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“BEYOND THE PALE OF MERCY:” VICTORIAN PENAL CULTURE, POLICE
COURT MISSIONARIES AND THE ORIGINS OF PROBATION IN ENGLAND

One of the most striking changes in the penal culture of fin-de-siècle Europe was England’s reform of adjudication and punishment. In this “de-moralization of criminality,” the system began to shed its punitive sentencing, which often saw minor offenders imprisoned with hard labour for weeks or months, to adopt a more moderate system of penalties.¹ These concrete changes were intertwined with a broader shift in British criminological thinking from a “classical” view to a “positivist” one. The former held offending to be a rational, individual choice that required severe deterrents, while the latter saw criminality as a product of harsh economic and social conditions.² This shift in dominant understandings of criminality prompted reformers, judicial officials, police, and policymakers to refocus on the causes of crime and its prevention, the offender as a subject, and the potential for treatment and rehabilitation through state intervention.³ A central practice of the resultant “penal-welfare complex” was supervised probation as a substitute for imprisonment. Scholars of penal reform have argued that the passage of the Probation of Offenders Act 1907, which initiated the professionalization of the probation service, was a key moment in this transition. With it, such arguments hold, England took a substantial step from a discretionary, moralized criminal justice system towards a standardized, bureaucratic one.⁴

Police Court Missionaries, who pioneered of this new penal culture in the courts themselves, have been lost in these discussions of policy, reform, criminality, and ideology. The early work of the missionaries has remained marginal to the history of British crime and law both because the prevailing focus of study has been on structural shifts in criminal justice and because the archival materials documenting their first thirty years of work (i.e. prior to 1907) were unavailable until recently.⁵ In the closing decades of the nineteenth century, the Missionaries—and the London Police Court Mission (LPCM), under whose authority they worked—played a vital role in the reform of daily judicial practice. The evolution of their authority in the criminal justice system and of their relationship with police court magistrates reveals how broader changes in ideology and practice played out in metropolitan courtrooms.⁶ In particular, the persistence of moral evaluation as a guiding principle in summary justice helps us chart the slow and uneven shift from classical to positivist thinking, and from Christian philanthropy to state welfare, in the waning years of the nineteenth century and opening decades of the twentieth.⁷ Well into the interwar years, these older concepts and models continued to guide missionaries' treatment of their charges and thus the fates of those who encountered the metropolitan criminal justice system.

The history of the London police court missionaries also widens our analytical framework for tracing the evolution of modern criminal justice. In historical analysis of penal reform in this period, the central figures have been the working-class, male offender—usually one accused of either theft or violence—and the juvenile, male delinquent (aka the “hooligan”).⁸ But the early work of the missionaries strengthens the arguments made by historians of gender; working-class women must be fully integrated

into our analysis if we are to properly understand the major shifts in Victorian and Edwardian penal culture.⁹ By the interwar period, the moral status and rehabilitative potential of any individual was often closely linked to ethnicity and nationalism as well. In particular, missionaries' opposition to interracial sexuality laid bare the powerful influence that Eugenics discourse had long played in their organization.¹⁰ Its role in their work was clearly evident much earlier, however, in missionaries' oft-voiced concern over the physical and moral degeneration of English men and women and the compelling need for forcible intervention to reverse it.

The missionaries, despite their continued subscription to Victorian moral codes, were hardly immune to the changing discourses of morality and criminality. Rather, they were part and parcel of the transition from the prison-state to the penal-welfare complex.¹¹ The liminal position of the LPCM between church and state, and between the older tradition of Christian philanthropy and the newer one of state intervention, was apparent in a number of respects, including its leadership. A prominent example of the latter was Edwin Troup. Troup, as Undersecretary of State for the Home Office, helped overhaul the organization of annual criminal statistics and made them more relevant to late-Victorian penal reform.¹² Subsequently, he played a pivotal role in the London Police Court Mission, assuming the post of its Chairman in the interwar period. The LPCM's position astride these two traditions was also clear in its support for boys' homes in the years surrounding the First World War, when its members championed the reform of juvenile delinquents into useful citizens of the Empire. This advocacy incorporated both the older Victorian norms of morality, masculinity, and Liberalism and the veins of rehabilitation, environmental influence and visible, physical regeneration through state

intervention that were central to the burgeoning penal-welfare complex.¹³ The LPCM often explicitly represented itself as the successful merging of positivist thinking with Christian philanthropy, and employed both in their parables of sin and redemption. As the editor of their published annual report suggested in 1903, to “separate the victim from the cause” was to practice “something of the Divine Compassion.”¹⁴

Finally, understanding the missionaries in both their thought and practice offers keen insights into a crucial but poorly understood stratum of the English judicial system, the London Police Courts. In the later Victorian period, these venues were where the majority of the metropolitan population was most likely to encounter the formal machinery of law. In thirteen courtrooms scattered around the city, a small group of paid, professional magistrates presided over a staggeringly broad array of cases, ranging from dog bites to tax arrears to aggravated assaults. By the end of the century, they were adjudicating well over a hundred thousand cases annually. “Side by side with the new police,” historian Jennifer Davis has written, “the stipendiary magistrates were the primary instruments of public order in Victorian London.”¹⁵ Since their formal establishment in 1792, these courts had also provided advice, interpersonal conflict resolution, and even informal charity. But their ability to do so had been severely limited by the ever-increasing demands to process summonses and charges, by limited financial resources, and by a critical shortage of personnel.¹⁶

Into this gap between demand and resources stepped the London Police Court Missionaries. In 1876, with little fanfare, a slow revolution began in these most ubiquitous and hectic of metropolitan legal venues. On August 1, at the behest of the Church of England Temperance Society and with the full cooperation of the Chief

Magistrate at the Bow Street Police Court, George Nelson, a veteran of the Coldstream Guards, became England's first Police Court Missionary.¹⁷ Little is known about the first of these probation pioneers. One of Nelson's successors, however, Thomas Holmes, became a much-celebrated figure in the history of the courts and their changing practices in the late-Victorian period.¹⁸ Holmes came from a skilled-labour background in Staffordshire, and had initially followed the same profession as his father, an iron-moulder.¹⁹ Community service and self-improvement were both held dear by Holmes, who, while working full-time, ran night-school classes for his fellow labourers.²⁰ He himself had received his instruction at a Sunday school and from his father's Bible readings. His career as a missionary began after a serious injury suffered while playing with his family left him unable to practice his original trade. At the urging of his local vicar, Holmes applied for a position as a missionary in 1885, and was appointed to the Lambeth Police Court in southeast London.²¹ His twenty years of service included the publication of a popular book, Pictures and Problems from the London Police Courts (1900). Like the Mission for which he was working at the time, Holmes's writings drew on both Victorian ideas of morality, and sexual morality in particular, and on positivist arguments that state intervention was necessary to ameliorate the worst social and moral evils. In the same passage, he described middle-class women's immorality as a result of their being "sensually possessed," and also argued that "the State, and the State alone, can deal with them with any hope of success, and medical men who have made a study of sensuality and dementia should have charge of them in institutions where they can be properly classified, studied, and treated."²² Holmes went on to write several books on crime and penal reform, which were widely read at the time. Following his retirement in

1905, he became the secretary of the Howard Association, then and still the preeminent association for criminal justice reform in England.²³

The combination of community service and church-sponsored social reform evident in Holmes's path were equally central in the genesis of the LPCM itself. The Police Court Missionaries were the inspiration of Frederic Rainer, a journeyman printer and correspondent of the Reverend Henry J. Ellison (later Canon Ellison), the chairman and founding member of the Church of England Total Abstinence Society (later the Church of England Temperance Society, CETS).²⁴ Rainer had been one of the first members of Ellison's society, which had been formed in Windsor, a stronghold of the early temperance movement.²⁵ Rainer's involvement in temperance came via his friendship with Ellison and his contribution to the Windsor organization, but the origin of his interest in the police courts is less clear. One source traces it to his frequent walks around London, which began after he was employed there in 1859 by a firm of ecclesiastical printers.²⁶ In 1862, however, Rainer received a much more intimate exposure to the courts. On the day of his wedding, April 21, 1862, his own mother was brought up before the Windsor Petty Sessions on an assault summons.²⁷ In 1876, Rainer's commitment to the temperance cause and his interest in the courts culminated in a letter to Ellison suggesting that his organization establish missions in these venues.²⁸ In this new environment, the goal would remain the same—to aid those whom drink had led astray. His letter bemoaned the inevitable downward spiral of men and women who fell victim to drunkenness, and he expressed hope that, through the direct involvement of the CETS in the courts themselves, some check might be put on such descents. "Offence after offence," Rainer lamented, "and sentence after sentence appears to be the inevitable

lot of him whose foot has once slipped.”²⁹ He included a small donation (five shillings) to fund the effort.

From these modest origins, the Police Court Missionaries would grow into what the Secretary of State for the Home Office would later call “the handymen of the Courts.”³⁰ Working throughout the metropolis, the men and women of the LPCM became instrumental in the daily functioning of local courts and an indispensable counterpoint to the work of the magistrates. Although the task of the first missionaries was confined to temperance work in and around the police courts, the role of these early agents very rapidly expanded into almost every aspect of the courts’ operations. Within a few years of their introduction, the missionaries were collecting pre-trial information on the accused, mediating interpersonal and marital conflicts, advising the magistrates, monitoring the post-trial behavior of the courts’ clientele, and even providing employment, funds, and tools for those in the community deemed worthy. It stands as an apt demonstration of their indispensability that a succession of Parliamentary Acts were eventually passed recognizing both the importance of the duties performed by the missionaries and the value of the agents themselves.

Placing the LPCM and the origins of probation in the longer narrative of crime and punishment in Britain, Europe, and the United States is not a straightforward task. The principle that offenders, especially first-time offenders, could be reformed and deterred from future offenses was most prominently advocated by Sir Charles Edward Howard Vincent. Vincent was a legal reformer and police administrator, and he eventually served as an MP for Sheffield. He used his position as Scotland Yard’s first Director of Criminal Investigation (1878-1884) to promote alternative treatments for first

offenders.³¹ Vincent, along with others who worked in English criminal justice, pointed to the system of monitored probation being employed in Massachusetts as a promising model.³² In England itself, release-under-supervision had been practiced first by Warwickshire Justices of the Peace in the 1820s and later by Matthew Davenport Hill as Recorder of Birmingham.³³

But this latter system was neither praised at the time nor explicitly referenced in Vincent's campaign. Probation as a daily practice emerged from Christian philanthropy, temperance advocacy, and magistrates' discretion, not from Parliamentary statute (as discussed in more detail below). The practical origins of probation lay in the marriage of flexible summary procedure in the magistrates' courts and more than a century of evangelism among England's poor. In the latter, the Church of England was following the example of—and trying to regain ground lost to—the Nonconformists, and the Methodists in particular.³⁴ Association with the Anglican Church had both concrete and cultural benefits for the LPCM. The church, trying to shed its elitist image and make inroads with the burgeoning urban working class, had become deeply involved in education and social welfare in the nineteenth century. The LPCM, while borrowing from the prestige of the established church, also provided a new avenue of religious influence on the plebian men and women that made up a significant proportion of those charged in the police courts.

Having the CETS as its parent organization also allowed the LPCM to draw on a vast network of Anglican patronage.³⁵ At the same time, the LPCM's association with the judicial system, which operated under the direction of the Home Office rather than the municipal government, shielded it from the political squabbles between Anglicans

and Nonconformists, squabbles that became endemic to urban politics during the second half of the nineteenth century. If the philosophical origins of the LPCM in temperance work and the Christian “missionary spirit,” which championed the power of individual redemption through faith and virtue, are clear, the specific ideological origins of probation and social service in the courts are much harder to establish. They include Utilitarianism, middle-class moral evangelism, humanitarianism and, paradoxically, both Liberal individualism and Eugenicist determinism.³⁶

Putting aside the broader strands of ideology for now, let us turn to the early years of the LPCM itself. The work of the first missionaries demonstrated their belief in positivist thought, the power of moral intervention, and the centrality of gender as a moral marker. All were apparent in the first annual report submitted by George Nelson, the first Police Court Missionary. In the minds of the missionaries and those who supervised them, male drunkenness and female drunkenness, along with male and female morality and vice more generally, were two distinct, though related, social concerns. As Nelson wrote in his 1877 report, “I have had some most fearful cases to deal with, indeed (mostly females), and I must say that I am nearly baffled to know what to do with them . . . I am fully persuaded in my own mind that they should be placed under medical care and enforced abstinence.”³⁷ This recommendation that institutionalized care would be the wisest course is one that, years down the road, the LPCM would implement with their “inebriates’ homes.” Intentionally or not, however, even as Nelson was advocating treatment rather than punishment, he was also contributing to the public sensationalizing and stigmatizing of female inebriation. His report included the first of what would become an endless stream of vignettes about the seemingly boundless capacity for self-

destruction demonstrated by women in the throes of alcoholism. “One poor woman, in Bermondsey, signed the [temperance] Pledge with me. I visited her at her home, or wretched place of abode, when she came out of prison . . . I called two days afterwards . . . but found that she was drinking again. She has sold and pledged everything from the home that would fetch one penny.”³⁸ Nelson reported that another woman, a “Mrs. K,” “has been before the magistrates for drunkenness nearly 200 times.”³⁹

It is telling that, in this first report, the issue of male drunkenness was not even mentioned. On the contrary, Nelson emphasized that he received a positive reception from the men he specifically targeted in his work. “During the last two months,” he wrote, “I have spoken to an immense number of cabmen, railway porters, and other workmen, and, I trust, with good results.”⁴⁰ A similar pattern appeared in the report of William Batchelor, the second Police Court Missionary appointed, though he chose to highlight the ethnic identity of his clients in conjunction with their gender. “I have had some very bad cases,” he wrote, “very many of them Irish; the greater number of them females, I am sorry to say. I am glad to say I get on very well with the policemen, two of whom have signed the Pledge with me. I have spoken to many other people—workmen, cabmen, railway porters, &c.”⁴¹ The missionaries’ emphasis on the problem of female drunkenness was mirrored in the attitude of the clergy, who, as part of the CETS campaign, tried to compile statistics on the relationship between drunkenness and crime. Summarizing information taken from the annual report of the Westminster House of Correction for Females, the Rev. G.P. Merrick wrote that “drunkenness, or offenses arising therefrom, still continues to fill nearly three-fourths of the cells in the prison. The statistics showing the prevalence of that vice amongst women are simply appalling.”⁴²

Like Nelson, Merrick concluded that the current methods for dealing with female drunkenness were ineffective, because the moral weakness of such women made them impervious to deterrence.⁴³

Although these early reports by Nelson and Batchelor demonstrated that they arrived in the courts with preconceived notions about their working-class targets, their moral character and, in particular, the susceptibility of women to vice, these biases probably had little impact on court dynamics in the initial years of the missionaries' work. The limited scope of the missionaries' duties and their lack of influence with magistrates either unfamiliar with or unsympathetic to their project meant that, in these early years, they had little to offer working-class men and women in return for their cooperation. Four years after the founding of the LPCM, the missionaries were still struggling to make headway among their plebian clientele. Batchelor's frustration was apparent in the annual report he submitted in 1881, which summarized his work at the Bow Street and Clerkenwell Courts. "It is a most difficult work to do—some do not like to be asked even to take a [temperance] tract, the most respectable often refuse, and tell me to give them elsewhere. Others will say 'don't preach to us now, we shall have lots of that where we are going to [i.e. prison].'"⁴⁴

Nelson, while painting a more sanguine picture, admitted that the attendants of the courts were often less than cooperative, so much so that he could not even accurately report his results. One particular obstacle was that the missionaries' interventionist methods required them to visit the homes of pledge-signers to ensure their rectitude.⁴⁵ Due to the stigma attached to drunkenness (and, presumably, to being publicly prosecuted for such in the police courts), however, a sizable percentage those who took the pledge

did so only with the stipulation that the missionaries would *not* visit their homes. “Many that sign with me refuse their addresses,” Nelson wrote, “some of them young men in good positions, and are afraid of their friends or employers finding out that they have been charged with being drunk; others that give their addresses and wish their cases kept secret, and, as a rule, promise never to tell anyone except God in prayer; others in various ways pass from my observation.”⁴⁶ Nelson estimated that roughly twenty-five percent of those who signed kept their pledges, but added that an equal percentage of those charged with drunkenness (i.e. one-quarter) were “to the human mind almost past redemption.”⁴⁷ Overall, the number of men and women who took the pledges represented just a small proportion of those charged with drunkenness.⁴⁸ In its initial years, the temperance project in the courts had been a failure.

The men and women approached by the missionaries, in those first years after the creation of the LPCM, had little practical incentive to sign the pledges, or to keep their oaths if they did choose to sign. The missionaries, while permitted to conduct their duties in the court, did not hold any particular influence over the proceedings, nor did they enjoy a close relationship with the magistrates. One clear indicator of the missionaries’ lack of integration into the culture of the court was the amount of time that they spent on temperance work among those who had no connection to the courts themselves. In the Mission’s initial years, the courts were a base of operations and their clientele were one *aspect* of the missionaries’ work, but the efforts of the missionaries themselves were often aimed at a wider audience in the surrounding community. In Batchelor’s 1881 report, for example, he reported over 1,500 visits to cab stands and cab shelters, as compared to only 539 visits to the Bow Street and Clerkenwell Police Courts.⁴⁹ In

Nelson's case, the contrast was even more extreme—1,289 visits to cabstands and shelters versus 395 visits to the courts.⁵⁰

Confronted with their limited progress among police court defendants, the missionaries expanded their efforts to include the court staff. A significant success was Nelson's recruitment of the chief gaoler at the Southwark Police Court, first reported in January of 1878.⁵¹ The gaoler not only signed the temperance pledge but, in contrast with previous practice, implemented a policy of total abstinence in the cells. Nelson later told the story of how the gaoler had prevented one woman from compounding her initial crime with further indulgence. "On entering the gaoler's room at Southwark one day," Nelson reported, "a poor woman, that had been charged with drunkenness, asked the gaoler 'if she could have a drop of beer.' 'No, my woman,' said the gaoler, 'you have come to the wrong shop for beer; you can have tea or coffee, if you like.'"⁵² In this vignette, which has all the feel of an exemplary tale, we once again see the missionaries portraying women as the morally-weaker sex, while the male gaoler has not only the strength of will to resist sin, but also the courage and compassion to aid others toward redemption.

Both the negotiations by Nelson's pledgers and the missionaries' campaign to recruit court staff to the temperance cause were early signs of the LPCM's future character. Working-class clients were willing to cooperate with the missionaries in some instances, but would often do so only on their own terms. This was apparent in pledge-signers' insistence that missionaries not visit them at home or work and their occasional outright refusal to provide their addresses in the first place. The pledge was of secondary consideration to their reputations and their life beyond the court in general. Likewise, the

missionaries' decision to campaign among the court staff represented an active response to their initial lack of success with the daily clientele of the courts. Even in the early years of the LPCM, it was clear that both the missionaries and the targets of their work were capable of adaptation, negotiation, and reciprocity. All of these dynamics would become essential as the relationship between the missionaries, the courts, and their plebian clientele continued to evolve.

It fell to the third member of the missionaries' initial cohort, Mr. Haskett, to be the harbinger of the Mission's next evolution. Eschewing the cabmen and police courts which had been the focus of Nelson and Batchelor, Haskett bearded the lion in its den by visiting public houses to distribute tracts and discourage excess. Haskett's boldest strategy involved direct intervention to prevent those already drunk from deepening their descent. "I continue to follow the custom of going into a public house when I see a person enter the worse for drink," the missionary wrote, "and call the attention of the vendor to their state, and respectfully request them not to serve with any more."⁵³ Like his colleagues, Haskett also highlighted the issue of female drunkenness, declaring that "women form the largest portion of visitors to the public houses during the day time."⁵⁴

Haskett's most prescient observation concerned the relationship between drinking, interpersonal conflict, and police court summonses. Batchelor, Nelson, and Haskett all discussed drink as a cause of crime, claimed to be as committed to stopping the latter as they were to ameliorating the former, and stressed their dedication to the redemption of petty offenders. But only Haskett noted in his official reports that magistrates, too, might share this outlook. He was also the first missionary to emphasize that drink and drink-inspired crime were not just a cause of charges (i.e. court cases

initiated by the police) but also a common catalyst of summonses (i.e. court cases initiated by private individuals):

POLICE COURTS— The fruit of drink can be seen in full force in these places, and on Mondays, or after a holiday, the sights are beyond description, wife appealing against husband, and vice versa; children against parents and parents against children; women and men disfigured through falling about when helplessly drunk or fighting, so much so, that recently, when a magistrate was discharging some females, who were brought before him, he said, “he could not feel it in his heart to punish the poor creatures, they had so punished themselves.”⁵⁵

Haskett’s description neatly summarized the two keys to missionaries’ future success, which would be the forging of a more sympathetic understanding of working-class life on one hand and the increasing coordination and cooperation of perspective and practice between missionaries and magistrates on the other. It was missionaries’ attempts to fashion a closer working relationship with magistrates and police, rather than their lukewarm reception by their working-class clientele, that led to the expansion of their roles and duties in the mid-1880s. During this period, missionaries began to focus on the court environment, to the detriment of their efforts among cabmen and other “high risk” groups in the community. This shifting of emphasis was facilitated by their earlier successes in recruiting police and court staff to the temperance cause. Missionaries’ inroads there had granted them wide access to previously restricted spaces in the courts

(e.g. the cells), an important precursor to their integration into the trial process itself.

Interviewing defendants prior to their trials, a precedent for missionaries' later conduct of pre-trial interviews at the direction of magistrates, was the most prominent example of these early steps.⁵⁶ This activity fit well with growing positivist views that criminal justice should treat the offender rather than merely punishing the offense.

Gender played a key role in the deepening relationship between missionaries, magistrates, and police. The slow but steady redefinition of female inebriates from immoral public nuisances (who required punishment) to victims of weakness and misfortune (who deserved treatment) was especially important. And in this, we can also see the intertwining of missionaries' changing roles with the movement from classicism to positivism. Concern over "fallen women" prompted the police to solicit the missionaries' help and, starting in the mid-1880s, policemen began to bring indigent young women whom they had picked up off the streets directly to the missionaries.⁵⁷ Similarly, the shared concern of missionaries and magistrates with women's morality prompted the later to seek a more active, personal engagement with the work of the temperance agents. Batchelor, in his 1884 report, wrote that James Vaughan, the magistrate of Bow Street Police Court, "has often requested me to make enquiries for him in some cases of very young girls; and through it we have restored some direct to their mothers or fathers, or from the homes where some have been sent."⁵⁸ This was the first officially-recorded instance of a magistrate personally seeking the direct assistance of the missionary. The magistrate's use of the missionary to gather information and, in some cases, preserve the integrity of families would later become one of the missionaries' primary duties. Although such work related only indirectly to the latter's temperance

efforts –assigning girls to “homes” or returning them to their parents, in 1884, represented only a small fraction of Batchelor’s overall workload – the magistrate’s interest, compounded by their shared commitment to the redemption of “fallen” girls, made this an important collaboration for both parties.⁵⁹

This initial cooperative effort between the missionary Batchelor and the magistrate Vaughan was a foreshadowing. The magistrates would incorporate the missionaries into their own vision of the court’s role in the community, using the missionaries to extend their influence beyond the confines of the courthouse. Missionaries would, in turn, use the goodwill and support of the magistrates to cement their authority and amplify their impact on working-class men and women. The increasing focus of the missionaries on work in or connected to the police courts indicated a move away from their earlier emphasis on securing pledges and distributing tracts to cabmen (neither of which had proven successful) and the adoption of more subtle, but ultimately more effective, strategies. By the middle of the 1880s, the missionaries and the magistrates had ceased to be discrete entities operating in the same space and were moving towards a collaboration that would facilitate the goals of both sides. This integration would have a profound impact on police court procedure, the treatment of petty crime, and the role of the courts in their communities.

The working-class clientele of the courts would also play an active role in shaping the practice of the missionaries and even, at times, use the influence of the missionaries for their own purposes. One of the first signs of this adaptation came in the June 1878 report filed by Nelson, where he mentioned that one woman “expressed a wish that ‘the good people of London’ would build some lodging-houses where religious meetings

could be held, food supplied, and beds procured for threepence or fourpence a night.”⁶⁰ Considering the missionaries’ zeal and their willingness to intervene actively in working-class life – Hackett’s forays into public houses stands as one of many such examples – the woman’s suggestion jibed nicely with the missionaries’ own desire to foster salvation. By the mid-1880s, the missionaries had added lodging-houses to their stable of regular visitation sites, and their support (along with reported enthusiasm among the working class) for the establishment of temperance homes by the CETS itself would bear substantial fruit in the long run. The missionaries’ willingness to compromise with their clients’ wishes, such as by not demanding the home addresses of pledge-signers, would also help them gain the confidence of working-class men and women.

The fruits borne by missionaries’ growing integration into working-class communities were apparent in the detailed account of a “day in the life of” story composed in 1881 by W.G. Spurrell, the Secretary of the Cambridge University branch of the CETS. In late July, Spurrell accompanied the missionary Nelson on his daily duties in and around the Marylebone Police Court and later published his narrative in the Church of England Temperance Chronicle.⁶¹ Although Spurrell did not credit Nelson with any direct influence on adjudication, the latter had been granted the complete run of the court, including those areas normally off-limits to all but paid court staff and police.⁶² The missionary and his guest passed unmolested through the crowds of petitioners, complainants, witnesses, and constables to reach their final destination, the prisoners themselves. These were segregated by gender, but Nelson had full access to both the male and female prisoners’ room. In each, he spoke quietly to the prisoners, 37 in the former and “60 or 65” in the latter, and handed out tracts. Spurrell described those

present as “a very appreciative audience,” though in the 49 individual cases he listed after, only four took pledges of abstinence.⁶³ Having completed his work in the court, Nelson then moved out into the city proper, visiting the Clerkenwell House of Detention, Trafalgar Square, and finally descending into the belly of the beast, a slum lodging-house in Drury Lane. There, Nelson faced none of the jeers, catcalls, and violent attacks that other agents of law and social welfare, such as police constables and truant officers, had often described in their forays to “darkest London.”⁶⁴ Instead, he would often “receive an encouraging word” and seemed to be well known by all. Largely unsuccessful at obtaining pledges of abstinence, Nelson’s attempts to gain familiarity with those to whom he ministered seemed more promising, and as Spurrell observed, “it is not much to be surprised at if he speaks to so many every day.”⁶⁵ The practice of “visiting” those in need had become a key aspect of religious community service by laypersons in the early nineteenth century, and the missionaries’ adoption of it built on a tradition already more than a century old.⁶⁶

As the missionaries’ role in the courts and their communities expanded, the impact of their views on gender, class, ethnicity and morality increased commensurately. By the mid-1880s, with the missionaries spending more and more time in the courts dealing with prisoners, the apparent moral failings of the Irish became an even greater cause for lament. “I have in this court [Marylebone] a greater number of Irish people,” Nelson wrote, “Roman Catholics, a most difficult class to deal with.”⁶⁷ For whatever reason, though, men and women who were inveterate drunkards in the eyes of the missionaries continued to sign pledges. Nelson’s response was extreme—he began to refuse them the opportunity to do so. This remarkable reversal by a man who had once

practically begged for pledges was a sign of just how far the missionaries had come in establishing themselves in London courtrooms. With the expansion of the missionaries' roles in the courts, it became increasingly crucial for those who sought the sympathy of the magistrates to first obtain the goodwill of the missionaries. Success could prompt lenient treatment, charity, and lighter sentences. Failure could leave the petitioner bereft of aid and the accused liable to the fullest penalty of the law.

It was in the mid-1880s, for example, that we find the first mention of the missionaries providing financial support and serving as advocates for those petitioners willing to take the pledge. In 1885, Batchelor reported that one woman came to "beg" his assistance with all the appearance of woe and a tale to accompany it. The drinking habits of her and her husband had cost them their house, she claimed. She was, according to Batchelor's description, "in a wretched condition . . . scarcely anything on her back!"⁶⁸ The missionary responded with aid from his own pocket and then used his influence in the community to secure employment for her.⁶⁹ Batchelor was careful to point out that his judgment in this case had been sound, since, at the time of writing, not only was the woman still at her job, "doing well," but her employers also "give her a good character."⁷⁰ In another instance, reported by the missionary A.C. Thompson in 1886, his intervention prevented a man charged with drunkenness from losing his job as a postman (he had been caught with a registered letter in his possession while drunk). Here, the testimony of the accused's aged mother, who told the missionary that her son was her sole support, prompted Thompson to supply the advice and aid that convinced his employers to overlook the offense.⁷¹

Concurrent with the expansion of their roles in the police courts, the missionaries began writing and publishing their own series of vignettes in the Church of England Temperance Society's Annual Reports. These anecdotes were part of the CETS's campaign to elicit more financial support from the members of the Rochester Diocese, which employed the missionaries, and from other potential patrons. This money was needed to support the Shelter Home for Inebriate Women that the CETS had founded. It would also provide some ready funds to distribute to the neediest cases. Even a small financial incentive could be a great encouragement for a man or woman in desperate straits to sign the pledge and hold to it.

But the most significant demand for funds, as the initial appeal in the 1887 Report made clear, had been created by the missionaries' rapidly-expanding roles. The redirection of the missionaries' focus from public speeches to personalized, individual work in the police courts and their surrounding neighborhoods required greater manpower and consequently, greater funding to employ new agents. By the end of 1887, the LPCM was employing four full-time missionaries. Over the past year, they had "paid over 1,000 visits to police courts and prisoners' cells, held interviews with 9,000 accused persons, visited in their own houses 5,400 persons charged at the police courts, taken 500 total abstinence pledges, handed 393 cases over to the Clergy, dealt with 300 special cases, addressed 379 meetings, and induced 18 fallen women to enter penitentiaries."⁷² The missionaries' vignettes and the excerpts from letters that accompanied them were carefully selected to emphasize the effectiveness of their work and the gratitude of its beneficiaries. One young man wrote to Batchelor in 1887, "I do not know what I should have done but for you. May you long be spared to carry on your good work!" while

another was not only “keeping his pledge,” but purportedly told the missionary that “I wish we could close all the public-houses.”⁷³

It was during this same period that the missionaries first began to have a direct impact on the trial process itself. London magistrates started employing them as pre-trial interviewers and investigators into those charged or summonsed due to drunkenness or minor offences (often assault) where drink was deemed to be the cause. One author of the London Police Court Mission’s Annual Report (printed as a section of the CETS Annual Report), attributed this practice to magistrates’ reluctance to inflict severe penalties on first-time offenders. “In many cases,” the author explained, “the Magistrates find that they are able to trust the Police Court Missionaries from the beginning, and, instead of sending these poor creatures to prison, they defer judgment, and let the Police Court Missionary try his best, and it happens again and again that, before judgment is passed, the unhappy prisoner has completely changed, and the magistrate inflicts no punishment.”⁷⁴ The compatibility between the established idea of Christian redemption through personal intervention and the newer, positivist focus on the circumstances of an individual’s turn to crime was readily apparent here.

The Report’s ambitious assertion that the missionaries now provided the courts with a viable alternative to conviction was supported by the London magistrate George Lewis Denman. Addressing the missionaries at a public meeting in 1889, he encouraged them to continue their preventative work in the courts. Denman justified his support for the missionary work by extolling the benefits of prevention over punishment, especially in cases involving first time or minor offenders. “If you catch a young man or a young girl at the door of a Police Court,” Denman said, “after receiving a mere nominal

punishment, or no punishment at all for the first offense, and can instill into the mind of that young person what will come to him or to her – what is likely to be the result of it if they allow themselves to be there again by not being able to say ‘NO’ to such a question as ‘Come and have a drink,’ – it is incalculable how much good may be done – not only to them but to the whole community.”⁷⁵ The recasting of the missionaries in these roles represented a concrete fusion of the Christian missionary spirit and the magistrates’ recognition that the continued imprisonment of minor offenders, given the growing number of statutes, was neither advisable nor feasible. Philanthropy had met the ground-level reform of penal practice. The tangible result was missionaries’ informal integration into the affairs of the court many years before the law itself would officially authorize it.

The role of the missionary as investigator, prisoner interviewer, and advisor to the magistrates dates back at least to the 1884 collaboration between Batchelor and Vaughan over the care of “fallen women” (see above). The legal sanction for the missionaries’ work in this capacity came initially from the Summary Jurisdiction Act 1879, which gave courts the discretion to discharge prisoners convicted of minor crimes and bind them over to keep the peace in lieu of a fine or imprisonment.⁷⁶ The 1879 act, however, was passed at a time when few courts possessed the personnel to effectively employ these options. The magistrate had only his own knowledge of the offender and whatever informal information he could garner from police or other agents on which to base his decision. A subsequent statute, the Probation of First Offenders Act 1887 (aka the “Vincent Act,” named after its staunchest proponent, the previously-mentioned Sir Howard Vincent), was a more significant watershed in the reform of criminal procedure, in part because it

gave the courts the power to bind over those convicted of more serious crimes (albeit first offenders only) such as larceny.⁷⁷

But it was the introduction and expansion of the LPCM, rather than the legal authorization for such measures, that made the use of supervised probation a viable option. Thanks to the drastic revision by the House of Lords, the 1887 Act, while encouraging the release, under bind of sureties, of convicted offenders on the grounds of “youth, character . . . the trivial nature of the offense . . . and [any] extenuating circumstances,” explicitly ruled out supervision.⁷⁸ The terms of the older Criminal Justice Act 1879 allowed judicial officials the discretion to follow much the same path, but without the necessity for conviction or the prohibition on supervision.⁷⁹ By 1887, many English magistrates and Justices of the Peace, particularly in London, had missionaries available to both interview potential candidates for probation before trial and to monitor offenders after they had been released on probation.⁸⁰

Missionaries could involve themselves at almost any point in the trial process. The constant movement of prisoners in the police courts between private spaces (e.g. the cells, the gaolers’ rooms) and public ones (e.g. the courtroom) offered several opportunities for missionaries to practice the personal communication that was so essential to their efforts.⁸¹ At times, prisoners cowed into silence by the atmosphere of the court or too ashamed to relate their circumstances before a public audience were more forthcoming with a missionary in private. A 1902 article in The Churchman described how one servant girl, dismissed by her employer for becoming pregnant, was brought into the South London Police Court on a charge of Vagrancy. Although she refused to speak in her defense before the magistrate, the missionary’s “quiet talk with her in the

female gaoler's room" produced better results, and she was subsequently discharged under his care.⁸² In like manner, the author wrote, "men, women, and girls are continually being saved from utter ruin by the timely help of the missionaries."⁸³

These innovations complicate the picture of top-down penal reform that has dominated the historical literature. Instead, they point to a ground-level adoption of more rehabilitative tactics in daily court practice, spurred on by the pressure of increasing business (due to the rapid expansion of regulatory statutes) and the apparent failure of punitive approaches towards offenders. These tactical shifts also encourage us to question arguments that the administration of criminal law in this period was decisively moving away from discretion and personalization and towards rationalized punishments that were "clear, consistent and certain."⁸⁴ Both police court practice more generally, and missionaries' interventions in particular, were highly varied and selective, with the moral status of the defendant being a key consideration. Sentencing was influenced by a variety of other factors largely independent of the offense itself. These included the defendant's past history, their behavior in court, and the character of the presiding magistrate. The result of a drunk and disorderly charge, or of a minor act of law-breaking conducted while the perpetrator was under the influence of drink, could vary wildly, from a discharge to several weeks' hard labour. Seemingly trivial offenses could be punished harshly, while acts of violence could be treated leniently. In the day that Spurrell visited the Marylebone Police Court with Nelson in 1881, for example, the charges and punishments ranged from a man who was discharged even though he had been drunk and struck a policeman—it was his first offence—to another who received 21 days hard labour merely for being drunk and using bad language.⁸⁵ Another woman, given 14 days

hard labour for being drunk and disorderly, had been arrested the same day as she had been released after two weeks' imprisonment for her previous conviction. "I can't get any fresh air," she lamented from the dock, "I'm always in gaol."⁸⁶

Missionaries could completely ignore those they felt did not deserve mercy. In other cases, they could go to extraordinary lengths for those they found particularly worthy. In one such instance, an assault case, "the prosecutrix was drunk when the alleged assault was committed and the prisoner sober, and it was stated that the latter was a quiet inoffensive man and the woman a drunken woman."⁸⁷ The magistrate sentenced the accused – whose anonymity was preserved in the report by the use of the sobriquet "R.A." – to one month's hard labour, but the case was far from over. The missionary subsequently interviewed the prisoner, who "asserted his innocence, and appeared quite broken-hearted as he had a delicate wife and five children – all too young to work."⁸⁸ The prisoner's pleas had the flavor of melodrama, but the missionary, as a privately-employed agent, was free to leave the boundaries of the court and further investigate the matter himself. He first visited the prisoner's home and spoke to his wife, then interviewed the prisoner's foreman, who gave a good account of R.A., telling the missionary that he was "a sober, quiet man."⁸⁹ Having established the veracity of R.A.'s claims and received testimonials to his character, the missionary returned to court accompanied by the prisoner's wife, his foreman, and the manager of the works. The result was an almost complete reversal of R.A.'s fortunes. "The missionary appealed to the Magistrate to reduce the penalty to a fine for the sake of the man's wife and little children. The Magistrate, upon consideration, reduced the sentence to a fine of £3, which was at once paid."⁹⁰

This anecdote illustrated how the intercession of a missionary could dramatically alter the course of a case, especially when the defendant's circumstances appealed strongly to the missionary's sensibilities. To him, the story itself must have appeared as a parable of the damage that alcohol could wreak on an otherwise respectable family, and the case was made all the more poignant by the sobriety of the accused. He had not fallen into wicked ways due to drink, but had been provoked by the wickedness of a drunken woman, a perfectly-cast virago in this police court drama. The prisoner's appeal, consciously or not, played directly to the expectations of the missionary. The prisoner was the victim, not the villain, and to punish him would be to penalize his ailing wife and his innocent children. Thanks to the testimony of his employers, moreover, the missionary could be certain that his release would return a respectable, productive individual into society and prevent a grave injustice. Similarly, the missionary's advocacy, following a rigorous process of investigation, reassured the magistrate that leniency was justified. As was almost always the case in such vignettes, the missionary was careful to conclude the story with a coda assuring readers that his efforts and the support of the magistrate had not been misplaced. "Some months afterwards," the report stated, "the Missionary met the foreman and asked him whether A. was still keeping the pledge. 'Oh, yes,' he said, 'and what is more, the day after I was at that Police Court I gave up the drink too. I saw plenty there in trouble through drink, and only one to help them, and that was you—a teetotaler.'"⁹¹ What better ending to a morality tale than the voluntary conversion of the bystander (and one with authority in the workplace, no less) to abstinence, and his observation that in the midst of sorrow, the missionary stood as beacon of hope? This narrative, and the many others like it appearing in the *CETS*

Annual Reports and the pages of the Chronicle, also demonstrated how the LPCM served as a bridge between the older Victorian moral standards, which evaluated offenders on the basis of individual choice, and the newer focus on rehabilitation and social welfare through state intervention (or, rather, a hybrid of state authority and privately-funded philanthropy). Further integration between the courts and the LPCM was achieved financially; during this period, magistrates themselves became significant contributors to the Mission's funding.⁹²

The benefits of this burgeoning relationship between the missionaries and court clientele were clear. A working-class man or woman who cooperated with the missionary could hope for more favorable treatment from the magistrate. In return, the missionary would gain a (at least apparently) sympathetic audience for his crusade against drink, the gratitude of the accused and, in some cases, a signed temperance pledge. But the true authority in this equation remained the magistrates themselves, and they stood to gain much from this arrangement. By practicing leniency where the missionaries recommended it, the magistrates could maintain their ideals of merciful justice and, in theory, gain greater acceptance for their authority among the working class.⁹³ On a more practical level, the prominence and frequency of repeat offenders made it obvious to many magistrates that imprisoning drunkards did little to curb their habits. As the magistrate Alfred Plowden observed, "the ordinary drunkard cares little about fines, or mild terms of imprisonment. It is not in human nature that a man, with his favorite bottle before him, will refrain from emptying it for fear of such consequences."⁹⁴

The prosecution of drunkenness in the metropolis, after reaching a peak in the 1830s, had declined considerably in the half-century since.⁹⁵ But it remained among the

most frequently prosecuted offenses in the metropolis, accounting for 26,614 charges in 1885 alone.⁹⁶ The evolution of the laws on the offense was a piecemeal process, and the initial impetus was related as much to rising middle-class concern over disorderly, urban plebians and the creation of the Metropolitan Police to deal with this issue, as it was to any particular legal statutes.⁹⁷ The same law that had created the Met as an official force and expanded London magistrates' courts as a corollary, the Metropolitan Police Act 1829 (10 Geo IV, c. 44), also empowered constables to arrest "loose and disorderly" persons for disturbing the peace. These powers were extended with the Metropolitan Police Act 1839 (2 & 3 Vict, c. 47), which increased the fine for being drunk in public and authorized imprisonment for those who could not pay.⁹⁸ The Licensing Act 1872 (35 & 36 Vict, c. 94) added another important prohibition, that against being drunk while in charge of a horse or a horse-drawn conveyance (a cart, cab, carriage, van, etc.) on a public thoroughfare.

Common police practice, however, was hardly the enforcement of these regulations to the letter, especially after mid-century. Generally, those who were drunk and capable of making their way home (doubtless with some urging from the police) were released on their own recognizance after arrest.⁹⁹ Those who faced fines and imprisonment before the magistrates were usually either "incapable" (i.e. unable to make their own way home), disorderly, or had coupled their drunkenness with another offense such as abusive language, riotous behavior, or assaulting the constable who had approached them. In this, summary prosecution was flowing in the opposite direction from felony prosecutions. By the end of the century, there was an increasing tendency to take drunkenness into account as a mitigating factor in the adjudication of murder

charges, even though official doctrine did not permit this.¹⁰⁰ In the London police courts, by contrast, reports that the defendant against a charge had been drunk often decreased the likelihood of lenient treatment, and increased the typical fine or imprisonment, unless the missionary intervened. Those who committed an assault while drunk, for example, were frequently charged with both offenses, and therefore faced risk of even greater punishment upon conviction. Section 5 of the Licensing Act 1902 also allowed either a husband or a wife (most commonly the latter) to seek, via a summons before the police court magistrates, a judicial separation on the grounds of their spouse's "habitual drunkenness."¹⁰¹

Although the overall prosecution of drunk and disorderly behavior had started to decline after mid-century, the caseload of the courts had hardly gotten any lighter. The expansion of the Metropolitan Police in conjunction with a raft of social-reform legislation passed in the last quarter of the century kept the magistrates' courts filled to capacity. Summonses for violations of the new regulations on health, public safety, and compulsory education joined police charges for assaults and larceny in the ever-growing daily docket.¹⁰² In this widening legal regime, one which threatened to overwhelm the courts and prisons with a parade of drunk and disorderlies, there was no compelling reason *not* to allow the missionaries to continue their strategy of pledging, induction into homes for inebriates, and voluntary redemption. The magistrates' cooperation with the missionaries also brought them more in line with the opinions of contemporary social reformers on the diminished responsibility of habitual drunkards for their own actions and the inadvisability of strict sentencing.¹⁰³ Nor should it be forgotten that the missionaries' work in the courts was still a privately-funded affair, and as they became

more and more prominent in the administration of the courts, the value of their contributions and the necessity of maintaining their commitment and goodwill would not have been lost on the magistrates. Magistrates' support of the missionaries' temperance agenda, regardless of their personal opinions on the subject, was one obvious way for them to show their appreciation.

Though magistrates' general unwillingness to join the temperance movement was a sign of the ideological distance between them and their missionaries, their public support and financial contribution to the LPCM demonstrated the growing integration between the two groups. By the late 1880s, magistrates were writing testimonials praising the good work of the missionaries, testimonials that were promptly and prominently reprinted in the pages of the CETS annual reports. Sir John Bridge, then the Chief Metropolitan Magistrate, wrote to the administrators of the LPCM in gratitude for "the great benefit the Magistrates received from your Missionary."¹⁰⁴ The magistrate John Dickinson similarly wrote, on behalf of himself and his colleague, Frederic Meade, "the work in such a Court as Thames, and in such a poor and densely populated district as this, must necessarily be very heavy, but your energy, attention, and kindly sympathy have never failed. Your work is a great one, helping the weak and tempted, comforting the miserable and hopeless, and striving to rescue the forlorn and vicious."¹⁰⁵ On a more practical level, the magistrates provided funds for the missionaries' work out of the police court "poor boxes," and occasionally made personal contributions, usually in their wives' names. Typically, the courts each gave between £5-15 yearly, and another £1-5 was donated by each magistrate individually.¹⁰⁶ All told, this made the courts and the magistrates among the most significant secular contributors to the LPCM.

With the steady increase in funding across the 1880s and 1890s, the LPCM was able to hire more missionaries, provide them with greater resources, and expand the range of their duties. One such expansion was the inauguration of the Women's Police Court Mission. The first mention of the new female agents appeared in the CETS Annual Report for 1885, though the first noting of women's direct involvement with the missionaries' work dates back to 1884, when the CETS Annual Report described how, in conjunction with the missionaries' work among policemen, "a Policeman's Christian Association has been started, and mainly carried on by Christian ladies."¹⁰⁷ The 1892 Annual Report also recorded that the task of visiting cab shelters, which had fallen by the wayside of most male missionaries' duties as they focused more and more on police court work, had been taken up by "Honorary Lady Visitors."¹⁰⁸ Since male missionaries had always worked with both men and women in and beyond the courts, and there was little discussion in the pages of the CETS reports concerning the specific need for female missionaries, it is unclear precisely why this innovation was introduced. If the Policeman's Christian Association and the Honorary Lady Visitors were the precedents, then it may have been the initiative of women themselves within the CETS that prompted the creation of the Women's Police Court Mission. Whatever its origins, women's involvement in the LPCM was in accord with the longer history of philanthropic missionary work, both at home and abroad, and the expanding roles played by women in the administration of local and municipal government in England.¹⁰⁹

The attitude and character that women missionaries brought to the work did not differ significantly from that of their male colleagues. J. Hasloch Porter, the former secretary of the CETS (1878-1881) claimed that the "sympathy" so often touted as one of

the male missionaries' most essential characteristics was even more strongly expressed by their female counterparts. Calling the Women's Police Court Mission "an unqualified success" in his 1927 history of the LPCM, he wrote that "women and children in police courts no longer feel hopeless and forlorn wherever there is a Missionary, but in a woman Missionary they find a specially sympathizing friend."¹¹⁰ The vignettes in the CETS Annual Reports that described "Our Mission Women at Work," followed the same pattern as those that dealt with the male missionaries' work. They told tales of women destroyed by drink and their admirable recovery following the taking of a pledge at the encouragement of a woman missionary. One vignette, titled "Perseverance Rewarded," explained that one woman's ("E.P.") married daughter "signed the pledge to help her mother. It took three weeks' persistent visiting to induce E.P. to take the pledge; but when the mission woman had gained her confidence, she implored her to speak to her husband. This man was first amused, and then surprised that a woman should dare to ask him to take the pledge. 'If my wife will be different, I will,' he finally answered, and he has kept his word."¹¹¹ This story emphasized the contagious nature of redemption, describing how a woman's abandonment of alcohol had, with the continued assistance by the woman missionary, served as a catalyst for the redemption of other members of her family or household.

For all the reportage that the work of the women missionaries received in the pages of the annual reports, they were never fully integrated into the LPCM's work, nor were their efforts allocated the same personnel, funding, or remuneration as that of their male colleagues. One obvious indicator of the marginalization of women's missionary work was simply that the male missionaries usually outnumbered the female missionaries

by a ratio of two to one. Furthermore, male missionaries, as of the late 1890s, were generally assigned to work in a single police court, allowing them to build a strong rapport with the magistrates and the clientele there. Women missionaries, in contrast, were more frequently assigned to two, three, or even four courts simultaneously, a practice that hindered their ability to form the personal connections with magistrates and court clientele that were so central to the male missionaries' success. Finally, and perhaps most significantly, there was a stark contrast between the roles that male and female LPCMs played in the police courts, which, by the 1890s, had become a central (if not the dominant) aspect of the missionary work. In 1899, the twelve principal male missionaries made 3210 visits to the police courts, an average of 268 visits per missionary.¹¹² By comparison, in the same period, the five women missionaries made a total of 643 visits, and the vast majority of those (430) were made by one woman who was assigned to deal with Bow Street, Marlborough Street, Marylebone and Westminster Courts.¹¹³ Another female missionary, assigned to work in the Thames Police Court (by most accounts, one of the busiest in London) made a mere two visits to the court in 1899, while her male counterpart appeared there 253 times in the same period.¹¹⁴ This gender segregation of missionaries' duties corresponded poorly with the gender distribution of summary offenses themselves.¹¹⁵ Nationally, women still represented more than a quarter of all those charged with drunkenness offenses in 1900.¹¹⁶ The vast majority of women missionaries' labor was confined to home visiting, the aspect of missionary work that the CETS administrators seemed to feel was most appropriate for them. The view that women's efforts to morally reform others were most appropriate and effective in

domestic—rather than public—environments would be articulated in other arenas of social reform as well.¹¹⁷

One of the most famous of all the Police Court Missionaries, Thomas Holmes, who is credited with writing the seminal memoir of the missionaries' work in the nineteenth century, denigrated women's capacity to advance the mission's goals and questioned their suitability for social work in general. In 1900, he wrote:

A short time ago, I was listening to a very notable lady, who probably had never been in a police court. She was arguing that women were much better adapted for 'rescue work' than men. She may have been right, but I do not think she was; at any rate, her reason was quite wrong—'women can see through people better than men.' If this is true, the measure of their knowledge is the measure of their unfitness. Men may be more credulous; if so, they have more faith and hope. I can see through no one, I do not want to.¹¹⁸

"Sympathy" was at the center of missionaries' identity and discourse. Holmes's accusation that women were more skeptical and cynical than men were, if this were a view widely held by his colleagues, would have gone a long way towards explaining the exclusion of women from the mainstream of the LPCM and the marginalization of their contributions. Magistrates' preference for working with male staff and their concern over the moral effect that the atmosphere of the police court had on women may also have played a part in limiting women missionaries' roles in the courts. Despite their marginalization, however, the introduction of women missionaries represented a significant development in the diversification of women's roles within the British judicial

system. It was an innovation that preceded the appointment of the first female magistrate by more than thirty years.¹¹⁹

The introduction of female missionaries, important though that was, was not the most dramatic expansion of the LPCM in the late 1880s and 1890s. The most significant development in this period was the extraordinary increase in the scope and diversity of the male missionaries' work. This was made possible both by their increased funding and by the magistrates' continued support. J. Hasloch Porter, a former missionary, argued that one of the keys to the missionaries' success was that the local community did not associate them with the police or officialdom in general. The religious character of the Mission enhanced that impression. "Here the policeman was useless," Porter wrote, "official buttons could only frighten away; the power of a spiritual agency was needed to get at the back of offences, to reach the hearts of offenders."¹²⁰ By 1900, the missionaries had become an indispensable resource for the magistrates and court clientele alike. Although no exact records were kept to of how many defendants (or for what specific offenses) were placed under supervised probation by the missionaries, the CETS Annual Reports from the first years of the new century revealed the vast scope of their work in the courts and their communities. In 1902, with an operating budget of over £1800, the thirteen male missionaries of the LPCM conducted over 23,000 visits and interviews in the courts, at their own homes, and at the homes of court clientele.¹²¹ The eight missionary women and two "ladies" (i.e. volunteers) made nearly 14,000 visits concerning court cases and attended the police courts on 1,334 occasions.¹²² The missionaries served the needs of the magistrates, conducting preliminary interviews and advising on individual cases, but also offered counsel and aid to the men and women who

attended the court. The author of the missionaries' annual report for 1901 gave the following description of a missionary's typical day at the police court:

Every morning before the magistrate takes his seat upon the bench, our Missionaries have been busy seeing the prisoners in cell or waiting room, listening to their stories and sympathizing with them—and, as each stands in the dock, and the Magistrate turns again and again to the Missionary handing cases over to him or conferring with him during the luncheon hours as to what can be done, the value of a good Missionary's services cannot be overstated. Then in the afternoon, when the Magistrate hears applications for summons, and many a time the Missionary, by his efforts, is able to avert evil or prevent the summons from being taken out by effecting a reconciliation.¹²³

From the moment the doors of the court opened until after the retirement of the magistrate, the missionaries were a fully-integrated aspect of court procedure and were often on hand to provide counsel to both parties during the trials themselves. In 1901, for example, over 2000 cases were handed over by the magistrates directly to the missionaries for the latter to deal with as they saw fit.¹²⁴ In such circumstances, it became more essential than ever for the accused to earn the sympathy of the missionary prior to his or her case coming before the bench. Moral evaluation, particularly with regards to alcohol, remained a key factor in Missionaries' decision to intervene. Even as their duties expanded dramatically, the missionaries never lost sight of their temperance agenda. The best way for defendants to solicit their support was to sign a temperance

pledge, as “A.J.B.” did when his wife summoned him to court: “I, A.J.B.,” the husband wrote, “promise my wife if she agrees to withdraw the summons granted against me for assault, I will not touch another drop of strong drink, and willingly submit to the decision of the law if I break my pledge.”¹²⁵

Thus even as the missionaries took on the wide array of tasks that made them probation officers in all but name, they continued to adhere to more traditional, Victorian moral codes. The shared commitment of both missionaries and magistrates to ideas of individual accountability, self-improvement, and free will remained essential to their cooperative efforts. This did not preclude them, however, from adapting their work to suit the reform of penal culture towards rehabilitation of the individual rather than punishment of the crime.¹²⁶ Far from resisting it, the administrators of the LPCM were open advocates of penal reform.¹²⁷ The missionaries provided the magistrates with a chance to apply new approaches to offenders on a daily basis, in cases where both the missionary and the magistrate agreed it was deserved. One of the most common tasks of missionaries was mediating between aggrieved spouses when one felt compelled to seek a court summons against the other, most typically for assault, abuse, or neglect. But missionaries’ intercession was not in any way limited to cases involving marital strife, nor did their mandate extend only to trials where alcohol was a factor. By the 1890s, missionaries were advising magistrates and prisoners alike on a broad variety of cases. As J. Hasloch Porter explained in his early history of the LPCM, “the Magistrates began to employ the Missionaries to visit homes, administer relief and generally act as advisers and helpers, even where no one had been charged with drunkenness.”¹²⁸

The court clientele often responded by adopting the strategies suggested by the missionaries, either because such tactics assured them the missionary's support once they came before the magistrate or because their own experience demonstrated the efficacy of such measures. Thomas Holmes described this dynamic in cases involving youths accused of street-gambling. Such cases were troublesome, time-consuming affairs where guilt was hard to prove and innocence almost always claimed, as the missionary commented sardonically, "the number of innocent boys charged with gambling is only equaled by the number of innocent women charged with being drunk."¹²⁹ Holmes went on to describe the episode that followed when eight "decent-looking lads" were charged:

I was speaking to them in the prisoners' room before they went into court, and gave them a world of good advice, I thought I had made some impression on them, and finally advised them to admit their guilt to the magistrate, and tell him that they would not do it again. To the magistrates' surprise they all pleaded guilty and expressed penitence but one, who stoutly protested his innocence, when several constables were called to prove the charge. The magistrate told the boys that he was pleased with their honesty, candour, and penitence, and should deal very leniently with them, and, hoping they would keep the promise they had given, discharged them all excepting the "innocent" one. He was fined ten shillings. So lads charged with gambling in the streets pleaded "guilty" at North London till the plea no longer availed.¹³⁰

It is no coincidence that those who received leniency in this case were all youths brought up on their first offenses. Even as court procedure was changing to accommodate the approaches to trial and pre-trial procedure made possible by the presence of missionaries, the clientele of the court were adapting to the changing dynamics of the system and adjusting their strategies to take into account the benefits of the missionaries' sympathy and influence. In the process, individual interactions between offender and missionary, and between missionary and magistrate, remained central to court outcomes. In this, as in many other instances, courtroom practice adapted faster than penal policy did to the changing circumstances that brought offenders to court, often incorporating measures (e.g. structured probation) that took years or even decades to be enshrined in official statutes.

Even as missionaries' sympathetic mediation and direct or indirect intervention in summary proceedings became an established protocol in the courts, the cooperation of the magistrates and the increase in funding for the LPCM made it possible for missionaries to offer yet another form of aid to accused men and women who caught their attention. By the mid-1890s, the growing resources of the Mission allowed the missionaries to encourage temperance and prevent the further degradation of families by providing charity.¹³¹ In 1906, the Mission reported that it had, in 5200 instances, supplied "clothing, blankets, food, rent, stock and tools, etc." to individuals and families, and had "materially helped" 8,332 people overall, for a cost of £2,227.¹³² In 1905, one missionary alone distributed "8 tons of coal, 680lbs. of bread, 100lbs. of meat, and large quantities of groceries, etc. amongst poor cases recommended to the Court."¹³³

In the midst of such largesse, the missionaries were careful to emphasize that aid was provided only to those who proved themselves morally deserving, and that the goal was always to promote self-respect and self-sufficiency, not dependence and demoralization.¹³⁴ Such charity was used not only to deliver the means of income for families, prevent them from losing their lodgings, or fend off starvation if the breadwinner had been imprisoned, but even to arrange a change of scenery for those who seemed to be otherwise hopelessly in the grip of alcoholism. The last tactic was predicated on the belief, common among missionaries, that the environment of the streets was an instrumental factor in promoting immoral behavior, alcoholism, and the attendant criminal behavior. In this, they were in accord with the growing trend of positivist thinking in penal reform circles.¹³⁵ But this belief did not supersede their equally-common assertion that it was the responsibility of the individuals to resurrect their self-respect and, through it, to accomplish their final redemption.

Even after two decades of the LPCM's continuous operation, the formula for judging an individual to be deserving of aid and advocacy had not changed measurably from the strict standards that had been followed since the inception of the Mission in 1876. In order to qualify, successful candidates had not only to demonstrate genuine need, but also prove that they were industrious – if not in employment, then at least in seeking it – and preferably that their poverty could not be attributable to alcohol or, if it was, they must have proven sincere willingness to amend their ways. The presence of children was also a strong justification for charity. If these requirements were met, then the turnaround in the fortunes of a household could be remarkable.

The majority of cases where charity was granted originated as police court prosecutions of one sort or another, emphasizing what a dramatic impact the missionary's intervention could make. Through their advocacy, a process destined for punishment could be transformed into one of salvation, the latter, according to the missionaries' philosophy, having been the primary goal all along. In one case, when a couple was charged with robbing their gas meter, the magistrate quickly saw through the fabricated story of a burglary (which included the binding and gagging of the wife), and the wife promptly confessed. Despite the seriousness of the charge, not only was the wife let off, but the missionary then obtained a job for the husband. The key issues in this instance were the husband's earnest pursuit of employment, "he had no work, though he begged for it continuously," and the wife's defense that "my children were crying for bread."¹³⁶ Not only did missionary and magistrate alike feel that both leniency and charity were justified in these circumstances, but the secretary of the LPCM, who chose to highlight this tale in the annual report, clearly believed that the sponsors and potential donors would also find this sympathetic treatment appropriate and the couple worthy of support.

In another case, a man ("A.C.") returning from an unsuccessful search for work had found "his wife and child crying for want of food."¹³⁷ When he resorted to begging, he was promptly arrested, but the results of that arrest were far from negative. "The missionary was asked to make strict inquiry, the result of which enabled the magistrate to discharge A.C. Needless to say, the family's immediate wants were supplied and some work found for the man." In both of these situations, the accused entered the court on charges, unemployed, with hungry children at home, and left exonerated, with the missionary earnestly working to obtain them employment and, in the later case, with food

(and possibly rent as well) in hand. In, 1899, the LPCM paid rent and lodging in 495 cases, provided tools or stock in 581, and “furnished clothing, blankets, food, coals, &c.” in 1776 instances.¹³⁸ A decade passed between the second case and the first, and by 1910, the year that the couple was brought before the bench for robbing their meter, the LPCM was providing almost twice that volume of charity to households deemed “deserving.”¹³⁹

Adherence to gender norms and moral worthiness remained crucial if one sought the missionaries’ aid. Whether ethnicity and nationalism were significant factors as well is unclear, though these considerations became increasingly apparent in the missionaries’ discourse as the LPCM continued to grow and expand its range of duties. The pejorative descriptions that the first cohort of missionaries had made about Irish attendees at the police courts would be replicated, albeit in a milder form, by their successors. The latter, when referring to the cosmopolitan environment of the London police courts, often did so with dismay. The missionary Thomas Holmes vividly recalled the “horrible speech and diverse tongues” that greeted him on his first visit to the courts in the mid-1880s.¹⁴⁰ The missionary for the Thames Police Court, two decades later, would similarly describe his community as a place where “the languages used equal only Babel of old in their confusion.”¹⁴¹

But ethnicity did not reestablish itself as a primary focus of the missionaries’ discourse again until the early 1930s, when tales began to appear in the annual reports of the LPCM attesting to the corrupting influence that Jews, Lascars (i.e. Asian seamen, most typically Indian), and “aliens” (i.e. foreigners) could have on London women. Such anecdotes reflected popular anxiety about the increasing diversity of the metropolis,

anxiety that was also mirrored in magistrates' observation of their courts and communities.¹⁴² The 1931 report gave prominent attention to the case of a young London girl whose affection and loyalty for a Jewish boy had led her to a path of immorality and crime. In order to impress him, she had claimed great wealth and, when her suitor had demanded proof of this munificence – according to the missionary, her money was “his chief interest” from the beginning – she had stolen from her employer.¹⁴³ She and her erstwhile fiancée had been caught and charged, but she had sacrificed her own interest in favor of his, allowing him to be acquitted while she was convicted and placed on probation for two years. It was at this point that the missionary intervened. In his opinion, the moral fault lay entirely with the Jewish boy; the girl's behavior was prompted merely by misplaced loyalty. “Surely Adam tempted Eve this time,” was the missionary's curt summary of the case.¹⁴⁴ The missionary secured work for her when reputation and its publicity would have otherwise made it impossible. His efforts were validated when she once again became engaged, “but not,” the missionary triumphantly crowed, “to the Jewish boy!”¹⁴⁵

In another case, a missionary took far more direct measures to separate a woman from the corrupting influence of a man identified merely as an “alien.” The woman had deserted both her husband and her young children to pursue an affair with her wealthy lover in London. The husband wrote to the LPCM and “implored the Mission to seek her and invite her to return home.”¹⁴⁶ A London missionary traced the woman and, after much persistence, obtained an interview. He then persuaded her to leave her “alien” lover and restore herself to her family. In addition to highlighting the role of ethnicity in missionaries' moral evaluation and public discourse, this case also reveals just how

familiar the work of the missionaries had become, not just to Londoners, but to people all over England. The reputation of the London Missionaries was such that, by the 1930s, even a man from an entirely different city was aware of their role (or had been advised of it, perhaps by the missionaries in his own city) and could employ them for precisely the type of work that they thrived on—the restoration and preservation of broken family ties.

One of the most dramatic demonstrations of missionaries' views on ethnicity, and an apt example of the dangers that the missionaries and the magistrates associated with interracial relationships, appeared as the capstone vignette in the 1932 Annual Report. According to the Report, “when the Court learned that a girl, aged 22, had run away from home and was living with a Lascar seaman in the East End, the Missionary was asked to visit the girl and persuade her to leave the coloured man.”¹⁴⁷ The girl initially refused, but later took the initiative, appearing in court “frightened and bruised, and asking for the Missionary.”¹⁴⁸ The missionary found work for her, but the respite was temporary; after moving jobs several times, she disappeared. A few months later, it became apparent to the missionary that “the fear that she had returned to the old life proved true.” He had received a letter from her, now pregnant and in the hospital, asking that the missionary restore her to her parents. When the parents refused to receive their fallen daughter, the task was left to the missionary to find her care, a shelter, and the means to support the newborn. Obviously meant as a cautionary tale, the vignette ended with a lament on the ubiquity of such sad dramas, “this is one of the many cases with which a Police Court Missionary has to deal, which have no ending, but continue from one chapter to another like a serial story.”¹⁴⁹

Like the Irish before them, Jews, Lascars, and “aliens” were not infrequent characters in the missionaries’ public discourse, but almost always as the villains and rarely, if ever, as the victims. Ethnic minorities, according to the missionaries’ reports, were a source of immorality rather than a cohort in need of aid and support. Since such minority groups were often excluded from employment opportunities open to other members of the London working class, the assistance of the missionaries would have been a tremendous boon. Although the statistics on aid given by the LPCM did not segregate according to ethnicity, the attitude of missionaries in the circumstances recounted above suggest that members of London’s ethnic minority populations would be less likely than most to receive the missionaries’ advice, advocacy, and charity. It is particularly telling that, in cases where men from ethnic minorities were involved, the missionaries were willing to aid women who had blatantly transgressed the boundaries of acceptable gender behavior and had spurned the missionaries’ initial offers. Little judgment was offered on the wife who abandoned her family to pursue an affair or the young woman who took a Lascar lover, discarded the employment obtained for her, and then bore an illegitimate child. Regardless of such women’s behavior, they appeared as victims in the missionaries’ descriptions; the blame for their downfall was, implicitly or explicitly, laid at the feet of the men involved.¹⁵⁰ Whether this tendency to prioritize racialized immorality over gendered immorality was replicated in other elements of the interwar judicial system, and what this might tell us about the persistent influence of Eugenicist discourse in this period, is a question worthy of further investigation.¹⁵¹

The resurgence of ethnicity as a prominent feature of the missionaries’ discourse in the early 1930s was preceded (and possibly catalyzed) by their concern with

nationalism and the expansion of the British Empire in the last decade of the nineteenth century and the first decades of the twentieth. As imperialism and assertive British nationalism moved to an increasingly prominent position in domestic politics, it also became part of the missionaries' methods and philosophy. This was an easy mesh with the Mission's earlier Eugenicist strains in any case. In the 1890s, "sending lads to sea," outfitted at the expense of the LPCM, became a popular option for missionaries.¹⁵² 1906 was the first year that missionaries explicitly linked their work to nationalism and imperial ambition, publicly appealing to "the citizens of the Empire," to support their efforts towards charity and redemption of offenders, particularly first-time lawbreakers.¹⁵³ Not surprisingly, missionaries expressed nationalist sentiment most prominently during the wartime years, and it was in this period that their enterprise became most fundamentally coupled to national ambition and the promotion of British power abroad. A segment of the Annual Report for 1915 entitled "The Country's Call" touted the missionaries' conversion of reprobates into valuable contributors to the national cause. "Perhaps the best report we have to give for the last year," the author wrote, "will be found in the large number of men and lads who have passed through the hands of the Missionaries in the last year or two, and having been under their probation or care, instead of being sent to prison, have now joined the Colours and are **doing their best for King and Country. Over 1,100** [emphasis theirs, throughout] who have been under our Missionaries 'quite recently,' have joined the Army and Navy since the war began."¹⁵⁴

Similarly, the Padcroft Boys' Home, the flagship reformatory run by the LPCM, was advertised as an institution that transformed young troublemakers into paragons of

civic virtue, ready to contribute to the national cause. “No longer troublesome boys but useful citizens,” the Padcroft brochure proudly proclaimed in 1918, “**the hooligans of the streets** have become **heroes in the trenches.**”¹⁵⁵ As evidence of success, the publication listed the accomplishments of their alumni in detail, “958 of our Old Boys are serving in H.M. Forces, many have been mentioned in dispatches. One has won the V.C., five the D.C.M., five received Commissions.”¹⁵⁶ This brochure, like the Annual Reports, was intended to encourage contributions and reassure current donators that their support was producing results. By linking the missionary work and the Padcroft Home to the war effort, the LPCM was strengthening the justification for their efforts and demonstrating their commitment to enhancing British national prowess, both at home and abroad. The brochure included graphic evidence of dramatic rehabilitation. In these “before” and “after” photos, the initial image [Fig. 1] is of a stereotypical hooligan whose disheveled hair, open-mouthed gaping, and aggressive stance all give the impression of imminent violence. His ill-fitting clothes convey his penury, and all that is missing from the classic image of the street urchin is his cloth cap, here spilling carelessly out of a pocket rather than askew on his head. The second image could hardly offer a more extreme contrast. The boy (it is unclear if it is the same one), now appears in the formal dress of a house servant, and the caption tells us he is, indeed, “footman to a Cabinet Minister” [Fig. 2]. His tailored jacket, polished buttons, and immaculate coif speak of discipline, poise, and mannerly behavior. Most revealing of all is his carriage. Gone is the challenging glare and menacing pose of the street tough, now replaced by a composed, reserved expression, his head tilted slightly to the side in a gesture of deference, as if he were about to inquire

how he might be of assistance. This remarkable transformation, the caption indicates, was accomplished in a mere three months of “training”!



Figure 1. “The Raw Material. This is how we receive the boys! Often utterly Destitute, without home or friends.” Saving the Lads (brochure for the Padcroft Boys’ Home), c. 1918. Courtesy of the Nottingham Galleries of Justice.

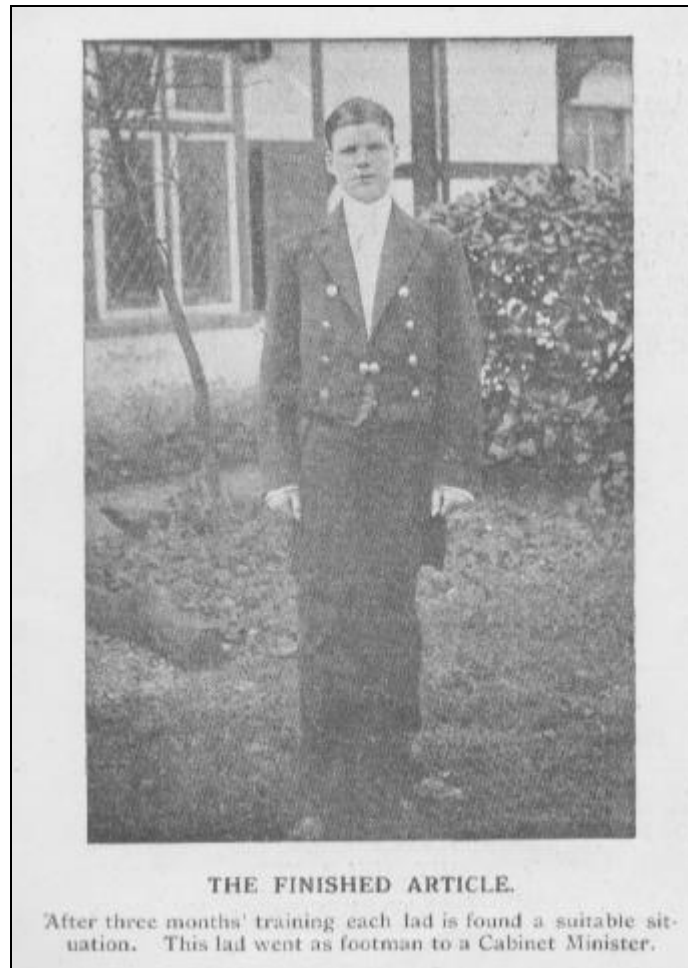


Figure 2. "The Finished Article. After three months' training each lad is found a suitable situation. This lad went as a footman to a Cabinet Minister." Saving the Lads (brochure for the Padcroft Boys' Home), c. 1918. Courtesy of the Nottingham Galleries of Justice.

In the midst of wartime rationing and the concentration of resources, both human and financial, on the war effort, the public defense of their institution must have seemed a prudent tack for the authors of the Annual Report to adopt. "We are told," one contributor wrote, "that in War time we must give up all luxuries. **To the magistrates the Police Court Mission is no luxury. Both in peace time and War time it is an**

absolute necessity.¹⁵⁷ Their worry that the LPCM would be sacrificed to the exigencies of war proved unfounded. The Home Office deemed the work of the missionaries “indispensable.”¹⁵⁸ This decision was reinforced when a conscription tribunal before whom the three military-age missionaries of the Middlesex Courts were called reached the same conclusion. Two of the missionary staff in 1916 decided to serve their country in the trenches rather than in the courtroom, and joined up regardless.¹⁵⁹

Ironically, the very success and adaptability of the London Police Court Mission, in peacetime as well as in war, was their undoing. In the years following the conclusion of the First World War, the process that had begun with the Probation of Offenders Act 1907, which formalized probation and the missionaries’ relationship to the police courts, was completed. In response to growing concerns among the magistrates and Home Office officials that so important a task as the monitoring of probationers could not be left to religiously-motivated amateurs, the responsibilities once held by the missionaries were transferred to official agents of the state. The recruitment and training of Probation Officers also became the responsibility of the Home Office. By the mid-1930s, the men and women fulfilling this purpose in London courtrooms were formal representatives of the metropolitan legal bureaucracy. The original purpose of the missionaries and the probation system that they helped inaugurate, “to temper justice with mercy,” was not forgotten. But how much the original “missionary spirit” of the enterprise, to aid those “ordinarily considered to be beyond the pale of mercy,” still lingered in their work was a question that only those in their care could answer.¹⁶⁰

¹ Martin J. Wiener, Reconstructing the Criminal : Culture, Law and Policy, in England, 1830-1914 (Cambridge: Cambridge University Press, 1990), 215-17.

² Wiener, Reconstructing the Criminal, 226; Philip Whitehead and Roger Statham, The History of Probation: Politics, Power and Cultural Change 1876-2005 (Crayford: Shaw, 2006), 11-12.

³ David Garland, Punishment and Welfare: a History of Penal Strategies (Aldershot: Gower, 1985), 65.

⁴ Though it should be noted that the new system also allowed for continued surveillance and regulation of the poor, absent the visible oppression of imprisonment. Maurice Vanstone, "Mission Control: The Origins of a Humanitarian Service," Probation Journal 51, no. 1 (2004), 38; Barry S. Godfrey and Paul Lawrence, Crime and Justice 1750-1950 (Cullompton ; Portland, Or.: Willan, 2005), 85.

⁵ This rich source, the Rainer Foundation Archive, is now open for consultation at the Nottingham Galleries of Justice. Previous accounts of probation and penal reform in the late-nineteenth and early twentieth-century have offered some excellent insights into the early years of probation. But, adhering to the sources available at the time, they have either focused on the years following the Criminal Justice Act 1925, when the probation system was comprehensively overhauled, professionalized, and subsumed under centralized control from the Home Office, or on the post-war period. The limited analysis of the early years of probation has been based on Parliamentary records, papers issued by the Howard Association, memoirs, and a few published early accounts. Joan King, The Probation Service, 2nd ed. (London: Butterworths, 1964); Dorothy Bochel, Probation and After Care: Its Development in England and Wales (London, 1976); David Haxby, Probation: a Changing Service (London: Constable, 1978); William McWilliams, "The Mission to the English Police Courts 1876-1935," The Howard Journal of Criminal Justice 22 (1983): 129-147; Leon Radzinowicz and Roger Hood, A History of English Criminal Law and its Administration, vol. 5: the Emergence of Penal Policy in Victorian and Edwardian England (Clarendon: Oxford, 1990), 633-648; Tim May, Probation: Politics, Policy and Practice (Milton Keynes: Open University Press, 1991);

Martin Page, Crimefighters of London: A History of the Origins and Development of the London Probation Service 1876-1965 (London: London Action Trust 1992); John Briggs et. al., Crime and Punishment in England: An Introductory History (London: Routledge, 1996). NB: some records on the early years of the CETS are also available at Lambeth Palace. While all of these works are useful in understanding the broader structure and intention of the probation system, with the exception of the first article in the McWilliams quartet, they shed little light on the cultural, social, and experiential dimensions of it.

⁶ From an analytical standpoint, the most significant essays of the early probation system are the works of McWilliams, Radzinowicz and Hood, Garland and May, op. cit.

⁷ William Forsythe has argued for the persistence classical Liberalism in penal reform well into the interwar years. William James Forsythe, Penal discipline, reformatory projects and the English Prison Commission 1895-1939 (Exeter: University of Exeter Press, 1991). The continued relevance of classical criminological thinking in the move towards reform and rehabilitation has been similarly emphasized in Barbara Hudson, Justice Through Punishment?: Critique of the Justice Model of Criminal Conventions (Basingstoke and London: Palgrave Macmillan, 1987), 3; and Garland, Punishment and Welfare, 127.

⁸ The seminal text in the latter is Geoffrey Pearson, Hooligan: A History of Respectable Fears (London: Palgrave-Macmillan, 1983). Pearson's work jibed with the growing sociological interest in deviancy, violence and youth culture in contemporary urban society. It also tied this scholarship with the historical study of "moral panics" introduced by Stanley Cohen in Folk Devils and Moral Panics (London: Macgibbon & Kee, 1972) and popularized by Stuart Hall and his collaborators (Charles Crichton, Tony Jefferson, John Clarke and Brian Roberts) in the ground-breaking anthology that emerged from the Birmingham Centre for Contemporary Cultural Studies, Policing the Crisis: Mugging, the State, and Law and Order (London: Macmillan, 1978).

⁹ There is an extensive literature on female criminality, women as victims of crime, and as targets of the criminal justice system from the early-modern period to the early twentieth century, but comparatively little has been written on how gender as a category or women's crime as a concern influenced the discussion and daily implementation of penal reform in this period. Barbara Littlewood and Linda Mahood, "Prostitutes, Magdalenes and Wayward Girls: Dangerous Sexualities of Working-Class Women in Victorian Scotland," Gender & History 3, no. 2 (Summer 1991): 160-75; Shani D'Cruze, Crimes of Outrage: Sex, Violence and

Victorian Working Women (Dekalb: Northern Illinois University Press, 1998); 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, no. 1 (1999): 72-89; Karen Jones, Gender and Petty Crime in Late Medieval England: The Local Courts in Kent, 1460-1560 (Woodbridge, UK: Boydell, 2006); Gregory Durston, Victims and Viragos: Metropolitan Women, Crime and the Eighteenth-Century Justice System (Suffolk: Arima, 2007); Deirdre Palk, Gender, Crime and Judicial Discretion, 1780-1830 (Woodbridge, UK: Boydell, 2006); Deborah A. Symonds, Notorious Murders, Black Lanterns, and Moveable Goods: the Transformation of Edinburgh’s Underworld in the Early Nineteenth Century (Akron, OH: University of Akron, 2006). One significant exception to this pattern is Martin Wiener’s Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England (Cambridge: Cambridge University Press, 2004), but the focus there is on murder and serious violence against women as adjudicated in the higher courts, rather than on the treatment of female offenders or daily practice in the lower courts.

¹⁰ Garland, Punishment and Welfare, 175-185; May, Probation, 5-7; Godfrey and Lawrence, Crime and Justice, 85-6.

¹¹ “Philanthropy was a medium between Christian conscience and business and a young probation service, the buffer between laissez-faire individualism and state intervention in the penal sphere. The site for the expression of such beliefs became a legally responsible subject who, on occasion, lapses into irresponsibility which requires treatment. The individual becomes the object and the probation officer the means of intervention.” May, Probation, 7. The missionaries do represent an interesting example of the continued presence and influence of Church on State, but to ask whether this is indicative of the persistence of Anglican religiosity in the court system or rather an example of the Anglican Church’s adoption of a rationalized approach to social issues is to somewhat miss the point. In such philanthropy, the Anglican Church was following the example set by the Nonconformist churches in ministering to the more humble elements of English society. See George Behlmer, Friends of the Family: The English Home and Its Guardians, 1850-1940 (Stanford: Stanford University Press 1998) and Donald Lewis, Lighten their Darkness: The Evangelical Mission to Working-Class London, 1828-1860 (New York: Greenwood Press, 1986).

¹² Troup wrote the Introduction to the Judicial Statistics for England and Wales 1893. His arguments about the conclusions that could be drawn from the trajectory of recorded crime since the passage of the Criminal Justice Act 1879 were important in subsequent reforms of summary justice, probation, and imprisonment. Radzinowicz and Hood, English Criminal Law, v. 5: Penal Policy, 106.

¹³ The Eugenics movement was a key component of this. Godfrey and Lawrence, Crime and Justice, 85. For the connections between imperialism and the missionary movement, see Andrew Porter, ed., The Imperial Horizons of British Protestant Missions, 1880-1914 (Grand Rapids, MI: Eerdmans, 2003); Susan Thorne, Congregational Missions and the Making of an Imperial Culture in Nineteenth-Century England (Stanford: Stanford University Press, 1999).

¹⁴ CETS Annual Report 1903, 20.

¹⁵ Jennifer Davis, "A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century," The Historical Journal 27, no. 2 (1984), 309.

¹⁶ The courts trace their cultural and functional origins to the work of John and Henry Fielding at the Bow Street Police Office in the mid-eighteenth century. The system of paid stipendiary magistrates was officially inaugurated with the Middlesex Justices Act 1792, but the formal parameters of their powers, and particularly their segregation from policing, was not fully established until John Peel's reforms of metropolitan policing and the judiciary in the 1820s and the 1830s.

¹⁷ Memorandum in Reference to the Training, Appointment, and Payment of Probation Officers from the Rev. Harry Pearson and Mr. Evan Griffiths, secretaries of the Police Court Mission (C.E.T.S) north and south of the Thames (1921), 1 [hereafter "1921 Memorandum"]. Unpublished biographic materials on Frederic Rainer from the Rainer Archive, 2 (Galleries of Justice (hereafter GOJ)).

¹⁸ Holmes is universally acknowledged in the histories of probation as a seminal figure. In 1964, he was also the subject of a national radio broadcast that featured him in an imagined conversation with Majory Todd, a probation officer from the post-war period. Todd cited Holmes's memoirs as her inspiration to take up her profession ("Majory Todd and Thomas Holmes," first aired 14 January 1964) (The National Archives (hereafter TNA)).

¹⁹ C. M. Chapman, 'Holmes, Thomas (1846–1918)', rev. George K. Behlmer, Oxford Dictionary of National Biography, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/33956>, accessed 3 March 2014].

²⁰ Thomas Holmes, Pictures and Problems from London Police Courts, etc. (London: E. Arnold, 1900).

²¹ Ibid., 21.

²² Ibid., 173-4.

²³ Founded in 1855, and named after John Howard (1726-1790), England's original prison reformer, the Howard Association, now the Howard League for Penal Reform, remains the oldest surviving organization of its kind in the world.

²⁴ William McWilliams, "The Mission to the English Police Courts," The Howard Journal of Criminal Justice 22 (1983), 134.

²⁵ Unpublished biographical materials on Frederic Rainer from the Rainer Archive, 2.

²⁶ Specifically, Gilbert & Rivington. Transcript of Talk at PMR School Dinner, 6 Nov. 1987, 4 (Rainer Archive).

²⁷ According to the story in the Windsor Express, Rainer's mother, Sarah, and another woman had gotten into a violent altercation in the marketplace, an altercation that had escalated into violence. Rainer's mother confessed her guilt, and was duly fined 10s. 6d., including costs. Windsor and Eton Express, Berks, Bucks and Middlesex Journal and West Surrey Gazette, 26 April, 1862, excerpted in ibid.

²⁸ F.V. Jarvis, Advise, Assist, and Befriend: A History of the Probation and After-Care Service (London: National Association of Probation Officers, 1972), 2.

²⁹ J. Hasloch Potter, Inasmuch: The Story of the Police Court Mission, 1876-1926 (London: Williams & Norgate, 1927), 7.

³⁰ Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction (1936) (hereafter Social Services, 1936), 37.

³¹ Reginald Lucas, 'Vincent, Sir (Charles Edward) Howard (1849–1908)', rev. Clive Emsley, Oxford Dictionary of National Biography, Oxford University Press, 2004 (online edn., Sept 2010 [<http://www.oxforddnb.com/view/article/36660>, accessed 1 April 2014]); Radzinowicz and Hood, Penal Policy, 636.

³² Radzinowicz and Hood, Penal Policy, 636; May, Probation, 5. John Augustus, a Boston cobbler, is thought to have been the world's first probation officer (*ibid.*).

³³ Radzinowicz and Hood, Penal Policy, 641.

³⁴ Behlmer, Friends of the Family, 33-5.

³⁵ Prior to the Education Act 1870, for example, the Church of England had been responsible for the majority of elementary education for working-class children, which had been conducted largely through Sunday Schools.

³⁶ These countervailing trends were apparent across late-Victorian and early-Edwardian penal reform, hence Tim May's description of the period as "a fusion between the charitable and legal spheres." May, Probation, 7.

³⁷ "Police-Court Work," Church of England Temperance Chronicle [hereafter CET Chronicle], 1 Sept. 1877, 147 (Lambeth Palace Archives).

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² CET Chronicle, 2 Feb. 1878, 70.

⁴³ "The facts just mentioned," he wrote, "prove that short [prison] sentences are wholly inoperative to correct the moral tastes and physical inclination of the habitual drunkard." Ibid.

⁴⁴ Church of England Temperance Society Annual Report 1881, 19 (Lambeth Palace Archives).

⁴⁵ So essential were such home visits to their work that Nelson fully expected the reduction of his assigned territory from three courts (Lambeth, Southwark and Marylebone) to one (Marylebone) in December 1880 would alone be enough to substantially increase his success rate in holding pledges to their word. Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ Nelson reported that, of the many thousands who were brought up before the Lambeth, Southwark, and Marylebone magistrates on charges of or related to drunkenness, only 333 men and women took the pledge between 31 March 1880 and 9 April 1881. Ibid., 20.

⁴⁹ Ibid., 21. The Police Court Mission had identified cabmen as a group worthy of special attention, in part because it was common practice for their customers to tip them in the form of a drink rather than coin. But, Batchelor also reported that he had made 469 home visits, at least some of which must have been in relation to cases he encountered at the courts.

⁵⁰ Ibid., 20.

⁵¹ CET Chronicle, 26 Jan. 1878, 61.

⁵² CET Chronicle, 1 June 1878, 348.

⁵³ CETS Annual Report 1881, 22.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ In his annual report for the work done in 1883-1884, George Nelson recorded interviewing 6,312 prisoners, while visiting only 1,001 cabstands and shelters. He also recorded 206 visits to Police Stations, up from 54 in 1880-1881. CETS Annual Report 1881, 20; CETS Annual Report 1884, 21.

⁵⁷ CETS Annual Report 1884, 21.

⁵⁸ Ibid., 22.

⁵⁹ Batchelor's 1884 statistics are not available, but Nelson reported sending only 27 girls to Homes and Institutions that year and restoring 41 girls to their parents. Ibid., 21. Soon after, however, magistrates began emphasizing the significance of this programme. As J.T. Ingham, Chief Magistrate of the London Police Courts, would write to the LPCM five years later, "in the rescue of young girls, who have come to London from the country, he [Batchelor] has, I believe, been most successful." CETS Annual Report 1889, 28.

⁶⁰ CET Chronicle, 1 June 1878, 348.

⁶¹ CET Chronicle, 13 August 1882, 531.

⁶² For a more detailed description of Police Court architecture and courtroom spaces, see Clare Graham, Ordering Law : The Architectural and Social History of the English Law Court to 1914 (Aldershot: Ashgate, 2003), 178-185.

⁶³ CET Chronicle, 13 August 1882, 531.

⁶⁴ In 1880, there were 3,140 charges brought against those who assaulted, resisted, or otherwise obstructed constables in London (Judicial Statistics for England and Wales 1880, 88). In 1885, there were 3,446 (Judicial Statistics for England and Wales 1885, 86).

⁶⁵ Ibid..

⁶⁶ Lay representatives “visiting” the sick or needy by of the church was a practice that had originated with the Methodists in the late eighteenth century. The Anglican Church quickly followed suit, and many cities and large towns had urban missions by the mid-nineteenth century. The London City Mission (f. 1835) was one of the largest and most active. Behlmer, Friends, 33-4.

⁶⁷ CETS Annual Report 1884, 22.

⁶⁸ CETS Annual Report 1885, 37.

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ CETS Annual Report 1886, 41.

⁷² CETS Annual Report 1887, 71

⁷³ Ibid., 70.

⁷⁴ CETS Annual Report 1889, 33. The author was most likely Rev. J. Dennis Hird, the London Diocesan Secretary, though this claim may have been penned by one of the missionaries themselves.

⁷⁵ Ibid.

⁷⁶ Radzinowicz and Hood, Penal Policy, 634-5; Jarvis, Advise, Assist, 10.

⁷⁷ Jarvis, Advise, Assist, 15.

⁷⁸ Radzinowicz and Hood, Penal Policy, 638.

⁷⁹ Ibid.

⁸⁰ By 1889, there were eleven missionaries operating out of the London courts and by 1892 there were fifty-one missionaries operating countrywide. The largest concentration of them after London was to be found in Liverpool. CETS Annual Report 1889, 28; CETS Annual Report 1892, 24.

⁸¹ On the contrast between the two, see Julienne Hanson, “The Architecture of Justice: Iconography and Space Configuration in the English Law Court Building,” Architectural Research Quarterly 1, no. 4 (Summer 1996), 55-56.

⁸² H.C. Moore, "Temperance 'Spade Work': in the South London Police Courts," The Churchman 16, no. 7 (April 1902), 386.

⁸³ Ibid.

⁸⁴ Wiener, Criminal, 61.

⁸⁵ CET Chronicle, 13 August 1881.

⁸⁶ Ibid.

⁸⁷ CETS Annual Report 1890, 37. The record did not specify which LPCM missionary was the protagonist, in this case. This elision only furthered the parable-flavor of the anecdote.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² As described below.

⁹³ Davis, "Poor Man's System," 315.

⁹⁴ Alfred Chicele Plowden, Grain or Chaff: The Autobiography of a Police Court Magistrate (London: T. Fisher Unwin, 1903), 321.

⁹⁵ In 1832, police had taken into custody 32,636 people on charges of drunkenness. By 1850, this was down to a total of just under 24,000, divided between 12,477 for drunkenness and 11,420 for drunk and disorderly behaviour (Inwood, "Policing London's Morals," 136). See also Wiener, Criminal, 294-300.

⁹⁶ Judicial Statistics for England and Wales 1885, 28.

⁹⁷ Paul Jennings, "Policing Drunkenness in England and Wales from the Late Eighteenth Century to the First World War," Social History of Alcohol and Drugs 26, no. 1 (2012), 72-73.

⁹⁸ Ibid.

⁹⁹ Ibid., 74.

¹⁰⁰ Phil Handler, "Intoxication and Criminal Responsibility in England, 1819-1920," Oxford Journal of Legal Studies 33, no. 2 (2013), 255.

¹⁰¹ 2 Ed. 7, c. 28. Behlmer, *Friends*, 194. This qualification was open to definition, and the husband's prior conviction of the offense could stand as very damning evidence against him. The granting of financial maintenance, at least when the wife was the complainant, was common practice in such cases.

¹⁰² In 1860, the metropolitan courts had tried 80,477 offenses summarily (Judicial Statistics for England and Wales 1860, 28). By 1890, that number had risen to 111,810, with almost no increase in judicial personnel (Judicial Statistics for England and Wales 1890, 28).

¹⁰³ A seminal statute in this trend was the Habitual Drunkards Act 1879. The prosecutions for drunkenness declined steadily beginning in the mid 1870s and continued to do so in succeeding decades. Wiener, Reconstructing the Criminal, 294-300.

¹⁰⁴ CETS Annual Report 1890, 33.

¹⁰⁵ Ibid., 34.

¹⁰⁶ In 1889-90, the courts and magistrates collectively contributed roughly £90 to the LPCM. CETS Annual Reports 1890 & 1891.

¹⁰⁷ CETS Annual Report 1884, 21.

¹⁰⁸ CETS Annual Report 1892, 83.

¹⁰⁹ Behlmer, Friends of the Family, 33-36; Ellen Ross, Love and Toil : Motherhood in Outcast London, 1870-1918 (New York: Oxford University Press, 1993), 15-16.

¹¹⁰ J. Hasloch Porter, Inasmuch, 10.

¹¹¹ CETS Annual Report 1895, 26.

¹¹² CETS Annual Report 1899, 40.

¹¹³ Ibid., chart insert.

¹¹⁴ Ibid., 40.

¹¹⁵ It is also worth pointing out that male missionaries were allowed access to the female prisoners, but there is no indication that the reverse was true.

¹¹⁶ Judicial Statistics for England and Wales 1900, 72.

¹¹⁷ One such being the truancy monitoring conducted by the London School Board.

¹¹⁸ Holmes, Pictures and Problems, 41.

¹¹⁹ Ada Summers, the Mayor of Staleybridge, was sworn in on 19 December, 1919. Her appointment was made possible by the Sex Disqualification (Removal) Act 1919.

¹²⁰ Porter, Inasmuch, 9.

¹²¹ CETS Annual Report 1902, 20.

¹²² Ibid., 40.

¹²³ CETS Annual Report 1901, 20.

¹²⁴ CETS Annual Report 1902, 21.

¹²⁵ CETS Annual Report 1904, 21.

¹²⁶ Whitehead and Stratham, History of Probation, 15.

¹²⁷ The Secretary of the London Police Court Mission, at one point, emphasized the contributions of the pioneers of penal reformer, Elizabeth Fry and John Howard, for setting the precedent for the LPCM, offering “all honour to the Howards, Frys, and others who broke up the fallow ground, thus preparing for the advent of a complete organization, would that Elizabeth Fry and John Howard could witness the triumph of their theories.” Ibid.

¹²⁸ Porter, Inasmuch, 9.

¹²⁹ Holmes, Pictures and Problems, 50.

¹³⁰ Ibid., 50-51.

¹³¹ In addition to contributions made directly to the Mission, the “poor box” maintained in each police court, filled with contributions by private and collective donors, came increasingly under the purview of the missionaries. Porter, Inasmuch, 83.

¹³² CETS Annual Report 1906. “Materially helped” probably includes the paying of court-levied fines by missionaries in cases where they deemed it appropriate.

¹³³ CETS Annual Report 1905, 25.

¹³⁴ Gareth Stedman Jones, The Languages of Class: Studies in English Working Class History 1832-1982 (Cambridge: Cambridge University Press, 1984).

¹³⁵ Whitehead and Statham, History of Probation, 14-15.

¹³⁶ CETS Annual Report 1910, 27.

¹³⁷ CETS Annual Report 1899, 32.

¹³⁸ Ibid., chart insert.

¹³⁹ CETS Annual Report 1911, 22. That year, the LPCM reported providing “clothing, blankets, food, rent, stock and tools, &c.” for 5002 persons and families.

¹⁴⁰ Holmes, Pictures and Problems, 23.

¹⁴¹ CETS Annual Report 1904, 25.

¹⁴² Sascha Auerbach, Race, Law, and ‘the Chinese Puzzle’ in Imperial Britain (New York: Palgrave Macmillan, 2009), 81.

¹⁴³ CETS Annual Report 1931, 22.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ CETS Annual Report 1932, 27.

¹⁴⁷ CETS Annual Report 1932, 28.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid., 29.

¹⁵⁰ This duplicated the pattern found in magistrates’ discourse on topic of interracial relationships.

Auerbach, Chinese Puzzle, 125-132.

¹⁵¹ The treatment of Chinese police court defendants during the wartime period certainly suggests this was the case. Ibid., 97-102.

¹⁵² In 1899, the London missionaries dealt with 61 lads in this way. CETS Annual Report 1899, chart insert.

¹⁵³ CETS Annual Report 1906, 23.

¹⁵⁴ CETS Annual Report 1915, 21.

¹⁵⁵ Saving the Lads (brochure for the Padcroft Boys’ Home), c. 1918 (Rainer Archive).

¹⁵⁶ The Victoria Cross and Distinguished Conduct Medal, respectively.

¹⁵⁷ CETS Annual Report 1915, 20.

¹⁵⁸ CETS Annual Report 1916, 15.

¹⁵⁹ Ibid.

¹⁶⁰ “A Mission of Mercy,” CETS Annual Report 1904, 20. To the great disappointment of the LPCM, the authors of the 1936 report on social services in the court recommended that the entire system, including recruitment and training, be transferred to Home Office control (Report of the Departmental Committee on Social Services in Courts of Summary Jurisdiction, PP 1936, cmd. 5122). The LPCM, whose secretary was Edwin Troup, the former Undersecretary of State for the Home Office, penned a vociferous memorial to the Home Office in response, but the majority of the report’s recommendations were implemented in subsequent years (CETS Annual Report 1936, 4-8).