



Anne Logan, *Feminism and Criminal Justice. A Historical Perspective*

Basingstoke, Palgrave Macmillan, 2008, ISBN 978 0 230 57254 6.

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- 1 Far from emerging in academic departments in the 1970s/80s, Anne Logan's book demonstrates extremely convincingly that what can be termed a feminist criminological critique was alive, kicking and increasingly influential in England from the mid-nineteenth century onwards. It was located in women's associational culture and its social significance lay in the real successes achieved by its campaigns for criminal justice reform. The origins of this movement are of course well-charted; Logan's introductory chapter offers a brief overview of the contributions of J.S. Mill, Elizabeth Fry, Frances Power Cobbe and Josephine Butler in opposing the sexual double standard engrained within the criminal and civil law, and in shaping middle-class women's philanthropic activity in rescue work and prison visiting. The work of Sheila Jeffreys, Lucy Bland and Susan Kingsley-Kent has drawn attention to suffragette campaigns to highlight the inadequate treatment of women and child victims of assault in the courts. The substantial contribution of Logan's book lies in its coverage of the period 1920-1960, adding to a growing historiography that has blown out of the water the assumption that feminism simply ebbed away between so-called 'first' and 'second' waves.
- 2 Central to Logan's thesis is the concept of the 'feminist-criminal-justice-reform-network', which she clearly demonstrates to have been operational across the twentieth century - with its origins in the nineteenth. She offers us an exhaustive mapping - based on meticulous archival research - of the individuals and lobby groups

that cohered together, through informal and semi-formal connections, to bring together women's politics and criminal justice reform. Key to this story are the Howard League for Penal Reform, the National Council of Women (formerly the National Union of Women Workers or NUWW), and the National Union of Societies for Equal Citizenship; arguably their ability to influence was stepped up as they mobilised those women who moved into new roles as Members of Parliament (MPs) and Justice of the Peace (JPs) following the Sex Disqualification (Removal) Act of 1919. The sheer determination, agency and energy of key individuals comes across in the narrative, exemplified in the life and work of Margery Fry, who was active in the NUWW and the Howard League, a JP and a founder member of the Magistrates' Association, an education advisor at Holloway prison, a campaigner to end the death penalty, and an architect of the idea of victim compensation. The book also highlights the contributions made by Cicely Craven, Winifred Elkin, Marjorie Franklin, Geraldine Cadbury, Clara Rackham, Mary Stocks, Theodora Calvert and many others. This is not merely an important exercise in retrieving women, but an analysis of the 'micro-politics' that shaped criminal justice reform as a collaborative project. Logan demonstrates, firstly, that women were significant movers and shakers within the wider reform movement. Secondly, she shows that the broader women's movement of the early and mid twentieth century was centrally concerned with the treatment of women (and children) within the penal and justice systems, as well as with other aspects of welfare policy. Ultimately, she argues that our understanding of 'penal-welfarism' as a concept – associated with the work of David Garland – needs to be revisited to acknowledge the contribution made by feminism to its design and promotion.

- 3 Individual chapters focus on many significant aspects of both justice reform campaigning and women's participation within the criminal justice system. Logan has already published a number of important articles, linked to her 2002 PhD thesis, on the role of women within the magistracy in the years after 1919. An overview of these findings is also presented here, including the argument that women were able to effect significant change as JPs, particularly in promoting scientific and rehabilitative treatment for offending and in developing a specialism in juvenile justice. Her work on women magistrates is, however, just one aspect of this book, as it is joined by considerable new research on women's involvement in prison reform, in campaigns against the death penalty, and, in a chapter entitled 'Feminism and the care of victims', with an important re-evaluation of Margery Fry's work on victim compensation – which led, after her death, to the establishment of the Criminal Injuries Compensation Board in 1964. Fry, she argues, possessed considerable 'originality as a theoretician of justice', her 1951 book *Arms of the Law* providing a 'holistic conception of the interests of the community and of justice' in its promotion of restorative models (pp. 148-149).
- 4 The role of jurors has received surprisingly little attention within criminal justice history, so it is particularly refreshing to see an important discussion here of campaigns for women jury members. Logan reminds us of the loop-holes in the law that still marginalised women until the late twentieth century although, technically, they could be called to serve on juries after 1919. They might be excluded on account of their sex, given the residual power of judges to call for an all-male jury, or at the request of the defence under the peremptory challenge system. Barristers regularly assumed that women would be tougher on defendants than men, particularly in cases involving violence. One of the lesser-known aspects of the 1966 trial of 'Moors

Murderers' Ian Brady and Myra Hindley is that it took place before an all-male jury after defence counsel objected to each of the four women originally sworn in.

- 5 The work of the Association for Moral and Social Hygiene (AMSH) in opposing the solicitation laws, which continued to operate a sexual double standard, may be known to readers through the published research of Helen Self. Logan reviews these campaigns further, charting the links between AMSH and other pressure groups; she then highlights the continued work of women MPs (both Labour and Conservative), including Barbara Castle, Joan Vickers, Eirene White and Maureen Colquhoun in opposing the laws that criminalised women engaged in prostitution in the 1960s and 1970s. She thus shows how women of different generations as well as political parties worked together in their criticism of gender inequality in the law, again bridging the divide between 'first' and 'second' waves of feminist activism. Whilst popular memory (in line with contemporary opinion on the Left) has assumed that 'Tory' women of the 1950s-60s 'screamed for the rope and the cat' (p. 156), Logan has trawled through the minutes of Conservative Party conferences to show that both men and women could be found on either side of the debates on the introduction of capital and corporal sentences.
- 6 A perennial problem for historians of women's activism lies in how to formulate a workable definition of 'feminist' as an analytical category. Logan defines it broadly as 'people (not necessarily women) whose words or actions indicate that they perceived gendered inequalities in social relationships and in access to power, and who consciously decided to take some action, however small, to improve the status or condition of women' (p. 5). Thus 'some who actively refused to describe themselves as "feminist"' earn 'that label' (p. 4). One effect of this broad brush approach can be a flattening of positions. However, whilst more might have been done to develop discussions of the differences of opinion between women – both across and within organisations – Logan handles her material expertly and with finesse and nuance. She is generally mindful of steering away from a simplistic default position that assumes women's participation to be at least benign if not progressive, and she is careful to show that the organisations on which she focuses incorporated those with a wide variety of viewpoints. Thus one member of Gloucestershire Women's Magistrates' Society proposed a contentious motion in 1930 that the 'mentally unfit' should be 'sterilised' (p. 38); tantalisingly, the minutes do not appear to reveal how this was resolved. In the 1950s the National Federation of Women Institutes debated the reintroduction of corporal punishment; both 'progressive' and 'reactionary' views were voiced and no firm policy conclusion emerged. Within the NCW the anti-flogging lobby easily won a majority at national conference, despite concerns that it would be a hard-fought contest.
- 7 The 'feminism' that Logan is discussing combined a liberal rights feminism concerned with equality before the law with a 'welfare' feminism that was concerned about the treatment of women within the existing system; it further encompassed a broader humanitarian position, best illustrated by campaigns against the death penalty. A sense of unease with the existing system was most obviously exposed as women such as Fry and Franklin engaged in prison reform: 'well acquainted with the problems and paradoxes of the penal system', they 'never felt able to offer any easy solutions to them' and often appeared to concentrate instead 'on the amelioration of seemingly small details of prison life' (p. 125). As governor of Aylesbury Girls' Borstal, Lilian Barker,

sought to replace a culture of penal discipline with ‘tutelage’ as a means through which girls would learn ‘how to use [their] freedom’ through ‘a system of self-government’ (p. 123); Logan herself notes this can be viewed as simply another approach to social control, and it certainly fits neatly with Foucauldian interpretations of regulation in modern liberal states. Probation and other forms of rehabilitation were clearly promoted by these women as an alternative to prison. Yet the unease also comes through again in the writings of former juvenile court magistrate Barbara Wootton, who described feeling ‘more and more as if we were all enacting scenes from Dickens’ in the latter stages of her life on the bench (p. 169). Logan’s subjects were not amongst those who promoted a shift away from justice models altogether, and she does not examine debates around juvenile justice which intensified in the early 1960s as proposals emerged for the replacement of the court system with ‘family councils’ run by local authorities. Missing from Logan’s account, then, is the tussle that emerged between social work and criminal justice practitioners as the mid-century ‘penal-welfare’ consensus began to fall apart. The Magistrates Association, which Logan associates with progressive views in the earlier part of the century, lobbied persistently and successfully for the retention of the juvenile courts in England and Wales; Fry herself opposed welfare councils when suggestions were first mooted in the 1940s (p. 150).

- 8 Nevertheless this is undoubtedly an extremely rich and valuable contribution to research on criminal justice history and to histories of women, gender and feminism in the twentieth century. Logan’s conceptualisation of the feminist-criminal-justice-network is a suggestive one that should stimulate further research not merely on other comparative national contexts, but also on the transnational and international aspects of feminist networking. Logan herself highlights the transatlantic influence of Jane Addams’ Hull House project in Chicago and also of Van Waters’ Los Angeles court, which was visited by Geraldine Cadbury in the 1920s. Limited work has already been done on women’s involvement in the League of Nations, on campaigns against the emotively-titled ‘white slave trade’ (trafficking of women), and on Eleanor Rathbone’s campaigns against ‘child marriage’ in British India. Clearly, however, there is much to be done in mapping and analysing further networks of knowledge transmission, collaboration and campaigning on a broader range of criminal justice issues, whether we choose to label them as ‘feminist’, ‘woman-centred’, ‘gender-related’ or simply ‘progressive’.

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