primary concern to the prison authorities. Successful experiments in self-government were carried out in Auburn, Sing Sing and the Portsmouth Prison, under the influence of Thomas Osborne, who was a convict-prisoner himself before becoming a reformer. Osborne was, after all, an excellent example of what in his day were political appointees. The opportunities they could of making money for themselves by such devices as feeding them for fifty cents a day, instead of receiving seventy cents²²—than to re-

It was often, indeed, difficult enough to provide social education, for the state authorities were not to consider that a warden's first duty was to make the prison a profitable factory, and if it was impossible to turn the prison into a profitable factory, as only a very few wardens were able to do, usually cheaper and easier to keep them busy with them to some profitless task. In many cases the large numbers of convicts and the small, ill-equipped staff made the supervision of work outside the prison, other than work connected with the maintenance and running of the institution itself

er way through the first grade
to work their way up through
labour, each more privileged
also devised by which prison
ors; but the abuses to which
who publicized the horrors of
e swampy plantations of the
by bloodhounds, and, above
to the unfair competition of
er systems in which the state
r took more responsibility in
ne of the new systems, how-
continued opposition of the
ccessfully limited their scope.
nd repetitive work which he
g in no sense rehabilitative,
neither as a means to an end,
prescribed task to be fulfilled
ment'.²¹

not, of course, be a matter
horities. The important and
ment by the prisoners, made
outh Naval Prison under the
had served as a voluntary
a warden, were not widely
ceptional man. Most wardens
more anxious to take what
money out of their charges—
y cents each a day when they
abilitate them.

ugh to make any attempt at
ies were more likely than not
was to make his prison pay;
ison into a reasonably profit-
lens were able to do, it was
e prisoners idle than to put
y prisons, in fact, the large
-paid, corrupt and inefficient
t of the question. Even when
th the day to day cleaning
, was a part of the prison

routine, it was often easy
 prisoner in San Quentin in
 account of life there which,
 characteristic of other Ameri
 who had no money or influe
 as they wanted to. In the ju
 and the air was full of jute
 men paid a tough Mexican
 there, to do less work a day
 balance was made up by pri
 demanded. Even the armed
 and his gang. They didn't li
 some fine day with a ten in
 they saw that they got their
 apart from that, they left him

The prison aristocracy ne
 rich gangster 'spent all his tim
 ing the ball games, playing o
 of the various shops, smok
 he wanted, the latter smug
 Nominally he was attach
 occasionally, he would strol
 The ordinary guards not o
 treated him with deference."

Apart from being able to l
 such as this, drinking, sm
 prisoners and even apparent
 guards,* rich and influentia
 their power over warders
 favours. Dr Louis Berg a
 Penitentiary has described
 a half-hour on one of his bu
 of the convicts, Joe Rao, a
 Warden McCann's office w
 'and I have seen the Wárder
 given to prisoners by the p

* 'In badly managed prisons,
 wrote J. F. Fishman in 1934, '
 influence, the practice of permit
 with their wives or former frier
 officials.'²⁶

NNINGS OF REFORM

enough to pay for its avoidance. A
the late 1920's gave on his release an
subsequently corroborated, is certainly
ican prisons at this time. The prisoners
nce did the work, the rich lived much
te mill where 'the noise was deafening
dust and the smell of oil and sweat'
a criminal, who controlled the labour
y than the regulations prescribed. The
isoners who could not afford the price
guards were 'scared of this Mexican
ke to feel that they might be picked up
ch knife stuck in their ribs. Naturally
ir rake-off from Marino's racket, but,
alone.'²³

ever went near the jute mill at all. One
me loafing around with his pals, watch-
cards in the offices of the "con bosses"
ing and drinking as much whisky as
gled into the jail at fancy prices . . .
ed to the prison library and, just
l in there for a read and a snooze . . .
nly did not interfere with him: they

²⁴
ive a life of comparative ease in prisons
noking, buying the bodies of young
ly of women brought in and out by the
l criminals could continue to exercise
whose positions rested upon political
former doctor at Blackwell's Island
how he saw 'Warden McCann spend
sy days getting a lot of lemons' for one
a powerful gangster. 'I have been in
hen Joe Rao came in,' Dr Berg said,
n hand Rao a list containing the marks
arole board and ask Rao if they were

particularly in some of the large city jails,'
when guards are selected because of political
ting prisoners who pay to have sex relations
ads is allowed to flourish untroubled by the

satisfactory.²⁶ In another prison the g said to have had as many visitors as a put together.

Possibilities of reforming young p scarcely be said to exist; and, indeed, i never had existed. Before the First W of the gaols of Virginia had already Virginia's record was better than m women in San Francisco gaol had bee before. One set of statistics showed prisoners in another city had had thre tions.²⁸

'I was sent to a juvenile institution at t at about fifteen as a good pickpocket' co career was typical of thousands of othe seventeen as a pickpocket and returned a went to a state institution where I acquir istics of the criminal and have since com which most criminals commit and expect

'I met crooks of every creed and col bered. 'They were there for every cr learn that there were so many crimes had never heard about. I was green at way to crookdom at the end of my se

The reformatories, despite their obj tory than the prisons. The movement h hope and enthusiasm. Much more tha United States had been 'prepared to ideas of individualization of treatmen prison discipline'.³¹ The end of the C period of attempts at imaginative National Prison Congress met at Cinc sequence of this, after years of prepa Reformatory was opened at Elmira a offenders seemed to be nearer its solut

Elmira, a state prison for first off sixteen and thirty, was placed under t way a dedicated prison officer of expe address at Cincinatti in 1870 had 'ar modern penology'.³² During the first

gambler Frank Erickson was
all the other 2,400 prisoners

prisoners at this time could
in most prisons in the country
World War half the population
served a previous term and
many others.²⁷ Some of the
in committed over fifty times
that forty-six per cent of
three or more previous convic-

the age of eleven and returned
confessed a young criminal whose
rs. 'I went to a reformatory at
as a burglar . . . As a burglar I
and all the professional character-
mitted all the crimes, I suppose,
to end my life as a criminal.'²⁹

or,' another criminal remem-
time . . . It was a novelty to
and ways of stealing that I
first . . . but I was well on the
second month in the place.'³⁰

jects, were no more reforma-
had begun in a mood of great
in any European country, the
accept and develop the new
it and a progressive form of
Civil War had begun a new
prison reform. The first
cinatti in 1870 and as a con-
ration, the New York State
and the problem of juvenile
ion at last.

enders between the ages of
the direction of Z. R. Brock-
rience and originality whose
anticipated the programme of
few days the men were shut

up alone to think, then they
 their way up through the
 was possible, great emphasis
 peutic exercises and education
 and copied. Professor Lombroso
 criminologist of his time, the
 tural colony system' it was
 prison.' But he had to admit
 encouraging.³³

By 1900 there were sixty-
 with over nineteen thousand
 them were as ill-managed,
 prisons. And during the era
 orate. They began more
 although intended principally
 many men who were not. A
 that over seventy per cent
 one and ten previous sentences
 revealed that out of five hu
 setts Reformatory no less
 criminal behaviour during
 end of their parole terms.
 Sing Sing, said that between
 charges had been in juveni
 tion' they attributed their
 led there. He had become 'al
 hopeless, with regard to the
 commitment to any institution

The daily routine was un

'Awakened at 6.30,' runs a 193
 boys are taken to the washro
 are no toilets or washing faci
 7.30 are followed by breakfas
 in gangs for their day of hard
 for lunch; at 12.20 they re
 return to the yard and almost
 They are locked in their cells
 fourteen hours a day.'³⁷

The routine in a girl's refo
 average institution in the 19

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were taught a trade and while working various grades into which promotion was laid upon physical fitness, therapeutics. Brockway's system was admired Ambroso, perhaps the most celebrated thought that 'together with the agricultural the 'best possible substitute for the that its record of success was not very

five reformatories in the United States and inmates; but many, perhaps most, of as overcrowded and degrading as the ensuing years they continued to deteriorate and more to resemble prisons and, ally for first offenders, they contained a study made in 1917 revealed, in fact, of their inmates had served between years.³⁴ Another study published in 1930 hundred ex-prisoners of the Massachusetts than eighty per cent continued their a five-year test period following the³⁵ George W. Kirchway, Warden of on two-thirds and three-quarters of his e institutions and that 'without exceptional criminal careers to the lives they had absolutely disillusioned, if not absolutely possibility of bettering a child through on whatever'.³⁶

varied and tediously arid.

1932 report on a New York reformatory, 'the rooms for the only wash of the day. There facilities in the cells. Setting up exercises at 8. At 8.25 the boys are marched out labor . . . At 11.30 they are marched back return to the work gangs. At 3.45 they immediately have their evening meal . . . from 4.15 p.m. to 6.30 a.m., more than

reformatory was no less stringent. In the 1920's the girls got up at 5.30 and began

scrubbing the floors or went to work. Breakfast was at 6.30 and was eaten in at seven o'clock and continued till the five o'clock the girls were locked in Chapel services and an occasional riot monotony. In many institutions flog sexual offences, was a regular punishment given medicine to make them sick or with cold water from hose-pipes.*³⁸ were reconvicted after discharge from extremely high;³⁹ although rather less those discharged from boys' reformatory

'There was lots of sex perversions and sodomy,' a former inmate of one would take the younger boys and for Some of the boys caught venereal disease who had sex relations with four or five was easy in the dormitory to slip into

The guards at the House of Refuge Island openly encouraged the 'rampant to a man who had formerly been an arrival when he was walking down a corridor he saw 'a burly tough of about eighteen young boy' towards the boiler room the guard 'who just chuckled and waved

'That's Rocky,' the guard said, 'the gangs in here. He's got a new "girl" week.'

On his first night on duty in the sitting at his desk on a raised platform coming from one of the hundred and and from under one of them he dragged boy whose face had been lacerated and by a firehose nozzle passed from bed to the dormitory. The boy, who had t in his face, would not say anything, no

* In England at the female Borstal at Aylesbury punished in 1921. One in every eight of the with one in every 226 Borstal boys. Girls at Aylesbury more often than all other prisoners women jackets and handcuffs are still in use in women

in the laundry or the bakery. Silence. School classes began midday meal. After supper at their rooms for the night. It were the only breaks in the rigging, particularly for homo-entment; in others, girls were were tied up and douched. The proportion of girls who from such places as these was less so than the proportion of girls.

in the form of masturbation of these reported. 'The bullies force them to have relations. diseases . . . I knew little boys ve older boys every night. It another boy's bunk.'⁴⁰

ge on New York's Randall's ent sex perversion', according officer there. Soon after his corridor with one of the guards n or nineteen half dragging a steps. The youth smiled at d'.

leader of one of the toughest. His "wife" went home last

dormitory, the young officer, orm, heard terrified screams fifty beds. He jumped down ed a sobbing fifteen-year-old d whose jaw had been broken o bed in the silent darkness of o have seventy-five stitches or would the other occupants

esbury nearly every other girl was em was put in irons, as compared ylesbury, in fact, 'were put in irons and men, put together.'⁴¹ Strait-en's prisons.

of the dormitory. When the should be woken up and told him to save his breath. The occasion after the officer re been punctured by a table worn down to the sharpness coldly that he would 'look into

'I found some of the guard contemptible,' the officer said cigars. The brutality was in young boy, scarcely more than brutality was reported to the boy threw himself into the river he didn't need a doctor but a

The officer's hopes that Ruling reformatory were dispersed other in Queens. 'I saw boys black and blue with hoses, black and white, were forced fists—no holds barred—for the Mass punishment was approved five or six other boys and the ing the boys to "muss him up up smaller boys and whip t

Although stories of the in related to its governors, no ac in the New York *World-Tele* vestigation in August 1934. exposed the conditions in some institutions. At one of these caster, Ohio, 'they believed i been sent there at the age of as monitors to help the officer always the biggest and toughest made them happier than be

'We did everything military fa to another it had to be in lock out of step. Standing was at atte keep in one certain position, outside the cover no matter w

WININGS OF REFORM

officer suggested the Superintendent what had happened, a guard advised advice seemed justified for on another reported angrily that a boy's liver had knife, the blade of which had been of a razor, the Superintendent said to it'.

ards brutal, illiterate and almost totally d. 'They sold everything from food to incredible. I once saw a guard club a an a child, into unconsciousness.' The Superintendent who 'noted' it. One ver; another died because a guard said 'kick up the arse'.

andall's Island was a uniquely appalled when he was transferred to an- ys, mere babies,' he reported, 'beaten sticks, fists and heavy shoes. Boys, d to fight each other with stones and the enjoyment of brutal house-fathers. oved; a boy would be turned over to e house-father would sit by, encourag- p". Older boys were ordered to string hem with hoses.'⁴²

stitution's reformatory methods were ction was taken until a series of articles *Telegram* brought about a grand jury in-

Ten years later the *New York Star* me other distressingly similar juvenile e, the Boys Industrial School at Lan- n strict discipline,' a criminal who had of eleven reported, 'choosing inmates cials enforce it. These monitors were thest boys in the school, and nothing eating up the smaller boys.'

ashion. When we moved from one place step, with severe punishment for getting ntion always. Even in bed the boys had to facing the guard and with both arms hat the temperature. All actions such as

dressing, making bed, marching to meal count. We even prayed by count before going to bed at "one" and raising them again at "two" if you believe in this you're not my God. stop all this?"'

Punishment for minor offences, such as talking, were ordered to put it on at the count of attention all day except when working. Inmates were punished by being beaten with sticks on the buttocks, the back of the legs, back and arms, leaving a red mark that later turned black. Inmates were struck on the face because they had to turn round.¹³

This school, like the one in Queens, New York and Randall's Island were, no doubt, excellent. But allowances had been made for the fact that the memories of former inmates and the public were so easily misled by its disclosures as sensational as possible. The incontrovertible evidence from both sides was used to justify the belief that American prisons were, with few exceptions, were, in fact, (at least since the Second World War) the schools of the future. Inmates who had been in them protested they were.

It was also difficult to avoid holding that the conditions in American prisons. In the middle of the 19th century for Sheldon Glueck passionately to believe that one of those frequent outbursts of pity for the poor was a valuable attribute of the American character. It was imitated in other countries where serious faults. Many prisons, Glueck wrote, were overcrowded, contained men and women, juveniles, the healthy, the sane and the insane.

'Sanitary conditions are little short of appalling, the food is unwholesome, prisoners are crowded together, they rot in idleness and moral contagion is everywhere. The walls are strong enough . . . Implicated in the production of industries, possessing no programme of education, creation, trafficking in drugs and immorality, incompetents who are sometimes not distinguished from themselves, many of these institutions are a disgrace to the nation.'

s, and so on had to be done by going to bed, lowering our heads'. I used to whisper, "Oh, God, If you are God why don't you

h as dropping a shoe when 'Four!', involved standing to g or at meals; greater offences h a wooden paddle 'on the nd shoulders, each blow leav- k. On several occasions boys paddle hurt them so terribly

ens and the reformatory on exceptional; but even when embittered and exaggerated tendency of the Press to make ible, there remained enough personal and official reports reformatories, with very few up to the beginning of the crime which those who had

ng the same sad belief about he 1930's it was still possible indict the whole system in tiless self-criticism, which, so an character, might well be lf-complacency hides similar , even then indiscriminately and adults, the sick and the

atrocious, disease is common, vded into cells and, worst of all, on. No words of condemnation owest politics, having no system of education or constructive re- ral practises, staffed by incom- shable from the prisoners them- eeking tribute to justice.'⁴⁴

Ten years later many of the men who had been in the Glueck condemned still exist. The food was better, there was more recreation, as late as 1957 men in some prisons were mutilating themselves as a result of boredom. There was a great deal more effort made to make the prison educational, reformatory or therapeutic. In returning to society a man who had been in prison formerly done, was as far as possible given the same treatment as to the Northeastern Penitentiary. The old methods of the places of the American prison system had long been replaced by new ones. The prison library was 'excellent', every month he was allowed to receive books and sweets and could go to buy more. There were fairly frequent film shows, a gymnasium, a shoe courts, a running-track, a library, a kitchen which he was given, having a view of the outside except for the barred windows. The prison was like a typical Y.M.C.A. room. The old, unchanging, regimented monotony of the prison that grow out of it, the attacks on the guards, fights over 'girls', the commotion over the urinals, the rich criminal life, the uninspected locker full of cigarettes, the conversations limited to food and recreation, the individuality and the imposed degradation by the system upon it, all the hidden and unexpressed life that the visitor did not see, as before and often as now, were still there. Of reform nor of rehabilitation there was no sign, and with few of the best that may be expected to bestow.

When the Second World War came, the men found solutions to the problems of the centuries. They had experimented after another the experiment of the past. Of all, so it seemed, the severe

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the worst aspects of the system which existed. Most prisons were cleaner, there was a great deal less brutality (although the Southern prisons were still savagely the result of unendurable treatment), there was an effort made to fill the prisoners' time with creative pursuits, but the ideal of a man who could lead a better life than he had led off as ever. A man sentenced in 1944 to a cell in a dormitory at Lewisburg, one of the show-prisons in the new system, found that despite outward appearances the best of prisons was in no sense a reformatory. The uniform of prison stripes was not uncomfortable blue denim; the library was far superior to many a public library; he was allowed to spend up to ten dollars on fruit and other desirable things once a week; there were billiard tables; there were handball and horse-racing tracks and a baseball diamond; and the cell which he applied for a transfer from a dormitory, with its barred and locked door, was 'not greatly unimproved'.⁴⁵ But the dreadful, timeless, monotonous monotony of prison life and the tensions it prompted 'rapes' in the latrines and the commonplace sights of men 'masturbating in the cell with his servile friends and his cigarettes, the meandering and endless talk of crime and sex, the deprivation of the normal range of feelings of humiliation and indignity, and those whose livelihood depends on the prison, the dangerous undercurrents of an unending struggle, does not normally see, combined then, with the knowledge, to make prisons instruments not of reform but merely of retaliatory punishment—benefits to society which punishment

After the War ended men had been trying to reform the system of imprisonment for almost two centuries with different systems and one after another had failed. No system—and least of all the reformatory system—helped men to stay out

of prisons once they had served a sentence. Prison reform was a long and sad one, for reformers had never found the right answers. It seemed, there were no right answers.

tence in one. The history of
not so much because the re-
swers but because, so it now
to be found.

Part I.

CRIMINAL

II

MAN

L'UOMO DELIN

*'The atavism of the criminal when
trace of shame and pity, may go back
to the brutes themselves.'*

(i)

IN 1864 a twenty-nine year old Jewish
beguiled his 'ample leisure', as he his
studies of the Italian soldier. From the
by a characteristic that distinguished
vicious comrade: the extent to which
the indecency of the designs that cover

The doctor's name was Cesare Lombroso,
man with a hunger for learning and a
taken degrees at the Universities of
studied psychology in Vienna. Deeply
French positivists, the German materi-
tionists he had already rejected the
fashionable in Italian academic circles
step towards the development of a
which was to have profound influence

For some time he had been absorbed
disease marked by the eruption of pain
skin followed by gradual mummification
demic in Lombardy since the seventeenth
suggested that it was caused by a poison

ONE

INQUENTE

*he lacks absolutely every
tick beyond the savage even*

CESARE LOMBROSO, 1899

ish doctor in the Italian army
himself put it, 'with a series of
the very beginning I was struck
the honest soldier from his
the latter was tattooed and
ered his body.'¹

ombroso. A highly gifted young
n insatiable curiosity, he had
Pavia and Genoa and had
interested in the works of the
ialists and the English evolu-
e free-will philosophy then
² and had thus taken the first
highly controversial theory
e throughout the world.

ed in the study of pellagra, a
nful red or livid spots on the
on. The disease had been en-
enth century and Lombroso
n contained in mouldy maize.

It was, however, the effect of the crime on the minds of its victims, whom it reduced to a state of insanity, and sometimes to forms of insanity, that interested him and resulted in his researches. Stationed in Pavia, he obtained a position in a mental hospital; and even after the war was completed, he was placed in charge of the hospitals of Pesaro and Reggio Emilia.

It was at this time that he began to study 'the insane and to make an analysis of the nature of the criminal'. The result of his study was a sudden revelation while he was studying the case of brigand Vilella.

'I had made the acquaintance of Vilella some years later. 'The man possessed a certain character, been known to scale steep mountains on his bare shoulders. His cynical effrontery was the result of his crimes. On his death one could not expect to make the post-mortem, and the result was that the occipital part, exactly on the spot where the skull, a distinct depression which was the cause of its situation precisely in the same manner as animals, especially rodents. This depression was correlated with the hypertrophy of the middle cerebellum.

This was not merely an idea, but a fact. When I saw the skull, I seemed to see all of a sudden a flaming sky, the problem of the criminal being who reproduces in his personality the characteristics of humanity and the inferior animals. The enormous jaws, high cheekbones, solitary lines in the palms, extremely prominent ears found in criminals, extremely acute sight, tattooing, an irresistible craving for evil for its own sake, to distinguish life in the victim, but to murder it and drink its blood.'³

For many years after this 'revelation' he continued to the explanation and amplification of the works of Auguste Comte, and the correlation of conditions to biological causes.

CRIMINAL MAN

of the disease on the mental capacities led to melancholia, often to imbecility and homicidal mania, that particularly influenced his study of brain pathology. While on duty he had permission to examine the patients eventually, after his service in the army he was in charge of the insane at hospitals in

Italy. He began to compare the criminal with the insane and attempt to resolve the 'problem of the criminal'. The answer, so he says, came to him as a result of an autopsy he was performing on the

corpse of the famous brigand,' he wrote many years later. He had such extraordinary agility that he had been seen on mountain heights bearing a sheep on his back. His strength was such that he openly boasted of his strength. On a grey November morning, I was deputed to examine the body. On laying open the skull I found on the occiput where a spine is found in the normal position a depression which I named *median occipital fossa*, between the middle of the occiput as in inferior primates and this depression, as in the case of animals, was a depression of the *vermis*, known in birds as

the *vermis*, but a revelation. At the sight of that depression I suddenly, lighted up as a vast plain under the sky, perceived the nature of the criminal—an atavistic person the ferocious instincts of primitive savages and apes, insensibility to pain, excessive idleness, love of orgies, and the desire for its own sake, the desire not only to mutilate the corpse, tear its flesh and drink

the blood. This 'revelation', Lombroso devoted himself to the verification of his theory. Influenced by Darwin, who had related so many mental diseases, by Rudolf Virchow's studies in

cellular pathology, by B. A. Morel. *Treatise on Degeneracy* had been published in 1856. Darwin's *Origin of Species* published in 1859, who had attempted to show the relationship between the characteristics of the criminal and his heredity. Lombroso produced a mass of evidence, based on the study of thousands of numbers of criminals, to support his theory that criminals be distinguished from the non-criminals by certain physical anomalies which are of atavistic or degenerate origin.

The first edition of his best known work, *Uomo delinquente*, was published in 1876 the year that he was appointed to the University of Turin where he was to teach the subject of criminal anthropology. And it was in the years immediately following that he minutely examined many of the prisoners in the prisons of Turin, which lent his theory so much weight and authority.

Criminals had never before been examined with such care and attention. It had, of course, been known that personality had a physical basis and that physical features gave indications of inward character, but until Lombroso it had been accepted that physical features were punishments inflicted on men. Lombroso noticed that men of evil disposition could be recognized by organic peculiarities; for physiognomy, a Greek physiognomist told Socrates that a brutal, sensuous man inclined to crime would be recognized by a red hair, a large nose, and a small eye. He replied that, although he had managed to suppress his natural character. Polemon, a Greek philosopher, be recognized by their pallid complexion, a large nose, and small eyes. At other times and in other ages, men with red hair have been distrusted. In the Middle Ages, some sort of inferiority was indicated by a red wig. Judas Iscariot has often been recognized by a red wig. Those with indications of hermaphroditism have also been distrusted in the Middle Ages. In the Middle Ages, hunchbacks. Some medieval laws were passed which provided that when two people were under suspicion of a crime, the uglier or more deformed of the two was to be considered likely to be guilty of it.

In the early seventeenth century, when the scientific method was first being applied to the study of man, intrigued by the ideas of Aristotle, some philosophers attempted to show that man's nature was essentially evil.

, the French alienist, whose published in 1857, by Darwin's and by many earlier writers relationship between the physical his behaviour, Lombroso proposed a close examination of great theory that the criminal can be produced by a variety of physical degenerative origin.

In his work, *L'Uomo Delinquente*, that he joined the staff of the hospital, and later to become professor of medicine at a prison at Turin that he had examined prisoners whose physical peculiarities had interested him in his work so much interest. He examined with such thoroughness that it had already been suggested that the outward forms often indicated the character. In the most remote periods of history, handicaps and disfigurements were inflicted by gods, just as it had been said that the blind could frequently be recognized by their gnomes. Gnomony is an antique art. As the Greek said that he had the face of a drunkard, and Socrates tried to overcome it, that indeed he had claimed that criminals could be recognized by their flexions, long hair, large ears and in other countries people were often so. On the Greek and Roman stage, the criminal was indicated by an actor wearing a red beard. He had been depicted with a red beard. He had a squint or pronounced strabismus. In the past, as have cripples and the blind, went so far as to enact that the blind man for the same crime, the more the blind was to be considered the more

the Neapolitan, Della Porta, and Galen on the subject, he was bound up with his body

and that crime was the consequence of these conditions. In the following year, 1810, he had been described as the founder of the science of phrenology, made a particular study of the skull, and in 1810 he wrote, 'There can be no doubt that crime is in the severe sense; the question is, how to prevent crime. The measure of punishment cannot be determined, but only by a study of the individual.'

The study of the skull was the subject of a long inquiry. In 1841, Lauvergnon, a physician at the hospital for convicts at Tourenne, published a study of the convict, *Les Forçats*, which was of great importance to the study of phrenology. In 1842, he founded the *Société d'anthropologie*, and in 1843 he published that the skulls and brains of convicts were of peculiarities. *The Moral Influence of Phrenology Exemplified by Cranial Measurements* was read to the British Association in 1844. In 1845, he published *The Moral Influence of Phrenology Exemplified by Cranial Measurements* and found, so he claimed, that the skulls of convicts marked signs of retarded cranial development.

Lombroso felt confident that the study of the skull was an indication of criminality and that anomalies in the skull were a physical indication of criminality. In 1868, he wrote, 'are found occasionally in the skulls of convicts are they found combined in the same individual? are they found amongst instinctive criminals?'

But it was not only the skull that was the subject of the many scholars subsequent to Lombroso's enthusiasm for criminal anthropology. They examined every part of the individual, both intellectual and physical. They measured their speech, their powers of observation, their clothing, their tattoo marks, their fingerprints, used plethysmographs and sphygmographs, their gloves and anthropometers, their feet, their pelvimeters and dynamometers, their hands with algometers, their senses with various meters, to smell with someone

sequence of various abnormal physical features. In the nineteenth century Franz Joseph Gall, who has been called the father of the science of criminal anthropology, studied the brain and the effects of its lesions, and in a work published as early as 1805, he raised no question of culpability or of justice. His conclusion is of the necessity of society preventing the commission of culpability, and the measure of punishment determined by a study of the illegal act, and the individual committing it.⁴

It was not, indeed, a promising field of study. In 1876, the chief medical officer at the Asylum for the Insane, published a study of the nature of criminality, in which stress was laid on the connection between the brain and crime. Paul Broca, the neurologist, who published his *Leçons de Physiologie de Paris* in 1859, confirmed the theory that criminals possessed unmistakable physical characteristics. 'The Imbecility of Habitual Criminals as Measured by Craniological Measurements' was the title of a paper published in 1870. In a few years before Lombroso's book appeared, this paper had measured 464 heads of habitual thieves presented well-developed mental development.

It was not that these studies were of vital importance. The shape of the skull were at least one of the factors in determining criminal tendencies. 'Cranial abnormalities,' said Lombroso, 'are normally in ordinary persons; very rarely in normal persons to the extent that they are found in criminals.'

It was not the skull that Lombroso examined. He, and his followers, were frequently infected by the growing enthusiasm for anthropology inside and outside Italy, and they measured their specimens' bodies, their capacities, their intelligence, their antecedents and ways of life, their memory, their handwriting, their urine, their blood, their urine and their faeces. They used hydrophygmographs, volumetric tachyanthropometers, craniographs, and other instruments. They tested their sensitivity to pain, their sensitivity to heat with thermo-esthesiometers and to touch with esthesiometers.

They tested their hearing, their vision, their reaction to metals, their judgment of time; they produced numerous and remarkable results.

It appeared that for the most part they were physically abnormal. Beginning with the hair, unusually abundant (although their baldness was in contrast with the insane, baldness being present in prisoners eleven per cent were found on the brows. Sexual offenders were particularly so).

Criminal jaws were heavier than those of the sane (the lower teeth closing over the upper). The lower incisors were large, drooping and projecting. In examining over a thousand of them, Ottolenghi possessed an extraordinary power of observation. He also discovered that criminals were peculiarly susceptible to degeneration. A peculiarity also noticed by the Germans in the seventeenth century who associated criminality with degenerescence occurring in those who were physically strong. When Ottolenghi turned his attention to the eyes, they were generally straight but had a peculiar side. In examining criminal women, a surprising number of them were particularly susceptible to degenerescence around the anus and the umbilicus and around the anus. A peculiar expression was common amongst women found guilty of crime. The expression of criminal women in general was found to be peculiar but this was not so with the men. Criminal women than men and had greater powers of endurance and grief. They were also, although few, often much more ferocious. Beautiful women were extremely rare and most of their faces had a curious fixed look. The feline and some of the murderers alternated with a gentle, but this combination of expressions was particularly susceptible to sexual fascination for women. 'Habitual criminals' have cold, glassy eyes, immobile and inflamed; the nose, always large and prominent, rather, hooked; the jaws are strong and the hair curly, dark and abundant; the canine teeth well developed and the lips tremulous from nystagmus and unilateral facial paralysis. The contraction of the jaws

on, their sense of taste, their
of colour and of weight. And
kable statistics.

part convicts were, in fact,
a their heads, their hair was
beards were often scanty) and
s was rare. In one selection
und to have continuous eye-
larly hairy.

he normal jaw and progenism
er) was common. Also com-
ng ears, and Ottolenghi, after
discovered that their owners
of moving them. Ottolenghi
e uncommonly wrinkled (a
man, Fuchsius, in the early
it with what was now called
born of enfeebled parents.)
n to their noses he found that
a tendency to deviate to one
, Salsotto found that a sur-
arly hairy between the pubes
us and that down on the face
guilty of infanticide. The hair
nd to go grey at an early age,
Criminal women lived longer
resistance to misfortune and
er in number than the men,
l criminals of either sex were
ces were characterized by a
ometimes ferocious look of male
almost feminine gaze; and
often found to have a strong
itual homicides,' Lombroso
obile and sometimes sanguine
ge, is frequently aquiline or
, the cheek bones large, the
beard is frequently thin, the
lips delicate; they suffer often
l contractions, with a baring
s.'⁵

Most criminals although were muscularly weak. They had enlarged breasts and tuberculosis. A curvature was noticeable in the vertebrae and a protrusion in the jaw, and in the length of the fingers and prehensility of the toes. Gynæcological rate of incidence among young criminals. Hamilton Wey of the Elmira Reformatory, who found that it ranged 'from a small, flat bust and prominent nipples, to well-defined mammary areola, to well-defined mammary glands, to a state of congestion and attempted development of the sexual organs, to a state also common; while moral insanity was also common; spadias (congenital malformation of the urethra) exaggerated or retarded development of the criminal women, also, pathological conditions were common and menstruation was often expressed. Pasini discovered that criminals mentioned about their menstrual periods were more bluish when asked about the matter than the more readily than thieves. Criminals were peculiarly sensitive to the weather, and were frequently during the spring months, and the pain to which, however, they were not particularly sensitive to the weather.

Men, also, were insensitive to pain, and a murderer, whose father was a murderer, was, Lombroso found, insensible to pain. A doctor

* In America, where a tendency to effeminacy is marked, the effeminacy of many criminals has assumed a particular significance. At San Quentin's medical officers even the most and swayed between the mental pathology of one and another prisoner was so indeterminate that to send him into the 'men's ward or the 'women's ward' 'Baby Face' Nelson are only two of the names that could have passed for women. 'Frankie' would need to shave more than once a week, and his hair like fluff on a rabbit's tail. Give him a good haircut, a pretty choir-boy; get him light with a good haircut, and deadly ruffian, who would show

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agile and often physically vigorous were inclined to have sunken or pigeon-tavistic anomalies were particularly and ribs, as well as in the skull and arms, the flatness of the feet and the necromasty was common and its highing criminals was later confirmed by Dr. Reformatory in the United States from a rounded development of the, surrounded by a deeply pigmented primary glands that have periodic seasons at functional activity.* Arrested organs and congenital phimosis were imbeciles were often prone to hypoplasia (atrophy of the glans penis) and either development of the sexual organs. In biological conditions of the sexual organs was frequently irregular or sup- that women tended to blush when ques- periods although they did not often their crimes. Murderers blushed much Criminal women in general were rather and time of year and quarrelled g. They showed an abnormal fear of were peculiarly insensitive.

to pain. One man, a moral imbecile her and grandfather had also been und, almost completely lacking in the ctor at Santo Stefano said that the

y to over-compensation is so frequently re- of the country's most violent criminals has 'The most notorious mass murderer', one of r knew, 'was close to being a hermaphrodite processes of male and female.'⁶ The sex of inate that the staff were unsure whether to in with the women.' 'Pretty Boy' Floyd and of those hundreds of American gangsters who nkie Cole was about twenty-three and didn't k; when his beard was three days old it looked m a white smock and he would have made a a shot of morphine and he became a smooth ot with a smile on his baby lips.'⁸

majority of his 'instinctive criminals' have extirpated tumours of considerable size without causing pain.' And his patients recovered with the rapidity of the lower animals. The insensitivity to pain of severe illnesses although quick to recover from such as common colds. The insensitivity to pain seemed to be confirmed by the number of men who inflicted severe wounds on themselves for suicide. In one prison in a single year, seventeen men inflicted wounds on themselves with such severity that they had to be amputated. Lauvergne recorded the case of a convict who cut his arm when he saw his skin burning and when a plaster had been applied to it. Powdered glass was used to bring on blood spitting and one prisoner had his lips and eyelids sewed together.

Other noticeable peculiarities among the various groups of criminals examined were the prevalence of handedness, of stammering, and of mental defects, as an inability to contain urine, the prevalence of tendon reflexes, pronounced addictions to opium, but poor hearing, and obtuse senses. The handwriting of violent criminals was clumsy and irregular, that of cross strokes, that of swindlers uniform and regular, maniacs interspersed their writing with words and phrases, megalomaniacs used many exclamations and wrote very closely in imitation of the handwriting which seemed to Lombroso of such peculiarities. The penis was a not uncommonly large organ and the penis was a not uncommonly large organ. The initials of their female lovers tattooed on their chests. Sexuals decorated their thighs with red lines. The hands were sometimes marked and the hands were sometimes marked and the hands were sometimes marked. Lombroso found with a dagger tattooed on his hand. The legend: *Death to the middle class* was tattooed on the hands. They were also prostitutes, were hardy. Lombroso found that usually a woman's face was branded. Lombroso found that the mistresses of *Camorristi* who marked their faces were not in revenge but as a sign of property.

Lombroso's *L'Uomo Delinquente* is a minute study of the criminal which is a short book of no more than 252

' were similarly fortunate. 'I
able size,' he wrote, 'without
vered from their wounds with
They were often unconscious
complain of minor ailments
ity of the criminal to feel pain
bers of convicts who inflicted
pposedly trifling reasons. In
en prisoners wounded them-
ad to submit to amputation.
vict who smiled with pleasure
heard it crackle after moxas
ass was sometimes swallowed
soner, not known to be insane,

mongst several of the many
the high incidence of left-
muscular incoordinations such
e absence or exaggeration of
on to tobacco, good eyesight
of smell and taste. The hand-
sy but energetic with dashing
m but difficult to read. Mono-
ith symbols and illustrations;
ion marks and capital letters
of print. The tattoo marks
eculiar significance were often
ncommon *motif*. The genital
nd prostitutes sometimes had
oed in their arm pits. Homo-
representations of wild pansies.
nd even the face; one man was
s forehead and above it the
es. Criminal women, unless
ly ever tattooed but occasion-
Branded women were usually
rked their women in this way
rietorship.⁹

which did so much to promote
was originally published as a
pages. Its emphasis on the

atavistic origin of crime, which the activities of plants and animals was largely responsible for the theories by those who did. These theories were extensive of his critics was, however, given in the first edition of *Le Metry* seemed supreme. Psychology criminals—or rather all criminals—were intelligent enough to escape apparently belonged to a single characteristics might affect a for him to earn an honest living him to escape the scorn of forcing upon him feelings of Quentin prison, for example men have been found to be average of less than two per became a criminal because of stage of evolution seemed absurd.

It seemed absurd, too, that in his ability to recognize a crime some part of it. 'I do not need to recognize him as such,' V. said, 'it is enough for me to claim almost as extravagant far from infallible, sometimes embarrassing circumstances, seemed little enough to justify of telling the story that his coachman accused of raping Turin and had afterwards declared able of committing the crime' time later to be 'an imbecile strabismus, hydrocephaly, tremors arms of disproportionate length drunkards.'¹²

His satisfaction in picking three and a half and infected no less bathetic. There were them immediately,' he wrote.

which Lombroso even discovered in the criminals as well as of primitive savages, the attacks that were later made upon it did not study his later works in which he was fully qualified. The immediate reaction was understandable; for the importance of his book to craniology and anthropology was virtually ignored and all the convicts for the criminal lucky or unlucky who could not be examined—were left in the same class. No one denied that physical characteristics influenced a man's conduct by making it difficult or impossible for him to live with his fellow-men or by making it impossible for him to overcome his dislike of his fellows and thus his sense of inadequacy or inferiority. In San Francisco, as many as twelve per cent of the criminals were crippled compared with a national average of one per cent.¹⁰ But to suggest that a man's criminality was biologically determined and that he belonged to an earlier evolutionary stage is a very muddy and far-fetched.

That Lombroso should take such pride in his work and in his appearance or even by his own appearance to see the whole of a criminal's face and features was not surprising. Vidocq, the French detective had once said: "I have never seen a man who could catch his eye."¹¹ And Lombroso made a habit of it. His identifications, were, of course, sometimes being proved to be wrong in the courts and even when he was right there was no one to satisfy his satisfaction. He was fond of pointing out that he had once examined a respectable-looking man who had murdered a little girl of six in London and declared that the coachman was 'incapable of the crime'. The real culprit was discovered some time later—he was afflicted with goitre, stammering, and hydrocephaly and plagiocephaly, with a very long nose, the son and grandson of

the man who had raped a girl of sixteen and had her with a venereal disease seemed to be one of six suspects. 'I picked out one among them. He had obscene tattooing on his arm,

a sinister appearance, irregularities of features, traces of a recent attack of syphilis.'¹³

But if Lombroso's pride in identifying types seemed absurd, it could not be said that these characteristics were, in fact, of any value. To Lombroso's critics a more telling argument was that there were many men who passed as the 'born criminal' who lived honestly and who did not present these anomalies. Also what seemed a sinister appearance to one man seem so to another. The murderer M... described by a man who saw him at the prison was bent and wrinkled, with earthy complexion, gnawed by scrofula, of a cunning dissipated appearance, forehead is low, the beard sparse and thin, and thrown backwards and reaches a distance of an absolutely repulsive head.' But to another man he was 'like a page in a good house'. He had a pleasing countenance, the air of a young man brought up, a gentle, honest, naive face.

A former prison medical officer once had an occasion with a woman on his way by train. A matron was on board with a new inmate. I introduced myself and we spent the time together. I had never met a matron more refined. With her I covertly studied the prisoner. She was loud voiced and glowering. I . . . did not say anything.' She, in fact, was the prisoner whom he had so much admired was the prisoner.

It was not only Lombroso's theories that were criticized, the methods he used to establish them were also a comparison with honest people of the same class and of the same level of intelligence. A French magistrate who believed that crime was mainly social, denied the existence of the born or instinctive criminal, and criticized Lombrosians' methods of examining countenances to invent him. 'If one examined hundreds of lawyers, labourers, musicians, taken from different countries, noticing their different characteristics, algometric, sphygmographic, grapho-

f the field of vision, and also

ifying such unprepossessing
e denied that men displaying
ten criminals. What seemed
argument against his theories
presented the same anomalies
est lives, and that many men
behaved like 'born criminals'.
ce to one observer might not
Menesclou, for instance, was
his trial as 'a sort of abortion,
plexion, shifty eyes, a face
sipated and cruel aspect. The
d slovenly; the hair is black
almost to the shoulders. It is
the prison chaplain he looked
d 'a sympathetic and prepos-
ung man who had been well
e'.¹⁴

he told the story of his conver-
ain to San Quentin. 'I learned
woman prisoner,' he said. 'I
rip in delightful conversation.
ed and well-spoken. Talking
soner. She was low-browed,
ecided she might be capable
matron, while the woman he
e'.¹⁵

ries which were attacked but
em. He had no real basis for
the same economic and social
ence. Gabriel Tarde, the great
at the origins of crime were
of Lombroso's atavistic type,
strongly criticized the Lom-
tless criminals in their efforts
dreds of thousands of judges,
n at random and in various
characteristics, craniometric,
ologic, photographic, etc., as

Lombroso has examined hundreds of criminals and it is extremely probable that what he has said is surprising; thus, for instance with reference to *lawyers*.¹⁶

Furthermore, it was maintained that the interpretation of facts from meagre and ill-defined measurements with the aid of statistics were not unjustified but in his opinion they were imaginative, intuitive, ready and, above all, prepared to question the unlooked facts.

The most gifted of those who were his equals in qualification and amendment was twenty years his junior. While Lombroso was whose atavistic *uomo delinquente* was the basis in his classification of criminals, the others sought to extend the range of his master's work by their awareness of sociological conditions. The first in Turin, a fourth and longest lived, had not yet been published. The broad scope of his work was apparent. The existence of other types of criminality were emphasized and their importance and the epileptic criminals were seen as separate types.*

* These types had been more completely described in the first volume of Lombroso's periodical *Sociologia Criminale*. Apart from the influence of temptation and a natural predisposition to syphilitic or criminal forebears, according to Ferri classified the rest as criminals. Some had good but excitable characters; others were influenced by particular social environments or by the conditions in which they who formed the majority of lawbreakers. Lombroso differed greatly from those of the socialists. As he wrote, 'the entire body of criminals is divided into early as 1880 I described as criminals with contracted habits, occasional criminals and habitual criminals.'¹⁷ Raffaele Garofalo, Ferri's successor as magistrate, differed from him in his opinion. As he wrote in his *Criminologia*, were socialists with sentiments of pity and probity although they were hostile to society'.¹⁸ And he denied that the criminals classified as Ferri suggested.

CRIMINAL MAN

hundreds and thousands of criminals, it would have been more difficult to ascertain facts not less surprising. It might succeed in finding *instinctive*

maintained, Lombroso was far too ready to accept the data, to jump to conclusions from ill-considered and impatient recklessness. The criticisms of his defence it must be said that he was unwilling to have his theories tested impartially and to qualify them in the light of new or over-

who helped Lombroso in this work was a young man, Enrico Ferri, while deeply influenced by Lombroso, *in* *Uomo Delinquente* he included as 'the born criminal' types, he was nevertheless able to broaden the author's thought and bring him to a keener perception of the concepts. Some years after Ferri arrived a new edition of *L'Uomo Delinquente* had appeared. The widening of Lombroso's theories was due to the discovery of other types of criminal and other causes of crime. Degeneration assumed a new importance. The criminal and the insane criminal were

completely broken down by Enrico Ferri in the periodical *Archivio di psichiatria* and later in his book. He distinguished between born or instinctive criminals with little resistance to crime caused by alcoholic, insane, and epileptic, also from insane criminals and epileptics, criminals through passion or emotion, who usually were habitual criminals, who were the products of the prison system; and occasional criminals, weaklings and whose psychological traits did not differ from the normal class from which they came. 'Thus then,' Ferri said, 'criminals may be classed in five categories, which are: criminal madmen, born criminals, criminals by passion, and criminals of passion.' In the fifth edition Ferri added a sixth category—'involuntary criminals.' Ferri's contemporary, the practical Neapolitan criminologist, Garofalo, classified crimes simply those actions which were against the person, though he later added acts which were 'injurious to society' and those who committed them could be

The born criminal, however remain—rooted in Lombroso's theories that his name is so widely remembered even now.

Occasionally new theories as to the erupt, particularly in Italy where Lombroso's theories were given force. And the theories were given force by Kretschmer's *Physique and Character* in the 1920's and prompted fresh study in America. In 1928 a book came out in America that criminal actions were 'in reality a function of the internal chemistry of the body' and that 'criminals' were the 'products of bodily disturbances which come about through disturbances of the internal chemistry of the body or through mental defects caused by the criminal's mother'.²⁰ This book was followed by Hooton's unconvincing *The American Criminal* in which criminals were supposed to be the result of inferior biological organisms; and in 1931 *Varieties of Delinquent Youth* in which Lombroso's theory was put forward with rather more satisfying results. In fact, the original Lombrosian proposition of the 'born criminal' is in fact, a 'criminological myth',²¹ it is the essence of Lombroso's theories may be subjected to a new inquiry, and that the influence of biological factors, endocrine or ductless glands on human behavior is greater than is usually supposed.

The real importance of Lombroso's theory is not the celebrated theory. 'Whether or not Lombroso's theory is as Dr Thorsten Sellin has justly said, not so important as the unquestionable fact that it was a challenging that they gave an unprecise picture of the offender. Any scholar who succeeds in convincing his fellow students to search for the truth in a theory that has for a century possess vitality, merits an hour of thought.'²² For the essential end of Lombroso's theory was a humane one. Lombroso was challenged the concept of free will by his theory that might not be a good man gone wrong, but a man who is right. It was a challenge to the authority of the law, but it was a challenge as well to accept

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s. And it is for this reason
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s,¹⁹ which attempted to show
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y disorders, that most crimes
f the ductless glands in the
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as followed in 1939 by E. A.
n Criminal in which criminals
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949 by William H. Sheldon's
hich related theories are put
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e born criminal has become,
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still offer a promising field of
biological factors such as the
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ombroso was right or wrong,'
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le fact that his ideas proved so
edented impetus to the study
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h, and whose ideas after half
onourable place in the history
f the Italian or Positive school
bitterly criticized for having
y suggesting that the criminal
, but a man incapable of going
ority of religion and the law;
oted ideas of punishment. The

French jurist Raymond Saleilles, 'the individualization of punishment' be grateful to the Italian School for attention to the need for 'the psychological character of the crime'.

The Classical School, which was mentioned, had been founded by Beccaria to reform the harsh legal system and the savagery of the European criminal practices of their administrative professions, the secret accusations of judges in the infliction of punishment of equality before the law and the necessity for the Classical School of crime within the strict limits of the law had accordingly been more clearly defined. Their principle of 'equality' had been adopted in the French Revolution had been there apparent. Most offenders were treated in the same way, the criminal became impossible to distinguish, the uselessness of savage punishment had been generally admitted, belief in the need should be substituted for the old explanations of criminal acts and human behaviour. Lombroso and his followers concerned themselves with the physical characteristics of the criminal. He wrote, 'must be studied in the same way as the criminal' he wrote elsewhere, 'the removal of the criminal is the task of the criminal and the measure it should be applied to the criminal who, stopping at the door of the hospital, brought to him, "Pneumonia, Typhus? Syrup of rhubarb for the time send them out of the door."

elles, in his plea for what he termed 'punishment', recognized this. We should school, he thought, for having called the adaption of the punishment to the criminal'.²³

These concepts the Italian School questioned Bentham and Beccaria in an attempt to reform the system of the eighteenth century. The codes and the arbitrary and corrupt courts, the use of torture to elicit confessions, the unlimited discretion of the judges, the cruel punishments, the utter absence of a principle of justice, had made it necessary for the Italian School to insist upon a definition of crime and of the law. Both Bentham and Beccaria were more concerned with crime than with the principle of 'equal punishment for the same crime' which the Code of 1791 and its disadvantages had reduced to objects; the first was the same way as the old law; the reform of the second. The Italian School, in an age when punishments arbitrarily administered had prevailed, believed that a concept of natural crime was necessary, a strict legal definition of crime, that should be sought for in the study of criminology. Ferri and Garofalo had accordingly defined the individual offender. 'Crime,' Ferri said, 'is the offender.'²⁴ 'Crime is like sickness,' Garofalo said, 'the remedy should be fitted to the disease. It is the duty of the anthropologist to determine in what way the offender should be treated. What should we say if a physician in a hospital ward, said to the patients, "Take a glass of Syrup of rhubarb for fifteen days. If not cured, take it for a month." And then at the end of the month, the doors cured or not?'²⁵

(ii)

The challenge of the Italian School to Lombroso's theory of physical characteristics was a natural consequence of the emphasis placed upon the intellect rather than upon his physique.

The main reason for the new emphasis in the United States was the publication in 1914 by Charles Buckman Goring. Goring's *Comparée* had systematically contrasted Lombroso's theories but Tarde's views were not mentioned in France and it was only after Dr Goring's book that the intellect of the criminal was accepted as the field for study rather than his body.

Tarde, like two other French writers, had stressed the importance of social conditions in crime; but to Goring a far more important factor was intelligence. Goring, a prison medical officer, had examined a thousand English convicts during the war and his book was published and had come to the attention of the American public. He found no specific stigmata characterizing the

The convicts he had examined, except for a few, were smaller and lighter than the general population; criminals were stronger and generally taller than the general population, while burglars and thieves of the criminal population—were more purebred than the general population. They did not display the identifiable marks of degeneracy which have been discovered, nor was disease, as a factor in criminality if nervous and mental defects were excepted.* Criminals were, however, distinguished from the general population with regard to one vital mental constitutional factor—intelligence. 'The criminal thought, 'is defective intelligence.

* This seems also to have been generally true in the ten years before Goring's book was published. At the Wisconsin State Prison were due to pulmonary disease, and of the prisoners suffered from defective sight.

to existing theories of punishment of Lombroso's emphasis on heredity became even more forceful in the light of the mentality of the criminal.

The emphasis in England and the United States in 1913 of *The English Convict* by G. P. Goring and Gabriel Tarde's *La Criminalité* had contradicted most of Lombroso's theories. Goring's book was widely disseminated outside England and was published that year, being regarded as being a more promising

work than those of Lacassagne and Durkheim, who had emphasized social factors in the causation of crime. Goring's important factor was defective heredity. Goring, a police officer, had examined three hundred convicts in the twelve years before his book was published and reached the conclusion that there were no hereditary criminals.¹

Except those convicted of fraud, Goring found no criminals in the general population. Violent criminals were generally more healthy than honest criminals. Goring—'the great majority of the honest criminals; but criminals, as a whole, are not physically inferior to those which Lombroso claimed to be. Goring had suggested, as Lombroso had suggested, a connection between venereal diseases were to be found in criminals. Goring insisted, different from Lombroso, as to their intelligence. 'The difference is in the etiology of crime,' he said.² And the more often a

study was made of American convicts, although Goring's study published over half the deaths in the prison from pulmonary and cardiac diseases and a third from other causes.³

man was convicted, the less likely he was to be a criminal.

Some sorts of crime were, however, committed by mental defectives than others. Goring produced a table which showed that mental defectives convicted of malicious damage were 10 per cent. Nearly thirteen per cent were mentally defective, more than twice as many as six per cent of those guilty of theft, and about two and a half per cent of those guilty of all crimes. Of all criminals, he believed, only about ten per cent was also given to crime by feeble-minded men he believed. Goring at Dartmoor when he was Governor. Goring at Aschaffenburg, writing some years later, said 'the fact that the intellectual level of the average has already been lowered. The experience of teachers and parents confirms it.'⁶ The chaplain at Aschaffenburg reckoned that nine out of eighty-four prisoners were feeble-minded, reckoning multiply nine by six, and could work out the cost of five years' imprisonment.

In the United States at this time, the proportion was more than in England; and in one survey it was estimated that between a quarter and a third of prisoners could be classified as feeble-minded. A study published six years later suggested that the ordinary population could be expected to have twelve per cent of convicts in the United States, and over half of them showed abnormality. In England, thirty-three per cent of the prisoners were estimated as being of subnormal intelligence, many as sixty-four per cent of those in a reformatory in Illinois were

* American surveys on this point have generally supported Goring's contention, other than in the United States are less intelligent than in England. Of those arrested four or more times, 40 per cent were abnormal; and a study of male convicts in the United States suggested that 'recidivism increases with the number of previous convictions'. More recent studies indicate that not only are they to any appreciable degree different from the ordinary citizen, but, indeed, from the ordinary citizen.

ss intelligent he was likely to be.*
 of course, more likely to be committed
 ers; and to illustrate this point Goring
 ved that the number of mental defec-
 amage to property was as high as forty
 per cent of sexual offenders were
 n ten per cent of burglars and thieves,
 f crimes of violence against the person
 r cent of forgers. At least ten per cent
 were feeble-minded.⁴ And this figure
 n by Basil Thomson as the proportion
 lieved he had amongst his convicts at
 vernor there in the 1920's.⁵ Gustav
 e years before in Germany, said that,
 capacity of the criminal is far below
 n the subject of detailed discussion.
 nd overseers in penal institutions fully
 t Wormwood Scrubs found that only
 oners could without elaborate finger
 seven and only one woman in twenty
 e eggs at three halfpence each.⁷
 s time much higher figures were given
 study published in 1914 it was esti-
 and a half of all convicts in American
 s mentally defective.⁸ Another report
 ggested that whereas two per cent of
 ld be classified as mental defectives,
 n Wisconsin were feeble-minded and
 onormal personalities.¹² In 1920 over
 men in a Massachusetts reformatory
 bnormal intelligence; and in 1922 as
 f the men at Elmira.¹³ A study of girls
 ggested that only twenty-two out of
 icular point have been contradictory. Some
 ers tend to show that first offenders in the
 an recidivists.⁹ In New York, ninety per cent
 imes have been shown to be intellectually
 onvicts in the Illinois Penitentiary at Joliet
 es as the average mentality lowers'.¹⁰ But
 either the first offender nor the recidivist are
 n intellectual capacity either from each other
 en.¹¹

what insanity, in a legal sense, actually was. In 1812, at the trial of Bellingham, that was the first attempt to define it. To be sane, a man must be able at the time of his crime to distinguish between right, wrong, good and evil. It was felt that if a man was executed. Mansfield's statement was attacked both in England and in the United States. The precedents had been closely followed and the law argued, could make these distinctions possible but yet had no sense of guilt or of conscience.³⁴

In 1843 the whole question was settled by the McNaghten Rules. Daniel McNaghten tried to kill the secretary of Sir Robert Peel. Lord Chief Justice Tindal told the jury whether or not McNaghten was capable of distinguishing right and wrong 'with respect to the facts charged'. This view of the law was the result of James Mansfield's and the judges' answers to questions put to them by the House of Commons that every man is to be presumed sane. To establish a defence on the grounds of insanity it must be proved that, 'at the time of committing the act, the accused was labouring under such a defect of reason, as not to know the nature or quality of the act he was doing, or if he did know it, that he did not know it was wrong.'

The influence of the McNaghten Rules has been considerable. They were admitted to be less than perfect. The jury failed to invent 'an instrument for determining the exact capacity for self-defence' and they were considered to be the best. In England they still apply, although the law of murder is concerned, was modified by the Criminal Justice Act which introduced the defence of 'diminished responsibility'. Revision has frequently been advocated. The Commission on Capital Punishment 1949-1951 found them so defective they ought to be changed. The Commission said that whatever their defects, their 'great merit' was that they were simple and easy to understand. Scott, a former Commissioner of the Insane, said, 'is that they are simple and easy to understand.' Henry Maudsley, in the nineteenth century,

meant. And it was not until Sir James Mansfield made Mansfield said, a man must distinguish between right and Bellingham could do this and ment of the law was bitterly United States where English ed. Many madmen, it was perfectly well in general cases science about their particular

ttered as well as seemed possible McNaghten had attempted deed and was acquitted when jury that the question was able of distinguishing between the act with which he stands as severely criticized as Sir ere asked to answer various of Lords. The main rule is until the contrary is proved. of insanity it must be clearly of the act, the party accused of reason, from disease of the quality of the act he was doing, how he was doing wrong'.

les was lasting and profound. ideal; but so long as society ving into a man's mind and -direction and self-control',³⁵ rules that could be devised. n their application, so far as y the Homicide Act of 1957 inished responsibility'. Their ed and the Royal Commis- 53 suggested that they were ed; but it has long been felt at advantage', as Sir Harold Police of the Metropolis, has y for a jury to understand'.³⁶ century expressed a contrary

view. 'Why maintain a test, stand, so false in science and interpreted by different judges, the difficulty of interpreting the case of an eighteen-year-old, because he wanted to be hanged, showed that the boy was insane for the prosecution, as he had known the consequence of his act and was responsible.'^{37*}

In the United States, the test is widely accepted as being the standard, still apply in twenty-nine states a defence of 'irresistible impulse, by which a man is unable to resist the difference between right and wrong, incapable of preventing himself from doing the act. The task of proving this irresistible impulse always lie with the defence and must be proved beyond a reasonable doubt. A man is incapable of the criminal intent if he is under an irresistible impulse qualified by Isaac Ray's great book *The Irresistible Impulse* first published in Boston in 1839 by Brown whose firm was later known as Brown's Criminological works. 'In many cases related by men of unimpaired intellect where people are *irresistibly* impelled to acts while fully conscious of the nature of their acts. They are not fictions invented to puzzle juries and defeat the ends of justice. Varnished facts.'⁴⁰ The theories, at first, carry much weight

* The Home Secretary has a statutory power to commute a sentence of death if he thinks that an insane man should not be executed. In 1940 and 1949 eighty-six condemned men were examined by a panel of doctors and about one in every eight condemned

'he asked, 'which is so hard to understand so uncertain in application, so often applied in different ways?' He illustrated the rules satisfactorily by quoting the case of a boy who had murdered someone beheaded. This argued his counsel, clearly sane. On the contrary, said the counsel who had murdered in order to be hanged, he was sane in his act and was, therefore, criminally

The McNaghten Rules have also been regarded as the best formula that can be found. They are not perfect. Seventeen states, however, allow a plea of 'impulse', or an 'inability to control' and a defendant may plead that even if he understands the act is right and wrong, he may yet have been unable to resist himself from doing what is legally wrong. In some states responsibility does not, as in England, rest on the defendant but it is the prosecution who 'must prove beyond a doubt that the accused was mentally sane'.³⁹ The acceptance of the idea that insanity excuses a man's guilt owes much to Dr James Prichard's *Medical Jurisprudence of Insanity* published in 1838 by Charles C. Little and James B. Conner. Prichard is credited to bring out so many important ideas in medical science,' Ray wrote, 'it is dangerous to say that we have an immense mass of questionable competence and veracity, which has been impelled to the commission of criminal acts of their nature and consequences . . . by the influence of medical men for the purpose of evading the ends of justice, but plain, unadorned, and unimpaired by the 'irresistible impulse' did not, rest on the shoulders of lawyers, but there was one who

had a statutory duty to order a special medical examination if a man has been condemned to death. Nowadays such examinations are much more often than in the past. Between 1880 and 1909 262 condemned men (out of a total number of 262) were examined and about half of them were certified insane or insane at the time of imprisonment. Between 1900 and 1909 only 100 condemned men was examined.³⁸

felt convinced that Ray was right. He was the New Hampshire Supreme Court and the New Hampshire Rule, based on this theory, was a rule of irresistibility was taken a step further by the Court of Appeals of the District of Columbia, afterwards known as the Durham rule, where the accused was 'not criminally responsible if the act was the product of a mental disease or defect.' This rule was adopted in 1961 by the State of Massachusetts. Under the new rule the jury do not—as under the McNamara rule—have the difficult, if not impossible duty of deciding whether the accused was capable of considering his plea. If the physical and mental defects are accepted by the jury, it is a matter of fact on which expert evidence is called. In Washington, since the new Rule was adopted, the pleas of mental illness have failed in 90 per cent of the Old Bailey, when delivering sentence. In one case a witness had declared to be schizophrenic. The judge said: 'of this general scepticism which is a feature of the Old America. 'If I accept this evidence as true, I must declare, 'you are really two men and you are guilty of this offence. Well I'm afraid you must go to prison.'⁴²

The suspicion that insanity can be feigned is, of course, very strong and is not always unfounded. 'Once I came up to the sessions for stealing at the inn I was staying at,' a young habitual thief told me, 'I was trying to get wide awake about that time. The sessions were pretty hot at that court. I didn't want to go to prison. I tended to be a bit balmy to the prison. A chap told me what to do, but as a matter of fact I did much. I just acted dumb, and kept saying I didn't know why I did things. It worked like a charm. The judge and gave evidence that I was some sort of idiot. He sent me to a mental institution in Somerset. I stayed there for three years. That was a sight better than a three years in prison. I might get.'⁴³

The Borstal 'was a rotten place,' another inmate told me, 'but a few decent chaps there who wanted to

There was Judge Charles Doe of
and by 1870 the New Hamp-
in existence. The conception
her in 1954 when a judge of
of Columbia laid down a new
m Rule, which provided that
possible if his unlawful act
or mental defect'. This Rule,
aine, has the advantage that
aghten Rules they do—have
of deciding whether the ac-
predicament. Mental diseases
the Durham Rule as being
ence can be given. Whether
ever, is another matter. In
introduced, three quarters of
l.⁴¹ The remark of a judge at
nce on a man whom an expert
enic, is a celebrated example
s common in England as in
at its face value,' the judge
nd only one of you is really
fraid both of you must go

he convincingly feigned is of
s unjustified.

ling twenty-three pounds at an
ef told a barrister. 'I was begin-
What's more, I had heard they
nt to get a long stretch so I pre-
doctor while I was on remand.
tter of fact I didn't have to do
g all the time that I didn't know
n and the doctor came to court
of mental. All they did was to
et, where I stayed seven months.
r stretch which I had thought I

young thief said. 'There were a
learn trades and to pull them-

selves together. But there were by gangs and mobs. I got sick of conversation was bashing, and on by these chaps as pi or enough to stand up to those chaps wanted was to get away. I decided there in the hospital. I was told balmy. So I decided to pretend and added some more of my time later I was sent there, to doctor, and I was afraid of being pretended to be mad, so I went lunatic and sent to an asylum.'

'The doctors did it all for me,' one or other told me what to do balmy. Really I didn't have to do

The malingerer may be, and psychosis, the American psychosis and cases of 'pure malingering mentally, are becoming experience'.⁴⁶ Certainly malingerers go to great lengths to feign a disorder. Ferrero quotes the case of a man who had been convicted of theft, diagnosed as suffering from a form of mental alienation after his powers of speech, tore his clothes when a needle was stuck deep into his clothes and his skin, decorated his flesh with a needle and any bright object, ate mice, was addicted to coprophagy and his vacant apathy was replaced by a morbid curiosity when he thought he was not being watched, and vomited unseen. In the bar he gave no trouble and seemed well until a doctor appeared when he slapped his face.⁴⁷

The difficulties of diagnosis and the strenuous efforts are made to

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very few of them, and the place was run of having my meal with chaps whose only picking locks and dirt. If you get looked soft, they gave you hell. I wasn't brave naps. I was frightened of them, and all I ded to work my ticket. There was a chap d he was going to be sent away as he was d to be insane, too. I studied all his antics own. He got sent to Feltham, and some oo. I found it was quite easy to fool the eing punished if I was found out to have nt on doing it. Then I was certified as a

yet another young criminal said, 'Some- to so as to swinging it that you were a bit do much.'¹⁵

and often is, suffering from an actual psychiatrist Dr Bernard Glueck thinks, ring in individuals absolutely normal rarer every day in psychiatric any men go to such extreme and a particular type of insanity that they o be suffering from some sort of mental case of a man who had several times splaying extraordinarily varied signs x months' imprisonment. He lost his clothes, did not appear to feel pain ep into his neck, put ice between his ted himself with ribbons, made holes nd stuck hairs into them, snatched at , spiders, nails and sputum, became l masturbated in public. His look of by one of vivacity, however, when watched; and he frequently stole away ber shop, where he was put to work, ed to enjoy helping the barber, until a pped shaving soap all over the nearest osing a mental disorder when less o display it was demonstrated during

the trial of Gunther Fritz Podola. Podola had shot and killed a Londoner. Days later he was arrested in a rooming house. Officers half-carried him out into the street. Allegations of police brutality were rampant. These increased when Podola appeared in court, retaining traces of a black eye. A doctor came to charge Podola's door with all his might and crashed into the room falling 'full length'.

His counsel pleaded that 'a very, very slight shock' had caused Podola to lose his memory. He had no recollection of what with which he was charged. A neurologist testified to a genuine case of hysterical amnesia of which he had knowledge of uncommon symptoms and of the manner of behaving. The senior medical officer at the trial said that Podola's amnesia was 'definitely hysterical' and agreed with this view and Podola was acquitted.

The reluctance of juries to accept the testimony of psychiatrists and psychologists is often understandable. The fantastic and irrelevant diagnoses given by these experts seems on occasions an affront to intelligence. That psychology is of immense importance in the law is to deny, nor should it be denied that a person's life is a lifetime's study to the infinitely complex and mysterious human mind is likely to know more about the mind of a criminal than a lawyer. But juries cannot be blamed for not accepting what ought to be accepted as facts what can often be explained, however didactically and with whatever terminology is expressed. Psychology, Sir Leo Page has said, is 'a bad master';¹⁹ and quoted examples of those whom he believed to have become

'My first example,' he wrote, 'is taken from a case in which the author is a superintendent physician of a hospital. He raises for discussion what is an interesting and rather perplexing problem—should a prostitute steal money from her clients? The answer is: a prostitute is by the nature of her occupation a thief. She steals their virility. Unconsciously, though she does not mean to carry out this robbery of men, though she is not aware of it, she gravely gives the name of "castration con-

at the Old Bailey in 1959. Podola was a policeman in July and three months later was in West Kensington. Police officers found Podola on a street with his head in a sack. Podola's story was made in the newspapers and Podola was tried in court with the still re-acting witness. A detective said that he had had Podola's strength and that he had Podola's strength on top of him'. Podola's 'very severe fright' had caused Podola to be completely forgotten the crime. A psychologist testified that only a doctor or a man with a specialist's training would behave as Podola was. Podola was at Brixton Prison, however, Podola was 'definitely not genuine'. The jury found Podola as hanged.⁴⁸

The evidence of neurologists is not reliable, for the apparently out-landish testimony by some of these witnesses is a lack of intelligence and common sense. In any instance no sensible juror would believe a psychologist who has devoted his life to the complicated operations of the mind. It is about them than, say, a fisherman's testimony for wondering whether they are true or can be no more than opinions, however true whatever confidence they are given. As Podola has said, 'is a good servant but a bad master. Examples of the 'phantasies' of the mind are its slaves.

Podola was from a textbook of which the author was a mental hospital and a qualified psychologist. Podola that he himself describes as an 'obsessive-compulsive'—the question why a prostitute would be a robber of men's strength. . . . According to the author, Podola is a robber of men's strength. Podola therefore, she seeks continuously for Podola in another form . . . The author Podola "complex" to this type of larceny.'

Sir Leo had another theory. He was arrogant when he said that he had said to the doctor, it did not pay to pay money from the pocket of the law.

He quoted other examples from public call boxes and a woman's questions about her body. The doctor informed the justices, had no idea so that he was 'ignorant of the difference between the sexes and was thus driven to the unfortunate expedient of...'. Another example was of a man charged with a charge of indecent assault. The doctor called for the defence 'gave evidence that he suffered from defective eyesight because of certain emotional disturbances of the man's behaviour, with a view to advise the court that the punishment was not punishment but a new...'

Despite his derision, Sir Leo said 'there are psychiatrists who are level-headed, who lose not their common sense because of the addition of scientific knowledge'.⁵³ He said 'The psychiatrists were outnumbered normally and practically', with a view to 'of adolescent intolerance and of practical men', was surely a good example which he quoted. He said 'psychiatrists' diagnosis that...'. Sir Leo wrote as a barrister with a long experience and it is not surprising that he should be misled by the theory. He said 'posing that psychiatry is a science, for reason alone there seems to be a general adoption of the Brigadier's view of the psychiatrist out of the court of Mental Diseases to examine the doctor's report on him prior to the trial. If mental disorders may be in the law, there...'

ry. He hoped he would not appear however baffling the enigma had been perplex him at all. 'A prostitute takes her client because she likes money.'⁵⁰ One was of a boy who telephoned asked the girl at the exchange indecent the boy's parents, the psychiatric report not given him proper sex instruction, the anatomical differences between the to discover the secret for himself by of asking a woman on the telephone'.⁵¹ A young man who pleaded guilty to t on a young woman. A psychiatrist evidence to the effect that the prisoner sight and that this handicap was the disturbances which were the real cause h the result that the witness was pre- that what the prisoner really needed w pair of spectacles'.⁵²

Leo Page was not blind to the fact that are wise and helpful, experienced and the smallest fraction of their common sional knowledge which their special his suspicion, however, that wise ered by those who could not 'think ho showed 'not appreciation but a sort d dogmatic contempt of the experience y unjustified. And even in the extreme , there is perhaps more sense in the n he was prepared to recognize. But and a magistrate of great intelligence surprising that less judicious men than e incompetent psychiatrist into sup- ort of whimsical mare's nest. For this good reason for supporting the more ggs Law of Massachusetts which takes our room and orders the Department e the defendant and submit a complete trial. Apart from the suspicion that vented or exaggerated to fit defences are still men who believe that mad

criminals should be allowed no special treatment. Often, as often been proposed from the times of Diderot and G. B. Shaw, they should be punished as far as ever possible in the interests of 'social justice'. Chief Justice, Lord Goddard, when the murderer Ley, who had been found guilty of murder, agreed, was insane, said that he would have preferred that he should have been hanged'.⁵⁴ Sir James Stephen agreed with him. Sir James Stephen said that a person, who suddenly becomes bad, is in a better position than he who is bad by nature and 'natural character'. He believed that both should be hanged.⁵⁵

Similar sentiments were expressed by the President of the Court, Schneider, a twelve-year-old schoolboy, in the Court in 1886. Marie Schneider had a mother and had met a little girl of the same age who was wearing earrings. Marie thought if she could get the girl's earrings she would be able to buy herself some. She opened the window open on the second floor and took the girl up to it. She put her hands on the girl's ears and threw her out into the street. The President of the Court lucidly and clearly explained the essence of her answers to his questions.

'I was born on 1st May 1874 in Berlin. I do not know when. I never knew him. My father is a machinist. I also have a younger brother. I did not much like her, because she was treated better. My mother has a naughty nature and it is right that I should be treated as she beat me and beat her. I have gone to school. I have been in the third class for two years. I am lazy. Sometime ago, while playing with a child, he held his eyes and asked him what was deep in his eye, so that he cried out. I knew I should let go until I was made to. It did not give me any pain. I do not feel sorry. When I was a little child I saw some people and afterwards slit open their bellies . . . I saw his wife and children and that his head was cut off. I like sweets and have several times tried to get

cial defence and that, as has
of Seneca and Galen, to those
ould be done away with when-
al hygiene'. The former Lord
asked about the verdict upon
nd insane, and who, Goddard
d have 'thought it very proper
y. Many legal authorities have
n could not 'quite see why a
by reason of a disease should
is bad by birth, education or
it should be possible to put

ed during the trial of Marie
lgirl, at the Berlin Criminal
d gone on an errand for her
ree-and-a-half who was wear-
ould get hold of these earrings
e sugar buns. She saw a land-
or of an apartment house and
ut on the ledge, tore the rings
o the street. She spoke to the
without emotion. This is the
s:

. My father died long ago. I do
y mother is still living. She is a
er. My sister died a year ago. I
s better than I and my mother
several times whipped me for
take away the stick with which
school since I was six years old.
ars. I stayed there because I was
in the yard, I came behind
who I was. I pressed my thumb
ew that I hurt him and I did not
ve me special pleasure, but I did
stuck forks in the eyes of rabbits
. I knew that Conrad murdered
was cut off. I am very fond of
get money to buy myself sweets.

I told people that the money was change. I knew that was deceitful. One who kills is a murderer. I am death. The murderer is executed. I will be cut off because I am too young. I am being sorry about her being murdered. I am sorry. I was not sorry all the time. I was taken in a cab to the mortuary. I was hungry. I saw Grete's body. I regret and I was not sorry. They told them the story. I laughed while they asked such funny questions. I wrote to you. Send me some money to buy some

At the mention of the dry bread she wept time during the whole of the last night. She was sentenced to

Demands that women like Grete be taken out of the way as they can never be cured are an unnecessary burden to society and receive wider support than people would suggest. It is, however, a mistake now that such solutions are available. Attempts must continually be made to cure the insane criminal and, if his cure is impossible, only recently have any serious attempts been made to these aims. When Broadmoor was founded there was no other asylum in England for the care of insane criminals, and it has since been altered. Not, indeed, for a hospital, but a psychiatric prison for those who are violent psychopaths, and in America the California Medical Facility in

Psychopaths—a loosely defined group of several generations would have termed them "insane"—who form a significant part of any country, are not considered as criminals. They can be accurately defined; but their behaviour, their callous indifference to the feelings of others, their chronic, sometimes compulsive, and irresistible—impulses clamour

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was for someone else who had no small . . . I know as well what stealing is. Any-
one is a murderess. Murder is punished with
death. His head is cut off. My head will not
fall. I did not think about Grete's parents
being murdered. It did not hurt me. I was not
sorry when I was in prison. I am not sorry now.
I was in a cell. I ate a piece of bread they gave me.
I was undressed on a bed. I did not feel any
pain. They put me with four women and I told
them I was telling it because they asked me
to go to my mother in prison. I asked her to
bring me something dripping for we had dry bread.'

At the end of her examination, she showed emotion for the first
time. Her eyes filled with tears.
'Eight years' imprisonment.'⁶⁶

It is this and men like Ley should be put
in institutions to be cured and, if kept in institutions,
the state are still made and, no doubt,
public expressions of agreement with
them, becoming more generally admitted
as impracticable and immoral and that
it is made to find means of curing the
insane is impossible, of caring for him. But
serious attempts been made to achieve
this was established in England in 1863
in Europe specifically devoted to the
treatment of the insane it was many years before this situation
in England to have a
department of criminals who are now called
insane there is little to compare with the
insane in Vacaville.

The term to denote those whom past
experience has shown to be morally insane or morally imbecile
part of the prison population of
insane by the law. They cannot
be reckless, purposeless and erratic
reference to the suffering of others, their
lying, their powerful—and perhaps
yearning for constant satisfaction, are

symptoms of their disorder. They are who are have an obsessional sense of sequent desire for revenge. They are as Brian Inglis has shown,⁵⁷ 'are more violence than anybody else,' although makes them so. It is as yet usually cure them and, in any event, to hospitals hampers the treatment of to appreciate reality,' Sir David Heath the Royal Commission on Capital Punishment what is perhaps as good a description in few words. 'They are fickle, changeable and are unable to profit by experience dangerous when frustrated. They are cold, heartless, callous, cynical, and lack foresight which is almost beyond belief but emotionally they remain as dangerous may revert to a primitive, sub-human. John George Haigh are extreme examples.

Neville Heath was a good-looking young man, intelligent, self-confident and intelligent, Lombroso's born criminal. He was leaving school joined the Army. He joined the R.A.F. Dismissed from the service in 1942 convicted of fraud and false pretences. He was Lord Dudley to whom he bore some resemblance. Borstal but at the outbreak of war he joined the army again, and again was commissioned in the Middle East he joined the Special Air Service another name, was given his third commission court-martialled and dismissed for treason.

Soon after his return to England he was wearing military uniform and various medals not entitled. In June 1946 he booked himself into a hotel signing the register with his own name of Group Captain. On the morning of the 15th he went into his room and was terrified when he found the body of a woman whose ankles were tied to the bed. The body had been ferociously whipped with teeth. The nipples had been practically severed—perhaps the handle of the whip—

are not all aggressive, but those of being persecuted and a consequence not all criminals, either, and not necessarily more prone to though their treatment sometimes impossible to treat them or keep them in ordinary mental the other patients. 'They fail Anderson, the psychiatrist, told punishment 1949-1953, giving on of them as is possible in a able, lack persistence of effort nce or punishment. They are are devoid of affection, are show a lack of judgment and ef. They may be adult in years gerous children whose conduct man level. Neville Heath and ples.'³⁸

g man, strong, healthy, charm- the antithesis apparently of born at Ilford in 1917 and on was later commissioned in the n 1937, he was soon afterwards ces which included posing as e resemblance. He was sent to r he was released, joined the oned. Cashiered while serving outh African Air Force under commission and in 1945 was the last time.

he was convicted of unlawfully s decorations to which he was ed a room at a London hotel, me to which he added the rank of 21 June a chambermaid went n she saw on the bed the body together with a handkerchief. ipped and bore the marks of cally bitten off and something had been thrust up the vagina.

The following day Heath was told that he had given the key of his flat to a man who wanted another man to visit. At the hotel he had found the body of the woman but on 5th July he telephoned the police to tell them that he had dined two days before with Marshall who had not been seen since. He identified a photograph of a man seen near the pier at half past two on 4th July as Captain Rupert Brooke by the resemblance to Heath, whose name was in the *Police Gazette* and he was found in a railway cloakroom at Bournemouth West Station. The case contained a pearl, a blood-stained heavy riding crop. The blood was identified as that of the woman who had been killed. The pattern of the thong of the whip was identified as the pearl had belonged to Deacon. The body was discovered on 8th July under a pile of clothes in a Chinese shop. Apart from one shoe which was mutilated, both nipples had been cut.

Dr W. H. de B. Hubert, an expert witness, testified at Heath's trial that he was a medical officer at Brixton Prison. He said that he knew Heath as a perverted and sadistic man who knew what he was doing was wrong. The jury found Heath guilty and he was convicted and hanged.⁵⁹

The same plea of insanity was made by Henry Yellowlees, at the trial of John Haigh, later. Haigh, Yellowlees said, was a man who felt that the influence of a mystic was over him and of his victims and his own urine was poisonous.

Haigh, like Heath, came from a family with a criminal record. He was brought up by his parents. He had been convicted of a crime in 1937. In 1949 he was convicted of a crime in South Kensington, where two women, Miss Deacon and Mrs Lane, were also guests. Deacon told Mrs Lane that she

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wrote to the police telling them that he had gone to the bedroom to see the dead woman as she lay there. When he had returned to his room he found the body. He gave no address in his letter, but he called the Bournemouth police and told them about the girl five days before with a Miss Doreen Marshall since. He went to the police station and told them of the girl whom, he said, he had left behind. He was calling himself Group Captain at this time, but a detective noticed his name and the description had been circulated in the area. He was detained. In the pocket of his coat was a railway ticket and when this was presented to the police a suitcase was handed over. The suitcase contained a blood-stained blue woollen scarf and a photograph of a girl on the scarf was of the same group as the girl who had been murdered in London and the blood on the scarf matched the scars on her body; the girl was Doreen Marshall whose body was discovered in a rhododendron bush in Branksome Park. The body was naked, it had been bitten off and the throat was

Dr. Grierson, an eminent specialist in psychiatry, said that Heath was morally insane. Dr. Grierson, Senior Lecturer in Psychiatry, however, thought that although Heath was what he was doing and that what he was doing was wrong, he accepted this view and Heath was

The case was made by an expert witness, Dr. John George Haigh three years ago. Haigh was a classic case of paranoia who was driven to drink the blood of his victims.

Haigh was from a middle-class family and had a good education. He was brought up strictly by very religious parents. He was convicted of forgery and fraud in 1934 and was sentenced to three years' imprisonment. He was staying at the Onslow Court Hotel, Bournemouth, with two elderly ladies, Mrs Durand-Deacon and Mrs. Onslow. On 18 February Mrs Durand-Deacon was going with Mr Haigh down to

Sussex where he experimented 'o interested in an idea she had for a ne and had suggested that it might b prototype at his factory in Crawley.

Mrs Durand-Deacon did not retur ing day Haigh said to Mrs Lane, 'I the Army and Navy Stores. I waited

Mrs Lane said she would go to t would go with her and at the station name should be taken. Haigh's pas suspicion of the police who searched found, amongst other incriminating from a firm of cleaners between the receipt was for a coat which had belo At an interview at Chelsea Police February, Haigh asked calmly, 'Te chances of anyone being released fro

The inspector said he did not inte then Haigh said, 'If I told you the tr It sounds too fantastic for belief.'

The inspector warned him that an down and might be used in evidence.

'I understand all that,' said Haig Deacon no longer exists. I've destro the sludge that remains at Leopold R

Haigh went on to say that he h in the back of the head. Then he mad a pen knife and collected and drank had put her body in the tank he we in Crawley.* Later he took her coat of her jewellery.

* However insensitive this behaviour app a murderer in Northampton who, having kil rasp while in bed with her, got up, cooked went back to bed with the corpse to 'get a b he awoke and on his return found the dead each to people who were queuing up to witn Northampton Prison described him as a 'po about forty'. He gave no trouble and was p done for him. Ten minutes before his exec with a visit to Northampton by one of the R into the condemned cell to ask him how he v

n different things'. He was
 ew type of artificial finger-nail
 e possible to manufacture a

m to her hotel and the follow-
 was to have picked her up at
 d for her until 3.35.'

he police. Haigh said that he
 n he asked especially that his
 t criminal record aroused the
 d his premises at Crawley and
 articles and papers, a receipt
 e pages of a ration book. The
 nged to Mrs Durand-Deacon.
 Station on the evening of 26
 ell me frankly, what are the
 om Broadmoor?'

end to discuss the matter, and
 ruth, you wouldn't believe me.

anything he said would be taken

gh impatiently. 'Mrs Durand-
 yed her with acid. You'll find
 Road.'

ad shot Mrs Durand-Deacon
 e an incision in her throat with
 a glass of her blood. After he
 ent out for tea at a restaurant
 to the cleaners and sold some

ears, it cannot be matched by that of
 lled his mistress with a shoe-maker's
 himself a rasher of bacon and then
 bit of sleep'. He left the house when
 woman's brothers charging sixpence
 ess his handiwork. The Governor of
 polite and very gently spoken man of
 profuse in his thanks for all that was
 cution, the date of which coincided
 Royal Princesses, the Governor went
 was feeling. 'He said that he felt very

Haigh confessed to the murder, but he had also destroyed by acid the evidence that would not be convicted because there had been done. In the sludge a pair of teeth were found and a dentist testified to Mrs Durand-Deacon.

The contention by the defence that he did not know that he was doing it was rejected. Deacon was rejected by the jury within a quarter of an hour.⁶⁰

Both Haigh and Heath are extreme examples of the psychopaths who had been able to profit by their crimes. Unintelligent, failed to appreciate the consequences, 'a lack of judgment and foresight' were in both cases that they had the abilities that they felt there was no chance of detection by the police, that this was their only chance.

These characteristics of the psychopaths were Giffard, a schizophrenic who was convicted in Cornwall in the summer of 1948. Giffard had had a nurse who had hidden up in dark cupboards for long periods. After the dismissal of this nurse but she was allowed her to remain in charge of the house on leave of her own accord. She was a sixteen-year-old girl who stayed in the house.

well indeed and he wanted to thank you for the weather, though, sir," he added unexpectedly that he should be concerned that he was due to be hanged, he went on, "thinking of the Princess."⁶¹

* The presence of a body is not, 1948 James Camb, a deck steward was convicted of the murder of a young girl who fell from the porthole of her cabin into a shallow bay on the African coast. The prosecution maintained that she had suddenly clutched at him and he had, with her consent, having sexual intercourse and pushed her body, naked save for her bra, into the sea. To explain, however, why a pair of trousers and a pair of shoes were found on the two bells, one for the steward and a pair of shoes was in the cabin with her.

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order of five other people whose bodies
and seemed to suppose that he could
e were no bodies to show that murder
at Leopold Road, however, some false
t identified these as having been sup-

*

efence's psychiatrist that Haigh did
wrong when he killed Mrs Durand-
ry who reached their verdict of guilty

are, as Sir David Henderson said,
chopathic personality. Neither of them
experience; they had, although not
iate reality and they had both showed
ight almost beyond belief'. It seemed
d so assured a confidence in their
as no reason to avoid courting atten-
night even be pleurably exciting.

e psychopath were all shared by Miles
murdered his parents at their home
f 1952. Between the ages of two and
e who beat him and kept him locked
periods. The family's doctor advised
t the parents ignored the advice and
urge of the boy until she decided to
was then replaced by an affectionate
yed five years and of whom Giffard

k everybody for their kindness. "It's terrible
expectedly.' When the Governor looked sur-
l about the weather a few minutes before he
"Oh, I wasn't thinking of myself, sir. I was

of course, necessary to a murder charge. In
l employed by the Union Castle Line, was
woman passenger whom he had pushed out
nark-infested sea about ninety miles from the
intained that he had strangled her. He said
him and foamed at the mouth while he was,
ercourse with her and that he had panicked
r a dressing gown, into the sea. He could not
e girl's black pyjamas were missing or why
nother for a stewardess, were rung while he

became extremely fond. She said after several nightmarish dreams in which he screamed in great difficulty in bringing him back to life. At the age of fifteen he was sent to a school that he was twelve and who, according to Sir George Giffard, 'warned his parents of a mental breakdown in the future'.⁶²

The revealing confession he made in a dream-like state is the world which this son

'I want to be frank,' he said. 'I want to tell you that to twelve months ago I was studying; first as a student and latterly as an estate agent. My father was paying me five pounds a month. I couldn't settle down to working last November and then I got a job and made money by about March. I scrounged around for about eight weeks. I was selling ice-cream and some time in June I went home and broke up with my father. I came to London and spent the month straightened it out with my father. I stayed in London until August, and then I came to London. I lived in a furnished room. I began to visit the Whites. I met a Chelsea pensioner who frequents the Whites a month ago—no, six weeks ago—he introduced me to her mother, with whom I became great friends. I was a visitor at their house, where I was made

'I had been living from hand to mouth for some time with various people, and there are some cheques which I was drinking very heavily, and about a month ago she told me about my untidy appearance. I told her that I would send my clothing up, but this was a lie. I was short of money at this time and had no means of getting it. A fortnight ago I said I would go home and my mother is what I told her, but in fact I wanted to get some money from my father. . . . I went, arriving in London (I did hitch-hike). I phoned her practically every day. I phoned her twice on Friday 7th November, then I phoned her and told her I was coming up to do some business. I told her true. I promised to phone her again at half past ten. In fact I was coming; and I told her that I would have promised to let me use his car—it is a T

wards that the boy had feared
and piteously. She always had
to consciousness and reality.
to a psychiatrist who thought
ing to the boy's uncle, General
ents then of the possibility of

at Scotland Yard shows how
ort of mind inhabits.

tell you the whole story . . . Up
tly for the law as a solicitor, and
er made me an allowance of
down to my studies. I gave up
legacy of £750. I had spent the
und a bit and did some work—
eam for Walls. I left them and
ke into my father's house. Then
ey . . . Then I went home. I
ayed home until the middle of
ived in Chelsea and took a fur-
Hart in King's Road, Chelsea.
ted that public house. About a
oduced me to a young lady and
t friends. I became a frequent
e very welcome.

n. I had odd bits of money from
ues which were "R.D." I'd been
th ago the girl began charging
ner my parents had arranged to
just to stall her off. I was tight
s of tidying myself up; so about
nd get my clothing myself. That
to go home to try and get some
g on November 2nd. (I actually
ly every day . . . I telephoned
e first time at half past five. I
iness for my father. This wasn't
lf past eight to confirm whether
if I did come, my father had
triumph, the number is ERL 1.

'At the time of my first call my mother and I came back almost together in seconds. I was doing something to my mother. I don't know. God knows for what reason, I hit him with an iron pipe. I hit him first and then my Mother had gone into the house. I hit her in the kitchen; I hit her from behind. I got into a panic.

'Shortly after this I made a second call. This was about 8.15—and told my mother to get with my father's car. I asked her to go in the morning for a wash and shave.

'I went out with the intention of my father coming round. I hit him again, and then I went in to get some clothes. My mother and I hit her again. She was bleeding. I didn't know what to do. I got a wheelbarrow; put my mother in it and pushed her over. I then went back and got a wheelbarrow and pushed the wheelbarrow over to the front and washed the place out. I went to my father's pieces of jewellery. And I took some of it. I packed a change of clothing; I then drove the car out and drove to a place where hikers somewhere near Ilchester.

When he arrived in London he went to his girl friend's home. He went to his mother in Leicester Square and saw Charlie Chaplin in 'The Circus'. The mother went home and told him what happened. He went to his house and had a meal. There he had a drink and tie. At the Star in Chelsea he had a drink done. 'That's the whole truth. I don't know how I have had a brainstorm. I can't remember about half a bottle of whisky. I don't know how this happened. It just seems to me that as long as I got back to London.

His extraordinary telephone call to his father lay dying in the garage and his mother in the kitchen, can be compared to

My father and mother were both out. They were in separate cars at about 7.30 p.m. My father was in his mother's car. Both cars were in the garage. I hit them over the head with a piece of wood. My mother slumped to the ground unconscious. My father . . . I went into the house after her. I found her lying on the floor from behind. Everything went peculiar—

My second phone call to the girl in London—she told me that when I was definitely coming to London she would meet me if I could come around to her house in London. I have.

When I got out of getting the car and found my father lying on the ground several times. Then I got the car out and drove to my mother's. My mother was coming round, then. So I drove to my mother's room very heavily. They both were by this time. There was blood everywhere. I got the car out of the garage, took her out to the Point and pushed her into the water. I did the same with my father's body. I drove to my mother's room at that time. Then I went back to the house and took some money from my mother's room and took some money from my father's coat pocket. My own clothes were very bloodstained. I drove to London . . . I picked up two hitch-hikers.

My father went to sleep in the car and then I drove to my mother's house and arranged to meet her and her mother at two o'clock in the afternoon to go to the cinema 'Limelight'. After leaving the cinema, my mother and Giffard and the girl went to a public house. There was still blood on his cuffs and sleeves. When I was at Sham Mews he told her what he had done. 'I can only say I can't account for my actions, I'd drunk too much on the Friday afternoon before all this happened to me that nothing mattered so

My mother made a phone call to his girl friend while his mother was dying in the hospital. My mother and Haigh's going out for a cup of tea

while Mrs Durand-Deacon's body
The little care that either of the
is as remarkable as Heath's blind
happen,' Giffard wrote to his girl
if everything is all right we can
off.'

Giffard, like Heath and Haigh before
his behaviour at the time of his crime
of an insane person within the limits
Rules. If a defence of 'diminished res
1957 Homicide Act had been availa
ceeded, although juries are still as re
evidence of the defence in criminal
Act was passed and seem often to
of the prosecution. The burden of p
bility' lies on the defence and it is a
reasons why the defence did not rev
concerning the mental condition of Ja
in 1962.⁶⁴

James Hanratty was a professional
ful criminal who was found guilty an
man whom he had forced to give him
the driver, Hanratty raped the drive
to kill her too. He could neither r
diagnosed ten years before as a m
Hanratty, whose talents as a crimina
opinion he had of them, continued
'diminished responsibility' was clear
doubt that the defence counsel could
of previous experience, that such a
even if it had been made.

For it is not enough to prove that
the court requires evidence that his
normality of mind as substantially i
bility'. And even in the United Sta
District of Columbia, where the I
criminals and not only to murderers
explained medical labels—schizop
neurosis, psychopathy—are not enou
disease must be explained and i
behaviour; and this, as Dr Manfredo

was dissolving in the bath. They took to avoid discovery and confidence. 'Anything can be done to get a friend from prison. 'After all, we will still take up where we left

before him, was hanged because he was not considered to be that as defined by the McNaghten 'responsibility' introduced by the court. It is possible to him it might have succeeded. He was reluctant to accept the medical evidence as they were before the court. He preferred the rebuttal evidence proving 'diminished responsibility' to be a heavy one. This is one of the reasons why the evidence it possessed in the case of James Hanratty during his trial

was not particularly successful. He was hanged for the murder of a woman in a lift in his car. Having shot her's girl friend and then tried to kill her head nor write and had been found to be a mental defective. So long as the evidence were unworthy of the high standard to deny the crime, a plea of insanity would be impossible; but there is no reason why one should not feel confident, in the light of the evidence, that a plea would have succeeded.

If a man is mentally defective, and the defect constitutes 'such abnormality of mind as to impair his mental responsibility', the Durham Rule applies in the case. In the Court of Appeals in the case of *M'Naghten*, it has been held that 'unsoundness of mind, such as dementia, paranoia, psychosis, or insanity'. The development of the law has shown its effect on the accused's responsibility. As S. Guttmacher, the distin-

guished forensic psychiatrist, few psychiatrists are equipped

'She would have to be in
Duncan, a lawyer from Santa
had hired two men to kill hi
jealous.* A similar commen
Harvey Glatman was found g
ing three women after having
underclothes. And it is, in
share when presented with t
neither for profit nor in sud
suggested that all criminals,
some degree insane. Jeremy
especially of the more crimin
a particular class of human
as persons of unsound mind,
swelled to so high a pitch as t

Bentham died before the c
much propounded, except by
But a few years after Bent
Insanity formulated a doctri
Despine's *Psychologie Natur*
the view that, although the
legal sense he could still be 'm
imbecile had been carefully
United States by Mayo and
was left, however, to Henry
Responsibility in Mental Dis
pound the belief that crimina
because they cannot help it'.
pulse to criminality were,
numerous and varied but th
the criminal could not help
criminal, 'thoroughly conscie
an offender was pointless. Bu
prospect of treating him.

The problem remains. W

* Mrs. Duncan (who, it transpire
both⁶ her accomplices (dim-witted
San Quentin on the same day in A

CRIMINAL MAN

has observed, 'is a challenge which is to meet'.⁶⁵

'insane, to have done it,' said Frank
Barbara, when told that his mother
is wife of whom she was hysterically
it was made by his employer when
guilty in San Diego in 1958 of strangling
taken photographs of them in their
fact, an opinion which most people
the facts of almost any murder done
then anger. It has, indeed, often been
and not just most murderers, are in
Bentham thought that, 'delinquents,
al descriptions, may be considered as
beings . . . they may be considered
but in whom the complaint has not
to rank them with idiots or lunatics'.⁶⁶

conception of the moral imbecile was
by Philippe Pinel and by Grohmann.
ham's death, Prichard's *Treatise on*
one of moral insanity and by the time
elle appeared in 1868 and expressed
criminal might not be insane in the
morally mad', the problem of the moral
studied both in Europe and in the
Isaac Ray amongst many others. It
y Maudsley whose celebrated book,
sease was published in 1874, to pro-
ls go 'criminal, as the insane go mad,
⁶⁷ The causes of this irresistible im-
as Maudsley tried to make clear,
e result, he insisted, was the same:
it. He was not even, if a genuine
ous of his crime'.⁶⁸ To punish such
t Maudsley was pessimistic about the

then Dr Benjamin Karpman, at the

d, had been married at least eleven times) and
, part-Mexican labourers) were executed at
August 1962.

1960 convention of the American suggested, as Harry Elmer Barnes and rather more tentatively suggested *Criminology*, that as 'you can't have responsibility in the same person at prisons in the United States would treatment centres for lawbreakers, And so long as mental illness is so understood the derision is understood David Stafford-Clark is right in definition in which the individual capacity of committing the act is effectively diminished and, at some stage, treatable suggestion that 'it does not and cannot concept of normal responsibility is distinct from those who are clinically presumably go unquestioned by most laymen.

But many, if not most violent crimes posed, are to some degree psychopathic. In the large Bellevue psychiatric hospital thousand such criminals examined years, only five per cent were found disease which might profit from treatment considered to be psychopaths and beyond the reach of psychiatry, they were released until more psychiatric prisons are available also continue to be sent to prison. The allows hospital orders to be made instead, but as Lady Wootton said at the National Association for Mental Health Act's provisions. Between the time 1 November 1960 and 30 September convictions for crimes of violence, but were hospital orders made.⁷⁰

The reluctance to admit that a man is convicted of a violent crime made rather than in a prison cell is understood too, that until a closer association between such crimes (including aggression) and mental illness and until some greater

Psychiatric Association, suggested that Negley K. Teeters had also written in their *New Horizons in Psychiatry* 'the mental illness and criminality are the same time', in fifty years would be replaced by psychiatric medicine the prophecy was derided.⁶⁹ The term is variously defined and so little understandable. Whether or not Dr Teeters' definition of 'medical crime' as 'crime committed by the criminal to refrain from committing a crime by factors both recognized by medical means', his suggestion does not overthrow or exclude the concept of the majority of people, as 'clearly not responsible' would be considered by psychiatrists as by nearly all

criminals, it has often been proposed that such crimes are therefore untreatable. In a hospital in Manhattan, of fifty patients over a period of twenty-five years, it was found that 10% were to be suffering from a mental illness requiring treatment. Nearly all the rest were considered to be suffering from a mental illness, for the most part, beyond treatment and returned to prison. In England, where treatment is available, most psychopaths will be treated under the Mental Health Act of 1959. Instead of sentences of imprisonment, at the 1962 conference of the Royal Society for the Health, little use is made of the Act. Since it came into force on 1st October 1961 there were 10,099 patients in hospitals but only in ninety-seven cases

of a man not obviously insane who would be considered to belong in a hospital ward. It is to be expected, that this is conclusively shown to exist (in the case of aggressive sexual offences) and the hope is offered that those who

commit these crimes, if they are sent to the courts will go on sending psychiatrists to the hospitals rather than to the psychiatric hospitals. There is a little chance of a clearly deranged person being sent as the toxicomaniac Anna Maria Schönlank.

This curious woman, the wife of a Nuremberg innkeeper, married a man who died. For some years afterwards she took various jobs as a confidential housekeeper, cook and nursemaid. She may for a time have been a patient in Neumarkt but after a scandal was made she went to Munich where she was a housekeeper to a judge who died in agony. Maria Schönlank was found clutching a paper packet to her breast.

Her next employer, also a judge, died of poisoning and the wife of the judge was also poisoned. Guests at the inn were frequently dosed with arsenic and she had been dismissed by the judge. She had been taken seriously ill, the doctor said. Immense quantities of arsenic were found where she had worked and she said she had taken it 'with pleasure', so it was said. She was found, 'and gazed upon the world with rapture.' She confessed that it was she who was condemned to death.

Most mentally abnormal criminals show clear indications of the cause of their crime. In the case of a young American thief, it was found that those who commit crimes committed by children in a good family, had

* Although many doctors still believe that the successes have been reported, most of the criminal wings of a few mental hospitals are full of patient. 'Certainly, one may think of a patient who wrote in a recent article, 'that to disfigure a man by definition incurable is hardly more than to make him a 'monster' and therefore irred-

ure, in fact, mentally ill, can be cured, psychopaths to prison as a punishment for cure.* But at least there is now a person being executed for murder. Maria Schonleben was in 1881.

Well educated, rather plain daughter of a lawyer who drank himself to death, she wandered about Germany as a seamstress, perfectioner, doll-maker, needlewoman, and maid. She twice attempted suicide and was a prostitute. She started a girls' school in which accusations of Lesbianism were made. She went to Bayreuth to become a seamstress but was separated from his wife. She returned to her home but soon after her return the wife was seen later in her bedroom with her breast and shivering with pleasure. The first judge, died with symptoms of arsenical poisoning. The second judge, and servants in both houses were freed by the use of tartar emetic, but it was not until the third judge, after his whole family had died, that Maria Schonleben was arrested. Arsenic was found in the salt at the house and amongst her clothes. She 'trembled in evidence, when the arsenic was found. It was a good thing for mankind when she had 'lived for poison alone'.⁷² Criminals do not, of course, offer such excuses of their behaviour. Richard Dowling is a more characteristic example of a psychopath. Dowling, the oldest of six children, made friends with various young women. He believed all psychopaths to be untreatable, some of them from the United States where the hospitals are well equipped to deal with this type of case, 'as Giles Playfair and Derrick Sington would miss someone as a psychopath and therefore would be more humane and civilised than to pronounce them seemingly bad.'⁷¹

criminals and became a thief himself. He spent much of his youth in various institutions. He was polite, willing, of normal intelligence, but means lazy. An examiner described him as 'sincere, and genuine'. As soon as he had the opportunity on each occasion to his criminal life. At first he never thought of stealing before he saw what he wanted and 'grabbed it'. He 'voluntarily' supposed his conduct was due "to want."

A more certainly identifiable case is that of another American boy, a Negro, the son of a merchant, who gave a quarter of his earnings to charity. This boy had studied at Harvard.

'I begin to feel giddy and restless,' he said of his attacks. 'I feel as if I have to do something gradually more marked until I feel comfortable. While stealing I become quite excited, my heart spire and breathe rapidly as if I had run a mile, and then I feel as if I have to go to the clinic. After it's all over I feel exhausted and relieved.'

The boy's only ambition was to be a detective who would track people and from this act derive a certain amount of excitement, although less intense, than the feelings of relief and satisfaction which he enjoyed after copulation.⁷⁴ 'It is in fact,' he told Lombroso, 'it may be only a pique, but I am quite ready to give up my profession although I am quite ready to give up my profession. I confessed that he could not go to sleep until he had stolen something before he went to bed.'⁷⁶ 'Stealing is a love,' another thief said. 'and when I have my brain and fingers, I think I should be a thief if that were possible.'⁷⁷

Joly in *Le Crime*, described how stealing can be gradually acquired:

'This is the beginning. From a gallery of pictures to-do—who buys a certain number of pictures without asking for permission she takes a small object—a little ribbon to fasten a parcel. No one will say that she is stealing; no one will observe or disturbing her. But she is observed, a

lf at the age of six. He spent
tions where he behaved well.
telligence, likeable and by no
l him as being 'spontaneous,
e was released he returned on
ording to his own admission,
ehand. He saw something he
eered the information that he
hat you'd call an impulse'''.⁷³
of kleptomania is that of an-
son of a minister who gave a
ne boy was intelligent and had

aid, describing the symptoms of
omething. This feeling becomes
pelled to enter a house and steal.
involuntarily begin to pant, per-
a race; this increases in intensity
oset and empty my bowels. After

a detective and sometimes he
ivity he derived the same sort
as from stealing. He compared
he had after stealing to those
'our very blood,' a thief once
n, but I cannot help taking it,
it back.'⁷⁵ A pickpocket con-
unless he had stolen something
is a passion that burns like
I feel the blood seething in my
be capable of robbing myself,

w a taste for the pleasures of

one sees a woman—rich or well-
objects and pays for them; but
s some little, almost insignificant
l, a more commodious paper bag.
one will think of speaking to her
nd even watched, for one expects

to see her again some time after the robbery, worth twenty-five centimes. A letter of value of greater value, and henceforth

The sexual root of kleptomania and of other peculiarities of behavior has attracted to many of the greatest of analysts and psychotherapists particular attention to it, as did the 'Oedipal complex' has been used to explain it, as did Freud whose uncovering of the 'unconscious' has also influenced many. A prolonged study came to the conclusion that it was the result of ungratified sexual impulses. 'The open question whether any instance of kleptomania is sexual'.⁷⁸

Kleptomania was, he discovered, more often affected women more than men. Most of them were usually homosexual. Analytically all shoplifters whom he had studied committed their offence in or near the home. Schlapp quoted the case of a woman who for years had been subject to mild kleptomania during her menstrual periods. She was usually nervous before the onset of her menses. She had an 'almost exaggerated sense of the presence of homosexual tendencies and a strong aversion to a woman. These tendencies suggested a state of tense periodic nervousness. As she moved out of the small town where she lived she moved to a larger town. One day she went to a shop to buy a pair of stockings. On her way to the stocking counter she felt a sense of vagueness and uneasiness. As she reached the counter of the bags she was seized with a sudden attack. Under her, her heart pounded, her hands trembled, her wrists and temples. She saw a mist surrounding her. Unable to resist, she took the large pair of stockings. She had no need of it and had to pay for it.

Stekel's contention that not

CRIMINAL MAN

er, taking, as she walks along, a flower
little later she will appropriate an article
she will take for the pleasure of taking.'

nia and its guide to an understanding
behaviour seemed a hopeful field of study
of the early psychologists, psycho-
s. Jung and Krafft-Ebing paid parti-
adler whose theory of the 'inferiority
explain much criminal behaviour, and
ing of the repressions of the 'uncon-
such subsequent inquiry. Stekel after
conclusion not only that kleptomania
sexual instincts but that it was an
impulsive acts at all were 'other than

discovered, a nervous disorder that
men. The men who suffered from it
another scholar maintained that prac-
e had examined were 'at the time of
their period of menstruation'.⁷⁹ Dr
school teacher of fifty-two who had
eccentricities of behaviour during
as, however, scrupulously honest and
sense of duty and devotion'. Shortly
menopause, she had become conscious
she had had a brief affair with another
obsided and were superseded by in-
after the death of two near relatives
town where she lived to New York.
to buy some stockings. She paused on
er to look at some suitcases. 'A feeling
came over her. As she examined one
a sudden trembling. Her knees sagged
d and the perspiration stood out on
w and heard indistinctly and seemed
le to resist the impulse that swept
obvious, quite unconcealable bag.'⁸⁰
d money in her purse with which to

t only kleptomania, but all impulsive

acts might be sexual in origin did not solve the problems of the creation of the criminal. Stekel's contemporaries, heredity seemed a more satisfactory way of explaining the problem than the compulsive one.

Lombroso's early emphasis on atavism led him to believe that heredity was the 'principal cause of criminal tendencies',⁸¹ (although many of the atavistic are not hereditary but are acquired either before or after birth). The tails of the tails come from parents who were alcoholics, epileptics, insane, or from a degenerate family; the results were catastrophic.

It is true, of course, that criminality is not inherited in criminal children but this may well be due to heredity. One woman member of the Cornu family, for example, was peculiarly prone to insanity due to the fact that as a little girl she had to carry the head of one of the family's cows for two miles to cure her of her disorder. The hereditary inheritance of mental disorders is not as simple as the history of the descendants of the Revolutionary War, amply demonstrated by a feeble-minded girl during the war who had legitimate children by a Quaker girl from a normal family. 496 descendants of the Quaker girl were no criminals amongst them and 480 were mentally normal. 480 descendants of the feeble-minded girl were traced; only forty-six of them were sane. Of course, these prove that all these feeble-minded children and their defects in the Mendelian researches have suggested that almost all are acquired as inherited.⁸⁴

The history of another American family suggests that not only the mental abnormality but also criminality could be inherited but criminality of this remarkable clan was born in the nineteenth century, the descendant of Dr. D. D. P. fits and starts, drinking hard and was not able to afford to. He left behind him a large family. Two of his sons married two of his f

t, of course, answer the wider criminal mind. And to many of seemed at least one simple and professional criminal as well as

ivism had naturally led him to pal organic cause of criminal characteristics which he calls due to arrested development, Lombroso thought, mightolics or who were diseased or and in either case the effects

nal parents tend to produce be due to causes other than the French criminal family ferocious but this was attributed she had been compelled to victims in her pinafore pocket inclination to be wicked.⁸² The, nevertheless, unquestioned, Martin Kallikak, a soldier in nstrated. Kallikak had a baby war, and after the war he had from an honest and intelligent maker girl were traced; there and all but one of them were of the feeble-minded girl were normal.⁸³ This does not, of minded descendants inherited manner; and, indeed recent t as much mental deficiency is

family, the Jukes, seemed to normality that might lead to criminality itself. The originator New York in the early eight-Dutch settlers. He worked by whoring as often as he could and mostly illegitimate family. five illegitimate daughters and

over seven hundred descendents traced. The vast proportion of them were criminals. Less than twenty of the men were sane. More than half learned their trade from their fathers.

When the history of the Jukes was first published it was widely supposed that the disposition to crime had been inherited and had just appeared and was soon to disappear. The theory of atavism supported the work of Goring in England and the detailed study of the criminals in the United States but the individual criminal remained the principal field of criminology. It was believed that criminal tendencies were inherited, therefore heredity continued, therefore the study of twins in the hope that here inheritance would be more clearly shown. In one of these studies thirty pairs of identical twins, brother or sister were examined. Only twelve per cent of them were criminal, with identical twins the percentage rose to seventy-seven per cent. These figures might be excepted on the fact that twins are more likely to be influenced by their brothers and sisters of different tendencies. The likelihood is even far greater if identical twins have inherited similar tendencies. For it may well be that the influence of a close companionship and environment is more with one-egg twins than with two-egg twins and similar problems and similar environments.

While these studies were being conducted it was admitted, in fact, that often the disposition to crime is more likely to be a characteristic of the environment. This was, of course, as the twentieth century advanced an increasingly important one. No permanent disposition of crime had been elicited from these studies. It was hoped that these answers would draw attention once more to the close relationship with his environment.

endants of these five daughters were of them were criminals or prostitutes. Some were skilled workmen and of these some were in prison.⁸⁵

Lombroso's family was published in 1877, and the inheritability of a natural predisposition was proved. Lombroso's early work had to exercise its deep influence. The theories of heredity. The subsequent work of Galton and Healy in America led to a more scientific study of the criminal's mind at the expense of his body; rather than crime in general remained the subject of biological inquiry, and Goring himself was a proponent of the theory that criminal tendencies were hereditary. The problems were, therefore, to exercise their traditional fascinations. The problems were accordingly made of criminal cases. Illuminating answers would be found. In the case of identical twins with at least one criminal parent and it was discovered that whereas in the case of ordinary twins were both identical or one-egg twins the proportion of criminals was about 50 per cent.⁸⁶ A later study suggested that the tendency to follow each other into crime than in the case of fraternal twins at the same ages and that with identical twins the tendency was stronger. It is not necessarily to believe that the same characteristics and criminal predispositions that their behaviour can be attributed to the same identity of feeling—closer perhaps than in the case of the others—which has led them into similar environments.

As a result of this being made it had become generally accepted that what seemed an inherited trait was not a characteristic imposed upon a man by his environment, but a new conception, but it seemed, as the study progressed, to be an increasingly satisfactory answer to the problem of the criminal; so now the answers might emerge if men gave their attention to the conditions in which he lived and to his environment.

CAUSES AND

*'Criminality proceeds from the
itself.'*

(i)

'THE social environment is the cultivator', wrote one of Lombroso's French followers. 'The criminal is the microbe, an element which grows when it finds the medium which causes it to grow. It has the criminals which it deserves.'¹

The criticism of writers such as Lombroso, and the encouragement of friends like Ferri and the mathematician Adolph Quetelet, one of the leading enthusiasts for statistics, and others like Guerry, induced Lombroso to turn from biological factors to social factors. His last important work, *Causes and Remedies* appeared in 1899. Lombroso's theory is of curious information. Its main theme is the interactive relationship between heredity and social conditions which may be responsible for criminality which can be inherited and can therefore be passed on to conditions that produced them. But Lombroso is not biological, the book's content is not purely biological, as he had done less minutely than others of all sorts of environmental conditions which might affect criminality, from poverty to

TWO

CURES

every nature of humanity

ADOLPH PRINS, 1886

ation medium of criminality,'
critics, Lacassagne. 'The
which only becomes important
es it to foment. Every society

Lacassagne, as well as the
and the views of the Belgian
of the promoters of the grow-
f the French lawyer A. M.
his attention from biological
ortant work *Crime: Its Causes*
like his other books it is full
esis is that there is a mutual
edity and environment, that
e for biological abnormalities
fore, in time, affect the social
although the emphasis is still
unduly tendentious. He dis-
in earlier works, the existence
ns and external influences that
y to religion, from diet to the

density of the population, from illegitimacy. He was able to take by previous students in the States and elsewhere so that contemporary knowledge and like *L'Uomo Delinquente* by catalogue. It was followed by criminologists who emphasized, done, the importance of study Ferri termed it. Gustav Aschmann's *Repression* appeared in vigour and conviction the social burg's near contemporary, E. same time in France to show very nature of society, at the for an explanation of the cause. Adriaan Bonger was beginning *and Economic Conditions* was the first of Bonger's many works of social conflict and economic ality. Ferri himself published his *Sociologia Criminale* in two

These writers, and others from different points of view and restricted, limited to simple fact little more than probable who expounded and exaggerated complex of crime. And yet individual interpretation, the It was, for instance, a fact, were, as Lombroso said, 'violence an unbroken series of special could be made from this fact as Ferri showed from his study 1825-1878, that there was weather and criminality,³ just and to a less noticeable degree criminality. But again the cause facts were not single ones. Ferri common in the spring and summer much was this due to the effect

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from climate to geology, from education to draw on a mass of studies undertaken in Italy, France, England, the United States and Germany. The book gives a fair summary of the various opinions. It was not a seminal book but it was, and remains, a fascinating study by the works of a new generation of criminologists, in a way that Lombroso had not done. He was studying crime as the 'social fact' that Aschaffenburg's important book *Crime and Environment* was written in German in 1903 and stressed with its biological aspects of crime; Aschaffenburg's work was followed by Emile Durkheim, who was working at the time that it was necessary to look at the social conditions and the lack of social standards and controls as causes of crime; and in Holland, Willem Olfers was doing work on his Marxist *Criminality* which was published in 1905 and was intended to demonstrate the importance of social conditions as influences on criminality. Lombroso had an enlarged and revised version of his theory published in two volumes in 1929-1930.

Like them, he approached the problem from a narrow and often their views were narrow and often their views were narrow angle or related causes which were in fact only partial influences but which seemed to those who read them an explanation of the whole. It was not that for all of them, whatever their theories, the verifiable facts remained the same. Lombroso noted that in almost all parts of Italy there were villages renowned for having furnished a large number of delinquents;²² but the deductions that he drew from these were innumerable. It was also a fact, noted by Lombroso in his study of French criminal statistics from 1850 to 1890, that there was a very close parallel between hot weather and crime, just as there was, for different reasons, a parallel between poverty and crime. Rape and indecent assault were more frequent in the summer than in the winter; but how much of the effect of heat on the sexual instincts of

men, to the possible vestiges of man-
 fact that more alcohol was drunk in
 that in summer the opportunities of
 out-of-doors practice—were greater
 was more common in hot weather than
 than in the north, amongst the children
 of the United States than amongst the
 But the emotions aroused by heat, the
 morals and racial characteristics between
 the northerner, and the conditions
 Americans usually lived, were only the
 identifiable reasons for these phenomena
 and statistics presented by the sociologists
 were usually so contradictory and self-
 did, nevertheless, open up new and
 and inquiry.

The investigation of the relation
 crime, for example, did not reveal so
 economics and crime as Bonger, in his
 every crime led to the hell of capitalism
 much that was both useful and stirring
 fact that, whatever the reasons might
 always poor and often unemployed.

When food was cheap, crimes with
 exception of arson, decreased while the
 cularly rape, increased. Famine and
 marked degree all crimes against the
 and yet hunger seldom led to theft, and
 in years of dear provisions, or severe
 thefts and petty offences' were common
 securing maintenance within the
 occasions when provisions were stolen
 'bonbons and chocolate, the grown men

The investigations which resulted
 were, of course, severely limited in scope
 firm the deductions made by other
 problem. Lady Wootton in an important
 shown how misleading and contradictory
 sions of even the more modern research
 many attempts made in the 1930's, for
 of problem families failed, so she s

n's sexual periodicity, to the hot weather and to the fact of raping a woman—usually an Italian—more in summer than in winter? Murder also more frequent in cold, in the south of Italy than in the north, among the children of foreign-born inhabitants than among the children of those born there. The differences in manners and customs between the southern Italian and northern Italian, and the reasons in which foreign-born are more susceptible to crime than the more obvious of the many phenomena. But although the facts of the sociological investigation of crime are so difficult to interpret, they offer a wide and varied fields for speculation.

The relationship between poverty and crime, and to close a connection between them, is the determination to show that there is a connection, as supposed; but it did reveal that the relationship between crime and poverty is not so simple and the undoubted fact that, in fact, criminals were nearly

all engaged in crime against property, with the exception of those against the person, particularly in the winter. In a great cold diminished to a minimum, especially murder, although it was 'notorious that in the winter, a large number of crimes were committed 'for the sole object of getting into the prison walls'.⁴ On the rare occasions when the women usually took to drinking 'liquors'.⁵

Even in these and other deductions the scope and did not always convince the investigators of the same. An important and salutary book has been written, the published conclusions are the published conclusions of this sort. All of the facts, for instance, to get at the facts of the case, 'to distinguish between

personal inadequacy and sim-
 apparently, although many
 repeated, investigators are st-
 concerns and predisposition
 practical value' has yet eme-
 emerge from the earlier an-
 the Lombrosians and neo-L-
 use to know that a detailed
 London borough in the 19-
 characteristic was poverty, al-
 to manage money and nearly
 It is also, perhaps, significant
 listed as a problem in a single

Yet alcohol was formerl-
 subject to be a very common
 commit crimes in order to obt-
 times seek in drink the coura-
 excuse for their misdeeds; a-
 that young men are drawn in-
 is the place for the meeting-
 plan their crimes but also s-
 culated that in London in 1-
 which were the resorts of cr-

In Belgium it was estima-
 over a quarter of the numbe-
 Germany forty-one per cen-
 degree of drunkenness; in F-
 quarters and in Holland four-
 of 29,752 people convicted
 90,903 people convicted by n-
 drawn into crime by freque-
 America sixty-seven per cen-
 pared with thirty-three per-
 drunkenness.⁹ And in New
 arrested in a given period,
 drunkards.¹⁰ The increase of
 ing recent years has, in fact,
 that of seventy million Am-
 chronic, excessive drinkers a-
 alcoholism is believed to be

Temperance societies, hig-

ple economic misfortune'.⁶ And now, of the earlier mistakes are not till prejudiced by their own interests, as.⁷ If, however, 'not very much of erged from their efforts, as it did not d even more confusing statistics of Lombrosians, it is obviously of some study made of twenty families in a 50's revealed that the only common l but two families sharing an inability all of them having very small incomes. nt that a 'tendency to drink' was not case.

ly found by some students of the n cause of crime 'first, because many ain drink; further, because men some- age necessary to commit crimes, or an gain, because it is by the aid of drink nto crime and because the drink shop of accomplices where they not only quander their gains. It has been cal- 1880 there were 4,938 public houses riminals and prostitutes exclusively.'⁸ uted that alcohol was responsible for er of crimes committed each year; in t of crimes were attributed to some rance fifty per cent; in Sweden three- r-fifths. In England ten thousand out at assizes and fifty thousand out of magistrates, were believed to have been nting disreputable public houses. In t of serious crimes of violence (com- cent in Europe) were attributed to York out of 49,423 men and women 30,509 were found to be habitual alcoholism in the United States dur- been considerable and it is now said ericans who drink, three million are nd 750,000 are alcoholics This rate of the highest in the world.¹¹

h taxes, laws against the unrestricted

sale of liquor and limitations upon the amount that could be bought, have alike always been the cause of alcoholism all over the world. Sweden has had as extensive as anywhere in Europe, and it has had its growth. Between 1855 and 1864 the duties on brandy were raised from two francs to three francs. Local authorities bought up the land of the tenants to make their profit out of the sale of spirits. Men found drunk in the streets were fined, their third offence, after their fifth of the same, was six months imprisonment and after that the results were disappointing. In 1851 there was one drunkard to every nineteen inhabitants and in 1864 it was still very much the same—one drunkard to every nineteen inhabitants.¹² And although an enormous increase in the number of crimes committed after the prohibition, for many other reasons apart from a decrease in the sale of alcohol, is found to explain this.

In Sweden, as elsewhere, when alcohol is difficult to obtain, men did not become more adventurous. In Scotland miners who had never before, more, began to use laudanum; in Germany opium was as popular as alcohol.¹³

Drugs, in fact, before the nineteenth century had already become almost as urgent a problem as alcohol in the United States. In the 1890's of the 1,392 convicts in San Quentin were on their admission to the prison as alcoholics, 11 per cent who were listed as alcoholics.¹⁴ It is interesting that of the American criminals he knew, according to his estimate, took drugs in one form or another.

By 1938 the planting of marijuana in back gardens all over New York had become a serious problem. To issue a pamphlet, *Marijuana: Its Effects*, the retail value of the drugs smuggled into the country alone has been estimated at three hundred million dollars and it has also been estimated that not more than five per cent of the marijuana smuggled into the country is discovered.¹⁸ The sale of drugs to the government has enormous revenue to those who control the trade and much of the trade is in relatively high

the number of places where it had been incapable of preventing drunkenness, where the addiction was rampant, took severe measures to curb it. It raised taxes on the distillation of spirits from the hectolitre to thirty-two shillings, closed public drink shops and encouraged the sale of tea and coffee rather than spirits. Those who refused to do so lost their right to vote after a year. For offence they were sentenced to imprisonment from the sixth to a year. But the measures were not sufficient. It was calculated that there were one drunkard to every twenty-two inhabitants; in 1865 the ratio was one drunkard to every twenty-two. A further encouraging reduction was made in the middle of the century, but the increase in drunkenness could be

checked. Spirits became expensive or scarce and people came more sober but more people could not afford whisky any-where. Many other beverages became almost

by the nineteenth century was over had alcohol as a problem as alcohol, particularly in the United States. Over forty-four per cent of the population was addicted to the use of opium compared with forty-nine per cent in the United States. In 1928 a gangster estimated that 'fifty per cent, at the lowest, of the population is other'.¹⁵

Drugs had become so common that the Government felt obliged to take measures for identification.¹⁶ In later years drugs were smuggled into the port of New York for a hundred million dollars a year;¹⁷ the traffic was not more than between two and three times a day across the Mexican border. The traffic in children has been a source of concern. To control the traffic and although the traffic in harmless marijuana cigarettes,

these 'reefers' sometimes lead to the use of a dangerous drug such as heroin. Heroin, like other derivatives of opium, are depressants and are likely to be causes of crime; once addicted a man will often go to any lengths to pay for a 'fix'. Even if he does not go to any lengths for it, the very act of buying and selling is a criminal under the Harrison Act, which laws which have now been closed by the Internal Revenue. Nor are physicians licensed to prescribe narcotics. The United States Bureau of Narcotics has made their efforts and that licensed physicians have made a repressive policy of penal legislation.

After the Second World War, narcotics were available and were at least partially responsible for the increase in addiction amongst adolescents. It is estimated that there were five times as many addicts and the numbers of arrests of addicts were five times greater between 1947 and 1937 and 1941.²¹ In 1962 in the words of a Chicago narcotics officer, 'the first step toward addiction is the purchase of the drug'.

'When you're on that stuff, you're hooked. I've injected amphetamine into her veins. I've been on it. I was involved in a lot of bad things without a shot . . . I was ever . . .'

Benzedrine is a trade name for amphetamine. In the 1940's packets of this drug were sold. The average daily dose a doctor would prescribe was 30 mg. In the 1950's, 1960's and 1970's, into prisons where the convicts were kept. There were savage riots in some prisons. The convicts were kept in their cells, from which convicts escape.

According to an officer of the Chicago Police, at least two hundred known users of amphetamine are in Chicago alone. 'At least twice as many as in the 1940's'. The men range from eighteen to thirty. The women are mainly from the 1940's. They are from the most expensive neighborhoods. They are typically all those who used the drug. They are involved in criminal acts which

led to the subsequent use of a more potent drug. Heroin and morphine, both derivatives of the opium plant, are not in themselves addictive, but an addiction is soon formed and addicts will do almost anything to get money to buy the drug from a pedlar makes him a criminal under the Harrison Act. There are no public clinics all over the country, but by order of the Commissioner of Health, as there are in England, any physician can prescribe drugs to addicts. The United States government believes that public clinics failed in the past and that physicians would also fail and prefers a strict prohibitionist legislation.¹⁹

During the Second World War various synthetic drugs became available and were partly responsible for the large increase in drug addiction. A report published in 1953 estimated that there were one hundred young addicts in Chicago²⁰ in 1952 and that of addicts under twenty-six were five times as many in 1951 than they were between 1947 and 1950. It appeared that barbiturates were in vogue and the narcotics official, 'replacing marijuana as the drug of choice'.²²

'If you just don't care,' a girl who had sold her body for heroin veins told the police after her arrest. 'I did burglaries and I couldn't have done it if I had been a prostitute for three months.'²³

One of the main forms of amphetamine and its derivatives, containing fifteen times the amount of the drug would prescribe, were being smuggled into the country. Acts went on violent rampages. There were many deaths when the use of Benzedrine in the extraction of the drug, was forbidden.

At the Narcotics Bureau there were 'at least a dozen cases' of amphetamine in Kansas City, he thought, 'we don't know about. They are all young, with most in their early twenties. They are from fourteen to twenty-five. They come from the slum neighbourhoods and the poorest.' Practically all the drug addicts admitted that they had been addicted to the drug when they were 'hopped up'.²⁴

Fortunately few narcotics are a spur. Most drug takers are interested in a heightened perception or escape from it seems from recent investigations such as Lawrence Kolk which revealed that the he studied had never been arrested and had been were charged only with being narcotics they craved,²⁵ that drugs more of crime as has often been supposed. the alcoholic, is not so likely to be a drug as when he is deprived of it.

The statistics, though, have always the statistics about the relationship crime have also been contradictory. that the habitual drunkard was less a drunkard has for example been both by American statistics some of which a professional criminal was not so much an occasional offender and others which more so.²⁶ In 1895 it was estimated that in America were even occasional drunkards were published which indicated that in murders, at least half the sexual offenses of the minor crimes of violence were due. later researches suggested that only a though a considerable one, had been 'Most men who are drunk do not commit an inquiry carried out in 1953, however indicating that although half the men sober, two thirds of those arrested for or less under the influence of alcohol. these investigations are not in themselves alcoholism and criminality may in many root cause. At least it was certain in Spain and Italy had relatively little of the highest homicide rates in Europe.

It was certain, too, that everywhere on the days and in the months when it occurred. In Germany one survey revealed that committed over a particular period, fifty-eight on Saturday nights as compared with

to criminality in themselves. Only in sexual stimulation, in dreariness or anxiety; and such as that carried out by Dr. [redacted] three quarters of the addicts and the majority of those who [redacted] in unlawful possession of the [redacted] may not be so direct a cause. Certainly the addict, unlike [redacted] dangerous when he has the [redacted]

[redacted] has been contradictory, just as [redacted] between drunkenness and [redacted] Aschaffenburg's supposition [redacted] criminal than the occasional [redacted] confirmed and contradicted [redacted] have suggested that the pro- [redacted] addicted to alcohol as the [redacted] have suggested that he was [redacted] that only a fifth of murderers [redacted] [redacted],²⁷ but in 1918 figures [redacted] sixty per cent of the worst [redacted] cases and eighty-two per cent [redacted] due mainly to alcohol,²⁸ while [redacted] a minority of criminals, al- [redacted] excessively intemperate. [redacted] commit serious crimes.²⁹ An [redacted] ever, contradicted this by [redacted] men arrested for rape were [redacted] for all other crimes were more [redacted] alcohol.³⁰ In any case, perhaps [redacted] of vital significance for [redacted] many cases be traced to the same [redacted] the nineteenth century that [redacted] drunkenness and yet had the [redacted]

[redacted] crimes were most frequent [redacted] the most alcohol was drunk. [redacted] out of 2,178 crimes com- [redacted] eight per cent were committed [redacted] one per cent on Mondays.³¹

Alcohol, the temperature and fog, ever, not the only causes of crime and at certain times of the year are to exercise an influence. Fog was for obvious reasons and, as a result, September was a 'very bad

'It was bad,' he wrote, 'because . . . The bank robber must have longed to be under the covers and when there are a lot of brave men who will chase a burglar who wouldn't touch explosions are not so easily deterred. Elements are raging . . . Every year in the summer I have failed.'³²

The weather, too, by having a direct influence, is responsible for much impulsive crime among women.³³ Consciousness of the weather is in quarrels and violence and is often the cause to 'break out' in hysterical outbursts among psychopathic personalities. The emotional effects of these barometric changes are

Race was naturally discovered as a cause of causation of crime. It explained the high homicide rate in Latin countries and the low in Teutonic countries, as well as the high homicidal criminality in Colombia. This was particularly noticed in the United States where mingled in similar social and economic conditions murder amongst foreign-born immigrants was found to vary enormously according to the race of the offender. There were, over a period of ten years, 10.7 to the 100,000 amongst Norwegians; 9.7 to the 100,000 amongst Swedes; 10.2 to the 100,000 amongst Englishmen; 27.4 amongst Irishmen; 27.4 amongst Italians. All of these were more than the French and the Italians were in their own countries. The French and the Italians were more murderous in the United States than in their own countries. Much more likely to be murdered in the United States than in their own countries. Obviously there were other

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and the idleness of holidays were, however, an increase in crime on certain days of the year. Even the weather has been found to have favoured the street robber in London. One American bank robber confessed, 'I have spent a month for robbing banks'.

Because the nights are fairly warm and short, it is on the long nights and cold ones, when people sleep with the windows are not wide open . . . There is a tendency to get out of their beds on a warm night to go to the window, even turn over on a cold night. Further, a person is more likely to be detected on a cold, windy night when they are out of their room. At the same time I have tried to "knock off a jug"

and the effect on human emotions was held to be an important factor in the commission of impulsive crime, particularly amongst women. An approaching storm often resulted in a tendency amongst female prisoners to have fits and tantrums. According to Kraepelin, women were peculiarly susceptible to the barometric variations.³⁴

It has been proved to be an important factor in the commission of crime. Indeed, Enrico Ferri believed, the high crime rate in the southern countries and the high suicide rate in the north, the Saracen blood explained the intense crime in Sicily and Corsica. The influence of race was also found in America where different nationalities were found to be under different economic conditions. The incidence of crime amongst immigrants was found for instance, to be higher than in the country from which the murderer came. In a number of years, 5.8 murders to 10.4 amongst those born in Denmark, Sweden and Norway; 12.2 amongst those born in Germany; 10.4 amongst those born in Britishmen; 12.2 amongst Austrians; 17.5 amongst Frenchmen and as many as 58.1 amongst those of other nationalities, with the exception of the English, were apparently twice as liable to be convicted of crime in the United States as in their native countries; and more than twice as numerous than the native-born American. The reasons, apart from race, which were

the cause of this, just as there were others which were responsible for the high half times that of the white population. The immigrant came to the United States generally as a lonely individual or as a defenceless family, in a strange and hostile country, usually poor, often unable to speak English, ignorant of the manners or customs or hated as a foreigner, and without money for food and full employment. He was generally a stranger for the first time in a town. If he got into trouble he had no money for a lawyer and, like the Negro and the Mexican, no money for a fine. The highest number of immigrants, especially the Italian immigrants, predictably had the greatest number of crimes.

The work that the immigrants did was generally for at least some of these crimes. In the United States occupations that require little intellectual ability, boring, ill-paid and repetitive would find a high proportion of criminals. This was understood in Europe and borne out by the facts. In Europe, the connection between occupations on crime had long been understood. The study to establish a closer connection had been undertaken by the students of this particular aspect of crime was curious. In France, for example, the highest proportion of crimes was found amongst shoemakers. In Italy, crimes apparently be referred not only to the study of crime, but to the effect upon the genital organs of the study of crime. Men accustomed to the sight of blood, the study of crime, of dangerous weapons (soldiers) or to the study of crime, of chastity (priests) were guilty of a 'sa' study of crime, often accompanied by abnormal lust. In the United States lawyers, bankers, brokers and doctors were the most criminal in the United States as well as the most prominent ministers of religion were nearly always the most prominent. If crime was a cause of crime, the study of the study of crime was also felt to be instructive. Generally speaking, the men who commit suicide amongst professional men, at least, were doctors, solicitors, teachers, clerks, insurance agents and commercial men. The highest rates were amongst the study of crime. Other men with an unusual disposition

ner reasons, apart from race, conviction rate (two and a on) amongst Negroes. The and suddenly found himself, member of a small and de- tile-seeming world. He was English, frequently despised for threat to reasonable wages a countryman living for the trouble, he probably had no o or the Puerto Rican or the states which received the ally Italian and Irish immi- number of crimes.³⁵

was considered responsible t was to be expected that t or training and which are urnish more than their pro- standable and seemed to be hough, where the effect of studied and where attempts en made, the conclusions of of criminology were often greatest tendency to sexual kers, a fact which could heir alcoholism but 'to the ir position when at work'. od (butchers) or to the use isolation (shepherds) or to vage cruelty in their deeds oricity'.³⁶ Female servants, rs were disproportionately as in Europe. The crimes of rs sexual.³⁷ So far as despair occupations of suicides was speaking, the most prone to men, in England and Wales chers, civil servants, bank l travellers. Amongst trades- nkeepers and shopkeepers. on to suicide were farmers,

garage proprietors, dock workers, shoemakers, tailors, electricians —no longer a crime in England from offences that are peculiarly almost as likely to commit as

In fact everywhere women in Austria in the nineteenth century were fourteen per cent of the total, in Italy 8.2 per cent.³⁹ Most probably the rate but it usually remained low. In the United States the ratio was one to one amongst Negroes) but as high as from four to one in the North to between seven and eight in the South. In Hermann Mannheim it was one for every seventy-nine men in the case of shopbreaking, perhaps a ratio of 1:243^{41*} Apart from limited physical strength and child bearing women are less criminal than men. They commit crimes for them rather than for the virtuous themselves. They are not recognized as capable of serious crime. The female ponce, for instance, is less regulated than that of the male in the United States or in England. The female crime although a woman may commit an indecent assault. More imprisonments for the low incidence

* The ratio for drunkenness, however, is high. It is content for the fact that English women are more than other European countries where a recent study⁴² has suggested that the 'myth' visualized in the past is a myth'. The crimes of women are more often easily concealed; that women are rarely prosecuted; that the male victim does not prosecute the woman because of the stigma although larceny by prostitutes is common. Boys and girls by women do not correspond to corresponding sex attacks by men.

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workers, cotton spinners, boiler-makers, sailors and bankers.³⁸ Attempted suicide in England—was the only offence, apart from abortion, peculiar to their sex, which women were convicted of more than men.

Women were far less criminal than men. In the nineteenth century, female criminals were only four-in-ten in Spain less than eleven per cent, in Protestant countries had a rather higher rate and lower than twenty per cent. In the United States about twelve men to one woman (four to one in France and England the ratio was the same), although it has since sharply fallen to one.⁴⁰ In an informative study by the Bureau of Prisons it is shown that there was only one woman convicted of burglary and the ratio for more obviously male activity, was about one to four. Restrictions imposed upon them by inferior social status, and, therefore, women are probably inclined to commit crimes because they can get men to commit crimes for them, and because they are necessarily more numerous. Rape and seduction are also crimes which most laws do not punish when being committed by a female offender. The Lesbian, therefore, does not exist as a criminal in the same sense as the male. The Lesbian's conduct is less strictly punishable than male homosexual and rape is a specifically male crime. A woman can be charged with committing an offence, important, perhaps, than any of these real offences, of female crime, is the fact that the

ratio, however, was 1:4, which accounted to some extent why women appeared more criminal than they did in the past. In England drunkenness was not punishable. In America a woman who committed the crime of abortion. Among the reasons given for this view are that women committed in the home and, therefore, more often involved in the crime of abortion but the victim or partner in sexual relations will usually use the fact that he does not want to admit the relationship as a defence. In fact very common; and that sex violations of this kind leave physiological evidence such as is left in the case of rape on girls.

woman who might otherwise become a prostitute and remain within the law.

There were and there still are, economic factors which lead a young girl to become a prostitute, although mentioned at the New York Reformatory, these factors were more valid than the ones which had been in reasonable employment of girls before they became prostitutes. There are, too, although these are rarer and more difficult to have or develop Lesbian instincts and a desire for pleasure from the often unusual sexual gratification to perform. Women, indeed, seem usually to turn to prostitution after an unsatisfactory or unhappy marriage to a man, for reasons similar to those which lead a man into crime. They are usually very young when they turn to crime. Indeed, the youth of those who turn to crime has been, and continues to be, a problem of

It was often felt—as it is often felt now— that education was a likely reason for this widespread crime, while it was granted that education had little effect and that it had certain obvious therapeutic value. Dr Goring said, very little if any effect. ‘It is to be,’ he thought, ‘that lack of education is not the results of a common factor, native to those, indeed, who believed that education was a cure. Lombroso suggested that the instruction in the schools of France, Germany and Sweden was a failure. He pointed out that ‘large numbers of forgeries by recipients of diplomas.’ The only writer to point out the danger of education to the mind and thereby no doubt sharpened the intellect. Dante’s aphorism was often quoted: *Quando l’intelligenza s’aggiunge al mal voler ed alla cupidità, non si può far la gente.* (‘When intelligence is uncontrolled by the will, the efforts of men are vain.’)

Nor did improvements in standards of living have the effect that was at one time expected. The amount of crime did not decrease but the amount of crime did increase. Crime had increased than ever and this was only partly because of the fact that enforcement were so much more efficient. Crime had no longer be a cause of theft—although even in the most advanced are far more people living on the ver-

criminal can turn to prosti-

conomic factors which lead a
well over half the girls ques-
for women at a time when
they afterwards became, said
ment as servants, or factory
e.⁴³ There may be sexual
and, indeed, many prostitutes
and most of them derive little
al acts which they are asked
lly to drift idly into prostitu-
happy affair with a selfish
n lead some men to drift idly
g, as the men who drift into
f most offenders has always
of universal concern.

ow—that defective education
d youthful delinquency. But
might improve a boy's mind
apeutic qualities, it had, as
ct on conduct. 'It may well
ucation and criminality are
ve incapacity.'⁴⁴ There were
ucation was actually harmful.
tion given in the prisons of
directly responsible for the
divists';⁴⁵ and he was not
gers of educating a criminal
ning its native intelligence.
*'Che dove l'argomento della
possa nessun riparo vi puo*
ited with power and wicked-

ds of living and of housing
pected. The pattern of crime
not. The prisons were fuller
because the agencies of law
ent. Desperate need may no
ven in affluent societies there
ges of poverty than is com-

monly supposed—but they disappear, but the housing in their place are often more frustration than the packed. A United Nations report points to the countries in which the increase in delinquency to a certain extent does follow from that 'to *become* penniless or crime risk than to *be* poor or

It was often felt, too, and faith sincerely held, more practical education, help to keep letter of Christianity can be men who merely professed likely as atheists, if not criminals. Of seven hundred one said that he did not believe in a nation of over twenty-eight revealed only fifty-seven were American study showed five hundred criminals examined regularly, and only three per cent sex offender is more frequent religious denomination'.⁵¹ Many are religious in the hope that they will be so and in the fear that they will not;* and the views of one of the God who gave thieves 'the

In his researches for a long time he analyses the influences which have led to the increase in crime. Longford, himself a devout Christian, is not inclined to suggest that the decline in

* In America 'it has been hinted that the increase in prison populations have at times been due to parole boards which control exits and that those young churchgoers who do not go to church but because in other words, if the churchgoing family, has been more likely to be a fact that Roman Catholics have a greater religious significance as compared with other social and economic, which tend

There are other motives. Slums gradually become estates and blocks of flats which take on themselves as harmful as sources of boredom and dull and dirty but always lively slums.⁴⁶ A study published in 1960 contended that it is in the standard of life has risen most that the increase has been greatest.⁴⁷ Crime to an extent is a result of fluctuations in economic life but it seems that 'to lose work is an even more significant cause of unemployment'.⁴⁸

It is with more justification, that a religious faith, particularly the Christian faith, would, be expected to protect a man from crime. But although the faith is taught, the spirit of it must be felt and those who profess themselves to be Christians were as likely as those who are more likely than atheists, to become criminals. The criminals examined by Ferri only 10 per cent believe in God; and a contemporary examination of a thousand convicts in English prisons found that 40 per cent said they were atheists.⁴⁹ A recent study found that over eighty-eight per cent of the examined attended church, although 10 per cent did not attend at all.⁵⁰ The study found that more than not 'a professed member of a church'. Prisoners often pretend to be religious because they will obtain greater privileges if they do so and they will be denied privileges if they do not. The study of Ferri's criminals who said that it was 'an instinct to steal', are not uncommon. A recent book which fully and fairly examines the factors which tend to make men criminals,⁵³ Lord Hale, a Christian, did not find much evidence that religious observance was one of these factors. He concluded that the announced religious preferences of criminals varied with the religious complexion of the area from which they came from prison'.⁵² And it may well be, of course, that those who stay out of prison do not do so because they are more respectful of their upbringing, as is likely in a more satisfactory than that of delinquents. The study found that a higher crime rate than Protestants has little, if any, correlation with religious observance, there are so many other factors, not only economic, but also social, to produce this result.

influences. He did, however, find—as have failed to find—that family surroundings in the early life of the criminal were an undoubted

There seems, indeed, no surer way of preventing crime than providing him with a full and happy childhood in a family which loves him.

But to provide such a happy home for every child in need of one is a Utopian dream; and the conditions of families are apparently becoming ever more difficult. As will become ever more commonplace, the sense of mutual affection as well as the sense of mutual obligation and common purpose which a happy family life provides is the root of ancient methods of law enforcement. The smallest of various interdependent elements of the family in that sense has largely gone. The family has taken its place; and so the problem of crime has become, and, indeed, seems to deepen.

(ii)

Apart from the restlessness and vigour of youth, apart from alcohol and drug addiction, apart from insanity, biological and psychological factors, apart from squalor, the decline of religion and

* This is quite as true of girls and, according to a study by Lady Wootton, is almost twice as likely to be a criminal as a boy. The mere provision of a family background for either sex is not enough. Of the twenty-three case histories of the most serious criminals examined by Sir Leo Page in his *The Causes of Crime* came from broken homes, most of the rest were from homes which, in some cases 'highly respectable', had made their children honest either by discipline or by example and the influence of large families was high. The average number of children per family has been written about the lamentable consequences of the 'broken home,' says Lady Wootton, 'without information as to the ages at which, or the reasons for which, the children were separated from their parents.'⁵⁵ In America, where broken homes are a cause of crime, it has been estimated that in New York more than one out of five homes with children is a broken home. An important recent study has shown that 'family cohesion' and 'cohesiveness' were thirty-one times as prevalent among delinquents as among non-delinquents.⁵⁷

few students of the problem
groundings especially in the
doubted influence in most cases.

of keeping a boy from a life
ill and happy and worthwhile
him and which he loves.*

for every potential criminal
d, perhaps, because disunited
r more commonplace, crime
too. The respect, loyalty and
tual responsibility and of a
ly life engenders were at the
ment in which the family was
t units. The strength of the

Nothing has been found to
the young criminal continues

, impatience and frustration
gs, thwarted sexual desires,
al anomalies, poverty and
of moral standards, broken

g to Oettingen, an illegitimate girl
girl who is not illegitimate.⁵⁴ The
her boys or girls is not, of course,
the young and repeatedly convicted
the Young Lag only a small minority
e the sons of parents who, although
e no effort to keep their children
d encouragement. The number of
of children was five. 'After all that
uences of the broken home we are
n as to the frequency with which,
h, homes are broken in a "normal
mes have also been interpreted as
in the 'normal population', 'more
broken home'.⁵⁶ Nevertheless, an
amilies rated as wholly lacking in
prevalent among delinquents as

homes, illegitimacy and the
ture, racial, occupational an
tions, the probability of es
insufficiency of punishments
offenders rather than pro
systems of sentencing, inad
of reform, all of which
all of which had had their
were recognized as being
civilization. Sexual crimes, f
at a rate and in a way th
the advance of civilization.
increased by more than thre
by nearly six times. Sexual
times in fifty years. In Eng
eight times as many rapes
been between 1830 and 18
considered a crime more like
in the town, as the twentiet
be an increasingly urban cr
offences with the notable e
perty which remained pred
been, the crime of countryme
crimes was shown to be in
nearly always an urban crim
and apparently civilized man

It was not only the frust
competition for employment
the distribution of wealth,
sprawling and depressing in
modern civilization's failure
laws, amenities and pleasure
were, the more laws there we

There was comfort, of co
of hundreds of new offence
made criminal statistics look
Immense increases in crime
increases in the number of
thousand persons arrested i
one half were held for the v
exist twenty-five years befo

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birth rate, climate, diet and tempera-
nd geological factors, wars and revolu-
scape, the undue severity or careless-
s, the tendency of employers to dismiss
osecute them, bad or non-existent
equate penal institutions and methods
were seen as causes of crime and
e influence for centuries, other causes
specifically the outcome of modern
or instance, were apparently increasing
hat could only be accounted for by
In France sexual assaults on children
e times between 1826 and 1882, rapes
crimes in Germany increased by five
ngland there were said to be more than
between 1851 and 1855 as there had
334.¹ And whereas rape was formerly
ely to be committed in the country than
th century progressed, it was found to
crime as, indeed, were nearly all other
xception of malicious damage to pro-
ominantly, as apparently it always had
n.² The most striking increase in sexual
assaults upon children, and this was
ne and often the crime of an educated
a.

rations engendered by an intensifying
it or status, the obvious unjustness in
the density of population and the
ustrial slums, which were blamed for
e to make men civilized, but the very
s of the city itself. The more laws there
re to break.

urse, in the reflection that the creation
s, many of them comparatively trivial,
much more frightening than they were.
often meant little more than immense
careless motorists. 'Out of a hundred
n Chicago in a recent year, more than
iolation of legal precepts which did not
ore. Of the inmates of the prisons of

the Federal Government at the present are there for crimes which were not. Arrests in New York have been comparatively unimportant as making an in public, having a dustbin filled to with. In London men have been prosecuted of their licences to sell vegetables by off lengthily argued, was a fruit.⁵ But all law, which may have made some activ previously an accepted practice, are perh selves and almost certainly are not indic criminal instincts, they may, nevert deleterious effect on general standards a crime when a law, prompted by ex prejudice or party feeling, makes i merchants or seamen have been made the statutes of Governments; and wh lowered smugglers have found the Before 1737 publicly to stage a play in the Government was a legal enterpri without the Lord Chamberlain's perm Licensing Act. Before the Obscene Pu and sale in England of the whole of *L* considered illegal. Since November 1 of copies of the book have been sold Miller's *Tropic of Cancer* may be bou the publication of his *Sexus* and othe *fiction* would undoubtedly be considere cation of *Lolita* would have been in the was born. Adultery has usually been co the actions of legislators that have Fornication was not a statutory offend until Puritan influence made it one twenty-five years ago it was still a c and in the District of Columbia and them. Before 1938 it was illegal in E the pregnancy of a woman unless her year, after a gynaecological surgeon, A girl of fourteen (who had been raped a guardsmen) and then reported his op established that therapeutic abortion

at time, seventy-six per cent crimes fifteen years ago.'³ Commonly made for offences as unnecessary noise, spitting within four inches of the top.⁴ for breaking the conditions offering rhubarb, which, it was though violations of a new city a crime when it was perhaps not important in themselves of suddenly developed heless, in the end have a of morality. A crime is only expediency, religion, morals, it so. The transactions of the crimes of smugglers by when import duties have been themselves respectable again. in London which lampooned se, after that date to do so mission was a breach of the publications Act, the printing *Lady Chatterley's Lover* was 1960 hundreds of thousands without interference. Henry might openly in New York but for parts of *The Rosy Crucifixion* a criminal act as the publication year that Vladimir Nabokov considered a sin but it is only made it a crime as well. since in the American colonies in 1692 and as recently as a crime in twenty-three states remains so now in some of England for a doctor to end a life was in danger. In that case Aleck Bourne, operated on a woman and made pregnant by some operation to the police, it was could be justified if there

were reasonable grounds for would permanently impair health. Homosexuality bet punishable by imprisonment although in other parts it prosecutions in London for made legal by statute, and criminal trade in corpses wh fitable a few years before. A which Hebraic law punishe offences in civilized Europ nineteenth century. Many n ornament and moral aristocr

But the power of govern ways induced men to comm (authority) has made hundre ramifications of the law, its c interference with private liv and the more it is avoided t so evident as it is in large ci and many moral convention where the man that violates who do so too, where the a and frustration of existence a large business organizations petition for a place in the s men to accept crime not as they want quickly and as a The family, the church, the social control are associated older, pitiable or contemptib unruly members who look a need for stimulation. Dri exciting, and so is crime and extensive and the rewards greater and most of the pol may be corruptible.

In large cities, too, there come and go.* But wherever

* Sheldon Glueck noticed, for Boston City Directory changed e

supposing that a continued pregnancy for the mother's mental or physical health between consenting adults is a crime which in many parts of the modern world is accepted. There were innumerable street betting until betting shops were the Anatomy Act of 1832 ended the which Burke and Hare had found so profitable. According to Tarde, of the ten crimes abolished with stoning, nine had ceased to be common in primitive societies by the beginning of the modern era. 'The modern criminals 'would have been the slaves of a tribe of Red Indians'.⁶ Attempts to create crimes (which had admitted them as an act of protest against the demands of new regulations inevitable. The complications, its apparently motiveless motives have led to its widespread evasion; the less it is respected. This is nowhere more than in cities where the violation of certain laws is an accepted part of everyday life, as they can point to a thousand others in anonymity and perhaps the loneliness are emphasized by the impersonality of the city and factories and by the restless competition. All these things tend to condition crime as an evil but as a means of getting what is an escape from routine and boredom. The club, and other traditional forms of recreation with the tired and aimless regularity of modern life and so lose their hold on their hold to more exciting means of satisfying their desire for risk and drugs and speed and sex are in cities the opportunities for crime are high, the chances of escape are high, the police are overworked and some of them have little sense of permanence. People come and they go, the advertisements insisting on the transience, that two-thirds of the names in the list are new every year.⁷

that yesterday's luxuries are today's necessities and with them as well is the whole part of the luxury entertainment arousing desires, different and enviable lives and making

The study of the influence of films on violence and pain for their appeal to the senses and sadistic novels, of horror comics and pulp magazines, as possible causes of crime has only one weakness: the imitativeness of criminals and potent susceptibility to mass hysteria have long been known. One of the causes of crime is the desire to become notorious. One of the ways of this desire is often only possible by the commission of crime which will be sure to be reported in the newspapers. John Dillinger was concerned that his behaviour after the shooting at the Theatre in Washington was not reported. 'I struck him boldly,' he protested, 'I walked with a firm step through the crowd, I stopped but pushed on.'⁸ Many murderers are concerned that their trials should be reported rather than that they should be acquitted, and many have been inspired in their crimes by the reports of other crimes. Despine recorded the fact that as soon as a crime was reported in 1872 that numbers of children were abandoned in France, eight children were abandoned in Paris. The murderer Dufresne confessed to his crime out of hatred for a particular enemy and after the trial of Verger, he said, 'I will do as he did and commit his murder. At Bergamo, in France, several men have been strangled soon after reports of their crimes appeared in the newspapers. And in France, when a woman killed her husband, three other women did so a few days later.'⁹ There were several murders inspired by the Jack the Ripper atrocities in London. One man, the throat of his seventy-two-year-old employer, was killed at his house in Park Lane in 1840 and was inspired to do so by the adventures of the hero of a novel which was then the subject of many books and plays. The laws of imitation applied as much to the crimes of the underworld as to the life of the upper classes and quoted as examples of

necessities stay with them; the technicon of twentieth century creating hopes, displaying them wonder and want. and television plays which sake, of sports which rely to the public, of pornographic and sensational newspapers recently begun, but the serial criminals and their sus- been noticed. A frequent cause glorious and the gratification by the commission of some at length, perhaps with Wilkes Booth was intensely shooting Lincoln in Ford's as he would have liked. and not as the papers say; thousands of his friends; was murderers have appeared more fully reported in the press and many other criminals have reported crimes of others. as a popular newspaper re- ren were being abandoned in in Marseilles in a single day. having become obsessed with er reading an account of the 'Verger,' and he went out to Paris and in Florence women rts of other stranglings had 1857 in New York when a r women did the same a few rders by children after the n. Courvoisier who cut the ployer Lord William Russell fessed that he had been first Jack Sheppard whose career d plays.¹⁰ Tarde believed that to crime as to other aspects ne fashions of cutting corpses

into pieces and of throwing
 began in Paris in the 1870
 France.¹¹ Of the many rece
 as imitative are those comm
 the acid-bath methods form
 France, and the murder by
 whose body he burned in th
 own in the same way and f
 Rouse had murdered a man
 burned-out car.

'It has often been pointed o
 is often followed by a wave of
 intellect whose imaginations
 reports,' writes Peter Wildeblo
 sexual offences. 'After we wer
 Montagu and I received many
 cluding young boys. One boy o
 every day during the weeks w

Measures have been taken
 imitative crime; but there c
 could reasonably be taken
 murder of Lord William R
 licences for the performanc
 pard' in their title. There w
 might have had a similar
 Harrison Ainsworth's book
 what other books might not
 be judged, as Mr Justice Sta
 by what was suitable readi
 seems that pornography i
 children, that delinquent ch
 that when they do read obs
 effect on their subsequent l
 cernible effect on the subs
 juveniles are concerned,' Te
 sidering the effects of book
 entertainment on the sugges
 emphatic, and criminologic
 is personal, face-to-face rela
 ance in moulding the beha

vitriol to disfigure faces both of which
 0's and soon spread to other parts of
 ent murders which have been regarded
 mitted by Haigh, who supposedly copied
 merly employed by Georges Sarret in
 y Samuel Furnace of a rent collector
 e hope that it would be mistaken for his
 or the same reason that Alfred Arthur
 whose remains were found in Rouse's

out that a crime of a sensational nature
 f imitations committed by people of weak
 have been inflamed by the newspaper
 od who was imprisoned in 1954 for homo-
 e arrested and remanded on bail, Edward
 r hundreds of letters from such people, in-
 f fifteen used to try to telephone me almost
 hen I was waiting for the trial to begin.'¹²

in the past to reduce the causes of
 clearly was a limit to the steps which
 in a free society. After Courvoisier's
 ussell, the Lord Chamberlain refused
 e of plays with the name 'Jack Shep-
 ere scores of other plays, though, that
 effect on a disordered mind and if
 k *Jack Sheppard* was to be banned,
 be safe? Works of literature could not
 able observed during a celebrated trial,
 ing for a young schoolgirl. In fact it
 s enjoyed more by adults than by
 ildren do not read much anyway and
 cene books or comics these have little
 behaviour just as they have little dis-
 equent behaviour of adults.¹³ 'Where
 rence Morris wrote recently when con-
 s, films, television and other forms of
 stible offender, 'modern psychology is
 al research supports the view that it
 ationships which are of prime import-
 viour pattern of individuals.'¹⁴ Often

when an offender confesses that he v
 crime by, for instance, something he
 nothing but his own rationalization of h
 that he is thinking along the same line
 sation in a remand home with a fello
 by Professor Cyril Burt. 'Oo's the be
 wondering how he would get on in c

'Old W.'

'What d'yer s'y to 'im?'

'S'y its the pitchers. 'E always makes
 yer for provin' 'is point.'¹⁶

Although films and television probably
 upon any but a tiny fraction of their a
 ever, be doubted that a few abnormal
 by what they see and read. In 1960 a
 while holding-up a bank on the day th
 at Wandsworth. He said that he wa
 Legs Diamond, the American gangst
 the subject of a film. But to argue
 gangsters ought to be banned would
 the experiment of prohibition was
 results in the United States, Luke P
 nineteenth-century attempts to prohib
 might equally well be made in this
 to restrict the sale of spirits, wine an
 maddening effect upon some particula
 be no more rational than to clothe t
 of a different colour because scarlet
 bulls.¹⁷ To ban *Lolita*, because it coul
 the crime of copulating with a young g
 the case in reality, a highly provoc
 experienced girl—below the age of cor
 if the depraving tendencies of the book
Lady Chatterley's Lover because a m
 to commit the crime of buggery with
 also not be irrational if it could be sho
 Lawrence so evasively describes are,
 be criminal or could ever be successfu
 unlikely that either of the books can b
 tions and as they are both works of

was induced to commit his
e saw on television, this is
his behaviour. It may be, too,
es as the boy whose conver-
ow delinquent was recorded
ak tomorrer' the boy asked,
ourt the following day.

a speech about it and nods at

y 'have no significant effect
audiences',¹⁶ it cannot, how-
minds are seriously affected
a youth committed a murder
at another youth was hanged
s possessed by the spirit of
er whose life had just been
from this that films about
not be rational. Long before
made with such disastrous
like made an observation on
bit the sale of alcohol which
connection. 'To prohibit or
nd beer because they have a
ar persons,' he wrote, 'would
he British Army in uniform
has a maddening effect on
d encourage a man to commit
girl—in this case, as is usually
cative and already sexually-
nsent, might not be irrational
k could be proved; and to ban
man could be prompted by it
n a female companion might
wn that the sexual acts which
, in fact, immoral, ought to
ly prosecuted. But as it seems
e shown to fulfil these condi-
f literary distinction, to ban

them, as Mr Gerald Gardiner says in the preface of Lawrence's book, would be in the public good.

It is not, of course, to be expected that the state have achieved some success in the application of repressive measures but 'the state has created the pervasive values for which the world of the last centuries of oppression and repression has been a foot'.¹⁸ And Ferri, who fell victim to Fascism and died in 1929, was one of those who saw the abiding truth of this if only he had been able to witness the sad results of the application of Socialist Germany. But although the state has the responsibility of the state to take measures to insist upon the need for the application of measures against the criminal and to bring about a diminution of crime by means of the application of measures to create it—foreshadowed much of the modern thought.

This urgent need for the reformation of the state was a theme which has made a deep impression on criminologists in America who have shown that crime has single or isolated causes and where the most important causes have been continued and unending. The abnormal person and the social conditions in which he lives are the cause and confirmed. E. H. Sutherland's theory (comparable to Tarde's) that crime can be largely explained by the pressures of association and the pressures of association and Augustus Bronner in his theory that behaviour developed at an early age of the child leading to 'normal' behaviour. Sheldon and Eleanor Glueck's theory that crime is in a process of criminal maturation and that crime is a process in which new theories and studies are being made.

Most modern theories, however, have a specific cause put forward as the cause of crime—the individual and his environment and the general culture characterizing the individual.

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er said when defending the publication 'on a balance of probabilities' be against

he denied that totalitarian governments ess in combating crime by violently ey ignore the fact that higher and more mankind has fought and bled through e at the same time trampled under- followed Mussolini from Socialism to , would have recognized more clearly he had lived for ten years longer and d history of penal methods in National ough Ferri laid undue emphasis on the to combat excessive individualism, his r systematic measures of social defence his demand for 'penal substitutes'— removing the conditions which help to uch of the best modern criminological

reformation of the whole basis of society de a strong appeal to sociologists and here the validity of theories suggesting lated causes has long been questioned ant attempts to discover these various lly made since the First World War nality of the criminal and the physical ch he lives have been carefully studied therland, for example, in the belief at the behaviour of criminals was to 'principle of differential association', with other criminals;¹⁹ William Healy their influential suggestion that this earlier age from the thwarted desires major emotional disturbances';²⁰ and ck in their theory that the secret lay iration²¹ have all laid foundations upon dies can be built.

while not necessarily rejecting any s an explanation of crime, suggest that ronment must be studied against the ng society, and that, as Dr Howard

Jones has put it, the criminologist must be a science that 'studies the social phenomena and the measures which society directs to change the amount of crime in the country'. Tannenbau, 'we must change the causes of crime in the United States, he believes, are pervasive conflicts that have characterized those resulting from immigration and the loss of individualism inherited from the European the dynamic quality of American civilization is a justment that arises out of the conflicts of the community at large. The issue involved is that the individual is maladjusted to society, but the fact that a special group makes him maladjusted is not because the group he fits into is at war with the rest'. Taft has formulated a similar theory which views crime in a 'dynamic, complex, materialistic' context of behaviour hostile to the interests of the community. The study of these patterns of anti-social behaviour is the subject of Professor Walter Reckless's 'social control theory' widely accepted both in England and the United States as a field of criminological inquiry.

Although many criminologists do not share the view of Professor Jerome Hall's view that criminology is distinct from the Sociology of Criminal Law, Sellin and Professor Hermann Mannheim believe that criminology should not be concerned with violations of standards of conduct but should be concerned with the study of criminal behaviour from a psychological, and socio-economic factor. 'The study of why people commit crimes.'²⁶ The study of crime rate and upon a more extensive scale. The completely satisfactory answers have yet to be found.

must take a synoptic view of the phenomenon of crime, its causes and its effects against it'.²² 'If we would look at the community,' writes Professor [Name], 'the cause of crime is to be found in all the [Name] her history, such as [Name] from the strong tradition of the early pioneers, which reflect the process of civilization. 'Crime is a maladjustment between a group and the environment. It is not whether an individual fails to adjust to the large society because of his adjustment to the small community with society.'²³ Professor [Name] which supposes that failures in the culture, develop 'patterns of crime in the general community'.²⁴ The [Name] or undesirable behaviour—'social vulnerabilities'—are now being recognized in America as being the true

do not agree with them, prefer the term 'Criminology is synonymous with crime',²⁵ both Professor Thorsten Breda and Professor [Name] endorse the belief that criminology is concerned with violations of laws but not with the [Name] conduct. 'It is the object of criminology to study the behaviour and the physical, psychological and social factors behind it; how and why crime occurs and how it continues at an increasing rate in our society than ever before. No complete theory of crime has been found.

THE CRIMIN

*'I looked at the men and
and I felt a high contempt
themselves to death for sto*

'THERE can be no psychological criminal types.'¹ And although psychological characteristics allow a statistical assessment of 'persistent criminality',² there are recorded conversations of prisoners showing certain attitudes towards society common to most of them and understanding them.

There is, in the first place, much a fall from grace as a

'If I were not a thief by vocation,' said the French criminal Leblanc, 'I would have chosen another profession. I have computed that and I am convinced by the comparison that I am more able or more independent than I depend on nobody. We enjoy freedom. I know well that we may end up in Paris, not one tenth are in prison. It is a freedom against one of prison. Besides, sometimes without work? . . .

CHAPTER THREE

CRIMINAL'S PSYCHOLOGY

*women walking along the sidewalk
not for them all—poor fish! Working
for starvation money.'*

JAMES SPENSER, 1933

Psychology of the criminal—only of specific
types, as Max Grünhut has said, 'the
psychology of habitual criminals are too vague to
study. This most disquieting form of per-
sonality, nevertheless, in the confessions and
statements of professional criminals, certain opinions,
attitudes, certain rationalizations which are
valuable and which offer some chance of under-
standing, the insistence that crime is not so
easy a way of life.

'I should become one by calculation,'
said a Prefect of Police. 'It is the best
of the good and bad chances of all the others,
in comparisons that there is none more favour-
able than that of the thief. In our profession we
reap the fruits of our experience and ability.
We are in prison; but out of the 18,000 thieves
in prison, so that we enjoy nine years of free-
dom, where is the working man who is not
in prison? The fear of being arrested and the pre-

tended remorse that people talk of, are accustomed, and which finish by giving

'And then if we are arrested we live at t us, feed us and warm us, all at the cost o

'I will say more. During our detention parc new means of success. If I regret an am condemned to only a year. If it had b sent to a central prison, where I should would have taught me some new tricks, Paris clever enough to live without worl

More recently an English professional belief in the advantages of the crimi spoken, too, of crime being work lik skilled business.

He did not know a straight job he him the £2,000 to £2,500 a year he 'reel off a whole lot of reasons' tha criminal, but they were only part of neighbourhood where nearly everyo 'where stealing was a necessity at s others, but was always acceptable wha to impress other children, get a 'repu He had been horrified by poverty and of the lives of other people who we father. He had, as well, a 'tremende a 'desire for adventure, for living dan made his reasoned decision to lead a decided to become a plumber or a gre business that's all'.¹

'I work for my living,' he insisted. 'Most petty thieving sort—is quite hard work, y ing out all the details of the best way to under a lot of nervous strain and tens afterwards, if its goods, fencing the stu delivering it to the fence and so on—all concentration. It certainly is work, don

'I'm a businessman,' Al Capone insisted. ' two years of age and I've lived a thousar I just meet them without backing up.'"

things to which one soon gets a pleasurable emotion.

the expense of others who clothe of those whom we have robbed.

in prison we think out and pre-nything, M. Prefect, it is that I been for five I should have been have met some old hands, who and I should have returned to king.'³

al criminal has repeated this nal life in similar terms and ke any other—hard work, a

could do which would bring e made from crime. He could at had made him become a the answer. He came from a one he knew was dishonest ome times, an adventure at atever the reason'. He wanted itation for being a tearaway'. l by the 'terrifying dreariness ere "straight" ' including his ous hatred of authority' and igerously'. But in the end, he ife of crime as he might have engrocer. For crime was 'just

crime—unless its the senseless, you know. Planning a job, work-do it—and then carrying it out, ion—and having to run round uff, getting a good price for it, this needs a lot of thinking and 't kid yourself about that.'³

Hell, it is a business. I'm thirty- ad . . . I can't change conditions.

'It's difficult to explain to a [man] explained another American [man] takes chances and is proud that he gets the things he needs.'

The chances of arrest and imprisonment are without question.

'If you ask a prisoner why they commit a crime, you generally get no answer but, 'it,' Enrico Ferri wrote, 'or else you were afraid of hurting your family or give up working.'

'I don't want to do eight years in prison if I have to I have to, and that's why I spend their time worrying about their family at the coal-face either.'

Nor do hunters, an American visitor, give up hunting after a fall, and no mistake,' the convict says another time.'

This strong and widely held belief that getting caught is often nourished by the fact that he falsify his memory to fit an image.

'I never thought of anything when I was a magistrate when asked if he would do it again. 'You never do. You always do it.' He was unlucky last time.

'Even when in prison which is a punishment for a criminal of his fellow convicts, they do it again. Consequences didn't count for them getting by and they were too egotistical to be caught again. It was only a "business" and they would know better next time.'

The professional criminal who is well noticed, that he has made a living out of crime even if he wants to live and if he is by no means in his career, certainly no cause for regret.

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dayman the pride of a professional thief, criminal, Jack Black. 'Day after day he says that he can keep his end up and pay for the

imprisonment are risks which he accepts

punishment did not deter him from the answer because he has never thought about it. He replies, as I have often found, that if you were yourself when you went to work, you would

say, no,' an English criminal has said, 'but that's all there is to it . . . Coal miners don't mind the risk they might get killed by a fall

American convict reminded an Englishman that they have a fall. 'I have had a bad fall,' the convict said. 'But I count on better luck

held belief that next time he will not be deterred by the capacity of the paranoic to dwell on a imagined past.

Thinking like that,' a young thief told a man who was afraid of being sent back to prison. 'I don't think you are going to get away with me, but next time his luck would hold.

'They hated,' wrote a former American convict, 'they did not think about being arrested and it concerned them much. They thought only of their own good, foolish to think that they would ever get caught. I was rap" that landed them in jail this time and next time, so they thought.'¹²

will rarely admit, as William Healy says, that it is a mistake, for he is essentially vain. He is a contemptible fool and could not make a mistake if they wanted to; but he lives as if by chance arrested, that is an interlude in his life for changing it. Even death in the

electric chair may be accepted as one. The honest man does not even give him real money and he is a fool and a slob. He is an ex-convict from Dartmoor, who did a long term in England which would probably have made to serve a further five to ten years after his sentence of penal servitude had he not been in the hope that if he were to be arrested for a first offender. After he had made a fortune he described his pleasure in looking down on the honest men who earned so much so quickly.

'I took the Buick out by myself,' he wrote. . . . I looked at the men and women walking to work. I felt a high contempt for them all—poor devils, going to death for starvation money! "Hell, they got no guts. They just work and work and work, they have sweated for four months, they can't get it in four hours . . . If I have a creed it is 'survival of the fittest'."

Talk of goodness, justice, mercy, humanity, to many, if not most, habitual criminals is nonsense. The rich often behave far worse than the poor. The law penalizes them. The rich are protected. The law will allow a man to cheat his creditors by paying them nothing. It will imprison a thief in a stinking prison for a year in a less devious way; which will allow a man to cheat the hopes and even the lives of small business men but will hang a half-witted carpenter for a year and kill his nagging wife.

'A landlord gets money out of people by extortion, by playing on the fact that they are poor. A professional criminal complains. 'And the landlord says, "Yet really all he's doing is stealing money from me and steal that money from him he screams at me to try and get his money back from the police that his landlord's robbing him."

The violence of the criminal is often defensible. Governments use it in the same way as do the police, so why should not he

of the 'breaks of the game'.
 himself the chance of making
 because of it. James Spenser,
 ared not risk another convic-
 ly have resulted in his being
 years of preventive detention
 had expired, went to America
 rested he might be mistaken
 le his 'first gangland pay' he
 wn on those who had never

ce, 'and drove round for a while
 king along on the sidewalk and
 poor fish! Working themselves
 " I said to myself. "They've
 work and work. And when
 hey'll have earned less than I
 at all, I think Darwin summed
 " 213

ility, honesty, morality seems
 inals nothing but hypocrisy.
 than they do, but no one
 ed by unfair laws which will
 pretending to be bankrupt but
 ison because he steals money
 ow a rich financier to destroy
 l investors and working-men,
 er who loses his temper and

when he puts their rents up, by
 've got nowhere else to live,' the
 he law upholds him in doing it.
 y from people. But if I go along
 eams to the law, and they come
 for him. If his tenant screams to
 m, they do nothing of course."¹¹

also, he contends, perfectly
 he furtherance of their aims
 e use it in furtherance of his?

He is not violent for violence's path, but he will use force. He believes, in Mussolini's phrase, 'must be used surgically'. 'I'll use an iron bar to make him let go, so I'll whack him. If he let's go, all.'¹⁵ The American professor says a gun, but to the English 'who uses a shooter is out of the simple. Only kids do things like that. It is not considered so much a crime.' 'I feel,' said Robert Allerton, 'a man he's got to be prepared to die for himself. I wouldn't have touched him if he tried to stop us he got what he was stupid.'¹⁶

Sometimes violence is used for pleasure. Ten out of a hundred display on occasions an excitement. Ferrero, the post of executioner, eagerly sought for by the inmates, violence, remorse for having committed a habitual criminal is a psychological phenomenon. Despine said that nothing rests the slumber of murderers.¹⁷ He found that the more hardened the criminal to dream, and Dr Santis believed that the life was caused by a general anaesthesia of the conscious life¹⁸—the sort of anaesthesia led the forger and supposed to be referred to his crimes as 'speaking to himself'. He asked how he could have murdered a girl as Helen Abercrombie, 'I had such thick legs.'¹⁹ This is, of course, a common trait of the criminal. 'Why the hell should I,' as he is puzzled and consciously cynical about the murders he had committed. 'They're dead, ain't they?' In psychiatry terms a sociopath is a sane who is plausible and shrewd.

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...e's sake, like the sadist or the psycho-
...as a tool of his trade when necessary.
...phrase, that occasions arise when force
...If I've got to whack a bloke with an
...o of a wages-bag he's carrying, O.K.
...go without any trouble, I don't. That's
...ssional criminal will sometimes carry
...really professional criminal somebody
...ompletely; he's the amateur pure and
...like that.' But in either case the victim
...victim as a man who gets in the way.
...if someone takes a job as night watch-
...to be hit if he tries to make a hero of
...ched him if he'd left us alone, but since
...what he earned. Personally I think he

...ed not 'surgically' but compulsively or
...a hundred criminals, Rossi believed,
...aggerated cruelty and, according to
...oner at Rochefort prison was always
...nmates. But whatever the reason for
...g used it is extremely rare. When the
...topath this is particularly noticeable.
...sembled the sleep of the just more than
... And Dr Santo de Santis of Rome
...d a criminal was the less likely he was
...elieved that this unemotional dream
...anaesthesia of sensibility in the con-
...esthetized sensibility, perhaps, which
...poisoner Thomas Wainwright, who
...culations', to reply sardonically, when
...murdered so innocent and trustful a
...don't know, unless it was because she
...sort of anaesthetized sensibility, was,
...the conventional American gangster.
...ked one gangster at once impatient,
...cal, when asked if he had any remorse
...committed. 'Why the hell should I?

²⁰ These are the words of what
...ic personality, a man not legally in-
...hameless, undisturbed by the evil he

has done. The Irish Dion O'Banion of this type of psychopath.

'O'Banion was a complex and frightening man. He stared with a kind of frozen candour into the eyes of the judge in his history of Chicago's prohibition era. His face, creased in a jovial grin that showed his teeth when he was pumping bullets into his victims, was credited him with twenty-five murders for which he was tried for any of them. Like a fair number of psychopaths, he drank alcohol. He was an expert florist, tender of bouquets and wreaths. He had no sense of morality; he divided humanity into 'the right ones' and the wrong ones he was always willing to kill.

'Three hundred dollars!' he once exclaimed when he was told that two policemen had asked him to let a convoy of illicit beer pass down a Chicago street. 'Why, I can get them knocked off for that.'

There is usually the same attitude towards the victims of robbery and violence. 'I just don't think about other people's property,' said Russell who at the age of twenty-one had committed five serious crimes. 'I just said to myself, "I probably has plenty of money, or I can get it, and he can buy himself another car." I really think at all about it one way or the other. I thought about any of that,' said I. A burglar when asked about his theft of a car said, 'I could certainly not afford the loss of a car, and I heard there was some there, so I thought about the householder one. It doesn't mean anything to me.'²⁴ The American who had worked hard to save a little money asked before his execution whether he should be allowed to see his family. 'Why, certainly,' Hickman said. 'The fellow with the brains should get out.'

'They appear to think that by virtue of their position as a chaplain wrote recently of the persistence of the same he worked, 'society—to which they contribute by good living, and when it is not forthcoming

was a characteristic example

ing man, whose bright blue eyes
to others,' writes Kenneth Allsop
ra. 'He had a round, frank Irish
stayed bleakly in place even
someone's body . . . The police
but he was never brought to
ber of bootleggers he disliked
ly dextrous in the arrangement
no apparent comprehension
'right guys" and "wrong guys"
ng to kill and trample under.'²¹

xclaimed furiously when he
ed for that sum in order to let
chicago street. 'To them bums!
half that much.'²²

itude amongst professional
bery as towards the victims of
ner people,' admitted Andrew
had been convicted of forty-
yself that if a man has a car
anyway he has the insurance
ther one. Or, really, I didn't
y or another.'²³ 'I just never
Laurence Williams, a young
of the savings of a man who
them. 'I wanted some money
o I just went after it. I never
way or the other. He didn't
ican murderer Hickman was
he would rob a poor old man
tle money for his retirement.
here's nothing wrong in that.
et everything he can.'²⁵

of their existence in the world,'
ent offenders in the prison where
ntribute nothing—owes them a
ing they take it as by right. They

have almost persuaded themselves as a legitimate redistribution of

Occasionally an attempt is made, but justification is never conscientious. 'Education is usually angrily derided. 'The girls only eight dollars a week ought to be beat,' said a man. 'It is not just an excuse, but was 'It is it. He would probably pick 'If they paid the girls a hundred dollars a science a little to have this just

Whether the professional criminal rarely attempts an excuse for himself once he has got it. Just as the life is common to many criminals, extravagance is common to them and perhaps their lives to get to scatter it like dust on gamblers

'I've gone into a crib, a game once, but many times with two —and come out with exactly the same quid out of my pocket and I never anybody told me months afterwards it was simply terrific,' said another. 'I was one of six English thieves in 1940. We were people, an inescapable feature of our lives. One of us wanted on the black market coming in, so what did prices do? Legs of pork shillings a dozen; legs of poultry pounds and five pounds. As for what I spent . . .'²⁹ 'I spent a third, 'mostly on girls and 'we got quite a bit of money and my share was sixty pounds. I was in it didn't last many days. Easy come, easy go

'Crime does not pay,' Dan Glavin told the Commission in 1928, 'because it is not because if you make it you can't live on it. Ninety-nine per cent of them

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lives that stealing is not so much a crime as it is a capital.²⁰

made to justify the crime, although the police and the suggestion that it is a justified. 'The cheap bastards are paying me to be on their feet all day and they are the ones who had robbed a store, and this was actually the way the thief feels about himself. He goes out the bigger stores to beat even if he gets a few dollars a week, but it eases his conscience.²⁷

criminal justifies his actions or not, he is not the reckless way he spends his money. He has the need for an adventurous, irregular life. Criminals, their wild and vanity-flattering egos, most. They have risked their liberty for their money, but they are prepared to gamble, drink, clothes or women.

'A gambling place,' says one of them, 'not a hundred or three hundred quid in my pocket and I have nothing. One time a girl took sixty pounds and I never even noticed it'd gone until some time later she'd had it.'²⁸ 'The spending was done by a woman who was the housekeeper for a gang in London in 1947 when rationing was still, for honest money was scarce after the end of post-war life. 'We lived as none of us had before. I bought absolutely everything any time I went to the market. We had hundreds of pounds in the bank. What matter? I used to buy eggs at twelve pence a dozen for fifty shillings; whisky at four shillings a bottle as long as I got the best nobody cared for it. I spent three hundred pounds in five days, on food, drink and clothes.'³⁰ Others have confessed, 'I've done it at times but it all went in a flash'; 'my money went back to London after that, but it was a hard time, easy go.'³¹

John Ahearn told the New York Crime Commission that you never wind up with anything . . . you are going to throw it away anyway. You are gamblers and you wind up losing

your money . . . You throw it away in a drunkard or you turn out to be a pip.

But so long as their luck lasts, men do not concern themselves with the thought of the end. They are scarcely ever reformed by confinement in penal establishments so long as they are upon their subsequent behaviour.³³ It is not which a man or a woman who has turned out. When you can turn an old thief into a good man, you can turn an old fox into a house dog.³⁴ It is 75 per cent of habitual criminals sentenced to prison in England under the Prevention of Crime Act who relapse into crime on their discharge.³⁵

The relapse of one professional criminal has been well described by Albert Bourke, a convict in prison in Australia where he had decided to lead an honest life. One day he was walking in the road.

'Instead of going on,' he said, 'I stopped to help a man who fell in a fence over against him. No one was about to help him. I gave him a gift if I were on 'the cross'. But I'm not a saint. I resolved, however, to have a close look at him." I noticed a bulge in one of his pockets. I know what a chance I am throwing away. I took it. I know what he has in that pocket." I found the man had a sovereign I put the rest back in his pocket. I know him as a pound merely as a loan, and closely examined him to return it to him in the best circumstances. When I had reached a short distance from where he was lying I took the catechism and prayer-book out of his pocket and cast my lamps over their pages and became a man. Throwing them both in the air I swore and blasphemed like a maniac. I got the eight pounds ten. I also took a pair of trousers from his trouser pocket, and his boots which were at a distance coming towards us, I shot.

Albert Bourke's sure eye for the hidden is a common trait amongst habitual criminals, and is more apparent in their lively conversation.

cabarets, you are a habitual
they; so it does not pay.³²

Most professional criminals do
ought that crime will not pay in
formed. The length of their
seems to have very little effect

“There are very few cases in
which a thief ceases to be one . . .

to an honest worker, you may

¹ Between eighty and ninety
sentenced to preventive detention

Crime Act 1908 reverted to

criminal who tried to reform has

like who, on his release from

developed religious feelings,

one day he saw a man lying drunk

he stood and sat on the top rail of a

bug. I thought to myself, “This is

religious now and cannot touch

do not look at him. When I got close

to his trouser pockets. “That I may

not say,” I said to myself, “I’ll just see

if there are nine pounds ten in gold. Take

it out of his pocket. I intended to take this

when I examined his features that I might

know when I should be in better cir-

cumstances Harris Street, which was only a

few paces, I looked back at him. Pulling

out my pocket, I looked at them. I

became sceptical. There was a sink

to the sink, I danced about and

and then went back to the bug and

found a little silver which he had in his

pockets were new; and, only I saw a man

who would have taken his trousers.”³⁶

humorous and the grotesque is

found, although this has always been

in conversation and in their rare and

sometimes expressive drawings, but are often flat and unrevealing 'confessions' for them. They seem to see life through their art. Their drawings are often so explicit. Women are shown with energy in sexual activities of improper kinds, common, as are scenes depicting the background is often a picture which were carefully studied in the same interests, although in pictures of importance and obscene words and women. In general their art is so which has, perhaps, not generally described it to Gautier as having alternating with an immense love.

Certainly their slang, or their art still has more words to do with the aspects of their lives, apart from the slang terms in common use and almost three-quarters of the terms and sex, homosexual terms and sexual. Parts of the body and 13.34 per cent of the rest of the words bondage 5.35 per cent, drug and gambling 1.22 per cent.³⁸

Many of the words are very old roots (pal, bamboozle, bosh) and terms such as fence, which have been accepted into the language enriched it. Originally invented by the gipsies and the secret words of the underworld become universally popular and drug addicts remains to be seen. The telephone and the consequent invention of some new secret words neologisms are now more admired for their picturesqueness than for their originality. Their derivations might be. In many examples of this cynical humour the sublime into the ridiculous,

ings and paintings than in the usually 'visions' and 'memoirs' that are written with the eyes of a cruel caricaturist. Sexual and nearly always outlandish. enormous pendent breasts or indulging probable agility. Scenes of violence are depicting authority in ludicrous distress. prison. Their wall inscriptions, which in the nineteenth century, indicated the prison food is apparently of paramount writings were more common amongst seems to reflect their view of the world greatly changed since Louis Desprez having 'the aspect of an immense gaol brothel'.³⁷

cant as it should properly be called, with prisons and sex than with any other course from crime itself. Of the 1,063 amongst convicts in American prisons them are to do with crime, prison life considerably outnumbering hetero- and descriptions of them account for of the slang terms, idleness and vagas 3.48 per cent, alcohol 3.19 per cent,

ry old, with Anglo-Saxon or Sanskrit (are all old gipsy words) and some of is at least three hundred years old, the English language and permanently used to provide a secret language un- the symbols and signs of tramps and of the ghetto, criminals' slang has and only the slang of sex perverts any real extent occult. The use of the dangers of wire-tapping led to the set words in America, but generally admired for their sardonic humour and their hidden meanings, however esoteric French criminal cant provides many humour which delights in turning the in debasing beauty and virtue. To

induce someone to lead a criminal life becomes *muette* (a dumb woman), *servir*. A face is a muzzle; a mouth is a but a pickpocket becomes a fingersm puns and abbreviations. *Saucisse* bec a prostitute is a cod and her bul a *maquerau*, so a *mac*; *avoir ses affaires*). Many of the terms qu as others replace them or they may nunciation. In the early eighteenth ce was a bunter or a buttock, a knife w to be cast or nubbed or topped, a cas thieves usually a brothel, a trunk w a file. Now a pickpocket is generally a prostitute has become a brass, a p is pronounced chiv, topped for hang is still sometimes used for house (or a building with a view to burglary) b intercourse. Frequently a word w American can be traced to an Engl person), deck (pack of cards), gonc (from 'fawney man'—*fainne* is Irish false jewellery) have all been recorded tion in America. Many words have t the criminal's sex life, the other with of imprisonment as well as a girl; s intercourse as well as burgling. The for sexual intercourse and almost as French criminal, it has been estim drunkenness but not one for sobriet 150 words to choose from to mean

Peculiarly English is the rhyming plates (plates of meat) stairs into ap (tit for tat). Also peculiarly English and thieves' Latin. 'Pass her a pot could become in a Victorian public 'Sap her a top of reeb and a tib of even more difficult to use than back s the position of the syllables of a syllable and making two syllables c adding a vowel at the beginning c

is to set him free; conscience
 the thief is *l'ami*, to steal is
 a beak; a bottom is a windmill;
 with. There is much play with
 comes *moi* (from *moi-s-aussi*);
 lly or ponce is a mackerel,
 ff is to menstruate (*avoir ses*
 ickly become unfashionable
 change their meaning or pro-
 entury in London a prostitute
 was a chife, to be hanged was
 se was a house frequented by
 as a peter, a pickpocket was
 y a dip (in America, a wire),
 peter is a safe, chife for knife
 ed has become topped. Case
 as a verb meaning to inspect
 ut to go case is to have sexual
 hich seems characteristically
 ish origin. Frisk (to search a
 oph (thief), mob and phoney
 a for finger-ring—a pedlar of
 in England before their adop-
 two meanings, one to do with
 his prison life. A bird is a term
 crewing means having sexual
 re are numerous other words
 s many for being drunk. The
 mated, has eighty terms for
 y, and he has had in his time
 prostitute.

g slang which turns feet into
 ples and pears, hat into titfer
 h are the extinct back slang
 of beer and a bit of tobacco,'
 house in London's East End,
 occabot.' Thieves' Latin was
 lang and consisted in reversing
 word with more than one
 of all monosyllabic words by
 or end. Despite its difficulty,

quick-witted criminals could talk in this way at such speed to them. The hard work involved in cant never became popular energetic by fits and starts, an enemy of prolonged exertion, concentrate on anything for long in prison and even then he usually reads. A prisoner, such as the one I met, if he might remain in prison would he might finish the book that he find in England or America. He evidently derived much pleasure from an English convict described the convict's own favourite reading, then much admired in England, after were sentimental, popular, though books about prisons. The modern convict is an avid reader, five and ten times more books in his library and in England 'it is said that books play a great part in the while books by such writers as demand, most prisoners still read mysteries and war narratives in default of pornography, seen at all.

For the habitual criminal is exceptionally sentimental and sensitive. He is nearly always a pet he can get hold of in prison, obsessive.

'Geezers in the nick are very fond of hurting one that person has a good nick is over run with cats and dogs for them being such healthy characters even if we do but of course the

Basil Thomson, a prison governor, remember 'only one case of cat-biting immediately reported by the chief

apparently, by dint of much practice, that only an initiate could understand. However, it is, however, ensured that this form is familiar for although he can be violently violent the habitual criminal is the natural reader. He finds it difficult, in fact, to concentrate. He does not read much, except in prison. He usually prefers picture-papers to books. He is described by Dostoevsky who asked him when he was due to be released so that he would be hard to read. Russian prisoners at this time were forbidden from reading Shakespeare which was considered as 'such a child's book'.³⁹ This was the main matter was the Boys' Own Paper, which was popular in British prisons. The books most sought after were particularly historical romances,⁴⁰ although newspapers and prisoners were also popular.⁴¹ He is a voracious reader. In America he reads between 100 and 200 books than the average user of a public library. It is a fact, as Frank Norman has said, that 'the life of the geezers in nick'. But he reads Conrad and Steinbeck are often in prison. He prefers magazines or 'Westerns, crime stories' of little literary merit and even, in prison, sentimental love stories of no merit.

As a result, it has often been noticed, can be very emotional despite his anaesthetized nerves. He is very fond of animals, lavishing on what he can get in prison an affection which is almost

He is very fond of animals and if they see anyone who has a good chance of getting a thick earhole. Most of the time they are very fine cats too, the reason for this is they don't seem to mind the grubby conditions they are born to it.⁴³

A governor of long experience, could not bear the cruelty to an animal and that was impossible for the convicts themselves, who declined to

work with a man who had kicked a cat, his 'sole living companion' after his transfer to a cell with a cat. Wainwright 'seemed to be a malignancy of disposition which kept him in the confines of murder, and he took a particular dislike to persons who had befriended him'. But he was 'of extraordinary affection'.⁴⁵ Most prisoners are extremely fond of children, partly because children can be given presents and partly because of the criminal are flattered by their attention. 'How many you got left, kid?' asked a young boy came up to him in a restaurant on a cold winter evening. 'About fifty, I got 'em all down on the floor and run along home and gave him a twenty dollar bill.'⁴⁶ The fear of all living creatures which are small and which can be suspected of harbouring a wish to harm him. This fear that everyone else, including those who turn out to be a potential enemy is, perhaps, at the heart of the criminal's philosophy, which is 'as a war psychosis'. The motivations of revenge, suspicion, hate are the elements woven into the fabric of his life. He instinctively distrusts the great store by his own loyalty to the person who is loyal to him. The informer is the lowest form of the rat.⁴⁷

This loyalty, however, whatever it may be, is not in any sense a virtue. The criminal must go to any lengths to protect his *mafioso* or member of the Camorra from the law. It may be true that 'honour among thieves is bunk'⁴⁸ in that a criminal will readily double-cross or frame a fellow criminal or even himself. But it is true, too, that, within the limits of the average criminal makes much of his loyalty to his crime 'and a violation of its unwritten code is a disgrace in the craft'.⁴⁹ The criminal's devotion is epitomized by the dying words of Frank Costello, still alive when, after several members of his crew had been killed by machine-gun bullets, the police arrived on the scene of the Valentine's Day Massacre. 'Who shot

ow'.¹⁴ Thomas Wainwright's transportation to Tasmania was possessed by an ingrained him constantly on the very perverse pleasure in traducing but for this cat he 'evinced an professional criminals are also at least, perhaps, because the vanity and egocentricity ready, delighted acceptance. Al Capone when a little news-clutching a pile of papers one guess,' said the boy. 'Throw to your mother,' said Capone Criminals, in fact, are fond and defenceless, who cannot to wrong them or cheat them. g a best friend or a wife, may professor Tannenbaum thinks, phy which 'may be described ing force is fear. Jealousy, ments from which his life is people about him and so sets e gang and the gang's loyalty orm of life—the stool-pigeon,

ts origins and motives is in a to prison, even die, as a good must, rather than betray one e that 'most of the stuff about that the criminal will often v criminal if it will profit him- the limits of self-interest, the s fidelity to his associates in en code is constructive heresy otion to this code was nicely rank Gusenberg, the only man ers of Bugs Moran's gang had in a Chicago garage in 1929, what became known as the St t you?' a police sergeant asked

Gusenberg. With fourteen million dollars Gusenberg muttered his reply: 'No more.'

Even the professional criminal is not a scientist. Science is often no more than a business. Once he has got what he wants he tends to stop talking about it. The rich are not do-gooders but go-getters. Gusenberg has been quoted as expressing a more representative reaction than I have ever heard. I wonder what was his racket. He is a man who has one has his price. The criminal is not a scientist. He is proclaiming these truths, which are the truths of failure. The rich American goes to the store for his shoes, his sharkskin tie and his Cadillac and girl friends and his wrist watch and his beach hat. He is the criminal's real hero because he is the man who has of his own desires. When Tony Accardo was charged with disorderly conduct for driving to court in his most expensive car, he drove himself, while wearing his most expensive suit, to the court as a labourer. He delighted other criminals because his victory arouses in even the most humble criminal admiration and envy.

Tony Accardo, the *New York Times* reporter, took care to say where he worked. He said he had never heard of him. Where was he? In Chicago? Maybe. Why was he arrested before? Oh, yes, he was arrested before. He found out. Would he sign the petition?

As well as being the head of the aristocracy of the criminal class, Gusenberg is a carefully guarded and respected member of the hall of a nineteenth-century criminal. He is in the heart of India than in the heart of America. A burglar assumes an air with a pocket; a pickpocket calls a thief a thief; a pride of the homicide prompts a robbery; a robber despises the petty offender; a raver despises the ravisher; while the forger and the thief themselves that they are "not

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machine-gun bullets in his body, Gusenbody shot me.'⁵⁰

Criminal's frequently protested social con- the outcome of resentment and selfish- that he wants out of life, himself, ut the plight of others. His real heroes tters. An English criminal has recently admiration for Albert Schweitzer, but ion to this great man would be to Everyone has his racket, just as every- inal's heroes are those who delight in ho flaunt their success in the face of gangster in his silk suit and crocodile nd Brooks Brothers shirt, with his nd expensively scented hair, his gold ouse in California, is the professional in that figure he sees the incarnation Tony Accardo was summonsed on a t he delighted his fellow-criminals by expensive car and by describing him- t expensive suit, as an unemployed s, besides criminals, for such effron- ore conventional citizens a reluctant

New York Herald Tribune reported, 'didn't last. About the murder of Joe Aello? e was he during October? Not sure. was he in custody? No idea. Ever lots of times. What for? Never ne statement? No.'⁵¹

heroes, men like Accardo are the lass, a class which has gradations as ted as those observed in the servants' ducal palace. 'There is no more caste n an American penitentiary. A bank a house burglar, sneers at a pick- forger a "short-story writer".'⁵² 'The s him to ignore the thief; the highway fender; and all together execrate the nd the embezzler congratulate them- as other men'.⁵³ 'The confidence

tricksters, swindlers and forgers are the screwsmen,' says the retired safe—they can look down upon the sexual despised informers.⁵⁴ Nathan Leopold in America that to call a man a thief of him, while men guilty of embezzlement with disdain. 'Rape-o' was a strong men convicted of deviant sex crimes 'Wolves,' or the active participants in prison, are, however, generally respected participants are regarded with 'g'. Amongst the most admired qualities a leader can possess are, so it seems, skill, knowledge about a particular technique, dirty stories, participation in some escape, a proved attractiveness to women, eating, the ability to seduce young a guitar.⁵⁷ But none of these qualities in an embezzler as they would be in a

'In my racket,' said a car thief, 'we of any kind. It takes guts to steal car lives with a low piker like a petty thief.'

An Australian scholar and researcher weeks at Parkhurst Prison in 1948 to sentenced to preventive detention, from 'hall' in which they had served the last of penal servitude, their status rose now the prison aristocrats and were sympathy and awe—sympathy because rigid criminological conservatism, society and is suffering a "double" a crime; and awe because of his mercurial wealthy aristocracy'.⁵⁹

'It's the money that counts, you see. 'That's what we're after and that's who've got it.'

Lombroso could 'never forget how ministers of the realm of Italy rose as the thefts of Tanlongo and Co. run millions, seven children were sent to in prison cells for having stolen

in a lower social scale than breaker Eddie Chapman. But all offenders, 'ponces' and the old discovered when in prison or robber was to compliment or forgery were regarded as a term of disparagement and names were utterly despised.⁵⁵

in homosexual relations in expected although the passive 'good-humoured' contempt.⁵⁶ It is that an American prison will as a gambler, courage, good luck of crime, a large store of the spectacular crime, riot or women, a great capacity for anger prisoners and to play cards would be so much admired as a bank robber.

we wouldn't have a sneak thief and we wouldn't trust our

258
each worker, who spent three months to study the treatment of men found that when they left the last few months of their terms were 'tremendously'. They were 'treated with a mixture of abuse, in the average prisoner's view the detainee is wronged by and unjust punishment for his membership of a privileged and

'see,' an old criminal once said. 'what we admire about those

now upon the day when five men one man to deny or to justify coming up to more than thirty men weep for a month and a half for a herring worth thirty-five

centesimi'.⁶⁰ Most habitual criminals, Lombroso's pity for the imprisoned, and the anger that the rich had once been at least partly conditioned by themselves, had themselves been partners in Tanzi's schemes. In becoming partners in similar schemes, they plead the tolerance shown to the unpunished but no less

'What's wrong with the system? Chicago's 'Number Two hoodlums' got together on some deal and those businessmen do it all

This is the eternal plea of the specious.

'I've made my money by supplying liquor. I once said indignantly. 'If I brought liquor as I am. When I sell liquor in Chicago it is on silver trays on Lake Shore Drive. I wanted booze and I've organized a business. My enemy . . .? The funny part of my line of business has so much competition. I didn't want beer and wouldn't have sold it going round trying to sell it. I've been in my travels, and I never saw a man go in. I never heard of a man going to have some fun.'⁶²

In this sense, as in others, the Bishop was right. One day, some years ago the Bishop was taken to Dartmoor Prison. He asked the Governor if most men sentenced to penal servitude were

'No,' the Governor said. 'But they would be if your father, your mother or your brothers and sisters had been thieves.'

'You think that I would be a criminal?' the Bishop reflected a moment and then answered

The Bishop, unlike many men of his class, was honest enough to admit that even he might have the seeds of criminality in him, and that, in fact, he might become a criminal

criminals would share, perhaps, imprisoned children but, unlike him, their again got away with it, would be at their regret that they had not them- longo and Co. When they succeeded ilar, if more actively criminal enter- nce accorded by society and the law s harmful speculations of high finance. yndicate?' demanded Sam Giancana, od' recently. 'Two or three of us get everybody says it's a bad thing. But the time and nobody squawks.'⁶¹ of the criminal. It is not entirely

plying a popular demand,' Al Capone eak the law my customers are as guilty ts bootlegging. When my patrons serve ore Drive its hospitality. The country zed it. Why should I be called a public f the whole thing is that a man in this mpany. I mean his customers. If people t drink it, a fellow would be crazy for it. I've seen gambling houses, too, anyone point a gun at a man and make f anyone being forced to go to a place

society gets the criminals it deserves. then Bishop of Exeter was on a visit ed the Governor if it were true that servitude were mentally defective.

hink what you yourself would have been r both, and most of your brothers and

have been a thief too?' The Bishop dded, 'Well, perhaps you are right.'⁶³

n who live within the law, was honest e was a potential criminal. Most of us within us and most of us who do not, have remained law-abiding without

conscious effort. We have not shared the same prejudices, surroundings or temptations, a different upbringing, a different education. We stay within the law as a matter of course. Let us consider the ethics of obedience, of justice and charity, have helped us perhaps to resist the temptations and excitements and even violence. The criminal must experience himself. We must remember that we are not necessarily better men, but certainly more fortunate. We remember Freud's thesis that the actions of the criminal are exaggerations of reactions common to all of us. We remember, too, how much we are influenced by the opinion which those we know would express if they knew a crime they did not condone and were not afraid. As Beccaria said two hundred years ago, 'The wise and the ignorant, has exalted the law as the virtue itself'.⁶⁴

red the criminal's motives, reasons. Different circumstances, education have helped us to course and habit, have helped e and unselfishness, patience to enjoy vicariously pleasures which the criminal feels he member that we are not necessarily fortunate ones. We must sions of neurotic patients are to us all, and that the actions normal human impulses. And we owe our lawfulness to the entertain of us if we committed e sent to prison. For 'opinion', ago, 'that tormentor of the e appearance of virtue above

THE CRIME

*'You cannot conceive the ridiculous
Newgate, the prints that are published
the memoirs of their lives set forth
Marshal Turenne's.'*

(i)

'Nothing contributes so much to the entertainment
as the adventures of the famous house
Sheppard,' a London newspaper told its
"Tis thought the keepers of Newgate
pounds already by the crowds of people
Sheppard.'¹

For a fortnight Jack Sheppard remained in
people came every day and paid four
When he came out to be hanged, a
were two hundred thousand people lining
sion between Newgate and Tyburn
black suit, got up into the cart, smiling
ment of the cheers, and sat down next
behind the hangman who was sitting
carts and carriages, marching soldiers
stopped at the church of St Sepulchre
girls to throw flowers and coloured
man's cart. It stopped again at a way

DONE

CULT

*is rage there is of going to
hed of the malefactors, and
h with as much parade as*

HORACE WALPOLE, 1750

ertainment of the town at present
breaker and gaolbreaker John
s readers on 7 November 1724.
have got above two hundred
people who flock daily to see

ined on view and crowds of
shillings each to look at him.
journalist believed that there
ning the route of the proces-
. Sheppard, wearing a new
g and waving in acknowledg-
xt to the prison chaplain and
on his coffin. The parade of
ers and mounted constables
e where it was customary for
ribbons into the condemned
y-side tavern, as was also cus-

tomary, so that Sheppard could not escape. In his speech on the scaffold he gave an account of his adventures with the king and then the rope was put about his neck and from under him, leaving him hanging and strangled. After he had been hanging an hour, a soldier jumped on to the scaffold with his sword and passed through the crowd; it could be taken away for reward. The crowd believing that it was the king's body, struggled for possession. There was another riot that night when a body had been stolen and a soldier with bayonets had to be called out.

One of the broadsheets, designed for sale, was already on sale referred to as a 'Pronounced thief who had great talent as a criminal, as a 'Pronounced a supernatural'.²

The verdict was a common one in the history, but not until now has it become the romance of crime.³ The criminal may have possessed some of the qualities attributed to them, but the romantic heroism was not a heroic one. The rich, as all successful criminals are, the poor seems to have been creating a champion for the weak against the strong. In fact, if Coke is to be taken as being the dashing outlaw of the north, he lived in Yorkshire 'in woods and caves, houses, felony, waste and sports, bonds, idle wanderers, night-riding'. At the time of the Restoration, the criminal was lished and the outlandish. Blood, who, amongst other things, was in the Tower of London in 1660, was in the country and, indeed, of Charles II. It was not, however, until the early eighteenth century that the criminal assumed such a romantic character as is now customary to lesser manifest

ould drink his last pint of mulled sack. he recommended everyone to read the which Mr Defoe had written for him about his neck and the cart drove away m to kick in the air as he was slowly n hanging for about a quarter of an the scaffold, slashed through the rope e body to a friend in the crowd so that esuscitation. Some other people in the o be taken to the surgeons for dissec- a of it and there was a riot. There was n a rumour spread that Sheppard's a company of footguards with drawn from the Savoy.

scribing Sheppard's adventures, which to the charming, irresponsible, little as a prison-breaker although scarcely metheus, something more than a man,

on one. The criminal hero had a long ad any period contributed so much to marauding knights of the Dark Ages of the romantic ideals subsequently face they presented to their contem- ue. Robin Hood may have robbed the nals do, but his unselfish largesse to en exaggerated by ballads intent on e weak against the oppression of the o be believed, Robin Hood, far from Sherwood Forest, was a brigand who s and deserts, by robbery, burning of pile, and principally by and with vaga- t walkers and draw-latches.⁴ By the criminal hero was more firmly estab- character of the self-styled Colonel exploits, stole the crown jewels from 1671, caught the imagination of the Charles II who pardoned him.⁵ It was y Hanoverian period that the cult of proportions that foreign visitors, ac- tations of it in their own countries,

remarked on it as if it were a peculiarity. Even a man like Dick Turpin, a brusher by shop by stealing cattle and sheep, came to the gallows at York in 1739 wearing a pair of pumps and followed by a crowd of mourners at ten shillings each. Turpin's and vicious career had once shouted at him he was trying to find, 'God damn you won't tell us I'll set your arse on the gallows'. A companion did 'actually place her on the gallows'. A characteristic of a gang of ruffians was to beat their victims 'with great severity', once upon an old man's head and raped a man. When the gang was broken up by a reward of a hundred pounds for others for a reward of a hundred pounds for a highwayman, he murdered a man with a sword. All this was forgiven at his death by a man much affected by the fate of a man distinguished by his appearance'.⁶

The highwayman had become useful to the Duke of Duval, a Frenchman who came to London at the time of the Restoration and died of highway robbery and making love to a woman was not much less brutal than Turpin. A bottle from a baby's mouth because when justice at length overtook him, crowds of ladies visited him in the city. In masks were present at his execution. McLean, so Walpole told Horace Mann of conversation in London in August 1741, had been condemned to death three thousand on a single day including Lady Caroline who wanted 'to comfort and weep over'.

The dead bodies of men like this—were believed to have mystical properties recorded in history. The Romans valued the cure for epilepsy and the belief in its properties for many other complaints, more than two thousand years. In executions with spoons and cups and liquid and in 1861 at Hanau several

liarily English characteristic. A brutal butcher who stocked his shop could be cheered as he went to receive a new fustian frock coat surrounded by five poor men hired to carry him to the gallows. Turpin at the outset of his short career met an old woman whose money he took for blood, you old bitch, if you don't grate.' And he and his companions were 'burned to the fire'. The action was witnessed by a crowd who beat and kicked their way through the scalding hot water from a kettle to reach the man who was hiding in a dairy. A member who betrayed the hideout to the authorities and Turpin became a martyr who tried to arrest him. But the crowd of spectators who 'seemed to be extinguished by the comeliness

of the man led to such reverence. Claude Lorraine, who lived in London with an English family, devoted the rest of his life to painting portraits of ladies of fashion, and once snatched a feeding-bottle from a child because it was made of silver. 'But the man was cast for death, and condemned hold; many more were executed.' The highwayman James King, who was hanged in 1750, was the only topic of conversation that year and after he had been hanged a thousand people went to see him. 'The name of Petersham and Miss Ashe were mentioned as the hero of this fallen hero'.⁸

and indeed of all criminals—of their virtues. The belief is as old as the world and the blood of criminals as a remedy and prophylactic against disease, including gout, survived for centuries. In Prussia women attended the execution with cloths to soak up the precious blood. In England men leapt on to the scaffold

to drink the blood gushing from the veins.
At Berlin in 1864 sodder was sold by the
executioner for two thalers each.

Nor was blood all that was used. Ointments from the fat of the genital organs of thieves were used and were taken on to the scaffold with 'death sweat', rubbed against the faces of the condemned to cure diseases;¹² and a foreign visitor, in the appearance of beauty, all passed by the executioner, who submitted to the presence of thousands of spectators, was placed upon it.¹³ The fingers of the condemned, believed, improved the trade of the executioner, a purse kept it from being taken from the body of the notable. Madame de Sévigné, as though

Criminals, themselves, supplied the fuel of an executed thief would be his own and the candle should be the body of unborn babies. Among the twelve Gröbl were 'five pregnant women who had debauchery with his companions and the hands of the infants and were used in burglaries.'¹⁵

Even the rope that had strangled the condemned have magical properties and were regularly sold by the inch and the foot. There was a fight on the scaffold for this commodity and often, as at Tyburn, a fierce struggle for the rope between the surgeons' messengers who had to bring it to the table.

No contemporary writer has written of the dangers of associating public executions with honour and dishonour but with pride.

'The day appointed by law for the execution of Tyburn in 1751, 'is the day of glory in the eyes of the Tyburn and his last moment.'

Fielding's ironical *History*

CRIME CULT

from the neck of a decapitated corpse. Handkerchiefs were sold by the bunch.⁹

was prized. The French *bourreaux* made their victims,¹⁰ and in Germany the hand was greatly prized.¹¹ In England children used to have the hand of the corpse, damp with blood, pressed against their skin as a cure for scrofulous swellings. Dr. Keil once saw 'a young woman, with an agonized and trembling, in the arms of the executioner, to have her bosom uncovered, in the presence of the spectators, and the dead man's hands pressed against her breasts and thumbs of thieves, it was the custom of shopkeepers; and a small bone in the hand was kept empty. People came to ask for bones of the famous Marquise de Brinvilliers, said to be the hand of the murderer, though they were asking for holy relics.¹⁴ It was supposed that a candle placed in the hand of the murderer should not be seen by eyes other than their own, and if possible, be made from the fat of the hands of twenty victims of the murderer Bastian Bastien, whom he had caused to live in prison for years. He cut them open and cut off pieces of their hands to be used as candles.

When a criminal was supposed to be hanged, after the executions at Tyburn it was the custom to go to a tavern in Fleet Street. Sometimes a man would go to the gallows for possession of this valuable relic. At Jack Sheppard's execution, there was a great crowd of people between the mob and the gallows, and a right to carry it off to the dissect-

ing room. It was more fully aware than Henry VIII of these unhealthy superstitions and of the influence of such things in the popular mind not with shame and glory.

'I was for the thief's shame,' he wrote in his own opinion. His procession to the gallows there are all triumphant.'¹⁶

The *Life of Jonathan Wild the Great* continues

the attack on the hero-worship of the purpose as William Page's biography. Fielding and his brother John deplored the output of broadsheets and sentimental criminal, and of the numerous poor *Beggar's Opera*, few of their contemporaries.

Fielding's own views are given in the *The Adventures of Joseph Andrews*. 'are the proper objects of our detestation and pity, but affectation appears to me ridiculous.' In Fielding's hands social criticism. Some of his work displayed the almost perfect, some of it had the vivid, forceful conviction of the best, but Fielding's subtlety, humour and wit. The best work qualities which were unique. The robbery was robbed and left naked none of the plot. The postillion does not help him. But the postillion does not give him. The postillion is a 'lad', Fielding almost dismissive aside, 'who hath sinning in robbing a hen-roost'.

Fielding's concern for 'persons of inferior manners' had been shared by many writers. *Flanders* for instance, a touching portrait of a man whose misadventures had contrived to ruin. But it was not until the eighteenth and nineteenth centuries an unfashionable subject. It was by such writers as Walpole and 'Moll Flanders' that the fantasy and evil, developed later into the modern novel. —Stevenson's *Dr Jekyll and Mr Hyde*, Edgar Allan Poe and Sheridan Le Fanu. It was not, however, until Charles Dickens and Bulwer Lytton had done, with 'persons of inferior manners' who fell into crime, that Fielding's portrait of a criminal was comparable artist. By the end of the nineteenth century the novel about criminals and violence was a new genre. It was to read about them an almost universal theme. Conrad, by Dostoevsky, by Stendhal, by Tolstoy, crime and violence because crime and violence, were natural and a part of life. The purpose of these things is to try to understand the human mind. Lacenaire, the French poet, murderer, and thief, had been interrupted by the executioner, a

the criminal, and has the same
of Claude Duval. But while
ed the effects of the immense
ental ballads idealizing the
r imitations of John Gay's
poraries supported them.

he preface to his great novel,
'Great vices,' he wrote there,
tation, smaller faults of our
the only true source of the
al satire became a great art.
ost ferocious irony of Swift;
fiction of his friend Hogarth;
compassion gave to all his
e. When Joseph Andrews is
passengers in the coach will
d takes off his greatcoat to
Fielding explains in a casual,
ce been transported for rob-

inferior rank and therefore
by Defoe, who gave in *Moll*
trait of a girl whom circum-
as throughout the eighteenth
nable concern. Gothic novels
nk' Lewis, preoccupied with
works of literary importance
le and many of the works of
nu are characteristic of these.
ickens concerned himself, as
ns of inferior rank' and those
protests were continued by a
nineteenth century to write
respectable literary ambition
universal practice. Books by
, Zola and Hugo treated of
nd violence, as they under-
fe and to try to understand
ourselves. The memoirs of
, thief and forger which had
nd those, supposedly written

by the former criminal Eugène Ionesco, giving importance while the *London Labour and the London Police* volume which dealt with the the raw material with which

There were, however, at the time writers who used this material for the popular success of 'penny dreadfuls' luridly described contemporary life and its effect on the morals of the society. There is no doubt that this contributed much more to England than in America—where violence has fallen. To indulge in brutality and to satisfy a pathological abnormal and the obscene desire of the writer; but so long as the public find satisfactions, they will continue to buy less books, bad films and papers.

One popular English Sunday newspaper, for example, censured by the public for a confession to murder by a man who was found not guilty of the crime and acquitted on the murder charge, dropped parcels containing money for someone else and was sentenced to the *Sunday Pictorial* that he could not have committed the crime and whether he committed it or not but his confession would certainly have been in the newspaper if it had not been for two thousand pounds. Indeed, in the *Spectator* in 1962, Hume was offered a thousand pounds for a confession to a crime. A competition for such stories and others like them is insatiable. Hume received numerous offers of money for his confession not a matter for surprise. For the public's fascination and no aggressive psychology of crime cult and has always been

The trial of Hume was described by Rebecca West; his life has

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ne-François Vidocq, assumed a grow-lives revealed in Henry Mayhew's *London Poor*, and in particular in the underworld were recognized as being which serious novelists should work.

At the same time hundreds of lesser material for quite different reasons. And many 'dreadfuls' and newspapers which narrate crimes, while having perhaps less respectability than their critics maintained, sink into the slough of disesteem—deeper into the slough into which the novel of crime and which indulge a taste for vicarious sadism and which have a morbid interest in the depraved, the which are not the purposes of the serious which the public demands such indulgences and which should be supplied by cheap and worth-which popular newspapers.

One newspaper in recent years was, which the Press Council for publishing a which man, Donald Hume, who had been which crime at his trial. After having been which charge, Hume pleaded guilty to having which bits of the victim's body into the sea which got to prison. On his release he confessed which that he was the murderer after all. Hume which he murdered in the way he said he did—which which it at all is still a matter of debate—which which certainly have been published by another which man secured by the *Sunday Pictorial* for which sold, according to a letter published in which Hume was tentatively offered ten thou- which man to be published in the *People*. The which is always fierce and the demand for which is high. That Hume was reported to have which a marriage before and after his trials is which few violent criminals escape this atten- which path would want to. It is part of the which men so.

which the subject of an excellent book by which has been told in another book by John

Williams and a film company has bought the right to film it. 'The enormous interest' taken 'by the members of the public, most of whom have had a court of law in their lives', is due, Lord Birkett said, to the 'undying curiosity of men and women about the lives of others. They are taken out of their ordinary environment and usage into a world that sometimes offers a fascination . . . They find escape from the monotony of life has assigned them.'¹⁷ This is true of all cases of murder trials; it can even be true of the case of the Tichborne claimant. It is true of France and Germany as it is of England and America. *L'affaire Lacaze* and the trial of Maria Montesi case and the *Balletti Verdi* case and the trial of Rosemarie Nitribitt and the trial of the *Black Panther* have in recent years offered such fascination that the famous, the grotesque and the depressing seemed pallid and boring beside them.

But while books about these cases are not only literary; while Rebecca Weir's book about the case,¹⁸ Sybille Bedford's book about the trial of Adams,¹⁹ F. Tennyson Jesse's novel about the trial of Thompson²⁰ and Meyer Levin's novel about the trial of Loeb²¹ are only four of many distinguished books about murder as their underlying theme; and while Lord Birkett said, that 'a healthy, as distinct from a morbid, interest in crime and punishment is of very great value to the community. It is to escape the conclusion that much of the space given to the trials of Heath and Karpis has been estimated, than that given to any other case since the War. And it is not critical to suggest that most of us—people who are considered to be—did not find the trials of Heath and Karpis have shared the emotions of the group (and they always do wait) outside the prison gates. It has changed; but our interest in Heath and Karpis is, in Lord Birkett's sense, healthy. It could, in fact, be argued that the interest in the behaviour of such people is a natural one: who do not share it, or profess not to share it, are the ones: just as it could be argued that the trial of the *Black Panther* Mortimer's phrase, 'exposes hidden li

right an option on the rights
in criminals and their trials
of whom have never entered
Lord Birkett thought, 'to the
about other people's lives . . .
everyday world of convention
is quite fearful in its
the rigid bounds to which
of divorce cases as well as
of a civil action such as the
as true of Italy and France
America. *L'affaire Peugeot*,
rie Besnard in France, the
scandal in Italy, the murder
of Vera Bruehne in Germany
inating stories about the rich,
raved that all other news has

can have a merit which is
st's book about the Hume
at the case of Dr Bodkin
based on the tragedy of Edith
novel about Leopold and
ished works with a trial for
and while it is true, as Lord
t from a morbid, interest in
'social value', it is impossible
the interest is 'morbid'. The
d Christie was greater, so it
by English newspapers to
it would be absurdly hypo-
perfectly normal people as we
em fascinating. We may not
ps of people who waited (as
n to learn that they had been
nd Christie was still not, in
nevertheless, be argued that
men is so general that those
o share it, are the unnatural
t crime which, in Raymond
ves like a spade opening up

an ant-hill,' is consequently a study for us all. At least it is in crimes, however revolting, inevitably human, rather than money out of it as the editor of the *Calendar* did in the eighteenth century. Sunday newspaper with the felt obliged to do in the twentieth century is the tendency of some newspapers to the laws relating to contempt in criminal proceedings in England and of the Press's responsibility frequently suggested that its technique, by making it so common, by giving prestige to methods of dealing with the would like them to be but which justified these criticisms are though, be no conjecture during the trial in Cleveland of the murder of his wife, nor during the trial later of Peter Manceri for the murder of both cases newspapers, by their attacks about the accused, made pretexts of their guilt.

In the eighteenth century when violence could be indulged in with impunity as Fielding saw it, came the publication of *History of the Most Notorious Crimes* and *History of the Most Notorious* such books to make heroes of the criminals. of course, was bound to be in a society in which those who were oppressed. He was in revolt against the establishment. He was a sort of talisman of the imagination has always been more than by the upholder of authority than by the humdrum saintly upholder of liberty which was but only for himself. The S

by one of the most stimulating fields of better to accept this compulsive interest they may be, as naturally and in- an to find pious reasons for making ors of such publications as the Newgate enth century and as the editor of the e largest circulation in the world still antieth. What is more obviously harmful spapers, particularly in America, where ot of court are less exacting, to interfere the name of the freedom of the Press ibility for public enlightenment. It is newspapers increase crime by teaching seem attractive, exciting, profitable and ige to criminals and by advocating em which are as stern as their readers which are not, in fact, repressive. How e is a matter of conjecture. There can, about the harm done by newspapers and in 1954 of Dr Sheppard for the ring the trial in New York four years the murder of a stranger in a park. In satisfying a public demand for stories judicial and unwarranted presumptions

y when the human taste for sadism and less vicariously, the danger of corrup- not so much from the detailed descrip- ons and tortures in books like Smith's *Notorious Highwaymen* and Johnson's *Notorious Pirates* as from the tendencies of out of villains. The criminal in a sense, a hero, for he was a rebel, a free man who were not free were exploited and t against the law and against morality. f liberty and of pleasure. And people's n more readily caught by the outsider uthority, by the gay and daring sinner t, although the saint may be the real the criminal does not want for others Sicilian bandit, the train robber of the

American West, the Australian bush gangster are all folk heroes. Gaspar James and Billy the Kid, Ned Kelly and Jim Colosimo are all remembered men who tried to bring them to justice and got them. The selfishness, brutality and greed have been replaced in the public imagination by the heroism of Ainsworth's hero who, in the *immortal Rookwood*, rode to York on Black Beauty. The criminal has been replaced by the tragic, legendary figure of the beautiful pictures. Rod Steiger is only one of the men who have perpetuated the fascination with the criminal, of a mythical figure out of a reality which has become the continued idealization of that myth. It continues to concern those whose responsibility is to enforce the law. The Inspectors of Prisons in England and Wales, when reporting in June 1954, said that the effect of the criminal propaganda 'is dissipated by the glamour of the criminal. Criminals are exploited for the amusement of the public.'

Since the appearance of Raffles the criminal heroes in the traditional manner of Malloy and Willard Motley's Nick Carter and it is the conditions which have created them. The criminal hero has, it seems, been replaced by the descriptions of whose ghoulish actions are for an obscene violence which has drawn the attention of the private detective whose character is often indistinguishable from those of the criminal.

The private detective was not always a man of a respectable ancestry.

(ii)

Shortly after settling down at 221B Baker Street, Watson, M.D., late of the Army Medical Corps, came out on his first case with the equivocal results. A few days before, had satisfied his new partner as to what his occupation was. 'I have never told him. 'I suppose I am the only

n-ranger, even the Chicago
arone and Giuliano, Jesse
and Joe Byrne, Al Capone
d with admiration while the
ce have long since been for-
greed of Dick Turpin have
n by the chivalry of Harrison
amensely successful novel,
ess. The real Ned Kelly has
ry figure in Sidney Nolan's
the most recent of the actors
of Al Capone. This creation
hich is far less romantic and
th by books and films con-
nsibility it is to administer
of Constabulary in England
962 on an increase of crime
of much objective anti-crime
mour with which crime and
ment of the public'.²²

re have, of course, been few
ner. Budd Schulberg's Terry
omano are victims of condi-
are the heart of the books.
replaced by the psychopath,
activities fulfil a modern need
isappeared from the streets,
aracter and methods are now
he hero he has succeeded.
s so violent. He, at least, has

Baker Street, Dr John H.
dical Department, was taken
cal Sherlock Holmes who, a
y friend's curiosity by telling
'a trade of my own,' he had
y one in the world. I'm a

consulting detective, if you
London we have lots of Go
ones. When these fellows a
manage to put them on the r

Watson was irritated by
must have been mild compa
Lestrade, the Scotland Yard
such patronizing indulgenc
'conventional—shockingly s

During this first case t
gether, Lestrade was unabl
room where a man had bee
had missed by Holmes who
round magnifying glass fro
ents he trotted noiselessly
occasionally kneeling and
engrossed was he with his
forgotten the presence' of
room 'for he chattered av
whole time, keeping up a
whistles and little cries.'

'There has been a murder dor
announced when he had finish
in the prime of life, had smal
toed boots and smoked a Tr
victim in a four-wheeled cab,
old shoes and one new one
murderer had a florid face, an
remarkably long. These are
what we may be sure was mo
may assist you'.

Lestrade and Gregson, Wa
with an incredulous smile'.

'If this man was murderere

'Poison,' said Sherlock H

During the years in whic
land Yard 'on the right sce
fact was already passing. Bu
the Metropolitan Police in
force, and criminal investig

can understand what that is. Here in government detectives and lots of private are at fault, they come to me, and I might scent.'

By Holmes's conceit, but his irritation cured with that endured by Gregson and other detectives whom Holmes treated with respect. These two, Holmes decided, were 'so-so', but at least the 'pick of a bad lot'. That Holmes and Watson studied together to discover much of significance in a man found dead. He was shown what he did 'whipped a tape measure and a large knife from his pocket. With these two implements he measured about the room sometimes stooping, sometimes lying flat upon his face. So busy was his occupation that he appeared to have Lestrade, Gregson and Watson in the way to himself under his breath the running fire of exclamations, groans,

'The man and the murderer was a man,' Holmes said. 'He was more than six feet high, was six feet for his height, wore coarse, square-tipped, richinopoly cigar. He came here with his horse, which was drawn by a horse with three rings on his fore-leg. In all probability the marks and the finger-nails of his right hand were only a few indications,' he added with more than a hint of condescension, 'but they

Watson noticed, 'glanced at each other

and,' asked Lestrade, 'How was it done?' Holmes curtly, and strode off.¹

Which Holmes was managing to put Scotland Yard out of the age of the private detective of the past. For many years after the creation of the Metropolitan Police in 1829, there was no special detective force and the investigation remained largely in the hands of

those who had been detectives in the of modern fiction is not, then, so much. But the myth of this private investigator always able to outwit the stolid, unimaginative Scotland Yard has been slow to die.

The most celebrated of the early fictionalised, Scotland Yard men. In 1852 he was introduced to the readers of *Bleak House* the character of Bucket, 'a stoutly-built, steady-looking, sharp-featured man, in the middle age'.²

Bucket is a pleasant fellow who 'notices nothing as unchanging as the great mourning ribbon brooch, composed of not much diamond, which he wears in his shirt'.³ He is 'mild of human nature, on the whole a benignant man, to be severe upon the follies of mankind rather languishing for want of an object of attention towards his species, and will drink with his money, affable in his manners,

But Bucket is a clever rather than a brilliant character based in large part on Inspector Charles Peabody in Dickens so greatly if patronizingly admiringly on the creator's pages a somewhat shadowy figure.

This cannot be said of Sergeant Ruffian in *Stone*, published in 1868, Wilkie Collins's first Scotland Yard detective as

'A grizzled, elderly man, so miserably lean that he had not got an ounce of flesh on his bones in a pound. He was all in decent black, with a white cravat, and a nose as sharp as a hatchet, and the skin of his face and withered as an autumn leaf. His eyes were a very disconcerting trick, when they encountered you, as if they expected something more from you than yourself. His walk was soft; his voice was low; his fingers were hooked like claws.'⁵

Despite his depressing appearance, he is rarely amused, Cuff had a pleasant, drawn-out voice. In *The Last Rose of Summer* it sounds 'going', but he had an endearing pat

past. The private detective is a myth as an anachronism. For, brilliant, wily and astute, imaginative man from Scotland

fictional detectives were, added. Charles Dickens introduced the character of Inspector Bucket, a one-eyed man in black of about

things in general, with a face shining on his little finger, or the hand and a good deal of setting. He is studious in his observation and a permanent philosopher not disposed to . . . To outward appearance he is in the friendliest condition with most of them. He is free and innocent in his conversation.²⁴

illiant detective and although Charles Frederick Field, whom he admired, he remains within his own and lifeless figure.

Richard Cuff. In *The Moon* Collins described this Scotland

mean that he looked as if he had any part of him. He was dressed round his neck. His face was of it was as yellow and dry eyes, of a steely light grey, had countered your eyes, of looking from you than you were aware of was melancholy; his long lanky

however, and although he was of humour. When he whistled and 'the most melancholy tune' for rose-growing; and

when he interviewed anyone, he tried 'his luck drearily this way and that', shot, as it were, at random. But he showed a wonderful patience.

To some degree his character is reflected in Inspector Jonathan Witcher, who is the subject in a series of articles in *Home* entitled 'Sergeant Witchem'.⁷ Inspector Witcher's investigations into the murder of a woman whose body had been found in a field near the house in Wiltshire which had been the scene of a warrant for the arrest of a woman, who she was later discharged through a confession she made, considered suspect, Witcher and his fellow detective officers of the district.

Before Witcher had arrived at the scene of their appalling incompetence and the stupidity of the region, Wilkie Collins's source for the story, Superintendent Seegrave, the policeman who persuaded Franklin Blake that the mystery of the missing man was solved.

But although the deductions of the detective, are quick and clever, they are of the sort of human mistakes which are permitted by Conan Doyle's Sherlock Holmes.

Sherlock Holmes's conceit and his infallibility is, nevertheless, a reflection of the devoted Dr Watson's eyes through which the often infuriating Holmes is seen.

Holmes's conceit does not have a predecessor of any tale whose adventures were related to him. He was dismissed as 'a very inferior' on his friends' thoughts with an hour's silence' was 'really' Gaboriau's Lecoq was, also, in comparison with himself. The mention

his voice was dispiriting but as he went 'that way and that way' and fired 'shot after shot, on the chance of hitting something, once.'

His character was founded upon that of Chief Inspector Whicher, some of whose cases were described in *Household Words*, where he is called Inspector Whicher. Whicher had been in charge of the murder of the three-year-old Savile Kent, who died with his throat cut in a privy near where he lived. Whicher applied for Constance Kent, Savile's sister, but was refused on account of a rough lack of evidence. She afterwards confessed, although her confession has since been discredited. Whicher's reputation as one of the most skillful detectives was increased by it.

Set in Wiltshire, the local police, in fact, had destroyed most of the evidence; remarkably real Superintendent Foley was the ineptitude of the fictional Superintendent. The inept local policeman whose activities demanded a cleverer head was needed to solve the case.

Actions of Sergeant Cuff, the police sergeant, Wilkie Collins allows him to make a mistake which, twenty years later, were not made by the private detective, Sherlock Holmes.

The kindness of his own almost invariable success is one of his most endearing qualities. We grow to love Samuel Johnson; through his eyes we grow to share his affection for

and allow him to admit that he had ever been wrong. Edgar Allan Poe's Auguste Dupin, described in the *Murders in the Rue Morgue*, is a 'superior fellow' whose trick 'of breaking in on a man's conversation by an apropos remark after a quarter of an hour is very showy and superficial'. Emile Gaboriau, in his opinion unworthy of comparison with the name of his name made Holmes sniff

'sardonically. "Lecoq was a miserable angry voice; "he had only one thing to his credit was his energy. That book made me ponder how to identify an unknown poisoner in twenty-four hours. Lecoq took six months to write a text-book for detectives to teach the

In time, Watson grew accustomed to Lecoq's 'bumptious style of conversation', but he was 'certainly not a difficult man to live with'. He later discovered that he had several vices: a heavy smoker and on occasions 'littered the rooms with cigarette ends' or filled the rooms with smoke from the 'reeking amber of his pipe'. Lecoq was days on end 'was in a mood which his friends and others morose. He ran out and in, snatches on his violin, sank into reveries at irregular hours, and hardly answered questions I put to him.'⁹

But it was difficult in the end not to be impressed not to feel the force of his personality. Lecoq himself believed that character could be used in a detective story at the expense of the plot. The original detective of Baker Street was, doubtless, his character which Desmond MacCarthy noticed, a creation of genius. And like a good character has been closely followed. Sexton Blaise of Baker Street; Nero Wolfe shared at least his vices with the detective since his time has been re-created in a way eccentric. G. K. Chesterton's Father Time, Hanaud, R. Austin Freeman's Dr Tredwell, and the First World War began, that tradition was being closely followed. The tradition continued in the War, for even when the detective story was a puzzle some sort of extravagant character was essential. Agatha Christie's Hercule Poirot, a Belgian dandy with his carefully tended garden, his fresh air, his hatred of the cold, his gaudy tastes and his intentionally uncertain commiseration is an odd and delightful figure. Although he is tirelessly and absurdly facetious conversationally likeable person, has as unconventional

the bungler," he said, in an attempt to recommend him and that was positively ill. The question was not for me. I could have done it in a few months or so. It might be made to do for him what to avoid." 18

It was a tribute to Holmes's conceit and to the fact that although he had found him 'with' on first acquaintance, he had not noticed his tiresome habits. He was a man who would sit on the carpet round his chair at Baker Street with smoke in his nostrils. He took drugs and often for his friends would call taciturn, but he smoked incessantly, played dominoes, devoured sandwiches at intervals, and answered the casual questions which

came like Holmes and impossible to answer. And although Conan Doyle had only been developed in the field of the detective, this idiosyncratic consultant, despite the fragmentation of his character, and other critics have seen in all such creations his example. Holmes and even lived in the same way; no memorable private life; no personality in some other Brown, A. E. W. Mason's "The Man of the Hour," all showed, before the tradition of idiosyncrasy in the detective was still strong after the war, that it had become a kind of intellectual shorthand. Poirot, the pompous little man with his red moustaches, his distrust of women, his dogmatic manner, his knowledge of the English language, and of the English language, the brilliant Campion, although his conversation makes him a less interesting personality. He lives above

a police station in Bottle Street. The Good Albert Campion. The Good Allingham, 'a tall, thin young man with a pair of deep-set and vague eyes behind enormous spectacles', 'a well-bred, slightly high-pitched voice', 'a well-cut suit as Carter Dickson has invented'. The Good Merrivale, has another curiously named house, 11 Adelphi Terrace. Fell is 'a man with thick-rimmed glasses on a black ribbon. He is a man who has got out chemical and photographic apparatus from the Government and industry. When at work he is a man of chin, his big mop of hair is a mop of hair on a cane'. Like so many of the best of them, he has a habit of talking to himself.

All these figures, however, are products of the golden age of the detective novel, the golden age of the detective novel, the golden age of the Second World War, as James Woodhouse has said. They were written in accordance with the principles of Restoration comedy'.¹⁰ The popularity of the novel is a puzzle which could be solved by a study of the story which could be followed by a study of the story which should provide a moral order. The guilty one must be revealed and the innocent must be comforted with the knowledge of the struggle—perhaps even the knowledge of sin—the moral order will be restored. The fresh detectives have been created, although few original ideas are still enjoyed by archbishops. The best of them have distinguished themselves. (J.I.M. Stewart), Nicholas E. Crispin are all skilful writers. Their books can hope to command the attention of the reader. For instance, *The Murder of Roger Ackroyd*.

The heroes of today are more concerned with suspense than in detective novels. They are replaced by science fiction. The heroes from Scotland Yard are

The official detective who bears at least some relations

meet in rooms behind a door marked 'Mr. G. Dept'. He is, according to Margery Allingham 'a thin man with a pale inoffensive face and prominent horn-rimmed spectacles' and has a 'harsh voice'. John Dickson Carr, who invented the highly eccentric Sir Henry Merrivale, describes his hero in Dr Fell who lives at 'The Old Rectory' as 'vast' and 'ruddy-faced' and wears eye-glasses. He is jovial and talkative and carries out his scientific experiments with enormous excitement. At rest he sits 'wheezing over his double-breasted coat, his hands folded on his lap'. Among the most successful private detectives he has written about is Dr Fell.

These are, in a sense living beyond their time. The detective story is already over. Before Julian Symons has said, detective novels with 'conventions as strict as those of the past', of course, contributed to their popularity. The convention was that, apart from providing a plot, the story should be solved without trickery and a coherent explanation without undue effort, the detective should be a man of virtue. Virtue must triumph over evil, the good must be rewarded and the bad and punished, and the reader must be satisfied. It is a convention that although he has been enjoying the vicarious pleasures of the detective story, he will still prevail in the end. Since the War few new ones have been created. The stories are clever—often well-written; they are often written by men who work in other fields. Michael Innes, C. D. Blake (Cecil Day Lewis), and Edmund Spenser are among the best of detective stories. But none of them has reached the sales or the *réclame* which, for *Inspector Ackroyd* commanded in 1926.

It is more likely to appear in thrillers of the kind which are gradually being replaced by the novel. Certainly the emergence of popular fiction is now extremely rare.

When he does appear still tends usually to be in the hands of Freeman Wills Crofts's brisk,

homely and efficient Inspector French rather under middle height, with a clean face and dark blue eyes which, though perennially fresh private joke. His air was and he looked the type of man who could tell a good smoke-room story to follow.' Wallace were men of the same repute. Inspector Elk had an apparently obsessive interest in the past and had once entertained a curious selection of guests at his house in the Strand, but he was shrewd and kindly. Superintendent Craig had no discoveries to report although Detective-Inspector James Sayers, 'athletic young man about town' than a 'drawl' which he had brought 'from the City Police', he, too, was essentially a reliable mould. The fact that he was more experienced than the other detectives was then something of an advantage. The class detectives subsequently became well known: L. Sayers's Lord Peter Wimsey and Detective-Inspector Roderick Alleyn.

One of the very few official detectives to capture the public imagination since the war, John G. Reilly's stories are concerned J. J. Marric's) and his pretensions. Nor has Gideon's French detective Maigret is determinedly bourgeois. He enjoys a drink and a pipeful of tobacco but remains aloof from its temptations. He lives on the Boulevard Richard-Lenoir and takes his holidays with relations in the same vicinity. He is, like his counterpart from Scotland,

In this respect at least the tradition of the British detective resembles the most famous hero of the genre, Inspector Drummond, D.S.O., M.C., whose devotion to duty is unquestionable. 'Bulldog' Drummond, as he is called, is, superficially, in the Richard Hannay tradition. Buchan's Major Richard Hannay, late of the Buffs, he has had a brilliant war record and, like Drummond, 'as a sjambok'. 'I thrive on the racket, and I had recovered from his wounds, and I was a schoolboy.'¹² There is no doubt that Drummond did more than eat and sleep.

h, 'a stout man in tweeds, clean-shaven, good-humoured, keen, twinkled as if at some was easy-going and leisurely, could enjoy a good dinner and' ¹¹ The detectives of Edgar reliable stamp. Admittedly, sive hatred of education and s in his house in Gray's Inn and reassuring. Detective-able idiosyncrasies at all and pepping looked more like an a detective and spoke in a Oxford to the Metropolitan ple man from a conventional ensively educated than most original touch but upper- well-known figures. Dorothy and Ngaio Marsh's Chief are two of them.

ctives who has caught the Creasey's (or so far as these Gideon, has no such social nch counterpart, Maigret. rusque yet sympathetic, he o, he understands the world s. He lives simply in a flat in for twenty years spent his llage in eastern France. He Yard, contentedly married. nal Scotland Yard detective the 1920's, Captain Hugh otion to his wife Phyllis was , as he is known to posterity anay mould; for, like John of the Lennox Highlanders, like Hannay, he is as 'tough' Hannay said when asked if 'and I eat and sleep like at Drummond did too. But eep like a schoolboy, and it

is difficult to picture him with the vital mission of finishing the job.

Drummond's behaviour would 'burble at them genial greeting on the back and the of ale'. He stood 'just six feet over fourteen stone. And of made up of superfluous fat through . . . he was a mag shot with a revolver, and absence of fear', 'cool resource gift of silent movement, es and his boxing abilities that His mouth was big, and his won a prize at a beauty show and steady with a permanent redeemed his face from posit

Stories of the exploits of hundreds of thousands. The of him have been taken with Stoughton thirty-two times arch-criminal, the unscrupulous damnable wholesale murderer variously describes him, seen squat and utterly loathsome cowers in a corner, her eyes

'She fainted and her husband of furniture about as if they had it and with a grunt of ready staring eyes. He hit it ag

'If I ever lay hands on the man I will do the same to him.' I with a poker but grabs him less, and tries to force him poison which the unspeakable to manufacture for him. Peterson's wrist and he dies narrowly avoided a similar ominous liquid in a desperate out to them, 'Cheer oh! old

being entrusted by the Foreign Office
 'Greenmantle'.

towards strangers was unnerving. He
 ally, knock them senseless with a flow of
 en resuscitate them with a large tankard
 et in his socks, and turned the scale at
 that fourteen stone not one ounce was
 . He was hard muscle and bone clean
 nificent boxer, a lightning and deadly
 utterly lovable'. He had a 'complete
 rcefulness in danger,' and a 'marvellous
 specially in the dark'. It was 'his face
 t caused him to be nicknamed Bulldog.
 nose was small and he would not have
 ow. In fact, it was only his eyes—clear
 nt glint of lazy humour in them—that
 ive ugliness.'¹³

of this astonishing man sold in their
 e book from which these descriptions
 was reprinted by Messrs Hodder and
 in ten years. In it Carl Peterson, the
 ulous swine, the unspeakable devil, the
 er, the ineffable swine, as Drummond
 nds a foul brute of a poisonous spider,
 e to Phyllis, his adorable wife. Phyllis
 . dilated with horror.

went berserk . . . He hurled heavy pieces
 were out of a doll's house . . . At last he
 age he hit it with the poker between the
 ain and again.'

an who sent this brute,' he said quietly,
 n the end he does not kill Carl Peterson
 by the throat, his eyes hard and merci-
 to swallow some particularly virulent
 le devil has forced an English scientist
 The glass tips, the poison spills on
 s in agony. Drummond previously had
 fate and as he risked falling into the
 ate effort to save his chums, he called
 lads—and all that sort of rot . . . You

might—er—just tell—er you know, moment his voice faltered: then with of his, he turned to face certain death.'

But he is saved in the nick of time and 'off on the warpath again'. Phyllis Hugh is not a poor man. He has an exp and can afford both a maid and a butle he behaves sometimes like a 'blitherin not gamble or get drunk; he smokes ale, never looks at another woman a Phyllis would never look at another dance without Hugh one night passes by the chronicler of their adventure a violent antipathy for Jews and Com had she. And despite his sudden acc he is always kind and considerate especially dogs—'topping little b Duchesses obscuring his 'extraordina fatuous nonsense'; and he has, after the leader of a gang of anti-criminal one of his enemies said, 'than all the

He was the last great hero of his t 'Sapper,' died, a new generation of h imagination of the English-speaking w first and perhaps the greatest of the violent realism, and himself once a pr Agency, published *The Maltese Falco* in 1930. His heroes like those of Ray successful book came out a decade Connolly has said, 'the rootless indiv war with criminals yet distrusted by Chandler's tough, weary, cynical, ha 'private eye' from Los Angeles, is th fights criminals but the man who is official methods is often, like Nul attached to the 77th Street Division, long yellow hands [and] a smile as trap'. Marlowe is sometimes out of w temper. He is often to be discovered t in his office desk. He smokes a pipe is not thinking and cigarettes for plea

Phyllis and all that.' 'For a man that wonderful cheery grin

and is soon, in Phyllis's phrase, 'has compensations, though. expensive house in Brook Street and a man who is a good egg although 'not a juggins'. And Hugh does occasionally, enjoys a pot of gin and seems not to doubt that he is a good man. (Her attendance at a party without recorded comment is.) He appears to have had no dealings with communists, but then so perhaps with the excesses of rage and brutality, which he does not do to her; he loves animals, 'especially cats'; he hob-nobs with the 'best of every personality' by an 'air of indifference'. In all, the distinction of being a 'good man' is more dangerous by far, so that he is 'the police of England'.

By the time his creator, Raymond Chandler, had already stolen the world. Dashiell Hammett, the first of the new school of private detective in Pinkerton's *Red Harvest* in 1929 and *The Glass Key* in 1931. Raymond Chandler, whose first novel, *The Big Sleep*, later, incarnated, as Cyril Hahn, the individualism of modern man, at the expense of 'authority'.¹⁴ Philip Marlowe, the hard-boiled and hard-drinking detective, the epitome of these men. He is also fighting them by more than the detective-lieutenant's authority, a 'lean-jawed sourpuss with a cunning as a broken mouse-trap and frequently in a savage mood, taking a drink from the bottle and looking thoughtful when he is sure. He is very quick witted

and has a sardonic turn of phrase she would 'make a bishop kneel and light a cigarette on a stomach empty of a plumber's handkerchief'; and 'a bag'. It is difficult to think of anything like Bogart. And his progeny, like the classic In the United States in 1950, were television programmes which had been were police detectives; nearly all the cops, craftier than the classic, domesticated by the classic, invincible and improbable. 'to Hammett's Sam Spade' though both these characters are sadistic satires created by whose heroes have mashed up James M. Cain. But although excesses they were nevertheless to like their occasional drinks, expensive meals, and their beautiful girl in the end.

The odd man out in this is Perry Mason, a shadowy figure who is not a private detective but who behaves like a private detective, however, and he obliges the reader nothing about him. Very interesting appearance. He has, for instance, the reader is assured, 'without conditions', for he has 'sufficiently his disregard of the conventional not, however, appear to be a *jouisseur*. He smokes, he has 'seductive smiles' but he wears 'a worried frown'. Some facetiousness and he has a relationship with his secretary, who is unbelievably competent, she is in love with him. She is inclined to go in a freshly starched uniform to have a meal together or go dancing,

phrase. When he sees a blonde he thinks 'pick a hole in a stained glass window'; empty but for stale whisky tastes 'like a unwanted meal like 'a discarded mail of him without remembering Humphrey like that of Sherlock Holmes, is legion. In 1939 there were over sixty different tele- and a detective for a hero and very few of them all were 'private eyes', 'smarter than crooks, too quick to be caught and the best doll'.¹⁵ These 'private eyes' were They did not bear much resemblance to Chandler's Philip Marlowe—always were portrayed—and still less to the Mickey Spillane and other writers who put the lips of their dolls in the style of which are prone to neither alcoholic nor sexual excess but still able to enjoy life. They seemed to be the most invariable winning of the beauti-

his company is Erle Stanley Gardner's character with limited sensual appetites. He is a lawyer. His clients expect him to devote his life in the preparation of their cases, and he does. The reader can discover almost always frequently a clue is provided as to his appearance, long legs. He runs his office, without regard for appearances or conventional ability to scorn' them. Apart from the traditions of the legal profession, he does not seem an unconventional man. He is certainly not a drinker. He notices that women are never seduced. His face often betrays his conversation barely escapes a poor sense of humour. His relationship with Della Street, is equivocal. She is not a girl who calls him 'chief' and seems to be indeed to look 'as crisply efficient as a nurse'. Very occasionally when they have a moment they enjoy 'one of those rare periods

of intimacy which come to people v
 In *The Case of the Sleepwalker's Ni*
 kissing her in the office. He draws her
 of solemnity in his manner'. Della Str
 to his eagerly; but then, there is
 they suddenly break away from each
Case of the Drowsy Mosquito he asks
 to marry him, but he seems relieved

Perry Mason's private behaviour ar
 at all characteristic of the modern
 forensic *expertise* Mason is an anach
 Philip Marlowe, cynical, hard-drink
 epitomizes the new hero in America.

In England, too, the new hero enjoy
 in a way that Hugh Drummond
 Wheatley's Gregory Sallust is 'no as
 enjoys eating expensive meals and dr
 'from past experience that he could
 feet inside a week' and would do so m
 lazy devil'. He is not good-looking but
 'Bulldog' Drummond, for his scarred
 has a sinister, 'almost satanic look'. H
 bottle in a fight. He bears a more th
 Simon Templar known as 'The Sain
 tures are recorded by Leslie Charteris
 than Gregory Sallust. His tanned fac
 reckless humour' . . . He has 'a rakish
 backward curl of black hair', a 'gay fi
 Gregory Sallust's elegance and char
 likes drinking martinis and making le
 charged superstreamlined' sports ca
 strong. Also he wears 'his clothes wi
 elegance'. He fights crime because he
 does not much care whether he hin
 doing so.

Undoubtedly the most skilfully co
 hero in this tradition is Ian Fleming's
 Service Agent, one of the very few wh
 service.

He has 'a dark, clean-cut face, with a t

who have worked together'.
Here he is actually discovered
towards him with 'something
feet raises her half-parted lips
a knock on the door and
n other. At the end of *The*
her, somewhat ambivalently
when she refuses.

and attitude are not, of course,
hero. Despite his ruthless,
ironistic figure; it is the older
ing, tough and sensual who

ys women and food and drink
had never done. Dennis
cetic'. He likes gambling, he
rinking good wine, he knows
sweep most women off their
ore often were he not such 'a
t in a way quite different from
l, lean face with its thin lips
e is not above using a broken
an superficial resemblance to
t', whose improbable adven-
. 'The Saint' is better looking
e is 'cut in a mould of rather
a curve to his jaw', a 'careless
libuster's mouth'. But he has
m and sexual fascination. He
ove and driving 'huge super-
rs. He is tall and he looks
th a gay and careless kind of
has to fight something and he
nself transgresses the law in

onceived and most significant
James Bond. Bond is a Secret
no are licensed to kill on active

three-inch scar showing whitely

down the sunburned skin of the
and level under straight rather
parted on the left, and careless
falls down over the right eyebr
to a short upper lip below whi
mouth. The line of the jaw is str

He is an all-round athlete, a
thrower; he speaks French
has special cigarettes with t
a lot and is frequently to be
was created a CMG in 1953.

His 4½-litre battleship-gr
Amherst Villiers is describ
drives it 'hard and well and v
other interests are gambling
and the constant unemphatic
green tables'—drinking char
drink of Gordon's gin, vod
cooked food—the ordering a
up five of Ian Fleming's page

'When he was stationed in Lon
of very strong coffee, from D
in an American Chemex, of
and without sugar. The single c
ring round the top, was boiled

These same faddy, pedantic
the clothes he wears and in th
He is a snob and a perfection
times questionable. He lives
Chelsea off the King's Road.

He is tortured with distre
unpleasant and often surrea
a chair from which the cane se
below by a 'three-foot-long
once he is tied to a polished r
massaged by a Korean with
a whirring circular saw slowly

There is something of the s
nature. About to climb—seve

CRIME CULT

the right cheek. The [blue] eyes are wide over long black brows. The hair is black, neatly brushed so that a thick black comma grows from the forehead. The longish straight nose runs down the middle of the face which is a wide and firmly drawn but cruel mouth. The lips are straight and firm.¹⁶

An expert pistol shot, boxer and knife-fighter and German; he smokes heavily—he has three gold bands on them—he drinks heavily and is often found in bed with young women. He

likes to play Bentley with the supercharger by which he is regarded as his 'only personal hobby'. He plays cards with an almost sensual pleasure.¹⁷ His favourite game is bridge—he loves the 'dry raffle of the cards' and the dramatic drama of the quiet figures round the table with champagne and his own special ice-cold drinks of Vodka and Kina Lillet and eating well—his favourite food and eating of one expensive meal takes up most of his evening.¹⁸ Breakfast is his favourite meal.

When in London it was always the same. It consisted of a cup of De Bry in New Oxford Street, brewed with his own recipe which he drank two large cups, black coffee with egg, in the dark blue egg cup with a gold rim, for three and a third minutes.¹⁹

His tastes and expensive tastes are reflected in the way he talks to barmen and waiters. He is a sadist although his own taste is somewhat refined. He lives in a 'comfortable flat' in a square in London and has an elderly Scots housekeeper. He is a frequent frequenter of the most exclusive and in a variety of ways. Once he is tied naked to a wall and his meat has been cut out and is beaten from him with a carpet beater in twisted cane'.²⁰ And he has a metal table with a slit in it and cruelly beats his back against a naked chest and a bowler hat while he travels up the slit between his legs.²¹ He is a sadist and of the masochist in his own person. He is severely burned and with the marks of a

giant squid's suckers on his skin—in Jamaica his eyes become 'fierce blue' until she gives a little scream and wrings his hair.²² At the end of another adventure 'a woman's mouth' comes 'ruthlessly down' on his face and she comes into his cabin 'wearing nothing that was decent by half an inch'.²³ All this is done and he rarely fails to feel the 'peak of pleasure on his fingers'.

These feelings of sexual excitement are a far cry from the calm unemotional life of Della Street. In *Drummond's* 'shifting languidly' as she lies in a bed is inconceivable.

But then the idea of Hugh Drummond cheating at cards, as Bond does, or playing a game of golf, as Bond also does, is in fact at least part of the reason for Bond's popularity. Not only is he peculiarly talented as an agent but also a connoisseur of fashionable luxury. It is one of the bad man which every good man has to get out.

Whether or not the admiration which is shown for a professional murderer, arouses among the masses and whether or not the feelings of wonder and awe of less skilful writers than Ian Fleming are shared by more violent and more callous heroes, having a knowledge of the etiology of crime, there is little doubt that the hero of today has even fewer conventional virtues than the criminal hero of the past. That this is true cannot be denied.

to a sleeping bag with a girl
blue slits'. He bites her hard
enches his head away by the
e his 'passionate, rather cruel
he mouth of a girl who has
but a grey fisherman's jersey
l his girls have lovely breasts
hard with desire under his

do not appear to trouble the
et and the picture of Phyllis
e lies naked and moaning on

mond or Richard Hannay
playing an unsportsmanlike
conceivable, too. And this is
l's immense popularity. Not
gent and a lover, a sportsman
juries, but he is the epitome
n has inside him, wanting to

rich Bond, as a man and as a
ngst his numerous devotees
onder and approval which far
so easily evoke for their more
e any real importance in the
t that the truly popular hero
nal virtues than the actively
is of sociological significance

Part

THE DETECTION

V

N OF CRIME

THE DETECTION

*'You mentioned your name as if
beyond the obvious facts that you
a Freemason, and an asthmatic,
about you.'*

(i)

The Bow Street Runners survived the Metropolitan Police Act of 1829, and, with the Police Offices created in 1792, continued to be the only detectives, available as before, to the speculators in the detection of crime. They were more successful in the detection of jewel robberies than with murders, but in the latter field, they left to the new police. They were, as the only real experts in detection, looked upon by magistrates and particularly the Chief Magistrate, Sir Richard Birnie, and his successors, with some jealousy, and they were, for other reasons, too, which hindered the development of a police department devoted to criminal detection.

The prejudice against a professional detective force, which had been slow enough to overcome, died with the old system. A professional detective force died with the old system, and the detectives smacked altogether too much of the French police system of the *ancien régime*. In its essentials, both the Revolution

DONE

N OF CRIME

*I should recognize it, but
are a bachelor, a solicitor,
I know nothing whatever*

SHERLOCK HOLMES, 1893

For ten years after the Metro-
with the paid constables of the
continued to be the country's
for individual hire, 'private
e,'¹ more concerned now with
which, being a less profitable
they were, though, still regarded
tion, an opinion which the
Chief Magistrate at Bow Street,
or Sir Frederick Roe, both of
d much to foster. There were
the establishment of a special
nal investigation.

ional police force, despite its
gh to die; the prejudice against
ven more slowly. Government
much of foreign methods. The
égime had apparently survived,
n and Napoleon's Empire and

was still continually pointed political espionage which worked the force of British detectives upon

The activities of the extent had done much to increase the officer who had been sentenced to an order for the release had been sent to the galleys at Brest captured, but after escaping reappeared into the Paris underground in 1809 to offer his services to the Second Division which was recruiting those *Officiers de Paix* who were the *dissements* of Paris. As in the government had become a highly losing interest in criminals another *arrondissement* for Vidocq was to alter that. He was accepted on condition that he would operate from there. When he came out of prison, he was re-began the process of developing a criminal investigation department, an efficient *Sûreté*, now the *Police*.

He began with only four men and eight. His offices were in a dark Petite Rue Sainte-Anne, leading to the quai des Orfèvres. And from his informers, and ex-convicts like Vidocq which was completely successful in the underworld and its ways, he made criminals, his unprecedented raids on criminal strongholds in 1817 with only twelve full-time men over eight hundred arrests.³

Ten years later he was not content with police work and started recruiting ex-convicts. This venture was a failure. He had left it, had also been a failure. A new Prefect of Police, asked for Vidocq, had left the quai des Orfèvres as official chief

SECTION OF CRIME

out as an instrument of tyranny and would inevitably serve as a model for a similar system under Home Office direction.

Extraordinary Eugène-François Vidocq was the man who dispelled this fear. Vidocq was a former army officer who had spent eight years hard labour for forgery of a prisoner in Lille gaol. He had been in prison, had escaped twice and been re-arrested, a third time he had successfully disappeared into the underworld from which he had emerged as a police spy to the Head of the Department. He was responsible for the central direction of the agents who were attached to the twelve *arrondissements* in England at this time law enforcement was decentralized, the *Officiers de Paix* were responsible for the area in which they had crossed over into which they were not responsible.² His offer to serve as a police spy was accepted and that he went back to prison in 1805. He was so successful that when he was released he was made an agent of the Prefecture and his department which was to transform the Prefecture into the highly organized *Service Judiciaire*.

By the 1820's he had twenty-five thousand francs, a grand, forbidding house, Number Six, rue de la Harpe, from the Sainte-Chapelle to the Pont Neuf. Here he directed a network of spies, like himself, in a war against crime. His unrivalled knowledge of the underworld, his reliance on criminals to catch criminals, his files of criminal records, his daring, his energy were all reasons for this success. In 1825 he had some assistants he was responsible for

not only famous, he was rich. He retired in 1828 to a paper-mill which employed only a few men, a failure, but the *Sûreté*, since he had been a failure and in 1832 Henri Gisquet, the Prefect, ordered him to return to his office near the Pont Neuf as Chief of the *Sûreté*. But Vidocq's days

of triumph were now almost over. A man who was imprisoned for crimes which, it was widely believed, had been committed in his own self, led to his resignation. He operated in a system which was suppressed by his jealous superiors and he died in poverty in 1857.⁴

His enormous energy and skill amounted almost to genius, but he was regarded with suspicion. The French were already attacked for their political bias and he was attacked again for being pervaded by a man with a criminal record was given the effect', Baron Pasquier who had given the appointment, admitted. 'It contributed to the discrediting of the police.'⁵

In England Vidocq's reputation for the crimes he detected was emphasized to prevent anything like the Paris *Sûreté*. At least, so they could comfort themselves. The Police wore a uniform and this in itself was the spying activities of a secret police. Constable William Popay made it clear that they were not, after all, above such methods.

Popay, an energetic and zealous constable, sought to obtain information about the reform of the National Political Union which had been the cause of the rejection of the Reform Bill by the Government. He saw himself as an advanced Radical and a member of a particularly violent 'class' of the Union. He attacked the House of Commons as being 'a collection of creatures,' the House of Lords as being 'a collection of incurable national nuisances,' the King as 'a scoundrelocracy'⁶ and above all the reform of the organization of spies employed by the Government and eventually enslave the working class. Constable Popay was seen by a member of the National Political Union sitting in a police cell. He was immediately recognized as the man who for several months had been inciting his comrades to attack the Government and denouncing the police.

The Union petitioned the House of

a scandal involving one of his
implicity in a daring burglary
then organized by Vidocq him-
ned a private inquiry agency
enemies at the Prefecture and

in tracking down criminals
was throughout his life re-
n Police of the Restoration,
as were now, because of him,
by criminals. The fact that a
en such authority 'had a bad
approved Vidocq's original
ed much on several occasions

for instigating many of the
by all those who wished to
et e being created in London.
mselves, the new Metropolitan
elf seemed a safeguard against
ce—that is, until the case of
ar that Peel's 'cut-throat mob'
ods themselves.

onstable in Walworth, wanting
evolutionary activities of the
been formed in London after
e House of Lords, represented
d attended the meetings of a
on in Camberwell. The Union
eing full of 'borough-mongers'
eing a 'hereditary hospital of
King as 'the puppet of a base
new police as being an 'organi-
overnment to provoke, betray
lasses'. One day the enterpris-
ellow member of the National
office inspecting a ledger. He
e fiery young artist who for
ades to violence, insulting the
ce.

f Commons, protesting against

'policemen disguised in clo
amongst them and 'seeking
charges were patently exagger
House could not ignore and a
into the allegation of widespr
Popay's conduct reprehensib
although they did not compl
policemen in plain clothes'
should be strictly limited and
the employment of spies'.⁹

Hopes of the early establish
had been dashed. The Bow
1839 but no professional det
later, however, a particularly
the murderer, Daniel Good,
incapacity of the new police w
with the shrewdness and cun
Discerning readers, though, w
fair verdicts now and were b
lobsters' were not so terrible a
the Commissioners were able
sanction a small detective br
geants, as an experiment at S

Charles Dickens interviewe
twopenny weekly *Household*
boyish enthusiasm, far prefer
derided as the old 'humbugs'
'many great difficulties in the
still, so the Commissioners w
with the greatest suspicion an
men' and was 'entirely foreign
nation'.¹⁰ This suspicion was
when the details of a Scotla
horrified country. It appear
been accepting large sums of r
operated fraudulent betting
inspectors had not only taken
found guilty, too, of intercep
to Scotland Yard and of for
from Scotland Yard and i
Holland.¹¹ The disclosures

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thing of various descriptions' living 'by their lives'.⁷ While the Union's petition was being considered, the petition was one that the Home Office Committee was appointed to inquire into. The Committee found evidence of head espionage. The Committee found a man guilty and asked for his dismissal;⁸ and the Home Office in its opinion of the 'occasional employment of spies' thought that such employment was 'solemnly deprecated' 'any approach to

the establishment of an efficient detective force'. The Bow Street Runners were disbanded in 1839 and detectives took their place. Three years later a savage murder was committed and the murderer was not arrested for some time. The Home Office was again compared in the newspapers to the 'inefficiency' of the old Bow Street Runners. The Home Office was less inclined to accept these uncomplimentary comparisons, beginning to realize that Peel's 'blue books' were not after all. And when Good was arrested in 1841, the Home Office tried to persuade the Home Secretary to establish a branch, of two inspectors and six sergeants, at Scotland Yard.

Peel placed these men at the offices of his new 'Metropolitan Police' in *Words* and found them, in his almost exclusive reliance, comparable to those whom he extravagantly praised as the 'heroes' of Bow Street. But there remained a 'want of a detective system' which was pointed out in their report in 1869, 'viewed with jealousy by the majority of Englishmen' and 'unfavourable to the habits and feelings of the public'. The Home Office greatly increased eight years later and the 'Metropolitan Police' scandal were revealed to a public that three senior inspectors had received money from a gang of swindlers which they used to run their agencies on an immense scale. The Home Office, on bribes and commissions, they were sending telegrams from Paris addressed to the Home Office and purporting to come from the Home Office intended for police authorities in London. The scandal came 'as a thunderclap to the

community', the Attorney General sent over England the greatest possible alarm.

But they had, like the murder commission, an ultimately beneficial effect on the development of the whole organization of which was overhauled on lines recommended by a barrister who had made a special study of a separate detective force, with Vinogradoff as Director of Criminal Investigations, with 10 years of the Criminal Investigation Department. The uniformed policemen resented the status given to the detectives who, so it was to be used to spy on them as the *contrôleurs* in the experiment of appointing gentlemen of letters without preliminary training as policemen. And the accusations that the police were *cateurs*, as they had been at the time of the 1880 when a police officer's wife admitted to a chemist, named Titcomb, to help her procure an abortion. Apart from the slow methods and inefficiency, there was an increasing crime rate in the 1880's, a war waged by the Fenians, by riots in the West End, and by the alarming activities of the East End anarchists. But all these troubles seemed insignificant in the summer of 1888, the scene of a series of murders which were comparable only to that excited by the murders of 1811.

The series began on 6 August 1888 when an old woman, Martha Turner, was found dead in a chapel with her throat deeply slit by a knife. The police were being subjected to a crisis of confidence that the Commissioner, General Sir Charles Warren, a formalist, who decided that the only solution was to track the murderer down. The Commissioner was forced to resign.

Martha Turner's murder on 6 August was followed by that of another woman on 13 August. Eight days later a third woman, Annie Chapman, was found dead in a backyard

said dramatically, 'and spread
arm'.¹²

mitted by Daniel Good, an
development of Scotland Yard,
completely and immediately
by Howard Vincent, a young
study of the Paris police. A
cent himself at its head, as
was formed in 1878. The first
department were unhappy ones.
the higher pay and superior
some of them suspected, might
ôle générale did in Paris. The
of good education as detectives
emen, was a complete failure.
e were sinister *agents provo-*
e of Popay, were repeated in
mitted in court that she had
ley, that she wanted him to
t from accusations of under-
police had also to cope with
, complicated by the dynamite
of unemployed labourers in
activities of growing numbers of
troubles, serious as they were,
of 1888 when London became
h aroused an unreasoning fear
by the Ratcliffe Highway

1888 when a thirty-five-year-
und on a stairway in White-
by a long-bladed knife. Soon
attacks of such deep virulence
r Charles Warren, a military
ly means of dealing with the
down with bloodhounds, was

August was followed on 31
anna Nicholls, aged forty-two.
Annie Chapman, aged forty-
in Hanbury Street. All three

of these women were prostitutes. The throats of all three had been cut. Nicholls and Annie Chapman were mutilated.

On 26 September 1888, a letter written in red ink.

'Dear Boss,' it read, 'I keep on they won't find me just yet. I and talk about being on the rig gave me real fits. I am down on till I do get buckled. Grand work time to squeal. How can they come to start again. You will soon have saved some of the proper red ink job to write with but it went through is fit enough I hope, *ha, ha*. Tears off and send to the police of this letter back till I do a bit more knife's so nice and sharp I was chance. Good luck.

Yours truly

They say I'm a doctor *ha ha*.¹³

The letter was photographed and circulated in thousands all over London. It remained at large and on 30 September 1888, 30 prostitutes were found. One was the other Catherine Eddowes. Both of both had been cut, both bodies had been made to cut off the neck committed between eleven and twelve in an area of about one square mile. They were middle-aged and drunk. The idea of meeting a death like theirs shocked thousands of respectable people. The letter was soon as it was dusk. What was demanded, and the answers came.

On 9 November in a room in Whitechapel, Kelly was found. She was young and had been mutilated with an eye cut off, her breasts cut off,

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ites, all three were drunkards and the
n savagely cut. The bodies of Anna
n had, in addition, been systematically

the Central News Agency received a

hearing the police have caught me, but
have laughed when they look so clever
ght track. That joke about leather apron
n whores and I shan't quit ripping them
ork this last job was. I gave the lady no
atch me now. I love my work and want
ear of me with my funny little games. I
tuff in a ginger beer bottle over the last
nick like glue and I can't use it. Red ink
The next job I do I shall clip the lady's
officers just for jolly wouldn't you. Keep
more work, then give it out straight. My
nt to get to work right away if I get a

y, Jack the Ripper.

l and printed on a poster which was
ver London. But Jack the Ripper re-
September the bodies of two more
was Elizabeth Stride, aged forty-five,
wes, aged forty-three. The throats
dies had been mutilated and attempts
eir ears. All five murders had been
t night and four in the morning in
e mile; and although all the victims
en prostitutes from the East End, fear
s spread fast throughout London and
ple locked and bolted their doors as
ere the police doing? the newspapers
did not comfort them.

m in Spitalfields the body of Mary
unger than the other victims and had
n greater brutality. Her throat had
her heart and liver cut out and laid

upon a nearby table. The outcry against the Metropolitan Police did not permit such a monster to roam the streets of London. The world reached a new pitch. The man who was suggested, was a policeman.

Chief Inspector Alberline, who was in charge of the investigations, believed on the contrary that the murderer had gone to live in Jersey City; Sir Melville Macnaghten, Assistant Commissioner of the Metropolitan Police, was a man who 'committed suicide on 12th March 1889'; Sir Basil Thomson, one of the Assistant Commissioners, said that the murderer was to be 'the work of an insane Russian barber, who had a knowledge of surgery and medicine at the time of the murders and had a private hospital as well clinic. He was suspected of having been in London before he came to London and after his arrest he was arrested in St Petersburg for the murder of a man who died in an asylum and was named by the Metropolitan Police as the man 'wanted for the murder of a man in the Quarter of London in 1888'.¹⁴

Whether or not this man was Jack the Ripper, that Scotland Yard had been unable to find him or to anyone else. There had been a man who had been in the Metropolitan Police since 1842, newspaper reporters and they in more than forty years had produced a sweeping charge, but an understatement. After the Bow Street Runners had been disbanded, individual Runners, who had been acting as detectives, were consulted by victims of crime to pay their fees rather than to call in to Scotland Yard.

The clients of Henry Goddard, for example, considered the possibility of asking the Metropolitan Police. Goddard was a Bow Street Runner. After the Runners were disbanded and thereafter he became a private detective, obtaining most of his work through the Corporation of the City of London. It was so successful that he became the first Chief Constable of Northampton in 1840. He resigned in 1841 and when he came to London, he was given an appointment

against the police who could
streets of the greatest city in
The murderer, it was even

was in charge of the investi-
t he was a Polish barber who
Melville MacNaghten, later an
ropolitan Police, said that he
n or about the 10 November
Sir Melville's successors as
C.I.D. believed the murders
'doctor'. Certainly a Russian
ry, was working in Walworth
ssisted a doctor at a Camber-
ing murdered a girl in Paris
his return to Russia he was
rder of a woman in 1891. He
y the Russian Secret Police
of five women in the East

ck the Ripper, it was certain
to bring the murders home to
een detectives in the Metro-
rs protested, but not one of
ved worthy of his hire. It was
ndable one. For many years
ceased to exist as a detective
gone into business as private
s of crime who preferred to
he official detectives at Scot-

or instance, very rarely con-
e new police to help them.
until August 1839 when the
er he became a private detec-
ough the agency of John and
as quasi-official detectives by
on. Goddard was so success-
Constable of the County of
ine years later and, returning
ntment in the department of

the Gentleman Usher of the Chamberlain's Office, which allowed him enough leisure to do some detective work. He was still in London in 1864 when he acted for the police in tracking down their Secret Service agents and the Society's funds. Although his story was not to be published in *The Times*, his real name, Goddard was assumed name, Goddard was assumed name, Goddard was in Melbourne, Australia.¹⁵

Goddard travelled extensively in 1853 he went to America to investigate a distiller who was supposed to be a spy for Tyne with ten thousand pounds. Goddard sailed from Liverpool to New York where he stayed at Collier's Hotel.

'I engaged the service of Gilliam, a police officer, for his assistance in going to the hotels and ship-owners,' Goddard wrote. 'I could not obtain any information from any of them at all the hotels and boarding houses. I expected to see the name of the travellers to write their names down as we were in possession of his letters in an assumed name.'

But as they had no luck, Goddard probably made his way West. He packed his things, and sailed for New York. He made inquiries there. Believing that the 'newcomers for miles around' were to Buffalo, from Buffalo to Detroit, Chicago to Milwaukee and from Milwaukee to Janesville, after having asked for information followed his long and devious path.

The Bow Street Runner was a man of knowledge of the underworld and into which he was some way from Scotland Yard detective had developed his later ability to observe rather than participate. His investigation was limited by the wary eyes

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the Black Rod at the House of Lords
a spare time to resume his private
practising in that capacity as late as
the Gresham Life Assurance Society in
any who had absconded with some of
the man caused a notice of his death
to be published and had gone abroad under an
alias and was able to trace him to Scott's Hotel

actively in the service of his clients and
was in an effort to trace John Todd, a
man who had fled there from Newcastle-on-
Tyne pounds belonging to his creditors.
He travelled from London and in eleven days arrived in New
York Hotel.

Hayes, the renowned American police-
man, writing with me to make enquiries of bankers
wrote in his memoirs. 'But from these we
learned nothing. We then visited and made enquiries
of the houses, looking over their books; not that
of Todd, but as it is the custom for all
bankers to keep in these books we thought it probable,
if we found his signature, that we might trace some

of Toddard then decided that Todd had
fled as so many fugitives did. So he
went up the Hudson to Albany to make
enquiries of local land agents would know 'all
the fugitives' he went to see them all from Albany
to Detroit, from Detroit to Chicago, from
Chicago to Milwaukee to Janesville. And at
the end of thousands of questions and skilfully
followed his trail, he found his man.¹⁶

was helped in his work by an intimate
friend, on the edge of which he often lived
times accepted as a go-between. The
friend had no such advantage. He had not yet
acquired a knowledge of it from obser-
vation, and his use of 'coppers' narks'
was of a suspicious public ready at any

moment to accuse him of methods 'e and feelings of the nation'. Cases in justified in resorting 'to artifice', Sir V Secretary said in the 1840's 'must be police ought not to set traps for people universally held opinion.

Towards the end of the nineteenth justice against the 'prying snoopers' of to die. The widely publicized investig of James Neill Cream and Milson an murderers, demonstrated that the quite as shrewd as the hundreds of exploits provided so much material magazines which poured from the p And in the early years of the new cent and Crippen encouraged the belief public that although Scotland Yard organization, experience and wealth that the detection of crime could be p In 1928 this belief in the growing pr deepened by the arrest of two men for the country. The investigations wh characteristic of modern police detect painstaking.

At about six o'clock in the morn previous year, Police Constable Geo found lying dead by the side of a the Essex village of Stapleford Abbot shots fired at his head at close range a ground, two more shots had been fire was holding a pencil in his hand, hi his whistle was hanging loose from h Two bullets were found, one in his c in the earth by the roadside, and the were signs that a car had stopped sud but the marks were not clear.

The Chief Constable of Essex de Scotland Yard, and a Chief Inspector tive sergeant, came out from London with the help of the Essex detective of interviews which were soon to nu

entirely foreign to the habits which detectives could feel William Harcourt, the Home e rare indeed. As a rule, the e.'¹⁷ This was then an almost

n century, however, the pre- Scotland Yard began slowly gations that led to the arrests ad Fowler, the Muswell Hill official detectives could be private ones whose fictional l for the cheap books and resses of Victorian London. ury the trials of Robert Wood of an increasingly admiring d might make mistakes, its of records made it unlikely laced in more capable hands. owess of Scotland Yard was a murder which had shocked hich led to their arrest are ion at its most thorough and

ing of 27 September in the rge William Gutteridge was a road at How Green near s. He had been killed by two and while he was lying on the d at him, one at each eye. He s notebook was near by and is breast pocket on its chain. clothing, the other imbedded se were the only clues. There dently and driven into a bank,

ecided to ask for the help of r, James Berrett, and a detec- immediately and set to work es. They began a long series mber more than a thousand.

Misleading information came from a man anxious to help or to appear important to himself and others, or merely to get rid of an unpopular and eccentric man who was denounced as a wizard, were the cause of suspicion about him was so great that he knew anything about the crime. A local criminal, also suspected of the crime, was questioned. Tramps were searched, and owners, friends and neighbors were interviewed; but little was discovered. The case seemed revealing turned out to be a dead end. The Criminal Record of criminals at liberty who were known by methods suggested that they were guilty of the crime. Their whereabouts on the day of the crime were checked and one of them was found at his lodgings and to have left behind him no reports about the crime. His name was in the *Gazette* and his photograph was taken. He came to Scotland Yard and

There were, as is usual in such cases, several suspects. A man gave himself up at B. He was taken miles in a thick fog to talk to the police. He was credible, only to discover that he was not. He confessed to another murder a year or so before. It was also usual in any murder case to find a clue. In this case by a boy beside the Thames. The clue was a murder and the following day a plot of waste ground nearby was searched. An expert, the revolver and the cartridge were in connection with each other. The cartridge prints on the cartridge tin are being sent to the Print Bureau to be compared with the prints of known car thieves and houses. The results were unrewarding.

But if, so the police believe, the inquiry was pursued assiduously, sooner or later some helpful clues were uncovered.

At the post-mortem exam-

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to them from scores of local people to help, to seem important to them to cause trouble. The activities of an man, who in earlier times would have been carefully investigated because local strong, although it seemed unlikely at the murder and, in fact, did not. A man by the villagers, was watched and questioned, gunsmiths and garage owners of the dead constable were interviewed which seemed revealing and what to be the fruits of gossip, malice or record Office were asked for the names whose past records and whose known might have been responsible for the the night of the murder were carefully was discovered to be missing from his and him some cuttings from newspaper description was circulated in the *Police* was published in the newspapers. He cleared himself of suspicion.

In any murder case, false confessions. Maslingstoke and a detective drove sixty to him as his story seemed superficially that he was an epileptic who had confessed a few months before. There were, as is the case, false clues. A revolver was found at Hammersmith on the day after the day a tin of cartridges was found on a man. After careful examination by a gunsmith the cartridges were found to have no markings.

There were, however, some fingerprints and these were then sent to the Fingerprint Bureau with the twenty thousand prints of known criminals. Once again the inquiries

continued and still believe, every line of inquiry, however unpromising it seemed, and clue would be uncovered. And two days ago.

In the continuation it was noticed that there were

marks of black powder on the constabulary cartridge used by his murderer must be since obsolete; and under one of the seats abandoned in a passage-way in Brixton case. The car was one which had been stolen from a doctor's garage in Brixton scene of the murder.

On the running board of the car a forensic Office analyst discovered to be blood. The wheels were particles of earth and dust to correspond with the soil and grass at the scene. Photographs of the car and things missing from the doctor's attaché case—were circulated in the newspapers. At Stapleford Avenue enquiries intensified until the police had searched the station and garage in the neighbourhood of hundreds more people. Over five hundred along routes which the car might have travelled where—according to a neighbour of the doctor who started up—it was stolen at half past six in Brixton, where it was found at six o'clock. The police eventually able to trace out the circuit of the car followed in the driver's anxiety to a garage in London. It appeared from the evidence that the driver claimed to have heard it and from the evidence of the speedometer and checked with the doctor's evidence had been driven at high speed. It seemed that a man who could drive so fast and so far, not all of which were signposted, must be a professional and there was at least one man with a car who could carry a gun, who did know the district and was being, in fact, as he later described himself,

His name was Frederick Guy Brown. He had recently come out of Dartmoor, having served ten years' penal servitude for fraud, he had wanted to serve every day of his life and his friends, because he did not want to be released when he was released. Before long, he was taken up to him.

On 13 November he had stolen the car and taken it up to Sheffield to sell it. W

ple's face, indicating that the
have been of a pattern long
ats of a Morris Cowley found
on was discovered a cartridge
en stolen on the night of the
Billericay a few miles from the

were marks which a Home
stains, and on the near side
ried grass which were found
in the bank at How Green.
ssing from it—including the
d in the *Police Gazette* and
bbots and Billericay the in-
called at every shop, railway
rhood and had interviewed
undred houses were visited
ve driven between Billericay,
the doctor who had heard it
st two in the morning, and
clock. And so the police were
ous route which the car had
void the main road back to
nce of the fifteen people who
he mileage, recorded on the
doctor's records, that the car
med logical, then, to suppose
along twisting country lanes,
must know the district well;
a criminal record known to
ct and who could drive a car,
nself, 'a motor engineer'.

me. But although he had very
ng served a sentence of four
could not be found. He had
term, so he told his wife
to have to report to the police
though, the police called on

a car in Tooting and had
While driving it in a reckless

way through the middle of the road by a van driver who had had a licence. He gave a false name and a false driving licence. But diligent investigation by an informer who had been watching his arrest at his Battersea garage, 'I shall have to get a machine to see of it,' Browne said morosely.

Browne was charged with possession of a machine and was held in custody while the police could be charged instead with possession of a machine. Gutteridge. There seemed to be a murder, for found in his car were several revolvers he delighted in, surgical implements which he used. He vehemently denied the murder. He was at home in London with his family in September. He kept loaded with revolvers in case they interfered with his cars to the country in the past. The medical tweezers, the volatile spirit 'were kept in the car for accidents' and some of them were found near the Infirmary—opposite the murder but that was all. 'I do not read them' 'because I do not read them' 'had no connection with the murder' personally am not interested in me.'

Having obtained this confession, Inspector Berrett left for the country. He had helped the Sheffield police to find the driver the previous November. In the murder Browne had often been seen. He agreed to come to Scotland Yard for photographs in the Criminal Record. 'Pat' was found to be an ex-convict with a long series of convictions for various indecent exposure to 'frequent' exposure. He told a story quite different from

He well remembered 26

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the town, he was reported to the police to drive into a wall to avoid a collision. His address and presented somebody else's inquiries by the Sheffield police, helped seen in Dartmoor with Browne, led to a garage in January 1928. 'What I can say to the detective who arrested him, is to get the gun for you bastards next time.'

In the theft of the car in Tooting and the police collected evidence on which he was charged with the murder of Police Constable Gutteridge. No doubt that he had committed the crime and in his office were not only the car but also the revolver in his possession, but a number of other items had belonged to the Billericay doctor. In the murder, however, insisting that he was with his wife all night on 26 and 27 January, he said, 'to frighten anyone else with them. He had been robbed while taking the car to the garage and he did not want to be caught with the car. lint bandages, freezing fluid and high pressure water were 'bought at Sheffield at a chemist's shop in fact'. He had heard about the car and said, 'do not take the newspapers in,' he said, 'I have not the patience . . . I have not the patience to read the murder of P.C. Gutteridge, and I have not the patience to read in it, because it does not interest

anyone. A serious statement from Browne, Chief Constable of the north to talk to the informer who had been seen in their search for the dangerous man. This man said that after the car had been seen with a man called 'Pat', and the man had been taken to the Yard to try to identify 'Pat' from the photographs. He was able to do so. The man was a convict, William Henry Kennedy with a record for crimes ranging from 'loitering' and 'loitering' and housebreaking. Kennedy was seen with Browne's.

In September, he admitted. Browne, for

whom he worked as a book-keeper. He told him to go with him to Billericay to see Morris Cowley and Browne drove at a 'great pace' until they reached 'a kind of Ongar'.

'When we got some distance up this road one who stood on the bank and flashed his light did so quite willingly, and when the policeman . . . The policeman came up to Browne and asked him where he was from . . . The policeman flashed his light at this time standing close to the running stream, asked me if I knew the number of the car, I saw it on the front of the car." The policeman asked me, "What is the number, but do you?" I said, "Yes, I know it," I said, "TW6120". He said, "Very well," he took his torch back in his pocket and pulled out a piece of paper of writing when I heard a report quickly followed by the policeman stagger back and fall over on to Browne, "What have you done?" and he held his revolver in his hand. He said, "Get out of the car," and went round to the policeman, and Browne came over and said, "I'll be damned, God's sake, don't shoot anymore, the man is innocent."

The policeman's eyes were open and he said, "What are you looking at me like that?" He pointed his light at him at close range through both eyes . . . He told me to load it while he drove on. I did so, and I dropped an empty shell in the car.'

Kennedy's long statement, so his courage was pumped out of him by four hours of promises and threats,' when he 'was in such a state of nervousness that he did not know what he was saying,' is an allegation which the police have to disprove, and have sometimes had difficulty in doing so. On this occasion, there was no doubt that Kennedy was voluntary—Kennedy's wife who had been with him in Liverpool with him had urged him to tell the truth, he had been given ample opportunity to explain himself, and had said anything. The magistrate at the police

and general clerk, had asked me to steal a car. They had stolen the car and driven it through 'country lanes at the end of a side road off the main road on the way to

'I,' Kennedy said, 'we saw some-thing like a lamp as a signal to stop. He was the first person who came up we saw it was a man. He was close to the car and stood near the car. He was going and where he had come from was not clear. He was in the light in both our faces and was leaning on the board on the off side. He then got out of the car, and Browne said, "You'll be a policeman said, "Yes, I know the car, and you can give you the number," and I said, "I'll take particulars," put his hand on his notebook, and was in the act of writing. I was followed by another one. I saw him standing by the bank at the hedge. I said, "What is he then saw he had a large Webley revolver. He said, "Quick." I immediately got out of the car. He was lying on his back, and I said, "Finish the—," and I said, "for the man's dying," as he was groaning.

Browne, addressing him, said, "What is he for?" and stooping down, shot him. He gave me the revolver and I loaded it and in my excitement

my counsel later pleaded, 'had been in a state of mental helplessness, of interrogation, of promises, of such a state of mental helplessness—was doing or signing'. It was a state of helplessness frequently had to face since, I was unable to refute satisfactorily. But I was not sure that it had been entirely true. I had come to Scotland Yard from the witness to tell the truth—and he had not been able to rest before he said that the police court admitted the state-

ment in evidence and later, Court, Kennedy, declining to represent his complete defe

It was unfortunate for Bro not evidence against him at newspapers after the police members of the jury had read their minds as the judge frequently of newspapers to print evidence courts seems to point to at the English system of criminal Browne's undoubted guilt of time that the law had not been that it was unfair that the law keep both him and Kennedy convict them was being collected

But these feelings were not of detectives who could investigate intelligence and patience. They had been able to prove that the bullets only have been fired in Browne that the unused cartridges found obsolete ones containing black bullets found at How Green powder and cordite, and that had been made by either black

The police could not, of course without the help of experts. Today forensic science is as a use of the traditional and still for centuries the possible uses remained unknown or disregarded

In the autumn of 1786 a young was found dead in a cottage. Led to the cottage there was prints there were spots of blood which the murderer had left

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at his trial at the Central Criminal Court to go into the witness box, said that it was a disgrace.

Browne that, although the statement was made at his trial, it had been published in the newspapers and court proceedings. Presumably the police had it and were unable to put it out of circulation, and were frequently asked them to do. The freedom of speech given in magistrates' and coroners' courts was at least one unsatisfactory feature in the present legal procedure. Notwithstanding that it was a savage crime, it was argued at the trial that it had been fair to him. It was also argued that the law should have allowed the police to keep him in custody so long while evidence to be collected.¹⁸

It was not widespread. Most people felt proud to investigate a case with such thoroughness, and they read with admiration that they had found a cartridge case found in the car could be traced to the man's revolver and in no other revolver, and that the powder found in Browne's possession included traces of black powder and cordite, that the two cartridges had been fired by charges of black powder and that the marks on the constable's face were made by black powder or cordite.

Of course, have proved any of these things in a science that was relatively new. It was not an integral part of police work as the traditional indispensable 'copper's nark'; but the uses of science in crime detection were being developed.

(ii)

A young woman, her throat savagely cut, was found in Kirkcudbright. On the path which she had taken a trail of foot-prints and beside the path a pool of blood. Neither the murder nor the clues left behind him were remarkable; but

pubic hair, the man's hair, it was then found to be fair indeed.

By the measurement of temperature of the body, when mortis had reached it was possible to determine the time of the murder. Blood cools after death. The rigor begins with the head and then diminishes again. The muscles of the body were set when examined at eleven o'clock but were still flaccid, so the time of death could be determined to be between seven and eight that morning.

The evidence of a taxi driver who had seen a man with a scratched face from Sussex at the time that led immediately to the arrest of the man who committed suicide before he could be brought to trial.

The significance of finger-prints is, of course, of blood, a recent discovery. The use of fingerprints for identifying criminals seems to have been first introduced in the nineteenth century by Sir William Herschel in Bengal, who had formed a large collection of fingerprints in connection with legal documents and the identification of persons. Although the use of fingerprints for identification had long been known, and their scientific value was first scientifically propounded in 1823, they did not attract much interest until Sir Francis Galton, a statistician and cousin of Charles Darwin, first tried to convince his countrymen that individuality of fingerprints was of extreme importance in the identification of persons. At the same time Juan Vucetich in Chile, Faulds and Sir Edward Henry in England, were also working on problems of classification, and Henry's method of classification, still in use at Scotland Yard, was a valuable contribution to the science of identification.

Meanwhile, however, a new method of identification was gaining favour. It was invented by Alphonse Bertillon, a French anthropometrist, who had introduced his system in the Record Office in Paris of which he was the director. His discovery that the measurements of certain parts of the body remain constant throughout adult life, led to the formation of a committee which was appointed in 1871 to study the means of identifying habitual criminals. The Commission of Anthropometric Measurements came into existence in 1871.

known, must have been very

and the state which rigor
to discover the approximate
death and the body stiffens.
travels down to the feet and
the girl's jaw and arms were
t her abdomen and legs were
be fixed at between six and

ad taken a fair-haired young
x Gardens to Paddington at
t of the murderer who com-
ught to trial.⁵

like the varying properties
of finger-prints as a means
e been first suggested in the
Merschel, a commissioner in
tion of prints which he used
and as a protection against
ts as a system of identifica-
ermanent character had been
erschel's suggestion did not
Galton, the British anthropo-
n, made it his business to
al finger-prints were unique
the field of personal identifi-
a in the Argentine and Henry
ngland studied the practical
y devised a new system of
ard, by which quick identifi-

od of criminal identification
by Alphonse Bertillon, the
roduced it into the Criminal
was head. Based on the dis-
ain parts of the human body
the system greatly impressed
1894 to report on the best
ls. But although a Registry
me into being, it had been

recognized by 1899 that the
so imprecise as to be usele
more to finger-prints.

A single print secured a
in 1903 the City of Bradfo
print bureau. It was not, l
for an accurate and certain
much general support. It b
a fearful misjustice had bee
different women Adolf B
who had lived a somewhat
America and London, was
tenced to penal servitude fo
women said—and the evide
—accosted her in the str
addressing Lady Everton, v
in conversation with her fo
the next day, mentioned th
and asked her to go on a
would need new clothes, he
she would want. She would
of her pieces might do if t
to the jewellers himself an
settings by the one-armed p

After his conviction, an a
methods bore a strong re
himself John Smith who h
eighteen years before, can
decided that Beck and Sm
given the convict number
problem seemed satisfactor
Beck's solicitor found that
John Smith was really Wil
London throughout Beck's
and the prison records confi
although Beck was not. All
was given a fresh number a
he was released on ticket of l

Two years later women w
same way as before. Beck v
convicted. But while awaitin

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the measurements taken were frequently
less. Accordingly attention turned once

a conviction for burglary in 1902; and
and established the first provincial finger-
however, until 1904 that the demands
system of criminal identification gained
became clear in that year that in 1896
n done. On the evidence of at least ten
eck, a forty-four-year-old Norwegian
unsettled life in South Africa, South
convicted of a series of frauds and sen-
or seven years. He had, so one of these
ence of the others was almost identical
reet, asked if he had the honour of
was told that he had not, but remained
or some minutes. He called to see her
at he was a cousin of Lord Salisbury's
Mediterranean cruise with him. She
said, and he gave her a list of the things
also need new jewellery, although some
they were re-set. He would take them
d would send them back in their new
orter at his hotel.

onymous letter, suggesting that Beck's
semblance to those of a man calling
had been convicted at the Old Bailey
ne into the hands of the police who
ith must be the same man. Beck was
worn previously by Smith and the
ily solved. Three years later, however,
the man who had been sentenced as
helm Meyer and that he had been in
s trial. Meyer was a circumcised Jew
rmed that Smith had been circumcised,
that happened, though, was that Beck
nd remained in prison until 1901 when
eave.

ere being defrauded again in exactly the
was once more arrested and once more
ng sentence, another fraud which could

not possibly be blamed on Beck, who was by Wilhelm Meyer. Apart from a shade on them both, the two men did not look much alike. The one's complexion was ruddy, the other's complexion was the other blue.⁶ It is certain that their features had been different.

The year after Beck received his freedom of four thousand pounds—about five years' salary for a man who had spent a year he had had to spend in prison—a fingerprint Department at Scotland Yard was set up to identify the finger-prints of Stratton, a violent criminal who had emptied a cash box in a house in Deptford which had been battered to death. Thereafter fingerprinting became as being a highly important aspect of criminal investigation, though the judge in the Stratton case was not convinced by the evidence of a finger-print that a well-marked print was an infallible proof of identity. The criminologist, Balthazard, showed that there were points of resemblance between the prints of 16,777,216 prints must be examined; to find a single resemblance, over 17,000,000,000 prints must be prepared.⁷ On only one occasion, apparently, has it been found that two criminals had identical finger-prints. A criminal were found to be exactly the same as the criminal convicted of importuning some years before. It was discovered that both sets of prints were those of a man whose sex had changed.⁸

As the records at Scotland Yard grow, the use of fingerprinting gloves; but in several cases, even when the prints are and were identified. A sweaty or oily skin will not leave an identifiable mark, as can a narrow ridge. A narrow area of a square millimetre photomicrograph is used to pores for accurate recognition. The ridge is usually removed by sandpaper but will reappear. Some criminals knowing this have undergone operations to make the skin smooth and then they are fingerprinted.

In spite of the undoubted success of the fingerprint Department, which has now more than a million prints on its files, it was a long time before it became a reliable department in the United States. In the United States and prisons only had photographs as

as in prison, was committed
ape and height common to
much alike. One had a fresh
s dark; one had brown eyes,
ir finger-prints would have

e pardon and compensation
hundred pounds for each
a newly established Finger-
had its first success when
criminal, were found on an
d where an old oilman had
ger-prints were recognized
criminal investigation. Al-
warned the jury not to con-
alone, it was soon accepted
ble means of identification.
that to discover even twelve
finger-prints of two men,
to find seventeen points of
nts would have to be com-
tly, has it seemed possible
er-prints. Those of a male
same as those of a woman
efore. Eventually it was dis-
e those of the same person

ew, criminals took to wear-
so, the prints came through
r hand in a thin glove will
ked finger on cloth, and an
graphed may show sufficient
dges cannot be permanently
bear exactly as before, and
e extensive surgical opera-
selves scarcely recognizable.
of Scotland Yard's Finger-
e than one and a half million
efore there was any compar-
s. Many police authorities
means of identification in

1900 and many more were entirely on Bertillon's. In city to discard measurements. Negroes in the Federal Pen not only to look alike but measurements.⁹ But few other examples. In 1905 a finger Department of Justice but where the prisoners were p tampered with them. By 1 and Bertillon files had pile making quick use of them.

But slowly reports of the print departments had their merits. Many years before, told, had arrested a burg constable finding a severed door.¹⁰ And a Deputy Chief written of the scepticism of removed when a set of finger was sent to Scotland Yard and a message identifying post.¹¹

It was not until 1930, Division of Identification Bureau of Investigation. And that finger-prints could be of accepting evidence based. It is, of course, also necessary easy,' as Professor Reiss has suspicious man and beg his prints be examined'.¹²

The identification of the presents problems to which but which modern advances Perhaps the most remarkable that of the remains of a co in 1948.

Two small boys, looking pulled out a nasty and evil-some leaves. A few days later

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still using and instituting systems based on the methods of the late 19th century. In 1904 St Louis was the first American city to give its police departments in favour of finger-prints after two prisoners in the penitentiary at Leavenworth were found to have virtually identical measurements. Immediately followed St Louis's example, and its finger-print department was set up in the city. It was later transferred to Leavenworth and the man in charge of the files and, of course, the records. By 1924 over a million finger-print records had been built up without any efficient method of classification.

The successful operations of foreign finger-print departments had a great influence on American police departments. In the police in London, Americans were able to identify a finger within an hour and a half of a fingerprint being taken. A finger on top of a spike on a warehouse in New York's Homicide Bureau has been identified by the Chief Inspector of Detectives being a fingerprint, belonging to an English thief, without any clue as to whose they were. The identification was received by return of a letter from London.

It is, however, true that there was a permanent and increasing demand for information within the Federal Bureau of Investigation and even then the well-founded suspicion that fingerprints could be successfully forged made courts wary of relying on this method of identification alone. The Federal Bureau has endeavoured to have them on record and 'it is not surprising that the police said, 'to run in the streets after every man who has a fingerprint to be kind enough to let his finger-prints be taken.'

The identification of victims of murder by the police often fails when fingerprints can provide no answer. The identification of fingerprints in medical science have helped to solve many cases. One of the most notable identifications in recent years was the identification of a body found on Potters Bar golf course.

The body was found for golf balls in a pond near the fairway, and a smelling lump which they buried under a tree. It was some other boys were playing by the

pond when they discovered a human hand. It was shown to some nearby golfers who fetched it. It was possible to tell much from the hand, for it was advanced, but it had obviously been roughly handled. Well-shaped finger nails, which appeared to be suggested that it was the hand of a white man, dragged, however, and the mud excavated from the hole were discovered and amongst them were

All the decomposed fragments of the body were taken to the laboratory and from them an extraordinary amount of information about this man was elicited. Adipocere had formed, assumed that the dismembered piece of the body had been in the pond for at least six months. It was assumed he had been battered to death and that the wound on the temple, which rarely closes before death, suggested that he had been about forty. His height was estimated. In the upper jaw the teeth sockets were so it was estimated that he had lost his upper teeth. There were no teeth in the lower jaw. The jaw was well defined and there were signs of a root abscess. The septum—the bone which separates the sinuses—was deformed, and the sinuses gave indications of suffering from some sort of chronic inflammation or catarrh. An examination of the collarbone showed that the decomposed muscle tissue showed that the man had spent an unusual amount of time kneeling. The tissue of the knees was extremely stiff. His big toes were very stiff.

Amongst the forty-eight people who were interviewed at Scotland Yard from June to November, there was one, Albert Welch, whose description corresponded to the portrait which the experts had been able to construct. He was a signal linesman who had to kneel down a great deal in the course of his work. Casts of glycerine-gelatin were made of the pair of boots found in his garden shed. The joints of the toe joints. Fellow workers testified that he had suffered from a ache shortly before his disappearance. He was 5ft 2in tall and right-handed.¹³

The identification of the remains of the man was as it may appear and impossible as it may

hand and forearm. They ran to the police. It was impossible to identify the body because decomposition was far advanced. The hand was neatly and cleanly sawn off and the nails were found to have been manicured, a detail which was not mentioned by the woman. When the pond was searched, other parts of the body were found, including what was identified as a man's pelvis.

The body was taken to the mortuary. A large amount of information had been set in so it could be identified. The man's name was known and his age must have been about forty-five. The skull indicated that the sutures in the region of the forehead were of the age of forty-five, suggesting he had been about 5ft 2in in height. The sockets had almost disappeared but the sockets were well-preserved. The upper teeth ten years before. There was an abscess not long before his death. The bridge between the nostrils—was well-preserved. The bones of the nose indicated that the man had been left-handed. There was a fracture of the right humerus, shoulder blades and ribs. The skull was well-preserved so he probably had been left-handed. The joints of the hands were well-preserved so he probably had been left-handed. The joints of the hands were well-preserved so he probably had been left-handed.

The man had been reported missing in the month of the previous year. The description exactly fitted the man. He was a railway worker and a good deal in the course of his work. The wax and formaline made in a laboratory, showed that he had stiff joints. He had complained of toothache and that he had suffered from rheumatism. He was left-handed and he was left-

Albert Welch, remarkable for his height, may have seemed when the

decomposed lumps were put with infinite care than to any other. I can now make use. Increased powers extend the powers of the criminal reveals the so easily disregarded can evaluate.

The confused medical evidence of Henry Wainwright, whose body was found in parcels wrapped in wark, was characteristic of evidence only contradicted each other. I taken not even the most elaborate on which they would be of Lacassagne and Edmond Locard in Austria, of Sir Bernard Spilhaus in America ensured the science and technology in forensic recognized and that an indisputably certainly one indispensable genius.

In finding the facts, in making deductions from them, rely on a wide variety of evidence leave unquestioned. It may be a coat sent to a forensic scientist with such care that any clues of habits of its owner will be obtained can be revealing and of owner.

In the summer of 1937 a new suit was asked by the police which had been left in his suitcase who had also bought suits and up their old ones later. The recent cases of safe-breaking at the police laboratory where traces of asbestos, alum, iron filings, safes which had been broken down dust—mahogany, oak, elm dust sucked out of the suits of breakers were arrested.¹¹

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ulled out of the pond, owed more to her faculty or skill of which the expert uses in scientific knowledge constantly criminal investigator but it is care which regarded evidence which this knowledge

evidence given in 1875 during the trial of long dead and dismembered mistress ed up in oil cloth in a building in South- a period when medical witnesses not r and themselves but seem often to have elementary trouble to study the matters questioned. The work of such men as Locard in France, of Hans Gross in lsbury in England and Calvin H. God- that for the future the importance of criminal investigation would be finally nfinite capacity for taking pains was attribute of the criminal investigator of

assembling and interpreting them, in em, the criminal investigator may now perts whose accuracy he may generally be accepted as rare, for instance, that science laboratory will not be examined e it might contain as to the identity and extracted from it. Even the dust it con- t often indicates the occupation of its

, a Brighton detective when buying a e tailor for advice about some clothes hop some time before by two customers s from him and said they would pick he detective, concerned about several ng in the district, took the old suits to e a vacuum cleaner extracted particles gs and wood pulp. The ballast from the n contained four different sorts of saw- and pine. These were also found in the its and soon afterwards the two safe-

The tracing by a xylogist of the wood of the ladder which had been used to go to the nursery in 1932 displayed a ingenuity; and the subsequent trial of the attic contained wood from which the much to make Americans aware of forensic science which had until then been a European fad.

In 1921, at the trial of Sacco and Vanzetti, the District Attorney had refused an offer from Dr. J. H. Lusk, the distinguished Medical Examiner, to examine the hairs in a cap found at the murder had been committed came from. The District Attorney believed that the evidence with scorn and that the prosecution was national laughing-stock. And it was not until the trial which followed the St Valentine's Day Massacre that the Chicago Police Department had decided to examine the assassins' bullets, that they finally decided to remedy the omission and finally developed into the model North Chicago Detection Laboratory.¹⁵ By the 1930's forensic science was beginning to gain a new respectability.

At Hauptmann's trial the evidence was admitted without undue complaint. A piece of evidence for the prosecution had already been admitted that the ransom note was written by Hauptmann who had spent some time in America. Hauptmann's writings were obtained, Osborn's identity was 'overwhelming'. Osborn had testified himself in 1900 at the trial of Albert J. Rice, a rich client, William M. Rice, was murdered in an apartment on Madison Avenue. Hauptmann had paid several cheques signed apparently by Osborn so Osborn contended, signed by the defendant. Osborn had the signatures photographed under a glass metrically ruled in square. The signatures were identical which would have been genuine.

Photographic and mechanical aids have now made the handwriting expert's

ood used in the construction gain access to Charles Lind- n astonishing patience and f Bruno Hauptmann, whose ladder had been made, did the immense importance of n been widely considered a

and Vanzetti, the District r George Burgess McGrath, in Boston, to prove conclu- t the shoe factory where the one of the prisoners' heads. the jury would reject the rosecution would become a t until it was revealed, at the e's Day Massacre of 1929, ad no laboratory in which to t two philanthropic jurors nance a project which event- Western University's Crime s, however, forensic science ability in America.

of handwriting experts was Albert S. Osborn who gave eady decided before Haupt- es were written by a German

When specimens of Haupt- rn said that the evidence of a had already distinguished T. Patrick, a lawyer, whose dered by chloroform poison- ue. Patrick had presented for eently by Rice but in reality, lawyer. To prove his point ned and enlarged and placed es. It was then seen that the not have been the case if they

to the detection of forgery rt a rare figure in the courts

and the days are fortunate. An expert like Bertillon could do nothing on a document was that the forger confessed that it was his, and Chabot, could testify that it was undoubtedly that of the Lord, as predicted by a witness who accused himself. In any event, now in addition to the microscope, the forgeries has been removed from the forger to the materials which tell the story of the alleged discovery of fourteenth-century poems written by a previously unknown poet to impress Goethe. For many years genuine until the examination by a chemist revealed that the ink had not been discovered until the nineteenth century.¹⁶ The forger, van Meester, in a mistake, took the trouble to make the ink would have been available to him, and he would have been available to him by hand so that under the microscope he could be seen as not having been made.

Evidence obtained by spectroscopy in an English court as early as 1850, using microscopes, quartz spectrographs, and other properties of material, spectroscopy, and X-ray diffraction units for the purpose of destroying any part of them.

Evidence obtained by spectroscopy secured the recent conviction of a man who killed a bicyclist. The motorist who committed the crime had to be identified by fibres or human hairs were found on the mudguard and expert examination revealed that it was the imprint of a tweed fabric. Another clue—a tiny speck of material—analysis this speck was found to correspond exactly to the mudguard, weighing the same as the mudguard of a car was driven into it.

DETECTION OF CRIME

ely past in which an acknowledged continue to insist that the handwriting of Dreyfus even after Esterhazy had d in which the English expert, Charles he writing on a libellous postcard was d Mayor of London, only to be contra- dmitted that he had written the card that the ultra-violet ray can be used in e, the emphasis in the detection of l from the writing or painting of the ch he has used. Hans Gross told the y in 1820 of the manuscript of various vritten in the Bohemian Slav language poet whose work was good enough to y years the poems were accepted as on of the manuscript by an analytical nk contained Prussian blue which had the beginning of the eighteenth cen- egeren, careful not to make a similar o use only materials which he believed to Vermeer and ground his earth and er the microscope the particles would mechanically produced.

spectrographic analysis, for example, r as 1818, but now comparator micros- ns for determining the inorganic pro- photometers for colorimetric analysis or the identification of samples without a, are all in common use.

spectrographic analysis, for example n of a motorist who knocked down and ist whom the police suspected of having thoroughly washed the car. No blood, found on it, but there was a dent on xamination revealed that on this dent abric. On the bicycle there was the only of greyish paint. By spectrographic d to be made up of five layers of paint with the paint on the car. A dummy lead man was dressed in his coat and at speed. A replica of the dent on

the suspect's car, with an identically obtained.¹⁷

The reconstruction of a crime to not uncommon in England and America the presence of the criminal is a method. In its purpose it is a survival a suspected murderer into the presence him take hold of its hand and profess absence of supernatural signs from the broke down and confessed.

A classic example of the effectiveness provided by the arrest of Pierre Voirbo by in France, where films of reconstructed shown to juries. Voirbo was suspected erstwhile friend Père Désiré Bodasse usually identified by a stocking on a leg found in various parts of Paris in 18 been supposed to be still alive as, although for some time, there was always a candle night. Macé searched the room and found dust and full of empty candle boxes. The noticeably uneven. The counterfoils found in the room, and the certificates in Voirbo's cellar. Voirbo was arrested could get nothing from him. He had Bodasse's death, he insisted, and had been

Macé took Voirbo up to Bodasse's room on to the tiled floor and watched Voirbo settled in the hollows. Macé told the up the tiles which the water had covered were bloodstains. Voirbo confessed that cut up his victim's body.¹⁸

In the United States efforts to detect by more scientific methods than the reconstruction have received wider favour due to emotional causes may not be a a lie detector may be able to register truth in the rhythm of breathing, changes electrical resistance of the skin due to sweat by this machine which, it is claimed infallible. Evidence of innocence obtained

patterned imprint, was thus

get evidence of this sort is
ica but the reconstruction in
more specifically Continental
of the old practice of taking
ce of the corpse and making
s his innocence. Even in the
ne body, the murderer often

ess of reconstruction is pro-
the detective Gustave Macé
crimes have sometimes been
ed of having murdered his
parts of whose body, event-
g discovered in a well, were
69. Bodasse had previously
hough no one had seen him
ndle burning in his room at
ound that it was covered in
t had a tiled floor which was
of some Italian stock were
themselves were later found
d but the *juge d'instruction*
ad had nothing to do with
een given the certificates.

room, threw a jugful of water
o's agitated face as the water
gendarmes with him to take
vered and underneath them
at it was there that he had

discover guilt and innocence
unnerving effects of recon-
. Physiological disturbances
apparent to the observer but
them accurately. Alternations
in the pulse rate and in the
sweating can all be registered
ed, when skilfully used is
ned by these machines is not,

however, accepted in many in any English court. And they do not know whether they drugs such as sodium amytal the unconscious mind but u speak the truth and they are therapist than to the crimin stitutional right of a man, no to be a witness against hims to the United States Consti in American courts; and wh scientific means might be acc certain circumstances, it is d accepted at all. Certainly scie sidered to be a threat to the been viewed with suspicion ingenuity, are apprehensive : It is not only prejudice wh exists in Britain, as well as the techniques of forensic sci

DETECTION OF CRIME

American courts as it is not accepted here is no doubt that psychopaths often are speaking the truth or not. Truth, can be used to make discoveries about under their influence men do not always more likely to be of use to the psychoanal investigator. In any event, the concept to 'be compelled in any criminal case to self', afforded by the Fifth Amendment protection, is always carefully safeguarded while the proof of innocence by perfected acceptable to the American conscience, in doubtful that the proof of guilt would be scientific methods of detection, when confreedom of the individual, have always by a people who, while admiring their about their use in a democratic society. which has led to the distrust which still in America, of evidence unearthed by ence.

Part V

THE GREAT ME

I

LTING POT

CHAPTER

THE NEW V

'Nothing less will content me, tha

'AMERICA is God's Crucible, the great crucible in which the races of Europe are melting and refusing into a new American.'¹ The process is still continuing.

Men went to America because they were adventurous or rebellious or because they were hungry; and they came from all over Europe and the melting pot with the children of men taken there against their will and with the aboriginal tribes. Most of them were hundred per cent Americans of the time; there were many who did not.

The immigrant arrived physically of himself often and conscious of his resentments, disdain and disregard. There were problems of language created by the traditions, customs and ways of life that came from the countryside, perhaps the slum, partly to be near others who could help him feel less alone, but mainly because he was not anywhere else. Soon he married and his own people grew away from him, Americans turned their backs still to the world outside; and so new nationalities were created.

ONE

WORLD

in whole America.'

EDMUND BURKE, 1775

great Melting-Pot where all the
forming . . . God is making the
nuing.

they were persecuted, because
, because they were ambitious
the New World took them in.
d from Asia and they went into
men from Africa who had been
th the children of deliquescent
settled down to become the
neodore Roosevelt's ideal, but

r exhausted sometimes, unsure
arly always of the jealousies,
that seemed to surround him.
e to overcome and problems
nd experiences of his past. He
, and he went to live in a town
spoke his language and made
use he could not afford to live
nd his children grew up and
o their parents but foreigners
ew problems and new conflicts

In the industrial cities for Jewish quarters, Sicilian quarters with its own shops, churches, rival of its neighbour. Most nationality, were exploited by of the regular flow of cheap by the fear of unemployment; strike breakers; they were had more often than not were considered the natural above all, suspicious of their was raised to kill a Swede,' the trouble-maker.

In 1891, in New Orleans, dragged out eleven prisoners death. In 1919 when the sim Negroes, who had come to C and had been forced to keep exploded into riots, nearly for were left without homes. In 1 sands of Jews attended his had protected his race from service ignored the fact that two years before, had with a café. And in 1925 when two Sicilian murderers became he the prosecution at their trial about Sicilian morality. The was not superficial.

There were, of course, other abilities that turned gangsters and for all the disappointment was transformed into reality, those most of them had left. I become President of a big corp cult, if not also impossible, for but it was a country that pre to become rich. And riches in mired. The gangster with his and diamond belt buckle was of acquiring them.

AT MELTING POT

foreign quarters developed. There were
quarters, Irish and Negro quarters, each
shops, cafés and ways of life, and each a
community of the immigrants, whatever their
employers quick to take advantage
of foreign labour; they were intimidated
by strikes and lock-outs, by the fists and guns of
suspicious of the police because they
came from countries where the police
were enemies of the people; and they were,
in the eyes of their foreign neighbours. 'Every Irish kid
was more than the traditional cry of

a mob shouting, 'Kill the Dagoes,'
from the gaol and shot them all to
the ground. The numbing anger and resentment of the
immigrants from Chicago from the South to find work
inside the poorest part of the city,
where many people were killed and a thousand
in 1923, when Nails Morton died, thou-
sands of people gathered to pay tribute to a man who
was their enemy. Speakers at the
funeral had been a violent bootlegger who,
another Jew shot two policemen in a
fight, other policemen were killed, their
heroes in the Italian community after
they had made some adverse comments
on the racial antagonism of the gang wars

for other reasons apart from racial suscepti-
bility. Into heroes. America, for all its faults
was that the immigrants felt when hope
was a country nearer to freedom than
it might be impossible for a Negro to
get into Harvard and at least extremely diffi-
cult for a poor Italian to get into Harvard;
presented opportunities for them both
and such a society are greatly to be ad-
mired. The pearl grey hat and silk tie, his spats
was a living demonstration of one way

'When I was twelve years old we moved there lived a mob of gangsters and big fessed. 'They were all swell dressers and Us kids saw these swell guys and ming on the corner. Jack Gurney was the one to. He used to take my sis out and that the stick-up racket before he was in t dresser and had lots of dough. He was big stuff. He was a mysterious fellow a days but always come back. He was look and anybody would be glad to be in his would call a big hit to me. I liked to be the other guys because he came to my

Boys like this, who saw in the gang their parents lacked, formed gangs gangs filled the emotional gap th the immigrant parent and the Ame activities of the gang became nor who did not join in them was the whole communities—and they v munities—developed in which crim a development which gave rise to of criminology. 'The general poin these communities seems to be that not wrong because it is a big cor Thrasher in his classic study of gan sometimes engage in stealing from of venial theft is accepted as norm begin to be accepted too. 'The boy to hang around the corners and wait they would beat and take from him have,' a young man is quoted as h and Henry McKay's *Social Facto* 'People would stand by and stare and rob the drunkard. This would happ body could see it and the older pe 'There wasn't a day that somebody think anything about an arrest in

And so the slum remained the bre boys' street gang the school of adult

ed into a neighbourhood where
'crooks,' a young criminal con-
d had big cars and carried gats.
gled with them in a cigar store
e in the mob that I had a fancy
way I saw him often. He was in
he beer racket and was a swell
s a nervey guy and went in for
and would disappear for several
ked up to as the leader of his mob
s place . . . he was what a fellow
near him and felt stuck up over
home to see sis."²

gster exciting qualities which
gs of their own; and these
at had opened up between
mericanized child. The criminal
rmal activities and the boy
nonconformist. So gradually
were usually foreign com-
me was an accepted activity,
the Chicago ecological school
t of view of the parents in
t thievery from the railroad is
'poration,' wrote Frederic M.
g life. 'Whole neighbourhoods
n the tracks'.³ Once this sort
al, other more serious crimes
s from sixteen to twenty used
t for some old drunkard whom
m whatever valuables he may
aving said in Clifford Shaw's
Boys in Juvenile Delinquency.
d even laugh as the boys would
en during the day when every-
ople only was amused by it.⁴
didn't get pinched. You don't
that neighbourhood.⁵
eeding ground of crime and the
t crime, not only because of the

physical conditions of poverty and crime were the easiest and possible for a child to acquire the sort of success but also because in slums the child is elsewhere. It was the home alone.

Diffuse as the reasons are, the child tended to be the son of parents from Europe and he was more likely than of any other blood. The hundred thousand of the past accepted into the Colorado in 1938 displays a tendency which the States;

Irish
Italian
German
Mexican
Polish
Russian
English
Scandinavian

Many of the causes which in crime operate with even greater a longer tradition of poverty and

According to a report issued in 1956, Negroes accounted for sixty per cent of all or the threat of it, although the population. Negroes, of that population and a white more readily than one of his other hand, often overlook a Negro' and which would involve also be insufficiently diligent, arresting Negroes for committing these, in fact, constitute the more be possible that the Negro of these figures suggest.

There is even a 'conspiracy

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y, not only because violence and cunning- perhaps the only means for the slum success he had been taught to admire, the criminal was not the outsider that honest man who was more likely to feel

the white American criminal always parents who were themselves born in Italy to be of Italian, Irish or Jewish nationality of the prisoners per one population of each national group State Prison in the ten years before which was general throughout the United

47.1

n 45.7

an 38

can 36.6

32.1

an 30

h 28.2

linavian 17.5⁶

clined the child of the immigrant to water force upon the Negro who has and disdainful treatment.

ed by the Federal Bureau of Investi- out for thirty per cent of all arrests arrests for crimes involving violence they constitute only ten per cent of course, are an underprivileged part of policeman may arrest a black man own race; but he may also, on the crime which he considers 'typically solve a white man in arrest. He may so Negro organizations complain, in ing crimes against other Negroes and majority of Negro crimes. It may then crime rate may be even higher than

cy of concealment', which operates

to keep the official figures low, for Negroes exert pressure on politicians and officials and with the important Negro vote in mind to do so.⁷

During the Second World War, almost any street corner in Harlem was for sale in the lavatories of most restaurants always full and white girls of thirteen up from the Times Square area took part in pornographic films. Ten years later, however, a former detective in the District remained 'despite its decent people and conditions, a cancer on the face of the city'. Politicians like to attack the problem but not the factor; they don't like to be accused.

The large number of foreign votes in New York has, in fact, had a profound influence on the methods adopted in the machine to secure control of the machinery of government. It has had an indirect influence upon crime, which is manipulated not so much by the politicians themselves for election, as by the party bosses who use the scenes to win support and campaign. The most powerful and influential members of the machine in many districts had frequently gained their positions through crime, the politicians and the public in the mind of the American, who was not so much a racketeer as the other. The American idea of freedom has never wanted to be ruled by patriotism demanded and has allowed the machine to be ruled by self-interest. It has a kind of cynical detachment, sometimes called pragmatism. It has, indeed, been suggested that the relationship between crime and politics is, it is said, inevitable. 'Evil and crime are inevitable between crime and politics is, it is said, inevitable. Tannenbaum believes, 'as a typical, typical aspect of the kind of community' his.

The relationship has led to numerous municipal governments. In 1868 Tammany was a political machine, at that time controlled by a man who had been alderman, congressman

Negro leaders and organizations
suals to play the problem down
n mind many politicians agree

heroin could be bought on
n and marijuana was offered
restaurants, the brothels were
n and fourteen were brought
o appear in *exhibitions* and
; according to Harold Dan-
istrict Attorney's office, Harlem
ho vigorously fight these con-
City of New York . . . Few
em because of the major vote
l of being anti-Negro.⁸

ers in modern American cities
ce upon politics and, because
manipulation of these groups
of Government, has also had
e. The groups have been
he men who offer them-
managers who work behind
ign funds from the most power-
district. As these members in-
ed their power and influence
e criminals became associated
as inclined to think the one as
American, with his passion for
d a stronger government than
ed a system to develop which
st but which he views with a
mes even with amused indul-
d that the consequences of the
unhealthy as the relationship
still to be taken,' Professor
hat is a natural and inevitable,
s fellow Americans have.⁹

rious scandals involving muni-
many Hall, the New York
lled by William Marcy Tweed
n and senator, nominated the

corrupt District Attorney, C
Two years later the 'Tweed
two hundred million dollars. I
larceny, but the power of
and by the turn of the centu
the leading criminals in New
lead to any permanent impr
mayors. James J. Walker, Ma
accepted large sums of money
city contracts; and William
statements deploring the sinis
tinued to give city appointme
His successor Vincent Impel
same thing.

Corrupt mayors were not o
Thompson, the calculatingly
said that he would 'punch Ki
the effrontery to come to his c
the bootleggers. And Alberto
was actively associated with c
the police force to co-operate

Nor has the corruption been
Under the administration of
spread in many departments
years the activities of the 'fi
administration and of the
Bernard Goldfine, which res
hower's chief of staff, Sherm
Estes scandal, show that the
before by Lincoln Steffens'¹⁰
life.

Perhaps the most unfort
association of politics and crim
Judges as well as district att
frequently found themselves,
those who helped to place th
power. At the funeral in 19
gangster, Anthony D'Andrea
Chicago's brothels as well a
stood as a candidate for an al
the Irish hold on his ward,

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Oakey Hall, as Mayor of New York. Ring' had robbed the city of nearly in 1871 Tweed was convicted of grand Tammany Hall was not broken it was actively co-operating with York. Nor did the fall of Oakey Hall movement in the morals of the City's Mayor in the 1920's, was shown to have from corporations anxious to obtain O'Dwyer, while frequently issuing ster influence of Tammany Hall, con- nts to men with criminal connections. lliteri has been accused of doing the

confined to New York. William Hale anti-British Mayor of Chicago who ng George in the snoot' if he ever had ity, proved himself a faithful friend to Alonzo Ames, Mayor of Minneapolis, ommercialized vice there and allowed e with the criminals.

n confined to municipal governments. President Harding graft was wide- of the Government. In more recent ive per centers' during the Truman Russian-born Boston millionaire, ulted in the fall of President Eisen- man Adams, and the 1962 Billie Sol e corruption condemned sixty years has not yet disappeared from public

unate of the consequences of this ne has been its effect on the judiciary. orneys hold elective offices and have after their election, obliged to favour hem in their positions of profit and 926 of the unfrocked priest turned , who had gained control of many of s of the Unione Siciliana and had dermanship in 1916 in order to break there were no less than twenty-one

judges as honorary pall bearers. And people in the funeral *cortège*, which miles, were many other equally important these later attended the funeral of O'Banion whose solid silver coffin, was followed to its grave by twenty-five fifty thousand dollars under the eyes of people.¹²

Nor did the power of gangsters of judges end with Prohibition. When Judge of the New York Court of Appellate Division to investigate the suggested in his report, published in 1930, acceptable improvement since 1875, inquiry had been held. The sure was deniably through politics. A magistrate learned that the Mayor of New York 'Hebrew from the Bronx', was asked

'Now, Judge Silberman, what I am anxious and if you know, is just why you, Jesse magistrate up there rather than some Bronx who was a member of the bar in

'I have stated the reasons,' Judge S in the Party.'¹³

Clearly a judge elected for this cosmopolitan city like New York, in a forthcoming election when a case of racial interests came before him.

But the Seabury Report revealed questionable verdicts of some judges lawyers, members of the District Attorney's squad had been combining to block taking bribes from prisoners who could and even from innocent people who had. When it was decided to prosecute, with the accused who agreed to plead the one he had committed, so that conviction without interfering unduly.

In cases where the prosecution of the crime, the demand was often based

l amongst the eight thousand stretched for two and a half important city officials.¹¹ Many of the Irish gangster, Dion costing ten thousand dollars, six lorry loads of flowers worth of more than twenty thousand

ers to influence the verdicts when Samuel Seabury, a retired appeals, was summoned by the city's lower courts, he suggested, that there had been no per- the year in which a similar y to a judgeship was still un- strate who said that he had rk had 'decided to appoint a this question:

ious to have you state, if you will e Silberman, were selected to be other Hebrew up there in the good standing.'

Silberman replied. 'I was active

ason, particularly in a large might find it difficult to forget involving political, religious or

ed graver scandals than the es. It appeared that for years attorney's staff and of the vice the course of justice by accept- afford to pay for their release had been framed by the police. a bargain was usually struck d guilty to a lesser crime than the prosecutor could claim a uly with the criminal's career. demanded the full penalty for ased upon a confession by the

prisoner extracted dishonestly often resulted in an unjust acquittal. 'I have tried 130 murder cases, I have won 126 of them. Many prosecutions were concerned on charges by the "third degree" . . . If it were used by the police towards these defendants of the 130 cases . . . The jury would have convicted and acquitted defendants who were innocent of the crime charged by the police.'¹⁴

The sympathy of juries was a major factor in the large number of acquittals in American courts. A guarded constitutional safeguard of individual liberty can be used, and still be abused, to secure justice. The Fifth Amendment, so frequently invoked in American courts, states that no person 'shall be compelled in any criminal case to be a witness against himself'. The Fourth Amendment states that the 'right of the people to be secure in their persons, papers and effects against unreasonable searches and seizures, Warrants must give details of the things to be seized and must be supported by oath or affirmation

It has always been the duty of the courts to protect the rights of the defendant, even in the case of a serious crime, so that public confidence in the courts may be retained and increased. This is the principle where American Common Law has its origins, as well as in the United States. Harvard has called the 'sporting

'So far from being a fundamental principle, Pound said, was peculiarly American. It has been strongly curbed in modern

'With us, it is not merely in full force, but its collateral possibilities have been fully developed. The effect of our exaggerated sense of the right to irritate parties, witnesses and the whole community a false notion of justice. Hence comes, in large measure, the present state of our law.'¹⁵

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y or illegally by the police, and this acquittal.

' a criminal lawyer wrote in 1928, 'and 7 of these cases were based as far as the confessions extorted from the defendant had not been for the dishonest methods of the defendants, I could not have won ten per cent if I saw that their methods had been unfair. I might have been convicted except for the

s not the only reason for the large number of appeals in American courts. Various jealous safeguards for the protection of individual liberties are used, by the criminal to escape punishment to the United States Constitution, the Senate Committees, provides that no one can be a witness in any criminal case to be a witness. The Fourth Amendment guarantees the Common Law right to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures'. The writ of habeas corpus can only be issued upon 'probable cause, and not upon mere suspicion'.

of American courts to insist on the right of appeal when he is strongly suspected of guilt. The sense in the fairness of the law should be maintained. This has, of course, led—in England, the United States and attitudes to justice had their roots in the United States—to what Roscoe Pound of Harvard called 'the living theory of justice'.

' a fundamental fact of jurisprudence,' this right of appeal is peculiar to Anglo-American law and had no counterpart in English practice.

With the acceptance, it has been developed, and has been cultivated, to the furthest extent. The right of appeal and contentious procedure is not only a right of jurors, in particular cases, but to give effect to the purpose and end of the law. It is the modern American race to beat the

The chief qualification of the Attorney General, Sheldon Glueck, 'is an ability to keep open or rusty joints in the armour of justice.'

Caryl Chessman's long fight to prevent the carrying out of a sentence of death depends on technicalities, originally introduced for one purpose, may be used for quite different purposes of its own existence. But Chessman is only the tip of the iceberg that have taken advantage of these technicalities. A man indicted in July 1904 for a crime committed in a previous March was tried in January of the following year, weeks, after which the usual motion for a new trial was granted on a bill of twenty-six exceptions. A jury verdict was set aside and the defendant sentenced to be electrocuted; this was followed by petitions for a writ of habeas corpus, and he was eventually executed two years and six months after Sacco and Vanzetti were executed and the life of the Negro, Paul Cravens, was spared nine years after he had been condemned to death.

Meticulous regard for the technicalities of the law may be used to avoid sentence altogether. *Crime and Criminology* cites the case of a man who had broken into a particular house and was indicted named six persons who were not in the house when, in fact, only five of them were present.

This concern for accuracy and strictness was reflected in the conduct of most of the courts of business, and bail bondsmen who charged a high interest on the sums lent to the defendant for his own bail, were regular features, during the first years of the present century, of most of the courts, often sordid enough even today. *Cleveland Crime Survey* described the situation in the middle West.

'Though I sat within fifteen feet of the witness stand, I strained my ears, I could seldom catch the words of the prosecutor. The prosecutor had no papers whatever. For each case he was handed a copy of the indictment, which he never looked at. He took a glance at the

American lawyer, according to
step constantly alert to discover
justice'.¹⁶

prevent the State of California
demonstrated to the world how
as defences against tyranny,
poses by men who know of their
the most celebrated of those who
technicalities to delay punishment.

a murder committed in the
ary 1905. The trial took three
n for a new trial was made by
year later the Supreme Court
The prisoner was accordingly
e sentence was immediately
error and a pardon. He was
five months after his arrest.¹⁷

six years after their conviction;
mp, was spared in July 1962,
nned to death for murder.

calities of procedure can also

The Journal of Criminal Law

a burglar, who was proved to
e, being acquitted because the
were said to be living in the
m did live there.¹⁸

ct order was not unfortunately
courts. Lawyers touting for
charged as much as twenty per
ose who could not afford their
ring the first twenty or thirty
st municipal courts which are

An observer quoted in the
a typical court in a large city

he bench and witness chair and
a word of what was going on . . .

er. He lolled against the bench.

of the affidavit and that is all he

paper to ascertain the nature of

the case. He then mumbled something, called the police officer or other some question . . . In a few cases in the interrogation. Generally, and stand around, mysteriously, on the bench, sometimes going to the body, and every once in a while in the judge's ear . . . While this was on in the immediate vicinity of the door into the courtroom and constant comings and goings. It was impossible to hear what was going on, impossible to see what was going

Apart from the lack of dignity and state courts, apart from procedure and the sometimes prejudiced judges who dealt out the character of the offender and the willingness to make use of extra-legal—legacies from colonial times was even stronger than it is on justice. Not only were the extradition of criminals technical of a state line, involving an authority enable a man to commit an offense and punishment to which he would he had left. In 1931, for example perjury was five years' imprisonment in New York, life imprisonment with a fine of from five hundred to a thousand dollars in Delaware. In West Virginia it was ten years' imprisonment, sometimes as severely as incest, and the punishment for incest was ten years' imprisonment.

Today fornication is a crime in Arizona but in New York it is not all unless 'open and notorious' in Alabama to twenty-one in Kentucky by five years' imprisonment and a fine in Kentucky although elsewhere it is against the law to ride a

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nothing to the judge . . . Other times he chief prosecution witness and mumbled as the attorney for the defence took part however, he seemed to simply wander going in and out, sometimes approaching to the benches and talking to someone would go up and whisper something as mumbling and whispering were going the bench, the main aisle leading from end to the bench was the scene of conversations never quiet a second . . . Not only was going on in the trial, it was generally on.¹⁹

ly in the municipal and some federal from the excessive technicalities of corrupt and often inefficient or prevent punishment without regard to the apart, too, from a general unwillingness in the sciences, there were other obstacles when the insistence on local rights today—that placed heavy shackles on the rules for the interstate rendition or technical and involved, but the crossing of automatic change of jurisdiction, might be an offence without the fear of the heavy penalty. In some states a man who would have been liable in the state that he came from, for example, the maximum punishment for bigamy in Connecticut, twenty years in Maine, and ten years together with a fine of two thousand dollars and forty dollars in Virginia bigamy was punished sixteen years in Maryland whereas in Wyoming and Colorado bigamy was punished ten times as severe as that for bigamy.²⁰ In some states bigamy is punishable by three years' imprisonment; in most other states is not an offence at all. In some states the age of consent is twelve years; in Tennessee; adultery can be punished by a year in prison in Connecticut and by a fifty dollar fine elsewhere it is only a sin; in one state it is a crime to drive a jackass more than six miles an hour

and in another a child may not pass from one grade until he can recite *The Star-Spangled Banner*.

'Under the Sullivan Law,' an Englishman in New York in the late 1920's, 'you can be jailed for carrying a gun, so naturally no decent citizen dare attempt to cross the ferry across to New Jersey where there is no such law, and there he can choose his special automatic, get it from any gunsmiths and buy it just as though it were a case and with no more questions asked.'²²

The impunity enjoyed by many of the racketeers was, of course, emphasized by the difficulty of finding witnesses who were not either intimidated or corrupted.

When the German bootlegger, Arthur (Doc) Barker, was prosecuted as Dutch Schultz, had avoided the consequences of his crimes, he was, like so many others, brought to court in Syracuse for income-tax evasion. He paid ten thousand dollars to a public relations firm to create a press and feeling among the local community. He sent into the town with wads of dough to go into bars and announce that the racketeer was a home-keeper. Children's parties were given, and money was given to local charities. The jury at his trial in Syracuse, which seemed satisfactorily proved, was acquitted at Malone. Dutch Schultz made considerable expensive efforts, going so far as to buy a party to which the whole town was invited. 'I am on me tonight, gents,' Schultz said. 'Come and get it.'²³ This time he was

The reluctance of intimidated witnesses was an even greater obstacle to the enforcement of the law. The witnesses questioned by the Attorney General during his investigations under the 'Donnelly Act' impressed him as being men who were running their businesses which, in several instances, were the culmination of a lifetime of industriousness. Most of them were reluctant but quiet, and while they discountenanced violence, they afforded them no escape from their

Quite often, indeed, they were r

from the seventh to the eighth
Spangled Banner.

h criminal discovered in New
ed even for trying to buy a gun,
tpt it. But every crook just takes
e Sullivan Law doesn't operate,
omatic or his favourite revolver
ugh he were buying a cigarette-

his man's friends and enemies
difficulty of obtaining juries who
oted and, indeed, of obtaining

thur Flegenheimer, known to
ded arrest for his more serious
f his kind, eventually brought
evasion. Immediately he paid
lations man to 'create a good
itizens'. Advance agents were
ollar bills in their pockets to
e drinks were on Mr Flegen-
n and large sums were given to
l, although the prosecution's
ould not agree. Before his new
de even more strenuous and
hire the local dance hall for a
nited. 'Everybody's drinking
each time he entered the bar.
s acquitted.

tnesses to testify in court was
orcement of the law. Most of
orney-General John Bennett
at he called the 'antiquated
ng 'men solely desirous of sav-
ral instances, represented the
ous work. Some of them lied,
te a few frankly admitted that
nce, they felt that the law
difficulties.'²³

ight. Nor are the dangers yet

past. In the elections of 1946
R. Scottoriggio was murdered
death in front of thirty witne
he could recognize any of the
just didn't 'know anything. N
District Attorney's office had
ing a finger across her throat.

It is a sign which in Ameri
significance.

6, a Republican Party worker, Joseph
ed by four men who kicked him to
esses. Only one of the thirty said that
murderers and he soon found that he
'Not a damn thing.' A detective in the
seen his mother warn him by draw-
, the Mafia sign of silence.²⁴
ca still has a terrible and far-reaching

CHAPTER

GANGS AND SY

'The funny part of the whole thing of business has so much company.'

'WASHINGTON—Salvatore Moretti, New Jersey gambler and racketeer, testified before U. S. District Court Judge Counsel Rudolph Halley: "Do you know Salvatore Moretti?"
Halley: "What?"
Salvatore Moretti: "What?"
Halley: "The Mafia? M-a-f-i-a?"
Moretti: "I am sorry, I don't know what that is."
Halley: "You never heard that word before?"
Moretti: "No, sir. I did not."¹

The Senate Crime Investigating Committee has found out, however, that Moretti knew very well, as did the other members of the Mafia

'Is a secret conspiracy against law and order, designed to eliminate anyone who stands in the way of its enterprise in which it is interested. It works in complete secrecy. It will use any means available, including intimidation, etc.,—to defeat any attempt to touch its top figures or to interfere with its operations.'

The Mafia came to America before the turn of the century. Originating in Sicily hundreds of years ago, it is a society of loyalty and secrecy, like those of the secret societies which were already operating in America.

TWO

INDICATES

g is that a man in this line

AL CAPONE, 1926

, an extremely contemptuous
ifying:

ow what the Mafia is?"

hat you are talking about."

efore in your life?"

mittee decided in 1950, how-
all racketeers must know, that

nd order which will ruthlessly
y of its success in any criminal
will destroy anyone who betrays
ole—political influence, bribery,
t on the part of law enforcement
ith its operations."²

he end of the nineteenth cen-
of years before, its traditions
f the Camorra, the Spanish
rating in Naples in 1568, are

implicitly observed and rigidly enforced, the unwritten code of honour and respect, an act punished by death.

For almost a hundred years the Mafia was growing in America. As early as 1891 it was found that no Italian was prosecuted for the murder of a police officer who had been shot. The hold that the society and its methods in Siciliana were able to maintain in New York and other large cities, whether Italian or not. By the 1920s the Mafia had become entrenched in the underworld, intimidated or corrupted in its grasp on the life of the nation. By bribing the police, by fringing the law, coming to terms with politicians, the Mafia had been profitably involved in every aspect of crime and traffic in America. In 1900 it was so well secured police protection that a gambling house which paid a bribe to the police would operate without interference. The police would apologize to the Mafia for the racket and the hundreds of thousands of dollars share in its immense profits, and the Mafia would 'leave' while tearing up some playing cards.

The co-operation of the Mafia was evident as it was in the 1920s. The 'Old America' with the new 'Catholic immigrant' forced the Eighteenth Amendment to the American Constitution, which made it, for all practical purposes, to produce, sell or import alcohol. Alcohol became America's 'banned drink' before 17 January 1919. It was just because it had become 'banned' that the Anti-Saloon League triumphed. The 'thinking and clean living' by the historian of the period has called this period in American history 'the 1,000,000,000 gallons of licit

ly enforced. To break the *Omerta*—
of the Mafia—is an unpardonable

ers the power of the Mafiosi has been
as 1890 a grand jury in New Orleans
prepared to say anything regarding the
who had given offence to the Mafia.
d the more loosely organized *Unione*
in over the poor immigrants in New
soon extended to whole communities
e beginning of the twentieth century,
ngled with so much which could be
American society that its entwining
n has never been completely broken.
ghtening its rivals and opponents, by
ians and lawyers, it has, in its time,
ery more or less disreputable business
9 the Mafia and its allies in crime had
ection for illegal gambling that any
the necessary bribes was allowed to
e. If public opinion required it, the
ont Tennes, who organized the entire
bookmakers that were permitted to
and then make a token raid on a build-
e expensive paraphernalia untouched
cards'.³

police with criminals was never so
's when the passionate disgust of the
civilization of the cities and with the
upon the nation the Eighteenth
Constitution, known as the Volstead
practical purposes, illegal to manufac-
in the United States. Immediately
biggest industry. Few of those who
1920 were prepared to stop drinking
e illegal to do so. Indeed, what the
antly heralded as a new 'era of clear
became, as a skilful and entertaining
observed, perhaps 'the most alcoholic
⁵ In a single year of prohibition over
quor and wine were drunk, making

profits, so it was assessed, of \$4,000,000 for professional bootleggers.⁶ In New York the volume was double that of the legal saloons during Prohibition; and in Chicago liquor was sold in speakeasies; in bars which should have stayed open, flouting the law; in restaurants where it was served in coffee cups and in private houses where citizens studied the law in magazines and newspapers and maps, and drank 'piss,' 'tarantula juice' or 'bust-head' liquor bought in one or other of the numerous 'make-it-yourself' kits for the home moon-shiner.

But it was much more than the economic aspect of American history; it was also the most violent period in American history. More people were killed in fights between gangsters during the fourteen years of Prohibition than during the rest of the century. It is estimated that the fights in New York cost a thousand lives among the gangsters who died. Of nearly half a million gallons of whisky and gin seized and analysed in 1925, eight per cent contained poisons. In 1926, 100 people died of wood alcohol poisoning in the United States. Innocent people were accidentally shot by Government agents and state police officers. It is interesting to read of a report issued by the National Commission on Law Enforcement and Administration of Justice which gave some idea of the violence. A Senator who said that the deaths of 100 people had been concealed by Government agents in some areas, particularly along the Mexican borders, Government agents were so afraid of the gangsters that people dared not go out at night.⁸

The violence, however, was only the immediate results of Prohibition. Another result was more persistent. The bootlegger could not have survived the co-operation of the public who drank liquor. 'If I am right, I break the Prohibition Law,' said one of all the bootleggers, conceded. 'But if I am wrong, nobody had to throw liquor on that table. I would have welcomed the law because it increased my profits to \$40,000,000. His thousands of customers would have cause he helped them to break a law which was an unnecessary interference with their pleasure.'

0,000,000 dollars for the pro-
k the number of speakeasies
ns which had existed before
could be had everywhere—
ld have been padlocked but
aurants and drug stores where
milk-shake glasses; in private
liquor recipes published in
ide 'coffin varnish', 'panther
from the ingredients they had
ous shops specializing in 'do-
hiner'.⁷

ne most alcoholic period in
t violent. Over seven thousand
rival gangs in Chicago alone
ion; and it has been estimated
housand lives. Nor was it only
f a million gallons of so-called
n New York in 1927, ninety-
the following year sixty people
at one city alone. How many
ot by gangsters and by federal
ossible to say. The accuracy
mmission on Law Observance
figures was questioned by a
f more than fifty citizens had
ts. It was at least certain that
the Mexican and Canadian
reckless with their guns that

the most obvious of the im-
er result was less evident and
ld not have survived without
ank the goods he supplied. 'All
Al Capone, the most famous
t so do my customers. Some-
hirst. Why not me?' Capone
d his annual income by at least
omers welcomed Capone be-
w which they resented as an
asures.

Two years after Prohibition Columbia University warned law and contempt for law had been increasing in this country'. The Committee reported, was getting for a young man was not getting opened up near schools and the country had no excuse for

It was not only the co-operation of the bootleggers' suppliers, officers, policemen and politicians and even congressmen's connections from gangsters whose power became. Many prohibition agents through the influence of the expected to repress; and many mayors who remained in office were the real rulers of the city, once said, and the boast was

Torrio, a quiet, polite, abstemious man who did not smoke or drink or swear, came before, the *Chicago Tribune* had been upon the city. There had been a hold-up every six hours, and Black Hand extortionist, Big limitless opportunities. Between a wife who had been a madam his dominion over its underworld a year and was able freely to But in the tenth year of his assassination, so the Chicago police Siciliana, who had been lavish quiet Sicilian, Torrio.

By then Torrio, originally almost as important in the City self. But he was a man of more employer, 'the nearest thing the historian of Chicago's underworld ever produced.'⁹ Before 1920 but thereafter he could turn his fellow criminals to under

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tion had begun, the President of his countrymen, 'that disregard of we greatly increased and are still in the only shame, as the Wickersham being caught. The only shame, indeed, being drunk, and numerous speakeasies colleges to ensure that the youth of r staying sober.

ation of the public which was necessary. Prohibition agents, customs politicians, judges, mayors, district men, all accepted bribes and commissioners and servants they eventually agents, in fact, were actually appointed gangsters whose activities they were any police chiefs were appointed by only by consent of the criminals who y. 'I own the police,' Johnny Torrio not an idle one.

arently respectable man who did not me to Chicago in 1910. Four years had told its readers, 'a reign of terror' had been a burglary every three hours, and a murder every day. For the Italian Jim Colosimo, it had been a city of men 1910 and 1920, with the help of me in a brothel, Colosimo extended world until he was making \$500,000 to indulge his passion for diamonds. Success, Colosimo was murdered. His believed, was the head of the Unione only paid for this service by the small,

Colosimo's bodyguard, had become Chicago underworld as Colosimo himself exceptional talents than his former g to a master mind,' in fact, so underworld thinks, that his country has he was mainly concerned with vice, his attention to liquor; and he taught stand that they could make far more

out of this new racket in association with the spoils. It was the beginning of the Syndicate.

To develop his business, Torrio enlisted the aid of a man from New York, Alphonse Capone. Capone was not a *capo* and so could never become a *capo* himself, but he was soon accepted by the *mafiosi* because of his abilities and was able to gain virtual control of the city by means of a nominee whom he made Mayor of Chicago. President. Within a few years Capone, under the leadership of Torrio's gang and its support through bribes and alliances he had become the most powerful man in Chicago's underworld. Other groups, such as those controlled by the Sicilians, were forced into submissive alliances with the power of rival Jewish and Irish gangs. The group, originally by Dion O'Banion, was gradually being eliminated.

O'Banion was shot in his flower shop in 1924 for one of the lavish funerals which he had given for an important Chicago gangster; his successor, Al Weiss, was shot in the street; six months later Bugs Moran, Weiss's successor, was shot on Valentine's Day 1929. To achieve a similar result simultaneously to make an immense profit with more than bullets. In April 1924, for example, of the seven hundred odd men who were sent to intimidate the voters in the suburb of Cicero with gunmen paraded the streets slugging and terrorizing workers,' according to the *Illinois Chronicle*. The houses were raided by armed thugs and balls were thrown from the hands of voters waiting for the polls. Capone's nominee was elected mayor and he ruled not from City Hall but from his headquarters. Once something Capone had ordered him to do, he was in his office, knocked him down the stairs and looked on unconcernedly, kicked him in the face.

The police were not merely owned but were gangsters themselves. In 1923 the police in Chicago were officially estimated as being in the business, 'not in connivance, but as a business on their way to make deliveries were

than by competing for its
dicate.

enlisted the help of an Italian
Capone was not a Sicilian,
mafioso as Torrio was; but
as a leader of indispensable
control of the *Unione Siciliana*
had managed to get elected
he had not only assumed the
associates, but by violence,
undisputably the most power-
Other gangs of Italians and
the Aiello and Genna families,
or were dismembered. The
gangs, notably that controlled
ultimately destroyed.

top while preparing a wreath
followed the death of every
successor, the Polish Hymie
n who remained with George
ere shot in a garage on St
and maintain his power and
fortune, required, of course,
instance, Capone used some
vere then working for him to
f Cicero. 'Automobiles filled
ging and kidnapping election
Crime Survey. 'Polling places
ots taken at the point of the
g to drop them in the box.'¹⁰
or and thereafter Cicero was
the Hawthorne Inn where
when the mayor did not do
to do, the gangster went to
steps and, while a policeman
n as he lay in the street.

by Capone and Torrio, they
, well over half of them in
being engaged in the liquor
tually'.¹¹ Bootleggers' lorries
e seen out of warehouses by

patrolmen who later entered with a warning of a possible raid. Some were given an injunction and later found to have done in eighteenth-century style under another name.

In 1930, the Chicago Citizens' Committee of private citizens who were concerned in the life of their city, decided in the light of publicity shining on the known and notorious gangster Al Capone constant observation by the press. The sessions of this campaign went on until every questionable act and error on the part of those whose names were mentioned resulted in a new drive against the Public Enemy Number One. The clamour. He was already in prison. He had been arrested in Philadelphia, New York, Atlantic City, where the National Association assembled a conference to discuss the unprofitable and dangerous situation. The Day massacre had been a result of the with 'being a suspicious character'. He was convicted and sentenced to five years. He was released in March 1931. He was not only from the Chicago Citizens' Committee backed by the police men, but also from criminal elements. Roger the Terrible Touhy, who was afterwards alleged, ally of the police, pledged to drive Capone out of Chicago. He had made the police force more efficient. Certainly after the new Mayor was elected at a fast rate and most of the gangsters by the end of 1932, so Touhy's influence was ready to surrender. Its leadership had already been defeated by the United States Treasury and the Department of Justice where he was to remain for the rest of his life to a brain disease caused by the stress of his youth.¹²

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speakeasies to have a drink or to give. Sometimes a saloon keeper was served fined; but a few days later—as he would tury London—he opened up elsewhere

ime Commission, founded by a group e determined to reveal the corruption ded to inaugurate a campaign 'to keep g on Chicago's most prominent, well-ers to the end that they may be under enforcing authorities.' The repercus- t far and deep. The publicity given to very reprehensible avoidance of action e duty it was to administer the law, ainst crime. Even Al Capone, named e by the Commission, was affected by y, in fact, slipping from power. He had hia in 1929 on his way back from ew York gangster Frank Costello had extend his own interest and to settle ous rivalry of which the St Valentine's ecent symptom. Capone was charged racter and carrying a deadly weapon'. nced to a year's imprisonment. When 30 he had to face a growing opposition rime Commission and a newly formed and financed by several rich business- rivals the most important of whom was son of a Chicago policeman and, so it r of the Mayor of Chicago who had t of town in his election speeches and available to Touhy for this purpose. or was elected, gang murders increased ose who died were Capone's men. By said many years later, Capone's gang eader, who had never filed a tax return, y the combined efforts of the United partment of Justice, and was in prison, eight years, eventually falling victim the syphilis he had contracted in his

But although his power had so su never to be forgotten. He was, and re was a calculating murderer, a vicious governable rage; but he loved his fam friends. He was tough but he was sent conversationalist, but he spoke plea occasional flashes of wit. He lived in way, expensively dressed with diamo on his fingers, with girls in his hotel su the President's and an armoured car loved the limelight and his enormou charities were lavish; he was a mega hero. It is not only Americans who ca

The son of a Neapolitan barber Brooklyn, Capone fought his way to ability, in a society which believes so w free enterprise and in success that successful more readily than it can cor riches and success are attained. E qualities that made Capone 'a good called him, he would have been adm tunism that earned him his hundreds

Dutch Schultz, a rich opportun appealing character and he, too, ev Schultz's career in New York betwee in 1917 until he was shot in New Jerse three is a typical and revealing one.

His father was a German Jew who his son to drift into juvenile crime. had made money out of selling bee slot machines, managing labour union ing matches. He made a considerable racket' by which punters placed bet appear in the financial pages of the 1930 he occupied a position in Ne in Chicago. Legs Diamond tried to in October 1931; Vincent Mad Dog in a telephone booth by machine-gunn

Like Capone, Schultz was helped whose elections to office he brought violence. He helped to return William

suddenly waned, Capone was remains, a legendary figure. He is a man subject to fits of unreasonably and was generous to his family and was generous to his friends. He was not a fluent speaker, but he spoke eloquently in a soft voice with a magnificently flamboyant style, his hands flashing on his tie and his feet, a bigger bodyguard than most, that weighed seven tons. He received a fan mail; his donations to charity were voluminous. He was a popular man to admire a man like this.

He was brought up in the slums of Chicago, but rose to prominence, if not respectability, and was wholeheartedly in unrestricted admiration of it can admire the rich and condemn any methods by which they got it, even without the particular methods of the 'guy', as Nelson Algren has said. He was a man who acquired millions of dollars.

He was a man as well, was a far less successful man than even now, has his admirers. He was sentenced to his first and last conviction in 1935 at the age of thirty-

He deserted his family and left his wife and children. Before he was twenty Dutch Schultz, operating speakeasies and nightclubs, restaurants, taxis and box-cars, made a fortune from the 'numbers game' on the figures that would appear in the next day's newspapers. By 1925 he was in New York similar to Capone's style. He tried to replace him and was killed in 1935. Coll also tried and was shot in 1935.

He was and protected by politicians and businessmen about by bribes, threats, and intimidation. He was in Copeland Dodge as District

Attorney and James T. Hill, a politician whose sons were prosperous he became and the secure Schultz felt. He became sive. He surrounded himself with women he suspected of cheating a member of his gang who, he said, had sand dollars from him. As he stepped into the hotel carpet, Schultz said, 'Smash his nose'. The nose was left to drip on to the carpet. He told that the boys had had a

As well as being brutal, Schultz can insult Arthur's girl,' one day he told her from him; spit in his face and get off. But don't steal even a dime if you do.'

'Personally I think only Schultz himself whose shabby, ill-fitting smart, slick clothes of other people's fifteen or twenty dollars on a pair of two bucks.'

But Schultz's parsimony was his share with his fellow gangsters. He was superstitious that during a religious fast he accepted a rosary in the morning. He made the comment that he needed them he was so anxious to be a gangster that he did all he could to get a girl who was and well-born and was constant. He was like book writers and singers. He was devoted to his mother. He spoke of his mother as 'the best best,' he said, 'I fast.'¹³

Although by the middle of the 1920s the old style gangsters were dying out, as Prohibition was already in existence. Frank Costello, Lucky Luciano, all of them were engaged in criminal activities. They were only three of the more than a hundred a new style of gangster, no

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nes, the white-haired Tammany Hall
at Harvard and Yale. But the more
he more protection he bought, the less
ame increasingly paranoid and aggres-
with guards whom he did not trust and
ating him. Once he shot in the back a
believed, had stolen twenty-one thou-
the blood from the dead man soaked
tz pointed to another of his men, and
corpse was removed and the bleeding
e stain. When the doctor came he was
a fight over a game of cards.

Schultz was a pathological miser. 'You
e of his advisers once said, 'even steal
ce, push him around and he'd laugh it
ollar that belongs to him. You're dead

queers wear silk shirts,' said Schultz
tting suits contrasted oddly with the
gangsters. 'A guy's a sucker to spend
shirt. Hell, you can get a good one for

was one of the few traits he did not
sters. Like many of them he was so
trial at which he was acquitted he
ning and a *mezuzah* in the evening with
all the luck he could get; like many of
e taken for a respectable businessman
in admittance to the houses of the rich
rantly asking to be introduced to 'guys
's'; and like most of them he was de-
oke of her just before dying. 'Mother
'and don't let Satan draw you too

of the 1930's, gangsters like Schultz
n itself had died, a new generation was
Costello, Albert Anastasio, and Charles
born in Italy or Sicily and all of them
es throughout the era of Prohibition,
e important of those who inaugurated
less unscrupulous than the old, but

more cautious and circumspect, anxious and more than ever careful to interpose in legitimate businesses.

On lines suggested by the Sicilian former employer, a Crime Syndicate was formed after Schultz's death. A board of directors had been formed to negotiate between disputes, and to bring them together with a soundly based policy for protection. The leader retained control of his area and no one was to be permitted there without his permission. The directors acting together had the ultimate authority.

The Syndicate was, at first, limited to the East Coast. Costello, whose main interest was in prostitution and more generally in gambling, Doto or Joe Adonis, a specialist in gambling, Bugsy Siegel and Meyer Lansky, sportsmen, Louis Lepke Buchalter, the labour union leader, were principal members. But soon the idea of the organization of a national Crime Syndicate was a possibility.

In order to make murder, when it was easily punishable by the authorities, more profitable, reprisals within the underworld, 'Murder Combination' founded in Brooklyn, was organized by the Syndicate as an execution squad and committed sixty-three murders in nine years. The chief executioners were Albert Anastasia and Vincent Gigante, but it was to plan a murder on its own terms that it is believed, approached Murder Incorporated.

A few months before, Thomas Dewey, a talented lawyer from Michigan, who was known as a fearless prosecutor of criminals was appointed to the District Attorney of New York. He had appointed a special prosecutor of organized crime and an immediate success and the Syndicate's investigations would soon take him to the murder plan was prepared, the Syndicate knew it would be dangerous to execute it. Dewey's authority was limited to the

us to make crime an industry, integrate it with politics and

Johnny Torrio, Capone's partner had been formed before, each with equal powers, to settle their rival gangs, to settle their into a criminal organization progressive crime. Each gang had no criminal activity was to permission; but the Syndicate's supreme authority.

ed to the gangs of the East was gambling; Luciano, who particularly in drugs; Joseph political and labour rackets; specialists in enforcement; and union racketeer, were its first a spread to other areas until Syndicate became a very real

was considered necessary, less and less likely to lead to Murder Incorporated, a 'Company used by members of the and was responsible for at least Murder Incorporated, whose Alvin Karpis and Abe Kid Twist Reles, besides professional murder; on behalf that the Syndicate, so incorporated in 1935.

Dewey, a young and highly had already become famous while serving as chief assistant U.S. Attorney for the Southern District of New York, had been organized crime. Dewey had had the Syndicate was concerned that his to its leaders. But although a Syndicate eventually decided that it and that, in any event, as the Southern District the worst

that could happen was that draw from Manhattan Island Schultz, who had not been he was considered to be too r leaving the Syndicate meeting observer, he boasted that he later it was he that was o Syndicate's orders.

The following year Murde this time by Lepke Buchalter of a former van driver wh rackets in the garment in approach, which led to Buch Reles who in an extraordinary held on a murder charge i Murder Incorporated.

Reles disclosed enough Assistant District Attorney, within-government in which in hand in a national combi brought into court to testify, in what was officially but du

Whether or not a 'national exist, as Burton Turkis thin it is generally believed that Investigating Committee wh chairmanship of Senator E words, 'for some years been that there was a tie-up betw although there was no inco syndicate was in all probabili

The Syndicate is, in E organized but cohesive coa which work together for mut by a foul and cynical partn and conscienceless business countants and lawyers—wh "respectability".¹⁵ There w there was a single leader of th whose appearances in the t were far from successful, was

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at the Syndicate would have to with-
d. The now violently aggressive Dutch
invited to join the Syndicate because
reckless, dissented from this view. After
ng, which he had attended only as an
would kill Dewey himself. Some days
dead, killed, it is supposed, on the

er Incorporated was approached again
r who gave instructions for the murder
o was interfering with his profitable
dustry. The police learned of this
alter's execution, from Abe Kid Twist
ry confession made while he was being
n 1940, implicated his associates in

to reveal the existence of what the
Burton Turkis, called 'a government-
the killings and rackets worked hand
ine of crime'. But before he could be
Reles fell out of a sixth floor window
ubiously attributed to an accident.¹⁴

combine of crime' did or does, in fact,
aks, is still an unsettled question; but
Turkis is right. The Senate Crime
ich was appointed in 1950 under the
stes Kefauver who had, in his own
troubled by the unpleasant realization
reen crime and politics,' decided that,
ontrovertible proof, a national crime
ity operating in America.

Kefauver's own opinion, 'a loosely
lition of autonomous crime "locals"
tual profit. Its activities are controlled
ership of mobsters, venal politicians,
and professional men—including ac-
ho travel under the false mark of
as in 1950 no evidence to show that
he Syndicate although Frank Costello,
televised hearings of the Committee
, in the view of Virgil Peterson, operat-

ing director of the Chicago Crime Commission, 'the underworld leader in America'.¹⁶ Not to come to light as to the real power of the Mafia, a baleful influence over the local government seemed also undeniable that it dominated was largely directed by the Sicilian Mafia. I was deported to Italy in 1946 as an undesirable.

In 1957, the existence of a national syndicate backed by the Mafia, seemed likelier than noon that winter the curiosity of a series of. Police was aroused by the great number of as far away as Arizona, California and outside the Apalachin house of Joseph and owner of a soft drink business was police for many years as a racketeer. sixty guests. Half of them had been before had Italian blood, nearly all of them convicted before. Asked what they were said that their cars had broken down, Barbara some fish. Barbara, himself, been expecting his guests and the few pounds of steak in his kitchen was agreed that they had just dropped in how Barbara was. He had a weak heart.

This, at least, was true; and Barbara the rest of the story seemed absurdly far-fetched. The government brought all the racketeers before the District Court in Manhattan, some on conspiracy. The prosecution's case, based on supposition and the United States Court convictions. 'In America,' said one of respect the dignity of the individual, a racketeer is not to be imprisoned except for crime.'¹⁷

These brave words reflect the price that inevitably pay for setting so high a standard. By the time that the Senate Rackets Commission conclusions in 1960, the men who had run Barbara in Apalachin were in business with criminals to gain control of the American economy, the unions and legitimate businesses—

mission, the 'most influential
or did very much evidence
the Mafia, but that it exercised
gangs seemed undeniable. It
ted the narcotics traffic which
ucky Luciano who had been
rable alien.

crime syndicate of some sort,
han ever. One Sunday after-
geant of the New York State
nber of expensive cars, from
nd Florida, which drove up
h Barbara, a beer distributor
who had been known to the
Inside the house were about
orn in Sicily or Italy, the rest
had been arrested and con-
all doing there, two of them
one that he had come to sell
said that he had not exactly
ct that he had two hundred
just a coincidence. The rest
as they were passing to ask
heart, they said.

bara has since died. But the
fetched. The Justice Depart-
re grand juries and later in a
of them were found guilty of
however, was no more than a
ourt of Appeals quashed the
of the three judges, 'we still
and even an unsavory char-
on definite proof of specific

e that a true democracy must
store on individual freedom.
Committee had reached some
d been caught visiting Joseph
ness again and the efforts of
rican economy by infiltrating
-infiltrations which Kefauver

believed had 'progressed to —were still being made.

The activities of the S activities of earlier committe by those constitutional safe personal freedom by the cour preserved.

The following exchange Democratic leader of the 1s a counsel of the New York C istic of exchanges in many p

Q. Have you held any governm

A. Yes.

Q. Were you a prohibition a in the early twenties?

A. Yes.

Q. Did you lose that job be of 4,900 cases of liquor?

A. I didn't lose—not on tha on trial for that.

Q. During the period you w you come to know a ma

A. I knew him before that.

Q. And you knew him during

A. That's right.

Q. What is the next public pos

A. Chief Clerk of the Board o

Q. You became chief clerk until the end of Decemb

A. Yes, I think so.

Q. What business were you in vice until the time yo Elections?

A. (By Counsel) Well, the wit that his answer may ten

Q. Do you know a man named

A. Casually.

Q. How long have you known

A. I have seen him around a with him. I knew him

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an alarming extent' ten years before

enate Rackets Committee, like the
es, were, however, severely hampered
guards against interference with per-
rts that have always been jealously

between Alfred Toplitz, a former
t Assembly District, Manhattan, and
rime Commission in 1952 is character-
revious and subsequent hearings.

ment position?

gent with the U.S Treasury Dept. back

cause of your connection with the theft

t account, I can't answer that. I wasn't

vere serving as a prohibition agent did
n named Frank Costello?

that period?

sition you held?

f Elections.

on 17 March 1948 and you continued
er 1950?

a at the time you left the prohibition ser-
u became chief clerk of the Board of

ness will refuse to answer on the grounds
d to degrade or incriminate him.

l Joe Adonis?

him?

at different cafés. I was never intimate
casually.

- Q. Did you know a man named—referred to as Mike Coppola?
- A. No. Know him when I see him. B.
- Q. Didn't you testify in private hearing that you known Trigger Mike for fifteen—
- A. I seen him around for fifteen or twenty years. I know him as what I would—I'd say just Trigger.
- Q. Do you know Frank Erickson?
- A. Yes.
- Q. How long have you known him?
- A. I should say for fifteen years. Not known him around him . . .

When questioned about other gangsters, he mentioned them 'just casually', although he later mentioned them all, including Costello and Erickson, but

- Q. All these underworld people you've mentioned, you call them by their first names and their last names?
- A. Well, I never had much—I don't know them. I greet them. I never socialize with them.
- Q. Mr Toplitz, what was your source of information up to the time you became Chief Clerk?
- A. (By Counsel) The witness will refuse to answer because his answer may tend to degrade the proceedings.
- Q. Mr Toplitz, you lived rather expensively, didn't you, before you became chief clerk and since you became chief clerk?
- A. The same objection.
- Q. Are you a man of substantial means?
- A. The same objection.
- Q. Do you pay as much as sixty-five dollars a pair for shoes?
- A. The same objection.
- Q. Or \$153?
- A. The same objection.¹⁸

The evidence of Sidney Moses, the former Mayor of another Assembly District was quite different. He was a Member of the State Assembly and a Commissioner of Borough Works and

ferred to generally as Trigger

ut I wouldn't say I knew him.
ngs, Mr Toplitz that you had
—twenty years?

wenty years, but I never knew
ust casually, Mr Mathews.

ntimately; just know him being

ers Toplitz said that he knew
admitted that he called them
by their Christian names.

been questioned about, you call
ney call you by yours.

always have conversation with
ized.

e of income and support prior
lark of the Board of Elections?

e to answer on the grounds that
or incriminate him.

nsively during the years before
you've become chief clerk, have

?

dollars a pair on occasion for

Democratic district leader of
e as revealing. Moses was a
d had once been a Deputy
Secretary of Tammany Hall.

Q. Do you know Frank Costello?

A. I met him a couple of times.

Q. You have had dinner with him?

A. I had dinner once with him and
Mr Toplitz.

Q. He attended an intimate dinner?

A. A *Bar Mitzvah*, that's correct.
tion.

Q. Frank Costello was at the dinner?

A. I didn't invite him there.

Moses admitted to knowing Costello, but having curiously ill-defined recollections. He was also obliged to admit that he had been asked for non-political purposes. It was shown to be a manager of a business for another man for whom Moses had worked his time as one of the managers.

Q. You were asked by the Commission to disclose the nature of your own income?

A. That's right.

Q. You declined to do that?

A. That's correct.

Q. And you still decline to do that?

A. Of course.¹⁹

The pervasive influence of the underworld and gangsters extended even to the courts and Judges. The telephone conversation between Aurelio, with Frank Costello,

Aurelio: 'Good morning, Frank. I've done everything.

Costello: Congratulations. It was a good thing is in the bag, you can relax.

Aurelio: It was perfect. Arthur Peck, Arthur Gavagan, then Peck. It was fine.

Costello: That's fine . . . Well, I'll be with Mrs and myself; and have a good time.

Aurelio: That would be fine, but I'll be loyal for all you have done.

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ello?

es.

Costello?

him. I met him at the Copacabana with

family ceremony?

orrect. A confirmation, my son's confirma-

confirmation?

I don't know how he got there.

other gangsters besides Costello and to

business associations with them. He

at he had used Democratic Party funds

A man with a long police record was

a restaurant owned by his father. An-

had found a job as a city official spent

gers of the Flamingo Lounge.

ommission to supply a financial question-

me and expenses over a period?

o it?

nd far-reaching power of the new

the appointment of Supreme Court

versation of one of these, Thomas A.

o was tapped and published:

ancesco. How are you? And thanks for

went over perfect. When I tell you every-

est assured.

r Klein did the nominating; first me, then

fine.

l we will have to get together, you, your

dinner some night real soon.

out right now I want to assure you of my

. It's undying.'²⁰

The influence of the Sicilian, Thomas L. Lucchese is Gaetano and he is also known as Tom. Lucchese over much of Costello's importance was due to his contempt of Senate in 1952, seemed more aggressive than that of his predecessor. Lucchese had a house at Lido Beach on Long Island, and a reputation for ability. He had a charming family, a son at West Point, a daughter at Vassar. He was always courteous and kind, said to be a friend to men, Supreme Court Justices and New York judges. He was a generous host but he himself lived on a little. He knew both the Mayor of New York and the Police Commissioner.

He owed his success, indeed, largely to the help of One of his first allies was James J. Connelley, a politician who had been so invaluable to Costello and he contributed to the mayoral campaign of James O'Dwyer.²¹

Lucchese's early criminal career after 1911 is very obscure. He was arrested in 1911 in a car and again some time later in connection with an investigation. It has been suggested that he was involved at various times with bootlegging, narcotics, and dress manufacturing. But it seems that his connection with Lepke Buchalter involving narcotics was always largely controlled, he was always a partner in the garment racket in the early 1930's.

The garment industry in New York has long felt the pressure of organized crime. In the early 1930's the Mob began a campaign to take over the industry by extorting money by threatening to stop transport owners. Soon gangsters like Tom Lucchese was arrested many times for assault and was made himself a regional director of the United Brotherhood of Carriers obtaining important positions for them. In particular, in the International Ladies Garment Workers Employers found themselves being obliged to keep unions from organizing their members. If already organized, to pay the union a ransom to stop strikes or the implementation of various rules.

as Lucchese, (his real name Brown) who apparently took when Costello was imprisoned as to have been no less extensive, who lived in a luxurious life of apparent respect-son who was a graduate of his neighbours, to whom he that he entertained congress-New York County judges. He had simple tastes and drank New York and the City's former

ely to the help of such men. Hines, the Tammany Hall e a friend to Dutch Schultz, campaign fund of William

ter his arrival from Sicily in ed once in 1921 for stealing onnection with a murder in- hat he has had connections otics, night-clubs, real estate s that, by some arrangement otics, which the Mafia have eady deeply involved in the

rk was one of the earliest to . In 1932 the 107th Street a large share of the profits of threats of violence from the ke Johnny DioGuardi, who d extortion and became him- d Automobile Workers, were nselves in the unions and, in s' Garment Workers Union. bliged either to pay gangsters labour, or, if their labour was s the only means of avoiding ous provisions in the union's

An even more profitable firm was the water-front and operates despite the reform Commission. It was estimated \$7,000,000,000 value of the \$140 million a year—found in At this time all the piers in Thomas Toddo Marino, a criminal record, who settled a Joseph Profaci, two other imp

‘Take the matter of thieving,’ president of the National Association ago. ‘That’s up to the insurance. If I went to my longshoremen happen? The hiring boss would business is that of yours? You your stuff stolen?’ And that’s to stay in business. I can’t affo

Pilferage, however, although million dollars worth of goods published in the New York constituted only a small part from the narcotics traffic, the exploitation of labour which powerless to prevent and in s

Budd Schulberg’s *Johnny Waterfront*, of Longshoremen that work was only given to by graft and by taking a share not a caricature. Union leaders 1950’s; and the corruption of the unions as in the lower mission hearings in 1952 dis officials, including Joseph P. national Longshoremen’s Association various services. The shipping also paid money to gangsters pilfering, that organized pilfering which could not be inspected and honest longshoremen die

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held for extortion than the garment area where the Syndicate still apparently has brought about by the Waterfront in 1953 that two per cent of the cargo in foreign trade—that is to say its way into the hands of the Syndicate. Brooklyn were said to be controlled by a rich and quiet Sicilian with a long all disputes with Vincent Mangano and important *mafiosi*.

said John W. McGrath, a former President of Stevedores in an interview a few years ago of stevedore companies and the steamship lines. Inquiring about cargo thefts, what would McGrath look at me and say "What the hell didn't you lose anything did you? It wasn't as far as I'd get with that . . . I want to stick my neck out."²²

It accounted for the loss of four million dollars a year, according to an estimate in the *Journal of Commerce* in 1956, still the largest part of crime on the waterfront. Apart from the main profits were derived from the waterfront the union leaders were sometimes in some cases actively encouraged.

By Friendly, the President in *On the Waterfront*, whose boys saw to it that those prepared to see him grow rich at the expense of the longshoremen's money, was not an exception. Cases like this were not uncommon in the waterfront as widespread in the higher ranks of the waterfront. The New York State Crime Commission disclosed that several important union leaders like Ryan the life President of the International Brotherhood of Stevedores, had accepted payments for the waterfront owners and contracting stevedores to ensure that there was no individual waterfront activity was restricted to outgoing cargoes until their arrival, and that waterfront workers should not air their grievances or encourage

others to strike. So long as there were men and men assembled at 'shape-ups' to be hired by a man who, often enough, expected to be hired on the water-front could be tightly controlled. Money at enormous rates of interest to be paid. And although the 'shape-up' has now been replaced by hiring centres there is still a labour market to exploit.

An agent from the District Attorney's office, Dewey sent to work on the docks in his investigation of front gangs, found that the 'loan shark' who lent money to the men having deducted both their wages and on the number of hours the man had worked. He took himself as a stevedore from another port. When he was told a union book would cost him five dollars, he bought one, however, for twenty-five dollars. He gave the official of the International Longshoremen's Association a card to a brothel. After the investigation and the local gang leader was taken, a hundred longshoremen were taken and the gang leader refused to testify against him. 'Who is your mister?' one of them said. 'Talk and I'll kill you.'

'I finally collected together nine witnesses and described his subsequent investigations in the water-front by a white man who attacked me. 'But as the days slipped by my nine witnesses were like trying to control drops of mercury. After I had spent three or four frantic days looking for him, I would return downtown only to find him gone.'

It was not only fear that kept the gang on the water-front. Most longshoremen, Ed Reid told me, were in conditions any more than the shipyard workers brought up in the tradition of the water-front. 'It was the law of the survival of the fittest. The gang was a constant, controlled pool of labour and the water-front was the day of the "big killing".' And, after a while, they were as the only heroes they know, and they were themselves.²⁵

There was, too, a long tradition of violence on the water-front which was not limited to the water-front.

ere no regular labour gangs,
be picked for work by a union
e paid for his favours, labour
ntrolled by gangsters who lent
the temporarily unemployed.
y been replaced by organized
surplus which gangsters can

ney's office, whom Thomas
his efforts to break the water-
s' actually paid out the wages
r debts and a 'kickback' based
worked. When, representing
ort, the agent asked for work
t him a hundred dollars. He
ve dollars having given the
emen's Association an admit-
e agent had completed his
ader had been arrested, two
in for questioning but they
the hell wants to be a hero,
you're dead.'²³

esses,' the agent wrote when
nto an assault committed on the
d three Negroes with a hatchet.
itnesses began to disappear. It
ry. A man would disappear and
ays prowling around Harlem to
to find another had vanished.'²⁴

gangs in control of the water-
hinks, did not want a change
o owners did. Both had 'been
er-front jungle which glorifies
The ship owners want a con-
the longshoremen live for the
ll, they worship the gangsters
many of them are criminals

f violence in labour relations
front. Industrial disputes had

frequently in the past been before the First World War miners on strike. Machine-guns cars which took them through a single street beside the railway.

'The nine guards would fire incite the strikers to return to be brought into action and then at a snail's pace, spitting bullets the tents and shacks and mowing and women and defenceless children.

In 1915 nineteen strikers were deputies paid by the American the war companies specializing offered employers their services. Wadell, one of these firms were able to provide ten thousand seventy-two hours. A gangster paid over fifty thousand dollars various strikes in Brooklyn, of New York and of the Army standable that the reply of the unions developed rackets.

The labour racketeer reformed industrial relations; and it had power. In 1943, for instance the business agent of a local union and rose to be its International that he had been involved in a union official, was indicted on charges of conspiring to extort \$703,000 threatened with strikes. He was later the *New York Journal* exposed labour leaders and builders as he was 'still the boss of a third of the delegates discovered in a house in 1962 were involved in them in the garment industry.

A labour leader who in 1919 was International Brotherhood of

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settled by force. In mining villages pit owners employed guards to shoot men were sometimes loaded into freight cars through the villages, usually little more than a narrow-gauge railway track.

After a couple of rifle shots from the cars to start the fire, and then the machine-guns would be fired, the train would move the length of a village at the rate of 250 feet a minute, perforating men lying down and maiming and killing men and children.²⁶

Men were killed and wounded by sheriffs' deputies for the American Agricultural Company. And after men in strike breaking were formed and organized in various ways. Messrs. Berghof Brothers and others, 'labour adjusters', claimed that they had organized a thousand men for strike breaking within a few weeks. Peter De Vito, was said to have been in prison for five weeks in 1929 for breaking strikes including those of the Oil Company and the American Can Company.²⁷ It is understood that unorganized labour was violent and that the violence was of their own.

Unorganized labour remains a real menace in American industry. It has always been difficult to break his power. Joe Fay who began his career as a member of the Union of Operating Engineers and later became Vice-President despite the suspicion of involvement in the murder of a rival construction contractor on a charge of extorting \$420,000 and \$3,000 from contractors whom he had organized. He was sent to prison but a few years later the *Wall-Street Journal* revealed that politicians, businessmen and lawyers were regularly visiting him in his cell in the 'prison of the construction industry'.²⁸ Over a period of years he covered at Joseph Barbara's Apalachicola in various labour rackets, sixteen of

63 was still in control of the powerful International Brotherhood of Teamsters is James Hoffa. His pre-

decessor as President of this union, well over a million and a half, was Da at Seattle with union funds and the \$163,000. Despite convictions for in larceny, Beck enjoyed a pension of \$5 and boasted in 1959 that he was a mil was elected President in 1957 with \$15,000 a year for remaining President with an unlimited expense account. to evidence given to a Senate Commi of Senator John McClellan, are no has received. Indeed, the evidence c investigators, led by Robert F. Ken the words of an interim report, ran power, the Committee's report added, this power is now lodged in the han [is] tragic for the Teamsters Union a at large.'

It appeared from the evidence of whom said that his life had been mad appearance—that Hoffa's Union acc strikes and that some of this money Hoffa's own pocket; that a construct interested used \$235,000 in Teamst that the Union had business-like cor was largely staffed by hoodlums; tha these officials continued to receive th strike in which taxis were burned an when the taxi owners were paid \$15, to join the Union; that some Unio holsters being charged to 'office supp had threatened to etch the word 'ra driver's forehead; and that an em Teamsters' demands was threatened thrown into his lorries and marijuan cars.

The activities of Frank Kierdorf, agents in Michigan, are characterist long criminal record who had once tr in his car, approached a businessma union recognition form which he aske

which has a membership of
ave Beck who built his house
en sold it to the union for
come-tax evasion and grand
0,000 a year from the Union
lionaire. His successor Hoffa
n a salary of \$50,000 plus
nt of a Detroit local, together
These payments, according
ttee under the chairmanship
t the only ones that Hoffa
ollected by the Committee's
edy, showed that Hoffa, in
a 'hoodlum empire'. Hoffa's
was 'extraordinary . . . That
nds of a man such as Hoffa
nd dangerous for the country

terrified witnesses—one of
e 'a living hell' since his first
epted bribes for calling off
may have found its way into
ion firm in which Hoffa was
er funds as working capital;
nnections with gangsters and
at when imprisoned some of
eir salaries; that at least one
nd blown up was only ended
000 for forcing their drivers
n officers carried guns, the
ies'; that one of these officers
at' in acid on a recalcitrant
mployer who balked at the
with death, had fire-bombs
a planted in his employees'

one of the Union's business
ic. Kierdorf, a man with a
ried to run over an employer
an in 1956 and gave him a
ed him to sign. The business-

man said that his men had no objection to their going to vote on it. Kierdorf said that a Teamster picket line stopped the employer from using force. The employer began to use force. The whole question should be taken up with the union. Kierdorf said no; and then his men jumped out of his Cadillac and hit the man over the head with an iron pipe, leaving him with several stitches in his head. The employer said that the office staff must join the union to avoid this, however, by paying a monthly cheque of seventy-five dollars.

In August 1958 Kierdorf tried to burn out a dry-cleaning store. The police believed, by other

Hoffa, who had been heard of by Johnny DioGuardi, one of the men in the garment industry, and in the case of Joseph Glimco, was a controversial figure at the hearings. He did not use the same tactics as Philadelphia officials did when they spent hundreds of thousands of dollars on a case that played what one Senator called 'the game of hide-and-seek'. In a single case that he could not remember, Hoffa was roundly condemned by the law—debaring anyone connected with the union office for five years after conviction. Hoffa was seen to be as firm as a rock at Miami in 1961. Here, despite the fact that he squandered on an expensive mistress of an official; that he had a criminal lawyer for real estate; that the union had been rigged; and, above all, that he was concerned about the welfare of his men, Hoffa was confident. He was still enjoying in J

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not been in any union before but that joining one and so he would ask them there would be no vote. A week later ended all deliveries by road to the factory. He took the railway and suggested that the matter be taken up with the state mediator. Again the union began to use violence. One day four men beat one of the factory's drivers with a pipe. The driver had to have twenty stitches. The employer gave in. Kierdorf then said all workers should join the union too. The employer was permitted to pay two thousand dollars and a fine of five dollars.

He was burned to death after having tried to start a shop in a suburb of Flint, assisted, so it was said, by Teamster officials.

He helped in his career in New York by the most experienced extortionists in Chicago by a former Capone gangster, who was an empty witness at the Committee on the Fifth Amendment, as one of his Philadelphia friends accused of misappropriating four million dollars of the funds of his local, but he dismissed the charges as 'the best forgettery of anyone I ever saw.' In the session of the Committee he replied to over a hundred questions. But alarmed by the Committee, and a new conviction—was passed in an effort to break down his Union, Hoffa's personal grip on the Teamsters' convention was broken. The charges that union funds had been used to buy a house and swimming pool for the Teamster President, that \$2,000,000,000 had been lent to a friend for speculations; that calls for democracy were crushed by force; that elections had been rigged; that their President was not nearly so democratic to his members as he so frequently claimed to be; that he had been promoted in office with an increase of \$100,000 a year in his salary, a salary which was raised in January 1963 when, for the fourth

time in five years, he walked free.

Even at seventy-five thousand dollars a year, the income may not have been so large as that of the President of the United States. The Chicago Crime Commission estimated the income of the President of one of the unions at \$750,000, much of it from kickbacks and extortion.

The Teamsters, however, were not the only union in this way in Chicago. Other unions were also investigated by the McClellan Committee, used no less than the Teamsters, gangsters, seeing the possibility of large profits from them.

Throughout the 1950's restaurants were being closed and burned out and in 1958 the biggest restaurant who had given evidence to the McClellan Committee was destroyed by a fire that caused \$1,000,000, another witness had testified that a police officer had burned his restaurant by a Local of the Hotel, Restaurant and Bartenders' International Union. The police officer, his employees and menacingly shouting at the police, his customers' cars. Tony Accardo and an immensely rich inheritor of a fortune, Abraham Teitelbaum (a lawyer who had been named by the Committee and evaded the McClellan Amendment.

Unions dominated by gangsters were a major part of Chicago's problems. The rackets unions investigated by the Committee were proliferous. A character witness by a Chicago firm of gramophone records was a gangster who was an acquaintance of the firm, forcing jukebox owners to buy its records for each jukebox they owned. One of the witnesses hired an ex-convict, Rocco Pranno, a police officer, after Pranno had taken him for a ride in a car with cement weights tied to his legs.³⁰

But Chicago was not, even so, the most lawless city in the United States. According to the *United States Crime Survey* by the Federal Bureau of Investigation, Buffalo, the least lawless of all. The most serious crimes that year was Los Angeles, with the most serious crimes for each thousand citizens.

free from a federal trial.²⁰ Dollars and expenses, Hoffa's income was that of other officials in his profession, for instance, estimated Teamster Local, at \$840,000, for union payments.

It was the only Union who worked in the unions, also condemned by the courts for violent methods and the huge profits, moved in to exploit

business in Chicago were bombed. Most of them all, owned by a man on the McClellan Committee, was ruined for a million worth of damage. After an anti-professional picket, put round by the Hotel and Restaurant Employees' Union, had slashed the car tyres of a car and had the licence numbers of the car (the former Capone gunman) removed (some of his powers) and the money had passed legal fees received by the Union) were questioned by replying by invoking the Fifth

Amendment. There were, though, only one of the cars unearthed by the McClellan Committee. A characteristic one was that operated by a car record distributors, owned by a man on the committee of Accardo, which had been a car record distributor and pay protection money. The owner had been persuaded to sell the car to a well-paid business adviser who had been thrown into the river in his car with

It was the most lawless big city in the country. The *Uniform Crime Reports*, issued by the FBI, show that in 1960 it was, in fact, apart from Los Angeles, the city with the highest rate of crime in the country. Los Angeles with a rate of fifty-one crimes per 100,000 citizens. Other lawless cities were

Atlanta (44.7 for each thousand), Denver and Seattle (39.3), Dallas (35.2), San Francisco (28), Detroit (28) and Indianapolis (28). Boston and Pittsburg all had rates under 20. Philadelphia (16.9), Cincinnati (16.9) and Chicago (12.9) had rates under 10. Of the twenty-two cities mentioned, 11 had rates under 10.

The high crime rate among Negroes, Mexicans and Puerto Ricans is of course, to qualify any assumption of the lawlessness of white populations. The Negro population is numerous, badly housed or so, and must also be qualified in the reporting and preventing of crime. The police forces were little better equipped to discover, report or prevent crime than before.

* In 1962 Washington seemed to be the fastest growing city in the country, faster than anywhere else. It recorded the highest murder rate of any other large city; only one other city, Los Angeles, had a higher rate of murder. In all other cities the rate was under twenty, and a majority of all cities had a rate under ten. Fifty-five per cent of the population

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ousand citizens), St Louis (43.8),
, Newark (37.4), Houston (35.3),
sco (34.8), New Orleans (29.2),
olis (28). Cleveland, Minneapolis,
d rates under 25. New York (17.7),
tti (16.0), Kansas City (13.3) and
er 20. But only Buffalo (8.5), of the
had a rate under ten.*

mong Negroes everywhere—and of
in some states—makes it necessary,
mptions which might be made about
ulations in areas where Negroes are
ocially ostracized; just as assumptions
e light of the activities—both in the
rime—of the police. And some police
eed to deal with criminal acts let alone
them, than they had been fifty years

o be the city in which crime was increasing
ded more assault and battery cases than any
y had a higher rate of theft and only two
. A third of those convicted of robbery were
d convicted criminals were Negroes. Almost
a are coloured.

COPS AND

*'It is a matter of common knowledge
has been a fixed scale of prices for a*

CHIEF JUSTICE]

THE influence of English precedent about police persisted well on into America. In colonial times, and for the idea that the law could best be enforced by communities taking it in turns, as in England, watchmen was rarely questioned. As New York City established the first police force in the United States.¹ By then the rapidly made efficient professional forces of London example was soon followed; but many cities continued on amateur watchmen for night-time duty in general till after the Civil War.²

The same arguments that had been used for the use of professional policemen in England had been used in the United States and had resulted in the same results. The American policeman, like the English policeman, had few rights beyond those possessed by a private citizen. He was prosecuted for wrongful arrest and for the treatment of prisoners taken into custody that any other citizen would be in evidence at their trials. As in England, the rivalries were strong and contributed to entertain the thought of a form of national control.

THREE

G-MEN

*age that for many years there
advancement.'*

JOHN P. MCGOORTY, 1931

ts and of English prejudices
o the nineteenth century in
r many years afterwards, the
ced by members of local com-
gland, to act as constables and
nd it was not until 1844 that
t publicly paid police force in
oid growth of other cities had
essential and New York's
any towns continued to rely
e duty, and uniforms were not

en used to delay the creation
d had been used in the United
ne limitation of their power.
nglish policeman, was granted
by any citizen. He could be
was legally obliged to warn
rthing they said might be used
gland too, local jealousies and
l to that traditional reluctance
ce with anything resembling

It was at least partly due to the system of law enforcement that had been developed in the nineteenth century to assume the proportion of the population in the West and the South was settling the vast extending territories of the frontier. The men and their imprints both for good and ill were shaping America. In the West the settlers were seeking wealth, the restless looking for a better life, from justice, all advanced even if it meant that the only law was their own. In 1871 the federal government to fill their pockets with the money of the West, a committee of vigilantes was organized in California, the boast that as the law courts would do it.

In the South, gamblers and the institution of slavery suffered most from the lawless mob before the Civil War. The distrust of the outsider was a major factor in the formation in Tennessee in 1825 of the first although originally a secret society. The society concerned with amusing themselves with the organization devoted to racial and racial hatred was a new and dangerous significance.

Before the end of the nineteenth century the number of the lynchings were taking place in the South were mostly of Negroes—usually the victim was an injured woman being sometimes the victim of a kindling. Between 1889 and 1900 there were 1,136 lynchings a year, nearly all of them resulting in the death of the victim. In 1900, however, the number of lynchings dropped by half. By 1924 there were only 17 lynchings by 1934 to seventeen and by 1935 there were 17 followed, although it was still a lyncher in a Southern court. In 1935 in Mississippi two men were accused of the murder of an old Negro who was supposed to have been whistled at the wife of one of the men. In Mississippi, no indictment was

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to this lack of a complete and effective that lynching began in the nineteenth tions of a national crime, particularly here the problems of existence in the ontier were already beginning to leave and for evil on the social system of tlers and pioneers in search of land or r adventure and the unruly retreating ver deeper into territories where the 1849 when men rushed into California gold that had been discovered there, as established in San Francisco with ld not clean up the town, the people

l white men who advocated the aboli- frequently at the hands of the lynch- r; but after it, racial antagonism and ere at the root of most lynchings. The 1866 of the Ku Klux Klan which, society whose members were mainly selves, soon developed into an organi- religious persecution, gave to lynching nce.

teenth century almost three quarters place in the Southern states and they ally of Negroes accused of rape, the nes required to put the match to the 1899 there were, on average, 187.5 f them carried out with impunity and in even the formal arrest of the ring- , the crime of lynching began to de- 1899 and 1909 the numbers of lynch- the average was down to 46.2 a year, y 1944 to 3.9; and in the years that l difficult to obtain the conviction of oom, it was clear that this was a crime t much public sympathy. In 1954 in quitted of lynching a fourteen-year- to have made offensive remarks and e of them; and in 1959, again in was made when a gang of hooded

men dragged out a Negro from a gaol on a charge of raping a white woman. The Federal Bureau of Investigation prepared as no federal kidnapping law had been to be left to Mississippi law and Mississippi. In the same year, however, accused of raping a Negro girl in Florida the judge's direction to consider the color or creed' and found them all guilty of justice under the law is one which now beginning to adopt.

The rapid decline in lynching during more, indeed, to the development of any increasing respect that the American their police forces which were still regarded as corrupt and nearly always

The limitations upon the power composed by an inbred devotion to persons without care or repentance. The use of prosecuting criminal prosecutions had become years nearly half the number of people released without being charged.³ complying with the law in this respect, nesses were sometimes moved about 'police stations' so that lawyers and b

'To obtain confessions or admissions,' the Observance and Enforcement reported (detectives) proceed "to work" the prisoners to signify any form of what is commonly may consist in nothing more than a session in most cases it is nothing more than that he is wholly at the mercy of his cross-examination may at any moment knowledge itself undoubtedly induces instances and makes unnecessary a resort to answer, he may be returned to his cell till ready to "come clean". The cell purpose—cold, dark, without bed or chair completely dark and arranged to be huddled endure the temperature, will promise to

gaol where he was being held
n, and shot him to death. The
prepared a report on the case but
n violated, the guilty men had
Mississippi took no action against
when four white men were
Florida, the white jury obeyed
charge 'without regard to race,
guilty.' This regard for equality
ch other Southern States are

ng the 1920's and 1930's owed
the human conscience than to
mericans felt in these years for
usually, and with justification,
vs as corruptible.

of the police, for instance, im-
onal liberty, were disregarded
of arrests as a method of initi-
ome so extensive that in some
ple arrested were subsequently
To avoid the necessity of
ect suspects or unwilling wit-
between 'half a dozen different
bailsmen could not find them.⁶

he National Commission on Law
d in 1931, 'the officers (usually
soner. "Work" is the term used
only called the third degree, and
vere cross-examination. Perhaps
hat, but the prisoner knows that
inquisitor and that the severe
t shift to a severe beating. This
speedy confessions in many in-
t to force. If the prisoner refuses
cell with notice that he will stay
may be specially chosen for the
air. The sweat box is a small cell
eated till the prisoner, unable to
o answer as described. Or refusal

to answer may be overcome by clubs, or fists, or by kicking or by Powerful lights turned full on off, have been found effective. extort confessions. The most conditioning, continuing hour after has been known since 1500, at least effective torture and certain to

The resort to force and illeg still justified—by the police and frequently the only means methods of crime detection unknown and few police departments technical devices which were Europe. Some had no equipment alone forensic laboratories or records. In Boston there were customarily found in European the names of witnesses, addresses that appeared in the special were 'likely to rely more upon and error methods of detective "third degree" than upon the which continental police administration *police scientifique*'.⁹

The personnel of the police haphazard methods employed and the more profitable political connections or even knowledge,' said Chief Justice for many years there has been ment.'¹⁰ Investigations into the paperman Jake Lingle in Chicago of patrolmen' had been asked 'Captaincies,' it was reported depending on where the captain

Chiefs of Police were often virtually controlled by gangsters 'so completely dominated by gamblers who were in contro

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y whipping, beating with rubber hose, y threats or promises.

the prisoner's face, or switched on and The electric chair is another device to commonly used method is persistent question, sometimes by relays of officers. It least, that deprivation of sleep is the most produce any confession desired.'⁷

gal arrest was often justified—and is on the grounds that it is the quickest ns of uncovering evidence. Scientific on the European model were almost departments had any of the elaborate re already considered essential in ment for photographing criminals let r systematic methods of keeping re- 'no records similar to the dossiers departments. Scanty notes recording sses, and court appearances' were 'all officer's notebook'.⁸ And these officers n chance, or upon the traditional trial ves, the use of stool pigeons and the ne skilful technique of investigation ministrators have appropriately called

ce was as strongly criticized as the d. Salaries as in England were low, positions were usually won through bought. 'It is a matter of common ce John P. McGoorty in 1931, 'that n a fixed scale of prices for advance- ne murder by gangsters of the news- cago in 1930 revealed that 'hundreds . 'if they wanted to buy sergeancies'. , cost five thousand dollars and up, in wanted to be assigned.'¹¹

en appointed by mayors who were ers. At one time San Francisco was the gangsters that three prominent l of the politics of the city and who

quarrelled about the appointment of the winner of the quarrel by shaking dice to determine the winner for the first two years, who for the second year, and the third.¹²

In such conditions it was not surprising that the police were birds of passage and that Chicago had a turnover of three years between 1870 and 1933. In 1933, one of the 257 gang murders in Chicago was committed but resulted in a conviction nor that in 1934, 1935, and 1936, 14 murders remained unsolved.¹⁴ Few police officers had any particular qualifications for the job. As one officer said, 'my man is going to be a good chief,' the chief replied, 'said, 'because he has been my tailor.'

The men they controlled had few skills. Many of them had already been in the police force, satisfactory or been dismissed and had found a better-paid job. In one force more than 100 men were thirty when they were appointed, or more than another seventy-eight.¹⁶ In Boston, many of the others had been unskilled workers who received the barest minimum of training. The men who, it was admitted, required a disciplined temper, good judgment, specialized knowledge of law and procedure, and the admitted requirements, in the simple words of the men who were required to take, the physical requirements, the only one of any real importance attached to what was locally assumed 'a peculiar, if not sinister, fact, police officers with criminal records in Chicago.

Training in some smaller towns was virtually did not exist. The police commission in New York in

'I say to [the recruit] that now he is a police officer, he should be a credit to the force. I tell him that I will show him how to enforce the law, that all his eyes on the streets and keep his eyes open. I say, 'I will show you the requirements, don't you? Well, if you know

the police chief settled their
who would name the chief for
and two years and who for the

surprising that chiefs of police
go had thirty-one in the sixty-
¹³ Nor is it surprising that not
Chicago between 1923 and 1929
ninty per cent of the cases the
chiefs of police, anywhere,
the appointment. 'I know that
the Mayor of Indianapolis once
for twenty years.'¹⁵

qualifications either. In some
found some other career un-
drifted into the police for want
re than half the men were over
ne man was seventy-four and
in 1928 a fifth of the whole
s, chauffeurs or truck drivers,
led labourers and all of them
ing to make them into police-
ired 'physical courage, tact,
alertness of observation and
procedure'.¹⁷ Yet, despite these
e tests which police candidates
examination was considered
tance. And in Chicago the
sely described as 'experience',
appearance'.¹⁸ There were, in
ords in several cities other than

was not merely inadequate but
chief in one small town told a
1927:

policeman, and I hope that he will
t he doesn't need anybody to tell
e needs to do is to go out on the
"You know the Ten Command-
y the Ten Commandments and

you go out on your beat and see
mandments, you can be sure h

Unqualified and untrained t
commission of inquiry which
rackets amongst the police w
been before the First World
Becker, a police lieutenant in
was the chief collector of
brothels and gambling houses

In the 'Doctor's Racket',
accomplice went into a surgeon
doctor was out. He put mon
When the nurse protested po
on a charge of prostitution
accomplice booked a room fo
to be his wife. When the c
arrested for keeping a house
course, rarely brought but th
and fees shared with corrupt
officers, whose bank account
'in a few years accumulated
dollars.'²⁰

The Commission related
two policemen and arraigned
was then taken to the office o
a "big man in the Grand St
dollars he could fix everythin
no difference if she were gui
stated to her that the said su
had paid to him would inclu
an attorney and the necessar
attorney was retained but as
hundred dollars the woman wa
two hundred although he dic
Eventually she paid out \$1,20

Real or imagined infractio
more profitable field for the co
vice. In 1929 in New York, 4
making, and of these all but 16

Not all police forces, of cou

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... somebody violating one of those Com-
... is violating some law." ¹⁹

... the men slipped easily into crime. A
... made its report in 1932 found that
... ere common, as common as they had
... d War when the celebrated Charlie
... charge of the New York Vice Squad,
... protection money from the City's

... the 1932 commission reported, an
... ry supposedly for treatment while the
... ey down on the table and undressed.
... lice officers came in and arrested her
... on. In the 'Landlady Racket' the
... or himself and a woman who claimed
... couple were in bed, the landlady was
... of prostitution. Prosecutions were, of
... e profits made from bribes, blackmail
... t lawyers were immense. Five police
... s were analysed by the Commission,
... d more than five hundred thousand

... the history of a woman arrested by
... d on a charge of prostitution: 'She
... f a "Fixer" who told her that he was
... reet Boys" and that for six hundred
... ng in such a way that it would make
... ty or innocent. The "Fixer" further
... um of six hundred dollars which she
... de his own services, the services of
... y bribe for the arresting officer.' An
... he did not get his share of the six
... as persuaded to give him an additional
... d not attend the court on her behalf.
... 00. All the same she was convicted.²¹
... ns of the gambling laws were an even
... ollection of bribes and blackmail than
... 4,328 people were arrested for book-
... 51 were discharged.²²

... urse, were as pervaded by corruption

as these reports imply. But few of them, nearly all of them operated from stations, the poor opinion the public had of the station house in the 1930's was described its squalor and muddle:

'The desk dominates the whole and the e round it. Prisoners stand in front or at required in booking an arrest are entered and citizens gather there . . .

At times great confusion results from station's work. It is not uncommon to find reporting the loss of property, a mother policeman waiting for instruction, and upon crossing the threshold are frequent scenes: a violent or abusive woman und speakably filthy vagabond, or a prisoner

The confusion in the Station house occasioned by the complete lack of the police department as a whole. In police authority in each state, there police and city police, and the lack of was often as great as the lack of police authorities in the English parish

The result of all this, as the *Encyclo* put it, was 'the most complete decent known to the civilized world, according degree of duplication and conflicting

An attempt to remedy some of the enforcement had been made in 1907 Charles Joseph Bonaparte, proposed vestigating agency with federal power of the Department of Justice. It was that the Government should have enforcing federal law and of preventing by moving across state boundaries another. The proposal met with the had greeted proposals for a detective

'I believe that it would be a great institutions,' Congressman Waldo of 'if there should arise in this country a

them were entirely honest and on houses which corroborated their protectors. A typical case is described by a writer who emphas-

entire work of the station centres on one side of it while the facts are dictated by the desk officer; patrolmen

from such concentration of the force and standing side by side a person enquiring about a lost child, a runaway or more prisoners. Citizens are suddenly confronted with unpleasant scenes: an arrest for drunkenness, an unresisting or struggling to resist arrest.²³

This was reflected in the muddle-headness of any sort of centralization in the police. Instead of a single responsible authority, there were state police and county police, and a lack of co-operation between them. The writer says: 'The lack of co-operation between the various police forces in the eighteenth century.

Encyclopaedia of the Social Sciences states: 'The centralization of police authority was accompanied by an extraordinary extension of jurisdiction'.

These defects in American law were pointed out when the Attorney-General, in 1835, proposed the establishment of an independent police force under the general direction of the Attorney-General. Essential, Bonaparte insisted, was the adoption of more satisfactory means of dealing with criminals escaping justice and from one jurisdiction into another. It was the same storm of protest that led to the abolition of the force in England.

The abolition of the force was a blow to freedom and to free government. A member of New York told the House, 'any such great central secret-

service bureau as there is in Iowa, remembering perhaps grand-nephew of Napoleon people, such as prevailed in allowed to grow up'. News the views of Congress approved general detective service or newspaper thought. On the rence of such a scheme'. It wa to the democratic principles o

The existing practice of Secret Service agents from work was bad enough, but would make matters a great of a secret police so much that such an extension of fe Congress passed a law prohib vice detectives by other Go Department of Justice.*

But Bonaparte was not dete a Bureau of Investigation w ment in July 1908. The reac when this became known was

'If Anglo-Saxon civilizatio man Sherley of Kentucky in praise, 'it is for a government guarded against the secret act ment . . . Not in vain did ou Magna Carta and the Bill of R

The Attorney General, Theodore Roosevelt, refused ultimately difficult for Cong reasons for abolishing the m some steps to combat the risi

* The Secret Service agents had after the Civil War to deal with a su but they had for years been emplo campaign against political and bus trial combines, the 'trusts', which w against the dishonest Governmen reserves of land in the West of whi

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Russia.' And Congressman Smith of
s that the Attorney-General was a
, said that no system of spying on the
France under the Empire, 'should be
papers, as also in England, reported
rovingly. There was 'no desire for a
national police organization', a Chicago
contrary there was 'a bitter abhor-
as 'considered absolutely contradictory
of government'.²⁴

the Department of Justice of hiring
the Treasury Department for police
this new proposal, it was considered,
deal worse by bringing the formation
earer. To warn the Attorney-General
ederal power would not be tolerated,
biting the employment of Secret Ser-
overnment departments including the

ferred. Soon after Congress adjourned,
as quietly established in his Depart-
tion of Congressmen and newspapers
predictable.

n stands for anything,' said Congress-
a passionate speech which won wide
ut where the humblest citizen is safe-
ivities of the executive of the Govern-
ur forefathers read the history of the
ights.'²⁵

strongly backed by the President,
d to give way. And it was, in fact,
ress to find adequate and acceptable
ew force of federal detectives when
ng wave of crime in the United States

been organized by the Treasury Department
dden increase in the crime of counterfeiting;
yed by President Theodore Roosevelt in his
iness corruption, particularly against indus-
ere ignoring the Sherman Anti-trust Act and
ut officials who were embezzling the vast
ich they were the appointed guardians.

were so obviously required. Detectives, who had persisted, were the country's defenders at a time of crisis. If Congress persisted in its course it would be unable to deny the charge of crime. In the face of the President's Attorney-General's action and his own, they were befriending and shielding criminals and were to give way. Instead of calling for the force, they called now, in Congress, for hedging about 'with all the safeguards of the people's liberties'.²⁶ The Attorney-General kept a close eye on the Bureau's activities. A debate followed on the manner in which to control it, the Sixtieth Congress called for limitations drawn and a Bureau of Investigation.

At first, however, there seemed little that the new Bureau could satisfactorily do. Much as it continues still to be done, by local agencies, such as smuggling, counterfeiting, tax evasion, remained the concern of the special police of the Treasury and Post Office Departments. In the Bureau, Stanley W. Finch, admitted to be concerned with what little was left over after the relatively unimportant work in connection with the Congress which forbade the shipment of opium, contraceptives, prize-fight films and other things, made illegal the transportation of women and prohibited its consumption. It was the Slave Traffic Act, introduced by F. M. Mann of Illinois, became law that the Bureau had the opportunity to carry out its first large-scale operation. It was the result of a public outcry against the practice which had reached its culmination when the Bureau seized documents disclosing that a violation of the law was being committed in the United States for ten years. More than twenty thousand women and girls were being shipped. The Act was intended to put a stop to this widespread shipment of women across the country from country districts to brothels in the cities. It was to work to enforce the federal law with

ves, President Roosevelt in-
against the criminal and it was
elp the country's defenders' in
in its obstructive campaign,
rge that it was encouraging
s determined defence of the
telling suggestions that they
nals, Congressmen felt bound
abolition of the new detective
man Sherley's phrase, for its
s essential to the preservation
orney-General promised to
tivities and, although a long
hich he should supervise and
me to an end with no clear
vestigation firmly in existence.
e work of importance that the
ost police work was still done,
al forces. National problems,
x evasion and mail robberies,
olice forces maintained by the
ents. The first Chief of the
that he would only be con-
and this was troublesome but
nection with laws passed by
nt between state and state of
d obscene books and which
f liquor into states which
not, in fact, until the White
Representative James Robert
e Bureau was given an oppor-
le operation. The Mann Act
st commercialized vice which
ne U.S. Attorney in Chicago
ce syndicate had been operat-
ars and had imported no less
girls into the country.²⁷ The
his traffic and to prevent the
oss state boundaries, mainly
n the towns. The Bureau set
with embarrassing energy.

Circular letters were sent to other officials in the towns. If there were 'any houses of prostitution there were, agents of the Bureau, a lawyer, and called at the police station to get a detective. The three men were to go to the houses of assignation and investigate all the residents. A list of those in breach of the Mann Act was to be made. The police had been provided with a copy of the act and were to make arrests for any violation.

While the success of the Bureau in commercialized vice was not doubted, there was some criticism for its interpretation of the act. It was seen as only against commercial vice. A Government man (soon to be known as a G-man) began arresting on the borders with prostitutes everywhere. The heavyweight champion, a man who had persuaded a girl, whom he had taken to a brothel and go away with her, was arrested. A well-known Democrat was

Ill-considered arrests under the act caused criticism of the FBI for its interference in local affairs. The act was enforced the draft laws in the towns. Men who avoided military service were arrested with which the G-men were concerned. Raids were made all over the country. Numbers of draft-evaders were arrested. Men were constantly being stopped in the streets and bars and asked to show their identification. Buses and lorries sometimes had to stop. Enormous numbers of men were arrested. On occasions even the drivers of the vehicles were arrested as well, for they could not produce identification. Thousands of men who were arrested were locked up, some for more than

'In the midst of all the excitement

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to postmasters, chiefs of police and in every state, asking whether or not prostitution in their towns'. Wherever Bureau went to the town, hired a local police station to ask for the help of a city would then visit the various brothels, and suspected rooming-houses and and employees. In cases where no involved, the Bureau's agent, who had all relevant State laws, urged the local violation of them.

Bureau in controlling and limiting com- pleted, it drew upon itself much criticism Mann Act as a measure directed not e but against private immorality. The e known simply and universally as the ordinary citizens who crossed state a if no question of profit was involved. Jack Johnson, was put in prison for e subsequently married, to leave her im into another state; and the son of later arrested on a similar charge.

er the Mann Act were not the only I by a people as jealous of their per- and far more resentful of Government The enthusiasm with which the FBI the First World War, and arrested ervice, was another reason for the dis- en were regarded during their early l over the country on towns where re believed to be hiding; people were he street, in hotels, in railway stations r their draft registration cards. Buses o be commandeered to transport the arrested to the police stations and on these buses and lorries were taken in roduce their registration cards either. re not draft dodgers at all were kept an twenty-four hours.

ement, and labouring under instructions

to proceed with utmost rapidity, the raid actions, such as the wholesale arrest of a shop when the barbers' gowns and the la it difficult to estimate ages quickly. A brought to the police stations carload men . . . Some who were dragged into th unfit, crippled or hobbling on canes, like detained in a public square along with questioning . . . The work was made al adequacy of the night lighting in the s inability of some of the young and the c arrested, to answer questions clearly, wi stammering.'²⁸

The protests against 'Prussianism', 'press-gangs' came from all over A Senator Thomas of Colorado voicing another name for that sort of procedu animals and not men. We call it a r mavericks are all cut out.' President W The Attorney-General said the raids v G-men had acted 'out of an excess o

When the war ended the FBI was despised, and in December 1918 wh some time it had been engaged in opinions of hundreds of respected Am fell to new depths. It appeared that itself to the compilation of a list William Randolph Hearst, William Wilson's first Secretary of State, and J Mayor of New York) but had devo political groups which it believed had of these groups, such as the Industri endorse views which were justifiably evidence given by FBI experts befor called for by the Senate, was litt it seemed clear enough, before the cor that if the threat to national security as these experts insisted, the Bureau able of meeting it. Its incapacity, ind in doubt when despite several arrests

ers resorted to rough-and-ready everyone in a crowded barber shop on the patrons' faces made Action under similar pressure after carload of grey-haired the Bureau's net were physically the seventy-five-year-old man others held by the raiders for all the more difficult by the in-streets of the raided cities; the old to control their fright when without suspicious hesitation and

'terrorism', the activities of America. 'In the West,' said a general opinion, 'we have re, although we use it against round-up, and even then the Wilson asked for a full report. were 'contrary to law' and the of zeal for the public good'.²⁹ widely resented, and widely when it became known that for an investigating the political American citizens its reputation the Bureau had not limited of pro-Germans (including Jennings Bryan, President Judge John F. Hylan, a future noted its attention to various and traitorous intentions. Some al Workers of the World did considered dangerous but the e an investigating committee le short of ludicrous. And mmittee's hearings were over, y existed on so large a scale of Investigation was incap- leed, appeared less than ever s and the outlay of immense

sums it was unable to discover the cause of the explosion in the Federal Court House in New York which four people were killed. The Bureau sent bombs through the mail and arrested many officials and private citizens. The Bureau in general were naturally blamed for the explosion, their responsibility was never proved.

It was obvious that some action was urgently required. And in August, 1917, the Bureau of Investigation, later to be known as the Federal Bureau of Investigation, was created. Put in charge of the Bureau was a lawyer of exceptional talents, a man of high-charged electric wire' and a man of high character. His name was J. Edgar Hoover.

Five years later this young man was appointed Attorney-General by President Calvin Coolidge's Secretary of State, Charles E. Stone. Coolidge had entrusted Hoover with the task of restoring public confidence in the Department of Justice which had not escaped the corruption levelled at the whole Harding Administration. The Teapot Dome oil-field scandal had just been exposed. Hoover organized the Bureau of Investigation. J. Burns, had been closely connected with the scandal. The resignation of Stone had felt. Coolidge had felt that Hoover was the only man responsible for the new Attorney-General. Hoover was the only man he could trust to carry out the task.

'Sit down,' Stone said brusquely. 'Young man, I want you to take charge of the Bureau of Investigation.'

'I'll take the job, Mr Stone,'

'What are they?'

'The Bureau must be divorced from the Department of Justice for political hacks. Second, prove the Bureau is responsible and the Bureau will be responsible for the future of the Department of Justice.'

'I wouldn't give it to you unless you can do it,' Hoover said abruptly. 'That's all. Good-day.'

Eight years later Stone felt able to say to Hoover, 'Come back to the days when I first met you.'

er those responsible either for a bomb Government building at Chicago, in ed, or for the despatch of numerous l by personal delivery to Government Members of the I.W.W. and radicals named for these outrages but proof of obtained.

me new specialist organization was August 1919 a new anti-radical Division own as the General Intelligence Divi- arge of it was a twenty-four-year-old J. Edgar Hoover, a 'slender bundle of s a journalist extravagantly described

ng man was called to the office of new Attorney-General, Harlan Fiske ted Stone, a big, honest, gruff man, ublic confidence in the Department of ped the recent charges of corruption g administration during the time of the dal. In particular, Stone was to re- stigation, the Chief of which, William onnected with the suspicious activities eneral, Harry Daugherty, whose re- t compelled to demand. Burns also t Stone had taken office and made it pos- General to appoint in his place a man Coolidge's intentions.

squely as Hoover came into his office. e be acting director of the Bureau of

' Hoover replied, 'on certain conditions.'

ced from politics and not be a catch-all omotions will be made on proved ability sible only to the Attorney-General.'

under any other conditions,' Stone said

e to write to Hoover to say, 'I often look ade your acquaintance in the Department

of Justice and it is always a comfort to m
 pletely you have confirmed my judgment
 the head of the Bureau of Investigation. I
 pride in the Bureau instead of feeling obl

Hoover's triumph was the more re
 begun his great work of reformation a
 ment had not only felt obliged to ap
 to fight demands for its complete dis
 advocated its survival did so, often enc
 to remain—as many Englishmen hope
 would turn out to be—a means of sat
 The abolition of such appointments, t
 agents and those with political ties, an
 gations, which would be limited to vio
 the guidance of the Attorney-Gener
 Hoover immediately set himself and
 largely into effect. He was able to re
 support. Once when an angry and inf
 to Stone that young Hoover had tran
 had been too active in politics, Hoover
 General's office to explain his conduct
 Stone said that he did not think the B
 grounds'. Hoover began to think he c
 said, 'I'm surprised you didn't fire th

Hoover's new appointments were
 himself, or as accountants, and they w
 uniform operating procedures and to
 duct. They were carefully selected an
 investigating techniques, in law and a
 of pistols, machine-guns and rifles, an
 in their work a forensic science labora
 and a training academy in 1935. The U
 behind Europe in the training of det
 ment of scientific methods of detectin
 inspired and ruthless leadership the
 disabilities imposed by a late start.

Throughout the 1930's the national
 Admittedly during the first half of th
 that of a relentless organization of tou
 not over-intelligent commandos, fight

me to be able to see how com-
when I decided to place you at
The Government can now take
igned to apologize for it.'³¹

remarkable because he had
at a time when the Govern-
apologize for the Bureau but
sbandment. Even those who
ough, because they wanted it
d Peel's Metropolitan Police
satisfying claims on patronage.
the dismissal of incompetent
and the bringing of all investi-
lations of federal laws, under
ral, were the ideals which
which eventually he carried
ly on Stone's whole-hearted
influential Senator complained
sferred an agent because he
r was called to the Attorney-
. When Hoover had done so,
ureau was on 'entirely sound
ought to resign. Then Stone
e fellow at once.'³²

men trained as lawyers, like
were expected to conform to
observe a strict code of con-
d highly trained not only in
administration but in the use
ad in ju-jitsu. To help them
tory was established in 1932
United States had long lagged
ectives and in the develop-
ng crime, but with Hoover's
FBI began to overcome the

reputation of the FBI grew.
e decade its reputation was
ugh, fast-shooting, brave but
ing the gangsters with their

own weapons, rather than the
 But the exigencies of the time
 methods seem on occasions
 peculiarly adventitious. The
 linger are characteristic of the

Karpis was, in Hoover's
 phrases, head of the 'sh
 America', 'Public Rat Nu
 effected by Hoover himself
 during a 1936 hearing of t
 had decided to demonstrat
 strator. Why wasn't G-man
 most of his men were, the S
 'boiling mad' flew down to N
 headquarters personally.

Hoover and his men rush
 dragged Karpis out into a
 scene:

' "Put the cuffs on him, boys,"

Then it developed that not
 were in the other cars. A crow
 so the two agents bound the

"To the Post Office Building

The car with the four of u
 gone a few blocks, I asked th

"You know how to get ther

"No, sir," he replied. "I w
 life."

"Mr Hoover," broke in Ka
 "if you mean the new Post O
 just goin' to rob it." ³⁴

The arrest of John Dillinger
 a wild bank robber, the son
 apolis, had been wounded in
 into hiding in Mooresville
 Bohemia, Wisconsin, and
 living there was surrounde
 machine-guns. When a car
 but Dillinger was not in it.
 one of them, Baby Face Ne

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that of an efficient and disciplined force. He demanded such men, although their actions had to have been unnecessarily violent and brutal. The arrests of Alvin Karpis and John Dillinger were in their style.

Hoover's own characteristically flamboyant and showmanlike crewdest, most cold-blooded gang in the South. "The number one." His capture had been a triumph for Hoover, who, angered by a Senator's question before the Senate Appropriations Committee, insisted that he was not merely an administrator. Hoover risked his own neck when a Senator had wanted to know. So Hoover led the raid on Karpis's

into the building, guns in hand and waiting car. Hoover has described the

I said.

one of us had a pair of handcuffs. They were gathering and we had to move fast, hands of the hoodlum with their neckties. "Go," I instructed the driver.

us turned into Canal Street. After it had reached the Oklahoma agent who was driving: "Go in a hurry, don't you?"

was never in New Orleans before in my

Karpis who hadn't said a word up to then, in the office, I know where that is, because I was

was even more haphazard. Dillinger, son of strict Quaker parents from Indiana, had a skirmish with the FBI and had gone to jail. Later he had been traced to Little Rock, the shooting lodge in which he was captured by G-men armed with rifles and machine guns. When the G-men left the lodge, the G-men opened fire on Dillinger's gang returned the fire and killed a G-man and wounded two

others. The gang escaped in another car behind.

Rewards were now offered for informant capture by several states and by Congress. A woman friend of Dillinger, a brothel keeper, was to betray him. She told an FBI agent to take Dillinger to either the Marbro or the Biograph on 22 July. G-men surrounded both cars and were not to 'unnecessarily endanger' their own lives. 'If any resistance,' they were told, 'each man will be up to each of you to do whatever is necessary to protect yourself in taking Dillinger.'³⁵ Dillinger was at the Biograph rather than the Marbro. In spite of some recent plastic surgery by a doctor to disguise his face, he was immediately recognized. The FBI for him to come out. One of them, a man from previous escapades, was frankly terrified. 'My throat was parched,' he confessed afterwards. 'I stay still . . . I stood with my cigar shaking in my gun stuck between my trousers and shirt. My left gun in the same fashion on the right. Later I tried to button up my coat and found buttons missing. I had grabbed for my gun without thinking. I do not know how it came into my hand.'³⁶

Dillinger was not given much chance to react. He did not sense that he was in danger as he caught a glimpse of a glancing over his shoulder, he darted side to side for his gun. Three agents opened fire simultaneously. Dillinger fell, mortally wounded, on the pavement.

The FBI fights with more care and caution against whom they are fighting are more careful. They are taking inquiries which led to the remaining members of the FBI as an intelligence and counter-espionage unit since the Second World War and its subsequent operations. Evidence, which resulted in the conviction of Harry Gold, David Greenglass and the Rosenberg brothers, the inviolability of a reputation which they had built. Levine, a former agent, about the question of the FBI by the vain and power-conscious J. Edgar Hoover. It to damage. It remains a complex, high

ar, leaving their girl friends

ination leading to Dillinger's
gress, and these tempted a
eeper known as Anna Sage,
that she would go with Dil-
ograph Cinema in Chicago
inemas and were instructed
own lives. 'If Dillinger offers
man will be for himself. It
ever you think necessary to
Dillinger chose to see Clark
film at the Marbro and, in
which he had tried to dis-
gnized. The G-men waited
a, remembering Dillinger's
d.

terwards, 'My knees wouldn't
g in my mouth . . . I had one
on the left side and another
ter, after leaving this scene, I
both buttons gone. Apparently
ng and I am frank to say I do

to think either. He seemed
ame out of the cinema and,
deways apparently reaching
simultaneously and Dillinger
t.

subtlety now, because those
il and subtle too. The pains-
arkable achievements of the
spionage agency during the
nt part in the discovery of
on of the spies Klaus Fuchs,
e Rosenbergs, have secured
he recent revelations of Jack
stionable methods employed
gar Hoover, have done little
ly efficient, although highly

secretive organization connected with Washington with over fifty offices in the country. It has over six thousand employees and eight thousand other employees.

But even these numbers are small compared with the policemen of the United States. The increase of professional crime is called the 'barons of the underworld' and well over twenty thousand men are involved.

The threat is so real and so widespread that it is now adopted in society positions. It has become something more than a threat, strengthened by the growth of 'white collar crimes' and 'respectability and high status occupations.'³⁷

Thousands of 'white collar crimes' are committed by lawyers, bankers, advertisers, and businessmen and are not only harmful in themselves but also a condonation of other crimes which are reprehensible.

Britain, of course, has had a long history of making fraudulent claims on the customs officer is a matter of course. There is no lack of purchasers for stamps and lorry-loads of cash in America, so Americans are not the whole of society is involved.

In 1959 'by conservative estimates \$5,000,000,000 changed hands in expensive restaurant tables and in the country's employers lost millions of employees . . . More of the population is chiselling. \$500,000,000 went to the police alone. Officials of the Security Council even attempt to measure the harm done by the paper they are printed on. It is worth millions' . . . The aggregate loss was more than last year and about a hundred

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controlled by a central headquarters in many field divisions spread all over the country. There are thousands of special agents and more than a million employees.

These, added to the two hundred thousand employees in the States, are not enough to check the income tax evasion, organized by those whom Hoover has called 'the underworld' who annually rob the nation of over a billion dollars.

It is so urgent because these 'barons' can buy their way out of quasi-respectability. They can buy their way out of jail, and their position is that of what Professor Sutherland defined as 'white-collar crimes'—crimes committed by people of high social status' in the course of their

'white-collar crimes' are committed every year by thousands of agents—in fact by professional employees of all sorts. They are not crimes but lead to the acceptance and perpetration of crimes more obviously and conventionally

known as 'white-collar criminals' too. Indeed, the evasion of income tax is a national pastime; and there is obviously a large amount of the immense quantities of insurance policies that are stolen every year. But the fact is that we repeatedly tell ourselves, 'virtually everyone is in the habit of fraud'.

As an estimate,' Frank Gibney has written, 'the amount of money hidden under innumerable desks, counters or in kick-backs, pay-offs or bribes. The amount of money more than \$500,000,000 to embezzling the public's money evaporated through retail stores and down the drain in home-repair frauds and securities and Exchange Commission do not know the high cost of stocks worth slightly more than \$100,000,000, aside from putting it in the "hundreds of millions" of rubber checks bounced a third higher than in 1952. The amount of money

yearly loss to banks and individuals is no billion.³⁸

The corruption pervades every part of the 'nice question,' Professor Taft has said. 'The more money-minded or sports-minded the sports includes both interests.'³⁹ Annually \$20,000,000,000 is spent on sporting events and most of it—the law is so strictly drawn in some countries—giving of a prize at home can be a crime, being \$20,000,000,000.⁴⁰ College football sportsmen, have accepted bribes, as champions, to lose matches or races and the organized criminal gangs whose profits are from gambling.⁴¹

Occasionally a police investigation exposes a particular scandal or a specific case is made and a few convictions are obtained but they die down and the racketeers return.

The police investigations into the corruption have revealed, for instance, the activities of procurers in the words of one of them, 'a hundred procurers'. The arrest of Minot Frazier Jelke III, who had been acting as procurer and procurer of some of his clients who, according to the procurer, 'were known all over the country'. But so soon as they were back in business again. 'Everything is the same who did not allow her clients to indulge in the course, as it made her hips too fat, but she offers other services. 'Everything is the same as before. It is a familiar admission.

But although Americans seem to be more distinguished sociologists has put it, 'the tide of corruption, strong as it still is, is rising fast. And Americans have their own society. A more rigid society than the American society produce less professional crime, as Hitler in Stalin in Russia, but it would also be

ow figured at well over a half-

of the national life. 'It is a
id, 'whether Americans are
ded. Commercialization of
al expenditure on gambling,
t of it illegal outside Nevada
e other states that even the
ime—has been estimated as
tball players, even Olympic
well as jockeys and boxing
nd so make more money for
rincipal source of income is

n or a Senate Committee
ific racket, a few arrests are
ed but gradually the protests

call-girl racket in 1952 re-
rostitutes who were earning,
red dollars a toss and more'.

the plump heir to a fortune,
d pimp, for a time alarmed
o the Prosecutor, were 'well
on afterwards the call-girls
ng is the same,' admitted one
ulge in normal sexual inter-
out charged fifty dollars for
ne. Nothing has changed.'⁴²

e, as one of their most distin-
e most criminal people on
, the most acquisitive,⁴⁴ the
may be, seems to be ebbing
of Europe it appears to be
compensations and rewards.
can could have been made to
tler showed in Germany and
have produced less of those

special virtues and achievements
recognizably American. American
freedom, but its benefits are

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vements which are specifically and America may have paid a high price for her e now shared by the world.

Part V

PRESENT PRO

II

PROBLEMS

CAPITAL PUNI

*'For my part, I am fairly sure that
And, having chosen, I think that
must say that I will never again be o
be, who compromise with murder.'*

(i)

'Is it not absurd,' wrote Cesare Becc which detest and punish homicide, i publicly commit murder themselves.'

It was not, however, for more than ance of *Dei Delitti e delle Pene* that the penalty became a matter of serious countries. Even then the voices of ma and sociologists were raised in its defen

Cesare Lombroso, writing in the 1 punishment should be retained for th of reform. 'The fact that there exist su he thought, 'organically fitted for evil, simply of savage men but of the fierce me more compassionate towards the steels me against all pity.'^{1*}

Raffaele Garofalo, the practical Ne

* This 'social hygiene' theory, predictabl Germany, where Lombroso was much misqu were applied on an immense scale even to the c

ONE

SHMENT

*I have made the choice.
I must speak out, that I
am one of those, whoever they*

ALBERT CAMUS, 1958

aria in 1764, 'that the laws
in order to prevent murder,

a century after the appear-
the entire abolition of the death
dispute in most European
any influential criminologists
ce.

1890's, believed that capital
the 'born criminal', incapable
such beings as born criminals,'
, atavistic reproductions, not
best animals, far from making
m, as has been maintained,

apolitan lawyer went further

ly, found much favour in Nazi
noted, and where sterilization laws
congenitally blind and to alcoholics.

than this. Capital punishment, the criminal really dreads and is afraid of, not if only because social interests are at stake, but because of his rights, and, 'metaphorically speaking, as if it were a cell of the human body'.²

Already, though, these ideas were being taken up by sociologists who were becoming more and more influential. It was Lombroso's friend Ferri who in 1881 that to be effective the law must be 'resolutely in all cases' if it is to be possessed, namely artificial. 'In Italy, for example, it would be necessary to execute a thousand people every year . . . considered as an unserviceable article printed in the codes and in the laws, to abolish it.

So regarded it is too much to expect farmers set up in their fields, the birds will be frightened at first alarm at first sight; but by and by they never moves and cannot hurt the top of it. So it is with crime. The law is never or very rarely applied by the judge of the law, not by its force and daily application.'³

But although Ferri advocated capital punishment he did so on the grounds that it should be applied with unwavering consistency to 'born criminals, guilty of the most heinous crimes'. This was the only way of making capital punishment effective as a deterrent if it was to be effective as a deterrent if it was to be effective as a deterrent if he did not deny. His friend and demolishing critic Tarde, on the other hand, was a success of savagely repressive measures, recent examples which might be cited in support of his theory. But the evil consequences of capital punishment were impossible to calculate; and it was in his work seemed to be that when vigorously applied, did not act as a deterrent. Ferri noticed

ent was, in his view, the one which the
 its continuation was, therefore, justified
 its were more important than individual
 speaking, the individual represents but

views amongst criminologists and
 rarer. Enrico Ferri, the young professor
 d, wrote in a book first published in
 death penalty would have to be applied
 f 'the only positive utility which it
 selection' were to be drawn from it.

d be necessary to execute at least one thou-
 otherwise the death penalty must be con-
 and neglected means of terror, merely to be
 that case it would be acting more seriously

h like those motionless scarecrows which
 dotted about with the foolish notion that
 way from the corn. They may cause a little
 and by the birds, seeing that the scarecrow
 them, lose their fear, and even perch on
 animals when they see that the death penalty
 ed; and one cannot doubt that criminals
 formulation in the codes, but by its practical

ed the abolition of the death penalty,
 at no country would 'have the courage'
 determination to the great number of
 the most serious crimes of violence' which
 it effective as a deterrent. That it would
 these ruthless measures were adopted,
 and Lombroso, as indeed Lombroso's
 could give examples of the superficial
 ve measures; and there are many more
 might be adduced in support of Ferri's
 quences of this sort of repression are
 the statistics which Ferri cited else-
 o suggest that the death penalty, even
 d not, in fact, have a very good record
 d, for instance, that at Ferrara, over a

number of years, a succession of laws of forgery and that the executions follow intervals.⁴

He noticed, too, what had often been the numbers of men condemned to death present at executions was extraordinary. Executions were often committed in towns where, they had been carried out. Tuscany, where the penalty for a century was 'one of the number of serious crimes'; and in France of general crime and of population, and homicide dropped from 560 in 1800 the number of executions diminished to nine.⁵

During the next century statistics, more than these, presented overwhelming evidence for abolitionists' demands. And, one after another, Europe decided to listen to the voice of reason to follow the example of those countries which had abolished the death penalty. Belgium, Portugal, Rumania and Italy had discontinued it by the end of the nineteenth century. If any of these countries were asked to give evidence to a committee on Capital Punishment appointed in 1868, 'the lesson has been learnt,' said the Belgian Government, 'the best means of inculcating respect for life is to abstain from taking life in the name of the law. It is abolished,' the Government of the Netherlands said, 'a subsequent Royal Commission, 'that the death penalty in the ordinary penal code' (maintained only against traitors and in time of war) 'has not led to any increase or worsening of crime.'⁶

Nor was any permanent increase in crime observed after abolished capital punishment in 1906. Norway abolished it in 1921. Denmark discontinued it in 1942, Italy (the Fascists having abolished it in 1931) in 1948, Finland in 1951. Hitler had restored a uniformed head of state in 1933, Austria in 1938. 'The general opinion of the Professor of Criminal Law in the University of Vienna, 'the abolition of the death sentence has

yers had been executed for
ved each other at very short

een noticed before, that the
h who had previously been
arily high and that murders
on the same day, executions
re there had been no death
e provinces with the lowest
unce, in spite of the increase
charges of murder, parricide
826 to 530 in 1888 though
in the same period from 197

more scientifically compiled
evidence in support of the
r the other, the countries of
of reason and humanity and
untries which had already
m, Holland, Luxembourg,
pensed with capital punish-
tury and experts from some
guidance to a Select Com-
ed in England in 1929. 'The
an Minister of Justice, 'that
for human life is to refrain
law.'" 'It is definitely estab-
rlands categorically informed
at the abolition of the death
ost countries retain it for use
as not resulted in an increase

noticed by Norway which
05, nor by Sweden which
sed with it in 1930, Switzer-
g re-introduced it for certain
1949, West Germany (after
dsman with a ritualistic axe)
eral view,' said Ivar Strahl,
niversity of Upsala, 'is that
as not entailed any increase

in the number of crimes.'⁸ an annual average of 10.6 per 100,000 in 1910 to 3.5 in 1920. It rose sharply in the chaos, in 1946 but afterwards fell. The death penalty was abolished in Germany.⁹ The Council of Europe's *Penalty in European Countries* (1950) information collected from all the countries is complete, 'does make it possible to compare punishment was not reflected in the increase in the number of crimes.'

The experiences of foreign countries, recently, have any great effect on public opinion or, apparently, on public opinion. The experiences were not applicable to the acceptance. There were differences in the practice of the courts, in the statistics; there were differences in social and economic conditions. All the advice given by the 1929 Commission on the examination of the situation of capital punishment may be abolished. The statistics from foreign countries on the abolition of capital punishment in ethnic and economic conditions in New Zealand—or in New Zealand—where different methods of capital punishment in the United States of America—were one of scepticism, despite the most revealing. For instance, New Zealand, one of the very few countries to be without the death penalty, homicide rate after the abolition but so there also was in New Zealand was not abolished until 1955. New Zealand rate dropped, whereas in the United States, Massachusetts death penalty, shares an almost identical rate. New Zealand, a similar and neighbourly abolished it in 1852.¹¹ Wash

between 1913 and 1919 and the murder rate. It continued to increase, however, and was reinstated.¹² A recent analysis of the data shows, in fact, that 'homicide rates in states with capital punishment than in those without it'.¹³

The Royal Commission, which was considering a wealth of similar evidence, had one of its witnesses, Dr Thorsten Sellin, a Professor of Sociology at the University of Pennsylvania and a member of the International Society of Criminology, state that 'retention states and abolition states show rates which are conditioned by other factors than capital punishment'.¹⁴ In fact, the Royal Commission concluded that 'in any of the figures' which they examined, 'capital punishment 'led to an increase in the crime rate' and that its re-introduction led to a fall'.

But still, those who protested against the death penalty in Britain continued to object that what happened in one country would necessitate new traditional arguments in favour of capital punishment if there was no satisfactory alternative, and its abolition would lead not only to professional criminals carrying fire but also to a rise in the crime rate. It was this that public opinion demanded its sympathy was being given to the murderer and not the victim.

There were other arguments, too, put forward by those who wanted to retain capital punishment, given their due importance by those who supported it.

When Sir James Stephen, the inflexible defender of the death penalty, expounded the view in 1883 that 'the death penalty towards criminals is not long-suffering', he was expressing an opinion which, in fact, has spread. Stephen had no doubt that the public mind was becoming more tender and that a tenderness prevailed upon which seemed to him 'misplaced and unwarranted'. He said that many modern judges, with some exceptions, especially amongst those who are Liberal, continue to share. They would not pro-

murder rate increased slightly. After capital punishment was abolished, the rates in the FBI *Uniform Crime Reports* are generally higher in those which have abolished it.

He was appointed in 1949, after the Commission could not but agree with the findings in the distinguished Professor of Law at the University of Pennsylvania and President of the American Academy of Arts and Sciences, that 'both death-penalty states and those which have abolished it suggest that these rates are higher in the death penalty'.¹⁴ There was no clear evidence, he concluded, 'no clear evidence, examined, that the abolition of capital punishment caused an increase in the homicide rate or

¹⁵ In fact, the abolition of the death penalty in the United States, it did not follow that what happened in one state necessarily happen in another. The rates of retention were repeated—where it was the ultimate deterrent to an increase in murder but where it was not, it led to lynch law, and even to lynching. There was no time for experiment, and the continuation, that all the murderers were poor and none to the poor

which were not often put forward for capital punishment nor always abolished by those who wished to abolish it.

The influential Victorian judge, proposed the proper attitude of mind towards the subject of capital punishment as 'not one of charity but open enmity',¹⁶ and this view, admitted or not, is still widespread. The abolition of capital punishment was morally justified, he said, 'not on the subject of punishment but on the subject of justice and exaggerated'.¹⁷ It is a view which has some notable exceptions particularly among the Liberals or Roman Catholics, but presumably go so far as to agree

with Stephen that 'it is moral perhaps, with the former Lord of Appeal, Lord Denning, that 'it is praiseworthy that the crime', but they do see their conscience, and . . . as instru

'The ultimate justification of the Appeal, Lord Denning, has been that it is the emphatic denunciation and Lord Denning believed 'in the present state of public opinion an emphatic denunciation of all crimes' recently the leaders of the Appeal have taken this denunciatory view. In 1956 Lord Denning gave it as his opinion in the House of Lords that it was a moral necessity within our law. Archbishop Canterbury said that the Appeal was 'Christian and wrong'.²⁰

These were moral attitudes which have, and still, indeed, find acceptance. Gradually, it seems, coming to a head, denunciation is a necessary element in a society of equally important elements which would destroy. But there are many Christians alike, who support the Appeal, can be made to appear both moral and well be neither.

Psychologists have seen the Appeal as a goat to whom man can transfer his sinfulness; and, by the punishment of himself into a feeling of righteousness, to his own self-respect'.²¹ In some cases put in wicker-work cages but not burned; and in ancient Britain as offerings to appease the gods with a sense of guilt seeking redemption. Men destroyed criminals so that they would not become polluted or contaminated. At the same time the satisfactions which the Appeal gave to the people's conscience were necessary to the development of a society afflicted in fear and hate in

ully right to hate the criminal' or even, Lord Chief Justice, Lord Goddard, that country should be willing to avenge themselves 'as repositories of the public sentiments of public retribution'.¹⁸

n of any punishment,' as a Lord of said, 'is not that it is a deterrent but ciation by a community of a crime'; that there were some crimes which public opinion', demanded the 'most l: namely the death penalty'.¹⁹ Until nglican Church allied themselves with 956 the then Archbishop of York gave use of Lords that 'retribution was a penal code'; and the Archbishop of death penalty was not 'always un-

es which found wide acceptance then eptance now. Many Christians are to the view that while some sort of lement of punishment there are other hich the infliction of the death penalty e many others, Christians and non- t the death penalty for reasons which utilitarian and moral but which may

ne criminal as the 'convenient scape- fer the feeling of his own tendency to shment of the criminal, man deludes teous indignation, thus bolstering up me primitive societies criminals were ult in the form of an idol and then ain and in Gaul they were sacrificed anger of the gods. Afraid, insecure, g satisfaction in vicarious suffering, hat they would not suffer themselves minated by contact with them. And in h such punishments of the hated social conscience were advocated as t of group solidarity. Punishment in- accordance with this natural law

of retaliation, became punishments explained as a social necessity.

For centuries our 'predecessors cut, boiled in water and oil and poured n but they succeeded only in multiply more horrible, for the frequency a hardened men. In the time of Robesp guillotining'.²² The guillotine and th in use and the emotional attitudes ad deep within us. The firm belief of l porters that the death penalty sho emotional than the firm belief of 'absolutely wrong' and should, therefo were to lead to an increase in the mu is that Victor Gollancz is frankly en support Lord Goddard profess to bel because it is emotionally satisfying but value of being uniquely deterrent. Ret the courage to admit, as Lord Godd in a desire for vengeance; but many no doubt, that they have been reveng filled what Beccaria believed was the —'to prevent the criminal from doi and to prevent others from commit for this reason that the leaders of followed the good example of the How and of Roy Calvert, the Quaker auth *the Twentieth Century* and secreta for the Abolition of the Death Pena dispassionately, in arguing not th 'absolutely wrong' which was a matte absolutely unnecessary which was, believing, a matter of fact, and that which would give society the protectio

Most criminals who were executed, were mentally abnormal, and elsewhere Scandinavia, there were institutions kept and treated and possibly ev appreciated that castration as perfo (who were sexual offenders) at He Sweden and at the Van der Hoevan

inflicted in vengeance and

off nose and ears, quartered, melted lead down the throat; hanging crimes and making them and ferocity of punishments Pierre even children played at the hangman's noose are still adopted towards them are still Lord Goddard and his sup-ould be retained is no less Victor Gollancz that it is ore, be abolished even if that rder rate. But the difference motional whereas those who ievie in the death penalty not t because it has the utilitarian ententionists have not often had ard has, that they see virtue of them have been satisfied, ed and at the same time ful-true purpose of punishment ng further injury to society, ing the like offence'.²³ It is the movement for abolition ard League for Penal Reform or of *Capital Punishment in* ry of the National Council lty, in presenting their case at the death penalty was er of opinion but that it was they had good grounds for there were alternatives to it on it had the right to demand. they continually pointed out, ere in Europe, particularly in where such people could be en cured although it was rmed upon willing patients rstedvester in Denmark, in clinic at Utrecht would pro-

bably not yet be condoned by the government might for some murder. The death and in 1930, when Sir Alexander made it so. But Sir Alexander, before he died and agreed that the penalty had sought, now offered the penalty.²⁴ And murderers who refused of refusing reprieves and were detained so long that they would have died in the world again.

The question of how long a man is detained remains, of course. In England a man sentenced to life is reviewed regularly by the Home Secretary after two or three years and the Home Secretary—the average period served is about 15 years—some mitigating circumstances may be found. The average length of a life sentence is about 15 years. It is not unusual to find men sentenced to life who are plus ninety-nine years'. If capital punishment were there would presumably be a regular review of a murderer's sentence by a committee and, indeed, that the Home Secretary a panel after guilt has been established. If society's reprobation of the crime is clearly marked, there is no reason to be discovered, why most murderers are released before the expiration of four years. The maximum fixed sentence that can be served is 15 years.

In all European countries the number of murderers have very rarely been reported. A recent report issued in America says that there is a far greater danger to life in the United States in the nineteenth century Eastern States than in any other country according to Prince Kropotkin. It is a country where you could travel for miles and find In Britain, between 1930 and 1940, 1000 murderers and subsequently released; the number of citizens and none of them

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by public opinion. Life-long imprisonment be a more cruel punishment than Alexander Paterson advocated retention conditions might certainly have er, apparently, changed his views be the improved prison system which he a suitable alternative to the death emselves, after all, are not in the habit ry few of them would have to be de d be without hope of seeing the outside

g the convicted murderer should be e, an extremely important one. In to life imprisonment has his case Home Secretary and may be released rarely serves more than fifteen years by a man whose release is justified by es is nine years, while in America the ence is about ten years, although it is rving a 'double life' sentence, or 'life pital punishment were to be abolished demands in England for a minimum already been made that the periodical ence should be undertaken by a com- sentence itself should be imposed by established in court.²⁵ But although 'heinous crime of murder' must be o reason, as the Home Office has lers cannot safely be released long urteen years, which is at present the t can be passed for any single offence. es it has been found that released een any further danger to society. A rica indicates that paroled robbers are than paroled murderers are.²⁶ In the Siberia was 'full of liberated assassins', tkin, but there was 'hardly another vel and stay with greater security'.²⁷ d 1949, 183 murderers were reprieved e large majority of them became good n was guilty of another murder.²⁸

Between 1956 and 1960, seventy-six received life imprisonment and none of these were hanged either.²⁹ Even if every murderer were hanged, the population of Britain's always-increasing prisons would only increase by the slightest fraction. Ronald Howe, a former Deputy Commissioner of Prisons, says that it is a waste of money to keep people in prison 'who do so much good',³⁰ might well be applied to murderers who are not even criminals, let alone dangerous. In fact, are generally good prisoners. In a study of 100 murderers serving sentences in 1952, 70 were in the 'Star' class.³¹ 'Taking murderers as a whole, there are a considerable number who are not people of criminal tendencies. Many are on their first offence against the law. Proportionally, they are abiding citizens and their general tenor is that of abiding.'³² Another experienced Governor of Brixton said 'known many murderers whose sentences were commuted with one exception, they 'were always good men and qualified themselves for positions of responsibility'.³³ was Steinie Morrison and there is good evidence that John Symons³⁴ and James Edward Holroyd were not commit the murder for which he

'In all countries,' says Sir Ernest Gowers, who accepted the appointment of chairman of the Royal Commission in 1949, was 'disposed to regard a large number of whose hearts were bigger than their heads' and 'convinced that they were right,')³⁶ 'in all countries it appears that murderers are better behaved than the general population. Cases of murder in the United States are commuted or pardoned from the death penalty in 10 per cent of cases known'.³⁸ And in six European countries—France, Holland, Norway, Sweden and Switzerland—murders were examined by the Royal Commission. In those countries murderers who commit further crimes are hanged, those who become useful citizens are not.

Nor was it likely, the abolitionists in the United States. The countries in Europe where armed robbery was common were those which still retained the death penalty. The French border, in Belgium, for instance,

... people were released from ... committed another murder ... to be sent to prison for ... overcrowded prisons would ... and the argument of Sir ... Commissioner at Scotland Yard, ... people 'we don't think are very ... ed to thousands of people ... e murderers. Murderers, in Of ninety-one reprieved ... all except twelve were in the ... class,' said a prison governor, ... o are first offenders and who ... The murder is in many cases ... evious to that they were law- ... nor of life is still to be law- ... -governor said that he had ... ences were commuted', and, ... ys a good influence in prison ... ns of trust'.³³ The exception ... od reason to believe, as Julian ... d³⁵ have argued, that he did ... was sentenced.

... est Gowers (who, when he ... an of the Royal Commission ... bolitionists as people whose ... but in the end became con- ... countries,' he says, 'it would ... naved than most prisoners.'³⁷ ... ates 'committed by persons ... are rare if not almost un- ... untries (Belgium, Denmark, ... witzerland) whose statistics ... mmission in 1949 'released ... nes of violence are rare, and ... re common'.³⁹

... nsisted, that the end of capital ... al criminals carrying firearms. ... d robbery was most prevalent ... e death penalty. Across the ... ce, as Reginald Paget pointed

out in a House of Commons and Belgium's last civil execution in the United States, the carrying of firearms where capital punishment was in vogue. According to one experienced hangman in his profession had 'never refrained from using a gun in carrying out the death sentence', the crime story built up by well-meaning people, the reluctance of the profession to hang despite what he told the police, the hangman's rope, was compared with burglary without a gun used in carrying out a sentence than burglary with a gun used. Apparently, no more likely to be punished if he uses it than if he does not. This was in abeyance for eighteen months when it was being debated in the House of Commons. It had appreciable effect on the hanging in England where thirty-five per cent of all hangings, any event, murder by shooting, usually occurs in the course of a robbery.

The argument that with the introduction of innovations in the law was effective in themselves who used it first. It was as Gerald Gardiner has pointed out, he said himself publicly on the same day as the debate was a debate in the House of Commons. He said that it was no time to alter the law 'in crime' and another member of the House of Commons said that the law as things 'were going so fast' and he argued convincingly that England should have capital punishment when hanging was abolished since 1860, has a higher rate in America, where most states have a higher rate more than ten times as high as in England.

The charge that all the sympathy for capital punishment was being lavished on the murderer was being answered for more than a century by various promising, but so far without practical expression to this day.

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is debate, the criminal is rarely armed execution was in 1863. In the United States was most prevalent in those states was most frequently inflicted; and, as a prison warder, who after twenty years seen a single criminal who would have because of any idea that he might get a criminal's fear of the gallows was 'a fairy tale' leading people to deter others'.¹⁰ The English burglar to carry a gun, as the police about the deterrent effect of the death penalty conditioned by his knowledge that he usually earned him a shorter prison term than one.¹¹ The English robber is also, not to carry a gun when he is liable to capital punishment when he is not. The death penalty was abolished in 1956-1957 when its future was discussed in the Houses of Parliament. But this had no effect on the rate of robberies or on the bits of the robber, anyway in London where most robberies in England take place.¹² In the United States, a quarrel is not common and a quarrel.¹³

As a crime as it was this was no time for the death penalty to be effectively answered by the retentionists. The retentionists in one way and then in another and, as the death penalty was set out, they once contradicted themselves in the same place. The occasion was in the House of Lords when one judicial member said that it was no time to alter the law in view of the 'great increase in crime'.¹⁴ In any case, it is difficult to see how England's low murder rate is due to the retention of the death penalty, where there has been no civil war and a murder rate even lower and when the Netherlands, which retain the death penalty, has a murder rate even lower.

The sympathy, which was the victim's due, for the murderer was one the abolitionists had for a century. The truth is that the far unrealized, schemes for giving sympathy—by making it possible, for

instance, for the murderer not only to the family's, as he does in Sweden, but to the victim's family with or without the help of the State. It has often been supported and often been initiated.

The argument that public opinion is against the death penalty was a more difficult one to maintain. A well-discussed poll conducted in 1948 by the *Times* newspaper with a large majority of Conservative members of Parliament returned nine per cent in favour of capital punishment and ninety-one per cent against it. But as the Attorney-General said in the House of Commons, 'The poll made it quite clear that the public opinion in regard to this matter is based on a misunderstanding which were unanimously rejected in the House of Commons and irrelevant.' A subsequent poll, conducted by the *Mirror*, which has a large majority of Conservative members of Parliament, showed that now the population was two to one in favour of capital punishment. But as only thirty-seven thousand answered the newspaper's questions and as it enjoys a smaller circulation than any other daily newspaper in the world, it is not surprising that 'no great proportion' of its 'numerous readers' took any lively interest in the subject at that time. It is encouraging that of those who took part in the *Mirror's* question, half of them were against capital punishment. This opinion was still not perhaps by then, a majority of the country as a whole but was almost certainly the opinion in the House of Commons, and it has since remained with few exceptions obdurate.

The slight change in the climate of opinion is due, though, so much due to the educational work of the abolitionists as to the various murder trials by the national press, which appeals to the emotions is more effective than an abstract argument which is often well-worn and overstated. There we can understand that the doctrine of an 'eye for an eye' primitive and solely retributive one laid down by the ancient tribes for vengeance was intended as a restraint upon vengeance. It had been later condemned in the New Testament and its interpretations have since been condemned.

to earn his own keep and his
to make restitution to the
help of the state—have always
ted by abolitionists.
required the retention of the
one to answer. A much-
the *Daily Telegraph*, a news-
vative readers, showed sixty-
ishment and only fifteen per
general observed in the House
clear that the anxiety of the
ed almost entirely on reasons
the House as being invalid
nducted in 1955 by the *Daily*
of Labour readers, suggested
ne against the death penalty.
replies were received to the
greater circulation than any
the only valid inference was
nerous readers were feeling a
time.⁴⁵ It was, nevertheless,
ubled to answer the *Daily*
against hanging. This propor-
true reflection of the attitude
most certainly a reflection of
although the House of Lords
ately against abolition.
of opinion was probably not,
of the public by the reasoned
the massive publicity given to
Press. A human illustration
re effective in matters of this
appeals to the mind. Already
r-arguments were becoming
ere men who still refused to
eye for an eye' was not only a
but that, even when it was
which it was designed, it was
nce and that, in any event, it
w Testament as its misinter-
ed by Jewish scholars. Those

who believed that punishment might wonder whether it was they would be comforted to propounded this theory because on the belief in a life after death then Lord Chancellor that man—one of the abolitionists possibility which anyone could not presumably fail at the possibility, however unlikely realized just as they could emotion, other than hate changed.

Innocent people had, of centuries. Chief Baron Kelly before the Royal Commission in the course of some forty who were afterwards proved sentenced to death.⁴⁷ In the juries and wholly inconclusive. They were certainly responsible Fenning, a small, young, poor was wrongly convicted of attacking wife and son with arsenic in liable for the conviction and had supposed poisoning of the Russell, who probably died of an unfair trial were responsible acutely shy Edmond Pine in are all early nineteenth century confessed to the murder of had been sentenced to death Slater was condemned to death Glasgow and wrongfully imprisoned Steven Tonka, a Hungarian, who, it was afterwards discovered two Dutchmen, Tuennisen and and proved innocent six years found guilty of murdering his after a retrial. The German Emperor reported to the Council of

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ment should be primarily retributive
s right for man to take human life but
to be reminded that few religions had
use few religions did not lay emphasis
ath. They might even believe with the
the chance of hanging an innocent
sts' most reiterated fears—was 'not a
(could) consider likely'.⁴⁶ But they
after 1953 to wonder whether or not
likely it had seemed, had in fact been
d not presumably fail to feel some
or disgust, for those who had been

course, been condemned to death for
r went so far as to suggest in evidence
n on Capital Punishment in 1864 that
years no less than twenty-two people,
d to have been innocent, had been
e past, bias on the part of judges and
ve evidence were usually responsible.
nsible for the hanging of Elizabeth
etty and intelligent maidservant who
tempting to poison her master and his
1815. They were also largely respons-
anging in 1829 of Daniel Leary for the
man with whom he lodged, Benjamin
of heart-failure. Mistaken identity and
ible for the hanging of the poor and
a Ireland in 1835.⁴⁸ These, of course,
ury cases, but in 1879 Charles Peace
a policeman for which John Habron
h three years before; in 1909 Oscar
eath for the murder of an old lady in
risoned for nineteen years; in 1913
was hanged for the murder of a man
vered, had committed suicide; in 1923
d Klundert, were convicted of murder
ars later. In Sweden in 1932 a man
s wife was acquitted fifteen years later
ederal Ministry of Justice has recently
Europe that between 1853 and 1953

there were twenty-seven death sentences 'fulfilled or presumed' miscarriages of justice when an English murder trial is always under the greatest care, mistakes are still possible. A case as recent as 1947 provided the abolitionists with a

On a Sunday morning of October 1947, an elderly aged prostitute, Olive Balchin, was found dead at a bomb site in Manchester. She was found with a blood-stained hammer of curious shape in her hand the night before by a publican in Deans Road. She had been arguing in the street at about midnight. She was to thirty-five years of age, 5ft 7in tall, with a round face, clean-shaven, dark hair, dark eyes, and tidy appearance'. A somewhat similar man was taken to the police by a shopkeeper who had seen the hammer to a man who had called at his shop at about a quarter to six and said he was there for 'other purposes'. But although the man taken to the police in the street and the man to whom the hammer was taken were both apparently about the same age, although both had either 'dark' or 'brilliant' appearance', one was described as having a 'dark' other as having 'a very pale face, thin nose, thin lips,

A week after the murder, Graham R. was found to have been a former friend of Olive Balchin. He was found to seem to fit either of the two descriptions. He had had two previous convictions for criminal offences. What he admitted was an 'uncontrollable quarrel' with the dead woman which had resulted in his giving her the venereal disease from which she died.

'If I had been sure it was her, I would have told the police. 'Has she V.D.? If she has, I would have got all she got.'

After making this damaging statement, he was taken to court on Saturday night. At his trial he was picked out by both the publican and the shopkeeper on earlier conflicting descriptions. It was his duty to the Crown to prove; and, to the jury's satisfaction,

* The most recent example is of a German man who was released in February 1963 after serving ten years of a twenty-year sentence for a crime he had not committed.

ances which are 'now established as a matter of justice.'^{19*} And even today, the trial was characterized by great care and attention which was tried as recently as the case of the useful illustration.

Of the year before, a middle-aged woman was found battered to death on a street. She was dressed and by her side lay a man. She had been seen the night before by a woman who said that she had seen the man at midnight with a man 'thirty years of age, of proportionate build, full of energy, dressed in a blue suit, of clean-cut features'. A similar description was given by a woman who had sold a leather-dresser's shop on Saturday evening. She wanted a hammer 'for general use'. The publican had seen arguing with the shopkeeper sold the hammer. The man's age, height and build and 'black' hair and were of 'clean-cut features', the man had a 'full round face', the man's features'.

Nowland, a man known to have a violent temper, was arrested. He did not give any reasons given to the police but he was a man of violence. He had, also, a violent temper' and had recently been in a hospital from which he believed might have been released which he was suffering.

'I would have strangled her,' he said. 'If she gave it to me she deserved it.'

At the trial he then lied about his name. At the identification parades he was not recognized by the shopkeeper despite their close proximity. It seemed an easy case for the prosecution. To the satisfaction, it was proved. The man was found guilty.

The man was released from prison in February after a two years sentence for a murder.

defence pointed out, without being found on Rowland's only examination and that the latter swore that Rowland had slept

After Rowland had been sentenced David John Ware, confessed clearer, more detailed and more given in such circumstances checked were all shown subsequently withdrawn—was appointed by the Home Secretary dismissed by the Court of apparent authenticity, it was and Sydney Silverman are not for believing that it was not Rowland had been hanged for murder and found guilty but

'I have killed a woman,' know what's the matter with women on the head.'⁵⁰

The trials of Rowland and but within the next few years 1953—caught the imagination abstract arguments could, punishment into national debt

The first was of Derek B. retarded epileptic who was murder of a policeman by his Craig. It was Craig who fired he could not be hanged. 'Be Chris!' before the shot was 1953, the jury having received hundred Members of Parliament the Order Paper disagreeing that there were 'not sufficient exercise of Her Majesty's mercy

The following month Miss confession is printed on page of his parents. After the trial Secretary to say that she thought subsequently disagreed with the

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ut effect, that no traces of blood were
suit after the most careful scientific
ndlord of a lodging house in Ardwick
ot the night of the murder in his house.
sentenced to death, a man in Liverpool,
ed to the murder. His confession was
more convincing than most confessions
s and the parts of it which could be
to be true. Ware's confession—
was examined by Mr J. C. Jolly K.C.,
retary after Rowland's appeal had been
of Criminal Appeal, but despite its
s supposed to be invented. Leslie Hale
ot the only men who have good grounds
ot. In August 1951, four years after
, Ware was charged with attempted
insane.

he told the police at Bristol, 'I don't
h me. I keep on having an urge to hit

d Ware were little noticed at the time,
s, five murder trials—three of them in
on of the public and did more than any
to bring the whole issue of capital
ate.

Bentley, a nineteen-year-old mentally
found guilty as an accomplice of the
is sixteen-year-old friend Christopher
d the gun but as he was under eighteen
ntley, who shouted, 'Let him have it,
s fired, was hanged on 28 January
ommended him to mercy and two
ument having placed a Motion upon
g with the Home Secretary's opinion
ent grounds on which to advise the
rcy'.⁵¹

les Giffard, the schizophrenic whose
age 215 was hanged for the murder
d one of the jurors wrote to the Home
ught Giffard was insane and had con-
e verdict. She was of French origin

and did not understand English law, announcing her disagreement with the other judge and the judge.⁵²

In the spring of the same year John Evans, a former War Reserve Constable, was hanged for the murder of his wife. He readily confessed to it and to the murder of two other women whose bodies and skeletons were found in the cellars of the house several times at his seedy North Kensington home. The horror which this ghoulish and sordid crime aroused in a fascinated public was increased by the fact that one of the murders to which he confessed was that of Mrs Evans whose husband, Timothy Evans, was hanged three and a half years before.

Timothy Evans, an undersized and mentally defective taxi driver, had been charged in December 1950 with the murder of his wife and child. He had confessed to the murder of his wife to protect Christie who had tried to help him escape, but later in Brixton prison he recanted his confession and continued to say so at his trial, at which he was defended for the prosecution, but the jury did not believe him. He was tried for the murder of his baby girl, though the evidence against him was intended to prove that he had murdered his wife as well. He was hanged at Pentonville on 9 August 1951.

When Christie confessed to the murder of his wife, he said:

'She lay on the quilt. I got on my knees and tried to have intercourse with her owing to my gonorrhoea or enteritis . . . I turned the gas tap and as she was lying close to her face. When she became unconscious I was going to try again to have intercourse but it was impossible. I couldn't bend over. I think I was holding a stocking I think it was a stocking I found in her room.'

After Christie had been found guilty and hanged, public opinion demanded an inquiry and the Home Secretary asked Mr John Scott Henderson, Q.C. to conduct it. His report, finding that there was 'no doubt that both murders were committed by Timothy Evans', resulted in outcries of protest both inside and outside it. Articles and books were written and did much to show that Mr Henderson's report was wrong and the latest of these books, *10 Rillington Place*, by John G. C. (1956), is the most recent and most complete.

and owing to a misunderstanding-
 rors was not made known to

Reginald Halliday Christie,
 s arrested for the murder of
 l to the murders of five other
 e police had found at various
 house, 10 Rillington Place.
 supposedly respectable man
 eased when it became known
 e had confessed was that of
 ny John Evans, had been

retarded long distance van-
 er 1949 with the murder of
 to the murders, apparently
 elp Mrs Evans commit abor-
 said, 'Christie done it'. He
 hich Christie was a witness
 not believe him. Evans was
 e prosecution having decided
 dering his wife, but most of
 d to show that he had killed
 entonville on 9 March 1950.
 rder of Mrs Evans, he said:

s but found I was not capable
 to my having fibrositis and
 ear as I can make out I held it
 conscious I turned the tap off.
 rse with her but I found it was
 that's when I strangled her. I
 n.'

nd sentenced to death, public
 e Home Secretary appointed
 nduct one. Mr Henderson's
 t Evans was responsible for
 f protest both in Parliament
 e subsequently written which
 n was almost certainly wrong
 illington Place, a passionate

indictment by Ludovic Ken
have never been answered.

The case of Evans and C
some months later, Mrs St
stock, was hanged for the m
she was violently jealous. Sh
ash plate from her kitchen
scarf and tried to burn the b
Evans she was mentally ret
phrenia was given at the
public generally believed her

The next year—in 195
Kensington, Ruth Ellis, was
David Blakeley, as he got o
Ellis, who had been twice
at this time living with an
had remained friendly, had t
satisfactory relationship. Sh
admitted, intending to kill
refused to appeal. It was
'hysterically and emotionally
had had a miscarriage.⁵⁴

Although these six cases
reported and are most gene
1956 a hundred other murd
of their crimes make pitiful r

'Margaret Allen, forty-three, k
The judge described the act a
Defence: Insanity. Allen was
two. At twenty-nine she went
had an operation which chan
ever since. After her execu
resigned from the prison ser
Rhondda Valley miner, strang
mountain side after intimacy.
He called the police and led the
acter. The judge told the jury
good character and steel your
The jury made a "strong
hanged . . . Piotr Maksimow

neddy, raised important questions which

Christie was still being discussed when, Eylou Christophi, a Cypriot of peasant background, was convicted of the murder of her daughter-in-law of whom she had knocked her unconscious with the back of a stove and then strangled her with a cloth. Like Derek Bentley and Timothy Evans, she was found to have no scientific evidence of schizophrenia. Both the prison doctor and the jury found her to be mad.⁵³

1955—an attractive model from South Wales was hanged for shooting her former lover, out of his car one day in London. Mrs. Jones was married and had two children, was in love with another man. Blakeley, with whom she had an affair, told her that he wanted to end their unrequited love. She had waited for him in the street, she was disappointed. She wanted to plead guilty and was found guilty. She suggested at her trial that she was 'mentally immature'. A fortnight previously she

were the ones that were most widely generally remembered, between 1949 and 1955. The brief reports were hanged. The brief reports are as follows:

... killed in a quarrel an elderly woman friend. The murder was "senseless, unjustified and purposeless". She was the twentieth child of a family of twenty-five. She was taken to a hospital, afterwards said that she had changed her sex, and had worn men's clothes. The chaplain, Chaplain Walker, of Strangeways, said: "I have never seen a man so brave as Rex Harvey Jones, twenty-two, who strangled his girl friend of twenty on a Welsh island. He said he had drunk seven pints of beer. He was very brave to the body. He had an exemplary character. You have to steel your hearts against the world, and steel your hearts in order to see that justice is done." The jury recommended mercy. Jones was hanged. Joneski, thirty-three, a refuse collector in a

settlement camp in Buckinghamshire, hanged a woman when she confessed that she was pregnant. They made a suicide pact; he cut her wrists and went to the police station "dishevelled and with his shoes on the wrong feet". His wrists cut, which could only have been done if he refused legal aid. Hanged 29th March 1900. A painter, murdered his wife with an axe and she died in their sleep because his mind broke down under the trouble, they received notice of eviction; he then tried to commit suicide but lacked the strength for a "strong recommendation to mercy". Albert Reginald Moore, twenty-three, a painter, fiancée, twenty-one days before they were married called the police. Next to the victim's body was a stick; "I love her—good-bye all." They were a "devoted couple". Two psychiatrists held that Moore was immature, unstable, and prone to rage, during which he did not know what he was doing. Donald Neil Simm, thirty-two, a machinist, murdered his wife's friendship with another man; both of them as they were returning from a pub. Simm, a drinker, had had a nervous breakdown, and was in hospital for nervous and mental disease.

These pathetic stories, taken from *Handbook of Mental Disease* by Koestler and C. H. Rolph, are not exceptional. They are not usually committed by professional murderers who were hanged between 1886 and 1900. Most of them had killed strangers in order to escape from some other crime. Twenty-two of the murders were of their family and twenty-three their friends. A few had any previous criminal record, but most, however, had some definite record of mental illness, neurotic anxiety states, and others, such as a record, refused to offer any psychiatric analysis by Sir John Macdonell, Master of the Assizes. Most murders committed between 1886 and 1900. Ninety per cent of the murderers were hanged. Most of their victims were their wives, and the courts hesitate to draw any conclusions from these cases.

had lived for five months with
as married, with two children.
wrist, then cut his own wrists,
elled and obviously distraught
Victim had no injury except
inflicted with her consent. He
50 . . . Albert Price, thirty-two,
and suffocated their two children
own when after years of financial
n and had nowhere to go. He
ked courage. The jury made
Price was hanged . . . Dennis
Norwich labourer strangled his
ere to have been married, then
body lay a note written in lip-
girl's father agreed that they
trists for the defence testified
liable to outbursts of explosive
that he was doing. Hanged . . .
nist of Slough, became jealous
n, and after some drinking shot
m a dance. Simm was a heavy
and had spent two months at a
s. Hanged . . .'

Hanged by the Neck by Arthur
exceptional ones. Murders are
al criminals. Out of the 106
1949 and 1956, only thirteen
r to escape the consequences
them had killed members of
lovers or girl-friends. Very
rd; no less than forty-nine,
insanity, epilepsy or psycho-
who may also well have had
defence at their trials. An
ter of the Supreme Court, of
d 1905 gave a similar picture.
re men and nearly two thirds
mistresses or girl-friends. 'I
om imperfect data,' Sir John

wrote, 'but I am inclined to regard the crime of the so-called criminal as rather an incident in miserable

Hanging does not deter in the eyes of abolitionists, of course, suggest that it is not a deterrent at all. All punishment, even capital punishment may well be, as you say necessarily powerful—but these are not the sort of people

Sir Alexander Paterson, who is a supporter of retentionists, told the Select Committee that he had seen professional criminals the dread of the law. They have tasted prison and have misused their lives but they are not deterred. Experienced police officers sometimes suggest that they are not deterred. But the fact persists and rarely murderers whether they are or not. I suggest that in the last century there were then capital offences and in the first three years after the abolition of the death penalty compared with the three years before the abolition of the death penalty the effect of abolition on crime was not as great as the abolition of the death penalty was premeditated than any other crime. It has a similar effect.

Just as it was only the most hardened criminals who suggested that the death penalty was necessary, only the most obdurate opponents of the death penalty agree that there was something to be said for it. I allowed Derek Clide Adams, a patient of an institution for the insane, to kill a woman in a fit of jealousy. I allowed George Haigh the 'acid-bath' murderer to murder to the murders of six people for

There was, also, clearly a case for the law. I found a burglar who shot a woman and I found a woman who 'gassed her' and I found a woman who could be attended like a baby. She was taken to a hospital immediately to undergo an operation. She could not have the operation

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think that this crime is not generally criminal classes, but it is in most cases, the lives.⁵⁵

cases like these. Only the most frantic suggested that the death penalty was no deterrent in some degree and would be the most powerful—that is not to say that it is not a deterrent of all for some people, but for those people who are likely to commit murder. These views were much quoted by the Committee of 1930, that 'with professional criminals the gallows is a strong deterrent. They have lost their fear of it. They may have their lives, but they are loath to lose them'.⁵⁶ Many still endorse this view. It is presumptuous to say it is wrong and impossible to prove it. It occurs that professional criminals are threatened with death or not. Statistics show that the numbers of various crimes, including murder, decreased by over ten per cent in the years preceding abolition.⁵⁷ If this was the case, it is not surprising that crimes which are usually premeditated, such as murder, are usually less likely to be committed by a person who is usually less likely to be deterred. It might well be expected to have a

most obdurate of abolitionists who suggest that the death penalty was not a deterrent at all, so it was not surprising that the opponents of abolition who refused to give up the law which was doing wrong with a criminal law which was, for example, a thirty-one-year-old man, a mental defective, who had murdered a woman, should be asked to suffer the same penalty as John Dillinger, a murderer' who had calmly confessed to the crime for gain.

There is something wrong with a law which says that a policeman guilty of the same crime as a woman, a hopeless imbecile, who had to undergo an operation. She at first said she would not undergo an operation because there was no one to look

after her son, but it was made clear that she would not be kept in prison for more than six months unless the opportunity was offered.

To evade hanging poor, desperate criminals, appeals of insanity or of manslaughter were common. The Home Secretary to use the Royal Prerogative of Mercy in the worst cases, or sometimes to commute a sentence if the accused was acquitted of a crime he had committed. A witness told the Royal Commission that criminals preferred to be indicted because there was more chance of getting off. In 1954, apart from verdicts of insanity, the proportion of acquittals to convictions was one to four.^{61*} During the first fifty years of the century 7,454 murders known to the police in England and Wales who committed suicide numbered 1,600. Only 1,273 were given in 1,273 cases. Only 1,211 were commuted to death and of these no more than 63 were executed.

But while the low proportion of executions was a source of comforting—the chance of a murderer being acquitted—against—the dangers of men worthy of execution were always present so long as the law remained. The final decision rested as an unfair one in the hands of the Home Secretary whose views were often in conflict with the jury. Home Secretaries, when in office, have often been in favour of retaining the death penalty—though their personal opinion has appeared to be—and although they themselves should not be involved—and no doubt their families should not be involved—the fact remains that out of 1,211 commuted to mercy in 1940-1949 the proportion of commutations to the percentages for other decades are similar.

By the time the Royal Commission reported in 1953, despite various recommendations made by the Royal Commission of 1864-1866 and the Select Committee of 1909, the rigidity of the law had not progressed.

* There is, however, no evidence to suggest that the number of convictions to convict even when the death penalty is not available. The number of acquittals in 1960 in trials for murder was 1,211.

† In Scotland during the same period there were 1,211 reprieves. The annual average number of reprieves was 2.52 per million in Scotland compared with 1.52 in England. There were no executions in Scotland between 1921 and 1960.

to her that she could not live
eration was performed'.⁵⁹
people such as this, verdicts
given, or it was left to the
rogative of Mercy to confine
sometimes, if more rarely, the
e which he had obviously
Commission of 1864, in fact,
d on a capital charge because
ff.⁶⁰ And certainly in 1952-
and manslaughter, the pro-
in murder trials was one to
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England and Wales. Suspects
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cutions to murders was com-
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on was appointed in 1949—
de by the Royal Commission
tee of 1929-1930—relaxation
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est that juries are now more ready
involved. There was an exceptional
non-capital murder.⁶³
ere were less murders and more
murders known to the police was
3·89 in England and Wales. There
28 and 1945.

the death penalty for pregnancy and the removal of infanticide.

The Royal Commission was suspending capital kinds of the other, in the Criminal rejected by the House of Lords over a dispute between the two Lords were supposed to have on the traditional British 'do at leisure what they had Commission was not asked to death penalty but to study

The members began their make every effort to see where have failed, and discover murders so as to confine the But they had to 'conclude was chimerical and must be Commission decided, then, ing judge or jury or both together the facts of each case. They expected to bear the responsibility together or the jury by discretionary powers. In America could exercise these powers in countries, where the judge also been rewarding. The p

* Most of the bishops and apparatus Bench Division were in favour at the Lord Chief Justice, Lord Goddard his 'humble opinion' there were 'not be destroyed'. Lord Goddard's support only the so-called intellectual section punishment'. But he also said at the recent reprieves in Canada, that 'either supported or the death sentence others, and not least because the present many other judges are coming to t

† In America, where there are d premeditation. As Mr Justice Card sudden impulse is said to mark the thing but sudden when the time for seconds. Yet the decisions are to t

nt women and children under eighteen
le from the category of murder.

was appointed after two clauses (one
murder) had been inserted, one after
Justice Bill 1948 and had both been
rds.* The Government in its dilemma
two Houses of Parliament, in which the
e public opinion on their side, fell back
expedient of a Royal Commission to
failed to do in a hurry'.⁶⁴ The Royal
o give advice about the abolition of the
the possibilities of its limitation.

r enquiry 'with the determination to
ther we could succeed where so many
some effective method of classifying
death penalty to the more heinous'.†
th regret that the object of their search
e abandoned'.⁶⁷ The members of the
hat the court—for this purpose mean-
gether—should decide the question on
believed that the judge could not be
sibility alone, but that the judge and
themselves should be able to exercise
merica it had been found that a jury
responsibly and in Western European
and jury sat together, the results had
proposal that the experiment should

rently all but one of the judges of the King's
his time of retaining capital punishment. The
d, played a prominent part in the debate. In
many, many cases where the murderer should
ccessor, Lord Parker, said in 1960 that 'it is
on of the population who are against capital
his time, when commenting upon the many
ner the verdict of the court should be strongly
should be abolished'.⁶⁵ For this reason and
esent law is, as Lord Parker says, 'ridiculous',
he view that the death penalty must go.

degrees of murder, the difference turns upon
rdozo has said, however, 'the presence of a
dividing line, but how can an impulse be any-
or its formation is measured by the lapse of
ne effect that seconds may be enough'.⁶⁶

be tried in England found little support. The Chief Justice, Lord Goddard, went so far as to resign if it were adopted.

But the reformers refused to allow the Royal Commission to be forgotten. They urged the House of Commons that the law should be changed. The abolitionists drew most of their strength from the benches, there were now increasing numbers of Members, encouraged by the unequalled example of Christopher Hollis and Nigel Nicolson, to speak and vote as their consciences told them. Their electors would have liked them to do so. It was justified in thinking, as Nigel Nicolson said, that the Government was moving closer to their position.*

In February 1956, after Sydney Silverman and other Members of Parliament of all parties had introduced the Death Penalty (Abolition) Bill, the House of Commons, on a free vote, 'that the death penalty no longer served the true interests of a civilized society' was defeated. The Bill was not passed by the Commons; but it was regarded as a landmark on this occasion any help from the bishops was not needed. The help from what the *Spectator* called 'hard-headed' Members, perhaps, that abolition was in the long run 'in the interests of sports'. The following year, however, the House of Commons made in the law by an Act which carried the death penalty into

* Public opinion does not appear, however, to have moved as far in a few years as most Members had then hoped. A Poll in 1955 showed that seventy-eight per cent of those questioned favoured the death penalty, although fifty per cent of them thought that it should be applied only in extenuating circumstances; and another Poll in 1956 showed 75 per cent still favouring it. A Poll carried out in 1957 by the Institute of Public Opinion suggested that 75 per cent of those questioned as British: seventy-eight per cent of those questioned as American: and 75 per cent as British: seventy-eight per cent of those questioned as American: punishment. It appears that in America the public opinion is lower than this. A National Poll in 1958 showed that 75 per cent of those questioned favoured the death penalty, although 50 per cent of those questioned which do not have capital punishment does not favour it. Only fifteen per cent of those questioned in 1960, for instance, were in favour of restoration. There is a strong movement to re-introduce the death penalty. Those questioned in a poll in 1958, eighty per cent favoured it. ⁶⁸

ort, however, and the Lord
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lverman, with the backing of
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A Gallup Poll made in March 1960
questioned still favoured the death
ught that regard should be had to
made in April 1961 showed seventy
at four years before by the French
rench public opinion was the same
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. Public opinion in those countries
ot seem to be in favour of restoring
by the Norwegian Gallup Institute
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duce capital punishment there. Of
cent were in favour of re-introduc-

capital and non-capital murder, and the concept of 'diminished responsibility'.

This Act retained the death penalty for:

- (a) any murder done in the commission of a rape,
- (b) any murder by shooting or poisoning,
- (c) any murder done in the commission of an offence involving the avoiding or preventing a lawful arrest, or the escape or rescue from legal custody,
- (d) any murder of a police officer or of a person assisting a police officer,
- (e) in the case of a person who was or was a party to murder, any murder done in the execution of his duty or of a person

Under a later Section of the Act, the death penalty was abolished for any other murder done on or after 1 January 1957, and replaced by a penalty of life imprisonment;⁷⁰ but for all other murders the penalty was life imprisonment. And provisions were made for a person charged with murder to be convicted of manslaughter if he was suffering from such abnormality of mind as to render him incapable of mental responsibility for his actions at the time of the killing, or if he was a party to the killing.⁷¹

The Act had little, if any, effect on the number of murders committed. The slight continuation of a trend noticed in the previous decade, to an average, 130 murders a year in Wales in the ten years between 1941 and 1950, 137 between 1951 and 1960 (including twenty-three verdicts under Section two of the Act) in 1957, 153 between 1958 and 1967 (including twenty-two verdicts under Section two) in 1964, was very small indeed compared with the incidence of murder as a crime and in population.

After the Act there was

ENT PROBLEMS

murder and introduced the defence of

h penalty for :

course or furtherance of theft;

r by causing an explosion;

course or for the purpose of resisting or

ful arrest, or of effecting or assisting an

tody;

icer acting in the execution of his duty or

icer so acting;

o was a prisoner at the time when he did

y murder of a prison officer acting in the

erson assisting a prison officer so acting.⁷⁰⁹

e Act a murderer previously convicted

a different occasion (both murders hav-

ritain) was also liable to the death

types of murder the penalty was to be

o vision was made for people charged

ed only of manslaughter by a Section

a person kills or is party to a killing of

nvicted of murder if he was suffering

ind (whether arising from a condition

opment of mind or any inherent causes

injury) as substantially impaired his

acts and omissions in doing or being a

, appreciable effect on the number of

ight increase after the Act was a con-

l many years before. There were, on

r known to the police in England and

en 1931 and 1940, 150 a year between

en 1951 and 1955, 150 in 1956, 174

dicts of manslaughter under Section

(including twenty-eight manslaughter

e in 1958 and 161 (including twenty

959.⁷² But the gradual increase was

with the general increase in recorded

, however, one curious alteration in

the types of murder committed. As with the slight decrease in the number of murders, robbery continued to play a relatively small part compared with jealousy, anger, despair and so on. Murders for robbery or financial gain rose slightly a year after the Homicide Act, in spite of the fact that in the course or furtherance of theft it was not as some abolitionists had predicted, that the penalty was apparently no more and perhaps even less severe than the penalty after the Act than he had been.

But convictions of capital murder were not limited to those who killed in pursuit of criminal gain. For this reason, if for no other, the Act cannot be regarded as a failure. Twenty-one murderers were hanged in 1954 and the suspension of the death penalty was only six in 1958, four in 1959 and three in 1960. Executed in 1959, one (Gunther Friswell) was a criminal who had shot a policeman, killed the people they were robbing and so on, the type that characterised the large majority of capital murders. The Act came into operation when there were only six executions a year. But this one executed man was a crippled lecturer at Rotherham Technical College with whom he was infatuated and her death was the subject of a debate again. Walden was said to suffer from 'paranoic development'. He had been convicted of an offence in 1949 and thought of himself as 'doomed to that fate'. 'I am not as other men,' he said, 'I should be armed to put me on fair terms with the law. I have the right to kill.'⁷⁵ The jury recommended that he be hanged at Leeds in August 1959.

* This trend has been noticeable in other countries. In France there were sixteen executions in 1951 but since then there have been no more than four civil guillotining in any one year. In Greece in 1954, nine in 1960. Between 1950 and 1960 there were about five executions a year in Spain. In Turkey there were six in 1959, twenty in 1960 and six in the first six months of 1961. It is worth while noting, which has a population of 10 million, carried out an average of sixty-eight executions a year. Of these four of those executed each year are white men and one is a white man executed for rape.⁷⁶

as to be hoped there was a
 ers by shooting;⁷³ but while
 small part in murder com-
 and insanity, 'the number of
 ose from six a year to twelve
 ite of the fact that murder
 s capital murder.'⁷⁴ And so,
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 a less deterred by the death
 a before it.

ere now generally limited to
 nal activities. And for this
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 death penalty in 1956, but
 e in 1960.* Of the four men
 itz Podola) was a habitual
 two were burglars who had
 nd only one was of the type
 of men executed before the
 ere about thirteen executions
 n, Bernard Hugh Walden,
 nical College who shot a girl
 boy-friend, raised the whole
 be suffering from 'chronic
 convicted of a homosexual
 lf as a 'victim singled out by
 d. 'I am a cripple and must
 others . . . I have an absolute
 d him to mercy, but he was

European countries, too. In France
 e 1952 there have never been more
 There were thirteen executions in
 and 1956 there were no more than
 key, however, there were seven in
 months of 1961.⁷⁵ South Africa, it
 ation of about fifteen million has
 ns a year in the past decade. About
 men and about six a year are non-

In the following year James Harris was hanged for the murder of a man. Harris, who had been in the army, intended to rob on his way home. The emotions of the country were so high and it was admitted that he had killed his victim with his pointed sword 'in quiet', while Harris rifled the man's pockets while drinking.

It was felt that, although the law had been in 1956, there was a change which permitted the death penalty as these and on the illiterate who were diagnosed as mentally defective years later, but which would have allowed a man who had been convicted to be sent to prison, and a man who had been sent into a shop, and in panic had killed the shopkeeper, to be hanged. It was felt that people in the country who had been convicted later observation that the 1956 law was unsatisfactory pieces of legislation and many more who felt with the law 'at the next big push'.⁷⁹

In the autumn of 1961 a survey was conducted of England, when the Lower House of the House of Commons recorded a large majority in favour of the death penalty.* At the same time a

* In January 1962 the Upper House of the House of Lords voted for the abolition of capital punishment. The new Archbishop of Canterbury had not done so, believing that the death penalty was 'a deterrent to offences'. William Temple (one of the most convinced abolitionists and once wrote that the death penalty was to be 'uniquely deterrent', which he felt seemed to be 'overwhelming'.⁸⁰ But the recent change in the Church of England was a feeling in most other churches that the death penalty. The Catholic Church has not yet taken the state to take life is not denied the right to exercise it. The Society of Friends has been a movement for abolition both in England and in the United States. Many of the leading Churches in the United States have followed the Quakers' example.

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James Harris and Francis Forsyth were a man they, and two other youths with a public footpath; and once again the were roused. Forsyth was only eighteen had no intention to kill but had kicked and 'winkle-picker' shoes to 'keep him his pockets.'⁷⁸ They had both been

the law was not as cruelly illogical as must be something wrong with an Act penalty to be inflicted on youths such erate James Hanratty who had been ective in 1952 and was hanged ten uld allow men like Christie to escape; y calculatingly poisoned for money to an who was discovered while breaking knocked down and accidentally killed ged. Indeed by now there were many agreed with the Bishop of Woolwich's 1957 Homicide Act was 'one of the most islation ever passed in this country'; n him that hanging would 'go altogether

significant step was taken by the Church r House of the Convocation of Canter- rity vote for the end of capital punish- Conservative Party conference demon-

House of the Convocation of Canterbury also l punishment. They did so without a single bishop himself spoke for abolition. Dr Fisher e death penalty should be 'retained for certain f the greatest of their predecessors) was a con- that unless capital punishment could be proved n he did not think it was, the case against it ut few of his bishops then agreed with him. The ngland's attitude is symptomatic of a growing at the death penalty should go. The Roman n an official position, but although the right of ed, many Catholics believe that it should not ds has long been an influential leader of the ngland and America. And practically all other tates, except apparently the Lutheran Church, ple.

strated a similar change of heart. 'T C. H. Rolph, a former Chief Inspector of Police and one of the abolitionists' most powerful and influential propagandists, felt that the *Statesman* at the end of that year, 'the hanging will be reduced at last to a point further reducible: those who will defend themselves round with inheritance shun the subject as too distasteful for

It is often suggested that when so many honest people are killed every year in accidents on the roads—about thirty-seven thousand the result of road crashes each year now—many are dying of hunger and when, indeed, threatened by nuclear war, to spend time and money on the fate of a few murderers is a misapplication of resources. A refutation of this suggestion John D. White's death diminishes us, for we are involved in a world as commonplace as the suggestion that the loss of human awareness is of lasting significance. The fact of intentionally inflicted death when we do not offer little if any protection either to the victim or it is our duty to protect, may be to the victim's salvation.

(ii)

In the United States, as in England, the issue remains unresolved.

The early colonists did not fully develop a code. In the New England colonies capital offences were made punishable by death, but this was lessened. Capital punishment was abolished for murder alone by Ohio as early as 1790, and was followed by Pennsylvania. By 1800 only three capital crimes—treason, murder, and piracy—remained, down from former seventeen.

Apart from restricting the death penalty, Pennsylvania also made an early attempt to restrict itself by dividing it into categories. M

'The time is bound to come,'
ector of the City of London
ost intelligent, well-informed
able to write in the *New*
when those still in favour of
two groups, neither of them
always spurn facts and have
rited slogans and those who
or their attention.'⁸¹

many thousands of good and
accidents in their homes and
housand Americans die as a
y—and when thousands more
d, the lives of us all are threat-
and effort worrying about the
ation of energy. To quote as a
Donne's view that any man's
lved in mankind, is, perhaps,
itself. But Donne's plea for
cance; and to reject the threat
a that threat has been shown
to ourselves or to those whom
take at least one step nearer

the debate has long continued

adopt England's savage penal
es, for instance, only twelve
death and the number soon
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88 and in 1794 this example
12 the federal law recognized
murder and rape—out of a

ath penalty to murderers,
attempt to redefine the crime
many other states subsequently

adopted the same method of killing the killer and the irresponsible offender. It was entirely successful. Premeditation is a matter of determining between first and second degree. It has been held that an intention to kill is sufficient for a finding of premeditation. In any case, the courts have been matter for themselves without regard to the fact of finding a man guilty of first-degree murder and of second-degree murder.

Despite the liberal example of the states of the eighteenth century, however, the death penalty altogether has been abolished in only seven of them (Michigan, Nevada, Alaska, Hawaii and Delaware and North Dakota) retain it for murder, for kidnapping, for serving a life sentence; and only in Michigan since 1947. The rest still retain it, although in all of them, except in Michigan, an alternative penalty of life imprisonment has been restored. Capital punishment was restored in states for periods ranging from two to ten years for the commission of a part of the crime. In Missouri which abolished it in 1848 when two policemen were killed in a riot, where since 1861 only four offenders have been executed with violence² and the destruction of public buildings³—have carried the death penalty. In some states have as many as thirty capital crimes. Apart from the various offences which are treated as capital crimes under federal law, such as espionage and selling narcotics, the death penalty, helping a person commit a crime, such as a railway bridge in Georgia. It is rarely inflicted on anyone convicted of rape in the South. In 1958-1959 all were guilty of rape. In 1958 a white man executed for rape in Texas. In 1959 a man executed for armed robbery in Texas. The death penalty is comparatively rarely inflicted in the South. In the 1930's there were, on average, 100 executions; in the 1950's the average dropped to 50.

CURRENT PROBLEMS

of differentiating between the vicious and the passionate one. But it has never been the usual means of dealing with first and second-degree murders; but it is a constant of time is enough to admit that, in the past, juries have usually decided the degree of murder if they think he should be spared. In the case of the American legislators of the past, those states which have abolished the death penalty are still in the minority. There are only three (Oregon, Wisconsin, Maine, Minnesota, and New York); two others (Rhode Island and Massachusetts) have not employed it, but occasionally do employ it, except the District of Columbia, the death penalty is now permitted. Nine states have abolished it after having been without it for ten to twenty-eight years, often following a particularly brutal murder',¹ as in the case of the state of Illinois which abolished it in 1917 and restored it in 1919 following a particularly brutal murder committed in a gun fight. Unlike England, the United States now has the death penalty for a number of offences—high treason, murder, piracy, the destruction of public arsenals and dockyards, and the death penalty, the United States now has the death penalty for a number of offences under various state laws. The death penalty has been re-instituted in a number of states (bank robbery, kidnapping, and the death penalty for a minor) these include, for instance, the death penalty for suicide in Arkansas and burning in practice, however, the death penalty is now only used for a murderer except Negroes in the Southern States. Of the men executed in the United States in 1959, fifteen were Negroes and one was a Negro executed in the South and a Negro executed in the South. In fact the death penalty is now only used at all except in the South. In the year 1959, 167 executions a year; but during the year 1958, it dropped to seventy-two. By 1959 the

number was down to forty-nine all over the country, now virtually exempt'—and in 1961 it had fallen to forty-two.

This slow decline of capital punishment is the result of public opinion, but the decline is not being pushed by abolitionists; and, led by the American Society for the Punishment of Murder and local committees in many States, is trying to hasten it.

Their arguments differ little from those of the past. They have, of course, a different list of names to illustrate the dangers of an irrevocable sentence, and equally disturbing. The Governor of New York has mistaken verdicts to the British Select Committee. And there are many more recent examples. In California of verdicts brought in on the evidence of the police. Barbara Graham executed in 1955, probably not have been guilty; Wilbur Coffin executed in 1954, probably innocent; James Fulton Fox executed in Georgia in 1958 was released when it was found that the crime was not his; in Massachusetts a Puerto Rican man released after serving three years of a life sentence for a murder confessed.

In the United States special care is taken to refute the claim that the death penalty is necessary. Particular, the repeated claim of law-enforcement agencies that retention is essential in order to help police officers in their dangerous duties and to stop crime.

This claim was recently expressed by the Governor of Illinois in Chicago. "But the fact that over 100 men have been murdered this century in Chicago is due to the deterrent value of the death penalty." The revision in the Illinois State law.

An important study made by the University of Pennsylvania, bears out the claim. The study made his study after the President of the International Association of Canada had objected to the retention of capital punishment in that country because of the personal safety of police officers'. The study found that the number of murders was greater in those countries which had abolished capital punishment.

But after a detailed investigation

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the number fell still further

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n League to Abolish Capital
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Dr Thorsten Sellin, of the
ut this view. Professor Sellin
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it would 'adversely affect the

The number of policemen
the evidence for his assertion,
ch had no death penalty.⁷

of the murders of policemen

in over 250 northern United States whose record was so bad that it gave an inaccurate impression of the country as a whole. That, although the difference appeared to have fewer killings per capita than the penalty states. 'If this is the case, their opposition to the abolition of the death penalty must be concluded that it is not based on any real grounds.

Allowance must, of course, be made for the 'death penalty states', which have supposedly higher proportions of capital crimes and that, in any event, the number of deaths were minimal. His figures, moreover, were taken by the retentionists; and the fact that no figures can be adduced in support of the claim for the deterrent effect of the death penalty, if proved, it would not outweigh the arguments of the Supreme Court of the United States. The result is to the inherent sensationalism of the press.

The degrading effects of the press, I believe, by a Press as anxious to attract attention but less hampered by English traditions, has been an urgent theme of American abolitionists against capital punishment. In 1840, expressing their view, 'for no man's life is at hazard in a trial, it is the life of the jury; the effect on jurymen is unwittingly; the effect on jurymen is regarded as very bad.'⁹

This is true of English murder trials. The trial of James Hanratty in 1962 was 'more ghoulish', the *Observer* wrote. 'The Press men who were still at the trial, which the stories of the Hanratty girl Hanratty had raped and murdered, and the approval of the verdict by the jury [at Bedford Assizes] made the trial a disgrace'.

It should be said, though, that the press was right when he said during the trial that 'the public and the news

ENT PROBLEMS

ited States cities (excluding Chicago that to include it would have given an e general picture). Dr Sellin concluded nces were small, the abolition states illings of policemen than the death- e argument upon which the police rest ition of capital punishment,' he wrote, lacks any factual basis.'⁸

e, be made for the fact that in general nether as cause or effect, have a on of criminals than 'abolition states' differences between Dr Sellin's ratios nevertheless, could not be contradicted abolitionists may well, therefore, regret ed in support of their theory that even nt force of the death penalty could be gh what Mr Justice Frankfurter of the ed States has called 'the social loss due m of a trial for life'.

f this sensationalism, fostered, they ous to exploit it as the English Press sh laws of contempt of court, has long American sociologists. 'I am strongly nt,' said Mr Justice Frankfurter easons that are not related to concern of convicting the innocent . . . When sensationalizes the whole thing almost ies, the Bar, the public, the judiciary, I

urder trials too. During the long, tense 962 'the proceedings were made even r reported, 'by the behaviour of some pparently bartering over the price at nratty family and Valerie Storie [the l shot] could be bought. The general the local populace [the trial was held e proceedings like Newgate in modern

that Sir Charles Oman was probably e House of Commons debate in 1929 wspapers revel quite as much in a big

financial swindle or a high-class divorce cuts up his victim into fifty pieces, and their readers revel in, not in the fact that the gallows in the end'.¹⁰ But of course in' a report of the hanging, too, if that

Apart from the general and incalculable as a whole, the death penalty, it has been argued, has a specifically evil effect 'on mental people' who are actually incited to further executions.*¹¹ The confessions and admissions of criminals and murderers give emphasis to the fact that murders are frequent enough, but even those committed by psychopaths who take little trouble to hide their tracks because, like Heath and Haigh, they are cold and foresight almost beyond belief' and are anxious to attain the notoriety of some of their predecessors. When the murderer Rhodes was found in his pocket newspaper cutting which referred to a girl whom Rhodes referred to as 'a hero' who was shot to death in 1930, told the police at the station, 'I want to read the account of what has been said in the newspapers about me as a job like this has not been done before. I never met the girl before and made no mistake'. He appeared to enjoy his trial and sat through the proceedings considering the verdict. A few days after he had been serving a sentence for theft in a prison, he was an execution of a murderer who was referred to as 'a hero'.¹⁴ In 1961 the murderer Terry was executed on the day of Forsyth's execution. 'Mike O'Brien was one big hero in the past', a gangster recalling the time he had spent in prison. 'He had done a lot of time and was in for a long time. Everybody had read about his brother, Smiley, who was picking off a copper. He was certainly looking for him. I used to watch him all the time. I couldn't help it. Something about his

* Dr Thorsten Sellin told the Royal Commission that he committed murder with a view to being executed and that his conscientious objection to suicide.¹³

orce case . . . If a criminal that is what the newspapers ct that this person is going to rse, most of us would 'revel t could be printed. lable affect on the public as n suggested with good cause, ally or emotionally disturbed to crimes of violence by d behaviour of numerous sis to this opinion. Imitative n more common are murders ble to avoid arrest not only y have a 'lack of judgment but also because they are ne recently executed hero of s arrested in 1925, the police s about an executed murderer .¹² Marjeram, who stabbed a e as soon as he arrived at the f the murder and all that has e—there must be a lot about one for a long time.' He had o attempt at a sexual assault. t laughing while the jury were s before the murder, he had prison where there had been s also, in Marjeram's opinion y was hanged for committing ecutation.

place,' wrote a former American t in prison when he was young. or big stuff and, besides, every- ng Jack O'Brien being hung for ooked up to for that. I admired ne in the yard and in the mess. m caught my eye every time I

mission of the case of a man who had cuted as he wanted to die and had a

got close to him. That wasn't
it was true, especially the young

'Everybody had read about h
everybody in Chicago in 1
Leopold and Richard Loeb
boy whom they had killed si
'perfect murder'. Certainly
their boy friends kill an old
knew all about it. 'Leopold a
said when they were arrested.

But the immense publicity
It served as a means of bring
ment to the conscience of
brilliant advocate, who d
a vehement abolitionist. 'Har
before, 'does not prevent mu
speech of passionate eloquenc
the judge's face, he pleaded
'diseased' boys who were, he
mitted act. 'I am pleading fo
pleading for a time when ha
hearts of men, when we can
understanding and faith tha
mercy is the highest attribute

His plea was not in vain
sentenced to imprisonment f
died in prison, hacked to de
but Leopold demonstrated t
savage and motiveless the mu
He was a good prisoner, run
convicts until he became seri
teered to take part in malar
1949 and went to work in a le

The two Italian radicals, N
who were waiting in vain for a
Loeb murder, were given
murder in 1921, they were r
The evidence at their trial ha
and patriotism than with the
factory with which Sacco an

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only true in my case, but for everybody
g crooks.’¹⁵

his brother being hung’; and practically
1924 read about the trial of Nathan
for the murder of a fourteen-year-old
simply for the thrill of committing the
the two girls of eighteen who helped
l woman in Chicago during the trial
and Loeb are the same age as us,’ they

16

given to this trial had another effect.
ing the whole issue of capital punish-
America. For Clarence Darrow, the
defended Leopold and Loeb, was
nging men,’ he had said twenty years
murder. It makes murderers.’ Now in a
ce, which made the tears stream down
d for the lives of the two ‘mentally
insisted, not responsible for their ad-
r the future,’ he told the court. ‘I am
tired and cruelty will not control the
n learn by reason and judgment and
at all life is worth saving, and that
of men.’

. His young and clever clients were
or ‘life plus ninety-nine years’. Loeb
ath by an insane fellow homosexual;
that the murderer, however foul and
murder, is not necessarily irredeemable.
ning rehabilitation courses for other
iously ill in 1945 after having volun-
tial experiments. He was released in
per colony.

nicolo Sacco and Bartolomeo Vanzetti,
a new trial at the time of the Leopold-
no such opportunity. Convicted of
not electrocuted until six years later.
d been more concerned with politics
murder and armed robbery at a shoe-
d Vanzetti stood nominally charged;

and the judge was criticized in a subsequent trial for bias. But seven motions for a new trial were granted on 27 August 1927, in the face of public opinion and sympathizers as Shaw, Wells, Dreyfus, and others, as well as from the abolitionists, the trial was set aside.

Sacco and Vanzetti waited for six years before they were executed. Caryl Chessman waited for twelve years before he was executed for kidnapping in 1948 before he was executed in 1960. And by the time he died he had become a hero throughout the world as Sacco and Vanzetti. Songs and poems had been written about him, and a film was preparing to make a film about him. His name had been translated into more than a dozen languages, petitions, protests, demands, appeals, and resolutions were being sent to California's Governor, Edmund G. Brown, at the rate of a thousand a day. He was a 'symbolic figure in the fight against capital punishment'. A leading French newspaper, *L'Humanité*, pleaded especially to plead for his life; Justice Nelson Hungria thought that the most eloquent assurance of the need to abolish the death penalty, that ugly stain on our American flag.

Chessman had also become more famous as a means of attacking the whole structure of American life. In Europe and elsewhere there were full of editorial condemnation, and the facts that American courts had repeatedly refused to lengthen his 'terrible agony', but in America there were ideas of American justice, and that it was a system with great skill and some cynicism had been built up by legal manoeuvre erected by American courts. He was accused. He was an extremely resourceful man, but unlike Sacco and Vanzetti, he was not a martyr.

He was born in Los Angeles, the son of a poor man and an out of work father. His mother was crippled and when he was nine. He was small and frequently bullied at school; but he developed at an early age a sense of self together with a gross conceit which was very apparent, a detective once said of him 'he is a man who and grabs you by the throat.'

After several spells in prison he was

quent report for his political
ial were dismissed and then
protests from such disparate
us, Einstein and Mussolini,
two men were executed.

years to be electrocuted; but
ears after his death sentence
as gassed at San Quentin in
d become a kind of folk-hero
Vanzetti had been. Popular
about him, Hollywood was
, autobiographical books by
an a dozen foreign languages,
came into the office of Cali-
wn, at the average rate of a
e cause for the opponents of
h abolitionist went to Sacra-
the Brazilian Supreme Court
at Caryl Chessman was 'the
to wipe out, once and for all,
civilization'.¹⁷

than that. He had become a
ure of American law and, in-
d South America, newspapers
much of which ignored the
edly spared Chessman, not to
ccordance with the traditional
t was Chessman himself who
ad made use of every possible
n law for the protection of the
eful, determined and talented
he was ill cast in the role of

on of a disillusioned and often
crippled in a car accident when
ently ill and he was unpopular
rly age a talent for argument
never left him. 'His ego is so
m, 'that it almost reaches out

was arrested in 1948 and con-

victed and sentenced in Los Angeles, California, a total of seventeen counts were returned against him identified as the 'Red Light' case. He was flashing a light like that of a red light on the outskirts of Los Angeles and was later confined in a state hospital for insanity. Twice he had, the prosecution charged, committed what the indictments called 'unnatural and indecent acts' (in fact, fellatio) and once he had committed a robbery. He was later confined in a state hospital for insanity. This illness, according to a report by the state, was regardless of any alleged attack on the state's death under a Californian statute which makes it a capital offense to commit robbery with bodily harm.

Eight times a date was set for his execution, twelve years and eight times he was reprieved, granted ten hours before he was executed. In the sequence of any legal proceedings, the state's case from an assistant Secretary of State, the state of Uruguay were afraid that the state would be hostile demonstrations during his forthcoming visit. The state had been received that week by the state's Californian Governor to make a statement. He was an opponent of capital punishment. There is no doubt that Chessman was being executed. He should not be singled out for execution. His guilt is overwhelming', he had said. He was one of steadfast arrogance and he now had an opportunity to make a statement. Californian law. The state legislature called a special session called to consider the punishment having proved 'unnatural and indecent acts' he was charged with 'ducking and dodging' to make the legislature 'a court of law'. The proposal came to nothing and he was in an even worse position than before. He was executed for having 'given way to Washington' (by a loyal Californian) and by the state's renounced California's moral standards. He is executed tomorrow,' a

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Los Angeles County Superior Court on... He had been, rather uncertainly, 'the Bandit', a gunman who drove a car, a police car, into lovers' lanes in the... and then robbed the men at pistol-point. The... said, forced women to perform 'an unnatural sex act' (which was, in... tried to rape a girl of seventeen who... the hospital as a schizophrenic although... psychiatrist, 'would have developed... attempted rape'.¹⁸ He was sentenced to... statute, known as 'the little Lindbergh... offence to kidnap for the purposes

set for his execution over the ensuing... he was reprieved. The eighth reprieve, he was due to die, came not as a... oeuvre but in response to a telegram... of State warning that the Government... if Chessman were executed, there... ations against President Eisenhower... there. Hundreds of other telegrams... but it was this one which helped the... take up his mind. He had long been... punishment and although he had no... both guilty and unrepentant and that... for clemency—'the evidence of his... had once said, 'his attitude has been... and contempt'—Brown believed that... to remove the death penalty from... legislature did not agree with him and, to consider his proposal that capital... a gross failure' should be abolished, '... his responsibility' and of trying to... of last resort for Chessman'. The... and the Governor found himself in an... ore. He was criticized by Californians... 'shington' (a scarcely forgivable action... retentionists everywhere for having... right to put Chessman to death. 'If... London newspaper had said the day

before Chessman was reprieved for the first time, when it will be rather unpleasant to find that the Governor had unwittingly given such a good opportunity for attack.

On 2 May watched by no less than two women reporters sitting in the front row, with what now seems some possible doubt as to his innocence to the end, inhaled hydrocyanic acid gas in a green octagonal gas chamber and just before he died. It appears that yet another man was just before he died, but that it came just before he died. This is not unlikely. Certainly, three men were dying in the same gas chamber when Quentin received a telephone call granting him a reprieve.²¹

'Now that the state has had its wish granted in a statement he had prepared for publication, he should like to ask the world to consider that once he was not speaking only for himself but for all men.'

In America, as in every other country where capital punishment is still practised, it is now that their campaign will soon be to get rid of medieval furniture completely out of the way of society. When it has gone the way of the dodo, who now firmly believe in it will soon be forgotten and retained so long.²³

Lord Altrincham is probably right. It is a pity for how many years such hopes have been entertained.

'On the whole, we may perhaps say that the practice of capital punishment—the shameful practice of hiring for a guilty man a sentence which the judge would not give himself—is threatened with extinction in all civilized countries.'²⁴

Havelock Ellis wrote these words:

the last time, 'it will be a day to be an American.'¹⁹ The commentators new grounds

in sixty witnesses, including in front row, Chessman, who had the justification protested his cyanic gas in San Quentin's cell over six minutes later he stay of execution was granted just a few minutes too late.²⁰ years before, Burton Abbot when the Governor of San granting a stay of execution for

'vengeance,' Chessman wrote publication after his death, 'I know what has been gained.' For himself.²²

any in the western world where the abolitionists are hopeful won. 'The gallows is a piece of place in a civilized modern the rack and the block those can be wondering why it was

But it is as well to remember been held.

be well satisfied that capital 'e', as it has been epigrammatic an assassin to accomplish not have the courage to carry through extinction in civilized

in 1890.

CORPORAL

*'A practice than which no
degrade.'*

'I will strive in my mind to
who now advocate the revival
Sir Robert Rawlinson said in
ing one of those recurrent de
'by considering that they h
attempted to describe it: the
the white clean skin of an En
air, to be scored, cut up and
lump of living human flesh.'¹

Englishmen can still be jud
are the 'cat-o'-nine-tails' (the
about an eighth of an inch th
the birch (a bundle of twig
in weight for boys under six
twelve ounces in weight for
have to be soaked in water be
and would break; but, even
bundle has to be used after ev
changed as well after every f
over the spectators.²

That flogging is a brutal p
to use it is to sanction brutal

CHAPTER TWO

L PUNISHMENT

Nothing tends more to harden and

REPORT OF THE COMMITTEE ON JUVENILE DELINQUENTS (1817)

judge those Members of Parliament
of corporal punishment charitably,'
in the nineteenth century when oppos-
demands to extend the uses of flogging,
have never seen it as I have feebly
degraded man lashed to the triangles,
Englishman exposed to the cool morning
scarred into a pulpy, blood-smeared

judicially flogged. The instruments used
the tails being lashes of whipcord, each
thick and thirty-three inches long) and
is forty inches long and nine ounces
teen and forty-eight inches long and
those over sixteen). The birch twigs
before they are used as they are brittle
so, they do break and usually a new
every fourth stroke. The 'cat' has to be
new strokes as the wet tails flick blood

punishment no one could deny; that
ity seems, therefore, unarguable; that

Secretary, the Conservative conference rejected a motion calling for corporal punishment for crimes. But a year before as many as 70 per cent of those questioned in a Gallup Poll wanted flogging or both—descriptions of those aged 18 and over showed that the feeling was very strong, the 'workers' slightly preponderating. A Gallup Poll in April 1961 indicated that seventy-three per cent still wanted corporal punishment back.

In recent years robbery has greatly increased, the offenders are 'primarily thieves rather than burglars, rather rarely, use force to achieve their ends, the use of firearms is very rare indeed'.¹⁸ If it is more likely to rob with violence when they can, it also seems true that the threat of flogging has not proved a deterrent or the threat of prison discipline. 197 assaults were recorded in 1960, and 213 the year before.¹⁹ In some cases the assault disappeared from the official records, but in others only 'corporal punishments of the approved kind' were recorded. In the *American Prison and Prisoners' Standards* (1954) which applies to men's institutions where women are not kept, it is stated that men are flogged with a heavy leather strap for both minor and major infractions of discipline. The flogging is usually inflicted by a male officer, and is most common in such cases as these that discipline is most difficult to maintain.

It is, perhaps, possible that it is still regarded as an ultimate sanction, the power to inflict it for serious offences against discipline is retained in the experience of practically every other country. The International Penal and Penitentiary Commission, in its subsequent report, based on the replies to its questionnaire from twenty-five countries, corporal punishment is said 'to have gone out of use in all countries except the United States'. It draws attention, in a footnote, to the fact that the report does not apply to Great Britain and Northern Ireland, and that it does not apply to all institutions in the United Kingdom.

ence at Brighton decisively
corporal punishment for violent
as seventy-eight per cent of
anted a return to birching or
e who made up this percent-
much the same in all classes,
—and another Poll taken in
ee per cent of the population

ly increased in England, but
s who occasionally, though
their objects . . . Recourse to
seems true that men are no
n they cannot be flogged than
the continued use of flogging
ed an answer to the problems
re made on prison officers in
n America assaults are more
use of the whip has all but
of prisons and reformatories,
'humiliating type' are dis-
on Association's *Manual of*
ich reports that 'in several
confined, women as well as
ner strap as punishment for
f the rules. The punishment
mployee'.²⁰ It is in prisons
t difficult to maintain.

l necessary 'to hold in reserve,
e impose corporal punishment
e in prisons'.²¹ But this is not
her civilized country. In 1951
ntiary Foundation decided to
ls of penal treatment. In their
ies to a questionnaire received
l punishment in prisons was
ountries'.²² It was necessary to
fact that this observation did
orthern Ireland. Nor does it
States.²³

'After a while you forget that you are there and to find some thing for all these not seem to realize is that few years they are punished they are also doing there. Hells a mouse trap, when one else.'

BEFORE the Second World War there were over 28,500¹ of prisoners in England and Wales, sleeping three in a cell. 'What crowding can be gauged from at a local prison men had to night of reception; there was

'What can you do with 1, chief director of the Prison Commission about the overcrowding at W them, feed them and lock them

Despite painstaking efforts corrupt from the corruptible, that the ideal is impossible.

'The older men are always going pays. They want to fix up when

CHAPTER THREE

PRISONS

Why you are there all you know is that's all. Maybe one day they will waste men to do. What people do by sending a man to the nick for doing him for doing wrong: Yes! but it's a great wrong, for as sure as that man gets out he will rob some-

FRANK NORMAN, 1958

War there were usually about ten thousand in Wales; during the first half of 1961 there were more than seven thousand were in these figures mean in terms of overcrowding the fact that on at least one occasion they had to sleep on the floor of the chapel on the premises nowhere else to put them.²

'700 men,' asked Mr R. D. Fairn, the Commissioner in 1962 when complaining about the overcrowding, 'except count them, clean them up?'³

to classify prisoners and separate the overcrowded prisons inevitably mean

ing at you. They make out that the game is to meet you on the outside.' 'To listen

to the chaps here drives me half out of m
 thieving, thieving and nothing else.' 'O
 younger chaps and keep telling you thi
 pretend that they are in for getting thou
 have got it all salted away for when they
 suade you that the job pays. I know it
 me having all these men here around you
 of the chaps tell me that in the end you h
 men want.'⁴

These comments by young criminals
 situation they describe exists.

The present prison building prog
 ambitious than any that has been
 hundred years. Speaking in London in
 Home Secretary, said that of the vari
 described in a recent White Paper
 opened and eleven more would be o
 1963." But even so, the problems of c
 tion, which had already by the middl
 thousand, would not be solved. I
 Victorian fortress prisons can be di
 prisons will contain some of the wors

Mr A. W. Peterson, the new Ch
 mission, referring to the work of the
 had been 'studying the whole questi
 a speech in 1959 that the prison of t
 cell blocks with adequate associatio
 security precautions. Each block wor
 to eighty prisoners and contain a do
 'for whom dormitory accommodatio
 lavatories will only be provided for t
 tories, the majority of men, therefore
 the regular morning procedure of 'sl

A man who spent several months in
 cribed, in a restrained and moving bo
 how the men queue up each morning
 their landings, chamber-pots in hand
 them. 'The general effect, with three
 'was rather like some curious Neapolit

ny mind. They talk of thieving, Older men here mix with the ngs. There are chaps here who usands of pounds and that they y come out. They try and per- doesn't really but it frightens worse than what you are. Some ave to do whatever these older

may be tendentious but the

programme in Britain is more attempted for more than a n 1962, Mr R. A. Butler, then ous proposed establishments ,⁵ twelve had already been opened before the middle of dealing with a prison popula- e of 1962 risen to over thirty t will be years before the ispersed with, and the new t defects of the old.

Chairman of the Prison Com- e Development Group which on of prison design', said in he future would have smaller n rooms and less obtrusive uld house about seventy-five rmitory for eight or ten men n is preferable'.⁷ As separate the men who sleep in dormi- , will continue to go through lopping out'.

n Wormwood Scrubs has des- ook, what this process means, g in front of the 'recesses' on l, waiting their turn to empty landings in view,' he thought, an slum.'⁸

'I staggered out of the peter door at the end of his days in Wandsworth. "There were three sinks with their pots queuing up to be emptied. I turned my guts over. Eventually the sink into which the slops were emptied was blocked by a mass of paper floating in it . . . I blinched at the sink on top of the rest, and I got out of my peter. I did that same thing three or four years.'⁹

At Wormwood Scrubs, the sinks were also blocked. 'There were two sit-down sinks and a stand-up ones shared by eight people. Two of the prisoners were charged with the task of cleaning the food.'¹⁰ 'The sanitary arrangements at Wormwood Scrubs,' a demonstrator said in 1960, 'You can smell it all over the place.' He added, being a vegetarian, that he had seen gigantic quantities that all the prisoners had to eat. Another demonstrator said, that at Wormwood where, apparently, prisoners had to use nail-brushes and where one of the prisoners' best food came from sacks laid out on the floor.

The Prison Commissioner's report on the menu and shows how immediate was the impact of the war. 'Soup as a course and bread as a side with dinner; potatoes are peeled and boiled. Cold ham and tomato and a cold ham and tomato supper instead of the bread, butter and jam served in the 1930's. But by the 1960's it often enough still resembles the menu of 1930. I remember having eaten when

'Soup, mince meat, potatoes (with a little cabbage as you get in the nick) and bread which is known as duff. It was very good. It states on the rule card, (there is a rule card to be varied, appetizing, and of course you will eat what you get and

Most prisoners soon get used to the menu and to 'slopping out'. They become

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ppy from sleep,' another ex-convict wrote. There was about fifty men already there empty them. The stink was enough to it was my turn, the sink into which the and there were lumps of shit and pieces dly through the contence of my pot into and rushed away without looking, back to ng every morning and afternoon for two

oo, the lavatories were frequently x-down lavatories in the shop and two ghty prisoners . . . Fortunately most onically constipated because of the gements are the most sickening part ator against atomic weapons said in ver the halls.' He was lucky with food, n but normally it is cooked in such e food value is destroyed'.¹¹ In Brixton, ne food is 'appalling'. In 1962 at Staf- soners are told to scrub floors with a lavatory serves a hundred men, the labelled: 'Grade III Pigmeal.'¹²

rs' Report for 1960 gives an average nsely prison food has improved since nd a varied sweet dish are now served led and cooked in a variety of ways.¹³ a cup of tea might well be given for margarine and cocoa (without sugar) the time the food reaches the prisoner les the meals which Frank Norman n he was imprisoned:

and cabbage, (I have never seen such for sweet their was a sort of suit pudding, s like trying to eat a piece of rubber . . . e is one in every peter) that the food will newtritious value, the words should be, like it, or go without.'¹⁴

d to the food and they soon get used ne accustomed, too, to the overcrowd-

ing. They learn to accept the enforcement. Occasionally a man is tempted by Christmas when 'disaplin' is 'pretty screws about', will 'make up their face and put red dye on their lips by wet'. 'this is a very dodgy business indeed at it you can lose half a stretch remainder'. So it isn't worth the trouble, although 'if anything goes on'.¹⁵ It is, though, as Peter likely to be 'of the emotional kind'. What he cannot accept is that his punishment. An American convict once put it, 'by the way free of guilt . . . We can really work authority somehow rests on the assumption and is a part of a whole conspiracy against us.'¹⁷ 'When you go in, you notice the English prisoner told the *Observer*, 'they will humiliate you: the officers want to establish they are in authority. They establish their authority "sir"'.¹⁸ In Brixton when the officers are coming they open the cell door and 'throw their weight that the prisoners have to bend down

Everyone connected with the prison is a convict as to some extent a part of the system. To one habitual criminal a psychologist 'a woman out for kicks'; a Church of England 'a humbug'; a chaplain, 'a glorified Etonian whose efforts were only successful with hoodlums as Church service gave them an opportunity to show other poof they fancy'; a prison visitor 'a man who only gave up his time for 'some sense of feeling he was doing good in the world'; a 'good', had 'a really dirty mind'; a 'poor clever doctor' who had 'conned the prison by giving him a job.'²⁰

But the real victim, the almost universal cause of resentment is the prison officer.

'What the comishoners don't seem to understand is that a man like a hueman being he won't act like a people like the Howard Leag for prison

forced and unnatural celibacy. 'queers' who, at times like 'laxt' and there aren't 'maney faces with white tooth powder on the covers of books', but bleed as if you get captured in fashion and no messing about. 'ugh quite a lot of that sort of er Wildeblood has said, more kind'.¹⁶ What the prisoner is being inflicted, as an those who are not themselves up a hate for the man whose assumption of moral superiority to humiliate and degrade straight away,' an intelligent 'that there is an attempt to make it quite clear that they is ritual about calling them ers bring letters in the morn- w the letters on the ground' so n and pick them up.¹⁹

on is seen by the embittered this conspiracy to humiliate. ogist was 'a dirty-minded old Army captain, 'a preaching entertainments Officer' whose homosexuals and sex offenders opportunity to 'sit next to some or, 'an amiable sort of old boy' me sort of self-satisfaction, a d' but who, 'underneath all his psychiatrist, 'a smooth-talking e Prison Commissioners' into

versal victim, of the prisoner's

realize is that if you don't treat t like one . . . Although there are on reform and Welfare Officers

and all sorts of other nossey ba
 the screws and most of them ar
 So don't get the idea that nick
 all they are any good for is lock
 do they keep on all the time ab
 nicks stink the screws are ignor
 of them are bent."²¹

The Commissioners, of course
 than they are given credit for
 that 'in a year in which the
 prisoners has reached the high
 the population of already over
 increase, the first concern of the
 good order and discipline among
 inmates. In such conditions
 to suffer; continuity of staff
 means all prison officers are
 suggest. Violence in large pr
 makes a nuisance of himself r
 an ideal prisoner you don't c
 some dedicated men, and
 'specially some of the young
 the prison service. The bad
 tionate effect on the atmosphere

The difficulties of finding staff
 hours, in bad conditions for
 of promotion are almost
 are understaffed, few have su
 do not have staff psychologists
 prison officers; and while in
 creased by hundreds, the inc
 only eleven. The number of e
 teen although the numbers o
 The prison Commissioners' R
 was continuing. There were
 a decrease of women office
 established men officers but t
 with the increase in prisoners.

Discontented officers guard
 continues to have, a serious c

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standards the people who run the nicks are
re no good, make no mistake about that!
s are good places for reforming people,
king people up in and that's all. So why
out how good they are. The fact is the
ant inhuman sadistic and a percentage

erse, understand far more about this
or. In their 1960 Report they write
e number of receptions of convicted
ghest figure for forty-five years, and
ercrowded prisons had continued to
he prison service has been to preserve
ad to provide for the basic needs of
, individualized treatment is bound
cannot be maintained'.²² And by no
as bad as habitual criminals like to
isons is not uncommon. A man who
may well get beaten up. But 'if you're
come across violence'. And there are
particularly dedicated women—
ger ones they're getting in now'—in
officers, though, have a dispropor-
re.²³

uitable men to work long and irregular
little money and with poor prospects
insuperable. Practically all prisons
ufficient social workers, most of them
sts, the older ones include many bad
1960 the numbers of prisoners in-
rease in established men officers was
established women officers fell by six-
f women prisoners had also grown.²⁴
eport for 1961 showed that this trend
more women prisoners than ever but
rs. There was a slight increase in
the increase was fractional compared

ding discontented men had had, and
effect on discipline. There were 322

escapes from prisons in 1960, compared with 1959, was 10 per cent more than in 1959; before;²⁵ a 'loose canvas restraint jacket' was used to control violent prisoners over 100 prisoners were birched—all for 'gross assault on an officer', aggravated in two cases by a large number of lesser assaults on officers, and the rate was 'regrettably high'.²⁸ There were 100 escapes from prisons in 1961 but this was due to the escape of a prisoner being removed to a special wing at the end of the year, and not to any general improvement in prison discipline.

The newcomer to prison life, as I have said, joins in the general insulting banter and often picks up the language of resentment and indignation, and a sense of inadequacy in hatred of all custodial staff, and a feeling of emotional deprivation and social rejection.

In these circumstances it is inevitable that the training and treatment of convicted prisoners, as laid down in Rule Six of the *Prison Rules*, should be largely ineffective. The aim of establishing in them 'the will to lead a law-abiding life on discharge' and fitting them to do so, is not achieved. Vocational training is given but even in 1960 only 10 per cent of the inmates. Evening classes are provided but there is no evidence to prove that they help. The inmate, when he comes out, they do improve his life; but 'it is not easy to teach or to train a man in a huddle in the centre of a long, tall, narrow cell, with lighting overhead, and iron staircases leading to the cells'.³⁰

Work in prison is still largely devoted to the running of the prison, and is not connected with the running of the prison. It is a matter of mending mattresses and obsolete telephone equipment, and putting mail-bags together. And in many prisons the inmate works for about two hours a day. So long as the inmate has a hope of reforming the prisoner until he is fit to be discharged—and is paid a reasonable wage for his work.

As it is the cost of maintaining him in prison that is the cost of new buildings and buildings in America, where the problems are

* According to the Prison Commissioner, the cost of maintaining each inmate is £695 a year at Borstal. The cost of Borstal Centres. A Borstal for 174 boys opened in 1960.

compared with 205 two years 'bucket' had to be brought into a hundred times;²⁶ and five gross personal violence to an incitement to mutiny.²⁷ The the Commissioners admitted, are less escapes from closed those who attempted to escape Durham Prison rather than on discipline.

D. L. Howard has said, soon about the 'screws' and soon, expressing his 'personal in-staff' to ease the 'pains of tion'.²⁹

able that 'the purposes of the prisoners', as laid down by could not be realized. The ideal lead a good and useful life on so, has become a chimera. in Borstals to only thirty per are held and, although there is a prisoner to live a better life over the atmosphere of prison learn while sitting in a little grim building, with wire net-leading up to the galleries of

roted to boring activities con-n or to jobs like picking flock equipment to pieces and sewing prisons this work occupies only prisons exist there can be little he is allowed to work properly doing so.

n is about £460 a year exclud-building maintenance;* and in very similar and where the

s Report for 1961 the cost of main-stals and £720 a year at Detention 1963 in Staffordshire cost £570,000.

number of inmates in State . . . risen to well over two hundred. Alcatraz, the crumbling, obsolescent San Francisco Bay, still in use, each prisoner is over \$125 a year.

Less than thirty of the cells have been built since the War. The ones are designed like monkey cages in great concrete halls. Spacious than it is in an English provincial and county gaols where to ninety thousand persons a year, it is still appalling—but has made it extremely difficult to see which the American Commission being the real purpose of it has so retarded the development of programs as has the lag in correction.

Most prisons, as in England, are still in the same condition and in some of them there is a high proportion of them still subject to detainers which are charges in different jurisdictions, of course, have on the American penal system tends to be monolithic and lay-determined. As wrote in 1962. 'But it is, at the same time, and progressively more mercenary and the receding into history of the past produced the current penal system. Men are still marred by the influences.'³² Men are still marred by are given adequate food in detention have to sit at narrow tables in silence while guards armed and behind screens, in some prisons they can sit in small groups in libraries and good schools; instead of a bullet-proof corridor have less uncomfortable uniforms the results of a grading system television and play games. . .

ENT PROBLEMS

and federal penal institutions has now reached a hundred thousand, it is even more. At the adolescent maximum security prison in use in 1963, the cost of maintaining a prisoner a week.

The country's state and federal institutions are far and many of even the most recent are key-cages with hundreds of steel-barred cells. Sanitation is on the whole much better than in the past—although in some of the municipalities there are an additional eighty-five thousand prisoners incarcerated, half of them awaiting trial. The emphasis on maximum security has led to the neglect of the process of rehabilitation. The American Correctional Association has stressed as one of its major goals the improvement of the environment and success of rehabilitative programs. 'No other single factor has had more influence on the development of modern penitentiary architecture.'³¹

Prisons, are little more than places of detention. There are as many as four thousand men, serving very long sentences or sentences which make them liable to be tried on other occasions when they are released. Conditions have been improved immensely. 'The prisons used to be anarchic, complicated, naively designed,' Professor Louis B. Schwartz says. At the same time, experimental, creative and colorful. With the passing of the frontier spirit of Puritan theocracy, the forces which have shaped the penal system are yielding to new influences. They are out of step but not in lock step; they have dining rooms and, although often they are all facing in one direction, eating in them. They are guarded with machine-guns watch them from all sides. In some prisons there are separate tables where prisoners eat as in a restaurant; they have good food. Usually they have a visiting room in the cell block divided by a steel partition; they have recreation forms with minor differences to show them, opportunities to watch films and television. Most prisons still have irons, hand-

cuffs or chains for use on recalcitrant few of them are they regularly employed the atmosphere of prison life has, he has described them. 'Men listless and looking forward to a future of crime, and social recognition. Men who "cannot get anything out of it. Such a picture and some reformatories.'³³

It is not fair, for example, to a prison modern techniques are faithfully applied. San Quentin contains twice as many prisoners as the old; but they sleep in clean cells with telephones and proper sanitation. The first prison James Spenser in 1928 is modernized with printing works, a naval renovation plant, side work and for trade apprenticeship school every day; many more go to night school. A 'telligent English visitor in 1962 noticed 'carelessness or inattention'.³⁴ Great stress is placed on the 'therapeutic community' which was first tried out in its modern form at the auspices of the liberal Warden Clarence Brown of the California Department of Corrections, now also being developed in English prisons, including a member of the staff, discussing their fears and prejudices, their worries, tensions and hates. Whether or not this form of therapy to reform criminals permanently may be successful, it lessens tensions and makes discipline easier.

Prisons like San Quentin and some others, and the open prison at Seagoville show a high standard representative of the American system. In the United States men are recruited for the prison service from all parts of the country; the standard of entry is high; but elsewhere the evidence is still operating in the selection of guards. It is estimated that three quarters of the prison guards had been 'selected' from the United States. Two fifths of the states provided for the training of guards. The numbers of unsuitable guards are very many, particularly in women's

at inmates but only in a very
 oyed. With all these changes
 however, not greatly altered.
 lace new,' as Professor Taft
 r rebellious or cowed. Men
 or to a struggle to get a job
 an take it" but who get less
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n such as San Quentin where
 nd earnestly employed. San
 oners as it was designed to
 ere they have wireless head-
 earful jute mill described by
 l and employs seven hundred
 rniture factories as well as a
 ant and opportunities for out-
 ship. Many prisoners go to
 ight school. An alert and in-
 ed 'very little sign of listless-
 laid upon Group Counselling
 n form in San Quentin under
 inton Duffy and the progres-
 tions. In Group Counselling,
 prisons, small groups of men,
 ss their family problems, their
 their likes and dislikes, loves
 of group therapy does much
 y be doubted, but it certainly
 e much easier to maintain.

e other institutions like Chino
 ould not, however, be taken as
 em as a whole. In California
 ce on merit and the standard
 l of politics is still evident and
 candidates. In 1947 it was
 country's thirteen thousand
 nscientifically, although over
 civil service appointments'.³⁵
 re less now but there are still
 prisons where homosexuality

and dope addiction are still common. They have been known to recruit prostitutes.³⁶ Riots have been less frequent in Montana, but the riot at Montana State was a serious one that year.

At the Montana prison, the warden's appointees had already led to a riot in 1958, convicts, led by a 21-year-old friend who had clubbed and attacked members of the prison guard. Armed with knives and meat axes, and the effects of kitchen-made 'pruno', they stormed the dispensary, the convicts stole kerosene, naphtha taken from the laundry, and the lavatories came to an end, until they were locked up with older men and the riot was dismissed. The riot was led by men who led an attack on the barracks with guns and rifles. 'Things are getting worse,' the Warden was quoted as saying, 'and it is over.'³⁷

But toughness has been found in other occupied at useful and profitable work. But in America, as in other countries, problems of prison labour have been solved by enforced idleness in overcrowded prisons and of discipline.

'The three most common problems in American prisons are apparent. Inability to pay a gambling debt, inability to pay a gambling debt, and the "eternal triangle" is the most common gambling problem has been solved in Carson City by allowing convicts to work rather than trying vainly to pay their debts. But the homosexual problem is the most spread than it is in English prisons. It surely cannot be overcome in one large penitentiary in the West. Sexual activities were forced on convicts and the normality of life without work

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common and where female guards have
tutes and shop-lifters for crime syndi-
frequent since the epidemic of 1952
ate Prison in 1959 was not the only

where mismanagement by political
to a riot in 1957 and a sit-down strike
homosexual burglar and his nineteen-
bed a man to death three years before,
ison staff and held them as hostages.
it axes, and almost delirious from the
no' alcohol and narcotics stolen from
threatened to burn their hostages in
undry unless the use of buckets as
unless young prisoners were no longer
nd a hated state parole commissioner
s only ended when National Guards-
ricaded block with bazookas, machine-
going to get a lot tougher around here,'
ying when the trouble was temporarily

ound to be no remedy. Keeping men
able work is at least a more promising
England and for similar reasons, the
ve not been satisfactorily solved. And
vded conditions increases the problems

on major disciplinary problems' in
ntly 'gambling, sex and fighting. The
rom the gambling and sex problems.
debt . . . may lead to fighting, as may
in a homosexual relationship'.³⁸ The
overcome in Nevada's State Prison
onvicts to bet openly under supervision
prevent them from gambling in secret.
n, which seems to be far more wide-
risons, cannot be overcome so simply.
ne by the curious method adopted in
West where those discovered in homo-
to wear women's clothes.³⁹ The ab-
men permeates the whole atmosphere

of prison life. 'It is expressed not only but indirectly in other emotional states of the problem, so the International Penal Commission reports, has ever been found. 'As a result, countries that have tried to find a direct solution are the United States and the Soviet Union. Two methods are suggested; 1. to allow the prisoner to have visits at more or less frequent intervals (Argentine practice) 2. to allow which a prisoner may live with his family. The practice recently adopted by many European, American and Scandinavian prisons of allowing prisoners to spend overnight with their men has not been tried elsewhere and would not, apparently, be successful at San Quentin because, so they have concluded, of the meetings, 'Every guy would know what to expect to extend to the San Quentin inmates. The practice in Sweden of going out of prison on leave for a day or a Columbian prisoner of visiting his wife or, if not married, of visiting a professional woman, without objections, not only on the grounds of the United States, however, men leave the prison on leave. This practice does not appear to be official.

The problem is aggravated in the United States by an inadequate classification system (in 1950 only 10 state penal systems had any classification system) and the position is only slowly improving. A few alternative types of institution exist in the United States, almost half of which do not accept women.

But it is doubtful that even the most advanced and ideal methods of diagnosis, prediction, and treatment, while employment and education, with the aid of an intelligent staff prepared and a variety of techniques to fit the prisoner for a better life, would succeed in its aims without the support of public conscience. The state of prison in Britain is 'far more serious than it was in the days of nearly two hundred years ago. Disgusting conditions of squalor such as would create a public scandal are still present. Morris, one of England's most talented prison reformers, 'absent, but in their place is the dis-

in pathological sex conduct forms.⁴⁰ No solution to the and Penitentiary Foundation matter of fact, the only coun- tution are the South American hods have been put into prac- e marital intercourse at more): 2. to organize colonies in family (Brazil, U.S.S.R.).⁴¹ Mexico and some other Latin of allowing women to sleep been generally followed else- welcomed by the prisoners in said in their Group Counsel at they were here for.⁴² And e the right of the prisoner in leave or the privilege of the e in a certified rooming-house ostitute, would lead to many of security. In some Southern on on furlough although the ly admitted.

America by there being no 1951 only about a third of the cation committee or centre at proving)⁴³ and by there being in all but the most populous ot have separate prisons for

ost modern penal system with n and classification, of worth- h well-equipped buildings and ble to employ psychological etter and more useful life out- hout a more fully awakened ns today, both in America and that which Howard described ease, wholesale brutality and blic scandal are,' as Terence ed young sociologists, has said, smal reckoning that after 150

years of experimentation with
away as ever from success
cerned . . .'⁴⁴

The public is not concerned
than enough money is being
should primarily be placed
widespread. Sir Alexander
men are sent to prison as a
has become a principle of p
generally accepted. Whenever
a new prison, there is always
happens, overcome by the
prisoners—although an open
preparing a prisoner to lead
attempted behind high walls
ment of England's first psych
where abnormal prisoners ca
and delusions, was also sev
stitutions on the Continent a
at Vacaville have shown prom

The suggestion that this
criminals in the future and
therefore, become anachroni
it seems that far more offen
simply criminal than is gene
be no doubt that the modern
have much better records as
preceded them. According to
Association for 1960, sixty
corrective training and from
detention since 1954 had be
And in 1961 well over half o
prisonment had been in pris
per cent of young men disch
fifty-nine per cent of young

* In 1962 the Howard League
Secretary's Advisory Committee
recommendation that as preventi
penological failure, it should be
Home Office Report, *Persistent O*
detention does not act as a deterre

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With penal techniques we are still as far as. The public is not seriously concerned and believes, perhaps, that more has been spent already. The idea that prisons of detention and punishment is still Paterson's celebrated aphorism that 'it is for punishment and not *for* punishment that we have penological thinking, but it is still not clear whether a proposition is made to establish that there is strong local opposition—soon, as it is, for the unexpected good behaviour of the men in prison offers 'a far better chance of leading an honest life on release than can be obtained outside the walls and prison bars'.¹⁵ The establishment of a psychiatric prison at Grendon Underwood which would allow men to receive treatment for their illnesses has been severely criticized, although similar institutions exist in California at the Medical Facility which are producing promising results.

The type of treatment will be given to all men in that prisons as we know them will, and the criticism is probably unrealistic, although the men in question are, in fact, mentally ill and not generally recognized. Certainly there can be no comparison between a prison and the modern Borstal do not differ from reformatory agencies than those which are mentioned in the Report of the Central After Care Commission. 70 per cent of the men discharged from Borstals in long-term sentences of preventive detention have been reconvicted by the end of 1960.* 70 per cent of the men who were sentenced to imprisonment at least once before. Over fifty-eight per cent of men discharged from Borstals in 1954 and over 70 per cent of men discharged from prisons, have

been mentioned in the Report for Penal Reform submitted to the Home Office. On the Treatment of Offenders a well-argued case for preventive detention had proved itself yet another system which has been completely abolished. Undoubtedly, as the Report on Offenders (1963), shows, liability to preventive detention is a thing of the past.

been reconvicted. Six out of ten offenders in 1955 had been found guilty of a crime within two years of their discharge.⁴⁶ And as it is estimated that other forty per cent have not returned to prison, it may be even more disturbing than the fact that the effort is made to prevent young offenders from returning now that Borstals are, therefore, being abolished whose future is pessimistically predicted to be accelerated by the Criminal Justice Act and the abolition of short-term imprisonment. Borstals' success rates seem likely to be similar to prospects in America are even more so. The total number of men committed to prison in 1955 had been in prison before;⁴⁷ and it is estimated that the Secretary of the American Correctional Association 'a habitual roving criminal group in the United States of three million, which our penal system should reduce'.⁴⁸

Clearly as long as the characteristic of the British countries continues to remind 'the obsolescence of a pre-1914 doss-house, a military barracks, a cleansing station',⁴⁹ and so long as progress is hindered on the one hand by prejudice and on the other by wild enthusiasts, there are few grounds for optimism.

Some men who break the law must be punished, a few, perhaps, for the whole of their lives. Klare has suggested, 'treatment in a clinic at the right moment, and lasting for the right length of time' which they will get 'of their own accord' attitudes'.⁵⁰ But for most of them the future until penal reform is recognized is a very expensive problem which concerns us all.

ers discharged from Borstals
further offence within three
t cannot be shown that the
d to crime but only that they
f they have remained honest,
Borstal training, these figures
they appear. Now that every
ers being sent to prison and
increasingly filled with boys
cted—a process which will
Act of 1961 which envisages
ent for young offenders—the
drop lower than ever. The
depressing. 67.6 per cent of
federal prisons during 1959
has been admitted by the
nal Association that there is
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ic penal institution in both
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ary transit camp and a public
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ced cynics and on the other
unds for hope.

be confined for long periods;
lives. For many, as Hugh J.
osed institution, given at the
right time may be the only
growing out of anti-social
here can be no satisfactory
as an urgent and necessarily
ll.

'The Cozzpots are not all

'Was there ever a moment when you
stay on this side of the fence. I

'Yes, definitely. Especially when
I had assaulted a policeman I

'By the policeman you had a

'By his mates. By his father.

'When you say assaulted, what

'Well I got a thrashing with
—truncheons . . . they didn't hit
side of the body—on the calf

'How many of them were at it

'Two or three. In the police
with you, and before you know

'Did you complain about this

'Well, who can you complain

The professional criminal takes
to be beaten up by them is
conviction by bribing them—
occurrence. Allegations of such
improper methods of questioning
obtained by threat and force
ever since professional police
some flimsy support during

PTER FOUR

OLICE

idiots.'

ROBERT ALLERTON, 1961

en you deliberately said, "I am going to
am going to be a criminal"?'

when I was assaulted by the police. After
I was badly beaten in the police station.'
assaulted or by his mates?'

r-in law, actually.'

what did it actually consist of?'

n the fists and boots. Everything went in
mark me on the face. It was on the fatty
and such-like.'

it?'

e cells. They come in and start arguing
w where you are, you're getting belted.'
s to anybody?'

n to? They're all policemen there.'¹

lks and writes of policemen as though
an occupational hazard and to escape
—'putting in the bung'—is an everyday
uch brutality and such corruption, of
ioning, of statements and confessions
ce have been made against the police
e forces existed. They were made with
the Browne and Kennedy case in the

spring of 1928; and they were repeated the summer of the same year after a man was charged with an offence in Hyde Park, London, and the Yard. This time the issues were felt to be so important that a Royal Commission on Police was appointed. In many countries a suspect is not allowed to be believed to have relevant information until he has been examined by an examining magistrate and can be punished for his answers to his questions. In France the *juge d'instruction* and the procurator-fiscal are given this power by law; but in England and the United States this sort of power is left to the police who are not stepping the narrow limits of their power to any form of compulsion and theoretical liability for action for wrongful arrest or false imprisonment in their authority. The practice of the police in questioning and taking statements had not changed before 1928 and while the Commission reported that the methods of the police were not to be changed, they did not exist in England, they emphasized the limits on police powers of questioning.

These powers had been rather loose. In 1928 two policemen had been rebuked by judges, one for not cautioning a suspect before questioning and the other for doing so. The Judges of the High Court made some ruling on the matter and even a prisoner in custody nor any person arrested should 'made up his mind to charge' should be questioned. Prisoners wanting to make a statement should be cautioned, and so should suspects who are questioned. The words should be: 'Do you wish to say anything in your own defence? You are not obliged to say anything unless you wish to do so, but whatever you say will be taken down and may be given in evidence.'

These Judges' Rules, elaborated in 1934, have not always been strictly observed. In a case discovered, did the police always follow the rules about search warrants. It had 'long been the practice to search' the house of a man who had been arrested when a warrant had been issued. The

ed with more justification in Miss Savidge, who had been was interrogated at Scotland be of such public importance Powers and Procedure was ected person or one who is n can be brought before an ished for refusing to answer *instruction* and in Scotland power of examining suspects ted States, interrogations of constantly attacked for over- power, which does not extend ically leaves them open to an mprisonment if they abuse olice with regard to interro- been the subject of a public members of the Commission ice left little room for com- rstood in the United States ized the need for control and

osely defined in 1906 after dges on the Midland Circuit, re asking him questions, the e High Court were asked to ventually decided that neither n whom a police officer had be questioned without a cau- statement should also be hen formally charged. The y anything in answer to the anything unless you wish to ken down in writing and may

by the Royal Commission, ed. Nor, so the Royal Com- ways observe the regulations een the practice of the police d been arrested or for whose e Commission were satisfied

that the practice was 'necessary for justice', but their suggestion that it be abolished by a Statute was not adopted. The practice is still accepted by courts, and there should be a difference between what is done in practice.

Although police procedure was approved by the Commission, some of the things which were said to be much exaggerated were police behaviour which was excessive. Guards were recommended to be more lenient towards prisoners in matters such as parades, two matters which it is not likely that many students would know. Major R. O. Sheppard who was a prostitute in Piccadilly of whom it was said that he got up on an identification parade on the streets outside the police station. 'None of the others looked like me', he said. Sheppard complained with some justice that none of them were wearing choker neckties.

The Royal Commission also published its somewhat contradictory conclusions about 'the substantial case for the abolition of the police' but only in a Memorandum. It was recommended that the police should be partially autonomous local authorities. The 'relations between the police and the public which had regularly appeared since the war',⁴ were denied. The Government Social Survey of 1956 found that the police and the public are 'in a better state than they have ever in recent years'. The public 'have great respect for the police'.

This is true although a visitor from America has no respect for the police and although a larger number of Americans are known for using methods without regard for the rights of the individual. They are, as Colin MacInnes has observed, 'doing what they demand without any understanding of the consequences'.

ENT PROBLEMS

ecessary and proper in the interests of that the position should be regularized and has not been adopted since. It police and criminals alike that there been what is right in law and what is

re regarding searches received the ap- and allegations of police corruption ggerated, there were other aspects of ere matters of concern. Further safe- for instance, with regard to the state- and to the holding of identification a remain of concern today, although it uspects would share the experiences of o, having been wrongfully accused by f having stolen her handbag, was lined ade with what men could be found in e station at one o'clock in the morning. in the least like an army officer,' Major understandable indignation, 'and four rs.'²

of 1929 was followed by another which mplacent report in 1962. This pointed or creating a national police service',³ m of Dissent by Dr A. L. Goodhart he present system of large numbers of orces should be ended. And suggestions ed in the Press the previous winter that ice and the public have never been Commission, indeed, referred to the which indicated that 'relations between re good. There is no reason to suppose ent times been otherwise. Most people lice.'⁵

rociferous minority both in Britain and them at all and do their best to provoke minority are continually criticizing them which their work would be impossible. nes one of the most understanding of the dangerous and difficult job society standing by society of what their moral

and professional problems are'. In complaints against the police in hundred of which were regarded as pro says, is 'very small in relation to the ne one complaint for every twenty thous and many of them were made by angry Commission did not think there was a the present system of investigating the quarters, although it may well be the enquiry—outside the scope of the ne stabulary—is, in fact, often justified. F have great respect for the police' that the police do not take bribes, employ unfair means of getting evidence in court, all of which, of course, they necessarily mean that if 'most people' widespread they would no longer enter the police whose methods, after all, ve

It may be, indeed, that 'most people' concerned with how the police behave in obtaining their conviction as with ho first place. Their record in this respect face, to be very good. Perhaps Donald calling in the *Sunday Telegraph* for 't and lamenting the fact that only one pe passes at advanced level of the Gener to say that 'the police seem to be outw years ago,' he continued, 'preventable in just the same way, and the police we paced. But after Lord Trenchard had u missioner of Metropolitan Police for t by more than twenty per cent from 2 to 18,400 in June 1935. By reorganizi out corruption, tightening up discipl methods of fighting crime, he put Lo crime.'"

If they were ahead of crime then, the of it now. Scotland Yard was said by beginning of 1962 to believe that it crime wave. Though it has a long w face of the recent series of successful

In 1959 there were 1,700 in the London area, two removed. But this, as the Report on the 'Number of policemen'—about 100,000 hours of police duty—by drivers. A majority of the complaints at police headquarters thought that an independent Chief Inspector of Constabulary for the fact that 'most people does not necessarily mean use violence unnecessarily, or give false evidence sometimes do. Nor does it believed these abuses to be certain this 'great respect' for very rarely concern them.

'People' are not so much concerned with offenders and how many they arrest in the country does not seem, on the surface, McLachlan was right, when he said 'The Trenchard of the sixties' 90 per cent of police recruits have a General Certificate of Education, 'littered and outpaced'. 'Thirty years ago crime in London was rising and we were being outwitted and out-gunned. I used the new broom as Commissioner. In three years, crime had fallen from 23,740 cases in June 1933, to 10,000 in Scotland Yard, cleaning up the force and modernising the London's policemen ahead of

They cannot be said to be ahead of the world. *The Sunday Times* at the time was 'beginning to beat the world in the way to go, especially in the area of payroll and mailbag raids,

police chiefs say that measure 'increase in crime'. But although year in the amount of property indications that Scotland Yard. According to expert evidence Police in 1962, 'the average obtained by fraud in the country million pounds, of which less according to figures collected Cambridge 'seventy per cent robbery escape altogether'. crimes committed all over the up, but in the last twenty-five by about five per cent. For 1961 compared with forty-five rates of pay have helped to so one reason for the decline. But although new courses of for promising constables to for the C.I.D. And all the more expert and cunning.

'He can discover where police frequencies change. He can live in another's territory. Aided to make a "getaway" that will take within the hour. In the use of becoming efficient—as in evoc

It seems then that, although is against a more powerful case for Dr Goodhart's recommendation of Dissent to the Royal Commission. Howe's repeated suggestion

Before the existing British tional title of being the 'most be remembered, though, that public are responsible for a that America's loss to the estimated as being \$22,000 an average year (1956) or known to the police end

ENT PROBLEMS

ures in 1961 have reduced the rate of
ough the Flying Squad had a record
erty recovered, there were few other
ard's reported optimism was justified.
e given to a Royal Commission on the
ge annual value of property stolen or
ntry is probably of the order of twenty
ess than a quarter is recovered'. And
ed by the Institute of Criminology at
t of the perpetrators of some kinds of
8 Before the War about half of the
the country were eventually cleared
ve years the detection rate has dropped
orty-five per cent were cleared up in
our per cent the year before. Improved
o increase the numbers of police and
e in efficiency is being slowly removed.
on police training are being established
ere are still too few training facilities
time, the modern criminal is becoming

ce boundaries lie and when wireless fre-
n an area policed by one force and operate
by motorways and fast transport he can
ke him through six separate police districts
of explosives and electronic devices he is
olving new kinds of fraud.⁹

gh the country's traditional prejudice
entralized police, there are good reasons
endations, given in his Memorandum
ommission Report, and for Sir Ronald
s that there should be a national C.I.D.
sh Police are deprived of their tradi-
ost wonderful in the world', it should
at the carelessness and stupidity of the
large proportion of preventable crime,
'barons of the underworld' alone is
0,000,000, and that in that country in
ly 13.2 per cent of serious offences
ed in conviction,¹⁰ that the Italian,

Enrico Ferri, wrote in the nineteenth century that 90 per cent of discovered crimes go unpunished. In the beginning of the twentieth century there was a report of a house-breaking in London to every ten persons of that sort,¹² that a man sitting down to protest in Trafalgar Square was likely to have more chance than a man protesting against the O. P. D. I read with dismay in the *Guardian* of a man pleading guilty at Warwick Assizes for a crime of entering we can learn from *Time* that a man more than ten times as many policemen in the city. His salaries start off at \$393 a month and a young man who is not a certifiable model of morality has been implicated in crimes that over ten times as much more than \$250,000.¹³

It may no longer be true, as it was when this article was published, that 'the great majority of policemen are either by temperament, training or education, honest. It may also no longer be true that the police are not to be trusted with his gun as he was in Chicago in 1933 when thirty-nine people were shot, 'not all by a policeman.' It is true that the corruption in America in the last few years has not been limited to Denver and Chicago. Chicago's 11,200 policemen were found guilty in 1949 and in 1949 'a gambling syndicate had a finger that did not get burned because it was paying a million dollars a year in graft to keep the police off a bookmaker in New York, who admitted to paying a year in police protection, named himself as a bribe had bribed and eighteen of them were found guilty by jury or contempt of court and forty-nine were fined the Police Commissioner. Four years later the city chose Stephen Patrick Kennedy, the son of a politician to be his chief inspector. Eighteen months later Kennedy was Commissioner himself. 'I am going to do it vigorously,' Kennedy told his men. 'I am not to be confused with the vagaries of the why-should-I-do-it man has a job to do, and if he does it he gains respect. That's a damned sight more than I liked.'¹⁷

Kennedy's policemen were not g

h century that 'seventy per
ned'¹¹ and that at the begin-
was only one conviction for
twelve known crimes of this
st against the hydrogen bomb
ve been more gently treated
A.S. in Paris, that while we
four Birmingham policemen
to charges of breaking and
t a few months before more
n Denver, Colorado—where
nd 'almost any able-bodied
ron can join the force'—had
n years had brought them in

When the Wickersham Report
ity of police are not suited
ducation for their position'.¹⁴
The American cop is as wild
1926 and 1927 when eighty-
ny means gangsters'.¹⁵ But
merican police forces in recent
r. In March 1960 many of
nd to be part-time burglars;
had a finger in Brooklyn, a
e cops were paid over twelve
the heat off.'¹⁶ Harry Gross,
ed to paying a million dollars
merous policemen whom he
e tried and convicted of per-
one were dismissed as was
later a new Commissioner
son of an Irish immigrant,
nths later the terse, efficient
'Apply the law and apply
'It's not your job to become
-oh-why school. The police-
t honestly and intelligently,
t more important than being
greatly liked and nor are

Michael Murphy's, but the predecessors and most of twenty-three thousand of make two army divisions. Trucks, mounted troops, nearly three thousand known drugs now, following the example of Tactical Patrol Force whose decoys to trap robbers and a laboratory which is the biggest finger-print files with more confidential squad that spies regretably they need it. In Murphy arrested for blackmailing and in a sailor they saw take a job to have permitted gambling in Harlem; one was arrested another for raping and murdering.

But New York's Police America, and if corruptionments that have proportionments that are not still in 'shake-down' rackets. If Kennedy and Murphy would that it was at war, and being. If its men sometimes apply America's other 177,000 police has ever attracted many young men, even now 'concerned' residence, and citizenship, investigation, and perhaps the quality of those applying for a few years 'seriously degenerated'.

'The cozzpots are not guardedly admitted. None of man requires far more quality or is trained to acquire and accepted it is hardly likely to be criminals.

ENT PROBLEMS

They are much more respected than their contemporaries. There are over them, almost as many men as would they have helicopters, boats, emergency narcotic squads (to keep track of twenty-drug addicts), bomb-disposal units and of the St Louis police, a squad in the members, disguised as women, act as and sex criminals. They have a crime largest in the world after the FBI's and than 3,700,000 cards. They also have a s on the rest of the department. And re- arch 1959 three of Kennedy's men were bookmaker; two others for blackmail- girl into a hotel; four others were found g to go on unchecked in their district ed for a homosexual offence; and yet rdering an elderly woman.¹⁸

The Department is one of the best in exists in it, there are few other depart- nately less of it, and few other depart- volved in some way with gambling or it still appears unnecessarily violent, ould excuse its violence by protesting g at war it must use the weapons of war. ear to be stupid, so do hundreds of olicemen, for it is not a profession that ounting men of talent. The usual qualifi- n little more than age, weight, height, together with some sort of character certain mental standards'.¹⁹ And the or admission has, apparently, in the last ated'.²⁰

'all idiots,' an English criminal has of them should be. To be a good police- ities than he is as yet expected to possess and until the implications of this are ly that there will be less professional

THE YOUNG O

'Juvenile delinquency, particularly come to be considered one of the m of the day, and the epidemic of ar to be spreading so fast that it o society can make to control it—o

ONE warm evening in August 1957 e called the Egyptian Dragons, went int armed with knives, sticks, lead pipes youngest was thirteen, the oldest ni under fifteen. They were looking for a rival gang. They did not find then a fifteen-year-old cripple. They attac him.

Eleven of the boys were sent to a were brought to trial the following acquitted after New York City's lon found guilty of manslaughter, two of the four found guilty came from brok Negroes, one was born in Puerto R Republic. The Puerto Rican said tha the Negroes said that he used his mac that he was 'doing something'.¹

Both the crime and those who com of a growing problem which was dist Nowhere was the problem more ke

I V E

DEFENDER

in the United States, has most urgent social problems arrogance and crime seems bliterates the best efforts or even to understand it.'

VIRGINIA HELD, 1959

eighteen members of a gang, to a park in upper Manhattan, belts and a machete. The nineteen, most of them were some boys who belonged to; but they did come across cked him instead and killed

reformatory; the other seven year. Three of them were ggest murder trial, two were f second degree murder. All en homes; two of them were Rico, one in the Dominican t he had been drunk; one of hete just 'to show the others'

mitted it were symptomatic urbing the world.

eenly felt than in New York.

An investigation carried out revealed the extent of this problem: members were illiterate with comic books, cowboy and girl friends who slept with them; many of them smoked into the mood for fighting, particularly the gang leaders, while all of them were bored and self-satisfied, 'shook-up'. Courage and the only virtues universal in the 'turf', even if it were only, had to be fanatically defended, mainly concentrated in the Negroes and the Puerto Ricans, always moving and changing, living on poor relief and in the quarters of the city's juveniles, more than twenty thousand, five per cent of the young criminals, total number of families in the

Was juvenile delinquency asked. Or was it made to seem

Undoubtedly the precocity of the end of the eighteenth century, under twenty years of age, under seventeen; many were Boys of eleven and even nine of the same age who worked their takings into the prison, examined by Rossi and Lombroso, alcohol 'between the ages of to the practice of masturbation had had sexual intercourse land at that time less than and county prisons were over most recidivists served their prisoners were over thirty- England and on the continent prepared French statistics, general experience of other

ENT PROBLEMS

t by the New York *Times* in 1958 re-
problem and its dangers. Many gang
n little interest outside the gang except
gangster films and dancing with their
a them and carried their weapons for
ked marijuana and drank themselves
with cheap wine; some of them, parti-
re alert and intelligent; but practically
d frustrated or, as they put it them-
in a fight and loyalty to the gang were
y admired. The gang's territory, or
s it often was, a few crumbling blocks,
ded at all costs. These territories were
e poorest parts of the city where the
icans live, where the population was
ng, where hundreds of families were
hundreds more were broken. Three
ile delinquency was attributable to no
such families, that is to say seventy-
riminals came from one per cent of the
e city.²

really such a big problem, it was often
n so?

y of criminals has long been noticed. At
entury, of the three thousand convicts
in London prisons, nearly half were
e only nine or ten and some were six.
e were visited by their mistresses, girls
ed as prostitutes and brought part of
s with them.³ Of a hundred criminals
mbroso, thirty-five had begun to drink
two and ten; six had become addicted
ion before the age of six, and thirteen
before the age of fourteen'.⁴ In Eng-
a quarter of the convicts in borough
er forty, and in convict prisons where
r longer sentences only a third of the
five. The most criminal age, both in
ent, was well under thirty. Carefully
which illustrated in more detail the
European countries, indicated that it

was, in fact, between twenty and twenty-two; the peaks of criminality were reached by the age of twenty and for the less serious offences, between twenty and twenty-two.

While the numbers of boys under sixteen in prison is very small, this is due to reform in Europe and not to any decrease in youth crime in England, the number of boys sentenced by the courts because other forms of training are becoming available is increasing fast.⁵ Increasing at an even faster rate is the number of boys found guilty by the courts. In 1963 70 per cent of offenders were under the age of twenty; in 1964 the proportion was more than a half;⁶ by 1965 it was 60 per cent and this trend continues. In 1963 sixteen found guilty has more than 1938 the most criminal age for males and the most criminal age for females. This table⁸ shows the numbers of the population every hundred thousand of the population

Age	Males
8	220
9	451
10	703
11	931
12	1111
13	1315
14	1141
15	1145
16	1110
17	867
18	740
19	766
20	665
21-24	559
25-29	431

* The Committee on Children and Young People has recommended that children should not be held to be criminally responsible until the age of twelve. In 1963 the government proposed raising the age to fifteen. In almost no other European country is the age of criminal responsibility so low. In Germany, Norway and Czechoslovakia it is fifteen and in Sweden at fifteen.

ty-five; although for women between thirty and thirty-five between twelve and fourteen.

twenty-one who are now in forms in the penal system of youthful crime. In fact, in England the courts to imprisonment, considered unsuitable, is in a faster rate are the numbers in 1907 less than a third of twenty-one; in 1946 the proportion it had risen to about sixty. The number of boys under trebled in thirty years.⁷ In offenders was only thirteen the offenders was nineteen.* Those found guilty in 1938 for population:

Females

9

27

37

62

66

73

84

97

91

99

106

108

94

77

62

Persons recommended in 1960 that responsible until they were at least raising the age from eight to ten, fixed below thirteen. In Austria, fixed at fourteen, and in Denmark

Age

30-39

40-49

50-59

60 and over

Twenty years later the proportion of the most criminal age remaining was dropping to about fourteen for every fifteen per cent more offenders than there had been the previous year. Becoming progressively more violent. Certainly it is not different from the violence at any period. In 1900 a man was found dead in a room with wounds in his body. His murderer was fifteen and nineteen who had been committed because of a visit to a brothel. In the same year a thousand boys under twenty-one were in the Parisian gangs of young boys 'scarcely reached nubility', two of them befriended them and bitten them. At least, in the past it had been difficult to discover some reasonable explanation. It was often as unreasonable as the boy who confessed to the police that he had killed a boy by stabbing him in the back through bone'. Another young man said 'get the thrill I expected.'¹⁰ The allowance had not, of course, been made for neurotic behaviour in every form. The forces which gave publicity to the unknown for years, for the general interpretation of juvenile crime which condemn acts committed in a slum, the

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Males	Females
307	61
182	50
101	30
51	10

portions have not greatly altered, the proportions are roughly the same for boys and drop-outs and girls; and in 1961 there were over 1000 offenders between fourteen and seventeen years of age, a 10 per cent increase on the previous year and over nine per cent more than in 1957. But if it is true that the young are becoming more criminal, most criminals seem always to be young. The young seem always to have been the most difficult to find examples of their wantonness. In the nineteenth century, for instance, the streets of Milan with eighty-two murderers were five youths aged between 14 and 17 and all taken part in the murder which they wanted to get enough money for some period, when there were two thousand in the prisons of Paris and 'each of the young assassins included a girl who had been seduced. Two youths had killed a woman who had cut off her fingers to get at the rings.⁹ But, it has not been possible, or so it was maintained, to find a motive for violence. Now the motive is as that of the fourteen-year-old boy who was convicted in 1957 that he had killed another boy 'back to 'get the feeling of knife going through the body'. The young murderer complained, 'I did not know I was committing violence. Violence committed not for gain but for pleasure, has never been unknown before; but after due attention has been paid to the increased attention paid to the problem, for the sudden activities of police in the new suburbs, for a situation which had existed largely unchanged since the growth of population, for the misinterpretation of statistics, and for the attitudes of mind which have been formed in a new suburb that would have been the result of a real increase in such violence

and in juvenile crime generally—partly unquestionable.

By 1962 youths under eighteen were the *Uniform Crime Reports*, for a vast number of burglaries and rapes in a proportion is impossible to estimate of a youthful offender is more likely to lay himself out than an adult. There can, however, be little possibility of overstatement. A report published by a Committee of the U.S. Department of Justice, which showed that 1,250,000 children get into trouble with the police every year, and that 150 assaults are made upon the police every year by youths under eighteen. Baltimore, Detroit, and Philadelphia, as well as New York, have taken various measures against juvenile crime.¹³ All these cities have teams at work endeavouring to solve the problem; and organizations such as the National Board sent out special workers to treat the delinquents by talking to them and their families.

The whole structure of American society is based on the case of adult crime—to be responsible for one's own actions and its failings. The restless youth and vigorous talk of 'roots' but the simultaneous widening of the gap between the growing tightness and isolation of groups according to race, income and education, the need for more discipline, the weakening bonds of family life and the neglect of their children, the easy discipline of the past and the new depressingly uniform and unexciting life blamed by American sociologists for the delinquency of the country's youth. Even the reliance on the police by some to be dangerous because it helps to solve the offender himself, by helping him to solve his own problems. And it was not only the offender who was 'upset' and to be without a sense of guilt, but the family also showed little concern. 'Although the police vocalized their shock and grief their hands were not raised against it.'¹⁴

Most of these factors applied also to other countries with similar results; but a peculiarly American factor was the disastrous lack of adequate penal measures. It is difficult for America, even now, to compare with

particularly in America—seemed

were responsible, according to a very high proportion of the population in America, although the exact figure owing to the fact that a youth is almost always open to arrest.¹¹ There is a danger of misinterpreting the figure given by the United States Senate in 1955 which stated that between ten and sixteen per cent of the population were delinquent each year.¹² In Washington most of the juvenile delinquents in 1959 were boys. In San Francisco, Los Angeles and New York, had to take emergency measures. All over the country research was being carried out to discover the root of the problem. The New York City Youth Council was set up to study the problem and understand the delinquent families.

The American society was found—as in the case of Europe—both in its virtues and in its vices. In the case of America, the constant change of population, the wandering and migrations, the groups divided by religion and race, the need to belong and to conform, the conflict between parents and children, the pressure in many American schools and in the cloistral suburbs, were all factors which contributed to the rebelliousness of the youth. The psychiatric therapy which was held to be the answer had an 'undesirable effect on the youth who take his offence too lightly'. The youth who failed to 'appear unduly guilty but other members of the family were not guilty'. Although the parents sometimes blamed the youth for their behaviour did not indicate

the same in Europe and had led to a further American aggravation was the case in Europe. There is nothing in the British Borstal system.

Probation services are uncared for and are thrown into jails because they are not to be held or trained. And what is the little which hinders them from escaping to a better world where the Valiant Ones, the Demons, the Chaplains and the Knights with knives and Molotov cocktails and zip guns to defend their territories.

The gang fights, or 'rumble', are nearly always superficially and are rivalries, like the 'rumble' between the Ricans, known as 'Cape Mar', and the young and killed two of them as the result. But racial intolerance is not the cause. The attitudes of mind that have been accounted for. They are far more than born perhaps in the bitterness of the homes which are not homes of peace and anger and resentment. The same idleness and boredom that has been the summer of 1958 with the coming of the Indian 'Spades' of Notting Hill. They induce the Roman Catholic priest to go to one extreme to attack the police and sympathetic judges and social workers and 'force to meet force', and to plead for sympathy for the young. 'It is very meaningful to him' but the result in drunkenness and violence. He is at least partly responsible for the spread of diseases—syphilis among children increased 78.3 per cent in London in 1958. Girls as well as boys. According to the Youth Board girls 'will do anything for a gang'. 'They are promiscuous and are a Sub-committee on Juvenile Delinquency to be guilty of sex offences, and are promiscuous, more and more so, and violence. They are often prone to be excessively'.

ENT PROBLEMS

der-staffed and thousands of youths
se there are no other places for them
when they come out they have learned
m returning to gang life, to the dream-
t Crowns and the Royal Knights, the
l the Imperials still wait with hunting
ls, torn off car aerials and home-made
itory against all invaders.

bles', that so frequently break out are
the result of 'turf' invasions or racial
n September 1959 when two Puerto
n' and 'Umbrella Man', led their gang
g white 'gringos' of the Clinton district
they ran away from their playground.

more than a superficial explanation.
lead to the 'rumble' are not so easily
more diffuse and complicated; they are
ess of poverty and squalor, and bred
nes at all; they are symptoms of lone-
tment; they are the outcome of that
that led nine London youths to go out in
shes and iron bars to beat up the West
Hill because they had black faces; they

Monsignor Joseph A. McCaffrey, at
e kindness and gentleness of over-
al workers and to demand 'more jails'
l Norman Mailer, at the other extreme,
the juvenile delinquent whose knife
being his 'sword—his manhood'. They
ice as well as in violence. They are at

the sharply rising rate of venereal
children between fifteen and nineteen
New York in 1959¹⁵—and they affect
ing to Arthur J. Rogers of New York's
anything to please members of the
us, truant and violent,' he told a Senate
Delinquency. Whereas they used mainly
they are now, although still carelessly
re involved in stealing and crimes of
regnant and 'use alcohol and narcotics

They search, in fact, like their boyhood friends, for the same factions of pleasure which, without the comfort of achievement or the capacity to enjoy what is possible for them to obtain. Driven to crime by the insipidity of available and too familiar diversions, they seek excitement by means of crime and violence against the dullness of conditions of a confusing life that offers so little, that provides few challenges but is nevertheless that is unsatisfying and above all not exciting.

And it is, perhaps, in the need for excitement that the roots of a criminal life can be traced.

'When we were shoplifting we always made a bet. One thief said when remembering the days of his youth that we might gamble on who could steal the most. I would steal caps from the largest number of stores. I would steal in the presence of a detective and take the risk of daring each other that way and thinking that was the best part of the game. I would go into a store and take one on, and when the clerk was not looking I would store, leaving the old cap. With the new cap I would go to another store, do the same thing as in the first store, and leave the one I had taken from the first store. I would do this day and have one hat at night. It was this that I did. I kept this up for months and then began to get bored. I went to the West side. It was at this time that I met the other boys.'

English youths, too, frequently speak of their determination to gain acceptance and excitement through a lack of fear:

'I got in with a lot of other chaps. I met the other boys. There were four of us who went together. I called it "the excitement" . . .¹⁷ 'It was partly the drive for excitement and adventure; anyway, I was looking for him¹⁸ . . .' 'It wasn't really to steal that I was in. In I looked about for something to take. I was looking for him before and he told me it was very exciting. I was looking for him didn't do anything to him. I hoped, of course, that I would get away if we were careful. I didn't go in just to get away. It was devilment, more.'¹⁹

friends, for the lasting satisfaction of the discipline of hard work, the intensity for happiness, it is impossible to drink and drugs and new experiences, so many other easily obtainable pleasures. I feel driven in turn to protest against the boredom and frustration of life so much and seems to give so much excitement without great apparent injustice, without any excitement, exciting.

excitement that the first germs

made a game of it,' an American boyhood. 'For example, who could get the most caps in a day, or who could visit the most stores in a day, or who could get away with them when they get away. We were always coming up with new schemes. This was the first time I went into a store to steal a cap, by trying to get away without watching walk out of the store with the cap on my head I would go into another store, getting a new hat from another place. I might do this all day long for the fun I wanted, not the hat. I never thought of selling the things to a man on the street. I began to steal for gain.'¹⁶

of this need for excitement, the boy sought for friendship by showing a

them at cafes and dances. There I didn't do it for money but for excitement. I think, I suppose, but partly for fun. One day I said I would go with another boy. I did it. Of course, when I got caught. The other boy had done it before. I was caught, and when he was caught they were caught. Of course, we wouldn't be caught if we didn't go to pinch something. It was for

'That was the kick of my wh
 admitted when telling the stor
 boys in the street persuaded h
 was scared but made up my
 too thrilled to say no . . . I fel
 big guys said I could go with th
 every night we went robbin' '20

Apart from the gratification
 found satisfaction in the kn
 that he had found acceptan
 naughty than he was. He had
 of them. A deep sense of lo
 was for him, as for so many
 for a family where he felt he
 a school where he was not
 are eventually accepted by
 as inevitable, whatever the
 activities seem scarcely di
 gather wood together, go sw
 Street.'²¹

It is being together that
 studied in the *Illinois Crime*
 were committed by two or m
 study revealed that out of 5,
 variety of crimes only 18.2 p
 more than seventy per cent
 was not so much that an acc
 in Lombroso's words, is 'a so
 so enjoyable unless carried ou

When the expedition ends
 over and the boy feels sudder
 offender but he is likely in fa
 offences for which he has n
 as a whole,' Sheldon Glueck
 gations into the careers of hu
 gradual development of a re
 the time delinquents and crim
 courts and punitive and cor
 respects the finished produc
 of our most cherished social in

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hole life,' another young American thief
y of how at the age of eight some bigger
aim to climb through a small window. 'I
y mind to go through anyway. I was
t like a big-shot after that night and the
nem every night they went robbin' Almost

of a craving for excitement, the boy
nowledge that he belonged to a gang,
ce by boys so much bigger and more
d admired them before, now he was one
oyalty to the gang soon developed. It
other delinquent children, a substitute
e was not wanted and a substitute for
a success. The activities of the gang
the young member as normal, almost
ey are. Criminal and non-criminal
stinguishable anymore—'We would
rimming, or rob the Jews on Twelfth

is important. Of six thousand thefts
Survey in 1929 over ninety per cent
more boys acting together.²² Another
480 young offenders found guilty of a
er cent had acted alone.²³ In England
of young criminals act in gangs.²⁴ It
complice was necessary as that crime,
ort of pleasure expedition which is not
t in company'.²⁵

s in the juvenile court, the pleasure is
nly alone. He may be treated as a first
act to have committed many previous
ot been punished. 'Criminal conduct
k decided after his elaborate investi-
ndreds of juvenile delinquents, 'is the
lated series of anti-social acts . . . By
minals fall into the hands of the police
rrectional agencies they are in many
ts of failure and neglect on the part
stitutions.'²⁶

Glueck found that the great majority need of pity and understanding. The histories of a thousand juvenile offenders in the courts and over five hundred young boys in the criminal courts of Massachusetts, a third of the boys and a seventh of the girls had a brother or sister who was mentally defective. A large proportion of the parents, many of whom had been abroad, had had no formal education; a half of them were actually illiterate; the boys were not only poorly educated and subnormally intelligent, as compared with schoolchildren in three different cities, but were in poor health (over a quarter of the boys) and that bad housing was so general that it was found in regions that could fairly be called 'slums' in which there was an absence of street lighting and crime together with opportunity for truancy that hardly any of either the children or the parents were successful in their jobs or were free from family instability.

In almost every case the homes were not broken by desertion, separation or 'drugs and delinquency'. In many of them, drugs, alcohol, promiscuous parents or relatives had created a 'tribal condition'.²⁷

The same patterns in juvenile delinquency were found in England where in 1962 the joint chairman of the Home Office and the Children's Court said that its 'really important feature is the irresponsibility' of parents.²⁸

'One of the most significant facts facing the Home Office in the planning and after-care of these boys,' said the Home Office in 1962, 'is that we are trying to present as acceptable to them a way of life which seems to them completely unreal, if not impossible, in their manner of life in their natural environment. It is a very brief period to reshape a pattern of conduct which is the result of a long and sordid experience.'²⁹

There can be no doubt that the evidence is overwhelming and that at least one

ty of them were in desperate
Having examined the case
ders tried in Boston juvenile
adult male criminals tried in
he discovered that almost a
young men had a parent or a
diseased or defective; that a
ny of whom had been born
on and between a third and
that the children themselves
nd in a majority of cases
with control groups of honest
s in Massachusetts, but also
young criminals had syphilis);
t only 2.8 per cent 'resided
favourable; that is localities
et gangs and centers of vice
or wholesome recreation'; and
or the young men had been
from some sort of emotional

om which they came were, if
n or divorce, 'abnormal or
nken, criminal and sexually
l made criminality 'almost a

quency can be traced in Eng-
of the West London Juvenile
nt' cause was the 'horrible

those responsible for the train-
Mr Frank C. Foster, director
After-Care Association recently,
ble to them standards that must
farcical, when compared with
habitat. We are trying in a
duct that is the product of years

lence in support of this view
e reason why juvenile delin-

quency is not a serious pro-
 strength of the family in mo-
 that it is as dangerously short-
 strict as to be lazily or selfish
 social studies have shown th-
 or less important cause
 perhaps, the decline in the a-
 a working mother or, as Jo-
 deprivation or, sometimes, th-
 —there is far less agree-
 has recently emphasized th-
 the whole,' she has written
 relatively large families. No
 vestigators very frequently)
 (variously defined) families
 Offenders are unlikely to be
 as to whether club member-
 wildly contradictory . . . Mo-
 classes, but again evidence a-
 described as exceptionally p-
 probably no worse than th-
 have earned poor reputation
 prejudiced by their teachers

Contradictory, too, is the
 the effects of wartime miser-
 and on television, of the dec-
 churches, of the stresses an-
 created by an affluent society
 grace than a misfortune, of t-
 fare state whose benefits fall
 is that it is an almost univ-
 the Council of Europe's stu-
 in 1960 some countries, nota-
 less affected by it than other
noirs, the Germans their
 Swedes their *Skinnknutte*
 their *taiyozoku* (the 'child-
stilyagi (the 'style boys'). W-
 problem. A committee was
 quents'—the cumbersome t-
 Juvenile crime was a serious

blem in the Jewish community is the most Jewish lives; nor can it be doubted that a parent is to be unnecessarily indulgent. But although all recent studies show that an abnormal family life is a more important cause of juvenile delinquency—stressing the authority of the father, the absence of a mother, as John Bowlby has done, early maternal deprivation, the high wages earned by their children, and so on—about other causes. Lady Wotton has pointed out the contradictions in these studies. 'On the whole, it seems that offenders come from the middle and upper classes more infrequently (according to some investigators) than other members of the delinquents' families. Many of them have been in trouble with the law. They are regular churchgoers, but the evidence that religious upbringing discourages delinquency remains unconvincing. Most of them come from the lower social classes, but as to the extent to which they can be said to be poor is conflicting . . . Their health is poorer than that of other people, but many of them are well educated at school, though these may well be due to the parents' knowledge of their delinquencies.'³⁰

The evidence in these studies concerning the influence of poverty and dislocation, of violence in films, of the decline in the influence of the Christian religion, of intensified desires and resentments, of the attitude which sees poverty as more of a dishonour, of the attitudes of mind created by a well-to-do society on just and unjust alike. What is clear is that it is a universal problem, although according to the studies of juvenile delinquency published in the 1930s by Denmark and Belgium, were much more serious. But the French had their *blousons noirs*, the Germans their *Halbstarcken* ('the half-strong') the Americans their *leather-jackets* (the 'leather-jackets') the Japanese their *sun-sets* ('the sun') the Russians their *sun-sets*. What is also clear is that it is not a new phenomenon. It was first appointed to study 'juvenile delinquency' in 1817. The term was even then in use—in 1817. It was a serious problem in the 1860's as it is in the

1960's. The outlandish clothes of the 1950's were no more provocative than the behaviour of the young men in wartime America. 'It is the public opinion which is shocked by the fact that a large number of crimes are committed by the young,' Winifred Holtby writes, 'as an indication that people find it easier to conform to a society as they grow older.' And, after a study of first offenders in England, most of whom were young men, it is found that they are in trouble again; and even these eight per cent, a minority of a generation which may be called 'the young' has not yet been convincingly shown to be more criminal than are sometimes interpreted to support the view that they are appreciably more criminal.

But the concern which is felt about this minority, and the much larger majority which is drifting, is justified. Drifting, shiftless, destructive, the Prison Commissioners' Report for 1960-61 describes a common characteristic of 'negativeness', which is a persistent adult offender of the future. It is one of the urgent problems to be faced by the young men who live in the society they live in.

the English Teddy Boy of the
than the zoot suits worn by
is hard to see why public
a large proportion of crimes
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e affluent societies in which

THE SEXU

*'A person who carnally
or bird; or carnally knows
anus or by or with the mo
carnal knowledge; or atten
body is guilty of sodomy an
for not more than twenty y*

NEW YORK

'We used to go to dives when
about. Charlie had two girls;
gave me some. I saw blokes we
and poncing. After I'd been g
then—I found a girl who took
me. She used to walk alongside
prostitute—they don't call it "p
this girl used to take fellows in
do it, they take 10s. a time. Th
goes for a walk, it only takes ab
a lot of money; the Yanks, th
they're new they think a fiver'
get the real thing. This girl I w
months, she had the real thing
how to move their legs so a fel
ing things so a fellow thinks he'

'Well, I was with this girl all
pounds a night and she'd give
a wife. They want you more o

CHAPTER SIX

JUAL OFFENDER

knows in any manner any animal or any male or female person by the mouth; or voluntarily submits to such attempts sexual intercourse with a dead and is punishable with imprisonment for three years.'

PENAL LAW, SECTION 690, 1950

There were all the prostitutes hanging round me, they gave him all their money, and he was making a lot of easy money, thieving and going for some months—I was eighteen and a liking to me and started to live with a girl on the Strand, soliciting . . . This girl, this "prostitute", they'd say "I'm soliciting"—like a taxi. There's drivers in the West that when the driver stops the taxi in a side street and waits about five minutes. Some of the blokes give them money, they got no idea of English money; when they get the same as a pound note. They don't know what was with, she was on the game for sixteen months, only three times. These girls, they know how to play, they know how doesn't know; they got a way of fixing things up, having it natural when he isn't.

At the time. Sometimes she'd make twenty pounds a week for me. If you're a ponce the girl is like a wife or less to be like a husband to them. She

gives you the money and if you're kind and protect her . . . The girl went over policeman comes you walk up and for hours," and he can't do a thing.'¹

In August 1954 a Departmental Committee under the chairmanship of Mr John Wolfenden reported on its practice and procedure relating to prostitution. It decided that the sort of moral purposes which this police department had in mind, and the provision of a progressive increase in fines for repeated offences. The existing repeated fines for prostitution had been the penalty since 1840, were not sufficient. If a prostitute had come to accept the fact that her activities, a licence to continue practicing.

The Government agreed with the recommendations of the Committee and introduced a Street Offences Bill, providing for a fine to twenty-five pounds and three months imprisonment. Opposition to the Bill was raised on the grounds that prostitution would thereby be made more respectable and professionally organized. 'If we want to clean up the streets,' asked one Labour Member, 'what are we going to do?' He warned of an increase in prostitution among taxi drivers and hotel employees as 'there is a lot of money to be made'.

Of course, this was, in fact, one of the main reasons why hundreds of prostitutes who used to be seen walking slowly up and down London's streets were now out of view, but most of them remained in the same areas. The Committee, however, had not supported the legalization of prostitution, just as it had not believed in the legalization of private morals or with ethical sanctions.

Prostitution continued, as it had done before. Butler, the Home Secretary, had done what he could. It is beyond the reach of the law to find a solution. After a law sponsored by the Social Reform Committee to create state-supervised brothels in 1958, the number of prostitutes in 1960 there were twice as many people as in 1957; and the number of prostitutes also showed a 'marked increase'. In 1960, when it was forbidden to solicit in the street, the number of prostitutes was 1,500.

you buy her clothes and things West and I used to watch. If a say, "I've been waiting here

Committee was appointed, under Wolfenden, to consider the law, prostitution and to make recommendations of public solicitation for imdescribed should be ended by decrease of penalties for street fines of two pounds, which had been described as a 'farce'. The fine as a sort of tax on her practising her profession.

view of the Committee and an increase in the maximum months' imprisonment, became known on the grounds that prostitution was covert and, therefore, more difficult to drive women off the streets. 'where would we prefer them to engage in 'part-time pimping' by taxi-drivers in New York'.

result of the new law. The prostitutes can be seen every night walking the streets disappeared from public view in business. The Wolfenden Commission proposed it possible to abolish the law. It was felt that it should be concerned with the 'concerned with the streets'.

always continued, but Mr Wolfenden gave the best that he could. It was not an ideal solution. In Italy, the Communist Angelina Merlin banned prostitution. The syphilis rate increased until it was one in five people infected as there had been in the Netherlands, according to *Il Tempo*.

Holland, after women were taken to sitting under red-

shaded lamps at open windows in Amsterdam. In Soho and Phoenix, the occasional prostitute's life from time to time.

Prostitution was only one of the issues. The Committee was required to consider any changes it considered desirable in the law relating to sexuality. It did so in a report which has justly been described as 'modern, brilliant in exposition, a model of a clear and scientific approach.'² It defined as 'a sexual propensity for prostitution' which is essentially a medical, psychiatric, and not properly within the province of the law, and therefore, no longer to be a criminal offence. Sexual behaviour was 'between consenting adults' and a recommendation received from the Archbishop of Canterbury, Geoffrey Fisher, Pakenham (now the Earl of Pakenham) that penological questions are rightly left to be decided by doctors and psychiatrists. The Home Office Government whose spokesmen were not in agreement with the Committee.

Public opinion, it was suggested, was in favour of one of the Committee's recommendations which carries with it a 'moral' sanction. It should be regarded as condoning prostitution. 'Public concern and disgust' which had previously arisen from the tendency of some psychologists, to condemn men for fear in themselves, it was suggested, no longer existed. It was also true that there were various opinions about the nature and extent of the problem. It was probably true that the number of prostitutes was commonly supposed, but it was also true that the number was increasing. The number was perhaps between four per cent and five per cent of the population of male adults, and the proportion of men who had experienced prostitution during their lives was estimated by the Committee as seven per cent.

ENT PROBLEMS

dows in the De Walleijes district of Montmartre, as in Galveston and changes which the law makes in a short time are only superficial.

of the problems which the Wolfenden Committee consider. It was asked also to report on what was desirable in the law relating to homosexual acts which an American criminologist, modern in spirit and thinking, clear and unambiguously an example of the sociological method suggested that homosexuality, defined as 'sexual intercourse between persons of one's own sex', being essentially a psychological and social problem, was not a matter for the criminal law, and should be treated as a private matter between consenting adults in private'.³ This recommendation received general approval. It was supported by the majority of the Committee (including the Lord Chancellor (Lord Longford) whose views on this subject were highly respected. It was supported, also, by the majority of the members. But it was not supported by the minority who declared that public opinion did not support it.

The majority suggested, supported the minority opinion of the members, who said that the criminal law sanction and to remove this sanction would lead to practices which were the cause of much suffering'.⁴ Whether or not this concern and anxiety of men, so often noticed by the majority, most strongly what they most dislike was certainly true that these feelings were not unfounded: there existed widespread misconceptions and harmful effects of homosexuality. It was estimated that the number of homosexuals was greater than that of the number of transsexuals. There was no evidence to suggest that the number of exclusive homosexuals was greater than that of the number of transsexuals. The number of exclusive homosexuals was estimated to be between one per cent and five per cent of the total population. Although the Committee believed that the number of homosexuals had had some sort of homosexual experience was probably greater than the thirty per cent mentioned in the Kinsey Report in America.

Psychoanalysts agree that homosexuality is not a disease; and it cannot be doubted that the heterosexual nor that homosexuality is otherwise perfectly intact. It was with this knowledge as well as in the knowledge that some treatment, that in many cases homosexuality is a phase in the adolescent or immature, 'disease' as a condition of varying grade. The Committee, having decided that it was necessary to cover all the fields of sexual behaviour, recommended the following:

The acceptance of these recommendations has brought English criminal law into line with that of most other countries. For the time being, however, homosexuality between consenting adults, as well as buggery which is committed between a consenting man or a consenting woman, is not a crime, though Sapphic practices do not unless they involve an act of indecent assault under the Offences Against the Person Act, 1861.

The position in America is complicated by the existence of laws in different states but by law the distinction between types of homosexual conduct is made, between active, and which allow heterosexual intercourse or cunnilingus to be covered by the laws which are imposed upon homosexuality.⁵ The law does not draw the sharp distinction between male and female homosexuality which has been drawn in England and in many other countries (excluding Austria, Greece, Finland and the United States) by specific statutes against Lesbianism. In the United States such a distinction, while the law in a few states is clear, is not a clear interpretation at all. So far as is known, in New York in 1950 homosexuality between consenting male adults and between boy and girl was reduced to a misdemeanour and was not a crime.

* A recent American study (Irving Bieber's) has shown that men can be reoriented by psychoanalytic treatment to complete heterosexuality than the women. It also suggests that homosexuality is not a condition which is determined but that it is 'acquired and developed' for coping with fears of heterosexuality, the result of an unaffectionate father and an excessively affectionate mother, premature eroticism which is denied fulfilment, and other factors appear dangerous.

ual tendencies exist in every-
many homosexuals are also
can exist in a personality
these considerations in mind,
ne homosexuals benefit from
sexuality may be a transitional
and that it is not so much a
adaptations, that the Wolfenden
as not a function of the law
behaviour, made its recommend-

ndations would have brought
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homosexual behaviour by con-
either committed upon a con-
remain crimes in England, al-
s the Lesbian has been guilty
s against the Person Act.

icated not only by the vary-
ws which do not differentiate
, such as anal or oral, passive
ual conduct involving fellatio
e same legal restrictions that
Some states, for instance,
ale and female homosexuality
nd most European countries
and Switzerland which have
; but other states make no
ew is too vague to allow any
male homosexuality is con-
sexual conduct between con-
s from sixteen to twenty-one
nd in the Criminal Code of

s Homosexuality) suggests that more
reatment from complete homosexu-
Wolfenden Committee supposed. It
constitutional disorder genetically
overed as a circumventive adaptation
e fears usually being caused by an
tionate mother who has awakened a
nt and which has made other women

Illinois, revised in 1961, this is the case in most of the rest of the U.S. Some are severely, even by life imprisonment, convicted of sodomy, and others are sentenced to an indeterminate term of years under the so-called 'sexual psychopath' laws, necessarily imperfect, and the result of the difficulties in detecting a psychopath by the doubtful prospects of a cure. Some steps in a promising direction.

Most American states, however, have the Puritan morality of colonial times, which is still in force for adultery—and was once in force for fornication—was vigorously prosecuted. As a result, it has been suggested that the result in subsequent celibacy. Nevertheless, adultery remain and one State has a law of seduction.⁷ These laws, are, of course, they are ignored the law itself. In some states, is still a capital offence. The crime continues to rise irregularly and is one of the fortunately rare but characteristic of the sexual psychopath has been the cause of cases of rape—14,561 in 1960, 15,000 in convictions for 'forcible rape' and 10,000 in 'statutory rapes' or sexual intercourse without consent, an age which in some respects is by most countries in Europe.⁹

According to the Kinsey Report, the laws regulating morals are of the same nature. American men had 'experienced' sexual intercourse were twenty and only a very small number of them were married;¹⁰ nearly 90 per cent 'experienced sexual intercourse'.

* 'The proportion of mental defectives, Professor Leon Radzinowicz has estimated that these mental defectives have been 10 per cent of the population.'¹³ But the violent sex fiend is a real public menace. Only an estimated 100,000 in America have committed crimes of this kind. Concerned, there is far more danger of being killed by a sex maniac.¹⁴

UNLAWFUL PROBLEMS

is conduct is no longer a crime. But in the United States it can still be punished by imprisonment.⁶ In some courts a person convicted of certain other sexual crimes, could be sentenced to a long term after psychiatric examination and diagnosis under 'psychopath' laws. These laws are an illustration of the imperfection is emphasized by the term 'psychopath', let alone defining one, and the hope of curing him. But at least they are

however, still reflect in their laws the times when capital punishment existed and was occasionally put into effect—and when it was punished, the punishments sometimes inflicted, in homosexuality but hardly ever in heterosexuals. Nevertheless laws against fornication and adultery even has a statute forbidding masturbation, of course, openly ignored and because the offender himself falls into disrepute. Rape, in some states but J. Edgar Hoover's index of rape and in consequence an 'inordinate fear of a dangerous type of criminal, miscalled "rapist" has been created'.^{8*} In fact, the number of rapes in 1958—includes very few which result in death, the great majority of them being statutory rape with a female below the age of consent. In many states is well above that fixed

by the Reports, which indicated how widely it was disregarded, nearly three quarters of the 'convicted sexual intercourse' before they were married, a small proportion were virgins when they were convicted, half the female population had also had 'sexual intercourse' before marriage and about a

percentage of defectives is notably high among sexual delinquents. Czerny has recently written, 'and about a third of the offenders found guilty of offences solely against children are more often a creature of imagination than a creature of reality'. Estimated five per cent of convicted sex offenders are violent; and, so far as murder is concerned, being killed by a relative than by an unknown

quarter had committed adultery after of forty.¹¹

Investigations in other countries m acceptance of what *Esprit*, in a spe *La Sexualité*, called the 'new religi more effective methods of contracep sanctions, an increase in biological ledge that conceptions of morality va place to place, and a reduced fear c seen as causes of this 'sexual rev Norman Mailer thinks will be the c one for the twentieth century.¹² It c so far as it lessens the widespread e narrow intolerance but its effect on

By the time actual or potential c age of fifteen they are likely to have experiences. The boy has come to acc or a visit to the cinema or the café has come to expect him to do so insecurity and attitudes of sluggish i girl, and the callousness engendered tangible consequences of this casual illegitimate births may not be increa criminal abortions are. There are no as three hundred a day in England. I that there are as many as there are b there are, it is suggested, almost tw disease, despite the efficacy of penici tinues to increase in all three of th nations reporting to the World H seventy-six had a rising rate of syph thousand people died of the disease 1962, and as many as nine million a had it. It is spread mainly by youn But disease and abortion, uncared family quarrels and occasional resul the consequences of sexual delinquen

Apart from sexual impulses which rape, homosexuality and other spec bestiality, indecent exposure, incest of heterosexual intercourse, the desi

er marriage and before the age

might well reveal a comparable social issue devoted in 1961 to 'evolution' of sex. Industrialization, urbanization, the decline of religious knowledge and in the knowledge of venereal disease can all be 'evolution', a revolution which is not only 'meaningful and natural' but can certainly be welcomed in view of the evils of sexual frustration and crime cannot be ignored.

Delinquents have reached the point where they had a wide variety of sexual experiences except the fact that after a dance with a girl he will 'go case'; and the girl will 'go case'. In addition to feelings of sexual frustration and loss of appetite engendered in the girl, in the boy, there are more feelings of repetitive copulation. While the population is increasing fast, it seems certain that the number of venereal diseases is increasing, in fact, probably as many as in France it has been estimated that there are 100,000 births; and in the United States there are two million a year.¹⁵ Venereal diseases, gonorrhoea and prophylactics, also contribute to the problem in these countries. Indeed, of 106 countries surveyed by the World Health Organization in 1962, 100 had venereal diseases. In America at least four million cases in the year ending 30 June 1962 are believed to have or to have had venereal diseases.¹⁶ The use of contraceptives, for- and unwanted children, and the prevalence of violent crime are only some of the consequences.

It may lead directly to murder, and specifically criminal acts such as rape and various punishable forms of sexual abuse. The search for sexual excitement leads

to the establishment of vice rarely
generate more crime whether
is in itself rarely now considered
crime, but the prostitute is a
and they are natural friends.
Western World as a means of
perverse gratification, for my
ings, for intercourse free from
pretence'.¹⁷

But she remains at the centre
apparently, growing year by year
and which neither repressive
the 'new religion' has been able

NT PROBLEMS

ackets and vice centres which in turn
of a sexual nature or not. Prostitution
red a crime, and in England is not a
a social outsider, as the criminal is,
She may now be mainly used in the
satisfying 'the craving for variety, for
mysterious and provocative surround-
rom entangling cares and civilized

entre of a criminal problem which is,
near both in England and in America
measures nor the sexual freedom of
e to solve.

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Part V

PROGRESS AND I

VIII

PALINDROME

PROGRESS AND P

'It is better to prevent crimes than

AN essential aspect of the new theory which has been developing throughout the world has been epitomized by the Webbs: 'The most hopeful of "prison reforms" is to keep the doors open together.'¹

Although the origins of the idea of probation go back to some Warwickshire magistrates, who in 1786 sent young offenders to one day's imprisonment, and to some who were 'more carefully watched and supervised in their future', and to Matthew Davenport Hill, who in 1840 instituted the criminal courts of Boston, Massachusetts, in 1878, the regular service of probation in 1915 the system was apparently so successful that 95 per cent of those released on probation were sent to institutions as compared with 44 per cent of inmates of reformatories.³

Other states had less success, for many states made probation orders and there was no type of offender was suitable for probation. Some states imposed no limitations; others only for misdemeanants; Iowa did not allow venereal disease to be placed on probation. On the other hand, only allowed it in the

ONE

ANALINDROME

to punish them.'

CESARE BECCARIA, 1764

ory and practice of penology, out the twentieth century, has the most practical and the most keep people out of prison al-

of probation have been traced who in 1820 began to sentence on condition that they supervised by their parents in Court Hill, the Recorder of ed a register of supervisors,² Massachusetts, were the first to ces of a probation officer. By successful that only twelve per were subsequently committed .3 per cent of the former in-

not enough care was taken in was little agreement as to what this sort of treatment. Some s decided that it was suitable ot allow persons suffering from ation; North Carolina, on the case of those suffering from

venereal disease and those con-

In England before 1907 it was now any offender can be put for or more than three years, except treason, and offences under the Acts.⁴ It is widely used, particularly among the young. About four out of every five out of six adults convicted are put on probation. Twenty-eight thousand offenders were put on probation in 1956, thirty-three thousand in 1957. The danger of breaking down for the police officers. Many of them are debarred from probation as they can reach the age of 18, inexperienced and incompetent. The conscientious are not only overworked (in some hundred cases to look after) but also overburdened. Increases they have recently received are not in position very much. Ideally probation is to prevent further crime by the encouraging supervision of the offender 'of justice'.⁵ But too often it has been insufficiently discriminating. The opportunities of probation for the reformed criminals tend to feel that they have so much been given a second chance. When one of the conditions is that the offender live in a 'probation hostel'; and, as Lord Hewart said, 'it should be borne in mind that the offender does more mischief than the guilty men can effect good. The depredator who has escaped punishment is constantly present; an encouraging class.'⁶

The recidivist with two convictions is a good subject for probation. It is proved that rather more than half the juveniles re-offend within three years.⁷ 'None of them has even one step along the road to reform,' said recently, and it is true of the adult offender.

Probation, nevertheless, as the Home Department of Criminal Science

AND PALINDROME

convicted of second-degree prostitution. It was confined to first offenders; but on probation, for not less than one year except those convicted of murder, high treason, piracy and Dockyards Prevention Act, particularly for first offenders and the majority of ten offenders under seventeen and under twenty in the courts are put on probation. In 1959, and now the service is in a state where there are far from enough probation officers to deal with more than twice as many offenders as they can reasonably look after; some of them are intelligent; some are lazy. The best and most conscientious are overworked (with often as many as a dozen cases) but underpaid as well, and the inexperienced are not likely to improve the service. Probation is 'a form of social service which aims at a readjustment of the culprit under the supervision of a social worker guided by the courts. It does not succeed because the courts are not discriminating in those that have been given probation and in the conditions imposed. Consequently, that a man put on probation has not a better chance as let off altogether, even if the order requires him to live in a hostel. As Edwin Chadwick said 130 years ago, 'the escape of one delinquent must be counterbalanced by the conviction of perhaps half a dozen others, in the way of example . . . The punishment due to his offence is counterbalanced by the example of success to all of his

or more previous convictions rarely receive probation. About half the adults and juveniles of this sort revert to crime. As one of these probation officers have got to say, 'I have had with me,'⁸ one habitual criminal and many others like him.

In a report published in 1958 by the Home Office at Cambridge decided, 'emerges

unquestionably as a generally effective system, no matter ever the sex and age of an offender. The quality of the service is greatly improved and extended. It may well be true.

America faces a similar problem. The ratio of the majority of probation officers has increased from as many as three hundred at once—is as high as 1000—and most states 'lack adequate control of the personnel'.¹⁰ There are over three hundred probation officers and the numbers are increasing but the ratio remains far too high'.¹¹ At the same time the rules are often either too lax or much too strict. The conditions are, for instance, regularly revised, and where liquor is sold or drunk, not to drink, not to take a portion of their earnings while supporting a family, to attend church, to be at home by ten o'clock, not to borrow money, not to write to friends, and so on. There are many other rules which make life unbearable for the probationer. Frustrating.¹² All penologists in America regard probation as one of the most promising methods of fighting society against crime'.¹³ Clearly there is a need for the system and a need for its improvement. In America, with well-trained parole agents and a system of supervision, there is hope for parole.

Now that pardons (which in the nineteenth century accounted for over forty per cent of the releases from American prisons) are little used and the majority of those released come out on parole. At first the system was not perfect. The men released on parole were often those formerly pardoned at Ohio State. In 1870 the convicts exceeded the number of pardons and the State was forced to grant pardons in lieu of parole. 'In 1870 the prison for the newcomers'.¹⁴ Politics often influenced the operations of many parole boards. In 1880 hundreds of men who returned in 1880. As late as 1938, eighteen states attempted to operate the system by correspondence alone—written replies were often not checked the accuracy of the replies. There were no parole officers.¹⁵ Even now a parole officer is not always he comes out of prison; but at least, as said years ago, 'A man startin' out o

the measure of treatment what happened to be'.⁹ Unless the intended this may soon no longer

The number of cases which have to handle—sometimes as excessive as it is in England; control over the qualities of preferred federal probation officers 'the case load of ninety-four time the conditions imposed severe. Parolees in some jurisdictions required not to visit any place to go to dances, to save a supporting their dependants, to be in o'clock every night, not to be in prison and to observe both tedious and dangerously America, though, 'seem to look promising methods of protection in both countries there is hope and encouragement; just as in England and a feasible system of

middle of the nineteenth century cent of the releases from California anymore, over half the men released by the system had little success. California often chosen as arbitrarily as the State Prison where 'whenever the population of 120, the Governor of the State in order to create room in the prison played a leading role in the system and secured the release of parolees immediately to crime. As late as 1900 to keep in touch with parolees and reports were required but no supervision—lies—and fourteen states had parolees faces exploitation when released as a convict in San Quentin in California on parole, with prison officers

backing him up and seein' th' th' guy what does his time he's goin' t' sleep the first night lot lately. There's more men time an' being discharged w' they'll do when they get out paroled.'¹⁶

Statistics go some way towards whether paroled or not, the share the same experience in

'I've been let out before and it been quoted as saying. 'I knew was a convict. Maybe my cheek give it away but I still knew in and in the street would know about my record. It's better to admit it and starve. Anyway I talk behind your back all the time the auditor will find a penny mis there's the cops too. Every time dragged in, and you can't get away like a steer on a ranch.'¹⁷

The feelings of bitterness, such feelings are common to most ex- immediately to adapt themselves behaved well in prison or before expired, seems wholly unreasonable.

In 1832 Archbishop Whateley's conduct had compelled society to be loose till he had given 'some'. And it was to make it more difficult to live in society after his sentence instituted in Ireland a period of 12 months nearing the end of his sentence in the prison during the day and night. But Whateley's idea of a sentence for an indeterminate period had been either in England or America.

AND PALINDROME

at he gets a square deal has it all over and goes out without knowin' where he's at. I been watching the game a whole lot. I comin' back here after doin' their time with five dollars, an not knowin' what to do more than there is men what have been

wards bearing out this contention, but a man released from prison is likely to be a man in the outside world.

's always the same thing,' a parolee has to know first of all that people would know I got a new suit and shoes and new hat wouldn't be inside of me that everybody on the train knows. . . . Personally I'm finished with telling people to deny it and eat for a few days than to get a job and it's like it always was, you get a job and you worried sick about whether you're going to be dismissed and they land you for it. Of course when someone spits in the subway you get away from the feeling that you're branded

suspicion and inferiority which this man has. . . . prisoners and to expect such men to be a credit to society, merely because they have served their term because the term of their sentence has expired is unreasonable.

ateley suggested that no one whose sentence has expired should be again let out without some indication of amended character'. . . . It is likely that he would find it possible to secure the release that Sir Walter Crofton has advocated of comparative freedom for a man by allowing him to work away from the prison provided he returned to his quarters at the expiration of his sentence. . . . The idea of sentencing a man to imprisonment has not received much official favour in this country, nor have there been many oppor-

tunities to put the old Irish system in some prisons now let out privileged m

Most states in America—though n laws which provide maximum and mi offences, but these are not indeterminate. have often resulted in judges imposing two limits virtually the same—sen for example, a minimum limit of twenty maximum limit of twenty-five years. are indefinite sentences such as those is ordered to undergo Borstal training the court's discretion. And the effect be, that many prisoners are kept confined are released too soon.

Prisoners themselves, of course, d idea of an indeterminate sentence wh unsettling and capable of being use Many of them, and certainly most p to feel that they have paid the price number of years' loss of freedom. F prison officials tend to agree with the supporting the views of Sheldon Gl American criminologists, believes t sentences were to be imposed, behav to 'arrive at some diagnostic grasp o and to decide 'the most suitable techn training and psychotherapy' to reh changes occurred, the process could suitable spot in society and industry civil status (with parole control) as prisoner could not be changed by g him, provision would have to be ma ment.¹⁹

Putting this theory into practice wo difficulties and it is, perhaps, to b techniques, let alone the techniques prisoner's emotional state or of prec have yet reached the stage when eve programme could be overcome. But a be done, both in England and Ame criminals rather than to crimes. Far

to modern practice, although
en for day-time work.

not the federal system—have
minimum sentences for various
ate laws in the true sense and
ng sentences which make the
tences which prescribe, for
-four and a half years and a
¹⁸ These, correctly speaking,
used in England when a boy
g for a period which is left to
t has been, and continues to
ined far too long while others

do not on the whole like the
ich they regard as vague and
d tyrannously against them.
professional criminals, prefer
e of their crimes by a known
or somewhat similar reasons
em. But Dr Karl Menninger,
ueck and many distinguished
that, if fully indeterminate
rioural science could be used
f the offender's personality',
iques in education, industrial
abilitate him. If perceptible
d 'be expedited by finding a
for him, and getting him into
quickly as possible'. If the
enuine efforts to rehabilitate
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ould, of course, raise immense
be doubted that therapeutic
of accurately diagnosing the
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n the initial difficulties of the
a great deal more could surely
erica, to suit punishments to
too many arbitrary sentences

are still being given particular attention. It cannot, perhaps, be expected that a single explosive event in an unharmonious society expressive of constant frustration will lead to attempts to discover the influence of the environment in any particular case must be a vain quest. There is no hope of success in this direction. Britain's first remand centre for young offenders were examined and found wanting after its opening in July 1961. The main problem of finding suitable accommodation for all sorts of offender. As Derrick and his colleagues bleak, Dickensian straddle of the fence, a towering barbed-wire fence, was found for too short a time.²¹ As a result of the system lack of public concern, the absence of training facilities and, of course, the boys who come from appalling backgrounds on probation, providing the most difficult more impossible cases; boys who are still sent to Borstals to mix with the good. Their best to ensure that the boys who are still sent to prison and so are kept in the Governor of Wormwood Scrubs' hands to cure a dipsomaniac 'by the methods of America, where juvenile courts, tribunals have been set up to give the treatment to be given to the boys in only a few states and where the decisions are open to the discretion of the courts.

Years before the First World War, Raymond Saleilles insisted that the nature of the criminal to be treated. It has been maintained that the treatment of the criminal so one is tempted to say that, 'the treatment of the criminal is not a matter of degree but only criminals.'²³ Even the 'treatment' is as yet impracticable, and the efforts to stop the man, whose

* The eccentric behaviour of the judge who doubled the sentence on a defendant who had disgraced an honourable name, is p

early in the lower courts.^{20*} The law is unable to distinguish between crime as an unhappy life, as a pattern of behaviour and as a chosen profession. But distinctions which lead to criminal conduct continually be made before there can be recalling the criminal from crime. At Ashford, where two thousand young boys were reported upon in the first nine months of 1961, is one practical answer to the question of and useful punishments for different types of crime. As Sir John Sington has said, however, it is 'a prison with buildings, made more forbidding by the fact that it is a school' where too many boys are studied and treated with nearly all the rest of the prison population. This is reflected in shortages of personnel, and, of course, of money. For the time being the most deleterious families are still placed under the supervision of an overworked probation officer with yet few resources. Boys from good homes and with good jobs and good jobs with hardened offenders who will do anything to remain criminals; pyromaniacs are treated as homosexuals, a process which a former probation officer has described as being like trying to lock him up in a brewery.²² In juvenile courts are chancery rather than criminal courts set up with extensive powers to decide the fate of adolescents. But these tribunals exist only where they do exist their constitution and they have many objections.

After World War the French jurist Professor Léon Duguit has said that 'punishment must be adapted to the individual to whom it is applied . . . As in medicine there are no diseases but only patients, and, strictly speaking, there are no crimes but only individuals. If ideal 'individualization of punishment' is at least possible to make greater distinctions there is no doubt profitless term of punish-

ment of a judge in a Philadelphia courtroom who was named because, being a namesake of his, he had a name which was presumably, however, not common.

ment has been completed, from

Whether he leaves prison with the 10/- in America or the small allowance in England until he can draw money from the Board, his plight may well be pitiable. Societies do their best to help the prisoner, often thought of as just another part of the machine. The general public often forgets that these organizations are not without their own difficulties. Allerton.²¹ The picture he gives of the organizations is, of course, and self-important, doling out shillings from their own pockets is, of course, there was a time not long ago when it was not so. There is still sometimes in these societies a certain human sympathy, tolerance and understanding. Organizations such as the New Bridge Road Mission, these organizations, unselfish and unpretentious members are, find difficulty in overcoming the suspicion which the prisoner's loss of respect in him, and they cannot overcome the reluctance of employers to give jobs to ex-convicts. It is necessary for the discharged prisoner to have his insurance and income-tax, that will

Little enough *can* be done for the prisoner who does not want to reform, the old lag who has decided to remain an old lag. But for the ex-convict who seems genuinely to want to reform, *is* done. Hundreds of men like this, more than vicious, come out of prison every year, only to commit some new crime as a matter of course. Logically inappetent and unemployable, others are more obviously mentally ill, but there are many more who can be helped to a happy life. Mr Merfyn Turner, the youth leader from North Wales, has succeeded in getting a few of them together to work on 'cooking instead of carbolic' and to work on any exalted idea of "going straight" which others are doing.' Of the first two, Turner's Norman House at Islington was founded while he was staying there, and most

drifting back into crime. Ten dollars that he may expect that will keep him going in from the National Assistance e. Discharged Prisoners' Aid English prisoner but they are of the system which the external opinion of all prisoners is 'worth a carrot,' writes Robert 'pompous do-gooders', smuggles as if they were coming out a caricature now, although it was close to the truth. And societies an undeniable lack of understanding which smaller endeavour to supply. Even unimpeachable as most of their overcoming the resentment and of self-esteem has engendered the natural reluctance of many, nor can they make it un- to hand in forms to do with will disclose his past.

confirmed recidivist who does is quite content, if not deter- the homeless and friendless wish to do so, little enough most of them inadequate rather every year and sooner or later of course. Some are patho- le, permanent social cripples; all and perhaps irreclaimable; helped towards a normal and the former school teacher and recently begun the experiment live in a home that 'smells of work at honest jobs, 'not through but because this is what the hundred men who lived at only one went back to prison of the rest (by no means all.

of course) manage to stay on their feet. They are facing once more the challenge of the future. But Norman House is but one of many Charities and similar houses of refuge. The Margery Fry Memorial Home for the Deaf, the Centre, although a National Trust property, help from any organization and the Government for these homes and the need to be met demand it. Other hopeful experiments in industry and a scrap metal business in London and ex-prisoner labour—have been tried. We know how long it takes the Government to and to erase the prison commission. However, despite their proved success, they have received little official encouragement.

‘It must not be forgotten,’ said Lord Bessborough in the House of Lords in 1945, ‘that the aiding of man by man is a duty which has existed since the beginning of time when there are millions of people who are more than these liberated prisoners. It is a duty even now, but it is important to be done now or in time, given to the discretion of the State, not only as an act of charity and philanthropy, but as a duty. Philanthropists are not necessary.’

For more than half a century the process of reform. In England the Prison Act, 1907 was followed by the Children Act, 1908, which established juvenile courts and closed the doors of prison except in very special cases. The Prison Act, 1908 which set up the Board of Prisons and the imprisonment for boys between 17 and 21. The Criminal Justice Administration Act, 1914, allow time for the payment of fines. The Prison Act, 1922, numbers of men imprisoned. The Prison Act, 1922, Royal Commissions, Select Committees, and the Prison Act, 1922, amended further reforms made by the Prison Act of 1922, infanticide, and the Criminal Justice Act of 1922, of childbirth, was distinguished by the fact that pregnant women could no longer be imprisoned. The Prisoners’ Defence Act, 1930, provided for the first time to whom free legal aid could be given.

of trouble when they have left and challenges of loneliness and temptation. Lacked largely by London Parochial Societies established elsewhere are helped by the Golborne Fund. The Golborne Rehabilitation Society, a Registered charity, does not receive anything at all. There is no Government support. The national mood does not, apparently, favour such experiments—a building firm in Sussex in London run for the most part with its workmen initiated by former criminals who are discharged prisoners to settle down with a clear conscience from the mind. These too, however, are failures in success in keeping men from crime, and encouragement.

As Ferri wrote before the First World War, 'The factors ought not to be exaggerated. The honest work-men more unfortunate than the criminals.'²⁵ This is still not to be forgotten. It is important to remember that help, in money or in kind, to a discharged prisoner can be justified not only as a matter of sympathy but as one of expediency. It is not necessarily sentimental. Nor are reformers. In the nineteenth century the criminal law has been in the hands of the Home Office and the Probation of Offenders Act, 1907; by the Criminal Appeal Act, 1907; by the Children and Young Persons Act, 1908 which provided for the establishment of separate courts for children under sixteen years of age; by the Prevention of Crimes Act, 1909 which provided for the establishment of a probation system as an alternative to imprisonment for men sixteen and twenty-one; by the Probation Act, 1914 which made courts of summary jurisdiction instead of fines and so vastly reduced the number of prisoners in default. After the War a series of Royal Commissions and Departmental Committees recommended reforms many of which passed into law. By an Act of 1928 a man committed by a mother after the stress of childbirth was freed from murder; by an Act of 1931 a man could no longer be sentenced to death; the Poor Law Act, 1930 extended the categories of people who could be granted a pardon; the Children and Young

Persons Act, 1933 gave a new record of Approved Schools which now number 1,400. In 1948 the Criminal Justice Act carried a gradual liberalization which many precede. Many subsequent laws—including the Criminal Justice Act, 1952 the First Offenders Act, 1958 the Criminal Justice Act, 1961—have extended. A similar process is taking place, in the United States.

Remembering the appalling injustices of the past, it is not to feel grateful for all this. There is a growing knowledge that when crimes appear to be committed to factors other than a more criminal nature, they are often intimidated by the severity of punishment. In England, for example, showed a marked increase in suicides, partly attributable to a change in the class of people committing the crime; suicides have also increased but not so much in the average person's expectation of life as committed by the elderly.²⁶ The prevention of crime, in any event, involves many possibilities of error, particularly in the United States where the reasons as there are in England for juvenile crime are many different jurisdictions with contrasting laws and far from uniform attitudes towards crime. It can be doubted that some newspapers tend to exaggerate. Published statistics provide no evidence of a general increase in imagination does the same. Nor can it be said that had been prepared in the past on as a basis for comparison prepared today, any possible comparison between the crime that of our ancestors would be in favor of the present.

That English people are now convinced that the number of crimes every year sounds horrifying; that crimes which are for comparatively trivial non-industrial offenses, such as a car in a street where parking is forbidden, are treated as a licence, and well over eighty per cent of the traffic violations in the United States are traffic violations, are necessary in a highly civilized, industrial country. It is not to criminal behaviour of some sort; justice is considered to be permissible or at least necessary to create new crimes. Numerous new offenses have been created. Statutes dealing with production and distribution of goods are only one example of an offence against the public interest.

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All these reasons make it r
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 In 1959 4,500 people wer
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 were no cars or bicycles left
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 more murders were likely t
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 132 murders (three less than
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 that in 1461 there were no
 as many. 'Crime has fail
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 Radzinowicz has warned th
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 who voice public uneasiness
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 certain changes in our penal
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 offences.'³⁰

But it is, of course, as da
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There were eight per cen
 Wales in 1961 than in 1960
 1962 than in 1961. There ar

Commonwealth, until made so in 1908. It is necessary to qualify any general assertion that crime is increasing at a rate which threatens the future, therefore, the principle of decreeing 'in the name of the benefit of the people' as propounded in the criminal law for a thousand years, is a principle. It is a fact that forty thousand indictable offences in 1895 compared with 1937 it cannot necessarily be deduced from the fact that there were less criminal places then than there are now, likely that they are less criminal now. In 1895 there were convicted of stealing bicycles and motor cars or illegally 'borrowed'; in 1895 there were about waiting to be stolen.²⁷ Between 1895 and 1937, according to the only figures available, there were committed every year; in 1937, when the figures were to be reported or discovered and the figures were still 114.²⁸ In 1961 there were (in the year before) but it is impossible to say what few figures have come down to us, but, proportionately, at least fifty times as many as in 1873. 'The apparent number of offences appear formidable only by including in the statistics offences which previous generations would not have counted as such.'²⁹ In our own day Professor Leon Keyserling has said that 'there is a tendency to exaggerate the increase in crime. It is to be regretted that those who are concerned about the increase in crime, and who are often the first to exploit it, in order to bring about more stringent legislation and practice, so frequently create the impression of a state of lawlessness which does not correspond to the actual incidence and distribution of crime.'

It is dangerous to feel satisfied as to be un-
 influenced by influences which turn men to crime may
 be increasing in number, but those of the past, but thou-
 sands just the same.

It is more serious crimes in England and
 Wales and eight per cent more in London in
 1961 than there were now well over two and a half million

serious crimes known to the police even-
ing between ten and twelve thousand
were more than ever before. Perhaps
are not known to the police, so that i
in every four crimes is ever traced to
enjoy the highest chances of impun
reached the top of their profession.
though, that the new penology has fail
was surely right in thinking, 'is to b
defence against crime, as for the mo
of men, the least measure of progress
crime is a hundred times more use
publication of an entire penal code.'³¹

It is, of course, inept to make ext
reformatory techniques and psycholo
always be with us. But at least these te
offer the best chance—indeed, perhaps
—of combating it in a civilized society.

It is as true as it was when Beccar
the solution lies not in making punis
making them more certain and in relat
criminal, so that if he is reformable he

To devise ways of achieving these
lessons of history that cruel punishment
of crime but even tend to extend it a
with any severity at all without atten
them or to change the soil which c
is as dangerous as it is short-sighted,
ment for its own sake is evil and that t
best of us and seeds of good in the w
are no cheap or quick solutions to t
has deep and intractable roots runnin
of life, to encourage studies which ma
criminal conduct and of all irrational
the endeavours, the aspirations and h

every year in America including murders, and in 1962 there are as many again that it may well be that only one is the culprit and those who are the ones who have. This is certainly not to say, 'The great thing,' Ferri is convinced that, for social elevation of the masses with reforms which prevent and profitable than the

extravagant claims for modern medical treatment. Crime will techniques and this treatment is, the only remaining chance

via wrote his great book that punishments more severe, but in giving them to each individual may be reformed.

the objects, to learn from the that do not reduce the amount and that to punish criminals attempting either to understand continues to produce them to understand that punishment there are germs of evil in the worst, to recognize that there the problem of crime which lying beneath the whole surface may lead to an explanation of behaviour, these should be hopes of the future.

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