

Epilogue

London's first crime wave occurred long before the eighteenth century, but it was in the 1700s, with the advent of a popular press, that panic about crime became endemic. Although there were many innovative responses to this perceived threat (notably thief taking and the Bow Street runners), the government's first reaction was deeply traditional: to pass statute after statute mandating the death penalty for ever more narrowly defined crimes (such as embezzling banknotes by employees of the Bank of England). The rapid accumulation of these statutes created what became known as the 'Bloody Code', a body of law prescribing the death penalty for over 200 separate offences.

But this accumulation of laws, this apparently ever greater reliance on state-sponsored murder, was a strategy that could not last. The eighteenth century marked a turning point in the history of capital punishment. Reluctance to execute more than a small number of 'examples' meant that the 'Bloody Code' was never fully implemented and, as a proportion of total punishments, the number of convicts actually executed declined. At the same time, concern about the disorder and holiday-like atmosphere of public executions led to the abolition of the traditional procession from Newgate Prison to Tyburn. From 1783 executions took place immediately outside Newgate, eliminating the many traditions associated with the journey, while the introduction of 'the drop' expedited the deaths of the condemned, cutting short the minutes during which men and women 'danced' for the execution crowd as they slowly strangled. The power of the state was more forcefully expressed and the crowd more easily controlled as executions, acted out against the sober backdrop of Newgate's impenetrable stone walls, became, though proportionally fewer, considerably more efficient.

Capital punishment was further curbed in the next century. The proportion of those pardoned after being sentenced to death increased to over 90 percent. Rationalisation of the criminal laws between the 1820s and the 1840s led to a substantial reduction in the number of capital offences and from the late 1830s it was rare for anyone to be executed for anything other than murder. In 1861 the death penalty was abolished for all crimes except murder, high treason, piracy with violence and arson in the royal dockyards. This statutory limitation on capital punishment was followed in 1868 by the abolition of public executions. The small number that continued to be performed were moved inside prison buildings and enacted in front of only a handful of witnesses. It was not until 1965, however, that the death penalty was abolished for murder; and only in 2003, following the incorporation of the European Convention on Human Rights, that it was totally eliminated from British law. Peter Anthony Allen and John Robson Walby were executed in

Liverpool and Manchester respectively on 13 August 1964 and became the last people to suffer this punishment in Britain.

The death penalty worked (in theory) by deterrence, and it could only be abolished when alternative strategies were developed to convince prospective criminals that punishment was both likely and unpleasant. The first substantial alternative to hanging, transportation, flourished into the early nineteenth century. By virtue of the long voyage and the harsh conditions in a strange land that convicts could expect, transportation was believed to act as a deterrent to crime just like hanging, with the added virtue that jurors and judges had little hesitation in imposing it. At its peak in the 1830s over 3,000 convicts a year were sent to Australia. But the growing belief that prisoners should be reformed rather than exiled, not to mention opposition from within the rapidly developing colony, led to the effective end of transportation in 1857. Over the course of the first half of the nineteenth century, and despite its frequently noted limitations, imprisonment became the primary method of punishing felons. Efforts to reform prisoners through either the 'silent system', in which all communication was forbidden, or solitary confinement, both of which were enforced through a disciplinary regime of the whip, treadmills and electric shock, failed as they proved both unenforceable and led to psychological illnesses. Faith in the reformatory potential of hard labour also waned. Instead, like transportation before it, imprisonment's primary function gradually became the simple removal of individual criminals from society. With the Gaol Fees Abolition Act of 1815 and the establishment of a prison inspectorate in 1835, the state accepted the responsibility for living standards in prison and at least basic conditions improved.

The establishment of the Metropolitan Police in 1829 was an essential prerequisite to the reduction in the scope of the death penalty. The purpose of the 3,000 uniformed police, deployed in regular and frequent patrols through every street in London, was explicitly preventive: detection and punishment would be rendered redundant if no crimes were allowed to occur in the first place. Reflecting this optimistic premise, the Metropolitan Police did not even have a detective force until 1842. While many aspects of the new police were actually invented in the eighteenth century, such as the use of salaried officers, uniforms and prescribed beats, both the complete reliance on surveillance and the centralisation of control by the Home Office were nineteenth-century innovations. Prevention, of course, did not work, but the presence of so many officers on the streets did lead to greater enforcement of the laws against public order offences and a crackdown on begging, public drunkenness and illegal street selling.

The new police also fundamentally changed the relationship between the public and the law. With a professional body of men responsible for enforcement, ordinary citizens ceased to feel obliged to respond to cries of 'stop thief!'. Although private prosecution remained, the police also played an increasingly important role in the courtroom both as witnesses and prosecutors, where their uniform accorded them a level of credibility not always

available to other witnesses. In 1879 the shift towards a system of publicly funded and directed prosecutions was signalled by the appointment of the first director of public prosecutions.

The establishment of the new police also changed perceptions of crime. The line between legitimate and illegitimate behaviour was more firmly drawn and those on the wrong side of the law came to be seen as members of a separate 'criminal class', with their own amoral culture and distinctive lifestyle, living in separate slums or 'rookeries'. In the fourth volume of his *London Labour and the London Poor* (1861) Henry Mayhew depicted the lives of thieves, prostitutes and beggars as if they belonged to a different race. Epitomised in the concept of the 'habitual criminal', these Londoners came to be seen as innately lawless and inferior. Owing to the disproportionate attention the men and women identified in this way received from the police, these labels became essentially self-fulfilling.

But crime itself was also changing. The decline in violence, reflected since the Middle Ages in falling homicide rates, continued past the end of World War I. In contrast to the public swordfights of early eighteenth-century London, frequently played out between strangers, by the twentieth century most murderers were related to their victims and killings and other violent offences increasingly took place in the home, out of the sight of the police. As is evident in the decline of both state-inflicted corporal punishments and blood sports, public violence became ever more culturally unacceptable. Perhaps more surprising, there was also a significant decline in prosecutions for theft in the second half of the nineteenth century, as improving economic conditions and increased police surveillance reduced levels of petty and opportunistic crime, leaving a recalcitrant core of more professional criminal activity. Nonetheless, the relentless growth of newspapers meant that public awareness and concern about crime reached new heights. It is this combination of relatively low actual crime and intense press interest which forms the context for the media-induced panic over the Jack the Ripper murders in 1888 and any number of sensationalised murders in more recent times.

And what of the hanging court itself and its *Proceedings*? In 1834 the Old Bailey was renamed the Central Criminal Court and its jurisdiction was expanded geographically to reflect the growth of London and legally to include the most serious crimes from across the country. With the growing role of lawyers, trials became both longer and less entertaining. Nonetheless, accounts of trials continued to be published in the *Proceedings of the Central Criminal Court* throughout the nineteenth century and up until 1913. Almost as suddenly as it had started back in 1674, publication ceased in April 1913, bringing an extraordinary periodical run to an abrupt end. Over the course of its 240-year history the *Proceedings* reported over 200,000 trials in almost 1 billion words, telling stories by turns sensational and mundane in their accounts of intense emotions and heartbreaking losses. After the final number, the public would have to rely on the newspaper press and, increasingly, the electronic media for their knowledge of the trials that took place in the world's most famous courthouse.