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# Three «moral entrepreneurs» and the creation of a «criminal class» in England, c. 1790s-1840s

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- 1 In a provocative essay, contributed to a volume of essays in honour of E.P. Thompson in 1993, Victor Bailey challenged the dominant interpretation among historians of crime and criminal justice in Britain about images of the 'dangerous classes' and the 'criminal classes' in the first half of the nineteenth century. He argued that a number of such historians had gone to excess in their  

strong tendency to write the history of the first half of the nineteenth century in terms of the threat of 'the dangerous and labouring classes', and the associated introduction of new instruments of policing and punishment<sup>2</sup>.
- 2 Bailey went on to argue that, although a few notable figures had tried, in that period, to alarm respectable propertied opinion by stressing the threat of a potential alliance of the criminal and labouring classes,  

the role of class fear [in the first half of the nineteenth century] has been exaggerated... Fears of an alliance between the criminal and working classes were neither as potent nor as pervasive as most British historians contend; by implication, class fear was less influential than commonly claimed in creating paid constabularies and the prison system<sup>3</sup>.
- 3 Victor Bailey is a historian of distinction on the subject of crime and public order in Britain in the second half of the nineteenth century<sup>4</sup>. In this essay, he produced many relevant passages from contemporary commentators, and a strong argument in support of his thesis. However, the essay is much stronger on the decades after 1850 than on the period before it. He convincingly argued that, in the second half of the century, the term 'criminal classes' was increasingly used as a way of separating the 'respectable' working class from the 'rough' working class and those suspected of living in, and perpetrating, a criminal culture. He rightly drew attention to the importance of the writings of some particular individuals, and their use of particular words and phrases, in the creation of stereotypes about crime and its causes, and criminals, in that

society. However, on developments before 1850, he was much briefer, less convincing, and much more dependent on assertion of his thesis, rather than detailed argument with evidence.

- 4 This article examines in greater depth the creation of some of those stereotypes of crime and criminals in the period up to the 1840s; it takes issue with Bailey's attempt to minimise the extent of the alarmist pictures disseminated on the subject of crime, criminals and their threat to the stability of society. Bailey acknowledged the importance of the role of Patrick Colquhoun, at the turn of the nineteenth century, in trying to stir up such fears; he stated that Colquhoun's «alarmist campaign, his strategy of exaggeration, which became a model for other 'moral entrepreneurs' in the cause of police and prison reform, prepared the ground, moreover, for a vocabulary of 'the dangerous classes'»<sup>5</sup>. He also mentioned, more briefly, the role of Edwin Chadwick, in the late-1830s, in creating a dominant Victorian stereotype of the criminal. Bailey acknowledged the extent to which Sir Leon Radzinowicz, in his pioneering multi-volume work on the history of English criminal justice, accepted the views of both Colquhoun and Chadwick<sup>6</sup>. He did not mention, however, another pioneer in this field, J.J. Tobias, who organised his history of crime in this period around the concept of the 'criminal class'<sup>7</sup>. For evidence to support this concept, Tobias drew heavily on the writings of both Colquhoun and Chadwick, and of a third man, William Augustus Miles<sup>8</sup>.
- 5 This article analyses, at some length, the writings of those three men – Colquhoun, Chadwick and Miles – to determine the extent to which they contributed to a significant climate of concern (even, at times, of outright alarm) in England in the first half of the nineteenth century, about the threat of crime. This concern was expressed at official level, by members of governments, parliaments and the judiciary, and also by many influential individuals. This article is less concerned with the empirical accuracy of the claims made than with the emotive effect which they achieved in the minds of the 'respectable' public. Bailey has stated that the specific term 'criminal class' did not enter criminological parlance in England until 1851, and he suggested that it was coined by Thomas Plint in a book published in that year<sup>9</sup>. However, as this article will argue, the idea that crime was essentially the product of a 'criminal class' – consisting of more-or-less full-time criminals, who lived off the proceeds of their crimes rather than working at normal jobs, until they were caught and imprisoned, transported or executed – was already strongly embedded in the writings of commentators in the first half of the century.
- 6 In the 1840s, this general notion was made even more alarming to respectable society by some writers in England invoking the notion of the 'dangerous classes'.
- 7 The term '*les classes dangereuses*' was coined by H.A. Frégier in 1840, about Paris; it was quickly turned into English and applied by some writers to the dangerous lower orders of Britain as well<sup>10</sup>. The image of the 'dangerous classes' united the threat to person and property of ordinary crime, with the wider threat posed to the whole society by a militant and possibly revolutionary working class; it could be used to cause alarm or panic in the mind of the reader by evoking the picture of the anonymous hordes who inhabited the slums (of London, and of the rapidly-growing industrial and commercial towns such as Manchester, Liverpool, Birmingham and Leeds) pouring out of their hovels and into the wealthier areas to sack, plunder and kill. Jelinger Symons, a barrister with an interest in crime and its remedies, began a book on the subject in 1849, with the words:

Every country has its dangerous class. It consists not only of criminals, paupers and persons whose conduct is obnoxious to the interests of society, but of that proximate body of people who are within reach of its contagion, and continually swell its number. The magnitude of the dangerous class in England probably exceeds that of any European nation, and is largely increasing<sup>11</sup>.

- 8 A far more intemperate example of this rhetoric was supplied to the readers of *Blackwood's Edinburgh Magazine* in 1844 by Archibald Alison, Sheriff of Lanarkshire, High Tory and arch-opponent of trade unions<sup>12</sup>. Alison was commenting on the rapid rise in the criminal statistics up to the 1840s<sup>13</sup>. He drew on two particular recent events – the ‘Plug Plot’, a Chartist-influenced general strike of August-September 1842 in Northern and Midlands England, and the Scottish mining strike of 1842-1843 in which Alison led a body of troops and police into a confrontation with the strikers<sup>14</sup>. He used the image of the ‘dangerous classes’ to connect the issue of crime to the wider threat posed by strikes, riots and insurrection:

If the past increase and present amount of crime in the British islands be alone considered, it must afford grounds for the most melancholy forebodings... It is difficult to say what is destined to be the ultimate fate of a country in which the progress of wickedness is so much more rapid than the increase of the numbers of people... Meanwhile, destitution, profligacy, sensuality and crime advance with unheard-of rapidity in the manufacturing districts, and the dangerous classes there massed together combine every three or four years in some general strike or alarming insurrection, which, while it lasts, excites universal terror...<sup>15</sup>

- 9 Stirring up of public concern about the ‘dangerous classes’ tended to take place particularly in periods of political, economic and social crisis during the 1830s and 1840s; attribution of responsibility for the steadily-rising official statistics of crime to a separate criminal class and culture, on the other hand, was a more-or-less continuous theme throughout the first half of the century. This article examines the contribution towards the creation and dissemination of that image of a criminal class made by Patrick Colquhoun, William Augustus Miles and Edwin Chadwick. All three men are examples of what has been called the ‘moral entrepreneur’ – someone who makes a career out of rousing public alarm on some particular issue (especially crime), advocating certain necessary reforms and measures (such as establishing a police force) to deal with the problem, and putting forward himself as the appropriate person to carry out these reforms and measures effectively<sup>16</sup>.

## Patrick Colquhoun (1745 – 1820)

- 10 Patrick Colquhoun was a prosperous Glasgow merchant and lay magistrate, who moved to London in 1789<sup>17</sup>. As an associate of Jeremy Bentham, the Utilitarian philosopher who propounded schemes for reforming Britain's systems of policing and punishment, Colquhoun also took a keen interest in issues of crime and policing. When the British Government, in 1792, first set up seven Police Offices, with salaried Police Magistrates attached to them, Colquhoun was appointed as one of those magistrates<sup>18</sup>. He played a large part, in 1800, in setting up and running the Thames Police Office which ran a small force of river police to protect from theft the huge amounts of property in the ships and docks of the River Thames. Colquhoun used his position to give evidence to parliamentary enquiries into crime, policing and the criminal law; and he ceaselessly

lobbied the government for further reforms in the police and judicial systems, and in the Poor Laws.

- 11 Colquhoun had his greatest influence on ideas about the 'criminal class' through the publication of his book *A Treatise on the Police of the Metropolis*; first published in 1795, it went through six editions in five years, and then a seventh edition in 1807, being considerably enlarged in the later editions<sup>19</sup>. The book, and its ideas and assertions about crime, criminals and policing, became very influential. In discussing what Colquhoun had to say, I shall quote from the fourth (1797) and sixth (1800) editions.

- 12 Colquhoun published the first edition in 1795, a period dominated in Britain by concern with the French Revolution, war with Revolutionary France, and fear of 'Jacobin' societies and democratic agitation in Britain itself<sup>20</sup>. This context clearly affected the dramatic tone which runs through the long treatise. Colquhoun was concerned, above all, to convince his readers that London urgently needed a regular organised, paid police force. In order to achieve this effect, he presented to the reader a picture of London, the hugely-wealthy trading metropolis, in imminent danger of being overwhelmed by a mighty tide of immorality, crime and disorder. He attributed the evils which he saw all around him in London to:

The enlarged state of Society, the vast extent of moving property, and the unexampled wealth of the Metropolis, joined to the depraved habits and loose conduct of a great proportion of the lower classes of the people; and above all, the want of an appropriate Police applicable to the object of prevention<sup>21</sup>.

- 13 Like many of his nineteenth-century successors, Colquhoun liked to use numbers and tables to impart to his work an air of objectivity and scientific accuracy. He began the fourth edition, for example, by offering the reader a detailed estimate (in a table which stretches over five pages) of «the various classes of individuals who live idly and support themselves by pursuits that are either criminal, illegal, dissolute, vicious or depraved»<sup>22</sup>. He divided these «various classes of individuals» into 24 classes, for each of which he supplied a suspiciously-precise round figure, beginning with

Professed Thieves, Burglars, Highway Robbers, Pick-pockets, & River Pirates, who are completely proselyted [sic]; – many of whom have finished their education in the Hulks & some at Botany Bay;

passing through such classes as

6. Itinerant Jews, wandering from street to street, holding out temptations to pilfer & steal, & Jew-Boys crying Bad Shillings...

8. A class of suspicious Characters, who live partly by pilfering & passing Base Money – ostensibly Costard Mongers [i.e. costermongers – itinerant sellers of fruit and vegetables from barrows], Ass Drivers, Bear Baiters, Dog Keepers, (but in fact, Dog Stealers), etc. etc.

20. Unfortunate Females of all descriptions, who support themselves chiefly or wholly by prostitution  
and ending with

23. Grubbers, Gin-drinking dissolute Women, & destitute Boys & Girls, wandering & prowling about in the streets & by-places after Chips, Nails, Old Metals, Broken Glass, Paper Twine, etc. etc. who are constantly on the watch to pilfer when an opportunity offers.

and

24. Common Beggars & Vagrants asking alms...

- 14 To each of these 24 classes Colquhoun assigned a clear estimate of their numbers – giving London a grand total, for its entire criminal class thus set out in tabular form, of 115,000 people. The confidence with which he assigned his estimates, and the apparent precision of his calculations, are likely to fix themselves in the reader's mind. However, a close look at his figures for the London criminal class removes any idea of them being either precise or value-free and objective.
- 15 This is best illustrated by the fact that nearly half of that total of 115,000 is made up of a figure of 50,000 – which is the number of women whom Colquhoun listed as supporting themselves chiefly or wholly by prostitution. In his sixth edition, he enlarged on this by devoting a whole chapter to prostitution, which again gave that figure of 50,000 as the total number of prostitutes in London. However, in this fuller version, Colquhoun broke down that global figure of 50,000 into a table subdividing it into categories. From this table we learn that 25,000 of those 50,000 women are those of different ranks in Society living partly by prostitution «including the multitudes of low females, who cohabit with labourers & others without matrimony»<sup>23</sup>. So Colquhoun has taken his initial estimate of the number of prostitutes, which was already large, and virtually doubled it by adding to it all the London working-class *de facto* wives; we know that it was common, in this period, for working-class men and women to live together as man and wife without being formally married – but this would not qualify as prostitution in most normal definitions. By this means, Colquhoun substantially inflated the total figures, not only for London prostitutes, but also for the 'criminal class' of London as a whole.
- 16 Even Edwin Chadwick (who, as we shall see, was far from ever understating his view of lower-class immorality and criminality) in the Constabulary Force Commission Report (1839), rebuked Colquhoun for the ludicrous degree of exaggeration in this estimate of 50,000. Chadwick calculated that there were, at most, only 150,000-200,000 sexually-active adult males in the Metropolis in 1801. On Colquhoun's estimate: «Allowing that all were licentious in their habits, the learned Magistrate's estimate gave one prostitute for every three or four males, and alleged that every third or fourth female was a professed prostitute.» Chadwick himself – while noting that «a voluntary Association for the suppression of prostitution» had recently estimated the number of prostitutes in the Metropolis as «not less than 80,000» – stated that the number of «known prostitutes» in the London of 1839, with a considerably-larger population than in 1800, «does not exceed 7,000»<sup>24</sup>. This is a salutary example of the ease with which someone like Colquhoun could apply labels, and invent or exaggerate the relevant figures, in the interests of exciting apprehension about the size and threat of the 'criminal class'.
- 17 Colquhoun began his book with this ostensibly-scientific, quantitative classification of the criminal 'classes' of London. He went on to offer his views about the causes of crime – views which were designed to support his urgent calls for a strong professional police force which would exercise regular and far-reaching surveillance over the «many thousand individuals, male & female, prowling about this Metropolis, who principally support themselves by various depredations on the Public». Crime was mainly the work of the poor – he estimated that
- above twenty thousand individuals rise, every morning without knowing how, or by what means they are to be supported through the passing day; & in many instances even where they are to lodge on the succeeding night.

- 18 But Colquhoun stressed that their criminality was not the result of their poverty. There were, he insisted, «many instances of honest & virtuous Poor», quite distinct from the criminal class of whom he was writing. The members of the criminal class were responsible for both their own poverty and their criminality; Colquhoun blamed both on «the vicious & immoral habits of the people» and «the improvident, & even the luxurious mode of living which prevails too generally among the lower ranks in the Metropolis»<sup>25</sup>. In the sixth edition, he even went so far as to offer his readers an alleged example of the improvidence of the criminal poor as contrasted to the provident middle class:

Such is the thoughtless improvidence of this class of the labouring people, that they are generally the first who indulge themselves by eating Oysters, Lobsters, & Pickled Salmon, etc. when first in Season, & long before these luxuries are considered as accessible to the middle ranks of the Community; whose manners are generally as virtuous as the others are depraved<sup>26</sup>.

- 19 The basic argument of the book was that the criminal class made themselves poor, immoral and criminal through their extravagant habits, and their lack of forethought and self-control; and they then had to support themselves by gambling, cheating and thieving. He included a strong attack on the lottery as a source of corruption of the poor, since it encouraged them to believe in luck and gambling. He blamed the failure to regulate the places in which working people drank alcohol as another large source of corruption. Behind the thieves who stole property he discerned the sinister hand of receivers of stolen property who organised and profited from it; this enabled him to include some viciously anti-semitic passages in which he blamed «[t]he increase of... the lower order of the Jews» for much of the fraud, circulation of bad money, and receiving of stolen property in the country; it was necessary to check «the increase of this depraved race» who lived off the industry of others and established «a mischievous intercourse all over the country»<sup>27</sup>.
- 20 Colquhoun described, at great length, the crimes which he saw as particularly threatening London – notably the thefts by labourers from ships on the Thames and from naval dockyards, and various types of fraud and forgery. His emphasis was clearly on the dangers posed to property – particularly movable property, of which he estimated that over £2 million was lost through thefts in London every year – rather than on violent crime. Indeed, in the fourth edition he stated that violent offences had not been increasing, but that the great increase in thefts was actually more worrying than violence because of «the mischief which arises from the destruction of the morals of so numerous a body of people»<sup>28</sup>. Without a proper professional police to deter them, generations were growing up accustomed to immorality and theft as a normal way of life. He even made an attack on the traditional practice of landowners allowing labourers to glean the corn left lying after the harvest, on the grounds that it tended to ruin the morals of the labourers' children by accustoming them to taking property which was not theirs, and set them on the road to crime:
- Parents carry their children to the fields during harvest; exhibiting an example too often, to infants, which reconciles them at maturer years, to habits of pilfering, ruinous to themselves, & to Society.... It first teaches the children of cottagers to become thieves in a little way; & afterwards serves as a cover for more extensive depredations<sup>29</sup>.
- 21 For Colquhoun this set a bad example to the children of the poor which helped to corrupt them. By contrast, he said, if the government adopted his suggestions and



established a proper police force, that police would be able «to give the minds of the People a right bias» by channelling their recreation and relaxation into benevolent, rather than corrupting activities:

Since recreation is necessary to Civilized Society, all Public Exhibitions should be rendered subservient to the improvement of morals, & to the means of infusing into the mind a love of the Constitution, & a reverence & respect for the Laws. How easy would it be under the guidance of an appropriate Police, to give a right bias through the medium of Public amusements to the dispositions of the People. How superior this to the odious practice of besotting themselves in Ale-houses, hatching seditious & treasonable designs, or engaged in pursuits of the vilest profligacy, destructive to health & morals.

Even the common Ballad-singers in the streets might be rendered instruments useful under the controul [*sic*] of a well-regulated Police, in giving a better turn to the minds of the lowest classes of the People... If through this medium they can be taught loyalty to the Sovereign, love to their Country, & obedience to the Laws, would it not be wise & politic to sanction it<sup>30</sup>?

- 22 The new police which he advocated could exercise this sort of continuous surveillance over the criminal class; helped by the effective punishment of offenders which could be achieved in the new penitentiary prisons (reserving transportation for only a few incorrigibles), this new police would «gradually... lead the criminal, the idle, and the dissolute members of the community into the paths of innocence and industry»<sup>31</sup>.

- 23 Finally, having given his readers a vivid picture of these idle, immoral, self-indulgent members of the criminal class who threatened all of the property in London, Colquhoun reminded the reader that these could also be the 'dangerous classes'. He knew very well that many of the ruling landed and propertied class strongly resisted the idea of a police force such as the the police of Paris (whose powers of surveillance Colquhoun openly admired and wanted for his London police)<sup>32</sup>. To overcome this resistance, he informed his readers, whose minds still retained fresh and vivid images of the Revolutionary Terror in France, that it was

a fact well established, that it was principally through the medium, & by the assistance, of many of the twenty thousand miscreants who were registered, previous to the anarchy of France, on the books of the Lieutenant of Police, that the contending Factions in that distracted country, were enabled to perpetrate those horrid massacres & acts of atrocity. [*The danger exists that*] several thousand miscreants of the same description which now infest London... upon any fatal emergency (which God forbid!) would be equally ready as their brethren in iniquity were, in Paris, to repeat the same atrocities if any opportunity offered<sup>33</sup>.

- 24 Colquhoun's primary concern, in his *Treatise*, was to use his alarming depiction of crime in London to convince his readers of the urgent need for a government-run police force for the Metropolis. Ultimately, he wanted a similar police force for the whole country – but he said very little, in his publications, about problems of crime outside London. He died in 1820, without seeing his aim of establishing a police for London enacted, but his aim was realised soon after his death, in 1829, when Peel established the Metropolitan Police. Following that establishment, the attention of police reformers switched to getting a police established for the whole country, especially the areas outside the cities and corporate towns<sup>34</sup>. One of the few references which Colquhoun made to the problems of crime outside London was a suggestion that his proposed new Central Board of Police for London could also have the function:

To watch the proceedings of the herds of criminal delinquents who generally leave Town every year in the month of March, ... for the purpose of attending fairs, races,



and other places of amusement and dissipation in the country, carrying with them quantities of base money and EO Tables [*a form of gambling*], with a view to commit frauds on the unwary<sup>35</sup>.

- 25 This theme – of a stream of itinerant members of the criminal class regularly leaving London for a criminal circuit of the provinces – was taken up and developed in the 1830s by both William Augustus Miles and Edwin Chadwick as an essential feature of their campaigns for a general national police force.

## William Augustus Miles (1796-1851)

- 26 William Augustus Miles<sup>36</sup> exemplified, in his career, both the ‘moral entrepreneur’<sup>37</sup> and what Edward Gibbon Wakefield called ‘the uneasy class’ – the middle class without money, who looked to support themselves through government employment, as it opened up in Britain in the 1830s and 1840s<sup>38</sup>. Miles had had a good schooling, including a few years at Winchester public school, and he had almost completed the course at the East India College at Haileybury when he got himself expelled in 1815 – thus ending his chances of a career in the East India Company, and also causing a complete break with the family in which he had grown up. Thereafter, he largely had to make his own way (with the help of patronage from a few powerful figures in Britain, including the government and royal family), and was perennially short of money and normally in debt. He began looking for forms of government employment from the late-1820s, initially with little success but with greater success by the mid-1830s.
- 27 Miles began his career as a self-proclaimed ‘expert’ on issues of crime, policing and punishment in 1835, when he gathered evidence for the large and important House of Lords Select Committee on Gaols and Houses of Correction (henceforth *SC on Gaols*)<sup>39</sup>, chaired by the Duke of Richmond, who was to become Miles’ patron<sup>40</sup>. For this purpose, Miles visited all the major prisons, gaols and bridewells (houses of correction) in the metropolis. In the bridewells, he began what was to become a speciality of his: interviews with convicted juvenile delinquents, which he used to set out his views on the causes of their delinquency. He also sought confessions from people serving short sentences as vagrants under the Vagrancy Laws. He followed his interest in juvenile delinquency further by making a number of visits to the hulk *Euryalus* moored near Chatham, which contained convicted boys intended for transportation to Australia. He examined 146 of the boys held on that hulk<sup>41</sup>, and took detailed notes of his interviews with the boys and with other prisoners<sup>42</sup>. He supplied the committee with statistical returns, containing tables of prisoners in the various penal institutions, classified into categories. He delivered to the committee two papers or reports (one public and one ‘secret’) setting out his own views on the causes of crime and the best methods of punishment; and the committee examined him about Point Puer, the institution for the reformation of convicted boys at Port Arthur in Van Diemen’s Land. (This last was based on a letter, dated December 1834, which he had received about Point Puer – Miles had not yet been to Australia.)
- 28 From 1835 to 1837, Miles secured himself government employment, as a Charity Commissioner, which enabled him to travel, at government expense, around parts of the country – mainly Cambridgeshire, Essex, and Montgomeryshire in Wales, with some trips *en route* to Cheshire and Shropshire<sup>43</sup>. He used these travels to start interviewing local constables, and criminals in local gaols, about the causes of crime and the

provisions for policing in their areas. From October 1836 to July 1837, these informal interviews became part of his official work, when, at the request of Edwin Chadwick, he was also appointed to the position of Assistant Commissioner to Chadwick's Constabulary Force Commission<sup>44</sup>. For Chadwick, Miles researched aspects of crime, vagrancy, local policing schemes and punishment in Lancashire, Cheshire, the Midlands and Wales, interviewing parish constables, local policemen, magistrates, prison governors and chaplains, and prisoners – recording some juicy detailed prisoners' confessions which were published in an appendix to the Commission Report. He sent regular reports on this material back to Chadwick<sup>45</sup>.

- 29 Despite his work for both the Charity and Constabulary Force Commissions, Miles failed in his larger aim of securing permanent paid government employment. He was employed temporarily on the great Royal Commission into the state of the handloom weavers in Britain, but then suffered a humiliating period without employment, in which he desperately begged for a government job at what he regarded as a suitable salary for him. Eventually, Lord John Russell, who had moved from Home Secretary to Colonial Secretary in August 1839, gave him an appointment in charge of the police of Sydney, New South Wales, the main colony in Australia. Miles ran the Sydney Police from 1841 to 1848, bringing with him and disseminating in the colony his ideas of a criminal class. (New South Wales, having been founded as a penal colony, contained an easily-identifiable criminal class in the form of the transported convicts and ex-convicts who formed a large part of its white population). Overall, Miles was not a great success in this new position, after the initial few years; and he was eased out of it officially in 1848, on the grounds of public drunkenness and some mishandling of official moneys. He died in Sydney in 1851, disappointed, bitter and heavily in debt.
- 30 Miles first began to develop his ideas about the causes of crime, the nature of criminals, and the best ways to prevent crime and punish criminals, in his testimony to the *SC on Gaols*, based on the evidence he had collected. He developed these ideas further in his interviews as Charity Commissioner and his reports for the Constabulary Force Commission, and he published two pamphlets on the subject addressed to the Home Secretary Lord John Russell: *Suggestions for the Formation of a General Police: In a Letter to the Right Hon. Lord John Russell* (London 1836), and *A Letter to Lord John Russell Concerning Juvenile Delinquency* (Shrewsbury 1837).
- 31 In 1839, a large volume containing all of Miles' writings on crime, policing and punishment, was published, edited by a London barrister called Brandon; the title he gave to the volume – *Poverty, Mendicity and Crime*<sup>46</sup> – sums up well Miles' fundamental concerns and his approach to these issues. They are similarly suggested by the opening sentence of his first pamphlet, addressed to Lord John Russell:

MY LORD,

During my investigations in the country, in the capacity of Commissioner of Charities, I have carefully examined into the state of crime and the habits of tramping beggars and impostors in every town which I visited, in the hope that my knowledge of a class of people who are, in fact, the vermin of society, might prove useful to His Majesty's Government, in case your Lordship's attention should be called to the necessity of a General Police<sup>47</sup>.

- 32 Similarly, in his report to the 1835 *SC on Gaols*, Miles stated that London thieves were a class or race of their own:

London Thieves have no Sense of Moral Degradation; they are corrupt to the Core; they are Strangers to virtue and Character, even by name, for many of them are the

Children of Thieves or of exceedingly dissolute People, consequently they can have no Contrition; they are in a State of predatory Existence, without any Knowledge of social Duty...

... There is a youthful Population in the Metropolis devoted to Crime, trained to it from Infancy, adhering to it from Education and Circumstances, whose Connexions prevent the Possibility of Reformation, and whom no punishment can deter; a Race «sui generis», different from the rest of Society, not only in Thoughts, Habits, and Manners, but even in Appearance; possessing, moreover, a Language exclusively their own<sup>48</sup>.

33 From Miles' published writings, we can sum up his main themes as follows:

- The evils of the criminal slum areas of London, such as St Giles and Whitechapel «and all the low neighbourhoods of London», which were the spawning-grounds of criminals, and in which old thieves were continually corrupting young people. The populations of these areas, including «burglars, swell-mob men, common pilferers, & passers of bad coin, who support themselves & save money for the winter, by thieving & gambling», then took their evil ways to the rest of the country: «I find that the greater part of the vagabond population circulates from the great reservoir of crime in London... Beggars emigrate systematically»<sup>49</sup>.
- The dangers, around the country, of «Lodging Houses kept by Old Thieves, where juvenile Offenders herd together, and their constant Intercourse tends to complete Corruption», and of «Flash Houses... the Resorts of the elder Thieves; here they assemble, concoct their Schemes, share booty, and indulge in drinking, as well as constant gambling»: It is in these Lodging Houses, Flash Houses, and low Receptacles for gambling that Society receives the greatest injury; it is in these Sinks of Iniquity, so common to every Part of Town, and so notorious that every Policeman knows them, that contamination takes place to such a Degree that it rots to the Heart those who it has once infected...<sup>50</sup>.
- The importance of «Certainty of Punishment without the Probability of Mitigation» in dealing with criminals, since  
A Thief speculates upon Chance; «Chance» is his favourite Word; and however remote a Chance may be, he trusts to his Ingenuity and «good Luck» to reduce it to a Certainty. «Chance» is the Alpha and Omega of a Thief's Existence. There are Chances of Detection, Chances of a Prosecution, and Chances of Acquittal...<sup>51</sup>.

34 Along with thieves' belief in luck and chance, went an undisciplined sensuality, which would do anything for some momentary excitement. Indeed, in his works, Miles frequently used animal, rather than human, imagery, to describe the criminal type; and he invoked common racial stereotypes against the Jews and Irish as particularly prone to crime<sup>52</sup>.

- The particular importance, within the larger picture, of juvenile delinquency as the initiation into what were to become hardened criminal careers. Juvenile delinquency Miles attributed to three causes:
  1. « The congregating of the poorest classes in the low neighbourhoods».
  2. «The neglect of parents» – «Groups of these young neglected vagabonds herd together, and theft becomes their study; even if a child was well disposed, it is not probable that he could escape the contagion of such bad example.»
  3. «The facilities of selling every sort of stolen property.» On this third theme, Miles displayed conventional anti-Jewish prejudices: All stolen property at last... finds its way through many hands to the rich Jew. A house-breaker in Newgate once observed to me, that all valuable property before it comes into the market again, passes through the hands of Jews, who have agents and sub-agents in every direction, saying at the same time, «Every thief, Sir, after all, is only a Jew's

agent.» In corroboration of this, I beg to observe that many of the words used by thieves in their peculiar phraseology are pure Hebrew<sup>53</sup>.

- 35 As a solution, he proposed the establishment of 'a REFORMATORY ESTABLISHMENT, or HOME COLONY', abroad but separate from existing penal colonies, to which juvenile delinquents should be sent to reform them<sup>54</sup>.
- 36 Miles repeated, many times, his picture of the country being overrun by a regular migratory annual circuit of criminals. Every year, they moved out from the slums of the cities and large towns into the countryside, visiting all the local fairs and race-meetings; they were continually on the move, staying in lodging houses and supporting themselves by regular begging and thieving wherever they went. He adduced large amounts of evidence (including some confessions which he had taken from prisoners in gaols) to support his contention that this was the core of the problem of crime, which threatened to overwhelm the whole country if not ended by the authorities. He also stressed, frequently, that, though these people put on an appearance of hunger and poverty in order to beg, this was done only to deceive the gullible public; they actually lived very well: «There is no distress among the inmates of the lodging houses. Beefsteaks, and the best of cheer, seasoned by drinking & card playing.» He repeated this point many times, saying of the beggars in Whitechapel: «Beggars live well have hot beefsteaks and beer for breakfast; fare well at night and are never poor»<sup>55</sup>.
- 37 By frequent repetition of this idea of the beggars and criminals living off beefsteaks and beer, Miles helped to fix the image in his readers' minds of this deceitful predatory class who were constantly cheating and robbing the gullible honest public. The strongest and commonest image of all, in his writings, was of the continual flow around the country of this worthless and dangerous group, preying on the vulnerable country-dwellers, who were unprotected by a police force. Miles made his picture still more lurid by a liberal use of metaphors. The itinerant criminals and vagrants were described as «vermin», as «this spreading gangrene» and as a source of «contagion». He called the lodging houses «Hot-beds of Vice» and «the Nurseries and Hot-beds of Crime throughout the country». The existing prisons he described as nothing more than «Nurseries... of Crime», «Lyceums for the Education of Thieves», and «a thief's college [with] the exhibitions to the gallows or to Botany Bay».
- 38 In her recent book, Heather Shore<sup>56</sup> treats Miles as relatively reliable as an interviewer of convicted juveniles and commentator on the causes and nature of juvenile delinquency; but his comments about criminal and convicted children were generally harsh, dealt in negative stereotypes, and blamed the parents and the children themselves for their criminality. In one passage in his evidence to the *SC on Gaols*, Miles did emphasise the effect of poverty and difficult circumstances in giving such children little option other than crime:
- It is a certain Result of the social State of Society that a Portion of the Community will be criminal; a few from Inclination, but the greater part from the Necessity of Circumstances. It is a Result as certain as the Fact, that in all communities there must be a Number of Persons so very poor that none can be poorer or worse off. Education, however, Self-pride, and Industry, will long preserve a Man in Rectitude; but Ignorance and Want of proper Occupation induce that Recklessness of Character by which a Man easily abandons himself to Crime<sup>57</sup>.
- 39 But this was a rare instance of Miles showing this sort of sympathetic insight into the pressures of poverty, unemployment and lack of education in pushing young people into crime; for the most part, he preferred to blame the offenders themselves for their

absence of proper moral values. Far commoner than the view quoted above, were his statements that thieves were essentially reckless gamblers, too lazy to be prepared to do any serious work:

With respect to juvenile Offenders it is hardly possible to conceive the Recklessness with which they look upon the Events of their Lives. They have so totally abandoned themselves to the Excitements of Vice and the Pleasures of Indolence, that a Month of unrestrained Indulgence is not considered too dearly bought by an Imprisonment of Three<sup>58</sup>.

The gambler and the thief are one and the same as far as relates to the mainspring of their actions. The root of crime, as far as the craving for the property of others, is idleness, which as surely begets dissipation and a host of crimes. The gambler requires money to feed his dissipation; his idleness prevents him from working. The thief is in the same position, he steals because he is too lazy to work<sup>59</sup>.

Once a thief, & the man is lost. Reformation is almost chimerical, because honour, if ever it existed, is at once withered, & character is gone. Employment, even with character, is difficult to obtain, & the profits arising from thieving exploits are quicker and greater than the earnings of honest labour, & therefore eagerly grasped at by a being of unregulated desires & lost character<sup>60</sup>.

- 40 For his employment as investigator for the *SC on Gaols*, Miles seems to have acquired, remarkably quickly, a good knowledge of the physical and moral geography of St. Giles and Whitechapel – suggesting that he was already familiar with these areas and their ‘flash-houses’, brothels and lodging-houses. Perhaps he had already gone ‘slumming’ in these areas, for his own enjoyment as well as his education; and the vehemence with which he wrote about the criminals, and the causes of crime, in these areas, may have owed something to his own ambivalent feelings towards them. There seems little doubt that the ‘rookery’ (criminal slum) areas of London, such as St Giles, exerted some sort of fascination over him, even while he expressed his horror at the people living within them.

- 41 Here is one of his frequent descriptions of St Giles; it comes from 1837, the year in which Dickens fascinated and horrified his readers with the description of such an area in *Oliver Twist*:

The nucleus of crime in St. Giles’s consists of about six streets, riddled with courts, alleys, passages, and dark entries, all leading to rooms and smaller tenements, crowded with a population existing in all the filth attendant upon improvidence, crime, and profligacy, as if the inhabitants by common consent deem themselves only «tenants at will» till the gallows or the hulks should require them.

...There is moreover an open communication at the backs of all the houses, so that directly a panic is created, men, women, and boys may be seen scrambling in all directions through the backyards and over party walls, to effect escape.

... It is in this district that the lines of doubtful honesty and confirmed roguery are very minutely blended. It is here that the labouring man is in nightly company with the habitual thief<sup>61</sup>.

- 42 This description of the residential proximity of the ‘labouring man’ to the ‘habitual thief’ highlighted what Miles saw as the danger of the criminal class corrupting the ordinary working class and sucking them into the milieu of crime. Miles offered many descriptions of St Giles in his writings, suggesting an ambivalent blend of attraction and repulsion in his feelings for such areas. He justified the time he spent in such areas as a form of doing his duty as an investigator. Thus he wrote to Richmond, shortly after starting work for the *SC on Gaols*:

I have with diligence and care examined the haunts of thieves. I have spent several hours (till dawn of day) at various times in the heart of St. Giles in order to observe

the root of crime – I have also visited Whitechapel for the same purpose, and shall feel flattered if your Grace should deem my evidence worthy of consideration.

- 43 In trying to bring himself and his work to the attention of the Whig politician, law reformer and educationalist Lord Brougham, a few weeks later, he was more dramatic:

I have made it my duty to spend very many hours in the worst, the very worst streets and courts in St. Giles's, in order to render myself thoroughly acquainted with the habits and manners of those Inhabitants where Idleness and Vice are not even considered criminal. [I have visited] every low neighbourhood in London [for the same purpose]. I have passed much time in the Goals [sic – Gaols] of the Metropolis, in order to examine youths who live by Plunder...<sup>62</sup>.

- 44 Perhaps Miles protested too much the seriousness of purpose underlying his forays into the rookeries, emphasising that he did this as a 'duty', in order to prevent any suggestion that he might have actually enjoyed aspects of the time spent in «every low neighbourhood in London». The language suggests something of a personal obsession, going beyond his duty to collect evidence for the committee. In 1835, and for the rest of his life, Miles showed a horrified fascination with the details of criminals, criminal areas and criminal life. In this, as in other aspects, he showed characteristics in common with Edwin Chadwick, who similarly seems to have become obsessed with his researches into the less pleasant areas of human life, such as crime and insanitary conditions<sup>63</sup>.

- 45 Having built up for his readers this frightening picture of the migratory hordes of criminals threatening the whole country, Miles offered two linked remedies for the situation:

- 46 1. A uniform general police:

The government needed to establish a uniform police throughout the country to disrupt the institutions of this 'criminal class':

The formation of a General police, centrally organized, would check this spreading gangrene by a constant communication that would carry resignation into every resort of crime, however remote. There is nothing so much dreaded and disliked by this class of persons as being disturbed or seen in their haunts; & in order to break the security which they now enjoy in these nightly dens, the constables should have these houses under constant inspection, & the local magistrates should, at uncertain periods & hours, cause the detention of every vagrant, in order to give an account whence he came, & his ultimate destination<sup>64</sup>.

By this [*police*] organization, professional vagabondry will be almost wholly suppressed, because the vagrant, wherever he goes, being constantly under the eye of the same authority, & his character known, detection will be certain & the trade must, of necessity, be given up<sup>65</sup>.

Similarly:

Frequent inspection of these Lodging Houses will considerably annoy this vermin class of society – who dupe the public daily of an enormous amount – and if it were not that these fellows are generally Thieves, the Public only pay a daily tax for their credulity, and are scarcely worthy protecting, as they encourage & foster these vagabonds.

Every Lodging House is a link in the chain of crime – and I would have them all licensed – their doors should be open to the Police at all hours – and they should be compelled to make a daily return of the number of customers, their names – or nicknames (which latter when known would be the more desirable) together with a description of their persons<sup>66</sup>.

- 47 2. Proper prison discipline:

Miles strongly supported the New Poor Law, with its central mechanism of the 'less



eligibility' principle. That came directly from Chadwick's statement of the «Principle of Administering Relief to the Indigent» in the *Report of the Royal Commission on the Poor Laws* (1834):

The first and most essential of all conditions, a principle which we find universally admitted, even by those whose practice is at variance with it, is that his [the pauper's] situation on the whole shall not be made really or apparently so eligible as the situation of the independent labourer of the lowest class. Throughout the evidence it is shown that in proportion as the condition of any pauper class is elevated above the condition of independent labourers, the condition of the independent class is depressed; their employment becomes unsteady, and its remuneration in wages is diminished. Such persons, therefore, are under the strongest inducements to quit the less eligible class of labourers and enter the more eligible class of paupers. The converse is the effect when the pauper class is placed in its proper position, below the condition of the independent labourer. Every penny bestowed that tends to render the condition of the pauper more eligible than that of the independent labourer, is a bounty on indolence and vice<sup>67</sup>.

48 Chadwick's reasoning went like this: if poor relief was available only within the workhouse, and the workhouse was made so unpleasant for the pauper, the act of receiving poor relief would have been made 'less eligible'; the 'independent labourer' would then do virtually anything, in terms of taking employment outside the workhouse, to avoid having to receive poor relief. Miles wanted to extend this 'less eligibility' principle, to deter the vagrants, 'trampers' and migratory criminals, by making the prisons even less pleasant than the workhouses: «The Discipline should be rendered so irksome that the Self-convenience and Interest of an idle Man or a Thief would make him prefer a Workhouse to a Gaol»<sup>68</sup>.

49 Miles strongly endorsed the new penitentiary disciplinary regimes of both the 'silent' and 'separate' systems – involving complete separation of prisoners and the enforcement of total silence, to prevent hardened prisoners contaminating first offenders – and urged the use of solitary confinement wherever possible. He gave a very favourable report, to the SC on Gaols, on Point Puer, the reformatory for boys at Port Arthur in Van Diemen's Land, and called, a number of times, for a similar juvenile reformatory to be set up in England. But Miles held out little hope for the reformation of criminals beyond a certain age. To deter 'trampers', vagabonds and itinerant thieves, the authorities should make their spells in prison as unpleasant and boring as possible:

The secret of punishment is not severity; I speak with regard to trampers and habitual thieves. It is to render a person so very irksome and annoying that it shall be almost intolerable to him; and to effect this I would not lock a fellow up at six in the evening, and let him wallow 12 hours in his bed, but he should be roused every four hours alternately throughout the four and twenty, to work and rest...<sup>69</sup>.

It would be a severe and irksome Punishment if Prisoners were compelled to sit for a Number of Hours in the yards, on Forms with Partitions on each Side, in Rows one above another, facing a blank Wall<sup>70</sup>.

50 But Miles also felt sure that many adult criminals were incorrigible and beyond the possibility of reformation through any form of punishment; for these, the only remedy was transportation and permanent banishment.



## Edwin Chadwick (1800-1890)

- 51 Edwin Chadwick<sup>71</sup> was, like Miles, a ‘moral entrepreneur’ – but a much better known and more successful one, with a wider range of activity; he developed Miles’ ideas on crime further and more systematically, and gave them a wider and more influential dissemination. Chadwick was a leading Benthamite reformer, who contributed significantly to reform of the Poor Laws and public health regulation, and even influenced early factory legislation in the 1830s. He shared with Miles something of that quality of becoming obsessed with the evidence with which he was dealing. With Miles it took the form of hanging around ‘the very worst’ criminal slums and rookeries where he would encounter ‘bad characters’; in Chadwick’s case, it also involved visiting «the worst parts of some of our worst towns» – but in his case the obsession was particularly with sewers and excrement in the course of his researches into public health. One can see this obsession in documents such as his classic *Sanitary Report*<sup>72</sup>, and even in what he described in a letter in 1843 as his ‘vacation’ activities:

My vacation has been absorbed in visiting with Mr. Smith and Dr. Playfair the worst parts of some of our worst towns. Dr. Playfair has been knocked up by it and has been seriously ill. Mr. Smith has had a little dysentery. Sir Henry De la Beche was obliged at Bristol to stand at the end of alleys and vomit whilst Dr. Playfair was investigating overflowing privies. Sir Henry was obliged to give it up<sup>73</sup>.

- 52 Unlike his colleagues, Chadwick does not seem to have been in any way adversely affected by this offputting experience. A man who spent his vacation investigating insanitary alleys and overflowing privies would seem to be showing more than just a normal sense of duty about collecting evidence for his researches.
- 53 Our concern with Chadwick here is the notable part he played in the debate on crime and policing in the 1830s and 1840s. Chadwick’s first venture into this field came with an article entitled ‘Preventive Police’, published in 1829, advocating a state-run professional police for London<sup>74</sup>. In 1836, while he was working as Secretary to the Poor Law Commissioners, Chadwick induced Home Secretary Russell to set up the Constabulary Force Commission (1836-1839); he served as the main Commissioner on that body, and was the author of its very influential Report<sup>75</sup>. That Report was published in March 1839, and it included a substantial input from Miles, who had gathered evidence and conducted interviews for the Commission; but in drafting the Report, Chadwick took Miles’ ideas further, and set the seal on a document which was to be very influential in confirming Victorian ideas about the menace of the criminal class.
- 54 The first third of the Constabulary Force Commission Report was taken up with a systematic exposition of the sort of picture of crime which Miles had been presenting less systematically. The central theme was stated on the first page
- that a large proportion of the more pernicious crimes against property in the rural districts is committed by bands of depredators who migrate from the larger towns as from centres; the metropolis being the great centre from which they spread over the country; the chief provincial cities and towns being the subject of complaints as minor centres from whence depredators regularly steal out or make inroads into the adjacent rural districts<sup>76</sup>.
- 55 Chadwick supported this claim with an apparently-impressive array of ‘scientific’ and statistical support. The Commission sent out long questionnaires about local crime and policing arrangements to all magistrates in Petty Sessions, to the authorities of the

main provincial towns, and to all Boards of Guardians of the new Poor Law Unions. In the report, Chadwick quoted liberally from replies to these questionnaires which supported his case; and he also quoted from some of the confessions which Miles had obtained from convicted thieves in prison which offered a similar picture.

- 56 Chadwick was a great enthusiast for the use of statistics and tables to support his arguments<sup>77</sup>; in the Constabulary Force Commission Report, he used some interesting variants on this technique. Because the official criminal statistics did not show England as being in danger of being overwhelmed by a tide of dangerous criminality, Chadwick began by discounting entirely those statistics as being any sort of reliable guide to the extent of the problem of crime; this was shown, he said, by the fact that the number of prosecutions for forging Bank of England notes bore no relation to the number of such forged notes presented or returned to the Bank. The reality of crime, he insisted, was far worse than the statistics suggested. Instead, he made his own estimate that there were at least 200,000 young able-bodied depredators at large in the country – this was based on nothing more scientific than the fact that about 100,000 people were committed to prisons in England and Wales every year, and Chadwick assumed that there must be at least twice that number who had not been caught. Each of these 200,000, he then asserted, could expect to enjoy a criminal career, of at least two-and-a-half years in the towns and five years in the unpoliced countryside, before they were arrested and prosecuted; and to support all these criminal careers, society had to be robbed of a vast quantity of property each year. He accepted as accurate an estimate that Liverpool lost £734,240 a year in such plunder, and suggested that one could extrapolate from that figure the immense amount of loss suffered by the whole society each year<sup>78</sup>.

- 57 Drawing heavily on the evidence which Miles had collected, Chadwick repeated Miles' scathing condemnation of the evils of the lodging house which sheltered migratory criminals:

The tramper' lodging-house... is not only the place of resort of the mendicant, but of the common thief; it is the «flash house» of the rural districts; it is the receiving-house for stolen goods; it is the most extensively-established school for juvenile delinquency, and commonly at the same time the most infamous brothel in the district.

And:

We have received offers of extensive evidence of the demoralization carried into every part of the country by the streams of vagrants and mendicants. It has been stated in evidence that by imposture, begging, and depredation, the various classes who frequent the unlicensed lodging-houses, obtain more money with less labour than is obtainable by means of honest industry by a large proportion of labourers<sup>79</sup>.

- 58 An important part of the case which Chadwick was arguing in the Report was that the establishment of police forces in London (in 1829) and in some cities and towns with municipal government (from 1835) had simply resulted in «the *migratory* bodies of habitual depredators» moving out of those areas into the unpoliced adjacent areas, from where they could prey on the unprotected populations. This made it necessary to extend the police to these unpoliced areas; and, to avoid the inefficiencies, rivalries and unnecessary expense involved in having a series of totally discrete forces, the police should be «a general, a consolidated and combined, and more efficient... force»<sup>80</sup>.
- 59 All of this evidence, Chadwick argued, proved that, under the current system, «in point of sensual gratification, the condition of the habitual depredator is, during his career,

much higher than that of the honest labourer». And he went on to claim that he had disproved any connection between property crime and poverty:

We have investigated the origin of the great mass of crimes committed for the sake of property, and we find the whole ascribable to one common cause, namely, the temptations of the profit of a career of depredation, as compared with the profits of honest and even well paid industry; and these temptations appear to us to arise from the absence of appropriate and practicable arrangements by means of a constabulary, such as forms the main subject of our inquiry. The notion that any considerable proportion of the crimes against property are caused by blameless poverty or destitution we find disproved at every step.

...

The inquiries made by the most experienced officers into the causes of vagrancy manifest that in all but three or four per cent of cases, the prevalent cause was the impatience of steady labour, and the profit gained in consequence of the impunity in illegal courses. And this three or four per cent of cases are not cases in which blameless poverty is manifest as the cause, but cases in which the causes have escaped investigation<sup>61</sup>.

- 60 In support of this assertion, Chadwick cited the confessions of a few individual depredators to the effect that such distress as they might have suffered, was always their own fault – caused by drinking, gambling, idleness and bad company. In a subsequent letter to the educationist and former prison inspector Frederick Hill, Chadwick enlarged on this view:

The Chaplain of the Preston House of Correction has made such an enquiry [*into the relationship of poverty to crime*] & given a report very recently in which he shews that even during the pressure of the manufacturing distress & the entire cessation of employment during the turn out, scarcely any case was to be attributed or traced even indirectly to the operation even of general causes of distress. According to [William] Cobbett Society is the mother of crime: according to prisoners & to prisoners counsel all is from distress. «Why did you commit this crime? I had nothing to eat. Why had you nothing to eat? I was out of work. Why were you out of work? Because my master had nothing more to do for me & discharged me.» But we are not to stop there: send to his employer, ask why he discharged him: send to his friends per chaplain: ask the police who were his connexions & what were his antecedent habits of living and then facts of a totally different complexion come out in the majority of cases, except in the case of beggars & vagrants children who inherit the sins of the parents<sup>62</sup>.

- 61 In this way, the Report established and developed for its readers this menacing picture of a migratory criminal class, which travelled around the country from one race or fair to the next, breaking their journey in criminal lodging houses, and supporting themselves by stealing and begging from the vulnerable local populations.
- 62 In his brief discussion of Chadwick's views of criminals, Victor Bailey tried to depict them as having nothing in common with Colquhoun's alarmist exaggerations about the threats of revolution or disturbance from the workers; in support of this, he stated that Chadwick «rarely if ever attempted to construct an image of a 'dangerous class' of indigent and criminal, or to link 'habitual depredators' with the trade union or Chartist movements»<sup>63</sup>. This is clearly wrong; Bailey can only say this by ignoring the substantial evidence that Chadwick incorporated material about the dangers of trade unions and Chartists into his discussion of the threats from a national criminal class. Late in 1838, when Chadwick was already well advanced in writing the Commission Report, he decided to collect information for it on «the need of a police and of legislative provisions for the protection of Capitalists and workmen against the

interference of third parties namely the Trades Unions»<sup>84</sup>. For this purpose, he solicited and obtained information about trade unions and strikes from: Colonel Shaw-Kennedy who had been the military commander at Manchester; J.F. Foster, the stipendiary magistrate at Manchester; the factory inspectors; and manufacturers R.H. Greg, Edmund Ashworth and Thomas Ashton<sup>85</sup>. Chadwick devoted more than one-tenth of the whole report to this topic. This included quoting from a judge pronouncing sentence of seven years' transportation on a Glasgow cotton-spinner for trying to intimidate a fellow-worker to strike, and from the evidence of Thomas Ashton, whose nephew had been shot dead by men hired by striking trade unionists<sup>86</sup>. Chadwick quoted evidence given to a House of Commons enquiry by Archibald Alison (whose views on the 'dangerous classes' were set out at the beginning of this article) to the effect that strikes and combinations of workers caused manufacturers to close down their businesses and put all their workers out of work<sup>87</sup>. Like Alison, too, Chadwick drew on propertied fears of the large torchlight meetings of the Chartist movement, which was gathering strength while the Report was being written:

Of late very serious alarms have been created by the proceedings of trading agitators, who have made it a practice to represent the owners of capital as enemies and oppressors of the working people, for whom those masters, as capitalists, provided the means of subsistence. The assassination of the manufacturers, and the destruction of manufacturing property, has been openly advocated, as a means of obtaining other objects. We need not describe the proceedings connected with the recent torchlight meetings, which have been the subject of direct communications from the magistrates and others engaged in the administration of the law within the district<sup>88</sup>.

- 63 The Report also included sections about the dangers to trade and commerce from large-scale thefts from cargoes being carried in canal boats and on the roads, and from the plunder of ships wrecked on the coast<sup>89</sup>. The Report strongly advocated the need for a strong police force to counteract both of these dangers; and it went to considerable trouble to counter the view, widely-held at the time, that a police force in government hands was a threat to civil and constitutional liberties. It tried to meet the strong local objections to a paid police force on the grounds of the expense, which would fall heavily on local ratepayers, with a typically Chadwickian argument: Chadwick purported to prove that the cost of a paid police force would ultimately be less than the cost of not having one. He did this, both by stressing the current heavy cost of crime, and by suggesting the many ancillary duties – fire-fighting; life-saving; acting as inspectors of nuisances and of weights and measures, as process servers, surveyors of roads and collectors of rates; taking care of lost children and lost property; and supervising the cleansing and lighting of roads – which could be imposed on police forces, once established<sup>90</sup>.
- 64 When the Report was published, at the end of March 1839, Chadwick and his fellow-Commissioners ensured that it had a wide circulation among the governing class; about 5,000 copies were sold, and another 3,000 were distributed to influential individuals and newspapers<sup>91</sup>. It led on to the passage of the County Police Acts of 1839 and 1840, permissive Acts which resulted in the establishment of many county police forces. But it also helped to fix in the minds of Victorians (and of some historians) a powerful stereotype of the early-Victorian criminal class, in the form of this group of full-time habitual vagrants and depredators, perpetually on the move around the country and preying on the vulnerable provincials. In the debates in county Quarter Sessions which followed on from the County Police Acts, many magistrates made reference to the

Constabulary Force Commission Report and its evidence, in support of their arguments for a county police force; so too did many newspapers and pamphlets<sup>92</sup>. And, as Bailey points out, Henry Mayhew, who helped to consolidate the Victorian image of the criminal class in the 1860s, paid tribute to Chadwick's Report as «the most trustworthy and practical treatise on the criminal classes»<sup>93</sup>. J.J. Tobias, as a modern historian of crime in this period, was completely convinced by Chadwick's evidence and argument in the Commission Report:

The Commission's Report was written, virtually single-handed by Edwin Chadwick... Whatever use Chadwick made of it, the evidence was there. Enough of it survives to testify to the thoroughness of his investigations and to show that, on this issues as on many other, the view put forward in the Report is a fair reflection of the opinions of the witnesses. The Report either transformed the view of the general public about the effect of want on crime (which is by no means impossible, for it had a profound influence on thought on criminal matters) or is the expression of a new attitude just making itself felt; from 1839 we hear much less about the effect of want. From this time contemporary opinion plays down the effect of poverty in the direct sense.

...

The view that crime was not as a rule the result of want appears to have been generally correct<sup>94</sup>.

- 65 By no means all contemporaries, however, accepted the picture of crime presented by Chadwick in his Report. In the Quarter Sessions debates, JPs and newspapers who opposed motions for county police forces, often attacked Chadwick and the Report as wrong in both their evidence and their interpretations. One contemporary noted at the time how much of the effect created by the writings of both Chadwick and Miles depended on the way in which they tended to conflate the poor and working class with the criminal, and in this way blur the distinction between them and suggest that the two groups were virtually synonymous. He quoted from the Commission Report, and from *Poverty, Mendicity and Crime*, to support his point that both Miles and Chadwick gave pictures of the lower classes which were

gross misrepresentations and very false pictures... [A]ll the lower orders are classed and confounded together as profligates and villains... The impression intended to be conveyed is, that every man living from hand to mouth (the necessary condition of the major part of the community)... is little better than a thief, is one of the offal of society, and ought to be swept off into some common sewer of filth and corruption by a scavenger police<sup>95</sup>.

- 66 By 1840, however, this was becoming a minority view among those pronouncing in public on the subject of crime and how to deal with it.

## Conclusion

- 67 Victor Bailey claimed that there was a clear qualitative change between Colquhoun's alarmist picture of the 'dangerous classes', and the image of crime and criminals projected by Chadwick (with Miles). However, the detailed evidence of the works of the three men examined in this article shows that this was not the case. The differences between Colquhoun's picture, and that of Miles and Chadwick, are much less significant than their similarities. They all argued – in forceful, emotive, frightening terms – that crime was the work essentially of a criminal class, who committed crime, not because of economic need or deprivation, but because they were too lazy or lacking in true

character for hard work. Bailey's claim that Chadwick's picture entirely lacked the potential revolutionary danger of the working class becoming the 'dangerous classes', which Colquhoun feared, has been shown to be false; for Chadwick, the trade unions and Chartists presented just as much of a law and order problem as Colquhoun had seen in the possibility of the slum-dwellers of London imitating their brethren of Paris. After the early-1840s, and particularly after 1848, as the threat of revolution in Britain faded, so this aspect of the Chadwick picture of crime dropped away<sup>66</sup>. But the rest of the picture – the criminal class who committed crime because of greed, laziness and weakness of character, and who had to be reformed by punishment – remained.

- 68 Chadwick, with the aid of the work of Miles, had built on the earlier writings of Colquhoun to construct and disseminate this powerful public image: crime was the work of this class of people who committed crimes, not because of economic hardship or deprivation, but essentially because of weakness of character. The remedies, therefore, lay not in any major economic or social reforms, but in strengthening the agencies of policing, prosecution and punishment, and concentrating on trying to reform the individual offender. The problem was essentially reduced to one of identifying and isolating that class and dealing with it through those institutions.
- 69 The rapid rise in the criminal statistics in the first half of the nineteenth century – though not simply a reflection of a rise of the same magnitude in the volume of criminal activity – had some basis in reality. It was related, at least partly, to the rapid economic, social and political changes in industrialising and urbanising British society of that period<sup>97</sup>; and the widely-expressed fears of crime and its consequences were not entirely without basis. But the three 'moral entrepreneurs' discussed here – Colquhoun, Miles and Chadwick – played an important part in helping to fix in the minds of their readers a threatening image of crime and criminals. By their use of language and imagery, in particular, they evoked in their readers' minds a strong and frightening picture of a large predatory class of criminals constantly preying on a gullible and vulnerable public. The necessary protection for that public, they argued, was the establishment of a strong professional police force, capable of checking and breaking up this criminal class. All three deliberately accentuated the size and threat of the criminal class in order to win support for their campaigns for reform of the policing agencies. Miles and Chadwick had clear vested interests in doing so, since they hoped to get government employment in the police forces set up by the government as a result of their recommendations; Colquhoun too, as a stipendiary magistrate and the man given charge of the new Thames police, had an interest in continuing to emphasise the threat from crime.
- 70 The work of these three men culminated in Chadwick's Constabulary Force Commission Report, with its menacing picture of a criminal class, which set the seal on the Victorian image of crime and criminals for at least the next few decades. As Martin Wiener has put it:

Underneath the well-known controversies that emerged in the 1830s and raged for the next generation over forms of punishment... an unspoken consensus was taking shape on the nature and meaning of crime and the purposes of punishment. It was less the actions than the characters of offenders on which attention came to focus. Although want and mistreatment were acknowledged as contributing factors, crime was essentially seen as the expression of a fundamental character defect stemming from a refusal or an inability to deny wayward impulses or to make proper calculations of long-run self-interest<sup>98</sup>.



- 71 That view of crime and criminals did not remain the dominant one beyond the 1870s; as Wiener and others have shown, ideas about the nature and causes of crime underwent substantial changes in the later-nineteenth and twentieth centuries. But some important aspects of the criminal stereotype disseminated by Colquhoun, Miles and Chadwick survived, and are still with us today, still being invoked in tabloid and popular explanations of crime and criminals.

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## NOTES

2. Bailey (1993), pp. 237-238. The historians whose work he explicitly cited in relation to this charge were: Allan Silver (1967), Michael Ignatieff (1983), R.D. Storch (1975; 1989), David Philips

(1983), Clive Emsley (1987) and V.A.C. Gatrell (1990). He also took partial issue with Martin Wiener (1990) for relying too exclusively «on an individualist, as distinct from a collectivist, reading of crime» (p. 223).

3. *Ibid.*, p. 230.

4. See Bailey (1977; 1981).

5. Bailey (1993), p. 227.

6. Bailey (1993), pp. 225-227, 234-235; Radzinowicz (1956), chaps. 9, 10; Radzinowicz (1968), chaps. 6, 7.

7. Tobias (1972). The hardback version of the book was published in 1967; it was based on his Ph.D. thesis at the University of London (1965) 'The Influence of Social, Economic and Administrative Change on Crime and Criminals in Selected Areas of England, 1815-1875'.

8. Bailey (1993) mentioned Miles and his work very briefly in a footnote on p. 235; but neither he nor Radzinowicz discussed Miles' work in any detail.

9. Bailey (1993), p. 241.

10. Chevalier (1958); Himmelfarb (1984) pp. 393-397; Emsley (1996), chaps. 2,3; Bailey (1993), pp. 236-239.

11. Symons Jelinger (1849; 1984), p. 1.

12. On Sir Archibald Alison, see *Dictionary of National Biography* (henceforth *DNB*).

13. On the rise in the English criminal statistics in the first half of the nineteenth century and its significance, see Gatrell H., Hadden (1972); Philips (1993), pp. 158-159.

14. On the Chartist movement, and the 'Plug Plot' general strike, see Briggs (ed.) (1959); Mather (1959; 1975); on Alison and the Scottish strike, see *DNB*.

15. Anon.[Alison, Archibald] (1844), pp. 1-3.

16. The term was first used by the sociologist Howard Becker (1963), chap. 8. It has been taken up and used very effectively by other sociologists of deviance – see Cohen (1971), Cohen, Scull (1983) – and by some historians of criminal justice – see Sturma (1983), chap. 1; Bailey (1993), p. 227; and Philips (2001).

17. On Colquhoun and his writings, see: *DNB*; Radzinowicz (1956), chaps. 9, 10; Poynter (1969), pp. 201-207; Donajrodzki (1977), pp. 51-76; Philips (1980), pp. 175-177; Emsley (1996), pp. 61-63; Bailey (1993), pp. 225-227.

18. On the setting up of the Police Offices and Police Magistrates, see Philips (1980), pp. 168-171.

19. Colquhoun (1<sup>st</sup> edn. 1795; 4<sup>th</sup> edn. 1797; 6<sup>th</sup> edn. 1800).

20. On this period and these issues, see Thompson (1968), chap. 5; Williams (1968), chaps. 1, 4, 6, 7; Goodwin (1979).

21. Colquhoun (6<sup>th</sup> edn. 1800), Preface, 4<sup>th</sup> page.

22. Colquhoun (4<sup>th</sup> edn. 1797), p. vi; Table pp. vii-xi.

23. Colquhoun (6<sup>th</sup> edn. 1800), p. 340.

24. Report of a Commission to Inquire as to the Best Means of Establishing an Efficient Constabulary Force in the Counties of England and Wales (henceforth the Constabulary Force Commission Report) P.P. 1839, XIX, pp. 9-10.

25. Colquhoun (4<sup>th</sup> edn. 1797), pp. 24, 32-33.

26. Colquhoun (6<sup>th</sup> edn. 1800), p. 312, footnote. He makes a similar allegation (4<sup>th</sup> edn. 1797), p. 32, footnote.

27. Colquhoun (4<sup>th</sup> edn. 1797), pp. 40, 159-160.

28. Colquhoun (4<sup>th</sup> edn. 1797), p. 412.

29. Colquhoun (4<sup>th</sup> edn. 1797), pp. 438-439. This is an interesting issue for Colquhoun to raise. The practice of allowing the poor to glean after the harvest was enjoined in the Bible (*Leviticus* 19: 9-10 «And when ye reap the harvest of your land, thou shalt not wholly reap the corners of thy field, neither shalt thou gather the gleanings of the harvest. And thou shalt not glean thy vineyard, neither shalt thou gather every grape of thy vineyard; thou shalt leave them for the

poor and stranger») and was even approved by the authoritative 18th century jurist Sir William Blackstone: «The poor are allowed to enter and glean upon another's ground after the harvest without being guilty of trespass.» (1778), vol. III, p.212. For a good discussion of the controversy over the rights of gleaners in this period, as property-owners tried to tighten up the laws against gleaning, see King (1989).

30. Colquhoun (6<sup>th</sup> edn. 1800), pp. 347-348. Passages such as this show why Colquhoun has been considered a good example of an advocate of police as a form of 'social control' – see Donajgradzki (1977), pp. 51-76.

31. Colquhoun (6<sup>th</sup> edn. 1800), p. 561. See 6<sup>th</sup> edn., Chap. XVI for his views on punishment and support for Bentham's Panopticon penitentiary, and Chap. XVIII for his detailed proposals for a new 'Board of Police' running a professional police force for London.

32. Colquhoun (4<sup>th</sup> edn. 1797), pp. 351-364. On the extent and duration of upper class resistance to a professional police for London, see Philips (1980).

33. Colquhoun (4<sup>th</sup> edn. 1797), p. 364; (6<sup>th</sup> edn. 1800), pp. 532-533.

34. On some of the main police reformers and reform plans being put forward for provincial England in the 1820s and 1830s, see Philips, Storch (1999), chaps. 4, 5.

35. Colquhoun (6<sup>th</sup> edn. 1800), p. 555.

36. For the life and career of Miles, see Philips (2001).

37. See p. 82 above.

38. Wakefield (1833) in Lloyd Prichard (ed.) (1968), pp. 354-365.

39. Miles' evidence to the SC on Gaols is in: 2<sup>nd</sup> Report P.P. 1835, XI, pp. 393-400; 4<sup>th</sup> & 5<sup>th</sup> Reports P.P. 1835 XII, pp. 508-515; his returns and tables to the SC on Gaols are in: 3<sup>rd</sup> Report P.P. 1835 XII, pp. 275-279; 4<sup>th</sup> & 5<sup>th</sup> Reports P.P. 1835 XII, pp. 439, 517-524, 528-529. The Public Record Office (henceforth PRO) HO 73/16 contains a printed 'Seceret' Report by Miles for the SC on Gaols «who ordered it to be printed for the Use of Members of the Committee; but they are of opinion that the making of it public might be detrimental to Society», in which Miles set out his views «that Prisons neither reform nor deter, but on the contrary they harden and corrupt».

40. On Richmond, see DNB. Miles' letters to Richmond are in West Sussex Record Office (henceforth WSRO) Goodwood Mss., 1575 – 1874.

41. For Miles' movements and activities for the SC on Gaols between July and October 1835, see his detailed letters to Richmond (all in 1835) in WSRO Goodwood Mss, 1575: f.269 1 July; 1576: f.15 3 August, f.27 6 August, f.36 7 August, f.149 24 August; 1577: f.223 5 September, f.299 23 September, f.322 30 September; 1578: f.393 5 October. See also University College, London (henceforth UCL) Brougham Papers: Miles-Brougham 22 August 1835.

42. Miles' notes of his interviews with prisoners, including boys on the hulk *Euryalus*, are in PRO HO 73/16. They form an important source for the recent book by Shore (1999).

43. Miles' travels and activities as a Charity Commissioner can be followed in detail through the correspondence of himself and of his clerk, Charles Cole, with the Secretary of the Charity Commission, James Hine, in the records of the Charity Commission, PRO CHAR 2/438 – 442, covering the period November 1835 to March 1838.

44. For Chadwick and the Constabulary Force Commission, see below.

45. Miles' reports for the Constabulary Force Commission, are in UCL Chadwick Papers 4, 13, 1398; and PRO HO 73/16.

46. Miles (1839).

47. Miles (1836), p. 3.

48. SC on Gaols, 2<sup>nd</sup> Report, p. 395.

49. Miles (1836), pp. 5-6.

50. SC on Gaols, 2<sup>nd</sup> Report, pp. 395-396.

51. SC on Gaols, 2<sup>nd</sup> Report, p. 397.

52. *Ibid.*, p. 397; SC on Gaols 4<sup>th</sup> & 5<sup>th</sup> Reports, p. 511; Miles(1839), pp. 55, 59-60.

53. Miles (1837), pp. 2, 6-7.
54. *Ibid.*, p.13. On juvenile delinquency, see also his evidence to SC on Gaols, 4<sup>th</sup> & 5<sup>th</sup> Reports, pp. 508-515.
55. UCL Chadwick Papers 1398, report by Miles 24 November 1836, reproduced in Miles (1839), p. 56; Miles (1839), p. 103.
56. Shore (1999).
57. SC on Gaols, 4<sup>th</sup> & 5<sup>th</sup> Reports, p. 509.
58. PRO HO 73/16 'Secret' Report to SC on Gaols, p. 3.
59. Miles(1839), p. 69.
60. Miles (1836), p. 4.
61. Miles (1837), pp. 3-4.
62. WSRO Goodwood Mss 1576: f.27 Miles-Richmond 6 August 1835; UCL Brougham Papers 9940 Miles-Brougham 22 August 1835.
63. On Chadwick's similar obsessive behaviour, see below, p. 97.
64. Miles (1836), p. 9.
65. *Ibid.*, p. 39.
66. UCL Chadwick Papers 1398, report by Miles 9 October 1836, reproduced in Miles (1839), p. 53.
67. The Poor Law Report of 1834 (1974), p. 335.
68. SC on Gaols, 2<sup>nd</sup> Report, p. 394.
69. UCL Chadwick Papers 1398, report by Miles 9 October 1836, reproduced in Miles (1839) p. 53.
70. SC on Gaols, 2<sup>nd</sup> Report, p. 398.
71. On the life, career and ideas of Chadwick, see Finer (1952), Lewis (1952), Brundage (1988), and McCalman (ed.) (1999), biographical entry on 'Chadwick, Sir Edwin', p. 447.
72. Chadwick 1842 (ed. Flinn 1965).
73. UCL Chadwick Papers 2181/I Chadwick to Major George Graham 7 Dec. 1843.
74. Chadwick (1829).
75. Constabulary Force Commission *Report* (1839). On Chadwick's 'Preventive Police' article, and his role in the setting up of the Commission and the drafting of its Report, see Philips, Storch (1999), chaps. 4, 6.
76. *Report* (1839), pp. 1-2.
77. In addition to the works on Chadwick's life and career cited in fn 71, see his *Sanitary Report* (1842), and Cullen (1975). And see his criticism of Colquhoun's claims about the numbers of prostitutes in London – above, pp. 84-85.
78. *Report* (1839), pp. 2-12. Some supporting evidence is offered in the form of extracts from the answers to questionnaires (pp. 13-17) and very long extracts from the confessions of vagrants and thieves recorded by Miles (pp. 17-29).
79. *Report* (1839), pp. 34, 36-37.
80. *Report* (1839), pp. 66 (emphasis in original), 56.
81. *Report* (1839), pp. 11, 67-68.
82. UCL Chadwick Papers 2181/II Chadwick to Frederick Hill 4 March 1844.
83. Bailey (1993), p. 235.
84. UCL Chadwick Papers 6, Chadwick to R.H. Greg 20 Nov. 1838.
85. UCL Chadwick Papers 6, Chadwick to Shaw-Kennedy 22 October 1838; Chadwick to R.H. Greg 20 November 1838; Chadwick to Henry Ashworth 21 November 1838; Chadwick to each of the three factory inspectors 21 November 1838; Samuel Redgrave (secretary to the Commission) to J.F. Foster 9 January 1839. The replies are in PRO HO 73/2/1 – from Shaw-Kennedy 22 November 1838; from R.H. Greg 2 December 1838; from factory inspector Leonard Horner 5 December 1838; from J.F. Foster 23 January 1839 – and HO 73/3, from T. Jones Howell 28 November 1838.
86. *Report* (1839), pp. 68-88; Glasgow cotton-spinner evidence at pp. 68-69; Ashton evidence at pp. 82-83. Ashton's full evidence, from which this is extracted, is in UCL Chadwick Papers 9. In a long

letter to Home Secretary Russell, in which he referred to both the Glasgow cotton-spinners' case and the murder of Ashton's nephew, Chadwick set out at length his hostility to trade unions and his belief in the need for a reformed police to suppress them (UCL Chadwick Papers, 1733/III Chadwick to Russell 29 January 1838).

87. *Report* (1839), p. 78.

88. *Ibid.*, p. 82.

89. *Ibid.*, pp. 48-56, 56-66.

90. *Ibid.*, pp. 149-159.

91. See Philips, Storch (1999), pp. 133-135.

92. *Ibid.*, chapters 7, 8.

93. Mayhew, Binny, *The Criminal Prisons of London* (London 1862), quoted in Bailey (1993), p. 243.

94. Tobias (1972), pp. 180-181.

95. 'State of the Poorer Classes', in the *British Critic*, reprinted in *The Times* 9, 22, 27 July 1840; quotation from 9 July 1840.

96. Saville (1987); Philips (1977), chap. 9.

97. See Philips (1993).

98. Wiener (1990), p. 6. Chapter 2 of this book details the dominance of this view of crime from the 1830s to the 1860s.

## ABSTRACTS

In the first half of the nineteenth century, English society developed a strong concern about the problem of crime fuelled by rising criminal statistics and pressures for regular paid police forces. By the 1840s, the dominant view of crime was that it was a product, not of poverty, but of weakness of character in the criminals. The three men analysed in this article – Colquhoun, Miles and Chadwick – all of whom advocated a state-run police to cope with the problem, contributed substantially to the creation of that image of crime and criminals; many contemporaries accepted that image as fundamentally correct. Through a detailed analysis of their writings, this article argues that these three men deliberately exaggerated that image, with inflated emotive language, to serve their own campaigns for police reform.

Dans la première moitié du XIX<sup>e</sup> siècle, la société britannique s'est beaucoup intéressée à la question criminelle, en raison de la hausse des statistiques et des pressions en faveur de la création d'une police permanente et rétribuée. Vers 1840, la conception dominante voyait dans le crime un effet, non de la pauvreté, mais de la faiblesse de caractère des criminels. Les trois personnalités étudiées dans cet article – Colquhoun, Miles et Chadwick – qui étaient tous partisans d'une police d'État destinée à affronter ce problème, ont contribué de manière significative à forger cette image de la criminalité et du criminel, que de nombreux contemporains jugeaient fondamentalement juste. Cet article s'appuie sur une analyse détaillée des écrits de ces trois auteurs pour montrer qu'ils avaient consciemment exagéré cette représentation en usant un langage outrancièrement émotionnel, pour conforter leurs campagnes d'opinion en faveur de la réforme de la police.

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