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# Parenting the Profligate Son: Masculinity, Gentility and Juvenile Delinquency in England, 1791–1814

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In 1810, William Collins Jackson, a wealthy East India Company merchant, informed his increasingly wayward seventeen-year-old son, William, that he was preserving all their correspondence in order to publish it under the title of *Filial Ingratitude; Or: The Profligate Son*. This three-volume epistolary narrative of William's 'career of vice and infamy' also included copies of letters from friends, other family members, tutors, lawyers, army officers and numerous victims of William's 'depredations'. It covered his descent from an educated young gentleman of sixteen in 1808, to a convicted felon aged twenty-one in 1813 held on board the aptly named hulk *Retribution*. William's misbehaviour escalated from repeated expulsion from school, consorting with prostitutes and purchasing pornographic literature, to duelling, dismissal from the army and running up enormous debts. It resulted in frequent imprisonment for debt, followed by trials for forgery, theft and fraud and eventual transportation to Australia in February 1814. Jackson died in September that year before finishing his account, but he had intended to use it both as a means of publicly shaming his son into reforming his behaviour and of justifying his own efforts to discipline the youth.

The title and the use of quotations – from Shakespeare's *King Lear* and John Moore's *Zeluco* (1786) – at the start of each volume show that Jackson framed his narrative in a recognisably dramatic way, as both a family tragedy of parental care betrayed and as a classic rake's progress. The profligate son had long been a 'stock character' in eighteenth-century trading life, and a symbol of the failure of parents to instil middle-class virtues of moral, sexual and financial restraint and rational self-control in their sons; virtues that were seen as the best defence against economic disaster in a commercial world.<sup>1</sup> Thus the highlighting of *filial ingratitude* suggests that, in this case, profligacy was the result of William's failure to fulfil the duties of love, respect and obedience owed to a father, rather than lack of paternal duty to protect, educate, maintain and discipline a son. The expression of love between parents and children conceived as the enactment of reciprocal duties can be found in advice literature throughout the entire eighteenth century which emphasised that filial affection was best demonstrated by unswerving obedience.<sup>2</sup> The quotation from

*Zeluco*, a popular gothic novel chronicling the life of an irredeemably wicked son from cruel childhood to violent death, is indicative of Jackson's understanding of, and therefore his efforts to control, William's behaviour. This was based on a perception of the causes of crime being linked to youthful immorality and profligacy – all such vices were considered as sins of one kind or another that inevitably led to more serious crimes and punishment by death.<sup>3</sup> This was the picture presented in numerous criminal biographies and discussions of juvenile crime, by both prison reformers and authors of advice literature aimed at the middle classes.<sup>4</sup> It therefore effectively reduced the course of criminality to personal character flaws rather than wider social causes or failings in the criminal justice system.

Although this case study of fatherhood in the late eighteenth and early nineteenth centuries focuses on competing masculinities and challenges to patriarchal authority, it also aims to provide new insights into the little researched areas of inter-generational conflict and juvenile delinquency in an elite urban family.<sup>5</sup> It is informed by a fairly broad definition of delinquency, namely as anti-social behaviour that infringed a range of social and legal norms,<sup>6</sup> and will highlight a number of themes that recur in discourses of delinquency from the seventeenth to the twentieth century, which were of great concern to the Jackson family. These included the dangers of urban pleasures, threats to social stability, proper parental conduct and the relative duties of families and the state to protect and reform, or control and punish, deviant youngsters.<sup>7</sup> The research is principally based on Jackson's *Filial Ingratitude*, which includes very little correspondence from William's mother whose role in these events is therefore considerably curtailed, but it has been supplemented by numerous other letters, as well as newspapers and military and legal records. The variety of sources provides a multi-dimensional account and necessary corrective to the numerous affirmations of filial duty and family harmony more commonly found in family correspondence.<sup>8</sup> The first part of the article examines why relations between father and son deteriorated by focusing on the clash of class and gender values that shaped the most contentious issues between them. Many of the disputes can be traced to their very different conceptions of masculinity, honour and ideal gentlemanly behaviour, but these were exacerbated by the family's rise in social and economic status and conflicting interpretations of the law. The second part considers the ways that Jackson tried to socialise and control William and why they were unsuccessful. As his idea of paternal duty shifted from the protection of his son to the protection of society from his 'heinous crimes', Jackson progressed from employing commonly used strategies of paternal discipline to more coercive measures that involved both civil and criminal legal and penal institutions. Thus, in this case study, parenting a profligate son is shown to be a reactionary process, rather than conforming to a static, historically specific model of ideal or dysfunctional fatherhood.

### **Masculinity and inter-generational conflict**

The inter-generational conflict between Jackson and his son took place in the early nineteenth century, a period in which historians of masculinity have identified a change in definitions of what it meant to be a gentleman. The sentimental, polite and sociable eighteenth-century gentleman it is argued, was replaced by a tougher, more taciturn, rugged individual.<sup>9</sup> Historians' adoption of R. W. Connell's concept of hegemonic

masculinity has resulted in a rather static, top-down model of an elite masculinity in competition with subordinate forms. Recently there have been calls to explore the elasticity of dominant codes and the extent to which they can contain or co-exist with alternative modes of masculinity.<sup>10</sup> Michele Cohen has argued that competing discourses of masculinity co-existed and that any shift cannot be viewed as simply a matter of one model of hegemonic masculinity succeeding another.<sup>11</sup> Yet, as John Tosh has stressed, some features of masculinity, such as the existence of patriarchal authority within the home, change very little.<sup>12</sup> The tensions between continuity and change, and cultural vs social history approaches remain. By combining both methods however, this case study demonstrates that it is possible for both compatible and competing ideals of masculinity to exist between different generations within one family, even though both father and son broadly adhered to an elite code of masculine gentility. Moreover, when studying inter-generational conflict, it is more useful to take a relatively short term view of cultural change linked to wider social, economic or political events.<sup>13</sup> As Bruce Mazlish has argued, rapid social change not only places greater strain on parent–child relations, it also hinders the smooth transmission of cultural values between different generations.<sup>14</sup> The dominant values within any hegemonic form of masculinity are therefore subject to short-term shifts of emphasis, and the extent of their adoption is dependent upon age and status.

Born at the beginning of the radical 1790s and reaching his teenage years in the mid-1800s, William made the troubled transition to adult manhood during the Revolutionary and Napoleonic wars that saw military and commercial success often undermined by defeats or sudden recessions. At the same time, fears of moral and public anarchy of any kind, a revival of religious enthusiasm and calls for moral reform came into conflict with the hedonistic, bawdy, male libertine culture found in both high and low London society.<sup>15</sup> Hence, if, as Paul Griffiths has argued, the period of youth is itself a ‘contested territory’ – constructed by adults as a problem of socialisation and discipline but by youths as a struggle for independence and enjoyment,<sup>16</sup> then there were a number of factors, quite apart from individual psychological motives, that could be said to have contributed to shaping this conflict between father and son. The analysis here will focus first on the issue of status and masculinity. There were areas of common understanding – of the reciprocal duties expected between father and son and the necessity to maintain male honour. Yet they were undermined by marked differences between the essentially eighteenth-century, sentimental, ‘middle-class’ or commercial, civic virtues exhibited by Jackson, and the more elite codes of independent, virile masculinity and martial honour popular in the early nineteenth century, admired by his son.

If the middle classes and landed elites expressed disapproval of each other’s morals or manners, any cultural divide was minimised by the mingling of genteel society, shared leisure pursuits, a liberal education and codes of polite gentility that united professional, landed and merchant gentlemen.<sup>17</sup> New research on the correspondence of rural gentry families stresses the ideal values of thrift, self-control, truth and stoicism that parents sought to pass on to their sons, which are remarkably similar to Mr Jackson’s.<sup>18</sup> Yet social mobility – particularly upwards – was a factor which writers as diverse as the satirist Pierce Egan and evangelical Anne Taylor acknowledged as problematic for parents whose children were born into a higher status than they had been.<sup>19</sup> Jackson was born into an Exeter merchant family in 1763 and his career in

the East India Company was financed from an uncle's legacy, which suggests that family funds were relatively limited. Certainly Jackson's moral and economic values could be described as those of middle-class prudent economy and, as he stated in his will, his property was the result of 'a Life of Industry and Economy'.<sup>20</sup> The fortune he acquired in India and marriage to Jane Shee, the sister of the baronet and MP Sir George Shee, raised his status to that of propertied gentleman with an elegant London home off Portman Square, a country estate in Buckinghamshire and considerable sums invested in Bank and East India Company stock which placed him among London's 'gentlemanly elite'.<sup>21</sup> Jackson's plans for his son however, indicate that William was expected to be 'an ornament to society' rather than a model of industry.<sup>22</sup> Like many upper-middle-class fathers, he wanted to educate William so that he could follow a profession, which would confer a 'commitment to... usefulness and rationality' to strengthen his inner virtue, and one that would leave him culturally and socially equipped to move in the best circles.<sup>23</sup> Hence Jackson's aim to train William as a lawyer was to provide him with a liberal, polite education conducted 'more with the view to direct your mind to laudable pursuits, than that you should depend upon the profession of the law for your maintenance and support'.<sup>24</sup> That maintenance would be provided by William's inheritance of his father's country estate and the income from his financial investments which would eventually total in excess of £70,000. The prospect of acquiring such substantial wealth shaped William's attitude to his social and legal status throughout his life.<sup>25</sup> If Jackson's plan was evidence of a close association between polite merchant and gentry values, it also placed William in schools alongside the sons of similar and higher ranking families. Having spent a brief period at Harrow, followed by two small private schools run by clergymen and then a stint at Reading Grammar School, William was mixing with the sons of other urban elite and professional families but also those from the landed gentry and aristocracy, with whom he socialised at, for example, parties held by the Duke of Bedford and Sir Hugh Inglis, chairman of the East India Company.

Although a number of heirs from eighteenth-century urban elite families, equipped with substantial fortunes and a polite education, aspired to join the leisured elites,<sup>26</sup> by the early nineteenth century the 'gentlemanly' ideals of many sons from gentry and aristocratic families differed greatly from Jackson's emphasis on moral gentility. A number of historians have observed that the impact of the Napoleonic Wars – when as many as one in ten men experienced some form of military service – meant that military manliness was highly valued at least until 1815, particularly among the sons of those educated at elite schools.<sup>27</sup> William's peers adhered to what has been broadly characterised as a 'gentry' code of honour which derived from military prowess and included riding, drinking, womanising and duelling.<sup>28</sup> Nearly all these activities proved to be flashpoints between William and his father. Jackson had forbidden William to ride horses following a near fatal accident as a young boy, but his friends boasted of their equestrian prowess. In landed gentry families, field sports were an important means of creating manliness and strengthening the bond between fathers and teenage sons. In times of military intensity, the importance of pursuits such as riding, hunting and sword or pistol practice were emphasised and their significance as markers of masculinity increased.<sup>29</sup> Hence at fifteen William defied his father's injunction by riding and buying first a donkey and then a horse. His tutor's attempt to point out to him 'the duty of submission to a father's opinion even should that opinion prove to

be erroneous', only confirmed that William 'appeared . . . not to have been sensible of that duty in its full content'.<sup>30</sup>

Having sex with prostitutes was an equally common activity amongst William's peers – it not only proved their virility but was a staple of male gossip in gentry circles and amongst his friends at Reading Grammar School.<sup>31</sup> 'I anticipate great pleasure from your correspondence', wrote William's schoolmate in 1808 on hearing of his successful escape from the school into the arms of his favourite prostitute. 'How is your Chere amie, Miss Clifford, who we are told is one of the prime sort'.<sup>32</sup> For Jackson, William's sexual exploits with prostitutes and servants signified a loss of rational self-control which could only lead to moral, social and financial ruin for both himself and his family. It was also a betrayal of trust and evidence that he was failing in his patriarchal duty to exert his moral authority by restoring his son to virtue and 'reason'. After three days searching the inns and taverns of London, Jackson wrote bitterly:

Pursue, Sir, your plans – run through the career of licentious pleasure – drink deep of dissipation and debauchery . . . Even in the arms of Miss Clifford, or any other Harlot, you may feel a pang; and, as an outcast of society, you will sometimes regret that the example and advice of your parents were lost upon you.

I am, Sir, Your much injured Father<sup>33</sup>

Peer pressure was acknowledged as an inherent danger to the moral development of young men. As Isaac Taylor warned in *Advice to the Teens*, 'The known effect of association is assimilation. We grow . . . like to those in whose company we are often found'.<sup>34</sup> What proved even more difficult for Jackson to comprehend was that his son's tendency to socialise with the sons of the landed elites also meant that he crossed social boundaries at the lower end of the scale in pursuit of manly pleasures. The practice of 'slumming it' – in sporting, gambling, drinking and sexual venues – followed by many wealthy young rakes and Regency bucks in town meant 'high and low met promiscuously' and shared many elements of libertine, vulgar and elite codes of manly behaviour.<sup>35</sup> The fear was, as Taylor put it, that 'since youth has seldom courage enough to venture upon gross sin alone' bad company was all too frequently the cause of personal destruction, a point Jackson reiterated on many occasions.<sup>36</sup> William was first introduced to the pleasures of the illustrated *Fanny Hill* and the charms of prostitutes by Henry Keighly, the son of a wealthy family friend whom he had once 'considered as a young man of honour'.<sup>37</sup> In his descent into debt, William was accompanied by several of his ex-fellow officers from the 67<sup>th</sup> Hampshire Regiment, but his key defence witnesses at the Old Bailey turned out to be a prostitute and a brothel keeper.

William's desire to prove his masculinity among his peers also extended to adopting a military career and code of honour. He did not share his father's belief that a sound grounding in the classics and *belles lettres* was essential for any gentleman, and even for a career in the army. After additional persuasion from his uncle, John Evelyn, William agreed to defer entering the army at sixteen, but within months he had bought a pair of exquisite duelling pistols without his father's consent. These were not only 'fashionable' accessories, they signified a willingness to fight which was in itself evidence of favoured social status and in part defined what it meant to be a gentleman.<sup>38</sup> William's first duel in 1809 was to 'rescue' his character after his former

friend, Henry Keighly, published a pamphlet alleging that William had instigated their forays into pornography and prostitution. Yet the decline of duelling has been partly attributed to changing concepts of male honour since reputation could be effectively defended in print and Jackson plainly preferred this method of defending his own character.<sup>39</sup> That year he had published a *Memoir* of his service in India to clear his name of accusations of bribery.<sup>40</sup> Honour disputes, in whatever form, essentially involved a very public defence of reputation – duels and the disputes around them were also widely published.<sup>41</sup> This perhaps explains why William's duelling did not draw any open condemnation from Jackson and suggests that, on the matter of gentlemanly honour, there was some level of common understanding between father and son. Nevertheless, the manner of defence was of paramount importance to a gentleman's integrity. Two years earlier Jackson had been furious when William stood accused of sending unsigned threats to other boys who had bullied him. An anonymous letter, Jackson declared, was the 'weapon of an assassin'. This was not only contrary to the 'spirit' of a gentleman but could 'infallibly ruin his character forever'. In a sign that he also feared that William might be setting out on the road to crime, Jackson warned that the punishment for writing such letters was 'transportation for seven to fourteen years'.<sup>42</sup>

The behaviour of William (and his associates) may well have proved a direct threat to Jackson's patriarchal power. If both father and son had access to various, if often different, elite forms of hegemonic masculinity, they did not have equal access to the power that usually accompanies it. Independence was viewed as a staple necessity for the true gentleman, but William's dependent status (both culturally and legally) on his father denied him this access. French and Rothery have argued that parents from the landed gentry were willing to compromise on moral and practical freedoms for their sons, to aid their passage to true independence.<sup>43</sup> Jackson, however, was unwilling to make any such compromises. And if, as Alex Shepard has suggested of youths in the seventeenth century, William was an 'aspiring' or 'frustrated' patriarch, he therefore sought alternative, positive, class-related, constructions of masculine status.<sup>44</sup> His aspirations were also fraught by uncertainty about the lack of guaranteed status and landed income enjoyed by many of his friends. Indeed, in 1812 Jackson threatened to withhold William's inheritance if his behaviour did not improve.<sup>45</sup> This was a threat that he was better able to carry out than fathers in older landed families, who were hampered by the legal restraints on entailed property. As we shall see however, Jackson's financial control of William was curtailed by other legal considerations.

The purchase of the duelling pistols marked the first contentious debt that William incurred. Indeed, his enormous expenditure on conspicuous consumption became the greatest issue of contention between father and son, but it too, was linked to issues of gentility. Much of the dispute focused on their very different understanding of the material trappings necessary to support gentlemanly status and the extent of paternal duty to maintain a child financially according to that status. In his *Enquiry into The Duties of Men*, Thomas Gisborne declared that it was a father's responsibility to fix his son's 'rank and annual expenditure' at the right level. This should be:

... about the middle point of the scale established by custom for persons whose future prospects are similar to his own . . . to fix them lower is to teach him to think himself treated with unkindness, and authorised to endeavour to maintain the station which he conceives to belong to him, without being very scrupulous as to the methods of accomplishing his purpose.<sup>46</sup>

Provision of money however was not just a duty, it was a means of patriarchal control and, within the context of affective relationships, an expression of love or approval. Jackson explained in April 1808 that inheritance of his property was dependent upon conduct that merited parental approbation and until that time he would 'have cheerfully contributed to all your proper wants; and in proportion as I had found you deserving of my confidence and esteem, so my liberality would have been extended towards you'.<sup>47</sup> In fact this liberality ran to just £100 per annum, which was designed to cover 'every fair want', since 'to grant him more . . . would be hurtful to himself'.<sup>48</sup> As a rough comparison, it has been estimated that around £300 was the least amount necessary to keep a gentleman in any style.<sup>49</sup> William clearly conceived that he pertained to the station of gentleman, but the rift between them meant that, unlike most youths of his age, he very rarely resided in his father's house so his income effectively had to supply the wants of an 'independent' gentleman about town covering his food, clothing and lodgings. Thus a sum that represented prudent control to a father who deplored filial 'ideas of independence' was perceived as an unkind restriction by the son struggling to assert his masculine and social status.

William's age and social status meant that his legal position was not at all clear cut, a factor that undoubtedly contributed to his lack of a sense of culpability and to the conflict between father and son. It was considered a legal duty for a parent to maintain a child and in civil law persons under twenty-one were viewed as 'infants' under 'the legal . . . power of a father'.<sup>50</sup> In cases of debt therefore, William had the same status as a wife under *coverture* – he was assumed to be acting only as an agent for Jackson, who was held responsible for all debts contracted for necessary purchases but not luxuries, a distinction the courts struggled to define according to the social status of the father.<sup>51</sup> Jackson acknowledged his financial and legal responsibility to William but refused to pay any debts that had been contracted 'dishonourably' in 'defiance of the laws under which I live, and by which I am myself protected'.<sup>52</sup> The crime of forgery in particular had an impact upon Jackson's honour, since this was an immoral as well as an illegal action that undermined the system of paper credit which supported a commercial society, and imperilled the personal reputation of the man whose signature was on a forged note.<sup>53</sup> At seventeen, William had been reminded by a furious Jackson that forgery carried the death penalty, when he changed his signature so that it more closely resembled his father's.<sup>54</sup> William was certainly culpable under criminal law, since the doctrine of *doli incapax* – which presumed a child incapable of criminal intent unless proved otherwise – ended at fourteen. But the laws surrounding consumer credit and definitions of what constituted a criminal act were often problematic and subject to different interpretations according to the context in which the act was committed. Moreover, creditors and putative prosecutors – particularly those who had become victims of indirect forms of appropriation such as fraud and forgery – had to decide whether to proceed under civil or criminal law.<sup>55</sup> This decision was frequently influenced by which course was most likely to profit them, and many chose to come to a financial agreement with the perpetrator's family instead. Jackson received hundreds of letters asking for payment from William's creditors, all of which he refused either on the grounds that to do so would only encourage further profligacy or because if he paid one he would have to pay the rest. 'For an object so depraved, I will not ruin myself', he told one creditor, 'his debts . . . reach to an amount, which, if my responsibility were engaged, would speedily convey me to a prison'.<sup>56</sup>

William's profligacy therefore threatened to undermine Jackson's social and economic status as well as his public reputation and honour. Like most propertied gentlemen, he also held an unshakeable belief in the ideology of the justice of English law which operated for the good of all society and from which no man was exempt.<sup>57</sup> It also protected the property that underwrote his status as a gentleman and underpinned his authority as a father. It was this combination of private motives and a sense of public justice that determined his strategies of parental control.

### Authority, socialisation and control

If Jackson insisted on absolute filial obedience, rarely showed physical affection and eventually sought his son's imprisonment, it would be misleading to view him solely as a 'tyrannical' or authoritarian father. In his desire to see his son succeed in society, he might more accurately be characterised as an 'anxious' father and he viewed himself as a caring, sentimental man, frequently recording the mental and physical pain his son's actions caused him.<sup>58</sup> If *Filial Ingratitude* was written to show that no 'sort of blame can attach to me for the disgrace and ruin of an unworthy son',<sup>59</sup> it was almost certainly not a coincidence that he died within months of William's transportation to Australia. Indeed, historians have recently stressed that patriarchal authority could comfortably coexist with the sentimental, and that the ideal of a sentimental father did not cease with the waning of sensibility in the 1790s.<sup>60</sup> In 1808, the Revd Owen, proprietor of a school in Fulham, commended 'the feeling, virtuous and dignified manner' in which Jackson had acted when William ran away from the school, and praised his conduct as 'an affectionate parent and honourable man'.<sup>61</sup> A good father was also seen as evidence of a trustworthy public man and, as Kate Retford has argued, evidence of affection towards and patriarchal control over dependants was crucial for both 'masculine private virtue and, by extension public reputation'.<sup>62</sup> Jackson's dispute with the East India Company and his attempts to be elected to the board meant that he was supremely concerned to be seen publicly as a good father. In this case, however, instead of concentrating on any one style of parenting, it is more important, as Trev Lynn Broughton and Helen Rogers have suggested, to acknowledge that fathers could implement various strategies over the course of a lifetime, both in relation to children of different ages and in response to different behaviour.<sup>63</sup> William's increasing profligacy caused Jackson to alter his methods from an ideal of reciprocal duties embedded within a notion of affectionate but instrumental friendship, to a delegation of parental duties to a series of 'surrogate fathers', and finally recourse to legal and carceral institutions. In doing so, Jackson was conforming to a classic model for achieving social conformity posited by modern sociologists, who describe a process of initial attempts at socialisation through a voluntary internalisation of core values passed down through the generations, then informal methods of applying group pressure, before finally resorting to formal coercive methods through the legal system.<sup>64</sup> This process was also a series of steps by which Jackson gradually divested himself of both sentiment and his parental duties as he transferred his responsibility for his delinquent son to the state.

In *Advice to the Teens*, Taylor insisted that a son should regard his father 'as a friend' and conceal nothing from him, for it was duplicity and concealment that caused anxiety and 'melancholy' in fathers. Both William and his parents seem to have believed in the importance of friendship, but it was a more instrumental relationship



based on a notion of reciprocal duties and obligations. As Naomi Tadmor has argued, this meant that 'solidarity, consideration or support could be expected' from parents, friends and relations even if, as was often the case, 'they were not given'.<sup>65</sup> In his early letters, when William was fifteen and sixteen, Jackson signed himself 'your affectionate father and friend' and rushed to defend his son's reputation from any slur. In these letters, he attempted to provide enlightened, rational parenting, following contemporary advice which stressed the need for a parent to explain to his children 'the grounds of his commands and prohibitions' in order not to appear 'arbitrary and capricious'.<sup>66</sup> Letters were a common means of conveying family moral values and functioned as a form of 'remote control' employed by gentry parents.<sup>67</sup> But Jackson's letters were also lengthy and unremitting; William's every action was under 'constant surveillance', a factor identified in provoking filial rebellion.<sup>68</sup> Letters also replaced verbal and physical interaction when Jackson was angry or disappointed with his son. After William went missing for three days, Jackson's first action on finding the boy was to hand William a letter. When that failed to elicit a response he wrote a question on a slip of paper, to which William replied in writing. Yet the reader of *Filial Ingratitude* was left in no doubt that this was a desperate father whose 'mind was disordered with anxiety and want of rest'.<sup>69</sup> If Jackson did not reveal his emotions to his son, in the tradition of most obedient gentry sons William never openly challenged his father's authority in a letter. William's reply to that written question ended by affirming that 'any orders, you may lay down shall be obeyed'.<sup>70</sup> Thus letters enabled both parent and child to dissemble.

At those times when communication between father and son had broken down too severely to be reconciled by the intervention of his mother, or when William was away from home and clearly not responding to advice given by letter, Jackson employed other male relatives, professionals, or teachers to act *in loco parentis* as did many gentry families. But in some cases they were specifically called upon to act as surrogate fathers. The intervention or assistance provided by William's uncles, John Evelyn and Sir George Shee, could be seen as an extension of the type of instrumental friendship expected from kin. Shee wrote letters of introduction to important connections and actively intervened with William's prosecutors while he was imprisoned on charges of forgery, but it was Evelyn who most frequently acted as conciliator. It was Evelyn too who informed Jackson that William's mounting debts and high profile duels meant that he would have leave the country and arranged to buy him a commission in the army. Evelyn believed that William would improve considerably once 'removed from his present associates & placed among men of honour'.<sup>71</sup> Jackson, who did not share this assumption, took steps to protect and control his son while away from the domestic sphere of patriarchal authority. In doing so he also claimed assistance from the law based on his status as a gentleman and a father.

When William joined the 67<sup>th</sup> Hampshire Regiment in Guernsey, still just shy of his seventeenth birthday in November 1809, Jackson used his solicitors to contact Thomas de Saumarez, the Attorney General of the island. Initially, he merely intended de Saumarez to provide professional protection for William because he was 'anxious that his son should not be troubled by these creditors in Guernsey'.<sup>72</sup> Leaving the country to escape one's creditors was a widely acknowledged practice and one that was tacitly condoned by parliament in the frequent passage of partial amnesty acts that allowed thousands to return.<sup>73</sup> De Saumarez replied warmly, explaining that 'having a

family myself, I feel as a father, and would willingly do for Mr Jackson, what I do not doubt . . . he would do for me'. Ostensibly on the grounds of shared paternalism, but one that clearly reflected the social status of both men, de Saumarez readily offered to intervene if William was brought before the Royal Court. Believing that William's extravagant lifestyle showed that he was in need of some serious advice, de Saumarez also undertook to gain the fatherly offices of William's military commanders. Sir John Doyle, the commander-in-chief of military forces in Guernsey, he assured Jackson, 'who on all occasions, has proved the Father and Friend of the younger part of the military' would 'join me in pointing out to the young man, the ridicule of his wishing to soar over his Brother officers'.<sup>74</sup> Major Sullivan too, as commanding officer of the 67<sup>th</sup>, had 'always taken much pains with the young men belonging to it . . . most willingly promised me every assistance in his power'.<sup>75</sup>

Jackson's protective paternalism ceased, when he discovered that William's debts in England for the past year exceeded £790 and that he had taken a servant with him to Guernsey, where he continued to spend prodigiously on items he viewed as essential to maintain his honour and status. 'You must be aware', William wrote,

. . . of the expense attending an officer's dress, and I am bold to confess I did not conceive that you intended me to discharge these *necessary* expenses out of my allowance, which, acting even with the greatest economy, I must submit it to you, if one can dress like a gentleman much under that sum.<sup>76</sup>

Legally, William had good grounds to believe that he was right. In an often cited eighteenth-century precedent, Lord Kenyon had declared it had been 'necessary' for 'the honour and credit of his station' that a young officer purchased livery for his manservant, but not cockades for his soldiers.<sup>77</sup> By May 1810 however, Jackson viewed William's profligacy as the sure road to ruin and asked de Saumarez to imprison him for debt. He explained that William must 'suffer, and severely too, in his person . . . However painful such a proceeding may be to my feelings it is a sacred duty which I owe to him & myself, to stop him . . . by the exercise of severity, since measures of moderation are of no effect'. William should be confined 'until he shall have had time to reflect upon the dangerous Errors and Follies of his Conduct'.<sup>78</sup> At which point Jackson planned to pay the debt to secure his release anonymously, but it is not clear whether de Saumarez fully complied with his wishes. Surrogate patriarchal authority however, proved as galling to William as his father's. De Saumarez explained later that William would have to leave the army because he 'appears to want that subordination so necessary in the army; and to have ideas of independence, which ill suit the profession he has got into'.<sup>79</sup>

Research has shown that elite urban families in France, Holland and Belgium acted in a similar manner to Jackson by requesting and paying for their sons to be privately confined. This was done largely on the grounds of immoral or 'deviant behaviour relatives wanted to put a stop to', rather than strictly criminal acts, and usually with the aim of protecting family wealth or reputation.<sup>80</sup> On the continent, both public prisons and privately run houses of correction provided this service, but there was no directly comparable institution for use by wealthy families in England. Clearly William did not fit the stereotypical picture of a juvenile delinquent – a poor, cocky, urban street thief – portrayed in the rapidly increasing number of texts discussing youth and crime that appeared in the early nineteenth century. Nor, at this stage, was Jackson willing to

make use of the magistrates, courts, prisons and bridewells favoured by some plebeian parents to control their delinquent offspring.<sup>81</sup> A debtors' prison, with its wide social range of inmates and carrying less stigma than a criminal gaol, appears to have been the most acceptable alternative. There is evidence to show that in the earlier eighteenth century some middle-class parents refused to help release their offspring from debtors' prisons in order to discipline them.<sup>82</sup> But Egan's *Life in London* (1821) also suggests that it was not unusual for fathers, like Jackson, actively to seek to imprison their sons there. A verse describes the different types of debtors confined in the King's Bench, among whom:

There walks a youth, whose father, for reform,  
Has shut him up where countless vices swarm.<sup>83</sup>

That a debtors' prison was an ineffective means of reform soon became obvious: William was imprisoned for debt (without his father's intervention) in Newgate in September 1810 and spent most of 1811 in and out of the Fleet prison before being sent back to Newgate again in September 1812. Within weeks of his acquittal at the Old Bailey in October he was back in the Fleet, from where he informed his father that 'A prison Sir, is the best place to settle with one's creditors'.<sup>84</sup> Again, William had good grounds for this assertion. The effectiveness of the debt laws rested on the threat of imprisonment; once a creditor had proceeded against the body of the debtor all others lost their rights to proceed against his property. Moreover, since creditors could not force a debtor to sell or hand over the rights to freehold property, nor seize any liquid assets or tap future earnings, his loss could not be very great. If, theoretically, debtors could be perpetually imprisoned, research has shown that by 1800, the regular passage of Insolvent Debtor Relief Acts and declining court sentences meant that most would serve no more than six months.<sup>85</sup> Debtors generated a strong ethos of legitimate resistance to what they saw as arbitrary assaults on their property and many became experts in debt law in order to conduct their own defence.<sup>86</sup> William was well aware of legal loopholes – he asked for his birth certificate to prove his 'infancy', negotiated with creditors and used habeas corpus to get a transfer to the Fleet from any county gaol. Within prison, the distinctions of rank and status that William believed were his due were strictly maintained and wealthy debtors paid for better accommodation.<sup>87</sup> William used his father's monthly allowance to acquire comfortable rooms or lodged in the 'rules of the Fleet' outside the main prison spending much of his time drinking noisily and carousing with prostitutes.

Sociologists have argued that delinquents effectively 'neutralise' legal and moral norms by defining them as inapplicable or unimportant. One reason for this is because these norms are often flexible and not binding under all conditions as, for example, when a defence of nonage is admissible. Thus, while broadly adhering to the dominant value system, a delinquent can provide a rational defence of his behaviour.<sup>88</sup> The long term, negotiable credit offered by tradesmen and demanded by elite male consumers, coupled with the lack of clear legal responsibility for debt accorded to the sons of wealthy fathers clearly contributed to William's belief in his own innocence. He could therefore rationalise committing illegal acts without any sense of guilt and, if he occasionally professed remorse to his father when in need of money, never publicly displayed any sense of either. After his conviction in 1813 for obtaining goods by deception, William wrote to the Prince Regent from the hulk *Retribution* seeking

mercy on the grounds that ‘drawing upon a banking house, having no effects there, is a crime half the nobility are daily guilty of’.<sup>89</sup> If tradesmen refrained from pressing criminal charges earlier, it was mainly in the hope that Jackson would ultimately pay them; the provincial press described William as a notorious ‘swindler’, as did an irate Newgate turnkey after his acquittal at the Old Bailey.<sup>90</sup>

By August 1811, when William was ‘completely beyond my control’,<sup>91</sup> Jackson took steps to divest himself more fully of his parental responsibilities and transfer them to the law. He tried and failed to get the Lord Chancellor, ‘as the constitutional guardian of minors’, to prevent William defrauding the public any further. On the continent, a profligate son could be made a ward of the city and held under its guardianship indefinitely,<sup>92</sup> but since Chancery could protect minors only through appointing a legal guardian and Jackson was William’s living father and guardian that was not possible in England. When William was arrested on charges of theft, fraud and forgery in September 1812 therefore, Jackson authorised his solicitor to save him from hanging, but not ‘from any punishment, *short of death* . . . because I am morally certain that unless the law can and will restrain him, nothing else will’.<sup>93</sup> He forbade any family relatives or friends from helping William and neither parent visited to bring food or clothing to him while he was in prison, a service that most inmates saw as vital to their survival in gaol. William wrote to his mother from Newgate, begging her as ‘my best friend’ to ‘perform that duty, which you invariably performed in my juvenile years both of parent and friend’. But since William was no longer ‘innocent and good’ as he had been as a young boy, Jackson increasingly felt absolved from his reciprocal duties.<sup>94</sup> He decided that:

The only possible chance of bringing him back to a sense of his proper duty, and to reclaim him from those fatal errors in which he has involved himself is, by giving him clearly to understand that, while he persists in such a course he will in vain look for any protection from his family or relatives.<sup>95</sup>

Furthermore, Jackson refused to pay all other tradesmen who threatened to bring further charges against William and rejected the advice Sir George Shee to buy off the prosecutor.<sup>96</sup> Compounding a felony was an illegal, but not uncommon practice, and one that he could have afforded to save William’s life, yet he was determined that any intervention in the case should be restricted to ‘aid which the law will allow’ which, for those who could pay for it, was a great deal.<sup>97</sup>

In the early nineteenth century, increasing numbers of plebeian parents turned to the law instead of informal or community sanctions to discipline their delinquent offspring, in the reasonable expectation that a combination of perceptions about plebeian juvenile criminality and a desire to prevent its spread would result in positive action by magistrates and courts.<sup>98</sup> Yet Jackson’s wealth and status initially defeated his avowed intention to see that the Old Bailey prevented William from committing further crimes. If the extent to which the criminal justice system openly favoured the propertied classes has been hotly debated, wealth clearly conferred an enormous advantage on defendants who could pay for skilled defence counsel and solicitors to conduct factual investigations.<sup>99</sup> At this time, only around 28 per cent of Old Bailey defendants and 21 per cent of prosecutors had any legal counsel.<sup>100</sup> Employing several counsels was a tactic usually practised by only the wealthiest clients but also prevented the other side from hiring the best.<sup>101</sup> To be sure of saving William’s life, Jackson paid for the services of

three top Old Bailey barristers and an additional attorney acquired by William himself. All these were arranged by Jackson's solicitor, whose many services proved invaluable to the defence team. Despite William's obvious guilt and the limitations on the role of defence counsel at this time, his barristers destroyed the prosecution case using legal technicalities to secure his full acquittal on all three charges.<sup>102</sup> The increasing number of acquittals on technicalities from the late eighteenth century was linked to a growing aversion to capital punishment, but William's youth, obvious gentility and prospects probably also helped sway the jury, particularly on the capital charges.<sup>103</sup>

That his father's employment of skilled counsel played an important, if unintentional, role in securing William's total acquittal at the Old Bailey is also confirmed by the outcome of his second trial at Gloucester Assizes in March 1813. Despite the fact that his gentility once again proved greatly to William's advantage initially, the withdrawal of his father's social as well as financial backing proved crucial. William and his associate Joseph Bradley were charged with obtaining goods by deception from a jeweller in Cheltenham by drawing a draft upon Thomas Newell, a local surgeon, ostensibly guaranteed by Sir George Shee. Such methods of obtaining credit were commonplace and Jackson received a letter offering to put up bail from a friend convinced that there had 'not been anything . . . criminal' about William's actions.<sup>104</sup> Jackson refused this offer and the sympathy of Newell himself who, with Jackson's tacit approval, subsequently took the stand as a key prosecution witness.<sup>105</sup> The local press called for humanity to be shown towards such 'highly respectable . . . young persons . . . with a more than ordinary share of mental endowments . . . a prepossessing appearance and pleasing address'. The magistrates palpably demonstrated the existence of shared codes of masculine gentility at the committal hearing. They 'behaved in a most gentlemanly manner, extending every lenity compatible with their office'.<sup>106</sup> The deciding factor, however, was that this time Jackson refused 'to advance a shilling to aid [William's] escape from the hands of justice,'<sup>107</sup> and in the allocation of legal services money was significant for both defence and prosecution cases.<sup>108</sup> After his conviction, William claimed that 'he was found guilty because he had no counsel'.<sup>109</sup> In fact a newspaper report shows that William and Bradley shared a single barrister – but the effect was similar, because the prosecutor was supported by the Cheltenham Crime Association who paid for the services of two solicitors to prepare the case and three counsel to prosecute it.<sup>110</sup> Thereafter Jackson clearly considered his paternal duty to be at an end and repeatedly refused to intervene to prevent his son's transportation, even when others were willing to support petitions for William's pardon.

## Conclusion

A profligate son had symbolised the unacceptable 'other' of middle-class masculinity since the early eighteenth century, both as a cause of family financial and social disaster and a sign of future criminality. Jackson understood, described, condemned and attempted to control William's behaviour on this basis. Yet the conflict between father and son was in no small part engendered by their competing notions of honourable gentlemanly behaviour and the material trappings necessary to support this status. Both father and son aspired to elite codes of masculinity, but their difference in social status and hierarchical power relations led William to adopt the masculine values approved by his higher status peer group rather than his father. Moreover, the status-obsessed

society and credit-based economy of early nineteenth-century London, so sharply satirised by Thackeray in *Vanity Fair*, provided William with the means to resist and deny constructions of deviancy placed upon his behaviour, a belief that the operation of the law often did little to undermine. Rather than conforming or failing to live up to any single model of parenting, Jackson employed a progressive strategy of parental, social and financial pressure before resorting to the law to reform and control his son. In the course of this process, William's failure to perform his filial duty enabled Jackson to rationalise transferring his reciprocal parental responsibilities to state legal and penal institutions. But the law was not organised to control antisocial young gentlemen in the way that it was for delinquent plebeian youths.

## Notes

I would like to thank Margaret Hunt for directing me to this case, Amanda Bevan and Liz Hore at the National Archives, London and Michele Cohen, Penelope Corfield and Tim Hitchcock for helpful comment.

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2. See e.g., William Fleetwood, *The Relative Duties of Parents and Children* (London: C. Harper, 1705); Ann Taylor, *Reciprocal Duties of Parents and Children* (London: Taylor & Hessey, 1818). See also Philip Carter, *Men and the Emergence of Polite Society, 1660–1800* (New York: Pearson Education, 2000), p. 99.
3. J. A. Sharpe, *Crime in Early Modern England, 1550–1750* (1984; 2nd edn, London: Longman, 1999), pp. 7–10.
4. See e.g., James Neild, *State of the Prisons in England, Scotland, and Wales* (London, 1812), p. lviii; Isaac Taylor, *Advice to the Teens, or, Practical Helps Towards the Formation of One's Own Character* (1818; 2nd edn, repr. Boston, 1820), p. 173.
5. Most studies focus on ideal models of fatherhood or on conflict in Victorian families, exceptions include: Howard Wolf, 'British Fathers and Sons, 1773–1913: From Filial Submissiveness to Creativity', *Psychoanalytic Review* 52/2 (1965), pp. 53–70; Hunt, *Middling Sort*, pp. 46–72. Historians of English juvenile delinquency focus on plebeian criminality, e.g. Peter King, 'The Rise of Juvenile Delinquency in England, 1780–1840: Changing Patterns of Perception and Prosecution', *Past & Present* 160 (1998), pp. 116–66; Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth Century London* (Woodbridge: Boydell Press, 1999).
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8. Henry French and Mark Rothery, "'Upon your entry into the world": Masculine Values and the Threshold of Adulthood among Landed Elites in England, 1600–1800', *Social History* 33 (2008), pp. 402–22, note that family correspondence reflects conformity not resistance.
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11. Cohen, 'Manners', p. 325.
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20. The National Archives (TNA), Kew, Prob 11/1561 image ref. 254/772.
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