Inventing and Re-Inventing the Juvenile Delinquent in British History

Inventar y reinventar al delincuente juvenil en la historiografía británica

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Abstract: This article explores the development of historical writing on British youth delinquency over the last two decades, with some reference to broader European and North American influences. The article outlines the early analyses of historical juvenile crime, particularly in relation to the influence of 'history from below' approaches, and the history of childhood. It then moves on to consider the debates around the 'invention' of the juvenile offender, thus exploring the early nineteenth century as a significant period for the establishment of the early juvenile justice system. A key focus will be on the main themes of recent research into juvenile crime, in particular relating to gender, social policy, and the emergence of juvenile-specific penal institutions. Moreover, the article also considers delinquency as a broader paradigm in relation to attitudes to adolescence and youth people, in particular revisiting the themes explored by Geoffrey Pearson in his significant 1983 book, Hooligans: A History of Respectable Fears. The conclusion will briefly consider 'new directions' and opportunities for research in this area.

Keywords: Juvenile Delinquency, Juvenile Offenders, Adolescence, Hooligans, Criminality, Childhood, Historiography.

Resumen: Este artículo estudia el desarrollo de los estudios históricos sobre la delincuencia juvenil británica en las últimas dos décadas, con algunas referencias a influencias europeas y norteamericanas. Analiza los primeros trabajos sobre la criminalidad juvenil en la historia, especialmente en relación a la influencia de las tesis de la 'historia desde abajo', y la historia de la infancia. Posteriormente se detiene en los debates sobre la 'invención' del delincuente juvenil, con especial atención a los inicios del siglo XIX como un período relevante en el establecimiento de un primer sistema judicial juvenil. El eje del artículo gira en torno a los principales temas de investigación acerca del crimen juvenil, sobre todo lo relativo al género, política social, y la aparición de instituciones penales específicamente juveniles. Además, considera la delincuencia como un amplio paradigma que afecta a las actitudes frente a jóvenes y adolescentes, en particular revisando las cuestiones analizadas por Geoffrey Pearson en su significativo libro de 1983, Hooligans: A History of Respectable Fears. En la conclusión se consideran brevemente 'nuevas direcciones' y oportunidades de investigación en este tema.

Palabras clave: Delincuencia juvenil, delincuentes juveniles, adolescencia, hooligans, criminalidad, infancia, historiografía.

T he history of youth delinquency has become an increasingly important theme in British historiography and particularly the history of crime. Fuelled by the renaissance of academic history in the 1970s and 80s, which would emphasis the marginalised and vulnerable in society, the study of historical juvenile delinquency appealed not only to historians, but also to sociologists and criminologists who looked to the past to find explanations and suggest remedies for a continuing social issue.[1] Some sociologists, Geoffrey Pearson and David Downes for example, were already noting the importance of 'history from below' by the late 1970s.[2] Most striking in this regard was the publication in 1983 of Pearson's text, *Hooligan: A History of Respectable Fears*.[3] This study considered hooliganism, and particularly youthful hooliganism and misbehaviour, as an historical paradigm. It set the construction of the 'problem' of hooliganism and other related youth delinquencies against the developing role of the press and the media in British society. Moreover, Pearson linked it to the notion of 'social fears', at that time already very familiar in academic sociological and socio-historical circles through the influential work of Stanley Cohen. *Folk Devils and Moral Panics*, Cohen's account of the mods and rockers disturbances of the 1960's, witnessed as a young south-African graduate student, fundamentally shaped a generation of sociologists and strongly influenced historians of youth who were developing their research in this period.[4] It was arguably the publication of *Hooligans* that would draw attention to the importance of a dialogue between history and sociology (and increasingly criminology) in the study of juvenile crime.[5]

The increasing synchronicities between the discipline of sociology and history would essentailly confirm the history of juvenile crime as a fit object of study, and during the 1970s and 1980s key works would be produced on the history of youth delinquency and juvenile crime from historians such as Victor

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[1] For an overview of theoretical perspectives on juvenile delinquency see, Robert AGNEW, *Juvenile Delinquency: Causes and Control*, New York, Oxford University Press, 2008; Barry GOLDSON, *Dictionary of Youth Justice*, Cullompton, Willan, 2008.

[2] Geoffrey PEARSON, "Goths and Vandals: Crime in History", *Contemporary Crises*, 2 (1978), pp. 119-139; David DOWNES, "Promise and Performance in British Criminology", *British Journal of Sociology*, 29/4 (1978), pp. 483-502.

[3] Geoffrey PEARSON, *Hooligan: A History of Respectable Fears*, Londres, Macmillan, 1983. Indeed, in

[4] Stanley COHEN, *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, London, MacGibbon & Kee, 1972.

[5] Pearson's book is considered so important that in 2007, Keith Soothill and Moira Peelo, in the *Howard Journal*, included it, along with *Folk Devils and Moral Panics*, as one of the iconic texts of British criminology of the last forty years. Keith SOOTHILL and Moira PEELO, "Constructing British Criminology", *The Howard Journal*, 46/5 (2007), pp. 476-492.

Bailey, John Gillis, Susan Magarey, Margaret May and John Springhall.[6] This work would establish some of the parameters of the field, in particular introducing key themes such as the Victorian 'invention' of delinquency and the development of the Victorian and Edwardian juvenile justice system. In the 1990s, these themes were revisited by new work on the nineteenth century, particularly challenging the idea that the juvenile criminal was fundamentally a Victorian category.[7] Whilst May and Magarey had focussed centrally on the language of the state and emerging political debate about child crime, the new work would combine cultural and social analyses of contemporary discourses with a more empirically rooted approach which sought to provide a more meaningful measure of the 'growth' of juvenile delinquency in the nineenth century.[8] Other important work addressed themes about gender, about gang culture, about the role of the press and historical media and about the penal and reformatory responses to the 'problem'.[9] Since the 1990s, the debates have increasingly moved beyond the Victorian and Edwardian juvenile justice system, to consider perceptions of and attitudes to juvenile crime in their twentieth century context, taking into account the impact of developments such as

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[6] Victor BAILEY, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948*, Oxford, Clarendon Press, 1987; John GILLIS, "The Evolution of Juvenile Delinquency in England, 1890-1914", *Past and Present*, 67 (1975), pp. 96-126; *idem.*, *Youth and History: Tradition and Change in European Age Relations, 1770-Present*, New York, Academic Press, 1974; Susan MAGAREY, "The Invention of Juvenile Delinquency in Early Nineteenth-Century England", *Labour History* (Canberra), 34 (1978), pp. 11-27; Margaret MAY, "Innocence and Experience: The Evolution of the Concept of Juvenile Delinquency in the Mid-19th Century", *Victorian Studies*, 17/1 (1973), pp. 7-29; John SPRINGHALL, *Coming of Age: Adolescence in Britain, 1860-1960*, Dublin, Gill and Macmillan, 1986.

[7] For example, see Leon RADZINOWICZ and Roger HOOD, *A History of English Criminal Law, Vol. 5: The Emergence of Penal Policy*, London, Steven's and Son, 1986, p. 133.

[8] The key work to challenge the Victorian "invention of delinquency" was by Peter King and Heather Shore. Peter KING and Joan NOEL, "The Origins of 'The Problem of Juvenile Delinquency': The Growth of Juvenile Prosecutions in London in the Late Eighteenth and Early Nineteenth Centuries", *Criminal Justice History*, 14 (1993), pp. 17-41; Peter KING, "The Rise of Juvenile Delinquency in England, 1780-1840: Changing Patterns of Perception and Prosecution", *Past and Present*, 160 (1998), pp. 116-166; Heather SHORE, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London*, Rochester, Royal Historical Society, 1999.

[9] For example, Linda MAHOOD, *Policing Gender, Class and Family: Britain, 1850-1940*, London, UCL Press, 1995; Andrew DAVIES, "Youth Gangs, Masculinity and Violence in Late Victorian Manchester and Salford", *Journal of Social History*, 32 (1998), pp. 349-369; John SPRINGHALL, *Youth, Popular Culture and Moral Panics: Penny Gaffs to Gangsta-rap, 1830-1996*, Basingstoke, Macmillan, 1998; Felix DRIVER, "Discipline Without Frontiers? Representations of the Mettray Reformatory Colony in Britain, 1840-1880", *Journal of Historical Sociology*, 3 (1990), pp. 272-293; John A. STACK, "Children, Urbanization and the Chances of Imprisonment in Mid-Victorian England", *Criminal Justice History*, 13 (1992), pp. 113-139; Michelle CALE, "Girls and the Perception of Sexual Danger in the Victorian Reformatory System", *History*, 78 (1993), pp. 201-217.

the growth of social work and the impact of the 1908 Children's Act, the establishment of the welfare state, and the embedding of compulsory education systems.[10] This essay will attempt to provide a road-map charting these developments, noting the key findings and themes that have emerged from this work, and consider new directions in which the research might travel. The first part of the essay will say something about the early analyses of historical juvenile crime, in particular focussing on the increasing convergence of socio-criminological perspectives and the new social history of the 1970s. The second part will consider the re-invigoration of the debate about the 'invention' of juvenile delinquency from the 1990s. The third and fourth parts will respectively consider the emergence and influence of gender perspectives and the development of the juvenile reformatory system. The fifth part will consider the relationship between studies of juvenile crime and those that focus on troubled adolescence and youth culture. The sixth and final part will assess the influence of criminology on a more interdisciplinary approach to the study of the juvenile delinquent, specifically addressing the issue of multi-agency approaches to juvenile justice, as well the problematisation of historical youth gangs.

DISCOVERING THE HISTORY OF DELINQUENT YOUTH

From the 1970s a wave of British historians were starting to think and write about juvenile crime as part of the new "history from below"; this would see previously marginal historical actors, like young people and criminals, brought into the centre of historical debate.[11] John Muncie has described the emergence of the "revisionist" history of juvenile crime in the 1970s, "The revi-

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[10] For example, Katherine BRADLEY, "Juvenile Delinquency, the Juvenile Courts and the Settlement Movement, 1908-1950: Basil Henriques and Toynbee Hall", *Twentieth Century British History*, 19/2 (2008), pp. 133-155; *idem.*, "Inside the Inner London Juvenile Court, c. 1909-1953", *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 3/2 (2009), pp. 37-59; Katherine BRADLEY, Anne LOGAN, and Simon SHAW, "Youth and Crime: Centennial Reflections on the Children Act 1908", *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 3/2 (2009), pp. 1-17; Pamela COX, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950*, Basingstoke, Palgrave Macmillan, 2003; Louise JACKSON, "'The Coffee Club Menace': Policing Youth, Leisure and Sexuality in Post-war Manchester", *Cultural and Social History*, 5/3 (2008), pp. 289-308; Abigail WILLS, "Delinquency, Masculinity and Citizenship in England 1950-1970", *Past and Present*, 187 (2005), pp. 157-85; *idem.*, "Resistance, Identity and Historical Change in Residential Institutions for Juvenile Delinquents, 1950-70", in Helen JOHNSTON (ed.), *Punishment and Control in Historical Perspective*, Basingstoke, Palgrave Macmillan, 2008, pp. 215-234.

[11] For example see the discussion by James SHARPE, "The History of Crime in England, c. 1300-1914", *The British Journal of Criminology*, 28/2 (1988), pp. 124-137.

sionist concern then is not so much with unearthing the causes and extent of youth crime, but with identifying the ways in which certain behaviours and groups of the population were subject to processes of criminalization –how some children and young people came to be considered as criminal".[12] These changing approaches to the history of juvenile crime were undoubtedly enabled with the expansion of British social history, as a result of which, from the 1970s and 80s, the history of childhood and adolescence underwent a growth period. The French historian, Philippe Aries is generally credited with opening the debate about the experience of and attitudes to childhood over time.[13] Whilst his work has now been much contested, he introduced important themes, particularly exploring the way that ideas about childhood and child behaviour had often been divorced from their biological and physiological basis.[14] Moreover, whilst his fundamental argument that childhood as a concept did not emerge until around the seventeenth century was problematic it was a cataylst for a generation of historians both in Britain and Europe who also considered the knotty problem of affective family relations.[15] Perhaps unsuprisingly, much of the work on the history of childhood would focus on the contradictions of the nineteenth century. Thus whilst working-class children would help shape the success of British industrial capitalism, Victorian philantrophy shaded over into domestic politics which increasingly sought to protect the child. The most notable historians of these social developments were Ivy Pinchbeck and Margaret Hewitt, who took the working child, the poor child, and the delinquent child as their central actors.[16] Essentially a history of social policy, whilst the work cannot really be described as revisionism, Pinchbeck and Hewitt drew attention to the delinquent child as a key concern for eighteenth and nineteenth century reformers. The expanding debates about the history of childhood, were fundamentally concerned with definitions. One of the key problems was the changing definition of what constituted a child.

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[12] John MUNCIE, *Youth and Crime*, London, Sage, 3rd edn. 2009, p. 46.

[13] Philippe ARIÈS, *Centuries of Childhood*, London, Jonathan Cape, 1962.

[14] For a useful evaluation of Ariès, see Adrian WILSON, "The Infancy of the History of Childhood: An Appraisal of Philippe Ariès", *History and Theory*, 19/2 (1980), pp. 132-153.

[15] See the debate associated with Lloyd De Mause, Edward Shorter and particularly, Lawrence Stone. Lloyd DE MAUSE, *The History of Childhood*, New York, Psychohistory Press, 1974; Edward SHORTER, *The Making of the Modern Family*, New York, Basic Books, c. 1975; Lawrence STONE, *The Family, Sex and Marriage in England, 1500-1800*, London, Weidenfeld and Nicolson, 1977.

[16] Ivy PINCHBECK and Margaret HEWITT, *Children in English Society*, 2 volumes, London, Routledge and Kegan Paul, 1969-73.

When that child became an adult? At what point did the transitional period of adolescence emerge as part of the experience of 'growing up'? Whilst Cunningham noted that "adolescence has come to be seen as a time of stressful conflict between parents and adults", in his 1995 overview of the history of childhood, he was on the whole unconcerned with the evolution of concepts and youth and adolescence.[17] John Muncie has noted that it was not until the late nineteenth century, influenced by the advent of compulsory education, that the "concept of adolecence began to affect the children of the working classes".[18] Work by John Gillis, John Springhall, and Harry Hendricks has been key in establishing the crucial importance of this period (c. 1870–c. 1914) in the defining of adolescent pathologies.[19] The development of a state education policy, as well as attempts to regulate boy labour, the growth of institutions for working-class youth in response to the emergence of a distinct youth culture, and concerns about national efficiency linked to the young men of working-class communities, were influential markers in the shaping of the concept of adolescence in this period. Also, in the early twentieth centuy, the evolution of psychological explanations for youthful behaviour, associated most notably with the work of the American pyschologist, G. Stanley Hall, were also influential.[20] Nevertheless, whilst this timing is certainly a crucial in relation to more formal and public definitions of adolescence I woud argue that the earlier historical focus on the problematic definition of juvenile crime in relation to criminal responsibility is key to the evolution of these concepts. Thus, whilst historians have noted medieval and early modern concerns about 'disorderly' youth, the emergence of the issue of juvenile delinquency from the late eighteenth and early nineteenth century, the establishment of a separate system juvenile justice, and in particular, the experience of the industrial and reformatory school system, surely created the environment in which the behaviour and psychologies of working-class children became so important. For example, in the early nineteenth century, commentators were clearly concerned with the contradictions of a system that, at least ostensibly, did not

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[17] Hugh CUNNINGHAM, *Children and Childhood in Western Society since 1500*, London, Longman, 1995, p. 185.

[18] MUNCIE, *Youth and Crime*, p. 66.

[19] Harry HENDRICK, *Images of Youth: Age, Class, and the Male Youth Problem, 1880-1920*, Oxford, Clarendon Press, 1990; SPRINGHALL, *Coming of Age*; GILLIS, *Youth and History*.

[20] G. Stanley HALL, *Adolescence, Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion and Education* , New York, D. Appleton and Company, 1905. For a overview of this field see HENDRICK, *Images of Youth*, pp. 83-118.

make allowances for a childs age. As Thomas Wontner noted in 1832, "it has always distressed me to hear of any sentence exceeding seven years being passed on a youth aged under fourteen years of age, as he can scarcely be considered morally responsible for his own actions at this period of his existence".[21] The emergence of a set of discourses that were concerned with the causes of juvenile crime, the issue of criminal responsibility, and the remedy for youthful misbehaviour can be traced from around the 1790s, when one of the earliest voluntary societies aimed at addressing the 'problem' of the criminal child was established in London. The Philanthropic Society, the members of whom first met in London in 1788, and opened at institution in St. George's Fields, Southwark, in 1792, could be said to symbolically mark the emergence of a new sensibility towards the criminal and delinquent child.[22] The Society was significant in a number of ways, not least given its implicit critique of a society that failed to deal with the problems of the criminal child, "The door of Hope has been shut against them: those who most need instruction have been most neglected; and those who did not find friends in their parents have found none in the Public, but have been abandoned to infamy and ruin".[23] Despite these criticisms, as Peter King has pointed out, the 1780s were a decade in which there had been growing concern about disorderly and idle children and an increase in the provision of basic educational facilities for the poor. However, the debate about poor and criminal children would become much more intense after the end of the French Wars in the 1810s.[24] It was study of this period, and activity in relation to juvenile offenders both in what can loosely be termed the private and public sectors, that led to the re-visiting of the 'invention' of the juvenile delinquent in the historiography of the 1990s.

The 'invention' of the juvenile offender

Originally, the "invention" of the juvenile offender, had tended to be associated with early Victorian society. Thus, legal scholars Leon Radzinowicz and Roger Hood had posited that, "The concept of the young offender, with all

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[21] Thomas WONTNER, "The schoolmaster's experience in Newgate", *Frazer's Magazine*, 5 (1832), p. 525.

[22] *A History of the Royal Philanthropic Society*, S. Straker & Sons, 1988.

[23] *An Address to the Public From the Philanthropic Society, Instituted in 1788, For the Promotion of Industry, and the Reform of the Criminal Poor*, London, 1792, p. 6.

[24] Peter KING, *Crime and Law in England: Remaking Justice from the Margins*, Cambridge, Cambridge University Press, 2006, p. 104.

that it implies for penal policy, is a Victorian creation. Until well into the nineteenth century there were no differentiations accorded to age in the method of bringing offenders to trial, or in the form of trial itself, in the punishments that could be imposed nor, generally, in the way in which they were enforced".[25] Whilst Radzinowicz and Hood's reading of the changes to legislation and punishment were in reality rather more nuanced than this sentence suggests, this was typical of a view prevalent amongst both sociologists and historians that young people were fundamentally undifferentiated in the criminal justice system. Moreover, not helping things were the contradictions that characterised the eighteenth and early nineteenth century criminal justice system, of which contemporaries were well aware, where the death penalty still attached itself to very young children despite being fundamentally redundant in such cases. For example, at the Old Bailey in the 1830s, despite the repeal of the death sentence in some of the key offences affecting juveniles, such as shop-lifting and larceny from the person (pick-pocketing), 58 children aged up to and including 16, were still sentenced to death. This included 12-year-old Hannah Creed, who was found guilty of stealing the dwelling house, but NOT of breaking and entering.[26] Stealing in the dwelling house was a crime essentially designed to prosecute servants who were accused of theft.[27] Whilst Hannah was not a servant, she was familiar with the house of Mary Davis, whom she robbed, and for whom she had previous done errands. Susan Magarey focussed on the 1830s as a key period in the making of the juvenile delinquent. As the title of her article suggests, she had been influenced by labelling theory and particularly by Anthony Platt's important study of the child-saving movement in America, published in 1969.[28] Magarey, along with Margaret May who had published an earlier article on the concept of juvenile delinquency in 1973, was one of the pioneers of the field. Here she dealt critically with the relationship between the changes to the criminal justice system, the establishment of the "new police" in 1829, and the changing attitude to criminal responsibiltiy in relation to child offenders between the period c. 1820 and c. 1850. Thus she concludes, "It might be an over-statement to maintain, as Platt does of the

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[25] RADZINOWICZ and HOOD, *Emergence of Penal Policy*, p. 133.

[26] Old Bailey Proceedings (hereafter OBP), trial of Hannah Creed, Theft, 8th September 1831 (all Old Bailey references are drawn from www.oldbaileyonline.org).

[27] John BEATTIE, *Crime and the Courts in England, 1660-1800*, Oxford, Oxford University Press, 1986, pp. 3-5.

[28] Anthony M. PLATT, *The Child Savers: The Invention of Delinquency*, Chicago, The University of Chicago Press, 1969, second edn. 1977, p. xi.

child-saving movement in the United States, that juvenile delinquency was 'invented', or, as might be a more appropriate way of characterising the changes that I have described, 'legislated into existence'. But such a representation of the origins of the problem of juvenile delinquency would not be entirely frivilous".[29] Both Magarey's emphasis on the changes in legislation and criminal justice practice, and Margaret May's discussion of the relationship between the concept of juvenile crime and the activities of contemporary philanthropists and social investigators, have their merits.[30] They provide a useful guide to the shape of the debates that were circulating at this time. However, although Magarey undertook some rudimentary quantification of the criminal statistics from the late 1830s, it was clear that a more empirically detailed account of the nature of, and apparent growth in, juvenile crime, was needed.

That account would come from work undertaken by two historians, Peter King, who provided detailed statistical analysis of juvenile offenders at the Old Bailey and various court records across Britain, found that the rise of juvenile prosecutions (based on the study of property offenders aged 0-17) predated the so-called Victorian 'invention' of delinquency by a couple of decades.[31] These findings were also confirmed by Heather Shore's count of Middlesex offenders in the Criminal Registers, from 1790, which King incorporated into his overall statistical analysis presented in a *Past and Present* article in 1998.[32] This work highlighted the issue of urban growth as central to the increasing willingness of the courts to prosecute juvenile offenders, with King identifying a notable urban-rural divide. He concluded that, "The existence of a growing number of vulnerable, ill-provided-for urban juveniles, and of a general increase in post-war anxieties about rising crime rates, provided the pre-conditions for a major increase in juvenile prosecutions".[33] However, it was not simply the shifting cultural, social and political landscape that was creating anxieties and pushing up juvenile prosecutions from the 1810s. Thus Shore argues that the increasing emphasis on the reformation of children (both delinquent and semi-delinquent as they were referred to by contemporaries) within the context of disciplinary institutions, seems to have con-

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[29] MAGAREY, "Invention", p. 25.
[30] MAY, "Innocence and Experience".
[31] KING and NOEL, "Origins"; KING, "Rise of Juvenile Delinquency"; SHORE, *Artful Dodgers*; H. SHORE, *The Social History of Juvenile Crime in Middlesex, 1790-1850*, University of London, PhD Thesis, 1996.
[32] KING, "Rise of Juvenile Delinquency", pp. 125-128.
[33] *Ibid.*, pp. 164-165.

tributed to the growing penal population of juveniles.[34] The extension of summary jurisdiction, the increased willingness to prosecute juveniles with the removal of the death sentence, and a blurring of the boundaries between the 'criminal' juvenile offender and the 'vulnerable' juvenile delinquent arguably contributed to a process of criminalisation in the early decades of the nineteenth century. As the Reverend John Ousby noted in his evidence to the 1837 Select Committee on Metropolitan Police Officers, "When a boy is taken into custody, though he is innocent, he loses his character, and it is with the greatest difficulty possible he can ever come into society again; he then falls into crime as a matter of necessity; he becomes a continual criminal, and we do not lose sight of him until he either dies or commits some crime that will subject him to transportation".[35] Margaret May and Peter Rush have argued that these structural changes were also aided and abetted by a shifting cultural language of delinquency. Rush particularly sees the debates about reformatory practice in the early Victorian period as crucial to the development of the discursive figure of the juvenile delinquent, arguing that the terminology only became part of the regulatory language after this period.[36]

Nevertheless, juvenile crime rates were not an 'invention' of the Victorian period, and indeed child criminals had long frequented the legal courts. Diana Payne's doctoral research on the children of the poor in eighteenth century London has used the Old Bailey Proceedings in order to uncover information on such children prior to the 1790s, when age information was more readily accessible.[37] Payne used qualitative information to search for child offenders in the Old Bailey between 1700 and 1780, for example in some cases children gave their age in response to question. In other cases, children were identified by the courts description of them as "boy" or "girl". Whilst the final number she could positively identify as children was small ("boy" for example, could be used to describe youths up to their early twenties) her analysis of the offences that they committed and the sentences they received, clearly demonstrates that

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[34] SHORE, *Artful Dodgers*, p. 149.
[35] *Report from the Select Committee on Metropolitan Police Officers*, PP, 1837, x11, pp. 166-73, evidence of Revd. John Ousby.
[36] Peter RUSH, "The Government of a Generation: The Subject of Juvenile Delinquency", *Liverpool Law Review*, XIV/1 (1992), pp. 3-43.
[37] Diana PAYNE, *Children of the Poor in London*, University of Hertfordshire, Ph.D Thesis, 2008. See also, Uwe BOKER, "Childhood and Juvenile Delinquency in Eighteenth-Century Newgate Calendars", in Anja MULLER (ed.), *Fashioning Childhood in the Eighteenth Century: Age and Identity*, Aldershot, Ashgate, 2006, pp. 135-144.

the court did take their age into account. For example, execution of children was extremely rare and of those who were condemned to death, few were actually hung.[38] Those who were tended to be older teens, or those perceived as being especially 'hardened' offenders. For example, William Duell, who had been convicted of theft and rape, was sixteen. He was executed in November 1740, but (according to the *Newgate Calendar*) revived almost at the point of being anatomised by the surgeons knife.[39] If the evidence suggests that courts were shaping their judgements in relation to defendents age prior to the late eighteenth century, what other explanantions are there for the specific evolution of a categorising language to describe juvenile offenders, and the rise in prosecutions? Paul Griffiths regards the "invention" of juvenile delinquency debate as problematically tied to the modernity thesis. He argues that many of the developments that are seen by historians as "new" in the modern period (or at least from the nineteenth century) have counterparts and/or roots in the early modern period, "A more context-secure and source-sensitive narrative would reach back to the sixteenth century (and before) and trace ideas about generational disorders to unpick the roots of later semantic twists in discourses about young offenders".[40] He points to "places of confinement for the young", concerns around youth in domestic service and apprenticeship, forms of policing disorderly youth and attempts at reformation, all of which can be traced over the centuries preceeding the nineteenth.[41] For Griffiths, the sharp shifts of the nineteenth century can be to a large extent explained by linguistic reconfigurations, which introduced a more regulatory language of juvenile delinquency into the penal lexicon. Other historians, both of problem youth and juvenile delinquency, have provided evidence that early modern legislators in Britain, and in the wider world, responded to juvenile crime as a distinct issue. Dutch historian, Benjamin Roberts has written about the problems with adolescent boys in the seventeenth century Dutch republic; Valentina Tikoff has explored the experiences of criminal children in the Toribos, a correctional institution in

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[38] See also B.E.F. KNELL, "Capital Punishment: Its Administration in Relation to Juvenile Offenders in the Nineteenth Century and Its Possible Administration in the Eighteenth", *British Journal of Criminology*, 5/2 (1965), pp. 198-207.

[39] OBP, William Duell, Theft, Rape, 15th October, 1740 (t17401015-53). PAYNE, "Children of the Poor", pp. 225, 233.

[40] Paul GRIFFITHS, "Juvenile Delinquency in Time", in P. COX and H. SHORE (eds.), *Becoming Delinquent: British and European Youth, 1650-1950*, Aldershot, Ashgate, 2002, pp. 23-40, for this quote see p. 25.

[41] GRIFFITHS, "Juvenile Delinquency", p. 27.

eighteenth century Seville.[42] Both historians and sociologists have demonstrated the central role of youth in traditions of delinquency and disorder across Europe, and the anxiety expressed by adult authority reach to us in a way that is both familiar and cautionary.[43] Thus the continuities with the past echo in a proclamation from mid-seventeenth century Winchester, which complains about "a disorderly sort of idle children in unlawfull Exercises and pastimes in the greate church yarde"; the voice of William Fleetwood, Recorder of London in the late sixteenth century, who describes juvenile pick-pockets as "judicial nypper[s]"; and the recommendations for a spinning school, by London philanthropist Thomas Firmin, who in late seventeenth century bemoaned the delinquent children of the poor, who "between Begging and Stealing, get a sorry living; but never bring any thing to their poor Parents, nor earn one Farthing towards their own maintenance of the good of the Nation".[44]

GENDER AND THE JUVENILE DELINQUENT

The replaying of concerns and anxieties is particularly evident in relation to gendered discourses about delinquent youth. In 1758, the magistrate, John Fielding, published a plan for rescuing what he referred to as 'deserted girls'. In it he remarked upon the number of transported juvenile boys to be found in the Sessions Papers between the years of 1755 and 1756, "…these deserted Boys were Thieves from Necessity, their Sisters are Whores from the same cause; and, having the same education with their wretched Brothers, generally join the Theif to the Prostitute".[45] That the historical debate about juvenile crime was gendered is indisputable. Indeed, in almost all countries and all juvenile justice systems, this gendering can be found. To some extent of course this is a reflection of the broader criminal justice system, which is itself fundamentally gendered. Nevertheless, the different ways in which ideas about female

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[42] Benjamin ROBERTS, "On Not Becoming Delinquent: Raising Adolescent Boys in the Dutch Republic, 1600-1750", in COX and SHORE, *Becoming Delinquent*, pp. 41-57; Valentina K. TIKOFF, "Before the Reformatory: A Correctional Orphanage in Old Regime Seville", in COX and SHORE, *Becoming Delinquent*, pp. 59-75.

[43] For example, see PEARSON, *Hooligans*; Natalie Zemon DAVIS, "The Reasons of Misrule: Youth Groups and Charivari's in Sixteenth Century France", *Past and Present*, 50 (1971), pp. 41-75; GILLIS, *Youth and History*.

[44] From Wiley B. SANDERS, *Juvenile Offenders for a Thousand Years: Selected Readings from Anglo-Saxon Times to 1900*, Chapel Hill, University of North Carolina Press, 1970, pp. 10, 17, 18.

[45] John FIELDING Esq., *A Plan for a Preservatory and Reformatory for the Benefit of Deserted Girls and Penitent Prostitutes*, London, R. Francklin, 1758, p. 4.

juvenile crime as opposed to male juvenile crime was both constructed, and responded to, is notable. A number of criminologists have noted distinct patterns in current female to male juvenile offending. Important studies by Loraine Gelsthorpe and Gilly Sharpe, Anne Campbell and Anne Worrall have considered the disparity between male and female juvenile offending, but also found that girls tended to peak earlier in their offending behaviour and commit less serious crimes.[46] As Tim Newburn and Elizabeth Stanko noted in 1994, "The most significant fact about crime is that it is almost always committed by men".[47] These patterns are repeated in the little historical age-related material that we have. Shore's study of the Middlesex Criminal Registers (1791-1849), shows the average ratio of male to female juvenile offenders (0-16) to be 82:18.[48] The coincidence of this timing with the emergence of a distinctly gendered and particularly masculine discourse about juvenile crime is highly significant. Peter King found a very similar pattern in his data which covered a much broader area than Shore's. He notes, "…in urban areas like Manchester the proportion of young offenders who were female fell rapidly in the 1810s, at precisely the time when juvenile prosecution rates were rising most precipitously".[49] As Fielding has shown us, the distinctions made between male criminality based on property crime and female criminality based on sexuality and disorder, can be traced back into the pre-industrial period (and indeed, much earlier, as Paul Griffiths work on early modern youth has shown).[50] Nevertheless, Shore's work suggests that the stereotype of the male juvenile delinquent, specifically the image of a skilled sub-set of cocky, precocious and 'hardened' class of pick-pockets, was increasingly dominant in early nineteenth cen-

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[46] Loraine GELSTHORPE and Gilly SHARPE, "Gender, Youth Crime and Justice", in B. GOLDSON and J. MUNCIE (eds.), *Comparative Youth Justice: Critical Issues*, London, Sage, 2006, pp. 47-61; Anne CAMPBELL, *Girl Delinquents*, Oxford, Blackwell, 1981; Anne WORRALL, "Troubled or Troublesome? Justice for Girls and Young Women", in B. GOLDSON (ed.) *Youth Justice: Contemporary Policy and Practice*, Aldershot, Ashgate, 1999, pp. 28-50. See also Christine ALDER and Anne WORRALL (eds.), *Girls' Violence: Myths and Realities*, New York, State University of New York Press, 2004, and more recently, Loraine GELSTHORPE and Anne WORRALL, "Looking for Trouble: A Recent History of Girls, Young Women and Youth Justice", *Youth Justice*, 9/3 (2009), pp. 209-223.

[47] Tim NEWBURN and Elizabeth A. STANKO (eds.), *Just Boys Doing Business?: Men, Masculinities and Crime*, London, Routledge, 1994, p. 1.

[48] SHORE, *Artful Dodgers*, pp. 172-173.

[49] KING, *Crime and Law in England*, p. 89.

[50] Paul GRIFFITHS, *Youth and Authority: Formative Experiences in England, 1560-1640*, Oxford, Clarendon Press, 1996.

[51] Heather SHORE, "The Trouble with Boys: Gender and the 'Invention' of the Juvenile Offender in the Early Nineteenth Century", in M. ARNOT and C. USBORNE (eds.), *Gender and Crime in Modern Europe*, London, UCL Press, 1999, pp. 75-92.

tury discourses.[51] Moreover, it is noted that, "Representations of young offenders were generally based on the most extreme examples of juvenile crime: children who had reached the superior courts, who awaited transportation, and who lingered in the prisons and houses of correction, children who were invariably boys. The concern over girl delinquents was generally framed in terms of their sexual immorality, accompanied by a strong emphasis on the sexual threat which they apparently posed to boys".[52] This sharp rhetorical division between boys and girls increasingly inserted itself into the language used to describe young delinquents.[53] Thus Scottish "child-savers" referred to "vicious girls" and "street-corner boys" in the later nineteenth century; and in 1857 William Acton, writing on female prostitution, would comment on the 'effrontery' of the child prostitutes who "infested" London.[54] However, it was within the regulatory and institutional processes of juvenile justice that evolved over the course of the nineteenth century, that some of the more practical impacts of gendered justice justice can be traced. The following section will consider the evolution of juvenile specific penal institutions from the late eighteenth century. In these institutions, as historians such as Cox and Cale have demonstrated, gender was one of the key factors in shaping both reformative and more punitive strategies.[55]

FROM REFUGE TO SCHOOL: THE EMERGENCE OF JUVENILE SPECIFIC INSTITUTIONS

In the 1790s, the Philanthropic Society had placed delinquent boys into the Reform where they were provided with a moral and social education. Once

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[52] Heather SHORE, "Reforming the Juvenile: Gender, Justice and the Child Criminal in Nineteenth-Century England", in J. MUNCIE, G. HUGHES and E. MCLAUGHLIN (eds.), *Youth Justice: Critical Readings*, London, Sage, 2002, pp. 159-172, this quote pp. 164-165.

[53] Linda MAHOOD, "The Disbudding of Flowers: The Historical Construction of Female Adolescent Delinquency", in Terry BROTHERSTONE, Deborah SIMONTON and Oonagh WALSH (eds), *Gendering Scottish History: An International Approach*, Glasgow, Cruithne Press, 1999, pp. 251-269.

[54] Linda MAHOOD and Barbara LITTLEWOOD, "The 'Vicious' Girl and the 'Street-corner' Boy: Sexuality and the Gendered Delinquent in the Scottish Child-saving Movement, 1850-1914", *Journal of the History of Sexuality*, IV (1994), pp. 549-578; Larry WOLFF, "'The Boys are Pickpockets, and the Girl is a Prostitute': Gender and Juvenile Criminality in Early Victorian England from *Oliver Twist* to *London Labour*", *New Literary History*, 27/2 (1996), pp. 227-249, p. 237.

[55] Pamela COX, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950*, Basingstoke, Palgrave, 2002; Michelle CALE, "Girls and the Perception of Sexual Violence in the Victorian Reformatory System", *History*, lxviii (1993), pp. 201-217. See also Rosalind KAYE, *The Spirit of a Real Home: Lucy Greenwood and the Halstead Industrial School*, London, Chellow Dean, 2009.

'sufficiently reformed' they were transferred to the Manufactory where they were taught practical skills and undertook employment.[56] This division between the Reform and Manufactory would be reflected in the evolution of the industrial and reformatory schools. Thus reformatory schools were to be reserved for convicted offenders, whilst industrial schools took the potential delinquent and neglected child.[57] However, before the 1850s, there had been a range of initiatives and attempts to develop juvenile specific institutions. The Philanthropic may have been the earliest to do this, however, as Peter King has argued, it was in the relationship between the voluntary sector and the state where we can really sense the roots of the later system. King's work on the Refuge for the Destitute, founded in London in 1806, shows how the government worked closely with the philanthropic (or voluntary) sector. King's work has demonstrated that children were committed to the Refuge from the eighteen teens by a "dynamic interaction at ground level between a group of philanthropists, the Old Bailey justices, and the formal government authorities", using judges respites as means of referring to such institutions. Thus, as King points out, by the mid-1830s, the Refuge was essentially a (partially) state-funded juvenile reformatory.[58] Whilst not all of the children who found their way into the Refuge for the Destitute or indeed, the Philanthropic Society had been convicted of offences (thus the Philanthropic accepted children of convicts; and both organisations accepted vagrant children), Parkhurst prison, established by statue in 1838, was designed very much with the male juvenile criminal in mind.[59] Despite two decades of calls for such an institution from the voluntary sector, it was actually a very different atmosphere that created Parkhurst prison. Parkhurst was to embrace the ideology of colonial citizenship. As Andrew Gill's work has demonstrated, this colonial ideology neatly dovetailed into the labour needs for the development of the colony in Western

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[56] *An Account of the Present State of the Philanthropic Society*, London, 1804.

[57] The Schools were formally and nationally legislated for from, respectively, 1854 and 1857. For an overview, see Heather SHORE, "Punishment, Reformation, or Welfare: Responses to 'The Problem' of Juvenile Crime in Victorian and Edwardian Britain", in JOHNSTON, H. (ed.), *Punishment and Control in Historical Perspective*, Basingstoke, Palgrave Macmillan, 2008, pp. 158-176.

[58] KING, *Crime and Law*, p. 161.

[59] PINCHBECK and HEWITT, *Children*, vol. 2; Sean MCCONVILLE, *A History of English Prison Administration, vol. 1, 1750-1877*, London, Routledge & Kegan Paul, 1981; M.R. PENWARDEN, *Juvenile Delinquency and its Treatment in Victorian London, with Special Reference to the Parkhurst Experiment*, Unpublished MSc Thesis, University of Wales, Swansea, UK; RADZINOWICZ and HOOD, *Emergence of Penal Policy*; John STACK, "Deterrence and Reformation in Early Victorian Social Policy: The Case of Parkhurst Prison, 1838-1864", *Historical Reflections*, 6 (1979), pp. 387-404.

Australia.[60] Thus, the training element, which would be a key feature of the new penitentiary, would produce better and more useful colonial citizens, and whilst some boys were transported as free emigrants, or under a conditional pardon, many Parkhurst boys were to be transported to Western Australia. The history of Parkhurst as a juvenile specific penitentiary was to be relatively short-lived; closing its door to juveniles in 1864. Overall, the first juvenile penitentiary has been remembered as a failed experiment. Yet, the decline of Parkhurst has to be assessed alongside the passage of the Reformatory and Industrial Schools Acts. Thus from 1854, a number of new reformatory schools would increasingly limit the role of Parkhurst, which was essentially seen as part of the convict prison system. Despite the apparent ubiquity of the various forms of industrial and reformatory school in the later nineteenth century they have yet to be studied by historians in great detail. A recent article by Marianne Moore has provided a broad overview of the debates about the purpose and functioning of the industrial schools in the later nineteenth century.[61] She has been particularly critical of some of the existing work on the schools, in which she has argued, a cynical approach to the aims and features of the schools have largely predominated. In particular she is critical of the connections made by historians such as Mahood and Littlewood, and Cale, who she argues have built uncritically upon the theories of Michel Foucault in their work on the regulation of sexuality in the industrial and reformatory schools.[62] Moore also notes that the Industrial Schools have received little attention from historians of child protection, "Such an oversight means that industrial schools, and the thought and debate surrounding their establishment, have not

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[60] MCCONVILLE, *History*, p. 205; Andrew GILL, *Convict Assignment in Western Australia: The Parkhurst Apprentices, 1842-1851*, Maylands, W.A., Blatellae Books, 2004. Also see Paul BUDDEE, *Fate of the Artful Dodger: Parkhurst Boys Transported to Australia and New Zealand, 1842-1852*, St. George Books, Perth, 1984. On transported boys in the earlier nineteenth century see, Elaine HADLEY, "Natives in a Strange Land: The Philanthropic Discourse of Juvenile Emigration in Mid-Nineteenth Century England", *Victorian Studies*, xxxiii/3 (1990), pp. 411-437; Kim HUMPHREY, "Objects of Compassion: Young Male Convicts in Van Diemen's Land, 1834-1850", *Australian Historical Studies*, 25/98 (1992), pp. 13-33; Heather SHORE, "Transportation, Penal Ideology and the Experience of Juvenile Offenders in England and Australia in the Early Nineteenth Century", in *Crime, Histoire et Sociétés*, 6/2 (2002), pp. 81-102.

[61] Marianne MOORE, "Social Control or Protection of the Child? The Debates on the Industrial School Acts, 1857-1894", *Journal of Family History*, 33/4 (2008), pp. 359-387. See also John A. STACK, "Reformatory and Industrial Schools and the Decline of Child Imprisonment in Mid-Victorian England and Wales", *History of Education*, 23/1 (1994), pp. 59-73.

[62] MAHOOD, *Policing Gender*; Cale, "Girls". Michel FOUCAULT, *The History of Sexuality: The Will to Knowledge, vol. 1*, London, Penguin, 1976.

been given the place they deserve in history as one of the most energetic child protection movements in modern England".[63] Whilst Moore's work offers a nuanced account of the ebbs and flows of later Victorian policy, the development of the young offender institutions of the twentieth century (and their roots in the Industrial and Reformatory School Establishment) has been rather better served by historians, and it is in this area that much of the promising work of the recent few years has been undertaken.

By the eve of the First World War, as Radzinowicz and Hood pointed out, "there was a network of 208 schools: 43 reformatories, 132 industrial schools, 21 day industrial schools and 12 truant schools"[64]. The vast majority of these had been certified as a result of the legislation of 1854 and after. The Reformatory and Industrial Schools Inspectors in 1866 reported that there were 65 Reformatory Schools (51 in England and 14 in Scotland) and 50 Industrial Schools (30 in England and 19 in Scotland [¿49?]) in December 1865[65]. Thus by the early twentieth century, the industrial school in its various forms, was a dominant experience for young delinquents. The number of reformatory schools stayed fairly constant throughout the period. Whilst it would not be until the Approved School was created as part of the Children and Young Persons Act of 1933 that these distinctions were finally eroded, in reality throughout their history, these two forms of institutions were firmly intertwined[66]. According to Radzinowicz and Hood, the key legislation that would enable the expansion of the industrial school was the Consolidation Act of 1866, which widened the criteria for admittance to the institutions as well as extended the jurisdiction of the original Act to Scotland. Increasingly the distinction between the industrial and reformatory schools would be blurred, and it would seem fair to conclude that by the later nineteenth century local government was given a high degree of latitude in dealing with the disorderly children of the working-class. Hence, the journey from the reformatory school for juvenile offenders in the mid-nineteenth century seems to

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[63] MOORE, "Social Control", p. 162. There are also some regional and local studies of individual schools, for example Sandra JOLLY, "The Origins of the Manchester and Salford Reformatory for Juvenile Criminals, 1853-1860", *Manchester Region History Review*, 15 (2001), pp. 2-8.

[64] RADZINOWICZ and HOOD, *The Emergence of Penal Policy*, ¿1990? p. 182.

[65] 9th Report of the Inspector appointed under the provisions of the Act 5/6 Will. 4 c. 36 to Visit the Certified Reformatory and Industrial Schools of Great Britain 3686, 305-464 (001-158).

[66] Abigail WILLS, "Resistance, Identity and Historical Change in Residential Institutions for Juvenile Delinquents', 1950-70", in Helen JOHNSTON (ed.), *Punishment and Control in Historical Perspective*, Basingstoke, Palgrave Macmillan, 2008, pp. 215-34.

have transformed into the industrial school for the refractory working-class by the latter part of the century. This point is underlined if we add to this the day industrial schools and truant schools allowed for under the 1876 Education Act, and further acts passed in the 1880s and 1890s, which extended the state's hand into domestic spaces. The classic account of the various ideological and political strands that underpinned the development of institutions for young offenders from the early twentieth century can be found in Victor Bailey's classic study, *Delinquency and Citizenship: Reclaiming the Young Offender, 1914-1948* (1987).[67] Whilst Bailey's work focuses on the young offender broadly defined (much of the book is concerned with the establishment of Borstal), he usefully outlines the ideological shifts that can be identified from around the 1880s. An incipient liberalism married with new ideas about child and family welfare is associated with the work of energetic practitioners in the field, such as Charles Russell, Alexander Paterson and social purity campaigner, Elice Hopkins. A number of historians have commented on the changing attitudes in this period, which also witnessed a growing call for accountability in the Reformatory and Industrial Schools. This was partly in response to a series of complaints and scandals involving the schools, most specifically involving conditions on the training ships. Training ships were established by a variety of institutions with the intention of training and disciplining young, working-class lads for the navy. Not all were 'reformatory' or 'industrial' institutions, in other words, some were prison ships to which youths could be sentenced by the court. The training ship establishment would be blighted by outbreaks of mutiny throughout the late nineteenth and early twentieth centuries, culminating in a Home Office internal inquiry into a series of deaths at the Heswell Nautical School in the Wirral (this land-based school had formerly been housed on the Akbar Training Ship, moored off the Mersey). As Shore notes, the timing of this enquiry, following on the heels of the 1908 Children Act, is highly significant, "Undoubtedly in this period, reflecting the influence of the Children's Act, there was a new emphasis on the care and protection of children, as well as new prescriptions for adolescence".[68] It is in the nexus between child welfare, juvenile delinquency and the emergence of the adolescent, that much of the work on the twentieth century juvenile justice system has sought to place itself.

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[67] BAILEY, *Delinquency and Citizenship*.
[68] SHORE, "Punishment".

THE 'TROUBLED' ADOLESCENT IN THE LATE NINETEENTH AND TWENTIETH CENTURIES

The history of the adolescent in the later nineteenth and the twentieth century is very well established. Work by John Springhall, John Gillis, Steven Humphries, and Andrew Davies, published mainly between the 1970s and 1990s, established the contours of the debate, demonstrating how the discovery of the 'adolescent' as a problematic category also shaped public attitudes to and government policy on juvenile delinquency from the later nineteenth century.[69] Whilst, as Pearson's work had demonstrated, moral panic and concern about youth was not a phenomenon of the later Victorian and Edwardian period, there is little doubt that by the early twentieth century the 'youth problem' had a specific texture. The marrying of a range of categories that were developing to describe problematic youths and children, meant that the juvenile delinquent would increasingly be seen as a key focus for reformers. The centrality of the juvenile delinquent in debates about crime and welfare in the twentieth century is reflected very strongly in work that has been published since the 1990s. The fruits of recent research on the early twentieth century by Kate Bradley, Pam Cox and Anne Logan, for example, has done much to enhance our understanding of juvenile justice, particularly in relation to the courtroom and the development of multi-agency strategies.[70] Moreover, this work has particularly focussed on way in which institutions and processes continued to be fundamentally gendered in the early twentieth century. In many ways, a vigorous focus on female juvenile criminality (associated in particular with the work of Pamela Cox) has shifted the focus on the 'problem adolescent' away from one in which the female adolescent was an essentially marginal figure.[71] Thus, the pioneering work by John

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[69] DAVIES, "Youth Gangs"; Andrew DAVIES, "'These viragoes are no less cruel than the lads': Young Women, Gangs and Violence in Late Victorian Manchester and Salford", *British Journal of Criminology*, 39/1 (1999), pp. 72-89; GILLIS, *Youth and History*; *idem.*, "Evolution"; Steve HUMPHRIES, *Hooligans or Rebels?: An Oral History of Working-class Childhood and Youth, 1889-1939*, Oxford, Blackwell, 1981, SPRINGHALL, *Coming of Age*; *idem.*, *Youth, Popular Culture and Moral Panics*.

[70] Katharine BRADLEY, "Juvenile Delinquency, the Juvenile Courts and the Settlement Movement 1908-1950: Basil Henriques and Toynbee Hall", *Twentieth Century British History*, 19/2 (2008), pp. 133-155; Katharine BRADLEY, "Inside the Inner London Juvenile Court, c. 1909-1953", *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 3/2 (2009), pp. 37-59; Pamela COX, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950*, Basingstoke, Palgrave, 2003; Anne LOGAN, "'A Suitable Person for Suitable Cases': The Gendering of Juvenile Courts in England, c. 1910-39", *Twentieth Century British History*, 16/2 (2005), pp. 129-145; *idem.*, "Policy Networks and the Juvenile Court: The Reform of Youth Justice, c. 1905-1950", *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 3/2 (2009), pp. 18-36.

[71] COX, *Gender*.

Gillis and John Springhall tended to privilege the experience of the male adolescent, and the strategies that develop around 'him' from the later nineteenth and early twentieth centuries. Understandably, the proliferation of institutions and organisations that had emerged at this time to cater for and support young men, shaped the focus of this work. Thus Springhall's, *Coming of Age*, Gillis's, *Youth and History* and Hendricks', *Images of Youth*, were particularly concerned with the emerging problem of boy labour, the establishment of the Working-Lads clubs and institutions and the foundation of youth movements such as the Boys' Brigade (1883) and Boy Scouts (1908), as is Brad Beaven's more recent re-assessment of this field, *Leisure, Citizenship and Working-Class Men in Britain, 1850-1945*.[72]

Arguably from the twentieth century, periodic anxieties about juvenile crime would be married to the broader narrative of the 'problem adolescent'. Thus, as a number of historians have noted, in key periods of national vulnerability, the juvenile delinquent swiftly shifted into the sight lines of public and governmental focus. For example, David Smith has explored the official responses to a perceived increase in juvenile crime in England in the First World War and in Scotland in the Second World War.[73] A number of energetic contributors to boy-welfare wrote about the juvenile crime problem during the Great War. For example, C.E.B. Russell, one of the founds of the boys-club movement, and Cecil Leeson, Secretary of the Howard Association from 1916, both published texts about the juvenile crime problem during the war.[74] Nevertheless, during the twentieth century, it is indisputable that moral panics over forms of youthful behaviour (especially misbehaviour) have become a mainstay of the press, symbolising the failure of the modernity project. As Pearson notes, "Youth and modernity are inescapably twinned. Moreover the preoccupation with youth has of-

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[72] Brad BEAVEN, *Leisure, Citizenship and Working-Class Men in Britain, 1850-1945*, Manchester, Manchester University Press, 2009; GILLIS, *Youth and History*; HENDRICKS, *Images of Youth*; SPRINGHALL, *Coming of Age*. The historiography of the uniformed youth movements is vast. However, John SPRINGHALL, *Youth, Empire and Society: British Youth Movements, 1883-1940*, London, Archon Books, 1977, is a key text.

[73] David SMITH, "Juvenile Delinquency in Britain in the First World War", *Criminal Justice History*, 11 (1990), pp. 119-145; *idem.*, "Official Responses to Juvenile Delinquency in Scotland During the Second World War", *Twentieth Century British History*, 18/1 (2007), pp. 78-105. See also HENDRICKS, *Images of Youth*, pp. 219-220.

[74] C.E.B. RUSSELL, *The Problem of Juvenile Crime*, Oxford, Oxford University Press, 1917; Cecil LEESON, *The Child and the War*, London, P.S. King & Son, 1917. See BAILEY, *Delinquency*, pp. 10-11, 37; Kate BRADLEY, "Juvenile Delinquency and the Evolution of the British Juvenile Courts, c. 1900-1950", *History in Focus*, 14 (2008), http://www.history.ac.uk/ihr/Focus/welfare/articles/bradleyk.html

ten acted as a convenient metaphor for social change".[75] Whilst continuities with the earlier period abound, a new emphasis on the problems of youthful sexuality can arguably be identified from the twentieth century. As noted earlier, Cox's work on 'bad girls', has demonstrated how young female delinquents increasingly became the focus of reformers, who believed that delinquency amongst girls was rising (partly as a response to the pressures of modernity).[76] Whilst the regulation of the sexuality of young working-class females was hardly unique to the twentieth century, arguably after the First World War, discussion of youthful female sexual mores was no longer largely confined within the parameters of a discourse about prostitution.[77] Adrian Bingham's work on the interwar press has explored the criticism of the behaviour of young women in the guise of the 'flapper' after 1918, a theme also explored by Clare Langhamer in her work on young women between 1920 and 1960.[78] She notes that after the First World War, "there was concern around working-class women's sexuality, a resentment of American influence", particularly relation to dance and jazz cultures.[79] However, the relationship between young, working-class, female sexuality and the explicit concern about delinquency during the twentieth century has yet to be fully explored. The first fruits of Louise Jackson's work on post-war delinquency, is the exception. The menace of youth sexuality would particularly assert itself after the Second World War.[80] Jackson drew on the records of Manchester Women's Police Department, which include close observation of a number of

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[75] Geoffrey PEARSON, "Perpetual Novelty: Youth, Modernity and Historical Amnesia", in Barry Goldson (ed.), *Youth in Crisis? 'Gangs', Territoriality and Violence*, London, Routledge, 2011, pp. 20-37, p. 35.

[76] COX, *Gender*; Pamela COX, "Girls in Trouble: Defining Female Delinquency, Britain, 1900-1950", in Mary Jo MAYNES, Brigitte SØLAND, Christina BENNINGHAUS (eds), *Secret Gardens, Satanic Mills: Placing Girls in European History*, Bloomington and Indianapolis, Indiana University Press, 2004, pp. 192-208.

[77] For the nineteenth century see MAHOOD, *Policing Gender*; *idem*., "The Disbudding of Flowers"; Louise A. JACKSON, *Child Sexual Abuse in Victorian England*, London, Routledge, 2000; Shani D'CRUZE and Louise A. JACKSON, Women, *Crime and Justice in England since 1660*, Basingstoke, Palgrave Macmillan, 2009.

[78] Adrian BINGHAM, *Gender, Modernity and the Popular Press in Inter-War Britain*, Oxford, Oxford University Press, 2004, pp. 47-56; Clare LANGHAMER, *Women's Leisure in England, 1920-1960*, Manchester, Manchester University Press, 2000. See also the useful overview by Selina TODD, "Flappers and Factory Lads: Youth and Youth Culture in Interwar Britain", *History Compass*, 4/4 (2006), pp. 715-730.

[79] LANGHAMER, *Women's Leisure*, p. 63.

[80] Louise A. JACKSON, "'The Coffee Club Menace': Policing Youth, Leisure and Sexuality in Post-war Manchester", *Cultural and Social History*, 5/3 (2008), pp. 289-308. More generally see, Louise A. JACKSON and Angela BARTIE, "Children of the City: Juvenile Justice, Property, and Place in England and Scotland, 1945-60", *Economic History Review*, 64/1 (2011), pp. 88-113.

coffee clubs, institutions that would increasing provide a magnet for youth in the post-war period. Historians of later twentieth century youth, particularly Bill Osgerby, have seen the post-war period as being crucial in the emergence of youth as a 'social category'.[81] Certainly, in this period, ideas about youth and adolescence went through something of a re-invention. As Osgerby suggests, changing socio-economic trends particularly affecting the experience of being a youth in the post-war – across Western Europe and North America. Jackson's work demonstrates the important intersections between youth culture and youth delinquency. Historians have noted earlier 'moral panics' that have sought to link youth culture, material culture and delinquency.[82] However, Jackson argues that in a period in which youth are often portrayed as a dominant social, economic and political force, older technologies of "moral management" continued to shape the policing of young people. Importantly, in a period which has been characterised as one in which there was a new sensitivity towards working-class youths, in their attempts to control young people in their post-war leisure spaces the police fundamentally positioned themselves as "the representatives of order and propriety in the face of what was identified as 'permissiveness'".[83]

INTERDISCIPLINARY APPROACHES TO JUVENILE JUSTICE

Recent historical work has started to profit from a more interdisciplinary approach in order to consider the evolution of youth justice. Thus historians of juvenile crime have increasingly turned to research in the criminology of youth justice. For example, the work of criminologists like Barry Goldson, John Munice, and John Pitt, has sought to explore the impact of multi-agency approaches to youth offending, as well as addressing the continuing problem of territorial youth gang violence.[84] Hence, Pamela Cox has argued that the multi-approach has historical precedents, defining what she calls the 'mixed economy of justice' to be one where welfare is delivered by a range of agen-

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[81] Bill OSGERBY, "Youth Culture", in Paul ADDISON and Harriet JONES (ed.), *A Companion to Contemporary Britain, 1939-2000*, Oxford, Blackwell, 2005, pp. 127-144, esp. pp. 128-134.

[82] SPRINGHALL, *Youth, Popular Culture and Moral Panics*. Also Eileen YEO, "'The boy is the father of the man': Moral Panic over Working-class Youth, 1850 to the Present", *Labour History Review*, 69/2 (2004), pp. 185-99.

[83] JACKSON, "Coffee Club Menace", pp. 302-303, 305. See also, WILLS, "Delinquency", p. 182.

[84] Barry GOLDSON (ed.), *Youth in Crisis? 'Gangs', Territoriality and Violence*, London, Routledge, 2011; MUNCIE, *Youth and Crime*; John PITTS, *Reluctant Gangsters: The Changing Face of Youth Crime*, Cullompton, Willan Publishing, 2008.

cies, transecting both the state and voluntary (or public and private) sectors.[85] We can see this pattern emerging in juvenile justice from at least the early nineteenth century, when new ways of dealing with young offenders were being worked out through a collaboration between politicians designing legislative instruments, and individuals identified as being part of a voluntary, or philanthropic, movement.[86] After the mid-nineteenth century, when the various debates were culminating in the passage of the key legislation (such as the Juvenile Offenders Act of 1847), these philanthropic reformers were increasingly proto-professionals, key players amongst a range of agencies involved in the developing juvenile justice system. For example, the Reverend Sydney Turner, the Chaplain and warden of the Philanthropic Society, became the first full-time Inspector of the Reformatory Schools.[87] By the early twentieth century, this cross-fertilization is evident across a range of agencies, as Kate Bradley's research into the activities of the Settlement Movement.[88] The enduring problem of the youth gang has been the subject of significant research by Andrew Davies, who has well as intricately researching the 'Scuttler gangs' of Manchester and Salford in the late nineteenth century, has considered the impact of similar, historical, territorial youth gangs in inter-war Glasgow.[89] As Barry Goldson has noted, "such analyses are vital in tracing both historical *continuity* and *change*: the long-enduring and recurring presence of youth 'gangs' –or youth groupings/subcultures popularly, if erroneously, labelled 'gangs'– their multiple forms, diverse characteristics, principal rationales and core activities".[90] For example, in interwar Glasgow, the Beehive Boys were a fundamentally loose coalition of youths, some of whom were directly involved in criminal activity. However, it was the identity as a street-fighting gang, rather than as an organised criminal gang, that apparently appealed to young men of the locality.[91] Whilst it is important to stress

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[85] Pam COX, "Towards a Mixed Economy of Youth Justice", http://projects.essex.ac.uk/ehrr/V7N1/Cox.pdf

[86] MOORE, "Social Control".

[87] Jill PELLEW, *The Home Office, 1848-1914: From Clerks to Bureaucrats*, London, Heinemann Educational, 1982, pp. 137-138.

[88] BRADLEY, "Juvenile Delinquency".

[89] DAVIES, "Youth Gangs"; Andrew DAVIES, *Gangs of Manchester*, Preston, Milo Books, 2008; *idem*., "Street Gangs, Crime and Policing in Glasgow in the 1930s: The Case of the Beehive Boys", *Social History*, 23/3 (1998), pp. 251-268.

[90] Barry GOLDSON, "Youth in Crisis?", in B. GOLDSON (ed.), *Youth in Crisis?*, pp. 1-19, for this quote pp. 12-13.

[91] DAVIES, "Street Gangs", pp. 258-259.

the continuities of such territorial youth gangs, it is also crucial to recognise continuity around the media construction of such gangs. This is a point that has been made by both historians and criminologists. Heather Shore has demonstrated how early nineteenth century commentators tended to fall back on easy assumptions about the organised activity of criminal youths in the metropolis. For these commentators, boys worked together in gangs directed by adult thieves, a model so memorably evoked by Dickens' portrayal of Fagin's gang in his novel *Oliver Twist* (1837).[92] By the later nineteenth and early twentieth century, it could be argued that new prescriptions for adolescence and concerns about youthful, male, independence played into a model of the street gang that was more headstrong, more powerfully directed by its young members, and ultimately much more threatening.[93] Certainly this seems to have been the case with the apparent outbreaks of gang violence that were described in the later nineteenth century.[94] As Bill Schwarz noted, "The hooligan quickly resonated through public life", a process amplified by a press who were keen to identify and demonise the youthful hooligan. In particular, the work of the American writer Clarence Rook consolidated the image of the hooligan youth in the character of 'Alf', the protagonist of his 'faction', *Hooligan Nights* published in 1899.[95] However, territorial street gangs had been plaguing the streets of Britain growing urban conurbations for several decades before the hooligan emerged. Whilst Pearson claimed that "The word 'hooligan' made an abrupt entrance into common English usage, as a term to describe gangs of rowdy youths during the hot summer of 1898", the street-gangs that comprised for the most, the "hooligan menace" in 1898, had long roots in the working-class districts of London.[96] In the early 1880s, for example, *The Pall Mall Gazette* ran a number of editorials commenting on "The Fighting Gangs of London", and "London Brigands and Their Methods". They identified a number of named gangs: the "Bow-commoners, the Millwallers, the Dove-row gang, the Golden-lane Gang, the New-Cut Gang,

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[92] Heather SHORE, "'Cross Coves, Buzzers and General Sorts of Prigs': Juvenile Crime and the 'Criminal Underworld' in the Early Nineteenth Century", in *The British Journal of Criminology*, 39/1 (1999), pp. 10-24; *idem.*, *Artful Dodgers*.
[93] BEAVEN, *Leisure*, pp. 88-92.
[94] Bill SCHWARZ, "Night Battles: Hooligan and Citizen", in Mica NAVA, Alan O'SHEA (eds.), *Modern Times: Reflections of a Century of English Modernity*, London, Routledge, 1996, pp. 101-127; PEARSON, *Hooligan*, pp. 74-116.
[95] Clarence ROOK, *The Hooligan Nights*, London, G.Richards, 1899; SCHWARZ, "Night Battles", p. 102.
[96] PEARSON, *Hooligan*, p. 74.

the Drury-lane Gang, the Lambeth Lads, and sundry others with equally un-prepossessing designations"[97]. Like the earlier "Scuttlers" in Manchester and Salford, they were described as using belts, sticks, fists and feet to inflict violence. As early as 1871, *Lloyds Weekly Newspaper*, was bemoaning the prevalence of youths, "who go in gangs of five or six, arm-in-arm, pushing everyone off the pavement".[98] This was in Marylebone, where a decade or so later street warfare would erupt between the Fitzroy Place Lads and Lisson Grove Boys, culminating in the fatal stabbing of a youth in what became known as the "Regents Park Murder" in June 1888.[99] It was in another London open space, Clapham Common, that another fatal stabbing of a youth named John Beckley, would give rise to public hysteria about the Teddy Boy menace.[100] With the Teddy Boy, the blue-print for the "gang" was once again evoked. Yet again, the essentially loose nature of these gangs was much more characteristic. In his re-assessment of the Beckley murder, *The Plough Boy*, published in 1965, Tony Parker argued that there was little organisation in such gangs. As one youth he interviewed described it, "We were just a bunch of lads with nothing much to do, nothing much to think about, and we knocked around most times together because we all lived around the same area".[101] Indeed, by the sixties, hooliganism was again being re-invented, this time in relation to the youth gangs of Glasgow. Thus Angela Bartie has explored the apparent outbreak of hooligan gangsterdom in Glasgow from 1965, echoing the pre-war gang formations that have been described by Davies.[102] Case-studies of youthful gang organisation, as can be seen from the work of Bartie, Davies, and Shore, repeatedly re-assert the fundamentally "constructed" nature of the youth gang. This is a point that has persuasively argued by the criminologist

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[97] *Pall Mall Gazette*, 14 March, 1882. See also, "The Lawlessness of London", 6 March, 1882; "London Brigands and Their Methods", 25 March 1882.

[98] *Lloyds Weekly Newspaper*, 19 November 1871. See also comments about youths in upper-street, Islington in *Penny Illustrated Paper*, 1 May 1869.

[99] *The Pall Mall Gazette*, 26 May 1888. See also *Old Bailey Proceedings Online*, Trial of George Galletly, Peter Lee, William Joseph Graefe, William Henshaw, Charles Henry Govier, Francis Cole, William Elvis, Michael Doolan, Murder, Breaking the Peace, 30 July 1888 (t18880730-759).

[100] Adrian HORN, *Juke Box Britain: Americanisation and Youth Culture, 1945-60*, Manchester, Manchester University Press, 2009, pp. 127-130. See also The National Archive, MEPO 2/9538: "Murder of John Beckley by Michael John Davies at Clapham Common" (1953-1967).

[101] Tony PARKER, *The Plough Boy*, London, Hutchinson, 1965, p. 25.

[102] Angela BARTIE, "Moral Panics and Glasgow Gangs: Exploring 'the New Wave of Glasgow Hooliganism', 1965-1970", *Contemporary British History*, 24/3 (2010), pp. 385-408; DAVIES, "Street Gangs"; *idem*., "Glasgow's 'Reign of Terror': Street Gangs, Racketeering and Intimidation in the 1920s and 1930s", *Contemporary British History*, 21/4 (2007), pp 405-427.

Simon Hallsworth in relation to the current concern with "gangland Britain".[103] In particular he has commented on the pervasiveness of American stereotypes, an influence that can also be identified in pre-war Glasgow, where Andy Davies has noted the increased reference to Prohibition-era Chicago gangs.[104] Hallsworth concludes that the discovery (and "re-discovery") of the "gang" is now firmly entrenched in the British media's narrative of youth crime, "The term 'gang' is now so nebulous, fluid and elastic that it can be randomly applied to just about any group of young people 'hanging around".[105]

Conclusion

When we read stories of juvenile lives through the court record, the admissions to the reformatory school, and the other agencies and institutions with which they came in contact, it is difficult not to conclude that young people have not been served well by criminal justice in the past. Children like twelve-year-old James Westbrook, who in 1802 was sentenced to be publicly whipped and confined six months in Newgate prison for his theft of a Cheshire cheese; or Margaret Beard, "a Girle, about 12 years of Age", who for the crime of shop-lifting a piece of silk, was sentenced to death in 1691. The court noted, "She was very impudent in her Behaviour when taken, and had been an Old Offender, though Young".[106] As such accounts demonstrate, the position of young people within the criminal justice system has long been a problematic one. The relationship between criminal justice and the juvenile delinquent is fundamentally contradictory; on the one had this is a system which, during its historical evolution, has frequently separated children from families, exiled them to far-flung continents, placed then in unreformed penal spaces, and sentenced them to harsh public punishment. On the other hand, it is also a system that has rescued them from abusive adults, educated them, trained them in occupational skills, given them a chance of a new start in life. Thus as one boy in the Middlesex House of Correction told Captain William J. Williams in 1852,

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[103] Simon HALLSWORTH, "Gangland Britain? Realities, Fantasies and Industry", in Barry GOLDSON (ed.), *Youth in Crisis?: 'Gangs', Territoriality and Violence*, Abingdon, Routledge, 2011, pp. 183-197.

[104] Andrew DAVIES, "The Scottish Chicago: From 'Hooligans' to 'Gangsters' in Interwar Glasgow", *Cultural and Social History*, 4/4 (2007), pp 511-527.

[105] HALLSWORTH, "Gangland Britain", p. 194.

[106] OBP, Trial of James Westbrook and Nathaniel Inch, Grand Larceny, 13th January, 1802 (t18020113-57); Trial of Margaret Beard, Shoplifting, 27th May 1691 (t16910527-14).

when he interviewed prospective candidates for colonial emigration, "I wish to get out of this life, and would be most glad to do anything that would get me out of it. I promise to behave well, and would be glad to go abroad".[107] Whilst this boy's words are undoubtendly mediated by way of the ideological agendas of Williams, the Inspector of Prisons, it does remind us that the punishment and reformation of juvenile offenders were and remain close bedfellows. Historians have done much to negotiate the experience of criminal and delinquent children and youths and to uncover the overlapping practices, strategies and ideologies that have shaped juvenile justice over the two centuries in which the modern system evolved. What new directions remain be taken? The collection of essays edited by Cox and Shore (2002) pointed to the importance of making European and global connections. A transnational approach to the history of juvenile justice is one direction that a number of European scholars have started to address.[108] Whilst most of this work has focussed on Europe and North America, more recent studies are taking a more global approach.[109] For example, Pam Cox has recently sought to locate Vietnam's rising youth crime problem within historical patterns of juvenile delinquency.[110] Whilst much of this work has focussed on the agencies of juvenile justice and their regulatory practices, the experience and agency of juvenile offenders in institutions is also an area which would benefit from further investigation. Abigail Wills has gone some way to address this for post-war juveniles in her research on the approved school.[111] However, such studies, whilst adding considerably to our understandings of the experiences of young offenders, still only capture juvenile

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[107] *Report of the Select Committee on Criminal and Destitute Juveniles*, PP, 1852, VII, appendix 1, pp. 392-3.

[108] See the collection of essays edited by COX and SHORE, *Becoming Delinquent*. See also, Albert G. HESS and Priscilla F. CLEMENTS (eds), *History of Juvenile Delinquency: A Collection of Essays on Crime Committed by Young Offenders, in History in Selected Countries*, Aalen, Scientia, 1990; Margaret K. ROSENHEIM, Franklin E. ZIMRING and David S. TANENHAUS (eds), *A Century of Juvenile Justice*, Chicago, University of Chicago Press, 2002. For recent monographs see Jenneke CHRISTIAENS, *De Geboorte van de Jeugddelinquent*, Bruxels, VUP Press, 1999; Sarah FISHMAN, *La Bataille de l'Enfance: Délinquance Juvénile et Justice des Mineurs en France Pendant la Seconde Guerre Mondiale*, Rennes, Presses Universitaires de Rennes, 2008; Elise YVOREL, *Les Enfants de L'Ombre: La Vie Quotidienne des Jeunes Détenus au XXe Siécle en France Métropolitaine*, Rennes, Presses Universitaires de Rennes, 2008.

[109] For global convergences in current juvenile justice see John MUNCIE, "The Globalisation of Crime Control: The Case of Youth and Juvenile Justice", *Theoretical Criminology*, 9 (2005), pp. 35-64.

[110] Pamela COX, "History and Global Criminology: (Re)Inventing Delinquency in Vietnam", *British Journal of Criminology*, published online August (2011).

[111] WILLS, "Delinquency"; Abigail Wills, "Resistance, Identity and Historical Change in Residential Institutions for Juvenile Delinquents, 1950-1970", in Johnston, *Punishment*, pp. 215-234.

criminal lives in a static moment in time. New research currently being undertaken by Pamela Cox, Barry Godfrey and Heather Shore will consider the long term impact of nineteenth and twentieth century youth justice interventions. The project will combine historical data from a wide-range of sources in order to establish "life-grids" for juvenile offenders. By drawing on the methodologies previously employed by Godfrey, Cox and Farrell in their study of habitual criminals, the new project will follow juvenile criminals from their pre-offending behaviour, through their interactions with the criminal justice system and beyond.[112] To conclude, we can return to Geoffrey Pearson who in 1982 commented on the over-representation of the young in the criminal justice system:

"The predominance of young people in the criminal statistics has certainly been one of the strikingly consistent features for more than a century. But is it because young people are more uncontrollable? Or is it that the lives of young people are subject to more regulation, so that the kinds of illegalities that are classified as 'serious crime' and which consume the large part of the energies of the police and courts, bias the crime statistics towards the young?"

A collective of historians and historically-informed criminologists have sought to answer a number of these questions. Indeed, compared to thirty years ago, when legal scholars and historians of youth mainly focussed narrowly on juvenile crime within the narrative of early Victorian cultures of reform, we now know considerably more about who juvenile offenders were, how they were regulated, and the extent to which the criminal justice system, and at times the agencies of 'rescue' and 'reform', has criminalised them.

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[112] Barry S. GODFREY, David J. COX and Stephen FARRALL, *Serious Offenders: A Historical Study of Habitual Criminals*, Oxford, Oxford University Press, 2010.