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Women and Petty Violence in Cheltenham and Exeter, 1880-1909

Grace Di Méo

A dissertation submitted to the University of Bristol in accordance with the requirements for award of the degree of Doctor of Philosophy in the Faculty of Arts, School of Humanities, May 2020

70, 051 words (excluding footnotes and bibliography)

ABSTRACT

The historiography of female violence has largely centred on women's experiences as victims or on their perpetration of lethal acts such as murder and infanticide. In the last decade, however, scholars have paid increasing attention to women's perpetration of non-lethal violent crime. This thesis contributes to recent scholarship by examining female acts of assault in late Victorian and Edwardian England in an understudied region of the country: whilst most historians have focused on the North, South East or Midlands, this study draws attention to the South West of the country and situates women's acts of minor violence within the context of wider national patterns. Focusing specifically on cases prosecuted at the Exeter and Cheltenham magistrates' courts in the years 1880-1909, the thesis follows women through different stages of their offending trajectories: the perpetration of their acts; their treatment by magistrates; their portrayal in the media; and, finally, their experiences after facing prosecution.

Using evidence from court records, newspapers and census returns, the study employs both quantitative and qualitative analyses in order to examine patterns in the perpetration and outcome of female non-lethal violence. These examinations reveal that women's 'expected' and 'actual' roles – especially those relating to motherhood, wifehood and the neighbourhood – impacted not only the ways in which their assaults were committed but also on their treatment by the justice system and the media. It is also demonstrated that women's positions could contribute to their propensity to reoffend, an action which sometimes resulted in women's marginalisation in post-offending life. By following the women's experiences from the onset to aftermath of their violence, this thesis offers an original and comprehensive contribution to the historiography of female violence in late Victorian and Edwardian England.

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AUTHOR'S DECLARATION

I declare that the work in this dissertation was carried out in accordance with the requirements of the University's *Regulations and Code of Practice for Research Degree Programmes* and that it has not been submitted for any other academic award. Except where indicated by specific reference in the text, the work is the candidate's own work. Work done in collaboration with, or with the assistance of, others, is indicated as such. Any views expressed in the dissertation are those of the author.

SIGNED: DATE:

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CHAPTER 1: INTRODUCTION

1.1 Thesis overview

As Martin Wiener has noted, it has become a cliché of criminology that violence is an overwhelmingly male form of behaviour.¹ According to a recent Ministry of Justice publication, 15% of assault prosecutions heard in 2017 and just 7% of the murder convictions returned in the years 2015-2017 were taken out against female defendants.² The gender gap in violent crime is also underpinned within historical records: throughout medieval to twentieth-century Europe, women rarely accounted for more than 15% of those prosecuted for acts of homicide.³ Although women had a greater share in acts of non-lethal violence than they did homicide, they still constituted the minority of those brought before courts for offences against the person.⁴ As a result, initial research on the history of violence paid considerably greater attention to the violent male offender than his female counterpart.⁵

Although historians have subsequently offered rich discussion on female acts of violence, examinations have focused predominantly on serious crimes such as poisoning, infanticide and murder. Yet such acts are exceptional forms of violence which do not reflect the reality of violent offending by women: as Jo Turner reminds us, scholarly emphasis on ‘serious’ violent crime by women has provided a ‘flawed picture’ of female criminality.⁶ Only in recent decades have scholars drawn attention to ‘everyday’ acts of violence by women – such as assault and threatening behaviour

¹ M. Wiener, *Men of Blood: Violence, Manliness and Criminal Justice in Victorian England* (Cambridge, 2006), 1.

² ‘Statistics on Women and the Criminal Justice System 2017: A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991’, *Ministry of Justice*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759770/women-criminal-justice-system-2017..pdf [accessed 22 December 2019].

³ M. Eisner, ‘Long-Term Historical Trends in Violent Crime’, *Crime and Justice*, 30 (2003), 83-142 (p. 112).

⁴ In Victorian England, around a fifth of assault prosecutions were taken out against female defendants. See L. Zedner, *Women, Crime and Custody* (Oxford, 1991), 35.

⁵ A. Kilday, ‘“The Lady-Killers”: Homicidal Women in Early Modern Britain’ in K. Watson (ed.), *Assaulting the Past: Violence and Civilization in Historical Context* (Cambridge, 2007), 203-219 (p. 204); F. Heidensohn and M. Silvestri, ‘Gender and Crime’ in M. Maguire, R. Morgan and R. Reiner (eds.), *Oxford Handbook of Criminology*, 5th ed., (Oxford, 2012), 336-369 (p. 336).

⁶ J. Turner, ‘Offending women in Stafford, 1880-1905: punishment, reform and re-integration’, PhD thesis (Keele University, 2009), 4.

– and thus started to provide a more balanced discussion of the violent female offender.⁷

This thesis offers a contribution to the growing field of literature on women and petty violence in modern England by examining female acts of assault in a previously underexplored region of the country – the South West – during the late Victorian and Edwardian period. Focusing in particular on female assault prosecutions held at Cheltenham and Exeter magistrates' courts in the years 1880-1909, it explores the nature, treatment and impact of women's non-lethal violence. In doing so, the thesis seeks to achieve three goals: first, to uncover patterns in the perpetration of female violence; second, to identify both judicial and media responses to violent women; and, finally, to determine how far assault convictions impacted on women's post-offending experiences, especially amongst those who were recidivist offenders.

This introductory chapter both provides historical context to the thesis and defines the parameters of the research. It begins by outlining the socioeconomic climates of Exeter and Cheltenham before discussing both the development of magistrates' courts and the nature of women's societal positions during the research period. The chapter then defines the scope of the project and provides rationale for the boundaries which have been imposed. Two final sections discuss the sources and methods used to carry out the research and provide an outline of the thesis structure.

1.2 Late Victorian and Edwardian Cheltenham and Exeter

The late Victorian and Edwardian period was one of significant change. Although there were notable improvements in areas such as transport, medicine and technology as a result of the industrial revolution, the effects of modernisation were accompanied by a relative series of economic, social and political unrests. The 'boom' years of the mid-nineteenth century had halted by the 1880s, from which point England faced intermittent financial crises and lost its dominance in the global marketplace.⁸

⁷ Historical research on 'everyday' female violence is discussed in greater detail within Chapter 2.

⁸ C. Feinstein, 'What really happened to real wages? Trends in wages, prices and productivity in the United Kingdom, 1880-1913', *Economic History Review*, 43:3 (1990), 329-355.

Combined with urbanisation and population increase, economic declines prompted rises in poverty, overcrowding and unemployment. Inter-class conflict and civil unrest were demonstrated not only in the rise of trade unionism but also in antagonism between working-class citizens and members of an expanding police force.⁹ Intra-class divisions were also evident: amongst members of the working class, for example, there appears to have been diversity in experiences across employment, living conditions, leisure activities and political involvement.¹⁰

This thesis places its geographical focus on South West England, looking in particular at the two contrasting localities of Cheltenham and Exeter. Cheltenham, a large town in the county of Gloucestershire, fell into considerable decline during the period of research. The town had risen to prominence in the late-eighteenth and early-nineteenth centuries as its spa facilities attracted members of the royalty and upper-class, a surge in popularity that increased working-class employment opportunities in the leisure, construction and domestic service industries.¹¹ During the mid-Victorian period, however, Cheltenham experienced a significant decline in levels of wealthy visitors and residents due to competition from coastal resorts and overseas travel destinations. Failing to develop a significant industry to replace the spa economy, the town faced a chronic shortage of employment amongst working-class residents.¹²

Cheltenham's socioeconomic position worsened as the late Victorian period ensued. Coupled with particularly severe weather during winter seasons, the town's failure to develop a prosperous industry resulted in record-high unemployment rates during the

⁹ On trade unionism, see D. H. Aldcroft and M. J. Oliver, *Trade Unions and the Economy, 1870-2000* (Surrey, 2000) and W. A. Pelz, *A People's History of Modern Europe* (London, 2016), 83-102.

and On tensions with police, see R. D. Storch, 'The Plague of the Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57', *International Review of Social History*, 20(1), 1975, 61-90.

¹⁰ For further discussion working-class life and leisure, see: K. McClelland, 'Some thoughts on masculinity and the "representative artisan" in Britain, 1850-1880', *Gender & History*, 1 (1989), 164-77; A. Davies, *Leisure, Gender and Poverty: Working-class culture in Salford and Manchester, 1900-39* (Buckingham, 1992); J. Vernon, *Politics and the people: a study in English political culture, c. 1815-1867* (Cambridge, 1993); J. Bourke, *Working-class cultures in Britain, 1890-1960: gender, class and ethnicity* (London, 1994); and J. Lawrence, *Speaking for the people: Party, language and popular politics in England, 1867-1914* (Cambridge, 1998).

¹¹ R. P. Beckinsale, *Companion to Gloucestershire* (London, 1939), 172-183; B. Little, *Cheltenham* (London, 1952), 45-55.

¹² For more on Cheltenham's economic decline, see: G. Hart, *A History of Cheltenham* (Leicester, 1965), 211-231; R. Edlin, 'Attitudes to Poverty and Social Reform in Cheltenham, 1870-1899', MA thesis (University of Gloucestershire, 2003), 3-7; and C. Seal, 'Poor Relief and Welfare: a comparative study of the Belper and Cheltenham Poor Law Unions, 1780-1914', PhD thesis (University of Leicester, 2009), 3-4.

1880s and 1890s.¹³ Life was particularly difficult for the town's working-class residents during these years, amongst whom poverty and unemployment was rife. Municipal attempts to ameliorate the situation had little impact: out-relief funds distributed by the Board of Guardians almost invariably fell short of requirements, whilst public appeals and sponsored events organised by a Distress Committee in the years 1905-1908 failed to raise sufficient funds.¹⁴ Cheltenham was thus 'not an ideal place in which to be poor' during the late Victorian and Edwardian period.¹⁵

In Exeter, meanwhile, circumstances appear to have been more prosperous. Although the city's manufacturing industry faced decline in the nineteenth century owing to northern competition, Exeter not only developed important professional, retail and leisure services but also continued to gain economic success through its existing brewing, tanning and papermaking industries.¹⁶ The development of these trades positioned Exeter as a regional hub of economic activity, establishing it as a 'rich little city' within which 'profitable industries' were combined with 'a strong commercial life'.¹⁷ In addition, although poor weather and national financial crises caused short-term economic instabilities, Exeter's unskilled labourers and unemployed residents appear to have experienced more favourable living conditions than their counterparts at Cheltenham. In the first place, an influx of middle-class professional residents created labouring opportunities for the lower classes.¹⁸ Secondly, living conditions were improved due to the council's creation of affordable and sanitary housing in the 1890s.¹⁹ Finally, poor relief funds appear to have largely met local demands and had prompted a reduction in levels of pauperism by the end of the nineteenth century.²⁰

¹³ Edlin, 'Attitudes to Poverty', 12-13; C. Seal, 'Workhouse populations in the Cheltenham and Belper Unions: a study based on the census enumerators' books, 1851-1911', *Family & Community History*, 13:2 (2013), 83-100 (pp. 86-7).

¹⁴ Edlin, 'Attitudes to Poverty', 11-14; Seal, 'Poor Relief', 162-5; A. Jones, *Cheltenham: A New History* (Lancaster, 2010), 301-2.

¹⁵ R. Edlin, 'A Case of Poverty in Late Victorian Cheltenham', *Gloucestershire History*, 18 (2004), 29-31 (p. 29).

¹⁶ For more on nineteenth-century Exeter, see: B. Little, *Exeter and its Surroundings* (London, 1953), 32-67; W. G. Hoskins, *2000 Years in Exeter* (Surrey, 1960), 83-4; E. M. Johns, 'The Growth of Exeter from 1840 to the Present Day' in F. Barlow (ed.), *Exeter and its Region* (Exeter, 1969), 273-285; and R. Swift, 'Crime, Law and Order in Two English Towns during the Early Nineteenth Century: The Experience of Exeter and Wolverhampton, 1815-1859', PhD thesis (University of Birmingham, 1981), 25.

¹⁷ S. Davies and B. Morley, *County Borough Elections in England and Wales, 1919-1939: A Comparative Analysis*, 4 vols. (Abingdon, 2016), iv, 10-11.

¹⁸ Hoskins, *2000 Years*, 96; Swift, 'Crime, Law and Order', 24-6.

¹⁹ R. Newton, *Victorian Exeter* (Leicester, 1968), 119-120.

²⁰ Swift, 'Crime, Law and Order', 25-6.

Yet despite notable differences in their socioeconomic climates, both Cheltenham and Exeter had a fair share of impoverished, working-class areas within which crime was frequently reported. In Cheltenham, many roads clustered around the High Street were rife with drinking, gambling and fighting amongst working-class inhabitants. Exeter's crime 'hotspot', meanwhile, was a district known as the West Quarter, a working-class area which provided the setting for many conflicts and acts of interpersonal violence.²¹ In both localities, these sites were known to the police and magistrates as centres for violence and thus came to be heavily regulated. As will be discussed in Chapter 3, the particularly harsh living conditions in these areas became a key motivator in women's acts of violence against their neighbours, family members and authority figures alike.

1.3 Petty crime, summary justice and magistrates' courts

As in our present, the late Victorian and Edwardian criminal justice system was a layered institution organised into tiers of tribunals. There were three types of secular courts designed for prosecuting criminal offences.²² The Assizes were the highest tribunal, at which a judge and jury deliberated over indictable crimes of the most severe nature and had the power to issue capital sentences. This court travelled in a circuit between major towns within a specific region, usually occurring at each place twice yearly.²³ The Quarter Sessions, again presided over by a judge and jury, sat at the tier below the Assizes. Known as 'county courts', these sessions were held approximately four times per year in each major town or city. In theory, jurors at the Quarter Sessions could hear any crime excluding treason; in practice, they adjudicated over cases of larceny, aggravated violence and misdemeanours.²⁴

²¹ Hoskins also notes the prevalence of crime in Exeter's West Quarter (*Victorian Exeter*, 121).

²² Ecclesiastical courts were not regularly used during the research period. For more on the rise and decline of ecclesiastical courts, see R. B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500-1860* (Cambridge, 2006).

²³ The Western Circuit, for example, rotated between Cornwall, Devon, Somerset, Hampshire, Wiltshire and the 'counties' of Exeter and Bristol.

²⁴ For more on the Assizes and Quarter Sessions, see C. Emsley, *Crime and Society in England, 1750-1900*, 3rd ed., (Edinburgh, 2005), 12-15.

Responsible for adjudicating over summary offences, the lowest courts in the English justice system were magistrates' courts (also known during the research period as 'police courts' and 'petty sessions').²⁵ Typically, these tribunals were presided over by two or more magistrates – or the 'Bench' – who were men of 'some wealth and social standing'.²⁶ Reforms in criminal justice policy during the nineteenth century dramatically increased the uses and functions of these courts: as an increasing number of offences were brought under summary jurisdiction, magistrates found themselves responsible for adjudicating over a wide range of criminal behaviour. Indeed, by 1900 the magistrates' courts were handling approximately 98% of all criminal prosecutions.²⁷ In addition to hearing summary offences, magistrates were responsible for a range of non-legal matters such as giving advice, reaching arbitrations and issuing poor relief funds.

By the late Victorian period, magistrates' court proceedings usually took place in purpose-built buildings next to local police stations.²⁸ Sessions were held on a near-daily basis and could consist of over fifty prosecutions on each occasion. During trials, magistrates would usually hear testimonies from a range of individuals including defendants, prosecutors, witnesses, police officers, local guardians and medical examiners. Solicitors occasionally acted on behalf of either party although, since there was no legal aid at this time, this was uncommon.²⁹ After hearing evidence, magistrates would return a verdict and, in the case of a conviction, issue a punishment. Due to the high volume of cases which magistrates were expected to handle, the process of hearing and deliberating over cases was often conducted with considerable expediency.

Magistrates dealt with a wide range of petty offences and misdemeanours, including acts of minor theft and disorderliness alongside the non-payment of rates and fees. Charges of assault were amongst the most frequent offences brought before them. Although the prosecution of assault had been regarded a civil matter during the early

²⁵ Note that the term 'magistrates' court' is used throughout this thesis for consistency.

²⁶ Emsley, *Crime and Society*, 12. Carolyn Conley notes that lay justices were local elites required to own a property valuing at least £1000. See Conley, *The Unwritten Law: Criminal Justice in Victorian Kent* (Oxford, 1991), 17.

²⁷ G. G. Alexander, *The Administration of Criminal Justice* (Cambridge, 1915), 202-3.

²⁸ Earlier in the nineteenth century, magistrates' court proceedings had often been held in inns and private houses. See D. Bentley, *English Criminal Justice in the Nineteenth Century* (London, 1998), 22-3.

²⁹ Bentley, *English Criminal Justice*, 25.

nineteenth century, the *Offences Against the Person Act 1861* defined a number of non-lethal violent behaviours – such as assault and threatening language – as criminal acts which could be tried summarily.³⁰ Acts of assault technically fell under three categories during this period: common assaults (those against most adults); assaults on wives and children; and assaults on authority officers.³¹ Magisterial sentencing powers for these offences were highly discretionary: financial sentences could range from 1/- to £1, whilst custodial sentences typically varied from one week to two months' hard labour (although magistrates could issue up to six months in more serious cases).³²

Who used magistrates' courts? For much of the eighteenth and nineteenth centuries, the burden of obtaining summonses fell on private individuals. These were typically working-class citizens who sought judicial assistance to resolve personal grievances, since the relatively affordable and time-efficient process of prosecuting offences without the need for a judge and jury made magistrates' courts a popular option amongst the public. There is historical evidence to suggest that police officers increasingly took on a role as public prosecutors as the late nineteenth century progressed, although cases from Cheltenham and Exeter indicate that working-class individuals did still continue to use the courts as prosecutors in their own right.³³

1.4 Women and gender roles in late Victorian and Edwardian England

Research in the fields of women's history and gender history has highlighted notable changes in the expected roles of women during the eighteenth and nineteenth centuries. In particular, historians have associated this period with the emergence of

³⁰ D. Gray, 'Summary proceedings and social relations in the city of London, 1750-1800', PhD thesis (University of Northampton, 2006), 11.

³¹ Assaults on authority officers or 'peace officers' – such as police officers, bailiffs and court officials – were distinguished from common assault in 1861 whilst assaults on children were not defined as a separate offence until 1889. See *Offences Against the Person Act 1861* (24 & 25 Vict. C.100, section 38-42) and *Prevention of Cruelty to Children Act 1889* (52 & 53 Vict. C. 44).

³² B. Weinberger, 'Law Breakers and Law Enforcers in the Late Victorian City: Birmingham, 1867-77', PhD thesis (University of Warwick, 1981), 198.

³³ B. Godfrey, 'Changing Prosecution Practices and their Impact on Crime Figures, 1857-1940', *British Journal of Criminology*, 48:2 (2008), 171-189. For more on prosecutors in Exeter and Cheltenham assault cases, see Chapter 4.

gendered 'separate spheres'. Although the validity of the concept has fallen under considerable debate, proponents of the 'separate spheres' framework argue that the formation of middle-class identity alongside the impact of the industrial revolution prompted a shift in expectations of women's economic and social roles: whilst early-modern women had allegedly worked alongside husbands and participated in a 'family economy', nineteenth-century women were increasingly expected to perform familial duties within the home whilst their husbands took sole responsibility over earning wages. It has been argued that this sexual division of labour increased gendered differences in social and cultural positions, women having been relegated to the 'private' sphere of the home whilst the 'public' sphere of work, public-houses and politics remained a male domain.³⁴ Catherine Hall thus argues that men were placed 'firmly in the newly-defined public world of business, commerce and politics' whilst women were 'placed in the private world of home and family'.³⁵

In addition, it has been argued that this shift in gender roles prompted a change in expectations of women's behaviour. Historians have suggested that, as the Victorian woman became tied to the domestic sphere, she was increasingly portrayed as family-orientated, caring and submissive. Women were expected not only to act as a 'moralising' influence over the household but also to perform the role of the 'angel in the house', a duty which entailed putting her family's needs before her own, keeping a clean and 'respectable' house, and being virtuous and chaste.³⁶ Furthermore, particular attention was paid to physical and sexual traits: focusing heavily on women's maternal bodily functions, observers described the 'ideal' woman as passive, innocent and sexless.³⁷

³⁴ A. Clark, *The Working Life of Women in the Seventeenth Century* (London, 1919); I. Pinchbeck, *Women Workers and the Industrial Revolution, 1750-1850* (London, 1930); C. Hall, 'Private Persons versus Public Someones: Class, Gender and Politics in England, 1780-1850' in C. Steedman, C. Urwin and V. Walkerdine (eds.), *Language, Gender and Childhood* (London, 1985), 10-33; L. Davidoff and C. Hall, *Family Fortunes: Men and Women of the English Middle Class, 1780-1850* (London, 1987).

³⁵ Hall, 'Private Persons', 52.

³⁶ J. R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge, 1980), 256-7; Davidoff and Hall, *Family Fortunes* 1987; Kent, *Gender and Power*, 153-5.

³⁷ R. Shoemaker, *Gender in English Society 1650-1850: The Emergence of Separate Spheres?* (London, 1998), 8-9.

The notion of 'separate spheres' has been modified over recent decades.³⁸ Historians have challenged the impact of this Victorian ideology by demonstrating that many middle-class women resisted from conforming to contemporary stereotypes of 'femininity'. Rather than being confined to the domestic sphere, some women were able to gain access to public life through their philanthropic work or participation in political campaigning.³⁹ The late-nineteenth and early-twentieth centuries also witnessed the rise of the 'new woman', a model of femininity prompted by the entry of some women into universities, sporting life and professional occupations.⁴⁰ As the Edwardian period came to a close, many middle-class women were working in white-collar industries alongside men in skilled roles such as teachers, typists and nurses.⁴¹

Secondly, historians have indicated that contemporary expectations of women's roles had only a limited influence on the majority of England's female population, namely those of the working class. Working-class notions of respectability, whilst deeply embedded in the collective imagination, had different implications from those amongst the middling classes.⁴² Indeed, for many working-class women, living up to middle-class ideals of femininity, respectability and the 'separate spheres' may have been particularly difficult. A large proportion were compelled to undertake paid labour in order to supplement their husband's wages and were not infrequently working outside of the home within shops, public houses and factories.⁴³ Working-class women also appear to have had an active role within their communities: many used the streets to socialise, trade and fight with neighbours; some women visited public houses alone or

³⁸ Amanda Vickery's work has been particularly influential in these discussions ('Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History', *Historical Journal*, 36:2 (1993), 383-414; *Women, Privilege and Power: British Politics, 1750 to the Present* (Stanford, 2001).

³⁹ L. Colley, *Britons: Forging the Nation, 1707-1837* (New Haven, Conn., 1992) Kent, *Gender and Power*, 231-4; I. Zweiniger-Bargielowska (ed.), *Women in Twentieth-Century Britain* (Abingdon, 2001), 1-15.

⁴⁰ J. Lewis, *Women in England, 1870-1950: Sexual Divisions and Social Change* (Hertfordshire, 1984), 76-7; J. Harris, *Private Lives, Public Spirit: Britain, 1870-1914* (Oxford, 1993), 24-5; Kent, *Gender and Power*, 231-4.

⁴¹ Kent, *Gender and Power*, 232.

⁴² For further discussion on working-class and middle-class notions of 'respectability', see A. Davin, *Growing Up Poor: Home, School and Street in London, 1870-1914* (London, 1996), 70-7; D. Cannadine, *Class in Britain* (London, 2000), 90-93; and C. W. Masters, *The Respectability of Late Victorian Workers: A Case Study of York, 1867-1914* (Cambridge, 2010), 1-29.

⁴³ For more on patterns of employment among working-class women, see: Lewis, *Women in England*, 10-11; J. Purvis, *Hard Lessons: The Lives and Education of Working-Class Women in Nineteenth-Century England* (Cambridge, 1989), 224-5; A. Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class* (Los Angeles, CA., 1995), 26; A. August, *Poor Women's Lives: Gender, Work and Poverty in Late-Victorian London* (Madison, N. J., 1999), *Britain*, 8-9.

with their families; and a small portion of women confronted authority figures such as police officers in defence of their neighbourhoods.⁴⁴ Indeed, several historians have argued that working-class women had their own model of femininity – as was the case for working-class men and notions of masculinity – which differed from that prescribed to the middle class; although values such as ‘respectability’ and ‘cleanliness’ were still emphasised, members of the working class appear to have had a greater acceptance of women using physical means to defending their territories and families amongst the working classes.⁴⁵

Since the majority of the women in this study were from working-class backgrounds, this thesis is rooted in the contention that, for many female assault defendants at Cheltenham and Exeter, the boundaries between the private and public spheres had often been blurred.⁴⁶ This was particularly the case when acts of violence occurred since, as will be demonstrated later, many women engaged in violence resulting from neighbourhood, public-house and workplace conflicts. Even private, domestic disputes frequently spilled out onto the streets and were mediated by the intervention of secondary parties including neighbours, friends and officers. To write the history of female violence therefore requires a more nuanced understanding of women’s movements and interactions in their societies than to merely see them as victims of domestic repression. As Jennifer Kermode and Garthine Walker have noted, female offenders frequently ‘mov[ed] easily from one [sphere] to the other’ and ‘exploit[ed] the paradoxes between the two’.⁴⁷

⁴⁴ E. Ross, “‘Fierce Questions and Taunts’: Married Life in Working-Class London, 1870-1914”, *Feminist Studies*, 8:3 (1982), 575-602 (p. 592); E. Ross, ‘Survival Networks: Women’s Neighbourhood Sharing in London before World War I’, *History Workshop*, 15 (1983), 4-27 (p. 10); Davies, *Leisure, Gender and Poverty*, 65; S. D’Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, 2nd ed., (London, 1998), 58-9; S. D’Cruze, B. Godfrey and D. Cox, “‘The Most Troublesome Woman in Crewe’: investigating gender, sentencing and the Victorian English lower courts’ in E. Avdela, S. D’Cruze and J. Rowbotham (eds.), *Problems of Crime and Violence in Europe, 1780-2000* (New York, 2010), 237-277 (p. 250).

⁴⁵ E. Ross, “‘Not the Sort that Would Sit on the Doorstep’: Respectability in Pre-World War I London Neighbourhoods’, *International Labor and Working-Class History*, 27 (1985), 39-59; Davin, *Growing Up Poor*, 72. For discussion on working-class notions of masculinity, see J. Tosh, ‘Masculinities in an Industrializing Society: Britain, 1800-1914’, *Journal of British Studies*, 44:2 (2005), 330-342; C. Heron, ‘Boys Will Be Boys: Working-Class Masculinities in the Age of Mass Production’, *International Labor and Working-Class History*, 69 (2006), 6-34; and J. Strange, ‘Fatherhood, Providing, and Attachment in Late Victorian and Edwardian Working-Class Families’, *Historical Journal*, 55:4 (2012), 1007-1027.

⁴⁶ The backgrounds of female defendants at Cheltenham and Exeter are discussed in greater depth within Chapter 3.

⁴⁷ J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England* (London, 1994), 8.

1.5 Scope and boundaries of the thesis

At the onset, it was necessary to impose several boundaries on the scope of this research project. The first concerned the decision to study women in isolation rather than to conduct a gendered comparison of violent crime. Although historians of gender and crime have urged for men and women to be analysed together in order to reveal the complexity of gendered power structures, this thesis focuses on women for two reasons.⁴⁸ Firstly, since women have so frequently constituted the minority of offenders, a study on gender and violence could result in women's actions being obscured by patterns in male criminality. As Turner has noted, the issue with examining both men and women is that the latter will 'be seen simply as part of a male world'.⁴⁹ Secondly, a study of women in isolation allows the researcher to explore not only shared but also differential experiences between women.⁵⁰ Women are not treated as a homogenous group in this study; instead, especial attention has been given to highlighting the ways in which violent females differed in their backgrounds, motives and treatment.

Secondly, the project focuses on non-lethal rather than fatal acts of violent crime. Not only has the latter category been given considerable historical attention, but it also obscures the nature of violent offending. Acts of homicide were exceedingly rare during the research period, the vast majority of recorded violence having constituted acts of minor violent crime, such as assault, which were brought before magistrates' courts.⁵¹ In addition, cases of petty violence provide social historians with insight into 'everyday' conflicts which occurred between ordinary citizens arising out of personal, social and economic concerns. Acts of minor violence thus provide evidence of 'the

⁴⁸ For more on the study of gender and crime as opposed to women and crime, see M. L. Arnot and C. Osborne (eds.), *Gender and Crime in Modern Europe* (London, 1999), 1-43.

⁴⁹ Turner, 'Offending women', 6.

⁵⁰ Kermode and Walker, *Women, Crime and the Courts*, 20-1.

⁵¹ M. A. Abraham, 'The Summary Courts and the Prosecution of Assault in Northampton and Nottingham, 1886-1931', PhD thesis (University of Leicester, 2012), 90.

social interactions through which people defined themselves...[when they] clashed in the everyday setting of the street'.⁵²

As they are constantly changing over time and space, specific categories of crime are difficult for historians to define.⁵³ Assault is especially complex to define since this offence was ill-defined within both criminal justice legislation and manuals for authority figures. In the 1885 policing manual, common assault was defined as 'the beating, or it may be only the striking or touching of a person, or putting him or her in fear'.⁵⁴ In theory, then, an assault could be committed through a range of violent behaviours which spanned from the physical to non-physical. Jennifer Davis has thus stated that 'assault' in the nineteenth century was a 'catch-all term which encompassed a wide range of actions from the throwing of a tub of water to bodily violence'.⁵⁵

In focusing on acts of minor violence, this thesis considers only those offences which were recorded under the category of 'assault' (including those on both children and law enforcement officers). In doing so, it excludes a small range of other violent offences which were brought before magistrates. Acts of verbal violence – usually prosecuted as 'obscene language' – have not been considered unless they were committed in conjunction with an act of assault. Nor have military or political violence received any discussion, since there were no prosecutions of this nature against women in either Cheltenham or Exeter. In addition, given that no corporal punishments were administered by magistrates to the female defendants in this study, judicial violence has been excluded. Furthermore, since this thesis is concerned with interpersonal violence, offences of damage and/or violence to property have been omitted.

The years 1880-1909 were chosen as a period of study for three key reasons. Firstly, the late-nineteenth and early-twentieth centuries saw notable shifts in legal and cultural attitudes towards violence. Alongside growing police surveillance over

⁵² Z. Alker, 'Street Violence in Mid-Victorian Liverpool', PhD thesis (Liverpool John Moores University, 2014), 2.

⁵³ For more discussion on this issue, see J. Rowbotham, "'Only when drunk": the stereotyping of violence in Britain, 1850-1900' in S. D'Cruze (ed.), *Everyday Violence in Britain, c.1850-1950: Gender and Class* (London, 2000), 155-169 (p. 156) and Turner, 'Offending women', 39.

⁵⁴ C. E. Howard Vincent, *The Police Code and General Manual of the Criminal Law* (London, 1885). Cited in Abraham, 'Summary Courts', 4.

⁵⁵ J. Davis, 'A Poor Man's System of Justice: The London Police Courts in the Second Half of the Nineteenth Century', *Historical Journal*, 27:2 (1984), 309-335 (p. 319).

working-class disorder and an increase in summary jurisdiction relating to violent crime, acts of violence appear to have become less 'acceptable' amongst members of the middling classes.⁵⁶ Secondly, as aforementioned, this was a transformational period for contemporary attitudes towards women and their expected behaviours. Ideals concerning domesticity and femininity may have been placed on many women who were unable to uphold these values, yet they heavily influenced the ways in which female violence was perceived. Finally, the research period coincides with most other studies of non-lethal violence.⁵⁷ By situating this thesis in existing discussions of late Victorian and Edwardian petty violence, it has been possible to contextualise and provide comparisons of women's offending in Exeter and Cheltenham with national trends.

The South West region of England was chosen for the geographical focus of the study. This was largely due to the lack of attention that this area has received by historians of minor crime, most studies having instead focused on London, the North West (especially Liverpool and Manchester) and the Midlands (particularly Stafford and Birmingham).⁵⁸ There have been only few examinations of petty crime in the south of England, all of which have considered periods earlier than that selected for this thesis.⁵⁹ The reasons for selecting the Cheltenham and Exeter magistrates' courts

⁵⁶ On changes in legislation against violent crime, see Davis, 'Poor Man's System'. On the increase in police surveillance, see V. A. C. Gatrell, 'Crime, authority and the policeman-state' in F. M. L. Thompson (ed.), *The Cambridge social history of Britain, 1750-1950* (Cambridge, 1990), 243-310. For discussion on changes in cultural attitudes towards violence, see M. J. Wiener, *Reconstructing the Criminal: Culture, Law and Policy in England, 1830-1914* (Cambridge, 1990).

⁵⁷ See Chapter 2 for further discussion.

⁵⁸ For research on petty crime in London, see: J. Hurl-Eamon, *Gender and Petty Violence in London, 1680-1720* (Ohio, 2005); D. Gray, 'The Regulation of Violence in the Metropolis: the Prosecution of Assault in the Summary Courts, c.1780-1820', *London Journal*, 32:1 (2007), 75-87; D. Gray, 'Settling their differences: the nature of assault and its prosecution in the City of London in the late eighteenth and early nineteenth centuries' in K. Watson (ed.), *Assaulting the Past: Violence and Civilisation in Historical Context* (Cambridge, 2007) 141-159; and A. August, "'A Horrible Looking Woman": Female Violence in late Victorian East London', *Journal of British Studies*, 50:4 (2015), 844-868. For the North West, see A. Davies, "'These viragoes are no less cruel than the lads": young women, gangs and violence in late Victorian Manchester and Salford', *British Journal of Criminology*, 39:1 (1999), 72-89; S. D'Cruze, 'Sex, Violence and Local Courts: Working-Class Respectability in a mid-nineteenth-century Lancashire town', *British Journal of Criminology*, 39:1 (1999), 39-55; D'Cruze, Godfrey and Cox, 'Most Troublesome Woman'; M. Macilwee, *The Liverpool Underworld: Crime in the City, 1750-1900* (Liverpool, 2013); and Alker, 'Street Violence'. Research on petty crime in the Midlands includes: D. Woods, 'Community Violence' in J. Benson (ed.), *The Working Classes in England, 1875-1914* (Kent, 1985), 165-205; K. Felstead, 'Interpersonal violence in late Victorian and Edwardian England: Staffordshire, 1880-1910', PhD thesis (Keele University, 2001); Turner, 'Offending women' (2009); J. Turner, 'Summary Justice for Women: Stafford Borough, 1880-1905', *Crime, Histoire & Sociétés / Crime, History & Societies*, 16:2 (2012), 55-77; and Abraham, 'Summary Courts'.

⁵⁹ A. Williams, 'The Criminality of Women in the Eighteenth Century in the South West of England' PhD thesis (University of Plymouth, 2000); P. King, *Crime and Law in England, 1750-1850: Remaking*

over other southwestern jurisdictions were twofold. Firstly, in order to provide a comparative discussion of women's experiences, two localities with differing socioeconomic climates were selected. Secondly, whilst nineteenth- and twentieth-century magistrates' courts records are often patchy, there has been an excellent survival of registers and minutes books from the Cheltenham and Exeter courts.

1.6 Sources and methods

This thesis provides an examination of assaults perpetrated by females in Cheltenham and Exeter in the years 1880-1909. Rather than employing a system of sampling, the study includes every case brought before the magistrates. This has involved tracing, cataloguing and analysing a variety of sources for a total of 1,507 prosecutions of female assault. Although these sources cannot reveal the incidence and nature of those offences which went unreported, the thesis includes analysis on every *recorded* case of female assault in Cheltenham and Exeter during the research period.⁶⁰

A range of both official and literary sources were used to inform this research. The official sources, available at Gloucestershire Archives and Devon Heritage Centre, consisted of two types of court documents. The first is court registers, which were available in a nearly complete series for both courts across the research period.⁶¹ Registers included basic information on each prosecution, including the type of offence, the names of the parties involved, the verdict and sentence returned and the names of the magistrates serving on the Bench. Although they do not provide much qualitative information, these sources make it possible to locate specific cases with ease and are therefore a useful starting point for creating a log of assault prosecutions. The second type of court sources used was minute books. Not only have these volumes survived for both Cheltenham and Exeter for the entirety of the research

Justice from the Margins (Cambridge, 2006), 255-278; J. Warner, J. Riviere and K. Graham, 'Men and Women Fighting Side by Side: Examples from an English Town, 1653-1781', *Journal of Family History*, 33:2 (2008), 156-172.

⁶⁰ Research limitations imposed by the level of unreported crime – also known as the 'dark figure' – are discussed later in this chapter.

⁶¹ Court registers were unavailable for Cheltenham from 1881 to mid-1882 and for Exeter from 1907 until the end of the research period. However, it was possible to trace assault prosecutions during these years through the availability of court minute books.

period; they also provide a much greater amount of detail than registers. Minutes provide handwritten and often lengthy accounts recorded by the court clerk as hearings took place, within which many details about defendants, prosecutors and their witnesses are provided.⁶² In particular, these books typically reveal the relationships between the parties, the causes behind disputes, the defences used by women to justify their violence, and the attitudes of neighbours and other onlookers towards conflicts.

Local newspapers also served as an invaluable resource for examining female acts of assault. During the nineteenth century, most provincial papers dedicated a column or two to recounting the proceedings of local magistrates' courts, within which a selection of cases – typically those of the most interesting nature – were reported. Although coverage on some cases could be brief, other reports provided rich information such as the responses of magistrates, the behaviour of court audiences and the backgrounds and appearances of defendants and victims. In addition, local newspapers are particularly useful to glean popular attitudes towards female violence; not only were they circulated widely by the late Victorian period, but they also produced diverse narratives of crime and its perpetrators as well as broadcasted moral warnings and social mores to readers.⁶³ The newspapers selected for investigating Cheltenham and Exeter prosecutions were those which had contrasting political affiliations and provided the most in-depth reportage on court proceedings. For Cheltenham, this included reportage from *Cheltenham Mercury*, *Cheltenham Chronicle* and the *Gloucester Citizen*, whilst Exeter publications included *Western Times*, *Exeter and Plymouth Gazette* and *Trewman's Exeter Flying Post*.⁶⁴

In addition, the final chapter of the thesis draws evidence from demographic records. Focusing on the lives and offending histories of violent female recidivists, it uses

⁶² Since minutes were taken during hearings, court minute books were sometimes difficult to read. Although great care was taken when examining these documents, it is possible that some transcriptions may contain errors.

⁶³ For further discussion on the growth of the local press and its coverage on crime, see J. Archer and J. Jones, 'Headlines from History: Violence in the Press, 1850-1914' in E. Stanko (ed.), *The Meanings of Violence* (London, 2003), 17-31.

Further discussion on the utility of newspapers for undertaking historical studies of crime is included in Chapter 5.

⁶⁴ Additional newspapers were used on a less systematic basis. In particular, Chapter 5 discusses reports on cases which were printed in papers published outside of the counties of either Devon or Gloucestershire.

census returns alongside birth, marriage and death (BMD) records.⁶⁵ In doing so, it was possible to examine the diversity in women's post-offending experiences: some were ostracised or spent time in semi-penal institutions whilst others were able to reform by having a familial and neighbourly support network. Although it was not always possible to trace recidivist women through these records due to aliases and/or unstable residential arrangements, this examination offers a contribution to the small field of historical research which focuses on recidivism and reform.⁶⁶

The range of primary source material used within this research made it possible to compile a database of all females prosecuted for assault at Cheltenham and Exeter magistrates' courts in the years 1880-1909. This dataset contains information largely relating to: the demographics of both defendants and victims; the involvement of witnesses such as neighbours and police officers; the verdicts and sentences issued by magistrates; and the ways in which newspapers reported offences.⁶⁷ These data were then transported from Excel into SPSS in order to conduct statistical analyses and identify patterns in the incidence, nature and treatment of female acts of assault.⁶⁸

Although historical studies of crime often involve the task of quantifying crime, counting can only tell us part of the story.⁶⁹ This thesis therefore employs not only quantitative analyses but also qualitative methods in order to contextualise the lives of female offenders and their experiences within the criminal justice system. In addition, discourse analysis has been employed within a discussion of newspaper reporting on female violence (Chapter 5), as it is predominantly through a close reading of texts that it becomes possible to explore the ways in which offenders' identities were

⁶⁵ Due to the volume of assault cases at Exeter and Cheltenham, it was not possible to use census and BMD records to trace all of the women in this study. These sources were only used for discussion on the life-course trajectories of recidivist offenders (see Chapter 6).

⁶⁶ For an overview of literature which addresses female recidivism, see Chapter 6.

⁶⁷ The database also includes miscellaneous details such as physical appearances and family histories of female defendants and their victims. Note that an additional database was created for recidivists in order to log cases by individual women rather than individual offences.

⁶⁸ Excel has only minimal functions for conducting data analysis, whereas SPSS allows researchers to create cross-tabulation tables and graphs with ease.

⁶⁹ Note that some studies adopt a literary approach to studying crime rather than conducting quantitative analysis. See, for example, J. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late Victorian London* (Chicago, IL., 1992); J. Knelman, *Twisting in the Wind: The Murderess and the English Press* (Toronto, 1998); R. Startup, 'Damaging Females: Representations of Women as Victims and Perpetrators of Crime in the mid-nineteenth century', PhD thesis (University of Leicester, 2000).

constructed by the media and used to disseminate messages about violence and crime to the public.

Since the sources used in this project are similar to those within other historical studies of crime, it is unsurprising that they face the same limitations found elsewhere. Three limitations in particular must be noted. Firstly, sources relating to petty crime could at times be terse, mundane, and uninformative. Many run-of-the-mill assault cases in this study received only small entries in minute books, whilst others were either ignored or given formulaic and short press coverage. Secondly, any study of crime – whether historical or criminological – is plagued by the so-called ‘dark figure’ (the number of crimes which are unreported and/or unrecorded).⁷⁰ The sources used in this study cannot tell us about the totality of women’s minor violence in Exeter and Cheltenham, as it is likely that some victims avoided or were unable to report an offence. As such, this thesis does not engage with the ‘decline in violence’ debate in detail and instead uses quantification to examine patterns in women’s life experiences, in the nature of their acts, and in their treatment by magistrates.⁷¹ Finally, neither official nor literary sources can be treated as objective. Court minutes are filled with the personal interpretations of defendants, prosecutors and witnesses, whilst newspaper articles, although rarely sensationalised when reporting petty crime, were influenced both by popular opinion and by what reporters and editors wanted people to read.⁷² Nevertheless, by combining these types of sources, this thesis attempts to provide an in-depth picture of female petty violence in late Victorian and Edwardian England.

1.7 Thesis structure

Following this introductory chapter, Chapter 2 highlights the key debates with which this thesis engages by providing a review of recent literature on gender, violence and crime in modern England. The remaining chapters offer an examination of female acts of assault in Cheltenham during the years 1880-1909 and have been organised in a

⁷⁰ For more discussion on the ‘dark figure’ of crime, see B. Godfrey and P. Lawrence, *Crime and Justice, 1750-1950* (Devon, 2005), 90 and Emsley, *Crime and Society*, 24-8.

⁷¹ For more on the ‘decline in violence’ debate, see Chapter 2.

⁷² C. B. A. Wilson, ‘Mad, Sad or Bad?: Newspaper and Judicial Representations of Men Who Killed Children in Victorian England, 1860-1900’, PhD thesis (University of Essex, 2012), 67-110.

sequential structure within which each chapter focuses on a different stage of women's offending experiences. As aforementioned, the aims of these chapters are threefold: first, to uncover patterns in the nature and causes of female violence; second, to examine magisterial and newspaper responses towards women who were violent; and, finally, to determine how far violent offending impacted women's post-offending experiences, especially amongst those who were reoffenders.

Chapter 3 looks at patterns in the perpetration of female acts of assault. In particular, it considers who the women were, why they were violent, who they directed violence against, and how they committed their acts. Attention has also been paid to the locations in which women committed violence, since these not only reveal local 'hotspots' of criminal activity and disorderly behaviour but also indicate specific sites in which women frequently encountered conflict and danger. Ultimately, the chapter demonstrates that the majority of female assaults were usually located in public streets and that, although a significant minority engaged in violent conflict with police officers, publicans, traders and employers alike, most female violence was rooted in neighbourly or familial disputes over territory, money and the behaviour of children.

Chapters 4 and 5 focus on responses to women's acts of violence. The former examines magisterial treatment towards female defendants by analysing patterns in the verdicts and sentences distributed during prosecutions. In particular, it argues that shifts in magisterial attitudes resulted in women becoming more likely to be convicted and incarcerated as the period progressed. Chapter 5 examines the attitudes of newspaper reporters to female violence by discussing the ways in which women and their acts were portrayed within the local press. Women were judged by contemporary expectations of 'normal' female behaviour, which resulted in some women receiving sympathy due to their personal circumstances whilst those who deviated from feminine ideals could expect to be castigated.

Chapter 6 examines the lives and experiences of violent female recidivists. Since very little research has been undertaken on female habitual offending, this chapter offers a particularly novel contribution to current studies of women and crime. By comparing a control group of female non-reoffenders with recidivists, this chapter focuses on three issues: first, the differences between the pre-offending backgrounds of non-recidivist and recidivist women; second, the factors which either influenced women's desistance

or exacerbated their offending; and third, the ways in which the post-offending experiences of non-recidivists and recidivists varied from one another. Following this discussion, Chapter 7 offers a summary of the arguments made within the thesis and discusses potential areas for further research within the history of women, violence and crime in modern England.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

Historical research on women and violence has been largely influenced by two fields of literature. The first is the social history of crime, which emerged in the 1970s as an attempt to challenge the Whig interpretation of legislative reform as part of a broad shift towards humanitarian progress.¹ Typically approaching the history of crime and the law from a Marxist perspective, social historians emphasised the ways in which systems of punishment were linked to the reinforcement of class-based hierarchical structures. *Albion's Fatal Tree* (1975) remains one of the most influential contributions in this school of thought, within which the authors interpreted the justice system as part of a wider societal class conflict: whilst the public execution was regarded as a ruling-class attempt to demonstrate power over the working classes, it was argued that the system of petitioning and pardoning was a 'currency of patronage' that reminded citizens of class hierarchy and thereby secured social and political relations.²

Although influential in bringing working-class experiences to the forefront of historical research on crime, the Marxist approach came under challenge in subsequent decades. The notion that legislation and punishment were merely tools of elite dominance came to be regarded as too simplistic when historians started to unveil the ways in which the legal system served cross-class interests. In his response to *Albion's Fatal Tree*, John Langbein demonstrated that, rather than being a setting for struggles between the rich and poor, English courts were often used by members of the working classes to prosecute one another.³ John Beattie's study on seventeenth- and eighteenth-century courts, meanwhile, indicated that those who held power over

¹ Examples of Whig interpretations include L. Radzinowicz and R. Hood, *A History of English Criminal Law and its Administration from 1750: the Emergence of Penal Policy*, 5 vols. (London, 1986), v and J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (New York, 1967).

² D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow (eds.), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), 12.

³ J. H. Langbein, 'Albion's Fatal Flaws', *Past & Present*, 98 (1983), 96-120.

court rulings – the petty jury – were often from the same ranks as prosecutors.⁴ As such, he argued that judicial decisions should not be regarded as part of a wider ruling-class conspiracy to assert dominance over the labouring classes. Moreover, and more recently, Vic Gatrell has argued that the displaying of public hangings was not only a means for demonstrating elite power but also fostered the creation of a collective, popular imagination through which ordinary citizens chose to condemn or sympathise with convicts.⁵ Thus, although social historians of crime continue to adopt a ‘history from below’ approach by uncovering the experiences of those amongst the working classes, few uphold the view that the English law was implemented solely as part of a wider class struggle.⁶

The majority of social histories of crime had very little to say about the experiences of female offenders.⁷ Women were sometimes ‘counted’, but when found to be a minority of offenders were ‘subsequently *discounted* as unimportant’.⁸ The issue of female criminality only emerged as a distinct topic of historical study in the late 1980s and early 1990s, at which point women’s historians started to become influenced by the theoretical frameworks offered by feminist criminologists.⁹ Lucia Zedner’s *Women, Crime and Custody in Victorian England* provided one of the first in-depth historical studies on the female offender, within which she demonstrated a nineteenth-century shift from moral to psychobiological explanations of women’s crime and examined how Victorian ideals of ‘femininity’ impacted the actions, perceptions and punishments of criminal women.¹⁰ Her seminal study was followed by an upsurge in historical research on women’s crime, although initially much of this literature focused on particularly

⁴ J. M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, N. J., 1986).

⁵ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People, 1770-1868* (Oxford, 1996).

⁶ Further revisionist studies include M. Ignatieff, ‘State, Civil Society, and Total Institutions: A Critique of Recent Social Histories of Punishment’, *Crime and Justice*, 3 (1981), 153-192 and P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge, 1992).

⁷ For an exception to this, see J. M. Beattie, ‘The Criminality of Women in Eighteenth-Century England’, *Journal of Social History*, 8:4 (1975), 80-116.

⁸ Emphasis in original. G. Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003), 4.

⁹ It is beyond the scope of this chapter to discuss the emergence of feminist criminology in depth. However, some important studies include: C. Smart, *Women, Crime and Criminology: A Feminist Critique* (London, 1976); F. Heidensohn, *Women and Crime* (London, 1985); P. Carlen and A. Worrall (eds.), *Gender, Crime and Justice* (Milton Keynes, 1987); and N. Naffine, *Female Crime* (Sydney, 1987); and C. Smart, *Regulating Womanhood: Historical Essays on Marriage, Motherhood and Sexuality* (New York, 1992).

¹⁰ Zedner, *Women, Crime and Custody*; L. Zedner, ‘Women, Crime and Penal Responses: A Historical Account’, *Crime and Justice*, 14 (1991), 307-62.

'feminine' crimes such as infanticide, prostitution and poisoning.¹¹ In more recent decades, however, women's historians and gender historians alike have provided a more balanced account of female offending by uncovering women's involvement in a wider range of offences spanning across property, violent and public order crimes.¹²

This literature review provides a historiographical context to the thesis by outlining the key debates which feature within studies of female violence. It begins by discussing the emergence of historical research on women, gender and violence. The chapter then considers the key themes addressed by historians of female crime, including: the 'decline in violence' debate; the 'civilising process' theory; the issue of gender and judicial discretion; and popular portrayals of violent women. Owing to limitations in the scope of this chapter, this literature review is largely limited to discussions of studies which focus on the English context during the eighteenth to twentieth centuries.¹³

2.2 Towards a history of women, gender and violence

Preoccupied with examinations of property offences and the implementation of criminal law, early social histories of crime paid little attention to acts of violent crime. Only when examining episodes of violent protest or the administration of judicial violence (in the form of corporal punishment) had offences against the person been given detailed historical discussion.¹⁴ During the 1980s, however, violent crime emerged as a separate topic of historical study.¹⁵ Although much of this research

¹¹ Notable examples include: E. Trudgill, *Madonnas and Magdalens: Origins and Development of Victorian Sexual Attitudes* (London, 1976); R. Smith, *Trial by Medicine: Insanity and Responsibility in Victorian Trials* (Edinburgh, 1981); Walkowitz, *City of Dreadful Delight*; G. K. Behlmer, 'Deadly Motherhood: Infanticide and Medical Opinion in Mid-Victorian England', *Journal of the History of Medicine and Allied Sciences*, 34:4 (1997), 403-27; G. Robb, 'Circe in Crinoline: Domestic Poisonings in Victorian England', *Journal of Family History*, 22:2 (1997), 176-190; and M. Jackson (ed.), *Infanticide: Historical Perspectives on Child Murder and Concealment, 1550-2000* (Aldershot, 2002).

¹² For a review of historical research on women, gender and crime, see Arnot and Osborne, *Gender and Crime*, 1-31.

¹³ Other studies are mentioned where particularly relevant or if there had been insufficient research on modern England available.

¹⁴ See, for example, E. P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past & Present*, 50 (1971), 76-136; D. Jones, *Crime, Protest, Community and Police in Nineteenth-Century Britain* (Boston, Mass., 1982); Linebaugh, *London Hanged*; J. Stevenson, *Popular Disturbances in England, 1700-1832* (London, 1992)

¹⁵ For a review on the development of the history of violence, see J. Carter Wood, 'Criminal Violence in Modern Britain', *History Compass*, 4:1 (2006), 77-90.

focuses on the perpetration of serious offences such as homicide and sexual violence, historians have drawn increasing attention to the nature of 'everyday', minor forms of violent crime over the last two decades.¹⁶

Yet since women constituted a minority of violent offenders, many important studies had omitted discussion of female violence altogether. The earliest discussions on women's involvement in violence had instead focused on their experiences as victims. Offered by women's historians, these studies explored nineteenth-century attitudes towards acts of domestic violence and generated debate over the extent to which such offences declined over the modern period. Nancy Tomes, for example, argued that working-class domestic abuse became less prevalent over the Victorian period due to a withering public acceptance of a husband's right to chastise his wife.¹⁷

Others have doubted this apparent reduction in domestic abuse. Anna Clark has argued that, although new legislation against domestic violence theoretically offered women greater legal protection, many working-class women remained economically dependent on their husbands and therefore remained in abusive relationships. Susan Edwards, meanwhile, has suggested that the police continued to ignore cases of husband-wife abuse unless violence became unusually severe.¹⁸ In this respect, debates on domestic violence have cast doubts on the impact of the 'civilising process' by indicating that its influence stopped at the door of the household.

Historians have also enriched discussions of interpersonal violence by addressing women's experiences as victims of rape and sexual assault. This research has been influenced by the work of sociologist Ann Brownmiller, who argued that rape has been an ever-present strategy used by males to subordinate women.¹⁹ Although her views

¹⁶ Examples include: P. King, 'Punishing Assault: The Transformation of Attitudes in the English Courts', *Journal of Interdisciplinary History*, 27:1 (1996), 43-74; S. D'Cruze (ed.), *Everyday Violence in Britain, 1850-1950: Gender and Class* (New York, 2000); B. Godfrey, S. Farrall and S. Karstedt, 'Explaining Gendered Sentencing Patterns for Violent Men and Women in the Late Victorian and Edwardian Period', *British Journal of Criminology*, 45:5 (2005), 696-720; Watson, *Assaulting the Past*, Gray, 'Regulation of Violence'; Abraham, 'Summary Courts'; and Alker, 'Street Violence'.

¹⁷ N. Tomes, 'A "torrent of abuse": crimes of violence between working-class men and women in London, 1840-1875', *Journal of Social History*, 11:3 (1978), 328-345.

¹⁸ A. Clark, 'Domesticity and the problem of wife-beating in nineteenth-century Britain: working-class culture, law and politics' in S. D'Cruze (ed.), *Everyday Violence in Britain, 1850-1950: Gender and Class* (New York, 2000), 27-40; S. Edwards, "'Kicked, Beaten, Jumped On until they are Crushed," All under Ma's Wing and Protection: The Victorian Dilemma with Domestic Violence' in J. Rowbotham and K. Stevenson (eds.), *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage* (Ohio, 2005), 247-266.

¹⁹ A. Brownmiller, *Against Our Will: Men, Women and Rape* (New York, 1975).

have been contested, historians continue to question the ways in which sexual violence has consolidated patriarchal power.²⁰ In the first place, it has been argued that the eighteenth- and nineteenth-century media constructed rape in such a way that ‘the deviant rapist, the monster [and] the lurker in the bush’ provided caveats for women to remain confined within the ‘safety’ of the home.²¹ Secondly, historians have suggested that the courtroom reinforced patriarchal dominance by marginalising women’s experiences. The nineteenth-century rape trial appears to have centred as much on the sexual chastity of female victims as it did on men’s violence, resulting in many women being harshly interrogated and/or intimidated into silence.²² However, as Shani D’Cruze reminds us, some women could gain retribution if their testimonies colluded with the court’s agenda of ‘disciplining the disorderly aspects of working-class masculinity’.²³

Although historians have paid greater attention to women’s experiences as victims, there have been numerous important studies on female perpetrators of violent crime. Much of this research has examined acts of serious violence which were prosecuted at the Assizes or Quarter Sessions. Infanticide, for instance, has received notable scholarly attention. This was legally defined as a female-specific offence and appears to have been motivated by two social anxieties amongst women: first, given that most culprits had been unmarried servants, infanticide was sometimes prompted by fears of losing employment; second, the importance of female chastity may have induced women to kill new-born children out of shame.²⁴ Particular attention has also been paid to shifts in popular attitudes towards infanticide: whilst women accused of infanticide in the early modern period appear to have faced particularly harsh condemnation, their eighteenth- and nineteenth-century counterparts were increasingly seen as objects of pity and treated with judicial lenience.²⁵

²⁰ C. Conley, ‘Rape and Justice in Victorian England’, *Victorian Studies*, 29:4 (1986), 519-536; A. Clark, *Women’s Silence, Men’s Violence: Sexual Assault in England, 1770-1845* (New York, 1987); D’Cruze, ‘Sex, Violence and Local Courts’ (1999); J. Jones, ‘“She resisted with all her might”: sexual violence against women in late nineteenth-century Manchester and the local press’ in S. D’Cruze (ed.), *Everyday Violence in Britain, c.1850-1950: Gender and Class* (London, 2000), 104-118.

²¹ Clark, *Women’s Silence*, 3.

²² Conley, ‘Rape and Justice’; Clark, *Women’s Silence*.

²³ D’Cruze, ‘Sex, Violence and Local Courts’, 91.

²⁴ A. Jones, *Women Who Kill* (New York, 1980).

²⁵ M. Arnot, ‘Gender in focus: infanticide in England 1840-1880’, PhD thesis (University of Essex, 1994). Additional studies on infanticide include: L. Rose, *The Massacre of the Innocents: Infanticide in Britain, 1800-1939* (London, 1986); A. R. Higginbotham, ‘“Sin of the Age”: Infanticide and Illegitimacy

The apparent sympathy extended to infanticidal women may stand in contrast to the reception of another 'feminine' form of violence, namely that of spousal murder. Judith Knelman's study on homicide in nineteenth- and twentieth-century England has indicated that, whilst wife-murder was treated more leniently than any other form of murder, husband-murder was considered to be as 'monstrous' as treason.²⁶ Yet Ginger Frost has recently offered an alternative interpretation. Her microhistory of a sensationalised murder by a working-class woman against her illicit, middle-class lover argues that 'youth, beauty and unfortunate history' combined to encourage widespread public sympathy. Entering the court as a woman who had experienced abuse from a drunken and adulterous partner, she was perceived as a 'sinned' woman rather than a 'sinner'.²⁷

Historians of women's violence have also paid considerable attention to the act of poisoning, a murder method which is typically regarded to be a female reserve.²⁸ The use of poison by women sparked widespread contemporary 'panics' in the nineteenth century – during which it was the most common murder method amongst women – and led to parliamentary legislation restricting the sale of arsenic.²⁹ Finding that the press frequently portrayed female poisoners as 'monsters' or as 'inhumane', historians have argued that these women received opprobrium due to their actions posing a direct contradiction with the domestic duties prescribed to the ideal Victorian woman: providing food, medicine and care for their families.³⁰ As George Robb has stated, the female poisoner conjured the image of Circe since she was 'pretending to proffer the cup of kindness but really giving the cup of death'.³¹

Although serious, indictable offences have received the most scholarly attention, the majority of female violence was non-lethal and was thus prosecuted at magistrates'

in Victorian London', *Victorian Studies*, 32:3 (1989), 319-337; Behlmer, 'Deadly Motherhood'; and Jackson, *Infanticide*.

²⁶ J. Knelman, 'Why Can't a Woman Be More Like a Man? Attitudes to Husband-Murder, 1889-1989' in J. Rowbotham and K. Stevenson (eds.), *Behaving Badly: Social Panics and Moral Outrage – Victorian and Modern Parallels* (Hampshire, 2003), 193-205.

²⁷ G. Frost, "'She is but a woman": Kitty Byron and the English Edwardian Criminal Justice System', *Gender & History*, 16:3 (2004), 538-60.

²⁸ Research on female poisoners includes: M. S. Hartman, *Victorian Murderesses* (New York, 1977); B. Ryan, *The Poisoned Life of Mrs. Maybrick* (London, 1977); Robb, 'Circe in Crinoline'; and K. Watson, *Poisoned Lives: English Poisoners and their Victims* (London, 2004).

²⁹ Robb, 'Circe in Crinoline', 177.

³⁰ Knelman, *Twisting*, 85-122; Robb, 'Circe in Crinoline'.

³¹ Robb, 'Circe in Crinoline', 186.

courts. In the last two decades, historians have paid increasing attention to the nature of female petty violence by examining acts of assault. Barry Godfrey, Stephen Farrall and Susanne Karstedt, for example, have offered an excellent study on gender, assault prosecutions and magisterial discretion in the late Victorian and Edwardian period. Examining ten magistrates' courts across the years 1920, they stressed the prevalence of female non-lethal violence: whilst, as Zedner has demonstrated, women accounted for only 10% of murder defendants in Victorian England, the study by Godfrey *et al.* indicated that women constituted roughly a third of those prosecuted for assault.³²

In addition, Michelle Abraham's doctoral thesis has significantly enriched understandings of female perpetrated assault: providing rich discussion on the incidence and treatment of female petty violence, Abraham largely supports the findings of Godfrey *et al.* by highlighting the prominence of female assault prosecutions in Nottingham and Northampton during the years 1886-1931.³³ Andrew August's study of female assault in late-Victorian East London has also widened knowledge of female petty violence, within which he demonstrated the ways in which female defendants were judged by the press according to contemporary notions of 'femininity'.³⁴ Thus, although women's non-lethal violence remains underexplored, historians have recently moved beyond discussions of lethal violent crime by drawing attention to the incidence, nature and treatment of non-fatal violence.³⁵

2.3 The sex-crime ratio in violent crime

A key debate amongst historians of gender and crime concerns the so-called 'sex-crime ratio' or 'gender gap' in offending rates. In the past, as in our present, women

³² Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 698; Zedner, *Women, Crime and Custody*, 35.

³³ Abraham, 'Summary Courts', 115-188.

³⁴ August, 'Horrible Looking Woman'.

³⁵ Additional studies on female petty violence include: Davies, 'These viragoes'; A. Davies, 'Youth Gangs, Gender and Violence, 1870-1900' in S. D'Cruze (ed.), *Everyday Violence in Britain, c.1850-1950: Gender and Class* (London, 2000), 70-85; Rowbotham, 'Only when drunk'; B. Godfrey, 'Rough Girls, 1880-1930: the "recent" history of violent young women' in C. Alder and A. Worrall (eds.), *Girls' Violence: Myths and Realities* (New York, 2004), 21-41; and D'Cruze, Godfrey and Cox, 'Most Troublesome Woman'.

have been a minority of offenders across almost all categories of crime. There has been some disagreement, however, over the extent to which the gender gap has varied over time. On the one hand, some historians have argued that divergences in male and female offending rates have altered significantly. In their study of Old Bailey trials during the years 1687-1912, Malcolm Feeley and Deborah Little indicated that the proportion of defendants who were female fell from 45% to 12%. This led them to argue that women had been 'vanishing' from the criminal process, a shift which they attributed to the gradual removal of women from the public to private spheres during the Industrial Revolution.³⁶ Others, however, have argued that sex-crime differences have remained invariant over time: Frances Heidensohn and Maria Silvestri, for example, claim that differences between male and female offending rates have remained 'remarkable and robust [and] changed very little'.³⁷

The gender gap in crime has also been evident in recorded rates of violence. As Peter Spierenburg has noted, violence has 'in practically every historical setting' been 'an overwhelmingly male enterprise'.³⁸ The differences in rates of male and female violence have been especially marked in acts of lethal violence: Beattie, for example, found that women constituted only 9% of those charged with murder in seventeenth- and eighteenth-century Surrey and Sussex, whilst Robert Shoemaker finds an even lower figure of 7% for eighteenth-century London.³⁹ Although women accounted for a higher proportion of defendants during the nineteenth century, they still accounted for only 18% of those charged with homicide.⁴⁰ Indeed, the low rate at which women have been charged with homicide across Western Europe has led Manuel Eisner to argue that sex is 'not a relevant variable' in explaining changes in rates of serious violence.⁴¹ Although the gender gap in violence has been less marked amongst acts of non-lethal violence, women have nevertheless remained in the minority of offenders: as

³⁶ M. M. Feeley and D. L. Little, 'The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912', *Law and Society Review*, 25 (1991), 719-57. Critics of this argument include: Arnot and Osborne, *Gender and Crime*, 8; Zedner, *Women, Crime and Custody*, 20; Emsley, *Crime and Society*, 152; King, *Crime and Law*, 199-220; and M. V. D. Heijden, 'Women and Crime, 1750-2000' in P. Knepper and A. Johansen (eds.), *The Oxford Handbook of the History of Crime and Criminal Justice* (Oxford, 2016), 71-100.

³⁷ Heidensohn and Silvestri, 'Gender and Crime', 344.

³⁸ P. Spierenburg (ed.), *Men and Violence: Gender, Honor and Rituals in Modern Europe and America* (Columbus, OH., 1998), 1.

³⁹ Beattie, *Crime and the Courts*, 97; R. Shoemaker, 'Male Honour and the Decline of Public Violence in Eighteenth-Century London', *Social History*, 26:2 (2001), 190-208 (p. 192).

⁴⁰ Tomes, 'A "torrent of abuse"', 330.

⁴¹ M. Eisner, 'Long-Term Historical Trends', 112.

historians of female petty violence have demonstrated, women typically accounted for approximately 25-35% of those prosecuted for assault in late Victorian and Edwardian magistrates' courts.⁴²

Why were women less violent than men? Early explanations for the gender gap in violent crime originate in the work of nineteenth- and early-twentieth-century criminologists, many of whom analysed female criminality from a psychobiological perspective.⁴³ As Heidensohn and Silvestri have stated, the study of female criminality was for many years 'rooted in notions of biological determinism' alongside 'an uncritical attitude towards the dominant sexual stereotypes of women as passive, domestic and maternal'.⁴⁴ Cesare Lombroso and William Ferrero's infamous *The Female Offender* identified physical traits which they deemed common amongst criminal women.⁴⁵ Subsequently, William Thomas adopted a sociological approach: arguing that criminal women had lost their 'natural' childrearing cravings, he believed that they needed 'readjusting' to their maternal instincts in order to achieve reform.⁴⁶ Some historians have similarly cited psychosociological and/or biological factors when explaining low rates in female violence: although both believe that other causes were more influential, Spierenburg has acknowledged that 'biology somehow plays a role here' whilst Gregory Durston's examination of eighteenth-century murder has claimed that women were inherently and biologically less violent than men.⁴⁷

Another explanation offered by historians is that women were 'socialised' away from the 'male' culture of violence. Spierenburg argues that many eighteenth-century women abstained from violence as a result of being 'conformed to the cultural stereotype of passivity'. Those who were violent, he suggests, had been exposed to a 'learning process' through which they 'imitated' the aggressive behaviour

⁴² See, for example: Zedner, *Women, Crime and Custody*, 35; Abraham, 'Summary Courts', 155-6; and August, 'Horrible Looking Woman', 845.

⁴³ For further discussion on nineteenth- and twentieth-century explanations of female crime, see Zedner, *Women, Crime and Custody*, 22-7.

⁴⁴ Heidensohn and Silvestri, 'Gender and Crime', 337.

⁴⁵ C. Lombroso and W. Ferrero, *The Female Offender* (New York, 1895).

⁴⁶ W. I. Thomas, *The Unadjusted Girl: with cases and standpoint for behaviour analysis* (Boston, Mass., 1923)

⁴⁷ P. Spierenburg, 'How Violent Were Women? Court Cases in Amsterdam, 1650-1810', *Crime, Histoire & Sociétés / Crime, History & Societies*, 5:2 (1997), 9-28 (p. 10); G. Durston, *Victims and Viragos: Metropolitan Women, Crime and the Eighteenth Century Justice System* (Bury St. Edmunds, 2007), 26.

demonstrated by male companions.⁴⁸ Shoemaker's study on street-fighting in eighteenth-century London similarly interpreted violence as a learnt behaviour: noting that boys grew accustomed to the culture of violence and fair fighting by 'learning and imitating' from adult men, he argues that girls were 'not expected to be violent' and consequently had no accepted form of staged combat through which to settle disputes.⁴⁹ In addition, Godfrey has attributed 'home discipline, familial control and socialising influences' to the lack of violence amongst nineteenth- and twentieth-century girls, whilst Shani D'Cruze and Louise Jackson have claimed that the imbalanced sex-violence ratio has resulted from women being 'socialised to reject aggression as unfeminine'.⁵⁰

Others have attributed women's socioeconomic positions to their lesser involvement in violence. In particular, it has been argued that the confinement of women to the domestic sphere during the eighteenth and nineteenth centuries restricted their opportunities and motivations to commit crime: Manon van der Heijden's study of Dutch courts in the years 1600-1838, for example, has suggested that the pressure for women to remain 'confined to the domestic sphere' provided them with '[less] freedom to engage in public activity' and thus rendered them less violent than men.⁵¹ The impact of cultural pressures on women's offending rates has been further demonstrated through comparisons of female criminality in urban and rural areas. Beattie's study on seventeenth- and eighteenth-century crime indicates that women's limited independence in rural areas contributed to low female crime rates whilst women in urban areas had more opportunities to commit crime on account of their greater freedom of movement and greater economic independence.⁵² Shoemaker, meanwhile, has argued that urban women in London and Middlesex more frequently faced prosecutions than their rural counterparts since their employment insecurities and consequent social conflicts made them more likely to engage in disputes.⁵³

⁴⁸ Spierenburg, 'How Violent Were Women?', 16.

⁴⁹ Shoemaker, 'Male Honour', 202.

⁵⁰ Godfrey, 'Rough Girls', 3; S. D'Cruze and L. Jackson, *Women, Crime and Justice in England since 1660* (Basingstoke, 2009), 36.

⁵¹ M. V. D. Heijden 'Women, Violent and Urban Justice in Holland, c.1600-1838', *Crime, Histoire & Sociétés / Crime, History & Societies*, 17:2 (2013), 71-100 (p. 72).

⁵² Beattie, 'Criminality of Women', 110-2.

⁵³ R. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex* (London, 2004), 207-216.

Scholars have thus provided social, cultural and biological explanations for the gender gap in violent crime. An alternative explanation is that women's violence has been underestimated since it was less frequently recorded than that perpetrated by men. Wiener has argued that, as legislators, jurors and reformers became increasingly concerned by acts of male violence during the Victorian period, they focused their attentions on disciplining violent men at the expense of downplaying – even ignoring – the violence of their female counterparts. Posing a direct challenge to Feeley and Little's thesis, Wiener therefore argued that the 'vanishing female' was merely an 'artefact' of the increasing visibility of the male offender.⁵⁴ Godfrey, meanwhile, has argued that many acts of female violence went unrecorded owing to the reluctance of police officers to arrest women: whilst apprehending a male could demonstrate masculine authority, he argues that there was 'little kudos' in arresting a woman.⁵⁵ Furthermore, it is also possible that male victims may have been reluctant to prosecute women for acts of violence due to their inherent subversion of gender hierarchies. As Abraham has stated, notions of masculinity 'may well have been responsible for deterring men from pursuing aggressive women in the public arena of the courts'.⁵⁶

2.4 The decline in violence and the 'civilising process'

Scholars have also engaged in debates over the extent to which there has been a long-term decline in violent crime. Drawing influence from Ted Gurr's seminal research on recorded rates of violence, Lawrence Stone's study on homicide in England delineated a sharp decline in the level of indictments from the fourteenth to early-twentieth centuries.⁵⁷ Numerous historians have subsequently offered quantitative evidence to support this finding. James Cockburn's study of the Kent Assizes during the years 1560-1985, for example, demonstrated that homicide rates fell from 4.6 to

⁵⁴ Wiener, 'Victorian Criminalisation of Men'. See also Wiener, *Men of Blood*.

⁵⁵ Godfrey, 'Rough Girls', 33. Pamela Cox similarly notes that twentieth-century police officers avoided arresting girls since this action 'compromised their own manliness'. As such, she argues that female crimes were 'less likely to be prosecuted'. See Cox, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Hampshire, 2003), 36.

⁵⁶ Abraham, 'Summary Courts', 17.

⁵⁷ T. Gurr, 'Historical Trends in Violent Crime: A Critical Review of the Evidence', *Crime and Justice*, 3 (1981), 295-353; L. Stone, 'The History of Violence in England: Some Observations', *Past & Present*, 108 (1985), 206-215.

0.6 offences per 100,000 of the population by the end of the period. Focusing meanwhile on different forms of violence, Gatrell has argued that this pattern correlates with non-lethal violent crime by demonstrating that assault rates in England and Wales fell by roughly a third during the years 1850-1914.⁵⁸ Furthermore, as Eisner's meta-analysis of homicide in Europe from the medieval to modern periods has indicated, the decline in violence appears to have been part of a wider European trend.⁵⁹ This downtrend trend appears to have been followed by an upsurge in rates of lethal violent crime from the 1960s.⁶⁰

Although many historians agree that there was a decline in recorded rates of violence, the causes behind this shift are less clear. Numerous explanatory frameworks have been offered, including a recent reappraisal of evolutionary psychology, yet Norbert Elias' 'civilising process' theory has remained the most prominent.⁶¹ Tracing a change in European manners and sensibilities from the thirteenth to late-seventeenth centuries, Elias argued that a top-down 'civilising mission' had culminated in a reduction of violence and interpersonal aggression. One component of this, which he attributed to the rise of sixteenth-century courtly culture, was a spread of attitudes from the elite to middle classes which advocated greater self-restraint and the internalisation of aggression. The second component was the process of state formation, a development through which states allegedly gained a monopoly over violence by using the criminal justice system to regulate public behaviour. Broadly speaking, Elias argued that state expansion, new attitudes to aggression and the

⁵⁸ J. S. Cockburn, 'Patterns of Violence in English Society: Homicide in Kent, 1560-1985', *Past & Present*, 130 (1991), 70-106; V. A. C. Gatrell, 'The Decline of Theft and Violence in Victorian and Edwardian England' in V. A. C. Gatrell, B. Lenman and G. Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), 238-270 (pp. 286-9). Note that Howard Taylor has challenged the validity of claims concerning a decline in crime by suggesting that police administration and government funding impacted recorded crime rates. See H. Taylor, 'Rationing Crime: The Political Economy of Criminal Statistics Since the 1850s', *Economic History Review*, 51:3 (1998), 569-90. See also H. Taylor, 'The Politics of Rising Crime Statistics in England and Wales, 1914-1960', *Crime, Histoire & Sociétés / Crime, History & Societies*, 2:1 (1998), 5-28.

⁵⁹ Eisner, 'Long-Term Historical Trends', 99.

⁶⁰ P. Spierenburg, *A History of Murder: Personal Violence in Europe from the Middle Ages to the Present* (Cambridge, 2008), 165-223.

⁶¹ It is beyond the scope of this review to examine the evolutionary psychology framework. For discussion on this, see: J. Carter Wood, 'The Limits of Culture? Society, Evolutionary Psychology and the History of Violence', *Cultural and Social History*, 4:1 (2007), 95-114 and M. Wiener, 'Evolution and History Writing: A Comment on J. Carter Wood, "The Limits of Culture?"', *Cultural and Social History*, 4:4 (2007), 545-551.

growth of a coercive justice system resulted in a 'civilising process' that curbed violent behaviour.⁶²

After being rediscovered in the 1970s, Elias' work has gained widespread support amongst historians of violence. Scholars have mapped a similar long-term shift in cultural attitudes whereby many forms of violence once considered 'legitimate' were increasingly proscribed. In particular, historians have identified the withering tolerance of violence to the period 1750-1950, during which time violent behaviour was, as Robert Muchembled writes, 'truly tamed'.⁶³ Not only did people become more sensitive to displays of physical violence, but the regulation of violence became tighter: legislation against violent crime expanded; courts became more willing to convict violent offenders; and, from the mid-nineteenth century, acts of violence increasingly fell under the police radar.⁶⁴ This discussion has recently been expanded by John Carter Wood by revealing the class-based motives of the nineteenth-century civilising mission.⁶⁵

The use of the 'civilising process' theory as an explanatory framework for the decline in violence has received its share of academic criticism. Several historians have challenged the very premise on which the theory rests: that there was a 'real' decline in violence. In the first place, it appears that the decline in violence was less linear than once suggested: over the period 1350-1650, for example, there were numerous peaks and troughs in England's homicide rate.⁶⁶ Secondly, it has been questioned

⁶² N. Elias, *The Civilizing Process: The History of Manners*, 2 vols. (Oxford, 1978), i; N. Elias, *The Civilizing Process: State Formation and Civilization*, 2 vols. (Oxford, 1982), ii. For an overview of Elias' theory, see J. Fletcher, *Violence and Civilization: An Introduction to the Work of Norbert Elias* (Cambridge, Mass., 1997).

⁶³ R. Muchembled, *A History of Violence: From the end of the Middle Ages to the Present* (Cambridge, 2012), 199.

⁶⁴ Gatrell, *Hanging Tree*; King, 'Punishing Assault'; G. Smith, 'Civilised People Don't Want to see that Kind of Thing: The Decline of Public Physical Punishment in London, 1760-1840' in C. Strange (ed.), *Qualities of Mercy: Justice, Punishment and Discretion* (Vancouver, 1996), 21-51.

⁶⁵ J. Carter Wood, *Violence and Crime in Nineteenth-Century England: The Shadow of our Refinement* (London, 2004). Further studies which support the 'civilising process' theory include: Wiener, 'Victorian Criminalisation of Men'; P. Spierenburg, 'Violence and the Civilizing Process: Does It Work?', *Crime, Histoire & Sociétés / Crime, History & Societies*, 5:2 (2001), 81-105; M. Eisner, 'Modernization, Self-Control and Lethal Violence: The Long-Term Dynamics of European Homicide Rates in Theoretical Perspective', *British Journal of Criminology*, 41:4 (2003), 83-142; C. Emsley, *Hard Men: Violence in England since 1750* (London, 2005); Wiener, *Men of Blood*; Spierenburg, *History of Murder*; and S. Pinker, *Better Angels of our Nature: Why Violence Has Declined* (New York, 2011).

⁶⁶ R. McMahon, J. Eibach and R. Roth, 'Making Sense of Violence? Reflections on the history of interpersonal violence in Europe', *Crime, Histoire & Sociétés / Crime, History & Societies*, 17:2 (2013), 5-26.

whether criminal statistics can provide a reliable indicator of levels of violence. Historians have argued that factors such as legislative change, policing motives, financial constraints and medical developments have all affected records by either impacting the 'dark figure' of crime and/or altering survival chances amongst victims of violence.⁶⁷ In his critique on the reliability of criminal statistics, Howard Taylor claimed that the decline in violence was magnified by two administrative shortcomings – firstly, the Treasury's limited budget towards funding public prosecutions, and secondly by attempts amongst police forces to prove their efficiency by manipulating statistics.⁶⁸ In addition to this, several historians have criticised the tendency to use homicide rates in order to reach conclusions about overall levels in society: as Shoemaker has argued, there may not be a link between offending rates in homicide and non-lethal violence.⁶⁹

While some historians have posed methodological challenges to the apparent 'decline' in violence, others have questioned the validity of the 'civilising process' as a theoretical framework. It has been argued that the 'top-down' nature of the theory may be flawed by interpreting the participation of ordinary people in the withdrawal from violence as merely a product of the diffusion of elite attitudes.⁷⁰ Another criticism has concerned inconsistencies amongst historians in locating the timing of the change: Elias' own model ended in the seventeenth century, yet many historians position the origins of the civilising process in either the eighteenth or nineteenth centuries. Furthermore, historians have argued that the transformation from notions of 'acceptable' to 'unacceptable' violence is too binary an explanation. Early modern society was not simply spontaneously violent or untamed, but was one in which violence was often planned, regulated and kept 'within certain bounds and limits'.⁷¹ Nor did violence become universally 'unacceptable' nor disappear in the modern period: customary notions of acceptable violence, such as acts of prize-fighting, remained tolerated amongst working-class cultures well into the nineteenth century.⁷²

⁶⁷ R. Sindall, *Street Violence in the Nineteenth Century: Media Panic or Real Danger?* (Leicester, 1990), 16-23; Cockburn, 'Patterns of Violence', 101-2.

⁶⁸ Taylor, 'Rationing Crime'; Taylor, 'The Politics of Rising Crime Statistics'.

⁶⁹ Shoemaker, 'Male Honour', 207.

⁷⁰ McMahon, Eibach and Roth, 'Making Sense of Violence?'

⁷¹ McMahon, Eibach and Roth, 'Making Sense of Violence?', 17.

⁷² Conley, *Unwritten Law*, 44-67; J. Carter Wood, 'Self-Policing and the Policing of the Self: Violence, Protection and the Civilizing Bargain in Britain', *Crime, Histoire & Sociétés* / *Crime, History & Societies*, 7:1 (2003), 109-128; and Carter Wood, *Violence and Crime*.

A further criticism of research on violence and the 'civilising process' is that little consideration has been given to the role played by gender. Possibly because Elias himself had 'relatively little to say about violence between the sexes', historians have seldom discussed the relationship between women, gender and the civilising process.⁷³ Amongst those who have, it is typically argued that observers were unconcerned by female violence and instead focused their disciplinary efforts at men. In an attempt to demonstrate that the civilising process was 'not only classed' but also 'deeply and fundamentally gendered', Wiener argued that women's violence was overlooked whilst men became increasingly likely to receive convictions and harsh penalties as the Victorian period progressed.⁷⁴ Joachim Eibach thus stresses the need to focus on the regulation of male violence when stating that the civilising process 'applies first and foremost to those who need to be civilised – namely, men!'⁷⁵

Consequently, the relationship between the 'civilising process' and female violence has been underexplored. Describing this as a topic in 'urgent need of further research', Katherine Watson has encouraged historians to examine whether Elias' theory is relevant for studying the treatment of violent women and, if so, to determine if women have been affected by the same civilising processes as men.⁷⁶ August's research on female violence in late-nineteenth century London remains one of few attempts to address this shortcoming within literature on women's violence: tracing newspaper reportage on women prosecuted for assault at the Thames Police Court, his study demonstrated that 'disorderly' women were frequently targeted by the civilising process when they failed to conform to traditional notions of femininity.⁷⁷ Despite this excellent contribution, however, the history of women, violence and the civilising process remains far from complete.⁷⁸

2.5 Women, crime and judicial discretion

⁷³ Fletcher, *Violence and Civilization*, 49.

⁷⁴ Wiener, 'Victorian Criminalisation of Men', 200. See also Wiener, *Men of Blood*.

⁷⁵ J. Eibach, 'Violence and Masculinity' in P. Knepper and A. Johansen (eds.), *The Oxford Handbook of the History of Crime and Criminal Justice* (Oxford, 2016), 229-249 (p. 230).

⁷⁶ Watson, *Assaulting the Past*, 8.

⁷⁷ August, 'Horrible Looking Woman'.

⁷⁸ Aside from August's research, there has been little attention on women and the civilising process in eighteenth- and nineteenth-century England. Studies which address this topic in the context of other periods and locations include: Spierenburg, 'How Violent Were Women?' and A. Kilday, 'Lady-Killers'.

One of the most central issues discussed amongst historians of female violence – and of female crime in general – has been the treatment of women within the criminal justice system. From the seventeenth to twentieth centuries, English courts were highly discretionary institutions within which judges, juries and magistrates exercised considerable control over decision-making processes.⁷⁹ Historians have considered the ways in which gender impacted upon judicial decisions by examining conviction and sentencing patterns and determining whether women received lenient, similar or stringent judicial treatment in comparison to their male counterparts.⁸⁰ Three perspectives can be drawn from this debate: the ‘double deviancy’ theory; the ‘judicial chivalry’ view; and the more nuanced notion that women’s treatment rested on their conformity to contemporary expectations of femininity.

Proponents of the double deviancy argument have suggested that women received stringent judicial treatment on account of committing two misdemeanours: first, for having committed the crime itself; second, for having betrayed norms of female behaviour. Knelman, for example, has argued that mid-Victorian husband-murderers received few acquittals or mitigations not only due to their violence but also because their subversion of gender hierarchies made them ‘a threat to all men’.⁸¹ Zedner has similarly argued that women were ‘doubly damned’ in the Victorian courtroom as a penalty for betraying contemporary gender expectations. In addition, she argues that criminal women could sometimes expect strident treatment at subsequent stages of the justice system: tracing developments in Victorian understandings of female criminality, Zedner notes that, once typically seen as ‘bad’ and thus incarcerated, women increasingly came to be regarded as ‘mad’ and sent to criminal asylums. She further suggests that the removal of a criminal woman to a correctional institution, although technically an acquittal, was by no means advantageous; since confinement indicated a woman’s inability to ‘live up to the requirements of the feminine ideal’, she

⁷⁹ P. King, ‘Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800’, *Historical Journal*, 27:1 (1984), 25-58.

⁸⁰ See, for example: King, ‘Decision-Makers’; P. King, ‘Gender, crime and justice in late eighteenth- and early nineteenth-century England’ in M. Arnot and C. Osborne, *Gender and Crime in Modern Europe* (London, 1999), 44-75; D. Palk, *Gender, Crime and Judicial Discretion, 1780-1830* (Suffolk, 2006); and Abraham, ‘Summary Courts’, 115-188.

⁸¹ Knelman, ‘Why Can’t a Woman Be More Like a Man?’, 195.

might face considerable stigmatisation on her release and struggle to reintegrate into society.⁸²

Conversely, some scholars have argued that women received particularly lenient treatment in the criminal justice system. This argument draws influence from the 'judicial chivalry' thesis put forward by criminologist Otto Pollak in 1950, within which he argued that jurors and judges were reluctant to convict and punish women on account of chivalrous conceptions of masculinity.⁸³ Historians no longer attribute lenience solely to chivalry, yet many argue that female offenders received favourable judicial treatment in comparison to their male counterparts. Peter King's study on Old Bailey trials during the years 1780-1830 demonstrates that a considerably smaller proportion of female defendants were convicted than those who were male (44% as opposed to 61%), a trend which he attributed to judicial 'paternalism, protectionism, practicality and prejudice' alongside 'growing perceptions of the differences between the public and private spheres'.⁸⁴ It has also been argued that women received favourable treatment due to their behaviour being regarded as less serious. Watson has argued that women were more frequently acquitted for homicide than men during the Georgian period due to their acts being considered 'less significant', whilst Wiener has suggested that nineteenth-century women were increasingly 'excused' for murder charges as a result of jurors being predominantly focused on disciplining violent behaviour amongst men.⁸⁵

Studies which focus specifically on violence and judicial discretion similarly indicate that female defendants received lighter treatment than their male counterparts. A study by Godfrey *et al.* on English assault prosecutions during the years 1880-1920 indicated that, whilst differences in verdicts were linked to gender-related rather than gender-biased factors, magistrates issued lighter sentences to female defendants since they were dismissive of women's violence and instead 'clearly targeted male contexts of violence'.⁸⁶ Abraham's research on assault in late Victorian and Edwardian

⁸² Zedner, *Women, Crime and Custody*, 41. Annette Ballinger also indicates that women were portrayed as irrational and thereby lacking in responsibility. See Ballinger, "Reasonable" Women Who Kill: Re-Interpreting and re-defining women's responses to domestic violence in England and Wales, 1900-1965', *Outlines*, 2 (2005), 65-82.

⁸³ O. Pollak, *The Criminality of Women* (Philadelphia, PE., 1950).

⁸⁴ King, 'Gender, Crime and Justice', 48 and 66-7.

⁸⁵ K. Watson, 'Women, violent crime and criminal justice in Georgian Wales', *Continuity and Change*, 28:2 (2013), 245-272 (p. 265); Wiener, *Men of Blood*, 131-4.

⁸⁶ Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 696.

Nottingham and Northampton, meanwhile, indicates that men were treated more severely by the magistrates both in terms of verdicts and sentences. Abraham notes, however, that women were more likely to be convicted if they assaulted men rather than other women, leading her to suggest that violence in ‘an all-female context’ was ‘not of primary concern to the magistrates’.⁸⁷ In a study of gender and gang violence in late Victorian Manchester, meanwhile, Andrew Davies notes that female perpetrators were sometimes viewed by magistrates as ‘unwomanly’ yet received lighter sentences than males since their violence was regarded as less of a threat.⁸⁸

Whilst the aforementioned studies examine the treatment of both male and female offenders, research which focuses specifically on women has again largely upheld the view that judicial decision-makers were dismissive of female violence. In their examination of female assault in late Victorian and Edwardian Crewe, Shani D’Cruze, Barry Godfrey and David Cox argue that magistrates marginalised – even trivialised – women’s acts of violence. Finding that many women became involved in violent quarrels due to drunkenness and disorderliness, they argue that magistrates saw them as a ‘social nuisance’ rather than a ‘social threat’.⁸⁹ Law enforcers also appear to have overlooked female acts of violence: in a recent examination of police attitudes towards violent girls in the period 1880-1930, Godfrey argues that ‘many hundreds, possibly thousands’ of female assaults were ‘ignored or downplayed’ by officers and therefore never reached the courts. This treatment, he suggests, was largely caused by the fact that ‘police, magistrates, policy-makers and moral entrepreneurs’ had ‘their heads turned to boys’.⁹⁰ August has offered perhaps the only exception to the mainstream view that female violence was marginalised: examining acts of assault in East London, he argues that there was a campaign against ‘violent and “unfeminine” women’ which ran parallel to that of the civilising offensive directed against ‘unruly’ violent men.⁹¹

2.6 Cultural representations of violent women

⁸⁷ Abraham, *Summary Courts*, 159-60.

⁸⁸ Davies, ‘These viragoes’. 74.

⁸⁹ D’Cruze, Godfrey and Cox, ‘Most Troublesome Woman’, 244.

⁹⁰ Godfrey, ‘Rough Girls’, 33.

⁹¹ August, ‘Horrible Looking Woman’, 847.

Influenced by the 'cultural turn' of the 1980s and 1990s, the representation of crime has become another prominent theme within research on women, gender and violence.⁹² In particular, historians have addressed the ways in which media narratives of offenders both affected and reflected public responses to criminality.⁹³ Nineteenth-century portrayals of criminals have received especial attention, largely as a result of two changes in newspaper reporting. The first is the emergence of 'New Journalism' during the 1850s. This reporting style had a significant impact on crime reporting by prompting accounts of offenders' backgrounds, acts and trials to become entrenched with sensationalistic and melodramatic tones.⁹⁴ The second, prompted by a growing public interest in reading news from the courts, is the increasing coverage which newspapers dedicated to crime.⁹⁵ Newspapers are thus an invaluable resource through which to explore popular responses to female violence; as Rowbotham reminds us, it was through this literary medium that most Victorians learned about and shaped their attitudes towards violent crime.⁹⁶

Violent crimes, especially lethal acts, received considerable coverage in nineteenth- and twentieth-century newspapers. As such, there has been a plethora of historical research which focuses on the representation of violence and its perpetrators.⁹⁷ Studies on media 'moral panics' sparked by episodes of violent crime during the mid-nineteenth century, for example, have shed light on the ways in which newspapers created anxieties over the prevalence of crime.⁹⁸ Robert Sindall has argued that the media's focus on violent street robbery during this time led to an erroneous yet popular

⁹² On the impact of the 'cultural turn' on histories of violence, see Carter Wood, 'Criminal Violence' and Eibach, 'Violence and Masculinity'.

⁹³ Startup, 'Damaging Females'; J. Rowbotham and K. Stevenson (eds.), *Criminal Conversations: Victorian Crimes, Social Panic and Moral Outrage* (Ohio, 2005); M. Wiener, 'Convicted Murderers and the Victorian Press: Condemnation vs. Sympathy', *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective*, 1:2 (2007), 110-125; P. King, 'Making Crime News: Newspapers, Violent Crime and the Reporting of Old Bailey Trials in the Late Eighteenth Century', *Crime, Histoire & Sociétés / Crime, History & Societies*, 13:1 (2009), 91-116.

⁹⁴ J. Carter Wood, 'Crime News and the Press' in P. Knepper and A. Johansen (eds.), *The Oxford Handbook of the History of Crime and Criminal Justice* (Oxford, 2016), 301-319.

⁹⁵ Rowbotham and Stevenson, *Criminal Conversations*, xxxiv.

⁹⁶ Rowbotham, 'Only when drunk', 157.

⁹⁷ Examples include: Sindall, *Street Violence*; Walkowitz, *City of Dreadful Delight*; Knelman, *Twisting*; Rowbotham, 'Only when drunk'; and Frost, 'She is but a woman'.

⁹⁸ J. Davis, 'The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in mid-Victorian England' in V. A. C. Gatrell, B. Lenman and G. Parker (eds.), *Crime and the Law: the social history of crime in Western Europe since 1500* (London, 1980), 190-213; Sindall, *Street Violence*; Alker, 'Street Violence'.

perception that crime was increasing: noting that crime rates were in decline over the Victorian period, he suggests that public fears of a crime increase were 'disproportionately awakened' by the press.⁹⁹ Examining the same episode of street violence, Davis' study argued that the press not only boosted public support for legislation against violent robbery but also reinforced widespread views that the alleged crime increase was caused by the activities of a 'dangerous' criminal class.¹⁰⁰

Often entrenched with cultural assumptions about the expected behaviour of women, reports on crimes of sexual assault and rape were also rife within the Victorian press. Historians have emphasised journalistic attempts to construct cases of sexual violence in a narrative of female danger, through which reporters appear to have issued warnings for women to avoid the threat of the public street by remaining at home.¹⁰¹ Judith Walkowitz's examination of newspaper reportage on 'Jack the Ripper' cases argued that, by defining the city as 'dangerous' and the home as 'safe', journalists reinforced the legitimacy of patriarchal control whilst emphasising female domestication and subordination.¹⁰² Other scholars have argued that media coverage on sexual violence consistently made judgements on whether victims had conformed to expected standards of female behaviour: John Archer and Jo Jones, for example, have demonstrated that sexual abuse cases wherein female victims had been allegedly adulterous were typically headlined under labels such as 'THE UNFAITHFUL WOMAN' rather than that of describing the offence itself.¹⁰³

Female perpetrators also received particularly high levels of cultural visibility. Studies of newspaper reporting on infanticide have stressed the ways that sensationalist accounts of the lives and plights of convicted women served to broadcast moral, religious and political messages to the public.¹⁰⁴ Historians have also examined the depiction of women who committed adult-murder, on whom the press paid considerable attention: indeed, although women accounted for only 10% of those prosecuted for murder during the nineteenth century, they received a considerably

⁹⁹ Sindall, *Street Violence*, 6.

¹⁰⁰ Davis, 'London Garrotting Panic'.

¹⁰¹ J. R. Walkowitz, 'Jack the Ripper and the Myth of Male Violence', *Feminist Studies*, 8:3 (1982), 542-74; Clark, *Women's Silence*; Walkowitz, *City of Dreadful Delight*; Jones, 'She resisted with all her might'.

¹⁰² Walkowitz, 'Jack the Ripper'.

¹⁰³ Archer and Jones, 'Headlines from History', 24.

¹⁰⁴ See, for example: Rose, *Massacre*; Arnot, 'Gender in focus'; and J. Thorn (ed.), *Writing British Infanticide: Child-Murder, Gender and Print, 1722-1859* (Delaware, 2003).

higher proportion of media coverage.¹⁰⁵ Many studies of reports on female-perpetrated murder indicate that the press typically denied murderous woman a claim to standards of 'femininity'.¹⁰⁶ Knelman, for example, has argued that Victorian society considered it 'so unthinkable' for a woman to commit murder that newspapers 'explained it away' as 'the action of a whore, witch, monster or madwoman'.¹⁰⁷

Although much of the literature which examines portrayals of violent women focuses on acts of lethal violence, there have been several notable investigations into the representation of women who committed petty violence. Naturally, these offences drew less media attention: not only were they 'ordinary [and] with nothing exciting or shocking' involved, but the very frequency and normality of such acts raised 'profound questions about the economic and social organisation of Victorian Britain which the majority did not wish to confront'.¹⁰⁸ Yet studies which explore media coverage on female acts of assault have similarly suggested that reporters frequently judged accused women – albeit in more nuanced ways – by contemporary notions of femininity. Rowbotham's study of reportage on assault in nineteenth-century England indicates that, whilst violence was frequently depicted as an acceptable demonstration of masculinity, it was regarded as incompatible with standards of female behaviour. As such, violent women were continuously portrayed by journalists as 'abnormal, subhuman or mentally unstable'.¹⁰⁹ August's research on female assault in the late Victorian and Edwardian period, meanwhile, has argued that portrayals of violent women depended on court descriptions of her conduct: whilst women who could demonstrate 'feminine' qualities sometimes received favourable coverage, those who did not conform could expect to be depicted as masculine, animalistic or diseased.¹¹⁰

2.7 Conclusion

¹⁰⁵ Jones, *Women Who Kill*; Knelman, *Twisting*; D. Taylor, *Hooligans, Harlots and Hangmen: Crime and Punishment in Victorian Britain* (Santa Barbara, 2010), 27-31.

¹⁰⁶ For exceptions, see: Frost, 'She is but a woman'; Ballinger, "'Reasonable" Women Who Kill'; L. Seal, *Women, Murder and Femininity: Gender Representations of Women Who Kill* (Basingstoke, 2010); and J. Carter Wood, *The Most Remarkable Woman in England: Poison, Celebrity and the Trials of Beatrice Pace* (Manchester, 2012).

¹⁰⁷ Knelman, *Twisting*, 230.

¹⁰⁸ Taylor, *Hooligans*, 30-1.

¹⁰⁹ Rowbotham, 'Only when drunk', 163.

¹¹⁰ August, 'Horrible Looking Woman', 861-6.

Just over two decades ago, Spierenburg stated that 'men may take pride in attacking fellow men' whilst 'passivity, in violent and peaceful situations, is a cardinal female virtue'.¹¹¹ Shoemaker has subsequently argued that women have been 'largely excluded from participating in the male culture of violence'.¹¹² Their claims resonate with a long-held view amongst both historians and criminologists that violence is, and has always been, a male phenomenon shaped by models of 'masculinity' and 'honour'. This notion has resulted in a largely male-centric academic approach to the history of violence: even in this decade, Anne-Marie Kilday has lamented that the historical study of female violence is a research area 'still in its infancy' and is 'confined to episodes within the domestic sphere'.¹¹³

Numerous themes have emerged within studies of women and violence, including: the gender gap in violent crime; the decline in female offending during the modern period; women's treatment by judicial decision-makers; and the ways in which female defendants were portrayed by the media. Whilst addressing the topic of female-perpetrated violence may initially appear 'troubling' from a feminist perspective as it removes women from their traditional position as victims, Lizzie Seal has recently reconciled this issue by demonstrating how historical examinations of women's violence can enrich understandings of women's positions, attitudes and difficulties. For Seal, female acts of violence not only serve to highlight women's resistance to subordination; they can also be interpreted as expressions of female empowerment whereby violence 'poses a threat to the gender order' and 'issues a challenge to the supremacy of masculine power and the social control of women'.¹¹⁴

Although female acts of non-lethal violence were more common, historians of women's violence have concentrated overwhelmingly on lethal offences. Whilst there has been a growth of research on female petty violence in recent years, there are still notable gaps within the literature. In the first place, there have been few attempts to examine the relationship between the 'civilising process' and the treatment of violent women. Secondly, there is a wide range of female petty violence that has received

¹¹¹ Spierenburg, *Men and Violence*, 2.

¹¹² Shoemaker, 'Male Honour', 196.

¹¹³ A. Kilday, *A History of Infanticide in Britain c. 1600 to the Present* (Hampshire, 2013), 10.

¹¹⁴ Seal, *Women, Murder and Femininity*, 7.

only fleeting attention: most studies on women's acts of assault have concentrated on women's quarrels with neighbours and family members, yet there has been little discussion on the violence which they directed against members of the police, those who worked within institutions and those who worked in public sites such as inns and markets.¹¹⁵ Additionally, very little is known concerning the violent female recidivist: although a small number of studies examine the experiences of women who were habitual offenders across multiple forms of crime, there has been little discussion on the conduct, treatment or offending trajectories of women who were habitually violent.¹¹⁶ Finally, as aforementioned, much of the research on female violence in the late Victorian and Edwardian period has focused on areas in London, the North West and the Midlands. As a result, it is unclear whether similar patterns identified within those locations were echoed in the experiences of women in the southwest of the country.

The following chapters of this thesis therefore attempt to overcome these shortcomings by examining female acts of assault in Cheltenham and Exeter during the years 1880-1909. Taken as a whole, they examine the nature of female violence, magisterial treatment towards women, newspaper representations of female defendants and violent female recidivism. Having provided a general map of the main debates within the historiography of women, crime and violence, this thesis now explores the initial stage of women's offending trajectories: the nature of female acts of assault. How did women commit violence? What sites were common areas for women to encounter – and provoke – conflict? Whom did women direct their violence against, and why?

¹¹⁵ This is probably due to these acts being less common (see Chapter 3). However, since they were prompted by different motivations and handled differently by magistrates, these acts warrant detailed examination.

¹¹⁶ An outline of historical research on recidivism is provided within Chapter 6.

CHAPTER 3: PATTERNS IN FEMALE ACTS OF ASSAULT

3.1 Introduction

There has been little doubt that women have constituted the minority of those charged with criminal offences. Yet there has been considerable debate over the extent to which women's share in criminal activities has changed over time. Some academics have supported the 'vanishing female' theory offered by Feeley and Little. Examining Old Bailey indictments over the period 1687-1921 alongside evidence from Dutch courts, they argued that there was a notable reduction in the proportion of female defendants during the eighteenth and early-nineteenth centuries. The emergence of private patriarchal control and the resultant exclusion of women from the public sphere, it was argued, caused women to become 'less inclined and less able' to commit crime.¹ This theory has since been challenged, some scholars having raised concerns about the timing of the decline and/or the explanations offered by Feeley and Little.² Others have argued against the theory of a long-term decline in levels of female offenders: King's study on eighteenth- and early-nineteenth-century England, for instance, has demonstrated long-term stability – albeit with intermittent short-term fluctuations – in rates of female crime.³

Just as women have formed a minority across most forms of offending, they have been underrepresented as perpetrators of violent crime. In the past, violence was a largely male-dominated culture in which masculine codes of defence and honour corresponded with accepted – if not expected – patterns of male behaviour.⁴ Significantly fewer women have been prosecuted for acts of lethal violence than men, female defendants having accounted for approximately 5-15% of those charged with

¹ Feeley and Little, 'Vanishing Female'. See also Conley, *Unwritten Law*, 70 and Taylor, *Hooligans*, 47.

² For criticisms of Feeley and Little's argument, see: Zedner, *Women, Crime and Custody*, 317; Arnot and Osborne, *Gender and Crime*, 8; King, *Crime and Law*, chap. 5; D'Cruze and Jackson, *Women, Crime and Justice*, 1-2; and M. Heijden and V. Koningsberger, 'Continuity or Change? Female Crime in the Nineteenth-Century Netherlands', *Crime, Histoire & Sociétés / Crime, History & Societies*, 17:1 (2013), 101-127 (p. 105).

³ King, *Crime and Law*, 199-220. See also Heijden and Koningsberger, 'Continuity or Change?'

⁴ Shoemaker, 'Male Honour'.

homicide in Europe across the medieval to modern periods.⁵ Women were more represented in cases of non-lethal violence, although ultimately remained in the minority of defendants: across eighteenth- to twentieth-century England, for example, female defendants constituted roughly 20-35% of those prosecuted for acts of assault.⁶ This gender gap in violent crime has led historians to address three issues: first, the reasons as to why women have been less violent than men; secondly, given that female violence was uncommon, the factors which prompted women to act violently; and finally, whether there was anything distinctly 'feminine' about the ways in which women have committed violence.

Initial explanations for women's lesser involvement in violence originated within writings of Victorian commentators and rested upon biological sex differences.⁷ This interpretation suggested that physical and/or psychological differences between males and females accounted for women's desistance from violence. Ferrero and Lombroso's *The Female Offender* argued that women were less violent due to physical weakness: women, they argued, had 'less strength and capacity than men for deeds of violence' and as such were 'more inclined to crystallised their bad impulses into calumny'.⁸ Similarly, criminologist William Douglas Adams wrote that 'the lack of physical power [and] want of will' were responsible for 'keeping down' female crime.⁹ Psychobiological deterministic explanations were supported well into the twentieth century, during which time they were brought to the forefront by Pollak. Believing that the gender-violence gap was largely an artefact, he claimed that women were not less violent than men but that their 'more deceitful' nature made them more capable of masking their crimes.¹⁰

⁵ Beattie, *Crime and the Courts in England, 1660-1800* (Oxford, 1986), 97; Eisner, 'Long-Term Historical Trends'; G. Frost, "'He could not hold his passions": Domestic Violence and Cohabitation in England (1850-1905)', *Crime, Histoire & Sociétés / Crime, History & Societies*, 12:1 (2008), 45-63 (p. 47); G. T. Smith, 'Long-Term Trends in Female and Male Involvement in Crime' in R. Gartner and B. McCarthy (eds.), *Oxford Handbook of Gender, Sex and Crime* (Oxford, 2014), 139-157.

⁶ Zedner, *Women, Crime and Custody*, 35; Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Pattern'; D'Cruze and Jackson, *Women, Crime and Justice*, 19; Abraham, 'Summary Courts' 120; Macilwee, *Liverpool Underworld*, 130; August, 'Horrible Looking Woman', 845.

⁷ Zedner, *Women, Crime and Custody*, 24.

⁸ Lombroso and Ferrero, *Female Offender*, 239-40.

⁹ W. D. Morrison, *Crime and its Causes* (London, 1891), 152. Cited in Zedner, *Women, Crime and Custody*, 24.

¹⁰ Pollak, *Criminality of Women*, 153.

Biological differences have now been largely disregarded as a complete explanation for the gender-violence gap. In recent decades, academics have started to offer socio-cultural accounts for women's lesser involvement in violent crime. Akin to Feeley and Little, some have argued that women's restriction from the public sphere – and their confinement to the home – created less scope for them to engage in disputes and interpersonal violence. This exclusion, it has been suggested, also impacted the nature of female violence: Beattie has argued that, whilst male violence often occurred in public spaces amongst colleagues and strangers, most female acts occurred near the home and were committed by married women who became embroiled in disputes with neighbours over their husbands or children.¹¹ Similarly, Watson found that women 'did not typically engage in the sudden violent confrontations, often in public places...as men [did]' since 'killing by women, like their social sphere, was mainly restricted to the home and neighbourhood'.¹² For other academics, it was the domestic *ideal* rather than *reality* which limited women's propensity to commit violence: several historians have argued that girls, through preparing for their future roles as wives and mothers', were 'socialized' to regard aggression as unfeminine.¹³

Spierenburg has offered an alternative explanation for the gender gap in violence. Whilst acknowledging that women's participation in public life impacted their ability to commit property offences, he argued that it had less influence on levels in women's violence. Instead, he suggests that the extent and nature of female violence has been linked to imbalances in power between the sexes. Examining serious acts of female violence in Amsterdam in the period 1650-1810, he argued that women 'learned' the culture of violence through 'close contact with men participating in it' and thus became able to replicate the ways in which violence was conducted. Yet this 'learning process' had limits: violence was, he argues, 'a male culture and women recognised this...some might imitate violence, but they did not step into the male world...female violence was same-sex violence'.¹⁴ As such, he suggested that women typically perpetrated violence against close acquaintances within domestic settings.

¹¹ Pollak, *Criminality of Women*, 84-88.

¹² Watson, 'Women, Violent Crime and Criminal Justice', 258. For similar arguments, see D'Cruze and Jackson, *Women, Crime and Justice*, 47 and Smith, 'Long-Term Trends', 145.

¹³ Davin, *Growing Up Poor*; Godfrey, 'Rough Girls'; D'Cruze and Jackson, *Women, Crime and Justice*, 20.

¹⁴ Spierenburg, 'How Violent Were Women?', 26-7.

Furthermore, several scholars have argued that sex differences in rates of violent crime may be explained by the ways in which violence was monitored, reported and prosecuted. In particular, it has been suggested that contemporary concerns regarding male violence allowed many women to escape notice. As aforementioned, Godfrey has argued that police officers may have been more reluctant to arrest female offenders than their male counterparts.¹⁵ Wiener and Carter Wood have argued that nineteenth-century judicial administrators were largely focused on male acts of violence and thus overlooked female perpetrators.¹⁶ It is also possible that victims – especially those who were male – were reluctant to report assaults committed by women due to a fear of humiliation.¹⁷ These amongst other factors are likely to have exaggerated the gender-violence crime gap by deflating the numbers of women who were brought before the courts.¹⁸

Many of the aforementioned studies examined lethal acts of violence, within which it is often argued that women's acts were limited by their narrow participation in public life. Studies of non-lethal violence provide a more complex picture. On the one hand, some historians continue to stress that female violence was restricted by the expectations and/or realities of women's social and cultural positions. These studies have contrasted the wide scope of male-perpetrated assault with the narrowness of female violence: whilst male assaults occurred across multiple sites, such as the public-house, workplace and home, and emerged within a variety of contexts, women's acts were often incited by domestic concerns and occurred within their immediate communities. In a study on assault in late Victorian London, August has stressed that men 'assaulted their wives, fought other men in public places over status and reputation or in attacks on the police' whilst women 'fought one another in shared domestic spaces...within close-knit networks of neighbourhood women'.¹⁹ Lyndsay Poore, meanwhile, has argued that women 'tended to keep their violence within the

¹⁵ Godfrey, 'Rough Girls', 32-3. For further discussion on this point, see Chapter 2 (p. 30).

¹⁶ Wiener, 'Victorian Criminalisation of Men'; Wiener, *Men of Blood*; Carter Wood, *Violence and Crime*.

¹⁷ Shoemaker, *Prosecution and Punishment*, 212-3.

¹⁸ Another possible factor is the nineteenth-century 'medicalisation' of women, a process which reduced levels in women receiving official legal sanction. Instead, many accused women were taken into institutions such as inebriate reformatories and asylums. For further discussion, see: B. L. Morrison, 'Ordering disorderly women: female drunkenness in England, 1870-1920', PhD thesis (Keele University, 2005).

¹⁹ August, 'Horrible Looking Woman', 852.

environment they knew best [the home]' whilst male violence was 'an inevitable, if not totally acceptable, part of society which generally occurred in public spaces'.²⁰

On the other hand, women's assaults can be demonstrative of the levels of social interaction which women experienced on a daily basis. Although Victorian ideals of femininity posited woman as a domestic, nurturing wife and mother whose central role was to maintain the household, this was not always a reality for working-class women; many were required to undertake paid work either within or outside of the home.²¹ Many women spent a considerable portion of their lives in neighbourhood streets, where they sometimes used violence in order to express grievances or resolve disputes. Davies has suggested that late Victorian women were 'far from passive' and instead 'tended to dominate the street life of working-class neighbourhoods', an arena within which they frequently defended themselves and settled their disputes.²² Kevin Felstead has similarly argued that women were 'active participants' in neighbourhood violence, not only engaging in disputes and fights with their neighbours but also defending themselves against authority figures.²³ Nor were women simply passive within their households: as Carl Chinn has demonstrated, many working-class wives started rows with or fought back against husbands during times of conflict.²⁴

Studies of assault therefore offer two conflicting interpretations of female violence: whilst the domestic and neighbourhood nature of women's assaults reflects their limited participation in public life, women's very involvement in these conflicts is demonstrative of their engagement with community life and their willingness to challenge gendered behavioural expectations. This chapter seeks to contribute to such discussions by providing an examination of the nature of female assaults in late Victorian and Edwardian Cheltenham and Exeter and determining the prevalence, causes and contexts of female non-lethal violence. The first section discusses the incidence of women's violent offending by examining assault rates. The chapter then discusses the backgrounds of the defendants and their victims before examining the contexts and motives from which female assaults arose. Two final sections focus on

²⁰ L. C. Poore, 'Violence, Authority, Cultures and Communities in Sussex and Kent, c. 1690-1760', PhD thesis (University of Hertfordshire, 2013), 56. See also Abraham, 'Summary Courts', 137.

²¹ Zedner, *Women, Crime and Custody*, 68-9.

²² Davies, 'These viragoes', 76.

²³ Felstead, 'Interpersonal violence', 169.

²⁴ C. Chinn, *They worked all their lives: women of the urban poor in England, 1880-1939* (Manchester, 1988), 162-4.

the locations and methods present within women's violence. Ultimately, the chapter will build an understanding of the contexts behind women's acts of violence as well as highlight some of the circumstances and difficulties faced by working-class women during the late Victorian and Edwardian period.

3.2 Rates in female acts of assault

At the onset of examining female assault rates, it must be noted that certain limitations impact the reliability of measuring crime. The 'dark figure' – the total number of unreported crimes – makes it impossible to know the exact level of criminality in any society, since researchers can only work from the cases which were recorded by observers, police officers and/or criminal justice administrators. This issue is especially problematic for studies of female violence since male victims may have felt embarrassed to admit physical dominance by women.²⁵ It is also possible that police officers may have been more reluctant to arrest females than males.²⁶

These limitations notwithstanding, women formed a minority of those prosecuted for assault at Cheltenham and Exeter. Yet their involvement was still significant, female defendants having accounted for almost a quarter of the assault cases brought before the magistrates (Table 3.1). The proportion of female defendants was similar across the courts, although reached a slightly higher figure at Cheltenham than at Exeter – 24.3% compared to 22.5% – possibly due to the marginally higher female:male population ratio at the former.²⁷ These figures indicate that women constituted a similar portion of defendants in the South West as they did elsewhere in the country, since studies of assault prosecutions in other regions during the late Victorian and

²⁵ Beattie, 'Criminality of Women', 86; Cox, *Gender, Justice and Welfare*, 36; Abraham, 'Summary Courts', 138-9.

²⁶ Godfrey, 'Rough Girls', 33. For further discussion on this, see Chapter 2 (p. 30).

²⁷ Women accounted for approximately 58% of Cheltenham's population and for 55% of Exeter's population during the years 1881-1911 (figures for 1901 were unavailable). For Cheltenham and Exeter's population figures broken down by gender, see: 'GB Historical GIS, Cheltenham District through time: Males and Females', *A Vision of Britain Through Time* (University of Portsmouth), <http://www.visionofbritain.org.uk/unit/10168284/cube/GENDER> [accessed 19 September 2019]; and 'GB Historical GIS, Exeter District through time: Males and Females', *A Vision of Britain Through Time* (University of Portsmouth), <http://www.visionofbritain.org.uk/unit/10100203/cube/GENDER> [accessed 19 September 2019].

Edwardian period provide similar rates of roughly 17-34%: August's study of East London provides a figure of 32.1%; Felstead's research on Hanley situates women at 20% of defendants; and Abraham shows that female participation rates varied between 17-27% in Northampton and Nottingham.²⁸

Despite a rise in Cheltenham's and Exeter's population levels, female assault rates declined in during the research period.²⁹ As indicated in Table 3.1, this decline was steeper at the former than the latter: the number of assault prosecutions brought before Cheltenham magistrates dropped steadily from 1,050 in the period 1880-1885 to 320 in the years 1904-1909 (a percentage decrease of 69.5%) whilst the corresponding figures for Exeter were 748 and 456 (a decrease of 39%).³⁰ Since Gatrell's examination of national figures during the years 1881-1909 has indicated that the rate of decline was roughly 58%, it would appear that the speed of decline in Exeter was particularly slow in comparison to other places.³¹ The figures for Cheltenham and Exeter may therefore provide support for arguments concerning the 'decline in violence' during the nineteenth and twentieth centuries, although this is by no means certain and must not be overstated; as Taylor has indicated, changes in policing and government administration may have impacted on levels in recorded crime.³²

²⁸ August, 'Horrible Looking Woman', 845; Felstead, 'Interpersonal violence', 170; Abraham, 'Summary Courts', 120. Similar figures are provided in D'Cruze and Jackson, *Women, Crime and Justice*, 19.

²⁹ Population increase was more rapid at Exeter: whilst Cheltenham's population rose only from 50, 609 to 54, 705 during the years 1881-1911 (an increase of 8%), Exeter's rose from 48, 916 to 62, 418 (an increase of 28%). For figures on population change in Cheltenham and Exeter, see: 'GB Historical GIS, Cheltenham District through time: Total Population', *A Vision of Britain Through Time* (University of Portsmouth), http://www.visionofbritain.org.uk/unit/10168284/cube/TOT_POP [accessed 20 September 2019]; and 'GB Historical GIS, Exeter District through time: Total Population', *A Vision of Britain Through Time* (University of Portsmouth), http://www.visionofbritain.org.uk/unit/10100203/cube/TOT_POP [accessed 20 September 2019].

³⁰ Although it is beyond the scope of this thesis to examine the causes behind different rates of decline in female assault prosecutions at Cheltenham and Exeter, possible factors include: differences in population change (see footnote above); local policing efficiency; attitudes amongst victims; accessibility of courts; magisterial attitudes; and real differences in levels of violence.

³¹ Gatrell, 'Decline of Theft and Violence', 288.

³² Taylor, 'Rationing Crime'; Taylor, 'The Politics of Rising Crime Statistics'.

TABLE 3.1 ASSAULT PROSECUTIONS AT CHELTENHAM AND EXETER, 1880-1909

		No. of male and female assault defendants	No. of female assault defendants	Females as % of all assault defendants
Cheltenham	1880-1885	1050	245	23.3
	1886-1891	995	231	23.2
	1892-1897	676	188	27.8
	1898-1903	492	113	23.0
	1904-1909	320	83	25.6
	Total	3533	859	24.3
Exeter	1880-1885	748	186	24.9
	1886-1891	646	144	22.3
	1892-1897	502	111	22.1
	1898-1903	524	115	21.9
	1904-1909	456	92	20.2
	Total	2876	648	22.5

How far did the extent of this decline vary between male and female defendants? Zedner has argued that female and male prosecutions dropped at a similar rate during the late Victorian period.³³ A similar trend can be identified at Cheltenham during the years 1880-1909, at which court female and male assault prosecutions fell by 66.1% and 70.6% respectively. There was a greater difference in gendered patterns of assault at Exeter, yet this was still unremarkable: female assault prosecutions dropped by 50.5% over the period whilst charges against men fell by 35.2%. The rates at Cheltenham and Exeter thus fail to provide substantial evidence for the ‘vanishing

³³ Zedner demonstrates that the numbers of both male and female offenders decreased by roughly a half during the years 1860-1900 (*Women, Crime and Custody*, 20).

female' thesis where non-lethal violence is concerned, since the rate at which female assault prosecutions declined was similar to that amongst male defendants.³⁴

Given that female assault prosecutions fell at relatively similar rates to those against men, the decline in female violence at Cheltenham and Exeter is more likely to be explained by changes which impacted both male and female behaviours than by the 'vanishing female' thesis. One possible factor – and one which is addressed in greater detail within Chapter 4 – is the 'civilising process', a transition which may have prompted changes in attitudes towards aggression and interpersonal violence. Another explanation is that changes in either summary jurisdiction or legal definitions of violent crime affected the ways in which some acts were recorded. It is also possible that a growth in local police forces or an increase in their surveillance on the streets acted as a deterrent. Improvements in living standards, education and employment opportunities may have also had an impact in behaviour. Whilst it is beyond the scope of this thesis to examine these in detail, it would appear that the decline in female assault rates was not a wholly 'female' phenomenon but instead part of a wider process within which men, too, appear to have become less violent.

3.3 Defendants and victims

During the years 1880-1909, then, there were 1,507 prosecutions against women for assault at Cheltenham and Exeter. In order to understand the circumstances in which these assaults arose, it is important to first examine the backgrounds of the parties involved. An examination of this kind is riddled with difficulties; many court and newspaper reports on summary proceedings were brief and left personal information on defendants and/or their victims unknown. Ages, for example, were rarely revealed unless the parties were particularly young or elderly.³⁵ However, by examining the

³⁴ Combining the figures for Exeter and Cheltenham, it appears that female and male assault rates declined by 59.6% and 56% respectively over the years 1880-1909.

³⁵ The ages of defendants and/or victims were typically only revealed if they particularly young or elderly. In one case, for example, a reporter wrote that an assault was 'remarkable for the advanced ages of the parties, the complainant being 96 years old and the defendant being 78' (*Gloucestershire Echo*, 20 September 1888, 3).

social markers most often recorded in these cases, it has been possible to shape an understanding of the backgrounds of the defendants and their victims.

i) *Defendants*

Historical studies of female-perpetrated violence typically indicate that married women have constituted a larger proportion of defendants than their single counterparts.³⁶ Similarly, most women prosecuted for assault at Exeter and Cheltenham were married. Of the 936 cases (out of a total 1,507) in which marital statuses were revealed, the majority of defendants were reported to be married (see Table 3.2). The proportions were strikingly similar across the courts, 84.5% of the women prosecuted at both Cheltenham and at Exeter having been married. A significant number of these women were separated from their husbands, a circumstance which could become a contributory factor behind their violence: one woman, for instance, fought with her husband at his lodgings after he had left her and refused to send any money.³⁷ Assaults by unmarried and widowed women, meanwhile, accounted for only 12.4% and 3.1% of the cases in this study respectively.

TABLE 3.2 MARITAL STATUSES OF FEMALE DEFENDANTS

	Cheltenham		Exeter		Both courts	
	No. women	% of women	No. women	% of women	No. women	% of women
Married	447	84.5	344	84.5	791	84.5
Unmarried	66	12.5	50	12.3	116	12.4
Widowed	16	3.1	13	2.5	29	3.1

Note: this table excludes the 571 cases (out of 1,507) in which defendants' marital statuses were unknown.

³⁶ Beattie, 'Criminality of women', 101-2; J. Bath, 'Violence and Violent Crime in the North East, 1650-1720', PhD thesis (University of Newcastle-upon-Tyne, 2001), 55; Watson, 'Women, Violent Crime and Criminal Justice', 259; C. E. Horler-Underwood, 'Aspects of Female Criminality in Wales, 1730-1830', PhD thesis (Cardiff University, 2014), 99.

³⁷ *Cheltenham Mercury*, 25 February 1882, 3.

Many defendants at Cheltenham and Exeter had child dependants under their domestic care. These children were typically the biological offspring of defendants, but they were also sometimes related as stepchildren, grandchildren or nephews/nieces. Although most defendants with children were married and living with their husbands, numerous unmarried, separated and widowed defendants had children to support. These women often appealed to the magistrates on account of their circumstances: one woman 'hoped' that the Exeter magistrates would be lenient since she was 'not a married woman but had a little boy', whilst another woman's defence counsel asked the Bench to avoid a conviction since she was 'a widow with four children'.³⁸ Complainants were also sometimes lenient with defendants on these grounds, as was the case when a woman requested to withdraw a summons against her neighbour since the defendant was 'all alone' and had 'three little children'.³⁹

Although occupational statuses were infrequently recorded, cases in which this information was given offer a glimpse at the daily life of female defendants.⁴⁰ Of those who were said to have been employed, the majority were occupied in low-paid, unskilled positions. Yet the individual posts undertaken by women had some discrepancies depending on their marital statuses. As historians have suggested, employment for married women during the late Victorian and Edwardian period was regarded as a supplement to the husband's 'breadwinner' salary rather than as a livelihood in its own right; as such, many women undertook piecemeal and often 'grossly underpaid' work at home to fit employment around family duties.⁴¹ Indeed, as John Belchem has noted, working wives were often 'exploited as cheap labour by the male breadwinner ideal' by taking on irregular employment at any wage to make ends meet.⁴² This was reflected in the lifestyles of married defendants at Cheltenham and Exeter, at which it appears that many employed married defendants were undertaking low-waged work within their own or other people's households. Cleaning roles – such as that of a charwoman, laundress or washerwoman – were particularly common, as

³⁸ *Devon Evening Express*, 31 August 1888, 3; *Gloucester Citizen*, 15 August 1892, 4.

³⁹ *Gloucestershire Echo*, 18 February 1897, 4.

⁴⁰ Defendants' occupations were mentioned in only 102 of the 1,507 cases in this study.

⁴¹ D. Vincent, *Poor Citizens: The State and the Poor in Twentieth-Century Britain* (London, 1991), 8. For more discussion on women's work during the nineteenth and twentieth centuries, see: Chinn, *They worked all their lives*, 53 and S. O. Rose, *Limited Livelihoods: Gender and Class in Nineteenth-Century England* (Berkeley, CA., 1992), 79-83.

⁴² J. Belchem, *Industrialization and the Working Class: The English Experience, 1750-1900* (Aldershot, 1990), 203.

were jobs which involved sewing and mending clothes. The working-class nature of these women's positions was also echoed in the occupations of their husbands, most of whom were working in unskilled labour positions: typically, these roles involved agricultural or building labour, but numerous men had been dockyard workers, factory operatives and carriage-drivers.

Like their married counterparts, unmarried defendants undertook low-waged work at home. However, they were more likely than their married counterparts to work outside of the home. A notable number of these women worked in domestic service.⁴³ In addition, some unmarried women worked as assistants in public leisure sites such as alehouses and shops, whilst others worked on the streets as musicians, entertainers or hawkers. These roles may have allowed women a greater level of public interaction than those who worked from home, since they provided more scope to engage in daily contact – and thus conflict – with members both within and outside of their immediate community. The unmarried defendants in this study may therefore have had a greater deal of freedom than those who were married, since they were more frequently employed in positions outside of the home.

Ultimately, regardless of marital status or whether they worked in or outside of the home, employed defendants were typically undertaking working-class, unskilled roles such as charring or domestic service. Very few women in this study fell under a higher occupational status category. A small number held white-collar or semi-professional positions: four were teachers; three were workhouse officials; and one was a nurse. In addition, a handful of women were married to men whose roles put their family status above the labouring classes, such as those whose husbands were lawyers, clergymen and military men. Instances involving middle-class female defendants, however, were rarely brought before the Exeter and Cheltenham magistrates.⁴⁴

The birthplace of defendants was seldom revealed, although it appears that a small minority had been Irish.⁴⁵ Partly due to mass Irish emigration following the Great

⁴³ This was especially common in Cheltenham. Anthea Jones (*Cheltenham*, 299) notes that Cheltenham had especially high levels of female domestic servants. Across the years 1880-1921, nearly half of the women recorded as employed in Cheltenham's censuses were servants. In comparison, a third of employed women in the county of Gloucestershire were domestic servants.

⁴⁴ It is possible that middle-class citizens have used other recourses than magistrates' courts for resolving acts of violence.

⁴⁵ Around 3.3% of the defendants in this study were described as Irish women. Jo Turner has similarly demonstrated that 4.5% of female assault defendants in late Victorian and Edwardian Staffordshire

Famine, both Cheltenham and Exeter – as elsewhere in England – had developed Irish communities by the late nineteenth century.⁴⁶ Disputes between residents within these communities could result in women experiencing violent conflict. When these tensions resulted in acts of assault, Irish women were especially castigated by the press and treated as a distinct phenomenon: indicatory headlines like ‘IRISH ROWS’ and ‘THE IRISH AGAIN’, alongside descriptions of women – as in the description of one defendant as a ‘genuine Irish lass’ – all served to highlight these cases as particularly Irish offences.⁴⁷

ii) *Victims*

Perhaps the key starting point for an inquiry into the victims of women’s assaults is their sex. This is particularly difficult to measure due to the possibility that male victims may have been less willing than female victims to report assaults by women on account of wanting to avoid mockery or embarrassment at being physically overpowered by a woman.⁴⁸ From the evidence which is available, however, it appears that Exeter and Cheltenham women were more likely to be prosecuted for assaulting other women than men: excluding cases in which the sex of the victim was unclear, females accounted for 77.4% of the victims targeted in Cheltenham and 73.1% of those assaulted in Exeter (males having accounted for 22.6% and 26.9% of victims respectively).⁴⁹ This gender imbalance across victims of assault is also reflected within other studies of female violence: Spierenburg’s study of female violence in Amsterdam during the years 1650-1810 has demonstrated that women accounted for approximately 89% of victims, whilst Abraham’s study of petty violence in the late Victorian and Edwardian Midlands indicates that assaults by women on other women outnumbered assaults on males by roughly 5:1.⁵⁰ August’s research on late Victorian

were Irish (‘Offending women’, 113-4). For more discussion on Irish communities and violence, see Emsley, *Crime and Society*, 99 and Macilwee, *Liverpool Underworld*, 121.

⁴⁶ Tranter, *Population*, 35-6.

⁴⁷ *Gloucester Citizen*, 12 May 1890, 4. For more discussion on newspaper reporting and female assault, see Chapter 4.

⁴⁸ Beattie, ‘Criminality of Women’, 86; Abraham, ‘Summary Courts’, 17.

⁴⁹ Victims’ sexes were not revealed in 121 of the 1,507 cases in this study.

⁵⁰ Spierenburg, ‘How violent were women?’, 20-1; Abraham, ‘Summary Courts’, 121.

and Edwardian East London offers perhaps the only exception to this pattern, within which he demonstrated that around 55% of victims of female-perpetrated assault were males.⁵¹ Yet this figure may have been due to the fact that August used newspaper sources rather than court records: women's assaults on men, being less common and more subversive, may have been reported by the press more frequently than assaults on other women and could therefore be overrepresented within newspaper sources.

Cheltenham and Exeter women typically directed their assaults against those within their local communities.⁵² In particular, neighbours formed the largest group amongst victims: excluding the cases in which the relationships between defendants and victims were unknown, neighbours accounted for over a half of those assaulted by women (Table 3.3).⁵³ Neighbourly disputes were commonplace in working-class communities, no doubt partly as a result of the cramped conditions of living spaces.⁵⁴ Women also occasionally assaulted service-providers or customers in their community: these conflicts typically occurred between publicans and customers over issues with payment or services, although similar situations could arise amongst shop assistants, market vendors and landlords/landladies.⁵⁵ Authority figures such as constables also sometimes experienced violence from women when patrolling neighbourhood streets.

⁵¹ August, 'Horrible Looking Woman', 853.

⁵² This correlates with other studies on female non-lethal violence. See, for example, Weinberger, 'Law Breakers', 206-10; D'Cruze, *Crimes of Outrage*, 51 and August, 'Horrible Looking Woman', 852.

⁵³ Neighbourhood boundaries are hard to define, but this study defines 'neighbours' as those either renting lodgings in the same building or living on the same street.

⁵⁴ Vincent, *Poor Citizens*, 13-5.

⁵⁵ Assaults on service-providers were the second largest category amongst female victims and accounted for 4.3% of the cases in which relationships between women and victims were known.

TABLE 3.3 RELATIONSHIPS BETWEEN FEMALE DEFENDANTS AND VICTIMS

		% of victims at Cheltenham	% of victims at Exeter	% of victims at both courts
Community assaults	Neighbour	54.5	50.8	52.9
	Trader/customer	4.0	4.7	4.3
	Authority figure	2.5	5.7	3.9
Child assaults	Own child	2.0	5.1	3.4
	Other child	4.2	3.1	3.7
Relationship assaults	Husband	2.3	4.3	3.2
	Partner ¹	1.7	0.8	1.3
	Rival in love	3.4	3.7	3.5
Other family assaults	Parent	1.4	1.2	1.3
	Sibling	1.2	1.4	1.3
	In-law	4.8	3.3	4.1
	Other	3.2	1.6	2.5
Other victims	Workplace relation	1.8	1.4	1.6
	Acquaintance	10.5	9.4	10.0
	Stranger	2.0	2.4	2.2
	Other	0.5	1.2	0.8

1. Throughout this thesis, the term 'partner' refers to victims who were either 'courting' or cohabiting with the defendant.

Note: this table excludes the 348 cases (out of 1,507) in which the relationships between defendants and victims were unknown.

Female assaults on individuals outside of the neighbourhood context were fairly uncommon.⁵⁶ Where the relationships between defendants and victims were

⁵⁶ Note that after 'community', the most common context of female assault was 'other family'. However, most of these victims had also been neighbours to defendants. Since the causes behind

identifiable, it appeared that violent conflicts connected to romantic relationships were unusual: assaults by women on their husbands, current/previous partners and rivals in love accounted for only 3.2%, 1.3% and 3.5% of the prosecutions respectively.⁵⁷ Women also appear to have seldom assaulted their own or other people's children; violence in the workplace, meanwhile, was almost non-existent, or at least rarely made it to the magistrates' courts, since only 1.6% of victims were women's employers, employees or colleagues. Furthermore, although studies have demonstrated that men frequently assaulted strangers, this was rarely the case amongst their female counterparts: only 2.2% of the defendants at Cheltenham and Exeter were prosecuted for assaulting someone whom they had allegedly never met. This offers a direct contrast to Tomes' discussion of female violence in Victorian London, within which she states that 'working-class women showed more pluck in fighting off strangers than in fighting with their own husbands'.⁵⁸ As a whole, the range of relationships between female defendants and their victims was narrow, women's acts of assaults having centred almost solely on those within their community networks.

As with the defendants, many victims had been married. Excluding the cases in which marital statuses were not revealed, 84% of the complainants in this study were reported to have been married.⁵⁹ Unmarried and widowed victims were considerably less common, accounting for 12.5% and 3.5% of the complainants respectively. Many victims also had children, although this information was provided only infrequently within either court records or newspaper reports. Of those cases in which data were available, 76.3% of the victims stated that they had children.⁶⁰

Given that most victims were living in the same neighbourhoods as the defendants, it is unsurprising that they were situated in similar occupational classes. In cases where the nature of their employment was clearly stated, the majority of victims were

these acts were very similar – if not identical – to those amongst neighbour assaults, these cases have not been discussed in great detail within this chapter.

⁵⁷ However, as Beattie has noted, assaults by women on their husbands were probably underreported; men may have been unwilling to express that their wives had gained physical control over them: "It is a fair assumption that abused husbands were especially reluctant to complain and to appeal for help from the courts, for this too openly and clearly reversed a husband and wife's expected relationship. In the natural order of things, women were subjects and dependents of their husbands, not their governors" ('Criminality of Women', 86).

⁵⁸ Tomes, 'Torrent of abuse', 337.

⁵⁹ The marital statuses of approximately half of the complainants (794 of a total 1,507) were unknown.

⁶⁰ In 76.5% of the cases in this study, it was not possible to determine whether victims had children.

unskilled workers: male victims were predominantly labourers and hawkers, whilst the females frequently undertook charring and sewing work within the household. Semi-skilled and skilled labourers were the most represented category after this, mostly consisting of males who worked as carpenters or engineers.⁶¹ Additionally, a small proportion of victims were white-collar workers – such as workhouse officers, policemen and bailiffs – as well as commercial business-owners.

Although neither court records nor newspaper reports allow for a complete sociodemographic study of the defendants and victims involved in women's acts of assault, it has been possible to identify certain features relating to their backgrounds and relationships. As demonstrated, defendants and victims often experienced similar lifestyles: both were likely to have been married, have children and work within unskilled, low-wage positions. As Frost has noted in her study of nineteenth-century domestic violence, the poor were 'the most likely to live in crowded conditions and to abuse alcohol, both conditions that facilitated public violence'.⁶² It has also become evident that women's assaults were typically committed within an all-female context and were directed against those living within their neighbourhoods. Only occasionally did women assault members of their inner-domestic circle – such as partners and children – or those with whom they engaged during leisure, market or workplace activities.

3.4 Motives and contexts of assault

Having provided an outline of the relationships between defendants and victims, this section of the chapter focuses on the contexts within which interpersonal violence could arise. Women in Exeter and Cheltenham resorted to violence for a number of reasons, their motives having varied significantly depending on their relationship to the person with whom they encountered conflict (although some women appear to

⁶¹ Only six female victims were in semi-skilled employment positions: four were teachers and two were workhouse officials.

⁶² Frost, 'He could not hold his passions', 2.

have had no motive at all).⁶³ As such, this discussion on the causes of female violence focuses on four distinct contexts of assault in turn: acts perpetrated against romantic partners; violence against children; conflict with neighbours; and violence directed towards authority figures.

i) *Husbands and partners*

The majority of women's assaults against their partners – whether they were married, co-habiting or courting – originated from a response to abuse.⁶⁴ Such cases typically occurred when women defended themselves: as Chinn notes, many nineteenth- and twentieth-century working-class women were not 'passively receiving' violence from their husbands but instead 'learned to retaliate...[and] sometimes fought back'.⁶⁵ Women in Exeter and Cheltenham were no exception, at times having physically retaliated to domestic abuse. One woman threw a stone at her husband in defence after he came home and 'took hold of [her] by the side of the head and began punching [her]...threw the chair at [her]... threw a brickbat at [her], struck [her] in the back and then kicked [her] down'.⁶⁶ Another woman, whose husband had frequently 'treated [her] in a cruel and shameful manner', said that she became 'excited' and broke an umbrella over his nose when he returned home from an alehouse, rushed at her and 'said he would cut her throat for two-penny worth of gin'.⁶⁷

Exeter and Cheltenham women responded not only to physical but also emotional abuse, especially those who had been abandoned or neglected by their partners. Several women assaulted men who had broken promises to marry them: Jessie Taylor

⁶³ For example, in some cases there appears to have been no provocation or prior conflict between the parties involved: when Elizabeth Hooper was assaulted in 1891, she told the magistrates that she 'had not spoken to the defendant for 5 months and didn't know what the reason was' (*Western Times*, 24 June 1891, 3). In addition, some assaults were alleged to be accidents: one woman threw a bucket of water over a neighbour's child but stated that she 'did not see the child and was merely throwing water in the gutter' (*Cheltenham Chronicle*, 27 April 1888, 3).

⁶⁴ Excluding cases in which the causes of conflict were unknown, 71.4% of women's assaults against husbands or partners were alleged to have been responses to either physical or emotional abuse.

⁶⁵ Chinn, *They worked all their lives*, 156-60. For further discussion on working-class wives and responses to domestic abuse, see: Tomes, 'A "Torrent of Abuse"', 333; E. Ross, *Love and Toil: Motherhood in Outcast London, 1870-1918* (Oxford, 1993), 85-6; and Ross, 'Survival Networks', 9.

⁶⁶ Gloucester, Gloucestershire Archives (hereafter cited as GA), Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/40, 24 August 1893.

⁶⁷ *Cheltenham Chronicle*, 28 September 1880, 4.

of Exeter claimed that she assaulted a former partner since he 'did not support her, molested her at home [and] had promised to marry her but had not done so'; another woman assaulted her ex-partner because he had 'promised to marry her [but] had since revoked the promise'.⁶⁸ Other women sought revenge on men who had abandoned them during pregnancy, as when a Cheltenham woman assaulted a former partner that had 'gotten her into trouble' but subsequently 'wouldn't recognise her'.⁶⁹

Violence could also occur during disagreements over financial arrangements. Amongst separated couples, child support was a recurring issue: many married and single women assaulted their estranged husbands or ex-partners when facing difficulty in obtaining money to feed their children. Elizabeth Derrett followed her child's father home one evening and gave him several blows over the head, stating in her defence that he had suggested a figure for child support which she 'did not consider his offer adequate to what she had lost and suffered'.⁷⁰ Another woman assaulted her estranged husband due to his failure to meet maintenance payments and stated in court that he had promised to send 8/- per week for child support but had 'given her nothing' and spent his money smoking cigars whilst she was 'forced to fast'. The magistrates ultimately took her side and dismissed the case, further expressing their view that 'giving only 8/- per week to maintain her and three children was a very unfair division of his wages'.⁷¹

Couples living with one another also had disputes over the allocation of financial resources.⁷² Alcohol featured as a prominent issue during these conflicts, many women having had rows with their partners when they felt that they were misallocating their money on drinking habits. An altercation between a married couple in an alehouse, for example, culminated in the wife throwing a beer glass at her husband's head when she found him drunk. In her defence, she explained to the magistrates that the prior week had been 'the first time her husband had been in full work for three

⁶⁸ Exeter, Devon Heritage Centre (hereafter cited as DHC), Exeter City Magistrates' Court Register, F1/32, 31 January 1908; *Gloucester Citizen*, 4 February 1884, 4.

⁶⁹ *Cheltenham Chronicle*, 14 July 1900, 4.

⁷⁰ *Cheltenham Mercury*, 18 October 1884, 3.

⁷¹ *Exeter and Plymouth Gazette*, 20 August 1889, 6.

⁷² Tomes has also noted that quarrels over money were prominent amongst couples ("Torrent of abuse", 331-2).

months' but that he had 'immediately spent the money in drink' and had given nothing for herself or the children.⁷³

Drunken behaviour amongst women was also a catalyst for violent conflict amongst couples.⁷⁴ Rows of this nature usually occurred when women returned home intoxicated or were found drunk in the street, after which their partners had attempted to reproach them for their behaviour but were ultimately confronted by violence. Annie Edith Cann smashed crockery in her husband's face and cut him with a razor after he remonstrated with her for returning home drunk, her husband having warned her that it would be 'far better for her to stay home and mind the children [than] going out and spending her money with other women'.⁷⁵ In other cases, male victims stated that long-term histories of alcohol abuse amongst their partners had culminated in relationship difficulties and violent behaviour: after being assaulted by his wife with a hatchet, one male victim testified that he was 'obliged to stay outside until she was asleep' since she frequently 'pawned all the things for drink [and] would drink a lot and then become very violent'.⁷⁶

Disputes over the fulfilment of expected marital duties also resulted in arguments between couples. For the most part, as Tomes has noted, acts of violence which arose over issues such as food preparation were most often perpetrated by males.⁷⁷ Yet women, too, engaged in these altercations at times. When a husband returned home to find no dinner waiting for him, his wife responded to his complaints by stating that she would 'give [him] dinner' before throwing a shoe at his head.⁷⁸ In another household, a woman defended herself with a pair of tongs when her husband stated that he was 'dissatisfied by the meal provided by her' and thereafter 'punched her, [threw] a brickbat at her head [and] knocked her down'.⁷⁹

Finally, feelings of jealousy and/or allegations of adultery were sometimes motivators in female acts of violence against partners. Some women assaulted men whom they believed to be having other intimate relationships, whereby violence was used as a

⁷³ *Western Times*, 5 March 1880, 2.

⁷⁴ For further discussion on assaults by intoxicated women against their husbands, see Morrison, 'Ordering disorderly women', 189.

⁷⁵ *Western Times*, 25 October 1909, 2.

⁷⁶ *Cheltenham Mercury*, 25 December 1886, 3.

⁷⁷ Tomes, 'Torrent of abuse', 331.

⁷⁸ *Western Times*, 17 September 1889, 3.

⁷⁹ *Cheltenham Chronicle*, 26 August 1893, 5.

means to express revenge or issue a warning. One 'exasperated' wife assaulted her husband when she found him in a pub drinking with a woman he had been with prior to their marriage: having gone to see him since she had 'no money or food', she allegedly fell into a 'fit of jealousy' at the sight of him with his paramour and fought them both.⁸⁰ Another woman pushed and punched her husband when he threatened to leave her for another woman, ultimately leading the magistrates to condemn his behaviour by stating that it was 'no way for a married man to act'.⁸¹

ii) Children

Although many nineteenth-century observers believed that parents had the right to chastise their children, acts which overstepped the boundaries of 'acceptable' violence were sometimes brought before the courts.⁸² Indeed, the majority of female-perpetrated child assault cases brought before Cheltenham and Exeter magistrates had been motivated by women's efforts to use violence as a disciplinary or punitive measure for misconduct. In most instances, chastisement was issued when children had disobeyed instructions. When claiming that her son was 'always turning away from home' and that his refusal to go to school had resulted in her being fined, a Cheltenham mother explained to the Bench that she had punished him since she had 'no control over him'.⁸³ Another woman, prosecuted for kicking her ten-year-old daughter in 1898, stated in her defence that her girl had been 'naughty' and was therefore 'corrected as the other children were'.⁸⁴ Children were also chastised for being dirty or untidy, as was the case when a boy living with his aunt and uncle was beaten because his 'dirty habits' had caused him to 'los[e] a situation'.⁸⁵

Women chastised not only their own children but also those outside of their domestic circle, particularly children living within their neighbourhoods. In nineteenth-century

⁸⁰ *Western Times*, 27 August 1889, 5.

⁸¹ *Trewman's Exeter Flying Post*, 4 April 1896, 8.

⁸² The boundaries of 'acceptable' violence were frequently considered by magistrates. For example, when Sarah McCormack was prosecuted for assaulting her daughter, the Bench stated that 'the chastising had been excessive' (*Trewman's Exeter Flying Post*, 15 October 1898, 4).

⁸³ *Cheltenham Chronicle*, 28 March 1896, 2.

⁸⁴ *Trewman's Exeter Flying Post*, 26 November 1898, 4.

⁸⁵ *Gloucester Citizen*, 10 June 1897, 4.

working-class communities, neighbours would often supervise over – and share responsibility for – one another’s children: mothers would talk on doorsteps whilst watching children play on the streets; neighbours fed each other’s children in times of need; and children were sometimes offered accommodation in neighbouring houses when parents were absent.⁸⁶ Yet, as Ellen Ross has noted, this shared sense of responsibility sometimes led women to believe that they had the right to administer chastisement on a neighbour’s child.⁸⁷ These instances usually occurred from territorial disturbances, as is demonstrated within a girl’s testimony to the magistrates: “I remember being in the garden...and was playing with a ball. It went over the wall. I asked [the defendant] for it back. She used disgusting language and threw manure at me [and] said she should punish me. She threw a shovel at me. I only asked civilly...[she] had kept six or seven of my balls before. She told me she would give it to the police”.⁸⁸ Children in the neighbourhood were also disciplined when they caused harm to one another. Women retaliated when injury had been inflicted on their child(ren), sometimes involving themselves in street quarrels or fights. When a mother saw her son being ‘pitched into [and] knocked down’ by a group of boys on the street, she intervened and boxed them over the ears.⁸⁹ Another woman assaulted a boy outside her house as he had ‘ill-used her little girl’ by throwing a snowball at her without provocation.⁹⁰

Furthermore, some children were assaulted on account of the neglectful – and often alcoholic – behaviour of their mothers. At least one quarter of the assaults by women on children at Exeter and Cheltenham were a result of women’s alleged inability to care for their children, neighbours and police officers having highlighted their preference for drinking, gambling, fighting or other leisure activities. When a woman was arrested for abusing her child whilst intoxicated in the street, a constable reminded the magistrates that this was not the first time she had been found ‘drunk and incapable’ of looking after child. Her husband further stressed to the Bench that she ‘had been a good wife’ in the past but had recently ‘given way to drink’.⁹¹ Another woman charged with drunkenly assaulting her child was castigated by a constable

⁸⁶ Davin, *Growing Up Poor*, 61.

⁸⁷ Ross, *Survival Networks*, 13.

⁸⁸ GA, Cheltenham Magistrates’ Court Minutes Book, PS/CH/M1/39, 13 August 1892.

⁸⁹ *Western Times*, 11 June 1888, 2.

⁹⁰ *Western Times*, 2 February 1888, 2.

⁹¹ *Cheltenham Chronicle*, 7 December 1895, 2.

when he stated to the magistrates that it was 'true that she liked beer' and that she 'spent [her] money on drinking instead of that of [her] child'.⁹²

iii) Neighbours

Given the living conditions experienced by working-class men and women during the late Victorian and Edwardian period, it is unsurprising that neighbours formed the largest category of victims in female acts of assault. Many people lived in overcrowded houses within tightly packed streets and courtyards, making privacy and personal space sparse. Resources were also limited, neighbours having often shared facilities such as water wells, washing lines and privies. These cramped living conditions were especially difficult for women, since the majority of their time – whether devoted to domestic duties or working – was spent in the household.⁹³ In this context, everyday interactions between women and their neighbours could lead to altercations and ultimately result in violence.⁹⁴

Territorial control was one of the main causes of conflict between women and their neighbours. As Carol Horler-Underwood notes in her study on eighteenth- and nineteenth-century Wales, women's violence often emerged out of 'a desire to guard houses and property owned by them or their family'.⁹⁵ In Cheltenham and Exeter, such incidents could occur when women felt that their territory had been invaded. One woman told the Bench that she had been sweeping dirt from her doorstep when the defendant, her next-door neighbour, said she 'should not sweep rubbish in front of her door' and punched her in the eye.⁹⁶ Another complainant stated that she had gone to her neighbour's house to find a friend but was told that she had 'no right to be in [t]here' and was kicked out of the entrance.⁹⁷ Neighbours also had rows over shared spaces such as water wells and wash-houses. These incidents often developed into two-way

⁹² *Gloucester Citizen*, 30 June 1902, 4.

⁹³ Davin, *Growing Up Poor*, 47.

⁹⁴ For more on neighbourhoods, overcrowding and interpersonal conflict, see: Woods, 'Community Violence', 176; Vincent, *Poor Citizens*, 13; Chinn, *Poverty*, 79-81; and Davin, *Growing Up Poor*, 47-8.

⁹⁵ Horler-Underwood, 'Aspects of Female Criminality', 115.

⁹⁶ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/43, 19 May 1898.

⁹⁷ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/37, 3 May 1890.

street altercations between women, as was the case when two neighbours had ‘a quarrel about the right of taking water from the tap’ and decided to fight.⁹⁸

Personal possessions and money also played a significant role in women’s disputes with neighbours. As historians have demonstrated, members of nineteenth-century working-class communities frequently shared resources as a means of getting by, yet lending or borrowing from one another could easily result in conflict.⁹⁹ Some neighbours became violent when refusing to return a belonging, whilst others responded with violence if they were unable to retrieve something owed to them. When a baker’s wife went to her neighbour’s house to collect money owed to her husband, the defendant responded by ‘push[ing] her to the ground, set[ting] a dog on her and hit[ting] her with a broom’.¹⁰⁰ Another woman was assaulted when she refused to give back her neighbour’s necklace.¹⁰¹

Disputes over the behaviour of children – and women’s abilities as mothers – were also rife. In tightly-packed communities where children normally played outside in the streets, there was always potential for children to cause a disturbance and trigger tensions between their parents and neighbours. At times, disputes developed into harsh criticisms and violent confrontations. A Cheltenham woman dealt her neighbour ‘three blows on the head’ after he ‘interfered’ in a play-fight between their children, whilst another assaulted a neighbour who had accused her daughter of stealing sweets.¹⁰² A mother in Exeter, meanwhile, assaulted her neighbour when she was accused of being a neglectful mother who ‘starved her children’.¹⁰³

Women frequently defended their family members from neighbours, especially those with whom they lived. Violence could be resorted to when mothers saw their children being abused, as was the case when a woman assaulted a neighbour who ‘hit [her] girl and smashed her in the face’.¹⁰⁴ Another defendant stated that she had punched her neighbour after he ‘beat up and boxed [her] son’s ears...and said he would kill the

⁹⁸ *Exeter and Plymouth Gazette*, 6 October 1894, 3.

⁹⁹ Ross, *Survival Networks*, 6. For more on working-class communities and resources, see T. Griffiths, *The Lancashire Working Classes, c.1880-1930* (Oxford, 2001).

¹⁰⁰ *Cheltenham Examiner*, 22 February 1882, 3.

¹⁰¹ *Western Times*, 11 May 1880, 3.

¹⁰² GA, Cheltenham Magistrates’ Court Minutes Book, PS/CH/M1/38, 8 August 1891; *Cheltenham Chronicle*, 18 August 1900, 4.

¹⁰³ *Exeter and Plymouth Gazette*, 11 August 1886, 4.

¹⁰⁴ *Trewman’s Exeter Flying Post*, 8 July 1899, 4.

little wretch'.¹⁰⁵ Women also defended their husbands from slander and stood in for them during fights: Eliza Payne assaulted a neighbour who was 'always calling her husband names...insulting him...[and was] the ringleader of a gang of bad boys who annoyed her husband in every way'; another woman intervened in a fight between her husband and their neighbour by giving him a blow and 'scold[ing] him for knocking her husband down'.¹⁰⁶

A final issue which featured in these cases was reputation. Historians have often discussed the ways in which male violence emerged from the desire to defend their honour or reputation, yet, as Drew Gray has stated, this motive was not confined to men: women were 'as protective as their good name as were men [and] fought for their reputations'.¹⁰⁷ Several Exeter and Cheltenham women became violent towards neighbours and engaged in fights after being insulted or hearing rumours about themselves. After being slandered on her street, Sarah Jane Rowe approached her neighbour and asked her 'who she alluded to about her sexual misconduct' before they engaged in a fight.¹⁰⁸ Another fight occurred when a woman was called a 'tart mouth' by her neighbour and hit her until she caused blood to 'flow freely' from the complainant's nose.¹⁰⁹ Women thus assaulted neighbours not only to defend their property and family but also to preserve their own reputation and respectability within their community.

iv) *Authority figures*

For the nineteenth- and twentieth-century law enforcement officer, violent conflict with members of the public was 'part of the parcel' of the role.¹¹⁰ Bailiffs, government officials and police officers alike could face hostility from members of a community when attempting to monitor the streets. As a result, they sometimes endured physical

¹⁰⁵ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/40, 28 December 1893.

¹⁰⁶ *Gloucester Citizen*, 15 July 1890, 4; *Cheltenham Chronicle*, 15 August 1889, 2.

¹⁰⁷ Gray, 'Summary proceedings', 166.

¹⁰⁸ *Western Times*, 25 July 1907, 33.

¹⁰⁹ *Exeter and Plymouth Gazette*, 19 April 1884, 3.

¹¹⁰ Felstead, 'Interpersonal violence', 87.

attacks not only from individuals but also from neighbourhood factions.¹¹¹ These situations were more likely to arise amongst male citizens, yet it was not unheard of for women to stand their ground and have their fair share of altercations with authority figures.

Women at Cheltenham and Exeter most often assaulted officers when attempting to resist arrest.¹¹² When Melinda Lang was arrested for being drunk and using obscene language, she 'struck' the officer several times and 'pulled his whiskers very violently'.¹¹³ Another woman became 'obstreperous' after being arrested for drunken conduct and kicked an officer in the leg.¹¹⁴ Women also assaulted officers when attempting to rescue their husbands from arrest, as was the case when Selina Peek made 'several attempts to rescue [her] husband' from a policeman's custody before ultimately hitting the constable to the ground.¹¹⁵ Such acts were likely prompted by a motive to maintain family stability: as Poore has noted, women often fought against the arrest of their husbands as a defence against 'the economic and social threat of having the male head of the household taken away and imprisoned'.¹¹⁶

Assaults on officers could also occur when women defended their territory. As David Woods has suggested, violent responses to authority figures were sometimes 'the only way of fighting back against persistent monitoring and control of the streets'.¹¹⁷ Several Cheltenham and Exeter women fought officers away from their property in order to assert control over a space. When a woman had her items repossessed by a bailiff in 1894, her resistance led to an officer being called to the house. A 'struggle' ensued between the defendant and the officer, during which time she allegedly pushed him several times and told him that he had 'no right to be there'. Ultimately, the officer forced his way into her bedroom to make an inspection, but the magistrates dismissed the case against her since they agreed with the defendant that he had 'had no right

¹¹¹ For more on anti-police violence, see C. Emsley, *Policing and its Context, 1750-1870* (London, 1983) and Storch, 'Plague of the Blue Locusts'.

¹¹² Of the cases in which motives for violence were evident, 70.6% of assaults on peace officers were committed when women attempted to free either themselves or someone else from arrest. For more discussion on this, see: Weinberger, 'Law Breakers', 237; Woods, 'Community Violence', 181; and Gray, 'Summary Proceedings', 167-8.

¹¹³ *Exeter and Plymouth Gazette*, 13 May 1881, 3.

¹¹⁴ *Exeter and Plymouth Gazette*, 28 May 1885, 3.

¹¹⁵ *Western Times*, 4 April 1895, 4.

¹¹⁶ Poore, 'Violence, Authority, Communities and Cultures', 55.

¹¹⁷ Woods, 'Community Violence', 184.

no go upstairs [or] to arrest the prisoner under the circumstances'.¹¹⁸ Other women used violence to assert their place in the streets when officers requested them to leave: one woman, for example, was requested to 'move on' by a police officer due to her disorderly behaviour but instead 'resisted a great deal, shouted at the top of her voice...[and] bit his hand and hit him several times'.¹¹⁹ Both the home and the street thus featured as sites for violent confrontations between women and officers during conflicts over territorial control.

Although police officers were the principal target amongst authority figures, bailiffs were also attacked by women who were defending themselves, their families, or their friends. A Cheltenham bailiff and his assistant were refused entry into a woman's house when sent to retrieve her possessions and were subsequently assaulted: after entering the property through her window, the bailiffs confronted the defendant and were struck over the head by an umbrella. The defendant subsequently became 'very violent' and threatened them with a razor.¹²⁰ In another case, a woman and two male neighbours attempted to retrieve their friend's seized goods from a bailiff. According to the complainant, the group chased his cart through the streets until they caught up, struck him in the back 'in such a manner as to make him release his hold of the horse' and drove away with the goods.¹²¹

Ultimately, many contexts within which female violence arose were rooted in women's domestic – both familial and neighbourhood – concerns. Assaults on children largely centred around their position as mothers and carers; assaults on romantic partners focused on mistreatment and resources; assaults on neighbours were triggered by disputes over territory and family; and assaults on peace officers often resulted from women's attempts to defend themselves, their families, their properties or their neighbourhood spaces. As Poore has noted in her study of early modern Kent: women typically committed assaults for three key reasons: 'fights for survival, family protection and neighbour disputes involving retribution or reputation'.¹²²

¹¹⁸ *Cheltenham Chronicle*, 8 September 1894, 3.

¹¹⁹ *Devon Evening Express*, 17 August 1885, 3.

¹²⁰ *Gloucester Citizen*, 27 May 1885, 4.

¹²¹ *Gloucester Citizen*, 6 September 1892, 4.

¹²² Poore, 'Violence, Authority, Cultures and Communities', 55.

3.5 Locating assault

Settings play an important role in the construction of violence, since they represent not only the physical space where altercations arose but also the imaginative elements where violence is associated with certain sites.¹²³ Private and public spaces, for instance, are often imagined as separate entities with distinct forms of violence: familial violence is often conceived within the former setting, whilst acts of pugilism are attributed to the latter. In practice, however, the boundaries between these spaces – and the violence performed within them – were permeable. These spaces therefore inform historians about the places in which people experienced both real and imagined danger. As such, this section of the chapter examines the settings in which women encountered violent conflict. It first identifies the five main ‘hotspots’ of female violence in Cheltenham and Exeter before locating the specific sites within which acts occurred.¹²⁴ Finally, in order to explore the relationship between violence, work and leisure, the chapter examines the seasons and times during which female assaults occurred.

i) Five ‘hotspots’ of female violence in Cheltenham

Amongst the cases prosecuted at Cheltenham magistrates’ courts, the most common origin of women’s assaults was that of Rutland Street.¹²⁵ Located close to the High Street, this was one of the poorest areas of the town: a street filled by overcrowded lodging-houses or slums, its residents were typically young and either unemployed or undertaking low-wage occupations.¹²⁶ Observers were particularly concerned by living

¹²³ J. Carter Wood, ‘Locating violence: The Spatial Production and Construction of Physical Aggression’ in K. Watson (ed.), *Assaulting the Past: Violence and Civilization in Historical Context* (Newcastle, 2007), 20-37.

¹²⁴ ‘Hotspots’ were determined by frequency analysis. This indicated the most common streets in which female violence occurred. It must be noted, however, that these areas may have been more heavily monitored by the police, making acts of violence which occurred within them more likely to reach magistrates’ courts.

¹²⁵ Excluding the 245 Cheltenham cases in which locations were not reported, 10.7% of women’s assaults occurred on Rutland Street.

¹²⁶ Jones has noted that Rutland Street was ‘a representative of those districts whose inhabitants provided the services which were needed to support the town’s affluent households’. As such, the

conditions on Rutland Street: noting that ‘no house in the street would do without considerable alterations’, one observer wrote in the *Cheltenham Examiner* that ‘anyone who considers what life is like in such a neighbourhood...must see that to make life a little less bleak, a little less aimless, not to say a little less godless, it is an act that is worth some sacrifice and self-denial’.¹²⁷ Considerable attention was also given to the neighbourhood as a centre for violence, with police officers, magistrates and reporters alike expressing their concerns with the behaviour of its residents. Newspaper reports, for example, highlighted the area as a site of conflict. Headlines such as ‘ANOTHER RUTLAND STREET EPISODE’, ‘ANOTHER RUTLAND STREET SCRIMMAGE’ and ‘THE RUTLAND STREET WOMEN AGAIN’ were common in reports of women’s assaults on this street, whilst descriptions of the acts themselves underscore attitudes towards the conduct of the inhabitants: one case was described as ‘one of the usual Rutland Street rows [where] two women become involved in a row and resort to violence’; in another, a fight between two women was described as being ‘of the usual Rutland Street character’ whereby ‘the parties had been drinking heavily all day’.¹²⁸

Cheltenham’s High Street followed closely after Rutland Street as a setting for female violence.¹²⁹ The high number of incidents which occurred on this street was undoubtedly prompted by two factors. Firstly, it was a major thoroughfare which connected many parts of the town; numerous assaults occurred as women were walking to and from different areas through the High Street. Secondly, the area was a centre for public leisure sites such as alehouses, shops and markets, from which disputes sometimes spilled out on the street and resulted in violence. Two women, for instance, were asked to leave a public-house on account of having a quarrel, whereupon one chased the other down the High Street before tearing off her locket and pulling her hair.¹³⁰ Another woman kicked and bit at a police officer in the street when he removed her from a public house and tried to arrest her.¹³¹

street was predominantly made up of lodging-houses and was inhabited by labourers, shoemakers, tailors, charwoman, laundresses and needle-workers (*Cheltenham*, 279).

¹²⁷ *Cheltenham Examiner*, 27 October 1880, 8.

¹²⁸ *Gloucestershire Echo*, 1 July 1886, 4; *Cheltenham Chronicle*, 3 January 1882, 3.

¹²⁹ Of the cases in which locations were revealed, 8.5% of female assaults in Cheltenham had occurred on the High Street.

¹³⁰ *Gloucester Citizen*, 11 August 1892, 4.

¹³¹ *Gloucester Citizen*, 5 December 1881, 4.

The three remaining ‘hotspots’ of women’s assaults in Cheltenham – Grove Street, New Street and Nailsworth Terrace – were situated off of the High Street.¹³² Like Rutland Street, these neighbourhoods were working-class areas within which living conditions appear to have been poor. Grove Street was particularly rife with poverty and overcrowding: most inhabitants lived in shared, cramped accommodation and were undertaking temporary, low-wage employment as unskilled labourers, chimneysweeps, washerwomen and street hawkers.¹³³ The street also received censure within reports of female violence. Newspaper headlines again stressed the regularity of disorder on the street, many reports on women’s assaults having been labelled as ‘GROVE STREET AGAIN’, ‘GROVE STREET ONCE MORE’ or ‘ANOTHER GROVE STREET QUARREL’. Observers also highlighted the violent nature of this neighbourhood within their court testimonies. During a prosecution in 1906, one witness testified to the magistrates that Grove Street had been ‘hell on Earth’ due to the fighting which had taken place between their neighbours.¹³⁴ In another case, a police superintendent stated that there had been ‘continual disturbance in that neighbourhood’ and that he was ‘continually sending policemen there’.¹³⁵

ii) *Five ‘hotspots’ of female violence in Exeter*

As with Cheltenham, many female assaults which occurred in Exeter took place near the city’s centre.¹³⁶ Although the High Street was not amongst the city’s top five ‘hotspots’ of female violence, many assaults occurred in areas which connected or ran parallel to this major thoroughfare. These areas were located in the ‘West Quarter’, a district located at the west end of the High Street. During the nineteenth century, this

¹³² Excluding the 245 Cheltenham cases in which locations were not reported, 5.5%, 3.4% and 3.2% of women’s assaults occurred on Grove Street, New Street and Nailsworth Terrace respectively.

¹³³ The 1881 census return for Cheltenham indicates that most men living in Grove Street were working as unskilled labourers and chimneysweeps whilst female residents typically worked as washerwomen or charwomen. See *Census returns for Cheltenham, Gloucestershire* (1881). Available at: <http://www.ancestry.co.uk> (Accessed: 11 December 2019). Meanwhile, *Gloucestershire Echo* reported that Grove Street was a particularly ‘cramped’ neighbourhood consisting of lodging-houses and poor living conditions (26 December 1908, 3).

¹³⁴ *Gloucester Citizen*, 15 November 1906, 5.

¹³⁵ *Gloucestershire Echo*, 2 September 1897, 4.

¹³⁶ Turner’s research on prosecutions in Staffordshire similarly indicates that most female acts occurred on back streets or alleyways away from main thoroughfares (‘Offending women’, 129).

district was an overcrowded part of the city inhabited by some of the town's working-class populace. A contemporary described the living conditions of the area thus:

The West Quarter contains rooms ill-lighted, suffocating [and] damp...Old men crouch in corners, women callously vulgar bustle about while their half-clad children sprawl on the floor and though the winter's sun may struggle to penetrate on the recesses of their wretched dwellings, there is no warmth or cheerfulness in them... The beds in at least a dozen different places were the most frightful things that can be imagined...As to the rooms, the dirt in some instances could be literally scraped from the floor, while their air was sometimes so foul as to make it impossible to remain inside...For instance on Victoria Court it appears that there were six houses in the court, occupied by seventeen families, a total of thirty-one persons. These houses were very small, and thus cramped. They are not rain-tight, nor are they fit for human beings to live in.¹³⁷

The West Quarter also had numerous public houses, which not only gave it a reputation as an area of drunken and disorderly conduct but also resulted in frequent surveillance by the police.¹³⁸ A combination of poor living conditions, disorderliness and police interaction thus made the area a breeding ground for violent conflict.

In particular, four streets in the West Quarter were common sites for violence. These roads – Preston Street, Coombe Street, West Street and Smythen Street – had the highest concentration of female-perpetrated assaults in Exeter and were known as particularly 'rough' areas.¹³⁹ A report in *Western Times* stated that Coombe Street, for example, had 'become very notorious' as it appeared that 'scarcely a day passed but that the magistrates had to hear a case from that street'.¹⁴⁰ Indeed, the frequency of violence, drink and disorder in these streets was frequently alluded to within reports of female acts of assault, with magistrates and newspaper reporters often highlighting the need for a greater level of control over the neighbourhoods: a drunken female fight in West Street, for example, led the magistrates to 'hope [that] the attention of the police would be directed to the public-house where it had originated'.¹⁴¹ Similarly,

¹³⁷ *Exeter and Plymouth Gazette*, 5 December 1883, 3.

¹³⁸ *Exeter and Plymouth Gazette*, 5 December 1883, 3.

¹³⁹ Of the cases in which the locations of Exeter assaults were revealed, 10.7% occurred in Coombe Street, 7.1% in Preston Street, 6.5% in West Street and 4.8% in Smythen Street.

¹⁴⁰ *Western Times*, 31 May 1887, 3.

¹⁴¹ *Exeter and Plymouth Gazette*, 30 January 1880, 3.

another public-house assault case between two women led the Bench to request that this would be 'the last case that came from Coombe Street'.¹⁴²

Although many assaults amongst Exeter women originated in the West Quarter, a sizeable portion of cases occurred at the other end of the High Street in the district of St. Sidwell's.¹⁴³ In this area, Sidwell Street appears to have been particularly rife with violence. Like the West Quarter, this street was home to many working-class residents and was filled with terraced apartments, courtyards and alehouses. Newspaper reports on assaults which occurred in this street often trivialised acts as petty rows between women, perhaps suggesting their run-of-the-mill nature. One case, for instance, was headlined as a 'NEIGHBOUR'S SQUABBLE AT ST. SIDWELL'S', and described it as 'an ordinary case of a bit of fighting on either side'.¹⁴⁴ Another incident was described as a 'trivial affair' during which two neighbours cross-summoned each other after having 'a petty row about their children'.¹⁴⁵

iii) *Common sites of violence*

Having provided an outline of the main hotspots where female violence originated, the next line of enquiry is the types of sites at which acts occurred. Studies of violence in other English regions have revealed differences between settings of male and female acts of assault, in particular demonstrating a gendered divide between violence in public and private spaces. In a study of assaults in London in the years 1750-1800, Gray stated that men 'often became embroiled in fights at ale-houses' whilst women 'attacked each other in circumstances and spaces which fitted with their gendered role in society'.¹⁴⁶ Poore's study of violence in early modern Kent similarly indicated that, unlike their male counterparts, women 'tended to keep their violence within the

¹⁴² *Exeter and Plymouth Gazette*, 4 August 1883, 3.

¹⁴³ 6.8% of Exeter-based assaults occurred within St. Sidwell's, making it the third most common area for reported acts of non-lethal violence by women.

¹⁴⁴ *Trewman's Exeter Flying Post*, 15 July 1893, 6.

¹⁴⁵ *Western Times*, 16 April 1896, 3.

¹⁴⁶ Gray, 'Summary Proceedings', 164.

environment they knew best, the home'.¹⁴⁷ The following discussion therefore offers an examination of the common settings for female violence in Exeter and Cheltenham.

Evidence from court records and newspapers indicates that many female assaults in Cheltenham and Exeter occurred within the 'private' sphere of the household. Of the cases in which the locations of offences were revealed, 43.3% of women's assaults had occurred on the properties of either the defendants and/or their victims (Table 3.4). Many women assaulted family members and neighbours in kitchens or at front doors, the latter of which was a common place for neighbours to talk whilst watching over their children's conduct on the street.¹⁴⁸ One woman told the Bench that she had been 'standing at [her] door watching the children' when a neighbour came to her doorstep, began 'calling [her] foul names' and 'ran towards [her] and struck [her] in the face'.¹⁴⁹ Another woman was making dinner when a co-lodger 'came into the room, hit her several times in the face without provocation and threatened to do for her'.¹⁵⁰ Shared, private spaces between properties also featured in these cases: yards and lanes between houses as well as shared gardens or washhouses became sites for territorial disputes and violent conflict between neighbours. Two next-door neighbours, for example, had a disagreement over the closing of a gate during which they had 'a regular row...[whilst] standing in their gardens at the rails between them'.¹⁵¹

Residential spaces also provided the setting for women's acts of violence against authority figures, landlords/landladies and local traders. One woman assaulted a trader at her doorstep when she complained about the quality of some cloth and was refused a refund.¹⁵² Another trader was assaulted when he attempted to retrieve payment for some shoes, the defendant having 'declined to pay unless he asked civilly' before 'threatening to kill [him] and claw[ing] him in the face'.¹⁵³ A landlady, meanwhile, was assaulted at her tenant's property when she threatened to evict her.¹⁵⁴

¹⁴⁷ Poore, 'Violence, Authority, Cultures and Communities', 56.

¹⁴⁸ As Ellen Ross has noted in her study of late Victorian and Edwardian London, doorways were 'a convenient place for neighbours to meet and chat' (*Love and Toil*, 18).

¹⁴⁹ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/36, 29 August 1887.

¹⁵⁰ *Devon Evening Express*, 22 August 1890, 3.

¹⁵¹ *Cheltenham Chronicle*, 18 June 1887, 2.

¹⁵² *Gloucester Citizen*, 7 March 1881, 3.

¹⁵³ *Gloucester Citizen*, 23 June 1881, 4.

¹⁵⁴ *Cheltenham Chronicle*, 18 August 1906, 3.

TABLE 3.4 LOCATIONS OF FEMALE ACTS OF ASSAULT

	% of cases at Cheltenham	% of cases at Exeter	% of cases at both courts
Property of defendant/victim	46.0	39.8	43.3
Defendant's street	30.6	27.2	29.1
Other street	8.2	9.8	8.9
Public-house	7.8	16.2	11.5
Outdoor public space	2.8	1.4	2.2
Shop	2.3	2.8	2.5
Government property	0.9	2.0	1.4
Other private property	0.9	0.6	0.8
Other	0.3	0.2	0.3

Note: this table excludes the 364 cases (out of 1,507) in which the locations of assaults were unknown.

The second most common site for female acts of assault was the street on which a defendant lived. Alongside those committed on private property, these assaults stress the domestic nature of female violence since they indicate that women's assaults were often confined to their immediate vicinity and were triggered by residential concerns. Many of these incidents emerged from altercations between couples or neighbours which had started indoors but had eventually spilled out onto the street. Two women had been quarrelling in a neighbour's house when one 'dragged [the other] from the house, pulled her into the street and threatened to have her b—out'; another woman rushed into a neighbour's house and 'dragged her through the door to the street' before hitting her in front of a crowd.¹⁵⁵ Violence also sometimes occurred on streets when women called out to neighbours and challenged them to fight, as was the case when a woman 'came to her window undressed', threatened to 'settle' her neighbour and went out onto the street to fight her.¹⁵⁶

Only a minority of the assaults occurred outside of women's local vicinities. Rarely did women's assaults take place on streets outside of their neighbourhoods; fewer still

¹⁵⁵ *Cheltenham Mercury*, 30 July 1887, 3; *Western Times*, 20 September 1881, 5.

¹⁵⁶ *Cheltenham Chronicle*, 7 March 1896, 8.

were perpetrated in outdoor public spaces such as parks and fields. In addition, only a small proportion of the cases occurred on the premises of public leisure sites: some had arisen in shops or markets, most of which were committed against shopkeepers or traders during disputes over prices. One woman was 'put out' by a shopkeeper after claiming that the prices were too high and subsequently assaulted her, whilst another hit a second-hand clothes dealer in her shop over an allegedly unfair deal made with her husband.¹⁵⁷ There were also some rare occasions within which women assaulted victims in theatres or dancehalls, all of which gained high press visibility due to their unusual nature.¹⁵⁸

When female assaults occurred in public leisure spaces, they typically happened on the premises of a public-house. Yet such cases were still uncommon, this location having featured in only 11.5% of the cases within this study where specific locations were revealed. Given that the public-house was a largely 'male domain' in the Victorian period, the low rate at which female assaults were perpetrated in these spaces is unsurprising.¹⁵⁹ Indeed, the maleness of this environment is more telling when one considers the contexts of women's public-house assaults in Cheltenham and Exeter: although women occasionally had disputes with one another when intoxicated, most of female public-house quarrels arose when women went to find their husbands and had a row with either their spouse or a member of staff. Mary Lyne, for example, assaulted a pub landlady after she had gone to find her husband and had been requested to leave. In her defence, she stated that: 'it was all through my husband...he would put me here every week if he could have his way...he always comes home drunk and treats me shamefully'.¹⁶⁰ Another woman stated that she had assaulted her husband in a pub since he 'was in the public house from Monday to Saturday night' and 'left her with nothing'.¹⁶¹ Rather than examples of 'public' acts of violence, then, women's assaults in public-houses serve as a further indicator of the ways in which female interpersonal aggression was rooted in women's domestic concerns.

¹⁵⁷ Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/37, 3 April 1890; *Gloucester Citizen*, 25 September 1902, 4.

¹⁵⁸ For example, when Henrietta Thomas and Jean West had a fight in a theatre over a man, press reportage on their case spanned several columns (*Gloucester Citizen*, 9 October 1893, 4).

¹⁵⁹ For further discussion on the male dominance of nineteenth-century public-house culture, see J. Kneale, 'A Problem of Supervision: Moral Geographies of the Nineteenth-Century British Public House', *Journal of Historical Geography*, 25:3 (1999), 333-348.

¹⁶⁰ *Western Times*, 16 July 1907, 6.

¹⁶¹ *Cheltenham Chronicle*, 13 March 1883, 3.

iv) *The timing of assaults*

As with settings of female violence, the timing of women’s assaults reflects their domestic, social and working interactions. Although there was little difference in the prevalence of assaults across weekdays and weekends, there were a number of patterns in the timings during which women engaged in violent conflict.¹⁶² In the first place, female assaults typically occurred during seasons which allowed more sociability; the majority of acts were committed during summer, spring and autumn (see Table 3.5). Since these seasons had the longest hours of daylight, it is likely that they provided more leisure time and thus more scope for interactions on the streets, in public-houses and in the home. This increased sociability may therefore have created more opportunities for disputes and violent conflict.

TABLE 3.5 SEASONAL TIMINGS OF FEMALE ASSAULT CASES

	% of cases at Cheltenham	% of cases at Exeter	% of cases at both courts
Summer	35.5	39.1	37.1
Autumn	26.5	24.0	25.4
Spring	21.9	24.4	23.0
Winter	16.0	12.5	14.4

Note: this table excludes the 225 cases (out of 1,507) wherein the timings of assaults were unknown.

Considerably less assaults occurred during the winter. Limited daylight, cold weather and seasonal downturns in employment are likely to have reduced social activities and thus lowered opportunities for violence. Yet violence could still spike during winter public holidays, largely due to many people having time off from work. Christmas Eve and Christmas Day saw several assaults between neighbours and family members. On Christmas Day, 1882, no fewer than eight assaults by women occurred on Rutland

¹⁶² This contrasts with Abraham’s study on Northampton and Nottingham, within which she demonstrates that assaults by both men and women were more likely to occur during the weekend (‘Summary Courts’, 198).

Street alone: headlining these incidents as 'RUTLAND STREET CHRISTMAS FESTIVITIES', a newspaper described them as assaults of 'a usual Rutland Street character' during which 'Christmas festivities were kept up by the variety of a little free fight'.¹⁶³ Several assaults also occurred on Guy Fawkes' night, usually due to overcrowding in the streets: a woman and her friend, for example, assaulted a man who had allegedly 'pushed into them' in a crowd during a procession.¹⁶⁴

There were also discrepancies between the times at which women's acts of assaults took place. Few cases occurred during the morning hours, although women occasionally had fights with their neighbours during morning chores: one witness, for example, gave 'a graphic description [of a] morning challenge to fight at 7am' when two of her neighbours had a dispute in a washhouse.¹⁶⁵ Indeed, fewer assaults appear to have occurred during daytime hours than in the evening.¹⁶⁶ Like seasonal trends, this is likely to have been caused by the timing of leisure activities, since it was typically during the evening hours that adults returned from work and children returned from school. Assaults sometimes occurred late at night when people returned from pubs, as was the case when Amelia Martin and her husband assaulted a police officer at two in the morning when he cautioned them for being drunk and disorderly.¹⁶⁷

Time and place play a key role in exploring female assaults by highlighting the limited range in women's acts of violence. Most acts were committed during times of leisure, most likely as a result of the increased number of people within women's neighbourhoods after working hours. Acts were also clustered in particular 'hotspots', all of which were poor, working-class districts located near main thoroughfares within which residents experienced inadequate living conditions. The specific sites within which acts occurred further indicates the narrow scope of female violence, since an overwhelming proportion of women's assaults occurred in their own households, in shared spaces with neighbours or on their neighbourhood streets. This is unsurprising given that most of the working women in this study were undertaking employment within their homes, since it was within the neighbourhood that women would have

¹⁶³ *Cheltenham Chronicle*, 3 January 1882, 3.

¹⁶⁴ *Western Times*, 12 November 1889, 8.

¹⁶⁵ *Gloucestershire Echo*, 18 June 1908, 4.

¹⁶⁶ Excluding the 702 cases (out of a total 1,507) in which the timing of assaults was not stated, 32.5% of acts were committed in the daytime compared to 63.7% in the evening. The remaining 3.7% of assaults occurred across both daytime and evening, usually over several hours.

¹⁶⁷ *Exeter and Plymouth Gazette*, 19 September 1883, 3.

spent most of their time. As Barbara Weinberger has stated in her research on violence in nineteenth-century Birmingham, '[what] the pub was to men', the 'backyards and courts' were to women.¹⁶⁸

3.6 Women's *modi operandi*

Although many studies have examined the behaviour of violent women, the majority have focused on lethal acts of violence such as murder and infanticide. The final section of this chapter therefore discusses the nature of violent female behaviour by examining the methods used by women during acts of assault. In particular, it focuses on the ways in which women inflicted injury, on the involvement of accomplices and on the relationship between alcohol, pugilism and violence. How did women commit acts of assault, and did their methods vary depending on the victims whom they targeted? Were there any other forms of behaviour which were interlinked with female violence, such as alcoholism or wilful damage? Did women act alone, or did they engage in violence alongside others?

i) *Methods of assault*

Late Victorian and Edwardian depictions of female violence centred around stereotypical narratives of violent women as 'vixens' and 'cats' who scratched faces and pulled hair during fights with one another.¹⁶⁹ Yet, as Chinn has noted, these stereotypes were largely fictional: "the image of women fighting like cats, scratching and snarling at each other and pulling at each other's hair is an incorrect one...women of the urban poor fought as men did, with their fists, supplemented if necessary by their nails".¹⁷⁰ Indeed, neither Cheltenham nor Exeter women appear to have resorted

¹⁶⁸ Weinberger, 'Law Breakers', 207.

¹⁶⁹ For more on stereotypes of female violence, see Chapter 5.

¹⁷⁰ Chinn, *They worked all their lives*, 161. For a similar argument, see Spierenburg, 'How Violent Were Women?', 9.

to these forms of violence on a frequent basis; of the cases in which women's methods of violence were revealed, hair-pulling and scratching featured in only 5.1% and 3% of assaults respectively (see Table 3.6).

TABLE 3.6 METHODS OF VIOLENCE USED DURING FEMALE ASSAULTS

	% of cases at Cheltenham	% of cases at Exeter	% of cases at both courts
Physical blows	61.1	58.0	59.8
Household object	3.3	7.8	7.0
Hair-pulling	5.9	5.4	5.1
Garden implement	5.3	3.8	4.6
Clothing or shoes	4.2	3.4	3.9
Throwing water or drink	4.8	2.4	3.8
Abusive language	2.0	4.8	3.2
Scratching	3.2	2.8	3.0
Spitting	2.0	1.0	1.5
Biting	0.9	1.6	1.2
Cane/whip	0.5	1.6	0.9
Knife	0.5	0.8	0.6
Hammer	0.3	0.6	0.4
Mixed methods	1.2	3.4	2.1
Other	1.7	2.6	2.1

Note: this table excludes the 343 cases (out of 1,507) in which methods of assault were unknown.

In reality, women typically committed assaults in ways more similar to that of their male counterparts: by hitting, punching or kicking.¹⁷¹ The majority of female assaults in

¹⁷¹ Similarly, see S. Haider, 'Female petty crime in Dundee, 1865-1925: alcohol, prostitution and recidivism in a Scottish city', PhD thesis (University of St. Andrews, 2013), 61 and Bath, 'Violence and Violent Crime', 59.

Exeter and Cheltenham were perpetrated through physical force, 59.8% of the defendants having allegedly dealt blows to their victims during conflicts. Court testimonies offer descriptions of women beating victims: one complainant, for example, stated that a defendant ‘struck her behind her ear and called her an offensive name [and then] knocked out one of her front teeth and made her mouth bleed’; another stated that a defendant ‘caught [her] by the throat...dragged [her] down the street...[and] gave [her] a black eye’.¹⁷² Women also fought hand-to-hand with both men and women during fights, leaving victims to appear before the magistrates with visible bruises and black eyes.

Although women resorted to physical blows in most instances, other forms of violence were sometimes used against certain types of victims. Assaults on husbands or partners, for example, occasionally transgressed beyond an exchange of blows and culminated in women resorting to household items.¹⁷³ Most of these items were kitchen implements that were close to hand – such as glassware or crockery – and could be particularly harmful. One husband spent a week in hospital when his wife picked up a jug and ‘bashed him in the face with it’ during a quarrel over their milk delivery.¹⁷⁴ Women also sometimes used hot pokers or tongs to defend themselves in domestic disputes, as when a husband reprimanded his wife over the quality of his dinner and started hitting her before she ‘reached for the tongs in self-defence’ and ‘launched’ at him.¹⁷⁵ In another case, a police officer found a husband ‘lying in blood’ after his wife had assaulted him with a poker during a domestic row.¹⁷⁶

Similarly, whilst most cases of child-assault had been carried out by a beating, some children experienced alternative methods of violence: at least one in ten of the child-abuse cases in this study were inflicted by a cane or stick. One boy alleged that he had been given a ‘hiding’ from his mother when she hit him repeatedly with a cane, whilst a girl told the magistrates that her stepmother had ‘hit her with a stick as thick as a broom handle [and] said she would have to eat at the neighbours instead’.¹⁷⁷ In addition, a small portion of women – again predominantly using violence as a

¹⁷² *Gloucester Citizen* 13 June 1892, 4; GA, Cheltenham Magistrates’ Court Minutes Book, PS/CH/M1/36, 25 August 1887.

¹⁷³ For similar views, see Macilwee, *Liverpool Underworld*, 131 and Ross, *Love and Toil*, 85.

¹⁷⁴ *Exeter and Plymouth Gazette*, 11 January 1909, 5.

¹⁷⁵ *Cheltenham Chronicle*, 14 February 1891, 2.

¹⁷⁶ *Western Times*, 5 February 1891, 2.

¹⁷⁷ *Gloucester Citizen*, 14 February 1891, 4; *Western Times*, 25 May 1907, 2.

disciplinary measure – used whips on children, an act which typically resulted in severe injuries. Court testimonies from NSPCC officers, police officers and neighbours frequently described the extent of whippings received by children and described their injuries. When Mary Herbert was summoned for assaulting her daughter in 1888, a neighbour stated that it was a ‘violent assault’ and that she had heard ‘the smacking of the whip’ and ‘sound of the child crying’.¹⁷⁸ A police officer subsequently stated that, after receiving numerous complaints about Mary, he had taken her daughter to be examined by a doctor and was informed that there were ‘twelve bruises by a whip’ on her body.¹⁷⁹

A further exception in methods of female violence can be found in assaults on police officers. In just under 10% of these cases, women used biting as a method for resisting arrest: when restrained by their arms and unable to deal blows, some women bit officer’s hands or arms in an attempt to escape. When an officer tried to arrest Clara Higgs for obscene language in 1881, she allegedly ‘struggled violently all the way to the station’ and ‘tore some pieces of skin out of the back of [his] hands with her teeth’.¹⁸⁰ Another woman allegedly tried to escape arrest by ‘vilely abus[ing]’ an officer before biting him.¹⁸¹

Although there was some variety in methods of committing assault, it was rare for women to use especially sharp or heavy implements. Out of the 1,507 cases in this study, only seven involved a knife and just five a hammer.¹⁸² Whilst a higher number may have used these or similar weapons during acts of violence, cases of this nature are likely to have been classified under ‘aggravated assault’ or ‘grievous bodily harm’ and thus tried at the Quarter Sessions rather than at magistrates’ courts. Indeed, studies on Quarter Sessions prosecutions indicate that women did sometimes use weapons such as knives and axes: Weinberger’s research on violence in Birmingham during the years 1867-77, for example, indicates that approximately one quarter of female assaults involved sharp or heavy weapons.¹⁸³ In cases of assault, however,

¹⁷⁸ GA, Cheltenham Magistrates’ Court Minutes Book, PS/CH/M1/36, 3 May 1888.

¹⁷⁹ *Gloucestershire Echo*, 3 May 1888, 4.

¹⁸⁰ GA, Cheltenham Magistrates’ Court Minutes Book, PS/CH/M1/32, 5 December 1881.

¹⁸¹ *Western Times*, 18 August 1885, 5.

¹⁸² For example, Florence McDermott used a knife to cut her partner’s arm in self-defence from physical abuse (*Cheltenham Examiner*, 4 June 1896, 3).

¹⁸³ Weinberger, ‘Law Breakers’, 205.

such acts were exceedingly uncommon, women instead having been considerably more likely to use physical force than to pick up weapons when attacking their victims.

ii) *Drinking, fighting and disorder*

As historians have indicated, women's acts of violence were frequently connected to other forms of disorderly conduct.¹⁸⁴ Behaviours such as drinking, pugilism and wilful damage all fell under the attention of local police officers and could result in women receiving additional charges alongside crimes of violence: indeed, just under 10% of the women in this study were prosecuted for multiple offences during assault prosecutions.¹⁸⁵ Amongst these behaviours, drinking caused the most concern: over the nineteenth century, commentators became increasingly concerned by the issue of drinking and highlighted its relationship with violence and disorder.¹⁸⁶ This behaviour was regarded to be particularly problematic for women, the issue of alcoholism – and 'habitual drunkenness' – having often been attributed to women's inabilities to provide for their families.¹⁸⁷ As Clark has noted: "If a man drank, his wife might still be able to hold the house together, but if the wife was an alcoholic as well, the family was doomed...working people and social reformers alike tended to see women's drinking as pathological whilst viewing men's as a normal, if unfortunate, part of plebeian culture".¹⁸⁸

Drunk and disorderly conduct featured prominently in cases of female assault at Cheltenham and Exeter. Although only 2.9% of the defendants in this study were prosecuted for both drinking and violent offences, many more women were alleged to have been drunk when they committed acts of assault. Drunkenness had the potential

¹⁸⁴ Gatrell, 'Decline of Theft', 290; Jones, *Crime, Protest, Community and Police*, 102-3; August, 'Horrible Looking Woman', 854.

¹⁸⁵ In most instances, women were charged with only one additional offence. The highest number of simultaneous charges in this study was five: prosecuted in 1881 alongside her husband, Melinda Lang was charged on the counts of assaulting an officer, common assault, drunk and disorderly, causing a disturbance and using obscene language. (GA, Cheltenham Magistrates' Court Register, PS/CH/RM1/1, 26 September 1881).

¹⁸⁶ Haider, 'Female petty crime', 83.

¹⁸⁷ Zedner, *Women, Crime and Custody*, 29-31; Taylor, *Hooligans*, 59; Morrison, 'Ordering disorderly women'.

¹⁸⁸ Clark, *Struggle for the Breeches*, 81.

to spark a variety of conflicts for women, including tensions with publicans and police officers when they were requested to leave a venue. When a landlord asked a woman to leave his pub for 'kick[ing] up a disturbance' and gave her ten minutes to finish her beer, she refused to comply and began 'fighting him like a man'.¹⁸⁹ Another woman was refused drinks by a publican on account of being intoxicated and retaliated by 'scratching his face' in front of a large crowd.¹⁹⁰ Police officers, meanwhile, could be assaulted when they were called to a public house to remove a customer: after being summoned by a pub landlord, an officer attempted to remove a 'drunk [and] very excited' woman but was told that she 'would not go for a bloody fellow like [him]' and hit several times in the face.¹⁹¹

Drinking also resulted in violent tensions between women and those living in their community. As aforementioned, alcohol – whether consumed by men or women – was a key prompter in rows between couples. Yet it also triggered arguments with their neighbours. Two female neighbours had spent the day 'drinking with some men' before one became jealous of the other and they began sparring.¹⁹² Another fight occurred between two female neighbours on account of alcohol, one of the women having stated that the row began because 'she was drunk, but [the other] was a teetotaler'.¹⁹³ Some women even used alcohol as a justification for using violence against their neighbours, as was the case when Kate Packer admitted that she had hit her neighbour's son but 'would not have done it had she not been drinking'.¹⁹⁴

Drunken conflicts between women and their neighbours could transgress from rows to spontaneous street fights. In her study on female petty crime in nineteenth- and twentieth-century Dundee, Suki Haider noted that alcohol consumption not only 'aggravated women's underlying readiness to resort to fists' but also acted as 'a strong contributor to female fights'.¹⁹⁵ Similarly, Carolyn Conley has demonstrated that 'brawls sparked by drunkenness and rough language' were common in mid-Victorian Kent.¹⁹⁶ In Cheltenham and Exeter, many intoxicated women picked fights with

¹⁸⁹ *Trewman's Exeter Flying Post*, 9 August 1890, 3.

¹⁹⁰ *Gloucester Citizen*, 5 June 1882, 4.

¹⁹¹ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/34, 31 December 1885.

¹⁹² *Gloucester Citizen*, 4 May 1896, 4.

¹⁹³ *Western Times*, 16 April 1896, 3.

¹⁹⁴ *Cheltenham Chronicle*, 27 October 1894, 2.

¹⁹⁵ Haider, 'Female petty crime', 116.

¹⁹⁶ Conley, *Unwritten Law*, 105.

neighbours – usually other women – who were standing in the street. One woman was ‘quite the worse for drink’ when she went out into her street and ‘stripped naked, beating her chest [and] challenging any woman in the street to fight’. When a female neighbour passed by, the defendant allegedly abused her until she agreed to fight.¹⁹⁷ In another case, an officer arrested a woman who was ‘drunk and making use of very bad language in Grove Street’. After escaping his custody, she approached a neighbour, said that she ‘had been waiting for someone to fight with’ and dealt the first blow.¹⁹⁸

Yet alcohol was not required to induce women to engage in stand-up fights. Organised street fights were part of nineteenth-century working-class street culture. They were often arranged for one of four purposes: resolving a dispute; gaining or maintaining a reputation; competing over a love interest; or earning money through a ‘prize-fight’.¹⁹⁹ Although pitched battles were more common among men, women had a share of involvement in pugilism.²⁰⁰ Their fights resembled the behaviours displayed during male fights. Like their male counterparts, women followed similar practices when engaging in fist-fights: stripping to the waist or rolling up sleeves; enlisting seconds; fighting in rounds; and battling before a crowded ring of spectators.²⁰¹ When testifying at Cheltenham, one witness described a fight between two ‘female pugilists’ by stating that they ‘took off their hats and jackets and fought like two men’.²⁰² In another case, a police officer testified to finding two fighting women ‘stripped and covered in blood, using bad language...with around 500-600 people watching them’.²⁰³

Women’s motives to fight were also often aligned with those among men. Many acts of pugilism had been carried out to resolve a dispute or defend a reputation. Two ‘fighting females’, for instance, were described as having ‘fought out their differences’ on their street.²⁰⁴ Another woman started a fight with her neighbour since she

¹⁹⁷ *Gloucestershire Echo*, 20 March 1884, 3.

¹⁹⁸ GA, Cheltenham Magistrates’ Court Minutes Book, PS/CH/M1/37, 1 November 1889.

¹⁹⁹ J. Archer, ‘“Men Behaving Badly”? Masculinity and the Uses of Violence, 1850-1900’ in S. D’Cruze (ed.), *Everyday Violence in Britain, 1850-1950: Gender and Class* (New York, 2000), 41-54.

²⁰⁰ There have been very few studies on female pugilism, although some discussion is included within: Ross, *Survival Networks*, 15; Conley, *Unwritten Law*, 50; D’Cruze and Jackson, *Women, Crime and Justice*, 61; and Haider, ‘Female petty crime’, 62.

²⁰¹ Ross, *Love and Toil*, 85.

²⁰² *Gloucester Citizen*, 11 February 1897, 4.

²⁰³ *Gloucester Citizen*, 14 July 1904, 4.

²⁰⁴ *Cheltenham Examiner*, 17 February 1897 3.

considered herself to be ‘the fighting woman of Rutland Street’.²⁰⁵ Competing over a romantic interest or jealousy was also a common cause for female fights: one fight was described as a ‘battle royal’ which was ‘all over a married man’, whilst another two women were found ‘fighting a pitched battle...over jealousy about some soldiers’.²⁰⁶ A Cheltenham wife, meanwhile, challenged a woman to fight since she was ‘always make a disturbance between her and her husband’ and wanted to fight her ‘before anything happened at all’.²⁰⁷

Alongside drunken and pugilistic behaviour, acts of wilful damage and obscene language were sometimes connected to female assaults. Causing damage to property or being verbally abusive could occur when women became aggressive. When a woman was asked to leave a shop, for example, she became ‘agitated’ and ‘smashed a window [and] broke some scales’, whilst another woman threw stones through a public house window after being requested by the landlord to leave.²⁰⁸ In addition, a small number of women were charged with vagrancy alongside assault: in these cases, violence had usually resulted from women being approached by police officers. Alice Moore and her husband, described as two ‘tramps’ of Cheltenham, assaulted a police officer after he cautioned them for begging in the streets.²⁰⁹ Similarly, a homeless Exeter woman assaulted an officer after he arrested her on charges of vagrancy and hawking without a license.²¹⁰

iii) *Accomplices*

Research on women’s homicide has indicated that women more often committed violence with others than alone.²¹¹ Yet studies of female non-lethal violence have indicated that women were more likely to act alone: Amy Alexander Williams’ thesis

²⁰⁵ *Cheltenham Chronicle*, 8 September 1894, 8.

²⁰⁶ *Cheltenham Chronicle*, 10 June 1905, 2; *Western Times*, 10 June 1908, 2.

²⁰⁷ *Gloucester Citizen*, 4 June 1894, 4.

²⁰⁸ *Trewman’s Exeter Flying Post*, 5 April 1889, 2; *Cheltenham Chronicle*, 13 March 1883, 3.

²⁰⁹ *Cheltenham Chronicle*, 12 October 1895, 8.

²¹⁰ *Exeter and Plymouth Gazette*, 29 August 1894, 2.

²¹¹ Katherine Watson indicates that most female acts of lethal violence in Georgian Wales were perpetrated alongside others (‘Women, Violent Crime and Criminal Justice’, 258). Horler Under-Wood’s thesis similarly notes that 76.9% of women prosecuted in Wales in the years 1730-1830 acted with accomplices (‘Aspects of Female Criminality’, 102).

on female criminality in eighteenth-century England, for example, demonstrates that most women committed assaults by themselves but that they sometimes sought help from others when they ‘shared the same grievances through obvious and intractable links with the economics and politics of [their] community’.²¹² Evidence from female assault cases in Cheltenham and Exeter supports this view, over 85% of the female defendants in this study having carried out violence independently. Usually these were one-sided assaults where women reacted to provocation from another person, although cross-summonses between two parties were not uncommon.

In the minority of cases where women committed assaults with others, they usually acted with just one other person. Their accomplices in these acts were slightly more likely to have been men, although this tendency was more prevalent amongst Exeter than Cheltenham women (see Table 3.7). Typically, male accomplices were those with whom women were particularly close: the majority had been husbands or partners, for whom women had acted in their rows.²¹³ When George Endicott was evicted by his landlord in 1886, his partner came to assist him and they committed an act of assault together.²¹⁴ Another woman ‘took her part’ in her husband’s fight with a neighbour by acting as his second and ultimately dealing a blow at the opposing side.²¹⁵ In addition, women occasionally committed violence alongside their sons, brothers and fathers.

TABLE 3.7: SEX OF ACCOMPLICES IN FEMALE ASSAULT CASES

	% of cases at Cheltenham	% of cases at Exeter	% of cases at both courts
Female accomplice(s)	44.5	32.6	39.9
Male accomplice(s)	46.7	58.1	51.1
Mixed sex	8.8	9.3	9.0

Note: this table excludes the 1,284 cases (out of 1,507) in which women committed violence alone.

²¹² Williams, ‘Criminality of Women’, 73.

²¹³ For further discussion on women committing violence alongside husbands, see: Beattie, ‘Criminality of Women’, 88; Shoemaker, *Prosecution and Punishment*, 215; and Horler-Underwood, ‘Aspects of Female Criminality’, 102.

²¹⁴ GA, Cheltenham Magistrates’ Court Register, PS/CH/RM1/2, 17 December 1886; *Western Times*, 18 December 1886, 2.

²¹⁵ GA, Cheltenham Magistrates’ Court Register, PS/CH/RM1/1, 19 September 1881.

When women committed assaults with other women, their accomplices were again typically family members such as mothers, daughters or sisters. Alice Guppy and her mother assaulted her former employer after she was made unemployed, whilst another mother and daughter were charged for assaulting their neighbour during a stand-up fight.²¹⁶ A pair of sisters, meanwhile, assaulted their friend in a public house, one having 'thr[own] a glass of beer right into [her] face and eyes and struck [her] in the head with a scrubbing board' whilst the other 'gave [her] a blow in the face as [she] turned around and served several blows'.²¹⁷ Women very rarely committed assaults with women outside of their family, although some committed violence with neighbours: Annie Packer and Kate Birch 'pitched' into their neighbour on the street, causing a witness to find 'a whole bunch of women fighting on the floor'.²¹⁸

Group violence involving women was uncommon at Cheltenham and Exeter, very few assault cases having resulted in prosecutions against three or more defendants. These acts were typically perpetrated by groups of neighbours and were motivated by local community concerns. Women sometimes fought alongside neighbours to defend their territory from others in the community or from authority figures. Three women and two men were prosecuted in 1885 for assaulting their neighbour's landlord: when he visited to collect her rent, they allegedly 'caught hold of his whiskers and pulled some out' before they 'beat him out of the house'.²¹⁹ In another case, a woman, her husband and their neighbour assaulted a bailiff who had seized their belongings. All three perpetrators had been involved in chasing and hitting him, although she was ultimately characterised as 'the ringleader of the mob' and received a more stringent sentence.²²⁰

3.7 Conclusion

²¹⁶ *Western Times*, 1 April 1898, 8; GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/39, 13 August 1892.

²¹⁷ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/36, 1 September 1887.

²¹⁸ *Cheltenham Chronicle*, 18 February 1897, 3.

²¹⁹ *Gloucestershire Echo*, 17 March 1884, 3.

²²⁰ *Cheltenham Examiner*, 14 September 1892, 3.

In recent decades, historians of violence have emphasised differences between patterns of male and female violent behaviour. In the first place, it has been argued that women constituted the minority of violent offenders. Secondly, it has been claimed that there were divergences in the ways in which men and women committed violence. Abraham's study of assault prosecutions in Northampton and Nottingham has suggested that male assaults were multi-faceted and occurred across public-house disputes, workplace quarrels, fights with strangers and domestic conflicts whilst women's violence was largely circumscribed by their societal position: "the spaces and places generally inhabited by women, largely due to accepted gender roles, meant that assaults were much more likely to occur between other women and in shared spaces such as courtyards and streets where living in close proximity was bound at times to result in conflict".²²¹ Similarly, David Taylor has argued that, whilst men 'fought with each other...[and] attacked women and children', their female counterparts 'fought with each other in 'clothes line quarrels'.²²² This chapter has assessed such interpretations of women's violence by examining the nature of female-perpetrated assaults in Cheltenham and Exeter during the years 1880-1909.

Evidence from Exeter and Cheltenham supports the contention that violence may have been a predominantly male domain.²²³ Women accounted for just under a quarter of the assaults in these localities, making them a minority – albeit a significant one – of those prosecuted before the magistrates. This proportion remained fairly consistent across the research period, with male and female assaults rates having declined at a similar rate as the Edwardian period came to a close. Although it was not possible to provide a full sociodemographic survey on the defendants involved in these cases, the information which survives reveals that most defendants – like their victims – were from working-class backgrounds and were married with children.²²⁴ As Haider has noted, female violence largely originated amongst those living in 'noisy and crowded nineteenth- and twentieth-century slums'.²²⁵

²²¹ Abraham, 'Summary Courts', 137.

²²² Taylor, *Hooligans*, 32.

²²³ As aforementioned, female acts of violence may have been less likely to be reported than those committed by men.

²²⁴ It is possible that rates of violence may have been higher in middle-class areas than these records suggest since they may have been less heavily regulated by the police.

²²⁵ Haider, 'Female petty crime', 63.

It also appears that female acts of assault were narrow in context, possibly as a result of women's restricted societal positions during the late-nineteenth and early-twentieth centuries. Although they sometimes displayed similar behaviours to men when committing assaults – often using physical force, drinking and having stand-up fights – women seldom if ever, as Spierenburg has noted, stepped into the 'male culture' of violence.²²⁶ Women were considerably more likely to assault other women than men, indicating that their violence was a largely same-sex phenomenon. Their relationships to victims, locations of conflicts and motives further indicate the limits of female violence. The majority of assaults occurred within houses or neighbourhood streets, women having seldom committed offences in public leisure spaces. Women also predominantly assaulted their neighbours, often entering into disputes over territory, family or reputation: as D'Cruze and Jackson note, female violence in the late nineteenth century was often brought on by 'the myriad annoyances of life in working-class neighbourhoods – about shared taps and privies, about the disruptions caused by children, as well as about men or spiteful gossip'.²²⁷ Even in the minority of cases within which women did not assault their neighbours, their actions stress the domestic and/or neighbourhood context of their conflicts: broadly speaking, authority figures were assaulted in defence of self, families or neighbourhoods; partners were assaulted due to abuse, financial resources or household duties; and children were assaulted due to misbehaviour and chastisement. Women's acts were thus largely restricted to their domestic concerns and took place within their immediate vicinities, perhaps providing an indicator of their limited participation in public life outside of their neighbourhood.

An overview of the nature of female assault in Cheltenham and Exeter therefore provides a depiction of defendants as predominantly working-class women who engaged in disputes – sometimes fights – with members of their community in response to threats to their territory, property or reputations. Having provided a background on the women involved in these cases, the next chapter of this thesis will focus on the responses of magistrates to their offences. In particular, it examines

²²⁶ Spierenburg, 'How Violent Were Women?'

²²⁷ D'Cruze and Jackson, *Women, Crime and Justice*, 61.

patterns in the verdicts and sentence returned in cases of female assault and discusses factors which impacted processes of magisterial decision-making.

CHAPTER 4: MAGISTERIAL ATTITUDES TO FEMALE ACTS OF ASSAULT

4.1 Introduction

It is now widely accepted by historians and criminologists that there was a decline in recorded rates of violent crime in modern England. Studies of both homicide indictments and assault prosecutions have indicated that this transformation occurred over the early-nineteenth to mid-twentieth century, after which there was an unprecedented rise in levels of violent crime.¹ The main framework used to explain this trend is the 'civilising process' theory developed by Elias in the 1930s. Tracing changes in public manners from the Middle Ages until the eighteenth century, he argued that two factors – the spread of elite attitudes advocating greater levels of self-restraint and the increasing use of the criminal justice system by the state – culminated in a reduction of interpersonal violence and aggression.² Although applying his theory to changes which occurred centuries later, historians have argued that similar 'civilising' influences resulted in a general harshening of attitudes towards violence and a widespread campaign to eradicate violent behaviour during the Victorian and Edwardian period.³

Examinations of shifts in nineteenth-century attitudes towards violence have typically argued that Victorians were focused on acts committed by men. In his study on male acts of homicide and rape in England, Wiener argued that men were increasingly likely to be convicted and received harsher sentences as the nineteenth century progressed,

¹ Pioneering research on the decline in violent crime includes: Gurr, 'Historical Trends in Violent Crime'; Stone, 'History of Violence'; Gatrell, 'Decline of Theft and Violence'; and Eisner, 'Long-term Historical Trends'. As discussed in Chapter 2, the extent to which there was a 'real' decline in violence has fallen under scholarly debate.

² Elias, *Civilizing Process*, i and ii. Elias' work was originally published in the 1930s but was not translated into English until the 1960s.

³ Wiener, 'The Victorian Criminalisation of Men'; Wiener, *Men of Blood*; Carter Wood, *Violence*; Emsley, *Hard Men*; Carter Wood, 'Criminal Violence'. For proponents of Elias' work who have focused on other periods and/or locations, see: Spierenburg, *History of Murder*; Spierenburg, 'Violence and the Civilizing Process'; G. Schwerhoff, 'Criminalised Violence and the Process of Civilisation: A Reappraisal', *Crime, History & Societies*, 26:2 (2002), 103-126; and E. A. Johnson and E. H. Monkonen (eds.), *The Civilization of Crime: Violence in Town and Country since the Middle Ages* (Chicago, IL., 1996). For critique on the 'civilising process' theory, see McMahon, Eibach and Roth, 'Making Sense of Violence?'

a shift in judicial policies which he suggested was part of a campaign – or so-called ‘civilising offensive’ – directed at curtailing male violent behaviour.⁴ However, whilst highlighting fundamental changes in nineteenth-century responses to violence, his study made little attempt to ascertain whether or how these transformations may have impacted the treatment of violent women: although Wiener alluded to female perpetrators when stating that those who attacked their husbands received ‘surprisingly indulgent’ treatment since they were frequently ‘excused’ by judicial decision-makers, the study seldom discussed female cases or commented on judicial or public responses to them.⁵

By contrast, studies which address the treatment of female violence often suggest that Victorian and Edwardian judicial decision-makers were relatively unconcerned by violent women. In their examination of assault prosecutions across 10 magistrates’ courts over the period 1880-1920, Godfrey *et al.* argued that female offenders received fewer convictions and lighter sentences than their male counterparts since magistrates felt that men were ‘in need of civilising’ whilst considering women’s offences to be ‘less important’.⁶ Davies’ study of female gang-related violence in Manchester and Salford noted that women were sometimes perceived as being ‘unwomanly’ by magistrates but received lenient treatment on account of being held as ‘marginal figures’, whilst D’Cruze *et al.* argued that magistrates in nineteenth- and twentieth-century Crewe perceived violent women as a ‘social nuisance’ rather than a ‘social threat’ and as such dismissed their offences as trivial.⁷ With few exceptions, historians have typically argued that judicial decision-makers overlooked female acts of violence since they considered their offences to be of a trivial or non-threatening nature.⁸

⁴ Wiener, *Men of Blood*; Wiener, ‘Victorian Criminalisation of Men’.

⁵ Wiener, *Men of Blood*, 131-4.

⁶ Godfrey, Farrall and Karstedt, ‘Explaining Gendered Sentencing Patterns’, 717-8.

⁷ Davies, ‘These viragoes’, 74; D’Cruze, Godfrey and Cox, ‘Most Troublesome Woman’, 244.

Abraham’s thesis similarly argues that male violence was treated more harshly than that committed by women (‘Summary Courts’, 159-60).

⁸ As discussed in Chapter 2, an exception to this has been studies which argue that women received harsh judicial treatment on account of committing both their crime and betraying their gendered roles as mothers and wives. This argument has often been brought into discussions of infanticide, poisoning and husband-murder. See, for example: Jackson, *Infanticide*; Kilday, *History of Infanticide*; V. Nagy, ‘Narratives in the Courtroom: Female Poisoners in Mid-Nineteenth-Century England’, *European Journal of Criminology*, 11:2 (2014), 213-227; Watson, *Poisoned Lives*; and Knelman, *Twisting*.

However, a shortcoming within research on judicial responses to female violence is that there have been few attempts to examine the ways in which the treatment of violent women shifted across the Victorian and Edwardian period. Whilst historians have discussed transformations in judicial attitudes towards male violence, studies on female prosecutions have provided overviews of the verdicts and sentences issued to women across an entire period without considering whether there were incremental changes in judicial policies as the years progressed.⁹ Consequently, it is unclear whether the gradual harshening of attitudes to male violence as identified by Wiener was echoed in the treatment of women and, as such, whether the ‘civilising offensive’ had any impact upon them.¹⁰ One of few exceptions to this has been offered within August’s examination of female assault cases brought before the Thames Police Court during the years 1885-1910, within which he argued that there was a civilising offensive directed not only against ‘unruly working-class masculinity’ but also against ‘violent and unfeminine’ women.¹¹ Although focusing more on newspaper reporters’ accounts of assault cases than on patterns in prosecution outcomes, August’s study offers invaluable research on late-nineteenth- and early-twentieth-century attitudes towards violent women. Yet research on the relationship between violent women and the civilising process remains scant: Spierenburg has described this shortcoming as ‘absurd’, whilst Watson suggests that this issue is one of ‘immediate relevance’ for crime historians.¹²

This chapter contributes to discussions on the treatment of violent women within the late Victorian and Edwardian criminal justice system. Drawing on evidence from newspaper reports, court registers, and court minute books, it examines the verdicts and sentences issued to the 1,507 women who were prosecuted for assault at Cheltenham and Exeter in the years 1880-1909. It assesses the mainstream historical view that magistrates were unconcerned by female acts of assault by following two lines of enquiry in turn. The first concerns the broad responses of magistrates towards

⁹ However, Peter King has offered such an approach (‘Punishing Assault’) in his examination of assault prosecutions at the Essex Quarter Sessions during the late-eighteenth and early-nineteenth century. This study traces patterns in verdicts and sentences and examines factors influencing transformations in prosecution outcomes. As yet, there has been no attempt to adopt this approach when analysing conviction rates and sentencing practices in assault prosecutions during either the Victorian or Edwardian period.

¹⁰ Wiener, *Men of Blood*; Wiener, ‘Victorian Criminalisation of Men’.

¹¹ August, ‘Horrible Looking Woman’, 847.

¹² Spierenburg, ‘Violence and the Civilizing Process’, 91; Watson, *Assaulting the Past*, 13.

female assault. As aforementioned, this approach has frequently been adopted in examinations of magisterial responses to accused women: by providing overviews of prosecution outcomes over a period, historians have indicated that magistrates frequently issued women with dismissals on account of regarding women's violence as trivial. The discussion then examines the responses provided by magistrates when issuing dismissals, through which it is argued that women were not acquitted simply due to their offences being deemed as unimportant. The second line of enquiry considers the ways in which magisterial responses to female acts of assault changed across the period 1880-1909. In order to examine shifts in the judicial treatment of violent women over this 30-year period, the section not only traces patterns in conviction rates and sentencing policies but also offers discussion on the factors which may have influenced changes in decision-making. Since historians have seldom focused on trends in the distribution of verdicts and sentences in assault cases, this section offers an alternative approach for interpreting attitudes towards female violence. This examination suggests that there was a shift in magisterial responses to female assaults during the period, a change prompted not only by a so-called 'civilising offensive' but also by changes in the processes of the summary justice system.

4.2 Overview of verdicts and sentences at Cheltenham and Exeter

i) Magisterial jurisdiction and assault prosecutions

In 1885, historian F. W. Maitland wrote that the summary justice system was 'yearly becoming of greater importance'.¹³ Over the nineteenth century, a rapid increase in the use of summary justice had brought the magistrates' courts (then largely known as 'police courts' or 'petty sessions') to the forefront of the English criminal justice system.¹⁴ By the late Victorian and Edwardian period, magistrates were responsible for handling 98% of criminal prosecutions, not least of which involved adjudicating over

¹³ F. W. Maitland, *Justice and Police* (London, 1885), 89. Quoted in Bentley, *English Criminal Justice*, 18.

¹⁴ The exact date at which these courts became known as 'magistrates' courts' is unclear, although the term appears to have been widely used within the press by the turn of the twentieth century.

the vast majority of violent crime.¹⁵ Their jurisdiction encompassed not only acts of 'common assault' but also more serious classifications of offences such as assaults on children, women and peace officers.¹⁶ Only a small portion of violent crime was handled outside of the summary justice system, the most exceptional and severe forms of violence – such as homicide and rape – having been deemed as 'indictable' offences and thus tried by jury at either the Quarter Sessions or the Assizes.

The range of verdicts which could be returned in cases brought before magistrates' courts was limited. Firstly, a defendant could be found 'not guilty'. This outcome was typically reached via magistrates issuing a dismissal but could also result from a prosecutor requesting to withdraw the case.¹⁷ In either scenario, the defendant would be acquitted and permitted to leave the courtroom, although was sometimes ordered by the Bench to pay the prosecution costs. The second option was to find a defendant 'guilty' and issue them with a conviction and sentence. Thirdly, magistrates could bind a defendant over, a verdict which, as Godfrey *et al.* have stated, was 'not technically a conviction' but was used either as a caution or when there was insufficient evidence to warrant a conviction.¹⁸ Under this sanction, a defendant would be financially bound over to keep the peace for a specified period of time.¹⁹ Finally, it was possible for a summons to be brought up without a decision being reached, an outcome which typically occurred when cases were repeatedly adjourned by magistrates but eventually disappeared from the court books before they could reach a final decision.²⁰

An assault conviction typically resulted in one of two forms of punishment. The first option available to magistrates was to issue the offender with a financial sentence, a penalty which could range from 1/- to £5 and which required selecting a term of imprisonment to be served in default of the offender being unable or unwilling to pay

¹⁵ Alexander, *Administration of Criminal Justice*, 202-3.

¹⁶ For more on the expansion of summary jurisdiction during the nineteenth century, see T. Skyrme, *History of the Justices of the Peace*, 2nd ed. (Chichester, 1994) and Bentley, *English Criminal Justice*, 19-28.

¹⁷ Cases acquitted by magistrates could technically be 'dismissed', 'struck out' or 'discharged'. Since these categories were ill-defined, the term 'dismissed' is used throughout this chapter for consistency.

¹⁸ Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 702.

¹⁹ Note that the individual tariffs issued to defendants who were bound over are not explored in this chapter since these appear to have been fairly consistent.

²⁰ Most adjourned cases eventually resulted in an outcome, yet some were repeatedly remanded until either the magistrates or the complainant gave up. Other factors which could hinder the progress of a case included: the death of either the defendant or complainant; a settlement having been made between hearings; and the migration of the defendant or victim from the locality.

the fine.²¹ This option was regarded to be the lighter form of penalty and was typically preferred by defendants, as was exemplified when a Cheltenham woman ‘thank[ed] God that she had the money’ after being ordered to pay a fine of 5/- or to serve fourteen days with hard labour.²² The second measure available to magistrates was to impose a custodial sentence without the option of a fine, a punishment typically reserved for more serious cases of assault or for defendants known to be habitual offenders. This punishment had been at the prerogative of the magistrates from as early as the 1860s, but legislation in 1879 extended the maximum terms of imprisonment which they could issue to three months with hard labour (or six months in the event of multiple convictions).²³

ii) *Overview of prosecution outcomes*

An overview of the verdicts issued during the years 1880-1909 indicates notable differences between the responses of the Cheltenham and Exeter magistrates (Table 4.1). Women brought before Cheltenham magistrates faced relatively good chances of being acquitted, 60.8% of defendants having been found ‘not guilty’. The majority of women in this category were issued with a dismissal, a verdict reached in 58.3% of the cases prosecuted at Cheltenham. Withdrawals were less common – having been issued in only 2.4% of all cases – yet appear to have been seen favourably by the magistrates, as was indicated when they approved a man’s request to withdraw a charge against his wife since they felt it was ‘always better to settle affairs if possible out of court’.²⁴ By contrast, only 38% of the defendants were convicted whilst a further

²¹ The *Offences Against the Person Act 1861* (24 & 25 Vict. C.100, section 42) provided magistrates the ability to issue fines of up to 5/- in cases of assault. The maximum fine which they could impose was subsequently extended by both the *Summary Jurisdiction Act 1879* (42 & 43 Vict. C.49) and *Summary Jurisdiction Act 1895* (47 & 48 Vict. C.43).

²² *Cheltenham Mercury*, 30 June 1888, 3. Note that not all Cheltenham and Exeter women deemed fines preferable; a number chose to serve prison sentences. One woman, for example, was issued with a sentence of 5/- or 7 days’ hard labour but told the magistrates that she ‘[would] go down and do it’ since she ‘[would] not pay a farthing’ (*Cheltenham Chronicle*, 26 May 1894, 4).

²³ The *Offences Against the Person Act 1861* gave magistrates the power to issue custodial sentences of up to three months’ hard labour. The *Summary Jurisdiction Act 1879* extended the maximum terms of imprisonment to six months. This legislation also allowed offenders issued with a custodial sentence to appeal against a conviction as well as permitted those with sentences of three months or longer to elect a trial by jury instead of a summary prosecution.

²⁴ *Cheltenham Chronicle*, 27 February 1883, 3.

0.2% were bound over. An overview of the verdicts issued at Cheltenham thus indicates that the magistrates were not particularly concerned with women bringing women under legal sanctions.

TABLE 4.1 VERDICTS ISSUED AT CHELTENHAM AND EXETER

	Cheltenham		Exeter	
	No. of cases	As a % of verdicts	No. of cases	As a % of verdicts
Dismissed	501	58.3	150	23.1
Withdrawn	21	2.4	6	0.9
<i>Subtotal of 'not guilty' cases</i>	<i>522</i>	<i>60.8</i>	<i>156</i>	<i>24.1</i>
Bound Over	2	0.2	48	7.4
Convicted	326	38.0	439	67.7
Unknown or other ¹	9	1.0	5	0.8
Total	859	(100)	648	(100)

1. All but one case in this category had an 'unknown' verdict. In the remaining case, an Exeter woman was ordered a term of probation.

The situation was markedly different at Exeter, where magistrates appear to have adopted a harsher stance towards female assault cases. The proportion of defendants found 'not guilty' was almost a third that of Cheltenham, only 24.1% of these women having received a dismissal or had their cases withdrawn. Additionally, in contrast to their counterparts at Cheltenham, the Exeter magistrates were reluctant to approve prosecutors' requests to withdraw cases: many requests were refused despite a financial settlement having been agreed upon by both parties involved: for instance, when a prosecutor asked to withdraw a charge since the defendant had offered her money to 'make up for the matter', the Bench responded that they 'could not allow cases to be made up in a way of monetary compromise' and resumed the hearing.²⁵ The magistrates were instead considerably more willing to issue women with

²⁵ *Exeter and Plymouth Gazette*, 29 October 1883, 2.

penalties, as indicated by the fact that a substantial proportion of the women (67.7%) were convicted whilst a further 7.4% were bound over to keep the peace.

The divergence between women's conviction rates at Cheltenham and Exeter – 38% compared to 67.7% – is more likely to have been caused by leniency amongst the Cheltenham magistrates than by strict magisterial attitudes at Exeter. Studies of magistrates' courts elsewhere in the country during the late Victorian and Edwardian period provide similar conviction rates to that of Exeter: Turner's research on female prosecutions at Stafford Borough Magistrates' Court during the years 1880-1905, for example, indicates that 62.8% of women summoned for assault were convicted, whilst Abraham's study on assault prosecutions in the period 1880-1920 has demonstrated that roughly 50-67% of female defendants were found guilty, conviction rates having varied depending on whether women's victims were male or female.²⁶ Godfrey *et al.*'s study of ten magistrates' courts over a similar period provides a lower figure, the conviction rate for women accused of assault being only 49%, although this is still markedly higher than the conviction rate for women at Cheltenham.²⁷ A preliminary overview of verdicts issued at Exeter and Cheltenham therefore suggests that Cheltenham magistrates not only adopted a more lenient stance towards female violence than their counterparts at Exeter but that their approach was something of an anomaly compared with magistrates' courts elsewhere during the period.

By examining the sentences issued to the 765 defendants who were convicted across the courts, it appears that most women (60.4% at Cheltenham and 60.6% at Exeter) received a fine of less than 10/- (see Table 4.2).²⁸ There were three main circumstances which influenced magistrates to issue these lower-rate fines: when offences had been relatively minor; when there had been provocation from complainants; or when magistrates felt that defendants' personal circumstances warranted leniency. A Cheltenham woman received a fine of only 1/- for an assault since she had merely thrown 'soapy water' over her landlady, whilst an Exeter offender

²⁶ Turner, 'Summary Justice', 125; Abraham, 'Summary Courts', 124-155.

²⁷ Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 717.

²⁸ Fines within this category were typically either 2/6 or 5/-, but the lowest fine issued at both courts was 1/-

was similarly fined 1/- after assaulting an ex-partner who had ‘frequently ill-used her’ since the magistrates felt that she suffered ‘some aggravation’ prior to the offence.²⁹

TABLE 4.2 SENTENCES ISSUED AT CHELTENHAM AND EXETER

	Cheltenham		Exeter	
	No. of cases	As % of sentences	No. of cases	As % of sentences
Fine of under 10/-	197	60.4	266	60.6
Fine of 10/- or more	104	31.9	90	20.5
<i>Subtotal of fines</i>	<i>301</i>	<i>92.3</i>	<i>356</i>	<i>81.1</i>
Custodial sentence	25	7.7	83	18.9
Total	326	(100)	439	(100)

Stricter penalties were less common, only 20.5% of women at Cheltenham and 31.9% of those at Exeter having received a high fine of 10/- or more. An even smaller proportion – 7.7% at Cheltenham and 18.9% at Exeter – were issued with a custodial sentence.³⁰ These penalties were typically reserved for more severe cases. When a woman was convicted for assaulting her neighbour in 1886, the magistrates issued her with a fine of £2 since they were concerned not only by the particularly violent nature of her offence but also on account of the victim having been pregnant at the time.³¹ Another woman received a custodial sentence of two months’ hard labour for assaulting a disabled girl and her mother, the magistrates having described it as a ‘very brutal and cruel assault’ when a police officer stated that he could ‘scarcely see their faces for the blood’.³²

There were, however, some discrepancies between the sentencing policies of the courts, the Exeter magistrates again having been stricter in their responses to acts of female violence. Women convicted at Exeter were more than twice as likely to receive

²⁹ *Gloucestershire Echo*, 16 August 1906, 4; *Exeter and Plymouth Gazette*, 18 February 1880, 2.

³⁰ A comparison of these figures with courts elsewhere in the country indicates that custodial sentences were more common at both Exeter and Cheltenham. August’s examination of the Thames Police Court, for example, indicates that only 5% of the women convicted for assault during a similar period were issued with a prison sentence (August, ‘Horrible Looking Woman’, 856). This indicates that there may have regional variation in sentencing practices amongst magistrates’ courts.

³¹ *Gloucestershire Echo*, 25 October 1886, 3.

³² *Gloucester Citizen*, 19 December 1892, 4.

a custodial sentence, this form of penalty having been issued in 18.9% of the convictions at Exeter but in only 7.7% of those at Cheltenham. By contrast, Cheltenham magistrates were more inclined to issue financial penalties (92.3% of the sentences distributed at Cheltenham compared to 81.8% of those issued at Exeter), although there were discrepancies between the individual tariffs imposed upon women. Whilst remarkably similar proportions of women across Cheltenham and Exeter – 60.4% at the former and 60.6% at the latter – were issued with nominal fines of less than 10/-, 31.9% of the women convicted at Cheltenham compared to 20.5% of those convicted at Exeter received high-value fines of 10/- or more. Thus, although Cheltenham and Exeter women faced similar odds of receiving low fines, those within the latter category were more likely to receive a custodial sentence.

Within most previous research on magisterial responses to acts of female assault, overviews of the verdicts and sentences issued to women have resulted in the view that female violence was treated leniently. As aforementioned, historians have typically argued that women were often dismissed for assault charges due to the magistrates having regarded their offences as trivial or non-threatening. Yet such arguments have failed to explore the reasons why magistrates chose to issue dismissals. The discussion which follows therefore focuses on the reasons provided by magistrates when issuing dismissals; whilst evidence from the courts under study suggest that many women – particularly those prosecuted at Cheltenham – were dismissed, it is important to establish the rationale of the magistrates when reaching their verdicts before asserting that dismissals resulted from their belief that female violence was trivial. The following section thus examines the 387 cases (out of a total 651 dismissals) within which magistrates expressed why they had issued a dismissal. In doing so, it will establish whether women's acts were simply regarded as trivial or whether there were other factors which played a role in influencing dismissals.³³

4.3 The nature of dismissals

By examining the cases in which magistrates provided reasons for dismissing female

³³ There were 264 cases in which no reason for issuing a dismissal was provided (201 at Cheltenham and 63 at Exeter).

assault prosecutions, it appears that a reasonable proportion (27% at Cheltenham and 19.5% at Exeter) were regarded to be too minor or trivial to warrant magisterial attention (Table 4.3). The reasons these offences were regarded as non-serious varied significantly, although in many cases magistrates had felt that incidents amounted to little more than minor disputes. When Clara Coleman was accused by her sister-in-law of having ‘accosted her’ with beastly language before throwing a jug at her, the Cheltenham magistrates dismissed the case since it appeared to be a result of ‘petty squabbling’.³⁴ An Exeter defendant was dismissed for having pushed her neighbour in the road and calling her an ‘ignorant fool’ since the magistrates felt that their dispute was ‘frivolous’, whilst another woman was dismissed for attacking a man in a public house over a loan since the Bench felt it to be ‘a most paltry dispute’.³⁵

TABLE 4.3 REASONS FOR DISMISSALS IN FEMALE ASSAULT CASES

	% of dismissals at Cheltenham	% of dismissals at Exeter	% of dismissals at both courts
No appearance by either party	35.3	3.4	28.2
Trivial case/equal blame	27	19.5	25.3
Lack of evidence	14	29.9	17.6
Complainant at fault	12	20.7	14
Issuing caution sufficient	2.7	16.1	5.7
No violence committed	6.3	2.3	5.4
‘Spiteful’ prosecution	1.7	0	1.3
First offence by defendant	0.7	1.1	0.8
Previous abuse from victim	0.3	2.3	0.8
Other	0	4.6	1.0

Note: this table excludes the 287 cases (out of 651 dismissals) in which magistrates did not provide reasons for their verdict.

³⁴ *Gloucester Citizen*, 25 May 1905, 4.

³⁵ *Exeter and Plymouth Gazette*, 28 April 1881, 2; *Cheltenham Chronicle*, 3 October 1903, 3.

However, in most of the cases deemed unworthy of magisterial attention, women were dismissed because it was felt that both parties had been to blame. This was especially the case when two individuals had cross-summoned each other for an assault. When two women prosecuted each other at Cheltenham after having had a street fight, the Chairman dismissed them under the impression that there had been 'some hair-pulling on one side and hat-spoiling on the other'.³⁶ Another two women were dismissed at Exeter after having a drunken brawl in a public house as the Bench felt that there had been 'an all-round scrimmage' in which the women were 'both as bad as each other'.³⁷ In such situations, it appears that magistrates were more concerned with the social acceptability of the women's behaviour than with the actual violence they had inflicted: when another three women charged each other for assault following a group fight on the street, the magistrates dismissed them on the grounds that the row had been 'a most disgraceful squabble' which was 'discreditable to all engaged in it'.³⁸

While these cases indicate that magistrates often dropped cases which they considered to be unimportant or trivial, this was not the most common reason for which they issued dismissals. At Cheltenham, the most frequent cause for a dismissal was the failure of a prosecutor and/or a defendant to appear. In the event that a prosecutor failed to attend a hearing, the case was almost invariably dismissed.³⁹ This was also the case if both parties failed to attend the hearing, such as when Margaret Stanton was dismissed for assaulting Fannie Clipp on account of 'neither party putting in an appearance'.⁴⁰ If, on the other hand, a defendant failed to attend a summons, the prosecutor had two options. First, they could get a warrant for the apprehension of the accused and bring the case back to the court at a later date. Second, they could drop the case and take no further action, an option which was more often selected probably due to the time spent in taking out a summons. When Mary Ann Webb prosecuted Annie Welch in 1887, a witness stated that Welch was pregnant and encouraged Webb to dismiss the case.⁴¹

³⁶ *Cheltenham Mercury*, 7 June 1884, 3

³⁷ *Trewman's Exeter Flying Post*, 16 August 1882, 7.

³⁸ *Gloucester Citizen*, 13 June 1892, 4.

³⁹ Although Rose Wells was prosecuted for assault in 1894, the complainant failed to attend the hearing. The clerk noted that there was 'no appearance on the part of the complainant' and the magistrates chose to dismiss the case. (GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/40, 1 January 1894).

⁴⁰ *Cheltenham Chronicle*, 23 May 1896, 3.

⁴¹ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/32, 2 May 1887.

At Exeter, however, only three cases were dismissed due to the failure of either party to appear. Rather than allowing cases to be dropped under this circumstance, the magistrates at Exeter usually proceeded with hearings even if a party did not appear. In doing so, they would rely on the evidence of witnesses as well as statements made by complainants (if they attended). When Jane Henry failed to attend a summons for having assaulted a lodger in her house, the magistrates heard the complainant's statement and issued Jane with a fine of 5/- in her absence.⁴² Similarly, Mary Roper was issued with a sentence of three weeks' hard labour despite having missed her court hearing since the magistrates accepted the evidence presented by both the victim and their witnesses.⁴³ This stricter response amongst Exeter magistrates when parties failed to attend hearings in comparison to their counterparts at Cheltenham may partly account for the marked difference in dismissal rates between the courts: since over a third of the cases at Cheltenham were dismissed on these grounds, it is possible that this factor played a significant role in the high rate of dismissals issued by the town's magistrates.

The most common reason for issuing a dismissal at Exeter, accounting for almost a third of the cases where dismissal reasons were revealed, was the failure of a prosecutor to provide sufficient evidence of the offence. This factor was also relatively common at Cheltenham, at which it was responsible for 14% of the dismissals issued. Numerous cases were dismissed because no evidence was offered by either the prosecutor or their witnesses: one prosecutor failed to obtain a witness when charging her neighbour for assault, prompting the magistrates to dismiss the case on the grounds that there was a 'lack of corroborative evidence'; another woman was dismissed for having allegedly assaulted her husband since he had attended the hearing whilst intoxicated and was declared to be 'not in a fit state to give evidence'.⁴⁴ On other occasions, magistrates dismissed cases because evidence was contradictory or unreliable. When deliberating on a summons relating a drunken public-house brawl, for example, the Exeter magistrates were given such conflicting

⁴² *Exeter and Plymouth Gazette*, 20 October 1881, 4.

⁴³ *Trewman's Exeter Flying Post*, 23 May 1883, 7.

⁴⁴ *Western Times*, 21 October 1899, 2; *Cheltenham Chronicle*, 10 August 1895, 5.

versions of the event by witnesses on either side that they felt the evidence was 'of such a contradictory nature' that they would have to dismiss the case.⁴⁵

Alongside shortcomings in court appearances and evidence, dismissals were issued when a complainant had been the blameworthy party. This was the second most common reason for issuing dismissals at Exeter and the fourth highest at Cheltenham, accounting for 20.7% of the dismissals distributed at the former and for 12% of those issued at the latter. During court hearings, it sometimes emerged that the complainant, rather than the defendant, had been the one to act violently. In one such case, a woman was dismissed for having allegedly thrown a brick at her neighbour when she appeared at the courtroom with her head bandaged and witnesses stated that the complainant had instead thrown the brick at her.⁴⁶ It also appears that magistrates sometimes held a complainant accountable for an offence if they had been the aggressor, as was the case when they dismissed Elizabeth Derrett for striking her neighbour with a broomstick on account of the complainant having first gone into her house and hit her in the face.⁴⁷

Although an uncommon factor at Cheltenham, the Exeter magistrates sometimes issued dismissals when they felt that a caution or promise of better future conduct was a sufficient deterrent. This factor was cited in 16.1% of the cases in which Exeter magistrates provided reasons for issuing a dismissal. One woman, for example, was dismissed for a drunken assault since it was her first appearance at the court and the magistrates felt that a caution would provide a 'fair warning' as to her conduct. Another was dismissed for assaulting her ex-husband because the magistrates were satisfied by her promise not only to refrain from repeating the offence but also from seeing him again.⁴⁸ For the most part, however, cautions over future conduct were reserved for cases in which offenders had been juvenile. When Ann Maria Mayo was summoned for assaulting her mother in 1884, her mother pleaded to withdraw the case since she felt that her daughter could 'turn from her evil ways'. Although refusing this request, the magistrates dismissed the girl with a caution and advised her mother to 'exercise

⁴⁵ *Trewman's Exeter Flying Post*, 21 June 1882, 3.

⁴⁶ *Cheltenham Chronicle*, 18 July 1896, 3.

⁴⁷ *Cheltenham Chronicle*, 6 July 1889, 3.

⁴⁸ *Western Times*, 19 September 1904, 11; *Exeter and Plymouth Gazette*, 4 January 1886, 4.

a judicial control over her' since they felt that the girl's behaviour was 'leading her to ruin'.⁴⁹

Although an examination of the factors behind dismissals may indicate magisterial reasons for excusing an accused woman, it is also important to consider whether receiving a dismissal was, in fact, a positive outcome for some of the defendants in this study. Certainly, most acquitted women were free to leave the court with no legal consequences or with only a small charge for the prosecution costs. In a number of cases, however, women received informal, unorthodox sanctions from magistrates. One woman summoned for assaulting her ex-partner and his mother, for example, was said to have been a previous resident at the Cheltenham Frances Owen Home, a residential house which both accommodated and aimed to reform young, poor females considered to be in 'moral danger'.⁵⁰ Upon the woman expressing a 'willingness' to go back, the magistrates discharged her on the condition that the home agreed to take her in again.⁵¹

Indeed, some of the non-official punishments imposed on dismissed women were potentially stricter than the sentences distributed to those who were convicted. In the first place, a handful of women were dismissed on condition of leaving their lodgings and relocating to a different neighbourhood, a punishment of expulsion which is likely to have placed shame on a woman and caused her to be ostracised within her community. Susan Dodwell was dismissed for having assaulted her neighbour but was ordered by the Bench to 'remove her quarters', whilst another woman was dismissed on the premise that she 'move her quarters to some other part of the town' since she was 'a most undesirable person to live near'.⁵² Some defendants were ordered to leave their town completely: a young woman who had previously spent some of her childhood at an industrial school was dismissed by the magistrates but was instructed to 'leave her surroundings at Exeter...[and] move elsewhere' since they felt that there would be 'no use' in convicting her.⁵³ Furthermore, a number of women escaped

⁴⁹ *Western Times*, 2 August 1884, 3.

⁵⁰ The Frances Owen Home was set up in 1883 to help girls considered to be 'friendless and fallen' by providing accommodation for up to three months. For local women this accommodation was free of charge; for others, a weekly payment of between 3/6 and 5/- was required. The house was situated at Rutland Street, then one of the poorer streets in Cheltenham (see Chapter 3).

⁵¹ *Gloucester Citizen*, 13 June 1893, 4.

⁵² *Cheltenham Chronicle*, 10 October 1896, 3; *Gloucestershire Echo*, 13 July 1899, 4.

⁵³ *Exeter and Plymouth Gazette*, 13 May 1905, 3.

official sanctions but had their children taken away from them. A woman accused of husband-assault in 1896 was dismissed when a witness claimed that she was prone to 'attacks of hysterics', yet the magistrates ordered her child to be taken to the workhouse and, subsequently, to be moved to a different home or to the Charity Organisation Society.⁵⁴

An overview of the outcomes reached in female assault cases does not necessarily indicate that magistrates were unconcerned by acts of women's violence, as historians have previously suggested. Although dismissal rates at Exeter were relatively similar – and at Cheltenham even higher – to those found within studies of courts elsewhere in the country, an examination of the reasons why magistrates issued dismissals suggests that they did not simply perceive women's violence to be trivial. Triviality accounted for roughly just a quarter of the dismissals issued by magistrates. Instead, the most common factor for dismissals at Cheltenham was the failure of either party to attend a hearing, whilst at Exeter it had been the lack of evidence offered by witnesses and prosecutors. Additionally, a significant portion of cases were dismissed due to the behaviour of complainants. It has also been argued that dismissals should not be readily accepted as evidence of magisterial lenience; magistrates sometimes expressed concerns with violent women by issuing harsh but non-official measures such as taking away children or evicting women from their local communities. The view that a dismissal is evidence of a lenient attitude therefore needs to be assessed in consideration of the cases in which magistrates issued strict but unofficial penalties on the women. Having thus provided an overview of the verdicts and sentences issued at Cheltenham and Exeter, this chapter next explores the ways in which magisterial responses to female acts of assault changed during the years 1880-1909. In particular, it traces patterns in conviction rates and sentencing policies across the period and examines the factors which might have influenced shifts in decision-making processes. Were the magistrates becoming harsher in their treatment of female assault as the research period progressed? If so, why did this change occur?

⁵⁴ *Cheltenham Chronicle*, 28 March 1896, 2.

4.4 Shifts in magisterial responses to women's non-lethal violence

An examination of patterns in magisterial policies over the years 1880-1909 indicates several transformations in the treatment of female assault at Exeter and Cheltenham. Trends in the verdicts issued by magistrates across the period are particularly indicative of these changes: Figures 4.1 and 4.2, within which the verdicts distributed at Exeter and Cheltenham are divided into 5 sets of 6-year intervals, suggest shifts in the judgements reached by magistrates as the period progressed (see next page). These changes become apparent by comparing two phases during the research period. The first, occurring during the years 1880-1891, indicates little change in the attitudes of magistrates. The Cheltenham magistrates remained consistent in the verdicts which they returned during these years: the proportion of women who were dismissed fell from 63.5% in the years 1880-1885 to 63.2% in the period 1886-1891 whilst the conviction rate rose only from 31.6% to 32.9%. There was also little change in dismissal levels at Exeter over these years, at which court the proportion of acquitted cases rose marginally from 26.3% to 27.1%. However, the conviction rate at Exeter dropped from 69.4% to 61.8%, a decline possibly prompted by the increasing proportions of women who were bound over (from 1.6% to 9.7%). The years 1880-1891 therefore indicate that neither Exeter nor Cheltenham magistrates had attempted to harshen their policies towards women by issuing a greater level of convictions.

FIGURE 4.1 VERDICTS DISTRIBUTED AT CHELTENHAM, 1880-1909

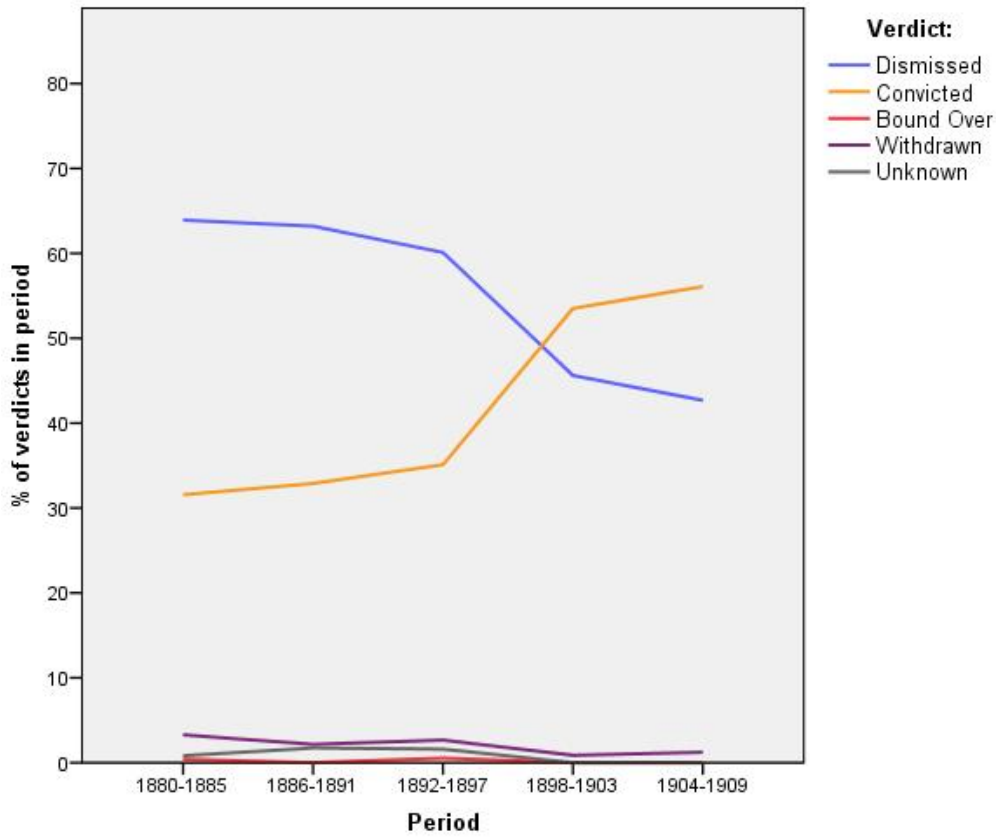
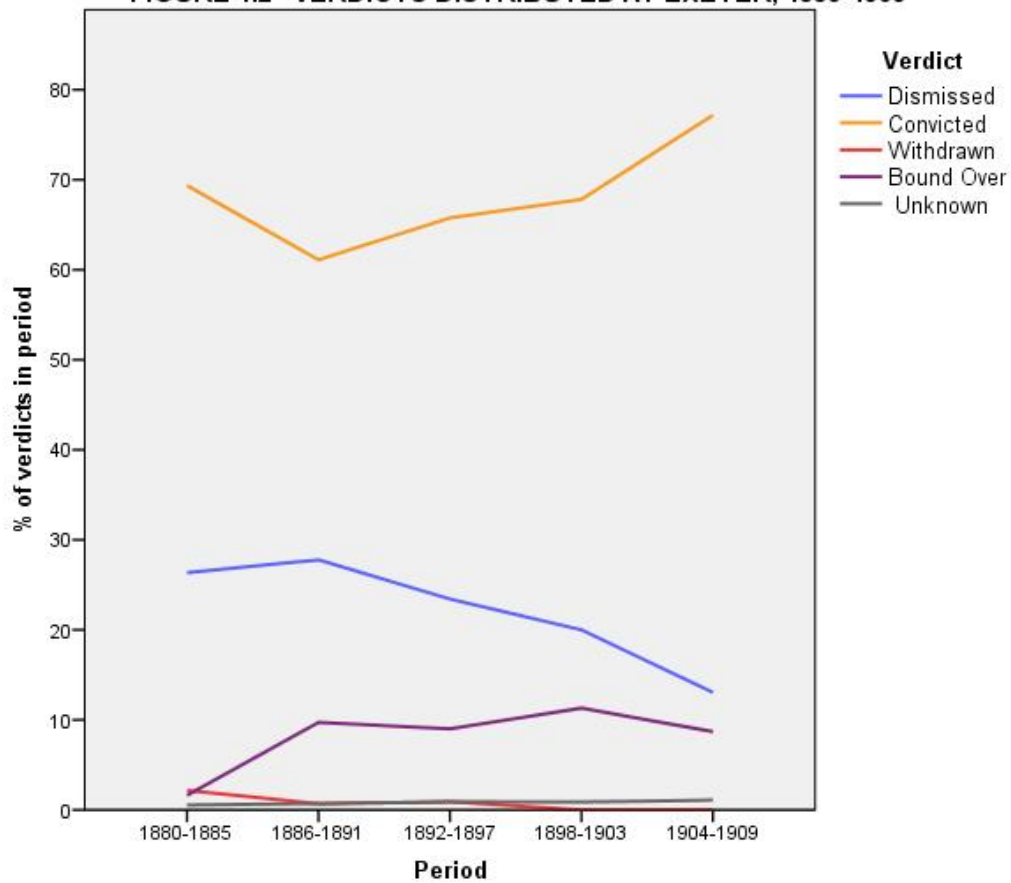


FIGURE 4.2 VERDICTS DISTRIBUTED AT EXETER, 1880-1909



During the second phase, however, Cheltenham and Exeter magistrates became harsher in the verdicts which they returned in assault prosecutions. Over the years 1892-1909, the proportion of dismissals issued by Exeter magistrates almost halved: whilst having accounted for 27.1% of the verdicts returned during the period 1886-1891, this figure declined steadily and fell to just 14.1% during the years 1904-1909. At the same time, the proportion of women who were convicted rose from 61.8% to 76.1%, which indicates that the Exeter magistrates became less ready to dismiss women – and instead more willing to convict them – as the years progressed. This transition was echoed in the verdicts issued by magistrates at Cheltenham, the dismissal rate having fallen from 63.2% to 42.7% whilst the conviction rate rose from 32.9% to 56.1% over the same period. More significantly, the dismissal and conviction rates at Cheltenham crossed over during the late 1890s: previously having been most likely to receive a dismissal, women were instead more likely to receive a conviction during the years 1898-1909.

To some extent, changes in the distribution of verdicts were reflected in the sentences issued by magistrates. As with verdicts, changes in magisterial sentencing practices are best identified by dividing the period under study into two phases: 1880-1891 and 1892-1909. During the first interval, the punishments issued by magistrates appear to have been relatively lenient, especially in respect of financial penalties (See Figures 3.3 and 3.4). Whilst nominal fines had accounted for 65.1% of all sentences issued at Exeter in the years 1880-1885, this figure rose to 73% during the years 1886-1891; the proportion of high-value fines, on the other hand, fell from 22.5% to 12.4%. This shift was yet more marked at Cheltenham, where the proportion of nominal fines increased from 54.4% to 76.3% whilst the proportion of high fines more than halved. Further to this, there was only a marginal increase in the distribution of custodial sentences across either court – from 1.3% to 2.6% at Cheltenham and from 12.4% to 14.6% at Exeter – during these years. It would therefore appear that the magistrates became more lenient in their sentencing practices in the years 1880-1891: greater proportions of women could expect a light fine; fewer women were receiving steep fines; and there was only a minor increase in the level of women sent to prison without the option of a fine.

FIGURE 4.3 SENTENCES DISTRIBUTED AT CHELTENHAM, 1880-1909

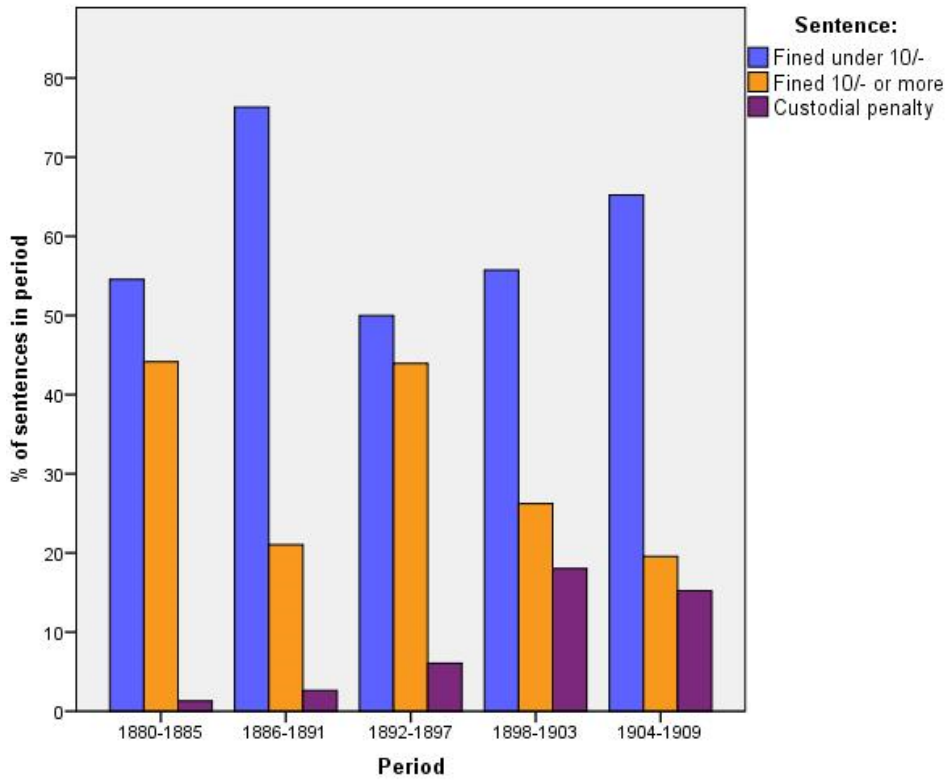
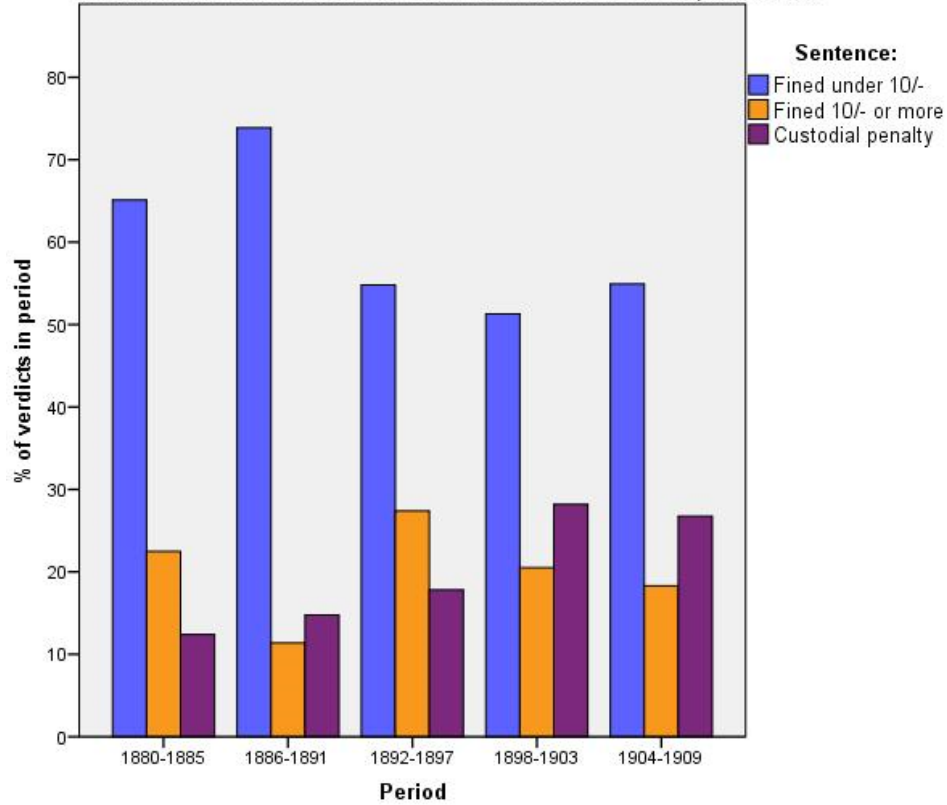


FIGURE 4.4 SENTENCES DISTRIBUTED AT EXETER, 1880-1909



During the years 1892-1909, patterns in magisterial sentencing practices varied depending on the types of punishment issued to women. Custodial sentences, for instance, were increasingly used by both the Cheltenham and Exeter magistrates. From the early 1890s, the proportion of prison sentences distributed at Cheltenham more than doubled, rising from 6.1% in the years 1892-1897 to 15.2% during the period 1904-1909; similarly, the level of women who received custodial sentences at Exeter increased over these years from 17.8% to 26.8%. Although the proportion of custodial sentences issued across these courts reached a plateau during the final years of the period under study (1904-1909), it would certainly appear that magistrates were considerably more willing to incarcerate women for acts of assault by the end of the period than they had been during the 1880s.

Although patterns in custodial sentences over the years 1892-1909 reflect a harshening of magisterial sentencing practices, this trend is less evident in the administration of financial penalties. This becomes apparent when considering the distribution of low-value fines during this period. The Exeter magistrates were consistently willing to issue women with low fines, as indicated by the fact the proportion of nominal fines – fluctuating from 51-55% of all sentences issued – remained relatively stable throughout the years 1892-1909. Cheltenham magistrates, meanwhile, became increasingly prepared to issue women with light financial penalties: nominal fines had accounted for 50% of all penalties issued during the years 1892-1897 but for 55.7% and 65.2% of those distributed in the years 1898-1903 and 1904-1909 respectively. Patterns in the proportion of low-value fines therefore suggest that both Cheltenham and Exeter magistrates remained willing to let women off with nominal fines throughout the research period.

At the same time, there was a general decline in the use of high-value fines. It is likely that this transformation was prompted by the increasing use of custodial sentences. Over the years 1892-1909, high fines (those amounting to 10/- or more) dropped in proportion from 27.4% to 20% of all sentences issued at Exeter and from 49.3% to 19.6% at Cheltenham, a transition which occurred alongside the rising administration of custodial sentences. The relationship between these forms of punishment is especially apparent at Exeter, since the relatively stable rate at which nominal fines were distributed indicates that custodial sentences were the only possible sentencing practice which could have been replacing the proportion of high-value fines. Given this

correlation, it is reasonable to assume that magistrates were starting to issue custodial sentences in cases which might previously have resulted in a heavy fine: whilst they may have wanted to keep fines to a minimum for the majority of convicted women, magistrates may have started to consider a wider range of offences to be punishable by prison.

By analysing conviction rates and sentencing patterns at Exeter and Cheltenham, it appears that magistrates responded more harshly to acts of female assault from the early 1890s. In the first place, they became stricter in the verdicts which they returned: whilst there was no increase in conviction rates across either court during the 1880s, the magistrates became increasingly willing to convict women as the years 1892-1909 progressed. In addition, they became more prepared to issue custodial sentences. Although there were some inconsistencies between the courts regarding financial sentences, a disparity which will later be addressed, women were considerably more likely to be convicted and to be incarcerated by the end of the years 1880-1909 than they had been at the start.

The sections which follow therefore consider why such shifts occurred, in particular examining whether the rise in conviction rates and custodial sentences from the early 1890s was prompted by changes relating to the severity of alleged assaults, to the backgrounds of the parties involved, or to the nature of courtroom procedures.⁵⁵ The method employed to assess the impact of each factor under consideration involves examining whether there were any reference classes which were not only markedly more likely to result in a conviction and/or custodial sentence, but which were also increasing in proportion from the early 1890s. If both criteria are met, it is possible that the factor under examination may have prompted a rise in conviction rates and/or custodial sentences and was thereby influential in the gradual harshening of magisterial responses to female assault at Exeter and Cheltenham.⁵⁶

⁵⁵ Due to the brevity of many court records and newspaper reports, it was not possible to gain information relating to these factors for all cases within the study. As such, cases where no information was available have been omitted from analysis, although the total number of excluded cases has been indicated within the corresponding tables for each factor.

⁵⁶ As aforementioned, this approach adopts a similar methodology to Peter King's examination of assault prosecutions at the Essex Quarter Sessions during the late-eighteenth and early-nineteenth centuries ('Punishing Assault'). In this study, he considered whether changes in the status and gender of defendants and/or victims played influenced patterns in the treatment of assault prosecutions.

4.5 Factors impacting conviction and incarceration rates

i) *The severity of assaults*

It is entirely possible that the magistrates issued more convictions and custodial sentences from the 1890s simply because the assaults being brought before them were becoming more severe in nature. An examination of the levels of injury inflicted in these cases, however, would suggest otherwise. As might be expected, prosecution outcomes were more stringent in cases within which a great deal of injury had been inflicted, accused women having been considerably more likely to receive a conviction and custodial sentence if they had inflicted moderate to severe injury on victims than if their assaults had resulted in either no or negligible physical harm (Table 4.4).⁵⁷ A woman who spat in her victim's face 'three or four times', for example, was issued with a relatively light fine of 2/6/-, whilst another was sentenced to two months' hard labour for having trampled on and beaten a victim to the point at which a constable, finding him 'lying on the floor in a bad condition [with] blood everywhere', had been obliged to take him to hospital.⁵⁸ Yet this stricter magisterial treatment in more extreme cases of violence did not prompt the rise in conviction or incarceration rates; the acts most likely to be met with these outcomes – those resulting in moderate or severe injury – declined across both courts, dropping in proportion from 36.2% to 22.7% of assaults prosecuted at Cheltenham and from 42.4% to 36.2% of those brought to Exeter during the years 1892-1909.

⁵⁷ Due to the difficulty in measuring emotional harm, this examination considers only the *physical* harm inflicted on victims. Assaults categorised under 'no or negligible' injury were those where no physical assault had been committed (such as the defendant putting their fists up at the victim) or where physical harm had had little lasting impact (such as the defendant throwing water or spitting at the victim). Injuries categorised as 'minor' were those resulting in slap marks, grazes, scratches or minor bruising when the victim appeared in court. Assaults falling under the 'moderate or severe' injury category included those where victims had received black eyes, deep wounds, broken bones, burns or where they had been hospitalised or permanently maimed by the defendant.

⁵⁸ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/34, 26 March 1885; *Exeter and Plymouth Gazette*, 7 June 1906, 4.

TABLE 4.4 OUTCOMES ANALYSED BY LEVELS OF INJURY

		None/negligible	Minor	Moderate/severe
		As a % of outcomes	As a % of outcomes	As a % of outcomes
Cheltenham	Not guilty	64.1	51.3	34.9
	Fined under 10/-	28.2	26.3	25.6
	Fined 10/- or more	6.1	18.8	26.7
	Custodial sentence	0.8	3.8	11.6
	Unknown/other	0.8	0	1.2
Exeter	Not guilty	27.2	14	22.9
	Fined under 10/-	45.6	41.9	35.4
	Fined 10/- or more	14.9	20.9	16.7
	Custodial sentence	4.4	11.6	22.9
	Unknown/other	7.9	11.6	2.1

Note: this table excludes the 757 cases (out of a total 1,507) in which the levels of injury were unknown.

A further way in which magistrates determined the severity of an assault was by considering the type of victim whom had been targeted. Whilst assaults on most adults were defined as acts of ‘common assault’, assaults on peace officers and children were legally distinguished as separate and more serious categories of violent crime.⁵⁹ As such, the magistrates at Exeter and Cheltenham typically responded more stringently in these cases (Table 4.5). They were particularly concerned by acts of violence directed against officers: not only were assaults on officers exceedingly likely to result in a conviction, no defendants at Exeter and only four of those at Cheltenham having been acquitted on such charges, but they were also punished with custodial

⁵⁹ The act of assaulting, resisting or wilfully obstructing a peace officer became a separate charge through the *Offences Against the Person Act 1861* (24 & 25 Vict., C. 101, sect. 38). Assaulting a child was not legally distinguished from acts of ‘common assault’ until *the Prevention of Cruelty to Children Act 1889* (52 & 53 Vict. C. 44), but court records throughout the 1880s listed such acts as ‘assaulting a child. This suggests that magistrates had already been handling these cases as especial forms of violence prior to government legislation.

sentences far more frequently than acts of ‘common assault’.⁶⁰ Magisterial anxieties over assaults on officers were further reflected in their closing remarks during hearings, as was indicated when a woman was convicted for assaulting a constable since the magistrates wanted to do ‘all in the powers’ to ‘protect police officers in the execution of their duty’ whilst another was convicted for assaulting a bailiff since they believed that bailiffs ‘should not be assaulted in this way, particularly by a female’.⁶¹

TABLE 4.5 OUTCOMES ANALYSED BY TYPE OF VICTIM

		Adult	Officer	Child
		As a % of outcomes	As a % of outcomes	As a % of outcomes
Cheltenham	Not guilty	57.8	23.5	44.4
	Fined under 10/-	26.4	17.6	19.4
	Fined 10/- or more	12.6	47.1	22.2
	Custodial sentence	2.2	11.8	13.9
	Unknown/other	1.0	0	0
Exeter	Not guilty	27	0.0	20
	Fined under 10/-	43.1	31	17.8
	Fined 10/- or more	14	13.8	6.7
	Custodial sentence	8.8	44.8	44.4
	Unknown/other	7.1	10.3	11.1

Note: this table excludes the 176 cases (out of a total 1,507) in which the type of victim was unknown.

Assaults on children were also treated more severely than acts of ‘common assault’, the magistrates having often regarded such offences as abhorrent acts of violence. One woman, for example, was issued with a penalty of 6 weeks’ hard labour due to

⁶⁰ Assaults on officers – whether by men or women – were also treated more harshly at courts outside of the region (Abraham, ‘Summary Courts’, 154-5; August, ‘Horrible Looking Woman’, 868).

⁶¹ *Exeter and Plymouth Gazette*, 19 September 1883, 3; *Gloucester Citizen*, 14 October 1897, 3. The words ‘particularly by a female’ are of especial interest here, since they imply that violence against authoritative figures may have been perceived as particularly problematic when administered by women.

her treatment of her six-year-old daughter: after hearing that she had repeatedly starved and beaten the girl, the magistrates decided that she was a 'cruel, heartless and callous' woman whose 'shocking conduct' warranted nothing but an 'exemplary punishment'.⁶² Cheltenham and Exeter magistrates were more willing to convict and incarcerate women for acts of child abuse than common assaults: at Exeter, for instance, almost half of those prosecuted for assaulting a child were convicted and issued with a prison sentence compared to just 8.8% of those who charged for common assault. Furthermore, several of these women had their children permanently taken away from them in addition to penal sanctions: when a woman was convicted for assaulting her daughter in 1902, the magistrates not only sentenced her to one month with hard labour but also ordered her daughter to be taken under the care of the local Catholic Home until she was sixteen years old; in another case, a woman received six months' hard labour for having starved and beaten her two children, the magistrates further arranging for her children to be taken under someone else's care until they were sixteen since they felt that she was not a 'fit' person to have responsibility over them.⁶³

The stricter magisterial treatment of assaults on officers and children, however, was not a significant factor in the rising of conviction rates and custodial sentences from the 1890s. Assaults on officers declined at both courts: at Exeter, the proportion of assaults by women which were directed against officers dropped from 7.8% to 4.8% during the years 1892-1909; at Cheltenham, this figure fell from 2.9% to just 1.3%. Responses to assaults on children, meanwhile, may have had only a limited impact; such offences increased for only part of the period during which convictions and custodial sentences rose. At Cheltenham, the proportion of child assaults rose from 5.8% during the years 1892-1897 to 8.2% in the period 1898-1903, thereafter declining to 4% during the years 1904-1909. Following a similar pattern, the corresponding figures at Exeter during these intervals were 2.9%, 8.3% and 1.7%. This indicates that assaults on children may have had an impact during the years 1898-1903, but that assaults on neither children nor police are enough to account for the changes in magisterial policy which occurred over the years 1892-1909.

⁶² *Western Times*, 20 June 1899, 5.

⁶³ *Western Times*, 15 August 1902, 6; *Western Times*, 29 January 1901, 5.

ii) *The sex and marital statuses of victims and defendants*

Although the severity of offences could not account for changes in magisterial responses to female acts of assault, it is possible that these trends were influenced by the backgrounds of the defendants and their victims. Yet it is difficult to obtain background information on the parties involved in court proceedings due to the brevity of court records and newspaper reports. The occupational statuses of women and their victims, for example, would be particularly relevant to consider, although this information was rarely provided: in only 97 of the 1,507 cases within this study were the occupational statuses of female defendants revealed within either court records or newspapers; the occupations of only 338 of their victims were mentioned. Nor is it possible to use the defendants' husband's occupations as a marker of social class, since this information was available for only 106 of the 772 defendants who were known to be married. It would be also valuable to consider the age of the parties involved, especially given that recent research has demonstrated the impact of age upon judicial discretion, yet ages were rarely revealed in these cases unless defendants or victims were juvenile or elderly.⁶⁴ As a result of these shortcomings, it was possible to examine only three social markers in this study: the sex of victims; the marital statuses of victims; and the marital statuses of defendants.

The sex of victims had little impact on changes in magisterial responses to female assault. In the first place, there were only minor fluctuations in the proportions of male and female victims at both Exeter and Cheltenham during the years 1892-1909 (Table 4.6). Secondly, the victim's genders had little impact on the verdicts returned by magistrates. Whilst Abrahams' study of assault prosecutions at Northampton and Nottingham during the late-nineteenth and early-twentieth centuries indicates that women were more likely to be convicted if they assaulted men than other women, Cheltenham and Exeter magistrates returned similar verdicts regardless of victim's sexes: at Cheltenham, 42.6% of those prosecuted for assaulting women compared to 48.1% of those tried for assaulting men were convicted; the corresponding figures at

⁶⁴ P. King, 'Female offenders, work and life-cycle in late-eighteenth century London', *Continuity and Change*, 11:1 (1996), 61-90.

Exeter were 66.4% and 70.6% respectively.⁶⁵ There were also few differences in the sentences issued: although there was a slightly greater chance of women receiving a prison sentence if they had assaulted men, this discrepancy is likely to have been caused by the high proportion of prison sentences which were issued following an assault on peace officers.⁶⁶

TABLE 4.6 SEX OF VICTIMS ANALYSED BY PERIOD

		Female	Male
		As a % of all victims in period	As a % of all victims in period
Cheltenham	1880-1885	66.3	33.7
	1886-1891	80.6	19.4
	1892-1897	82.5	17.5
	1898-1903	79.3	20.7
	1904-1909	82.5	17.5
Exeter	1880-1885	78.1	21.9
	1886-1891	80	20
	1892-1897	66.3	33.7
	1898-1903	71	29
	1904-1909	63.2	36.8

Note: this table excludes the 126 cases (out of a total 1,507) in which the gender of victims was unknown.

An examination of the marital statuses of the victims also fails to provide an explanation for shifts in magisterial policies. Assaults on widowed victims, for one, were relatively uncommon throughout the period and have thus been discounted as

⁶⁵ Finding that women were dismissed more frequently for assaulting other women than men, Abraham concludes that 'violence in an all-female context was not of primary concern to magistrates' (Abraham, 'Summary Courts', 124-5 and 159-60). Turner has similarly indicated that women were more likely to be convicted for assaulting men than other woman ('Summary Justice', 61).

⁶⁶ During the research period, all officers were male. The first female police officer was appointed in 1915. For further discussion on women officers, see: L. Jackson, *Women Police: Gender, Welfare and Surveillance in the Twentieth Century* (Manchester, 2012).

an influential factor.⁶⁷ Assaults on married and unmarried victims also had little impact. In the first place, there was very little change in the proportions of married and unmarried victims at Exeter and Cheltenham during the research period, with those in the former category having fluctuated only from 88.2% to 91.1% during the year 1880-1909 at both courts combined. Secondly, as indicated in Table 4.7, the outcomes returned by magistrates were relatively uniform. At Cheltenham, 59.1% of assaults on married victims compared to 58.5% of those on unmarried victims resulting in a dismissal, whilst 1.9% of those in the former category and 1.5% of those in the latter resulted in a conviction and custodial sentence. At Exeter, 47.2% of assaults on both married and unmarried victims were acquitted, whilst 4.3% and 4.5% of cases in these categories respectively were issued a conviction and custodial sentence.

TABLE 4.7 OUTCOMES ANALYSED BY MARITAL STATUSES OF VICTIMS

		Married victims	Unmarried victims
		As a % of outcomes	As a % of outcomes
Cheltenham	Not guilty	59.1	58.5
	Fined under 10/-	25.7	20.0
	Fined 10/- or more	12.5	20.0
	Custodial sentence	1.9	1.5
	Unknown/other	0.8	0
Exeter	Not guilty	47.2	47.2
	Fined under 10/-	32.1	25.8
	Fined 10/- or more	12.5	18.0
	Custodial sentence	4.3	4.5
	Unknown/other	3.8	4.5

Note: this table excludes 725 cases (out of a total 1,507) in which victims' marital statuses were unknown, 84 cases in which victims were juveniles and 25 cases in which victims were widowed.

⁶⁷ Out of the cases in which information on marital status was available, widows accounted for 4.8% of the victims at Cheltenham and only 1.6% of those at Exeter.

The marital statuses of defendants may have played a greater role in shaping patterns in prosecution outcomes. Whilst widows never accounted for more than 5.3% of the defendants at either court and have therefore again been excluded, the appearances of married and unmarried defendants before the courts may, to some extent, have had an impact. On the one hand, differences between responses towards assaults by married and unmarried women may have prompted a rise in conviction rates from the 1890s. Married women were more often convicted than their unmarried counterparts, a discrepancy which was particularly marked at the Cheltenham court (Table 4.8). The proportion of married defendants also increased at both courts – from 77.8% to 86.8% at Exeter and from 85.4% to 92.9% at Cheltenham over the years 1892-1909 –, a trend which may have influenced a rise in conviction rates during this period. On the other hand, married defendants were only marginally more likely than unmarried defendants to receive a prison sentence if convicted. As such, it appears that the marital statuses of defendants can account for a rise in convictions but not for the increasing use of custodial penalties by the magistrates.

TABLE 4.8 OUTCOMES ANALYSED BY MARITAL STATUSES OF DEFENDANTS

		Married defendants	Unmarried defendants
		As a % of outcomes	As a % of outcomes
Cheltenham	Not guilty	55	73.8
	Fined under 10/-	25.1	13.1
	Fined 10/- or more	15.8	6.6
	Custodial sentence	3.4	3.3
	Unknown/other	0.7	3.3
Exeter	Not guilty	22.1	36.2
	Fined under 10/-	43	34
	Fined 10/- or more	14.2	8.5
	Custodial sentence	13.6	10.6
	Unknown/other	7	10.6

Note: this table excludes 571 cases (out of a total 1,507) in which defendants' marital statuses were unknown, 8 cases in which defendants were juveniles and 29 cases in which they were widows.

The relationship between marital status and rising conviction rates indicates that, if there was a 'civilising offensive' directed against violent women during this period, it may have been especially focused on regulating the behaviour of those who were married. The reasons as to why this should have been the case at Cheltenham and Exeter are unclear, especially given the number of studies which indicate that single women have been treated more severely than their married counterparts.⁶⁸ One explanation, however, could be linked to the 'double deviance' argument adopted amongst feminist criminologists and historians, within which it is argued that criminal women are punished not only for transgressing the law but also for having deviated from the behavioural norms prescribed to them by their sex.⁶⁹ Many of the married women in this study were condemned by magistrates both for their violence and for having acted in a manner deemed as unacceptable wifely behaviour. This was especially prevalent when they assaulted their husbands, as was the case when a woman received a week with hard labour for slapping her husband during a row over food preparation since the magistrates felt that they 'could not tolerate a woman assaulting her husband in the manner she had done'.⁷⁰

By contrast, many unmarried defendants received magisterial sympathy due to being perceived as wronged women. One woman, for example, was dismissed three times for assaulting her former partner, the magistrates each time having extended sympathy when she stated that he had borrowed money from her, refused to repay the loan, and then revoked his promise to marry her whilst she was pregnant with his child. Although she was convicted when he took out a fourth summons against her, the magistrates sentenced her with the more lenient option a fine since they felt that both her ex-partner and the policeman who gave evidence had staged the event with the purpose of 'trapping' her.⁷¹ It would therefore appear that the magistrates

⁶⁸ King has demonstrated that single women brought before Cornish courts in the years 1780-1820 were twice as likely to be convicted than those who were either married or widowed (*Crime and Law*, 256). Meanwhile, Turner's examination of Stafford magistrates' court in the late-nineteenth and early-twentieth centuries has demonstrated that unmarried female defendants were more often incarcerated than their married counterparts ('Summary Justice', 67).

⁶⁹ Work within this school of thought includes: Heidensohn, *Women and Crime*; M. Chesney-Lind, *The Female Offender: Girls, Women and Crime* (London, 1997); and A. Lloyd, *Doubly Deviant, Doubly Damned: Society's Treatment of Violent Women* (London, 1995). For an overview of the 'double deviance' theory and its proponents, see Heidensohn and Silvestri, 'Gender and Crime'.

⁷⁰ *Western Times*, 25 May 1896, 2.

⁷¹ *Gloucester Citizen*, 4 February 1884, 4; *Gloucestershire Echo*, 19 May 1884, 3; *Gloucester Citizen*, 16 June 1884, 4; *Cheltenham Mercury*, 27 June 1885, 3.

sometimes extended lenience to abandoned or mistreated women whilst directing their 'civilising' efforts at regulating the behaviour of violent, married women whom had deviated from contemporary expectations of wifely conduct.

iii) *Changes in courtroom procedures*

Finally, it must be considered whether patterns in conviction rates and sentencing policies were impacted by changes in the nature of courtroom procedures during summary hearings. The employment of a defence counsel, for one, does not appear to have been a significant factor. Firstly, although one might expect that employing a legal representative would serve in a defendant's favour, the magistrates do not appear to have extended lenience to those whom had done so: women brought before the Cheltenham and Exeter magistrates faced remarkably similar odds of being convicted and of receiving custodial sentences whether or not they had employed a lawyer to present their case (see Table 4.9). Indeed, it was not uncommon for magistrates to disregard pleas made by lawyers on behalf of their clients. One lawyer failed to secure a dismissal for his client since he had offered an 'unqualified denial' of the charge made against her, whilst another had protested to the Bench's verdict and sentence but was asked to respect their 'final decision'.⁷² Secondly, there was little change in the propensity of women to employ a lawyer across the period, the proportion of those who appeared with a representative having increased only from 14.6% to 16.3% at Exeter whilst declining from 15.4% to 12.2% at Cheltenham across the years 1892-1909. As David Bentley has noted, legal representation remained 'a luxury beyond the means of most prisoners' during this period; there was no legal aid available in the English magistrates' courts until the 1930s.⁷³

⁷² *Gloucester Citizen*, 14 July 1896, 4; *Exeter and Plymouth Gazette*, 13 July 1898, 4.

⁷³ Bentley, *English Criminal Justice*, 25

TABLE 4.9 OUTCOMES ANALYSED BY LEGAL REPRESENTATION

		Defendants with representation	Defendants without representation
		As a % of outcomes	As a % of outcomes
Cheltenham	Not guilty	63.0	60.5
	Fined under 10/-	20.0	23.3
	Fined 10/- or more	15.0	11.7
	Custodial sentence	2.0	3.0
	Unknown/other	0	1.4
Exeter	Not guilty	25.8	23.8
	Fined under 10/-	34.4	42.2
	Fined 10/- or more	20.4	12.8
	Custodial sentence	11.8	13.0
	Unknown/other	7.5	8.3

More influential was a women's decision regarding whether to plead guilty to a charge. This practice became considerably more common over the years 1892-1909, the proportion of women who pleaded guilty having more than tripled at Cheltenham whilst increasing more than eightfold at Exeter (see Table 4.10). This transition is likely to have influenced patterns in conviction rates, since magistrates were considerably more willing to issue convictions to those who pleaded guilty: Exeter magistrates convicted 95.5% of those who pleaded guilty compared to 66.8% who pleaded not guilty; at Cheltenham, the conviction rates across these categories were 77.8% and 36.2% respectively. In addition, if women had pleaded guilty in the hope that their confessions might secure them a lenient punishment, their hopes were largely unrealised. Although women were similarly likely to receive low fines irrespective of how they chose to plead, the magistrates more often distributed custodial sentences to those who had pleaded guilty. Whilst only 2.6% of those who pleaded not guilty at Cheltenham were convicted and issued with a prison sentence, this fate was met by 11.1% of those who had pleaded guilty. This sentencing discrepancy is yet more marked at Exeter, where only 11.7% of those who pleaded not guilty compared to

45.5% of those who pleaded guilty were issued with a conviction and prison term. The stricter magisterial treatment of women who pleaded guilty, alongside the substantial rise in the proportions of women who chose to do so, may therefore have influenced an increase in the distribution of convictions and custodial sentences at both Exeter and Cheltenham.

TABLE 4.10 PLEADING DECISIONS ANALYSED BY PERIOD

		'Guilty' plea	'Not guilty' plea
		As a % of all pleas in period	As a % of all pleas in period
Cheltenham	1880-1885	2	98
	1886-1891	0.9	99.1
	1892-1897	3.7	96.3
	1898-1903	9.6	90.4
	1904-1909	13.4	86.6
Exeter	1880-1885	0	100
	1886-1891	0.7	99.3
	1892-1897	1.8	98.2
	1898-1903	4.3	95.7
	1904-1909	15.2	84.8

A final courtroom procedure which played a role in the administration of summary justice was the type of prosecutor who brought the summons before the magistrates. Prosecutors of summary offences largely fell under one of three categories: the victims or one of their acquaintances; police officers; and representatives from organisations. The role played by policemen was particularly significant in influencing patterns in conviction rates and sentencing practices across the courts. As Godfrey has noted, police officers were increasingly involved in summary hearings during the late

nineteenth century as they started to take on a role as public prosecutors.⁷⁴ This transformation is echoed in records of assault prosecutions at both the Exeter and Cheltenham magistrates' courts: whilst police officers seldom prosecuted assault cases in these courts during the years 1880-1891, the proportion of police-led prosecutions increased at Cheltenham from 2.3% to 7.5% and at Exeter from 10.4% to 18.2% across the years 1892-1909. In addition, such cases were considerably more likely – indeed, over ten times more likely at Cheltenham – to result in a conviction and custodial sentence than those prosecuted by the victims or their acquaintances (see Table 4.11).⁷⁵ The tendency of the magistrates to respond more strictly to cases in which the summons had been taken out by police officers may therefore have played a role in increasing conviction rates and custodial sentences at both courts.

TABLE 4.11 OUTCOMES ANALYSED BY TYPE OF PROSECUTOR

		Victim/friend	Police	Organisation
		As a % of outcomes	As a % of outcomes	As a % of outcomes
Cheltenham	Not guilty	59.4	20.8	8.3
	Fine of under 10/-	25.2	37.5	0
	Fine of 10/- or more	12.4	25.0	33.3
	Custodial sentence	1.6	16.7	58.3
	Unknown/other	1.4	0	0
Exeter	Not guilty	27.1	4.2	0
	Fine of under 10/-	41.3	50.0	5.9
	Fine of 10/- or more	13.9	8.3	11.8
	Custodial sentence	9.7	31.3	76.5
	Unknown/other	7.9	6.3	5.9

Note: this table excludes the 113 cases (out of a total 1,507) in which the type of prosecutor was unknown.

The role played by organisations, however, was less significant. Typically, these cases were brought to magistrates by representatives from the NSPCC (for acts of child assault), but they were sometimes prosecuted by the Board of Guardians or the Licensed Victualler's Association. Of the three categories of prosecutors, cases taken

⁷⁴ Godfrey, 'Changing Prosecution Practices'.

⁷⁵ Godfrey's research on Crewe similarly suggests that cases prosecuted by police officers were more likely to result in convictions than those brought to magistrates by victims ('Changing Prosecution Practices', 179).

out by organisations were the most likely to result in convictions and custodial sentences. The conviction rates in such prosecutions were especially high: Cheltenham magistrates issued convictions in 91.7% of these cases, whilst this figure was even higher – reaching 94.1% – at Exeter. Yet, despite these steep conviction rates, cases prosecuted by organisations increased only during the years 1898-1903: at Cheltenham the proportion of cases taken out by organisations rose from 1.7% in the years 1892-1897 to 7.2% in the years 1898-1903, but there were no such cases during the period 1904-1909; at Exeter, prosecutors from organisations accounted for none of the cases tried in the years 1892-1897 and, although reaching a proportion of 8.7% during the years 1898-1903, this figure declined to 4.5% in the years 1904-1909. Unlike cases prosecuted by police officers, then, those brought by representatives from organisations were unlikely to have impacted on patterns in magisterial outcomes outside of the years 1898-1903.

4.6 Financial sentences and changes in socio-economic conditions

Although changes in the marital statuses of defendants, in the practice of pleading guilty and in the appearances of police prosecutors can possibly account for the rise in conviction rates and custodial sentences during the years 1892-1909, none of the factors previously examined could explain why Cheltenham magistrates issued an increasing level of nominal fines whilst at Exeter the proportion of low fines issued remained stable. This phenomenon may instead be linked to differences between the socio-economic climates of Exeter and Cheltenham. As Godfrey *et al.* have recently noted, Victorian and Edwardian magistrates often kept fines to a minimum in order to circumvent unnecessary numbers of offenders from going to prison in default of their inability to pay.⁷⁶ The reason why this practice should have been increasingly important to the magistrates at Cheltenham yet not those at Exeter was possibly caused by changes in the structure of each locality's economy. Whilst both Exeter and Cheltenham overcame the challenges caused by a decline in their woollen manufacturing industries at the turn of the eighteenth century, the economic bases subsequently developed had profound impacts on local conditions which lasted well

⁷⁶ Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 714.

into the twentieth century and which may have had a significant impact on the value of the fines imposed by the magistrates.

Although Cheltenham's emergence as a spa and leisure resort in the early nineteenth-century balanced out the decline of its woollen trade, the town fell under rapid economic depilation over the Victorian period due to its waning popularity amongst the elite. During the late-eighteenth and early-nineteenth centuries, Cheltenham had been a fashionable resort for royals, nobles and gentry owing to its spring waters and spa facilities. An increase in wealthy visitors and residents significantly contributed to the town's economy: whilst a growing demand for housing – the town's population having increased tenfold during the years 1801-1851 – had opened up employment opportunities in the building sector, there were ample occupations available in the service and leisure industries designed to cater to the needs of Cheltenham's affluent population.⁷⁷ These economic stimuli dissipated soon after the mid-nineteenth century, from which point the town lost prominence amongst the elite in favour of overseas travel and English coastal resorts. At the same time, Cheltenham failed to develop a significant manufacturing or industrial base, meaning that the town's economy continued to be 'geared towards serving the needs of the wealthy at a time when the Cheltenham waters were attracting fewer visitors and residents'.⁷⁸ The gradual decline of a wealthy population had two fundamental impacts on the town's socioeconomic conditions: first, the declining demand for services in a town with virtually no other industry led to high unemployment rates; second, poor relief funds, typically sourced by public donations, were waning. As a result, Cheltenham was facing an increasing level of poverty and economic decline by the late 1870s.⁷⁹

If the early years of Victoria's reign had been difficult for many of Cheltenham's residents, the late Victorian and Edwardian period appears to have been harder still. The town faced little development during this time, still failing to develop any strong manufacturing or industrial sectors whilst its population increase was remarkably low.⁸⁰ From the 1880s, observers became increasingly worried about levels in

⁷⁷ Cheltenham's population increased from 3,076 in 1801 to 35,051 in 1851 whilst the total population of England and Wales had only doubled (Jones, *Cheltenham*, 2).

⁷⁸ Hart, *History of Cheltenham*, 224.

⁷⁹ For more on Cheltenham's decline during the late nineteenth century, see Chapter 1.

⁸⁰ 'Population change in the Cheltenham district', *A Vision of Britain Through Time* (University of Portsmouth), http://www.visionofbritain.org.uk/unit/10168284/cube/POP_CHANGE [accessed 13 November 2018].

unemployment and poverty, the *Cheltenham Examiner* reporting in 1882 that there was 'a great deal of poverty' yet 'inadequate local funds' to alleviate the situation.⁸¹ A public appeal for relief funds made by the Cheltenham Charity Organisation Society later that year failed to provide a solution since the rates of out-door relief issued to paupers were considerably below the poverty line.⁸² The situation worsened during the national depression of 1886-7, a crisis which not only culminated in higher unemployment rates and lower wages but also triggered tax increases for Cheltenham's wealthy population and rendered them less able to contribute to public distress funds.⁸³ Although the Town Improvement Act of 1889 led to minor economic improvements in the early 1890s, poverty levels further plummeted in the mid-1890s when severe frosts during the winters of 1895 and 1896 resulted in exceptionally high levels of unemployment.⁸⁴ Conditions worsened as the century came to a close, during which time there was a rise in the number of slums as well as a chronic shortage in poor relief funds.⁸⁵ Nor did this situation improve during the Edwardian period: the attempts of a Distress Committee in 1905-1908 to arrange employment opportunities and to raise public relief funds largely failed, thus rendering Cheltenham rife with poverty and mass unemployment well into the twentieth century.⁸⁶

Exeter's social and economic position during the nineteenth and early-twentieth centuries was more favourable than that of Cheltenham. Following the collapse of its manufacturing industry in the first half of the nineteenth century, Exeter retained its status as a hub of regional economy activity. Many of its surviving smaller industries – such as brewing, tanning and paper-making – played an increasingly significant role in Exeter's local economy.⁸⁷ In addition, numerous economic opportunities were created by changes in the city's demographic: Exeter was starting to attract a growing number of wealthy professionals, a transition which not only positioned the city as the regional capital for legal and banking services but which also increased demands for housing construction, domestic service and retail industry.⁸⁸ By the late Victorian period, Exeter had developed into an important county capital which provided

⁸¹ *Cheltenham Examiner*, 4 October 1882, 4.

⁸² Edlin, 'Case of Poverty', 29.

⁸³ Edlin, 'Attitudes to Poverty', 62-3; Seal, 'Poor Relief', 125-7.

⁸⁴ Seal, 'Poor Relief', 165; 195.

⁸⁵ Jones, *Cheltenham*, 305.

⁸⁶ Jones, *Cheltenham*, 302.

⁸⁷ Swift, 'Crime, Law and Order', 24-5.

⁸⁸ Hoskins, *2000 Years*, chap. 8; Swift, 'Crime, Law and Order', 25-6.

essential retail, administrative and market functions and, most importantly, which experienced 'no lack of employment'.⁸⁹

Although facing intermittent difficulties caused by harsh winters and national financial crises, Exeter remained a flourishing regional capital during the late Victorian and Edwardian period. The city retained a wealthy populace and its retail and service industries and experienced reasonable population growth.⁹⁰ Conditions were also improved for the city's working-class population: wages across most sectors increased substantially, whilst the Freeland Hold Society in the 1890s bought large plots of land and built affordable working-class housing.⁹¹ This economic climate ensured that poverty levels remained low in Exeter, providing the city's officials not only the ability to meet the demands of poor relief but also to reduce levels in pauperism during the period. A report in *Western Times* in 1894 indicated that poverty caused little concern to the Board of Guardians, whom had expressed that there was 'no abnormal distress arising from scarcity of employment' and that 'the provisions of the Council were enough to meet the case'.⁹² Although confronted by greater difficulties the following year due to severe winter weather, the Guardians responded to an appeal from the magistrates and Chief Constable by agreeing that, although they were unable to find work for the unemployed, the Mayor would contribute £50 from his pocket to alleviate the situation.⁹³ As the century drew to a close, employment rates resumed and rates in pauperism began to decline: pauper rates had dropped from 37 to 20.8 per 1,000 of the population during the years 1898-1902, a reduction which led to the Local Government Board to proclaim that the Exeter Charity Organisation Society was 'one of the best of the provincial branches of the parent Organisation'.⁹⁴

These contrasting socioeconomic situations provide a potential explanation for the discrepancies in financial sentences issued by Cheltenham and Exeter magistrates to convicted women. Social and economic conditions were rapidly deteriorating in late Victorian Cheltenham, where the waning of its wealthy population prompted rising levels of unemployment alongside reductions in poor relief funds. Further to this, the

⁸⁹ Hoskins, *2000 Years*, 98-99.

⁹⁰ Exeter's population increased from 32,818 in 1851 to 41,467 in 1891 and had reached 48,000 in 1901 (Newton, *Victorian Exeter*, 134).

⁹¹ Hoskins, *2000 Years*, 119-20.

⁹² *Western Times*, 3 January 1894, 3.

⁹³ *Western Times*, 20 February 1895, 2.

⁹⁴ *Western Times*, 17 December 1903, 4.

inability of the local Board of Guardians to alleviate difficulties caused by severe winters and the national depression appears to have increased poverty and unemployment levels. It is thus entirely possible that the Cheltenham magistrates were aware of the financial struggles of their largely working-class clientele and issued lighter fines during periods of economic distress in order to ensure that women were able to meet the sums levied upon them. In Exeter, by contrast, economic conditions were may have been more favourable for working-class members of the population. The continuous presence of wealthy residents ensured more stable employment rates, whilst the Guardians appear to have largely met the demands of poor relief even in the face of harsh winter weather. As a result, Exeter's magistrates may have been less concerned with poverty than their counterparts at Cheltenham and therefore continued to issue similar proportions of low fines to women throughout the research period.

4.7 Conclusion

In 1889, the Exeter magistrates convicted and fined a woman for having assaulted her neighbour since they believed that 'ladies, as well as gentlemen, should abstain from taking their law into their own hands'.⁹⁵ Whilst many studies of courts elsewhere in the country have argued that Victorian and Edwardian magistrates regarded female acts of assault as being trivial, the evidence from Exeter and Cheltenham indicates that magistrates were not reluctant to treat women as violent offenders whose actions were worthy of their attention. This has been indicated within this chapter in two ways.

Firstly, it has been demonstrated that, although magistrates may have dismissed a substantial proportion of the women in this study, this verdict was not always reached on the grounds of 'triviality'. Only a quarter of the cases dismissed by Exeter and Cheltenham magistrates during the years 1880-1909 were acquitted due to being regarded as unimportant or trivial. Other factors had been more prevalent at both courts: at Cheltenham, it was more common for magistrates to dismiss a woman simply on the basis of either the defendant and/or the prosecutor failing to appear to the hearing; at Exeter, it was more common for dismissals to be issued either due to

⁹⁵ *Western Morning News*, 22 June 1889, 8.

a lack of substantial evidence or due to a complainant having been the main, or indeed only, aggressor during the event in question. In addition, whilst historians have viewed dismissals as evidence of magisterial lenience, it has been argued that this outcome could result in harsh but unofficial sanctions for women. A number of female defendants in this study were dismissed but were forced to leave their community, to have their children taken from them, or to enter into an institution as a result of their prosecution. It would therefore appear that magistrates did not generally dismiss women due to viewing their offences as trivial and that, at times, they were still willing to punish women even after having acquitted them.

Secondly, an examination of patterns in verdicts and sentences across the Exeter and Cheltenham courts indicates that there was a general harshening in the treatment of female acts of assault during the years 1880-1909. Whilst the magistrates at both courts may have been more lenient with their policies during the 1880s, from the early 1890s they became increasingly willing to convict women and to issue them with custodial sentences. As a result, women were substantially more likely to be convicted and incarcerated by the end of the period than they had been at the start. These transformations appear to have been prompted by three factors: the increasing appearance of married female defendants; the growing tendency of women to plead guilty to charges; and the emergence of police officers as public prosecutors. Furthermore, the only way in which magisterial policies ameliorated during these years was in the distribution of financial penalties at Cheltenham: the magistrates at this court became increasingly willing to issue women with low fines as the period progressed, a trend which may have been caused by the severe economic decline which the town faced during the late Victorian and Edwardian period.

In his research on male acts of homicide and rape, Wiener argued that there was a harshening in the treatment of male offenders during the Victorian period owing to a 'civilising offensive' directed at curbing violent models of masculinity.⁹⁶ August's research on female acts of assault at the Thames Police Court has subsequently argued that there was a similar campaign directed against 'threatening and disorderly' violent women who did not conform to accepted standards of femininity.⁹⁷ The

⁹⁶ Wiener, *Men of Blood*; Wiener, 'Victorian Criminalisation of Men'.

⁹⁷ August, 'Horrible Looking Woman', 868.

evidence from Cheltenham and Exeter magistrates' courts contributes to this discussion by suggesting that, although there was a harshening in the treatment of female violence, multiple factors were at play. On the one hand, it appears that magistrates attempted to regulate the behaviour of married women who were violent. The magistrates came down particularly hard on these women, a response which not only appears to have prompted an increase in conviction rates but which also suggests that the magistrates were especially concerned by women who had acted in ways which contradicted normal expectations of wifely behaviour. On the other hand, it appears that changes in conviction rates and sentencing practices were also influenced by courtroom procedures such as guilty pleas and the emergence of police prosecutors. The shift in magisterial responses to female non-lethal violence may therefore be attributed to two factors: first, an apparent 'civilising offensive' directed by magistrates against certain types of women; second, the wider changes in the processes of criminal justice which occurred during the late-nineteenth and early-twentieth centuries.

CHAPTER 5: NEWSPAPER REPRESENTATIONS OF VIOLENT WOMEN

5.1 Introduction

The previous chapter of this thesis examined the attitudes of Cheltenham and Exeter magistrates towards female acts of assault during the years 1880-1909, within which it was argued that accused women faced increasingly severe judicial treatment as the period progressed. This chapter examines attitudes to female violence outside of the criminal justice system by focusing in particular on responses within the press. Drawing evidence from local Cheltenham and Exeter newspapers, it explores the ways in which reporters portrayed and commented upon female acts of assault during the late Victorian and Edwardian period.

The press industry underwent considerable expansion during the nineteenth and twentieth centuries. Due to technological innovations and the repeal of the stamp duty, newspapers had become cheaper to run, quicker to print and easier to disperse.¹ At the same time, increased literacy rates made newspapers more accessible to mass audiences.² These developments were particularly important for the local press, which appears to have experienced more growth than its metropolitan counterpart. There was a notable rise in the number of papers which served areas outside of the metropolis, the total number of provincial titles having risen almost six-fold – whilst the number of metropolitan titles doubled – during the years 1850-1900.³ Sales of provincial papers also rose considerably, again having outgrown the metropolitan press: whilst metropolitan papers had previously outsold provincial papers, sales of the latter rose to such an extent during the years 1860-1950 that as a collective they

¹ For more on the development of the press, see: A. Lee, *The Origins of the Popular Press in England, 1855-1914* (London, 1976); G. Boyce, J. Curran and P. Wingate (eds.), *Newspaper History from the Seventeenth Century to the Present Day* (London, 1978); M. Conboy, *Journalism in Britain: A Historical Introduction* (London, 2011); L. Brown, *Victorian News and Newspapers* (Oxford, 1985); M. Hampton, *Visions of the Press in Britain, 1850-1950* (Chicago, IL., 2004); and K. Williams, *Read All About It!: a History of the British Newspaper* (Abingdon, 2010).

² David Vincent argued that roughly 50% of the English public were literate in 1750 compared to almost all of the population in 1914. See Vincent, *Literacy and Popular Culture: England, 1750-1914* (Cambridge, 1989).

³ A. Hobbs, *A Fleet Street in Every Town: The Provincial Press in England, 1855-1900* (Cambridge, 2018), 4. For more on the increase in provincial titles, see A. Hobbs, 'Provincial Periodicals', in A. King, A. Easley and J. Morton (eds.), *The Routledge Handbook to Nineteenth-Century British Periodicals and Newspapers* (Abingdon, 2016), 221-233 and Lee, *Origins*, 71.

sold nearly twice as many copies as metropolitan publications.⁴ Although the provincial press subsequently faced increasing competition from metropolitan papers due to the emergence of press barons and tabloid journalism in the early twentieth century, it retained its position as a popular news platform until well after the Second World War.⁵

Alongside an expansion in production and readership, newspapers faced shifts in content and style. This was prompted by two interlinked factors, the first being the emergence of 'New Journalism', a journalistic development which impacted the ways in which stories were investigated, reported and presented. The second was the media's increased focus on commercial profit. Whilst newspapers remained politically aligned, commercial motivations prompted editors to publish material which served cross-party and cross-class interests.⁶ One impact of these developments was the incorporation of a wider range of issues into newsprint, including topics such as sport, cooking and fiction. A further effect was the growing use of innovative formatting and linguistic styles – typecases, large headlines and bold print were used to attract the eye whilst lurid and sensationalistic language sought to captivate readers.⁷ As Mark Hampton has noted, papers attracted mass audiences by introducing 'a lightness of tone, an emphasis on the personal and the 'sensational', and a reliance on gimmicks'.⁸

⁴ Hobbs, *Fleet Street*, 5. See also Hobbs, 'Provincial Periodicals', 225 and A. Walker, 'The Development of the Provincial Press in England, c.1780-1914', *Journalism Studies*, 3:7 (2006), 373-387 (p. 384). Note that sales increases do not necessarily mean that numbers in readership changed, since nineteenth-century newspapers were often shared between audiences by being read aloud or being accessed at public-houses and reading rooms (Lee, *Origins*, 35-6; Brown, *Victorian News*, 28; Walker 'Development of the Provincial Press', 377).

⁵ For further discussion on the nineteenth- and twentieth-century provincial press, see Lee, *Origins*, 70-5, Walker, 'Development of the Periodical Press' and R. Matthews, *The History of the Provincial Press in England* (London, 2017).

⁶ For further discussion on politics and the press, see: Lee, *Origins*, 117-130; J. H. Wiener, *Papers for the Millions: the New Journalism in Britain, 1850s to 1914* (New York, 1988); Williams, *Read All About It!*, 99-122; J. H. Wiener, *The Americanization of the British Press, 1830s-1914: Speed in the Age of Transatlantic Journalism* (Hampshire, 2011); J. Rowbotham, K. Stevenson and S. Pegg, *Crime News in Modern Britain: Press Reporting and Responsibility, 1820-2010* (Basingstoke, 2013), 60-83; Walker, 'Development of the Provincial Press', 384; Matthews, *History of the Provincial Press*, 7; Hobbs, *Fleet Street*, 177-212; J. Thompson, 'The Political Press' in D. Finkelstein (ed.), *The Edinburgh History of the British and Irish Press, Volume 2: Expansion and Evolution, 1800-1900* (Edinburgh, 2020), 545-548.

⁷ Williams, *Read All About It!*, 144-6.

⁸ Hampton, *Visions of the Press*, 38.

Crime and justice had always been a staple feature of news reporting.⁹ Yet this topic became more prevalent in the late Victorian period due to the public interest – and thus commercial profit – which it generated. Crime provided opportunities for editors to print sensationalised accounts of offenders, criminal acts and trial proceedings, all of which served to shock and titillate readers. Violent offences received especial attention, particularly those which had resulted in severe injury or included a sexual element.¹⁰ These offences sometimes became press sensations and triggered social panics, as was the case with the newspaper coverage on the Whitechapel Murders of 1888-1891.¹¹ Acts of minor violence were also frequently reported, since most newspapers reserved separate columns for reporting daily magistrates' court proceedings.¹² Thus the Victorian and Edwardian reading public had frequent access to the latest crime news, providing them opportunities not only for entertainment but also for commenting on normal social boundaries and alleged moral threats.

Research on gender, violence and the media has indicated fundamental differences between portrayals of male and female offending. Firstly, since acts of female violence were less common than those committed by men, they were often considered especially newsworthy and therefore received greater attention.¹³ Gender expectations also played a fundamental role in depictions of offenders. Scholars have demonstrated that male violence was often expressed through constructions of masculinity, yet that notions of manliness, honour and self-defence meant that many acts were depicted as tolerable, and at times normal, displays of violence.¹⁴ Although cases involving exceptional violence – especially that directed against women – were often condemned, there was a wide range of male violent behaviours which the media

⁹ Prior to the Victorian period, crime news was printed in broadsides, periodicals and sessions' papers. For further discussion, see: P. King, 'Newspaper Reporting and Attitudes to Crime and Justice in late-eighteenth- and early-nineteenth-century London', *Continuity & Change*, 22:1 (2007), 73-112 and S. Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800', *London Journal*, 32:1 (2007), 1-27.

¹⁰ R. D. Altick, *Victorian Studies in Scarlet* (New York, 1970); King, 'Making Crime News'; R. Reiner, 'Media Made Criminality: the Representation of Crime in the Mass Media', in M. Maguire, R. Morgan and R. Reiner (eds.), *Oxford Handbook of Criminology* (Oxford, 2002), 302-340.

¹¹ L. Curtis, *Jack the Ripper and the London Press* (New Haven, Conn., 2013).

¹² King, 'Newspaper Reporting', 102; Acher and Jones, 'Headlines from History', 18.

¹³ King notes that, 'when a person accused of murder was a woman', the level of coverage was 'considerably higher...[receiving] around double the average coverage' than that devoted to a male-perpetrated homicide ('Making Crime News', 107).

¹⁴ Rowbotham 'Only when drunk'; A. Davies, 'Youth Gangs, Masculinity and Violence in Late Victorian Manchester and Salford', *Journal of Social History*, 3:2 (1998), 349-369; and Archer, 'Men behaving badly?'

depicted as acceptable.¹⁵ By contrast, it has been argued that female violence was typically portrayed as unacceptable. Contemporary notions of femininity posited the ideal woman as passive, weak and gentle, thereby depicting her with traits which directly contradicted with violent behaviour. Historians have suggested that these notions heavily impacted media portrayals of violent women by resulting in their depiction as unnatural aberrations of womanhood whom had betrayed the expectations prescribed to them by their sex.¹⁶

Studies on newspapers' representations of violent women have largely focused on lethal acts of violence. These examinations have identified three distinct media stereotypes. The first is the "bad woman" model, which depicted the murderess as rational, deviant and malicious. This was especially common in portrayals of husband-murderers, whose actions were regarded as calculated attempts at undermining male authority. The second is the "mad woman" model which, unlike those deemed as 'bad', portrayed murderesses as irrational women whom acted out of insanity or impulse. The final stereotype was that of the "victim", through which accused females came to be seen as 'wronged women' in need of male protection: this model, it has been argued, may have offered sympathy towards women yet ultimately downplayed the socioeconomic difficulties which they faced.¹⁷ Despite their contradictions, a common theme pervades across these stereotypes: female violence was consistently portrayed as being outside of the realms of 'normal' womanhood, thereby allowing the media to maintain contemporary gender ideologies. As Radojka Startup has noted: "By redefining their transgressions in less threatening terms, for example as the acts of 'mad', and therefore non-rational women, or 'bad' woman, aberrations of their sex, damage limitation to traditional notions of femininity is achieved and they are consequently maintained."¹⁸

Although there have been fewer studies on the representation of female petty violence, similar views have been upheld. Women again appear to have been judged in

¹⁵ Wiener, 'Convicted Murderers'.

¹⁶ Rowbotham, 'Only when drunk', 163-4; Startup, 'Damaging females'; Knelman, *Twisting*; A. Ballinger, *Dead Woman Walking: Executed Women in England and Wales, 1900-55* (Hanover, N. H., 2000).

¹⁷ Startup, 'Damaging Females'; Knelman, *Twisting*; Ballinger, *Dead Woman Walking*; D'Cruze and Jackson, *Women, Crime and Justice*, 47-64; Frost, 'She is but a woman'; Alker, 'Street Violence', 93-116.

¹⁸ Startup, 'Damaging Females', 194.

gendered terms, whereby their actions were evaluated through expectations of appropriate female behaviour. In her study of female street violence in late Victorian Liverpool, Zoe Alker has argued that newspaper stereotypes such as the 'violent rough' and the 'urban prostitute' served to depict violent women as deviations from middle-class ideals of femininity.¹⁹ Rowbotham's study of assault in late Victorian and Edwardian England, meanwhile, demonstrated contrasts in newspaper portrayals of male and female petty violence: whilst male assaults were often regarded as 'acceptable', acts by women were depicted as the actions of drunken, immoral, promiscuous and/or insane women.²⁰ More recently, Archer and Jones have argued that nineteenth-century newspapers portrayed pugilistic women as 'unfeminine' and 'uncivilised' by labelling them as 'viragoes', 'savages' and 'Amazons'.²¹

This chapter examines press responses to female petty violence by examining newspaper coverage on women charged with assault at Exeter and Cheltenham in the years 1880-1909. It focuses on three lines of enquiry: how much attention reporters paid to these cases; how women were portrayed; and how media responses changed over the period. The first section discusses the sources and methods used for the study. The second section examines the amount of coverage which female assault cases received, focusing not only on the frequency and depth of reportage but also on the selection criteria through which some cases were deemed more newsworthy than others. The final sections explore portrayals of women by focusing on three contexts of violence: assaults on children; assaults relating to marriage and relationships; and assaults within the community. The chapter demonstrates continuities and changes in media coverage of female violence and argues that newspapers created complex and often contradictory representations of violent women.

5.2 Sources and methods

¹⁹ Alker, 'Street Violence', 93-5.

²⁰ Rowbotham, 'Only when drunk'.

²¹ Archer and Jones, 'Headlines from History', 28.

Given the poor survival of magistrates' courts records, newspapers are a major resource for historians of petty crime.²² Yet any study which interacts with these sources must be aware of their limitations. In the first place, newspaper reports on summary trials do not always provide substantial information. Whilst reports on some cases were extensive and offer rich details which are unavailable elsewhere, reports on others were brief and uninformative. Indeed, it was not uncommon for reports on summary offences to consist of a mere line which mentioned only the charge being made, the names of the parties involved and the outcome of the hearing. The language in such reports was typically formulaic and unrevealing, as is demonstrated by a report within the *Cheltenham Chronicle* in 1906: "Mary Ann Thomas was summoned for assaulting Ann Hall of Lower Alstone on the 7th inst. – Fined 5/- and costs."²³

Secondly, newspapers cannot be used as an accurate reflection of the incidence of crime. The media has often exaggerated the prevalence of certain offences, which has resulted in inconsistencies between the image of crime presented by newspapers and the figures provided within criminal statistics.²⁴ Acts of violent crime were especially overplayed by the press. King has demonstrated that violent highway robberies accounted for only 6% of indictments in late-eighteenth- and early-nineteenth-century London, yet that they were reported more than any other type of crime.²⁵ Robert Reiner, meanwhile, has indicated that homicide accounted for a third of crime reports within British newspapers following the Second World War, despite the fact that this offence was exceedingly rare.²⁶ The media exaggeration of violent crime also had the effect of influencing contemporary fears over crime waves which, in reality, were unwarranted: research on the garrotting cases of the 1860s, for instance, has indicated that the press artificially created 'moral panics' about violence by giving it a

²² Studies which use newspaper sources to examine petty crime include: Rowbotham, 'Only when drunk'; King, 'Newspaper reporting'; D'Cruze, Godfrey and Cox, 'Most troublesome woman in Crewe'; and Alker, 'Street Violence'.

²³ *Cheltenham Chronicle*, 21 September 1889, 3.

²⁴ V. Sacco, 'Media Constructions of Crime', *ANNALS*, 539 (1995), 141-54; C. Casey, 'Common Misperceptions: the Press and Victorian Views of Crime', *Journal of Interdisciplinary History*, 41:3 (2011), 367-391; Carter Wood, 'Crime News', 301-319.

²⁵ King, 'Newspaper Reporting', 89.

²⁶ R. Reiner, 'The Rise of Virtual Vigilantism: crime reporting since World War II', *Criminal Justice Matters*, 43:1 (2008), 4-5.

disproportionate amount of attention.²⁷ Thus, as Clive Emsley states, patterns in historical crime rates have been 'blown out of all proportion by media exaggeration'.²⁸

Although these limitations impose restrictions on the types of information which can be gleaned from crime reporting, newspapers can offer great insight into the ways in which observers responded to petty crime. In the first place, they reveal which cases were prioritised as a matter of public interest. Since news reporting was a selective process, the offences which were reported – and how much coverage these cases received – suggests which types of crime were considered the most newsworthy.²⁹ Secondly, they inform us of what most people knew about crime. Although people may have witnessed crime through their social networks, newspapers were an important platform through which the general public came to understand criminal behaviour outside of their immediate neighbourhoods.³⁰ Finally, crime reporting can reveal popular attitudes towards crime and its perpetrators. Since newspapers needed to reflect and cooperate with popular opinion in order to maintain sales, they may be used to uncover 'a great deal about the cultural values and assumptions of individual newspaper readers'.³¹

This examination of reports on female-perpetrated assault during the years 1880-1909 draws evidence from the local press, then the main vehicle for publicising summary trials.³² Local newspapers reported magistrates' court proceedings on a routine basis, typically reserving a column or two for a selection of cases within the middle pages of each issue. These reports almost always provided basic information on the nature and outcome of each charge, although in more newsworthy cases they included additional details such as the circumstances which led to offences, the ways in which offences were carried out, and the backgrounds of the parties involved. Whilst the authors of

²⁷ Davis, 'London Garrotting Panic'; P. King, 'Moral Panics and Violent Street Crime, 1750-2000', in B. Godfrey, C. Emsley and G. Dunstall, *Comparative Histories of Crime* (Devon, 2003), 53-71; Casey, 'Common Misperceptions'.

²⁸ C. Emsley, 'Violent Crime in England in 1919: Post-war Anxieties and Press Narratives', *Continuity & Change*, 23:1 (2008), 173-95.

²⁹ Carter Wood, 'Crime News', 313.

³⁰ Rowbotham, "'Only when drunk'", 157; King, 'Newspaper Reporting', 73; King, 'Making Crime News', 32.

³¹ Wilson, 'Mad, Bad or Sad?', 86. Also see E. Snell, 'Discourses of criminality in the eighteenth-century press: the presentation of crime in *The Kentish Post, 1717-1768*', *Continuity & Change*, 22:1 (2007), 13-47.

³² Wilson, 'Mad, Sad or Bad?', 74.

these reports were never named, it is likely that many were written by lawyers who supplemented their income by selling articles to newspapers.³³

Although additional titles were examined where relevant, five newspapers provided the basis for this study.³⁴ These were selected by surveying the British Library digital newspaper archive and locating those which reported petty sessions in the greatest detail. Of the five publications, three were used to examine cases brought before the Cheltenham magistrates: *Gloucester Citizen*, *Cheltenham Chronicle* and *Cheltenham Examiner*. The *Citizen* was a daily, Liberal newspaper founded by the Mayor of Gloucester in 1876. Although co-owned by the proprietor of the more expensive and high-brow *Gloucester Journal*, the *Citizen* was a popular and inexpensive publication which sold at a halfpenny. The *Chronicle* and *Examiner*, meanwhile, were both weekly papers marketed at a higher price. The former was a Conservative paper which sold for a penny from 1885 and which described itself as ‘a comprehensive family newspaper...patronised by the wealthy families of the town and district’. The *Examiner*, a Liberal paper, was sold at two pence from 1880 until its amalgamation with the *Gloucester Journal* in 1913. It was described as a ‘literary and fashionable journal’ which served the interests of Cheltenham’s wealthy residents and visitors.³⁵ All three of these publications were disseminated far wider than their local communities, often having been distributed to other regions within the country.³⁶

Two competitor newspapers, the *Exeter and Plymouth Gazette* and *Western Times*, were used for examining female assault prosecutions in Exeter. Both were four-page daily newspapers and were circulated across the counties of Devon, Cornwall, Somerset and Dorset. Established in 1827, *Exeter and Plymouth Gazette* was a Conservative paper which aimed to serve the interests of agriculturalists and which

³³ Rowbotham, Stevenson and Pegg have demonstrated that most court reporters during the nineteenth century were professional lawyers, although this practice started to wain as the century came to a close (*Crime News*, 39-59).

³⁴ Although five newspapers were systematically examined for this study, searches for Exeter and Cheltenham cases sometimes returned reports published within other newspapers. Reports which were particularly relevant, sensationalistic and/or detailed have been incorporated into discussion.

³⁵ C. Mitchell, *The Newspaper Press Directory: containing full particulars relative to each journal published in the United Kingdom and the British Isles* (London, 1847), 168.

³⁶ More information on Cheltenham’s historic newspapers is provided by the Gloucestershire County Council. See ‘Gloucestershire newspapers: a guide to national and local newspapers and their holdings’, *Gloucestershire Council*, https://www.gloucestershire.gov.uk/media/1904/gloucestershire_newspapers_2016_v1-24402.pdf [accessed 18 April 2019].

received patronage from both the Church and the gentry. The cost of the paper fluctuated throughout the research period, although it was usually priced at a penny. The *Western Times*, meanwhile, was a popular, Liberal newspaper founded in 1828 by Thomas Latimer, a journalist who had been a notable campaigner for governmental and legal reform. The paper advocated agricultural, commercial and legal interests and was well known for ‘the stern independence in the expression of its political opinion’.³⁷ By 1880, the cost of the paper had dropped to a halfpenny per issue.³⁸

Despite their varying political affiliations and intended audiences, these newspapers had similar approaches – both linguistically and stylistically – to reporting on petty crime. Reporters were highly formulaic in their coverage on petty crime, which resulted in articles being published in similar formats regardless of publication. These similarities have been noted by Judith Rowbotham, Kim Stevenson and Samantha Pegg in their examination of crime reporting in modern Britain: stating that news reporting was ‘characterised by commonalities of attitudes towards crime across class boundaries or political differences’, they argue that ‘even the journalism was indistinguishable and rarely differentiated according to the political colouring or anticipated class of the readership of any title’.³⁹

In the initial stages of this chapter, information from the five aforementioned newspapers was compiled into a database. It contains every searchable report of female assault in Exeter and Cheltenham during the years 1880-1909, cataloguing not only details on the alleged assaults and the backgrounds of the parties involved but also the words used by reporters to describe the women and their actions. This dataset was then used to conduct two types of examination. The first, frequency analysis, was used to determine the amount of coverage which assault cases received across the period. The second, content analysis, involved identifying patterns in the style and language used by reporters, thus making it possible to examine the ways in which female violence was described. This approach of examining sources collectively – rather than selecting a few reports to serve as case studies – was chosen due to its

³⁷ C. Mitchell, *Newspaper Press Directory* (1847 edition), 181.

³⁸ For more on these two newspapers, see Lee, *Origins*, 69 and 142-152. Further information on both the Exeter and Cheltenham newspapers is also available in newspaper directories. See, for example, Mitchell, *Newspaper Press Directory* (1847 edition), 181; and C. Mitchell, *The Newspaper Press Directory: and advertisers' guide, containing particulars of every newspaper, magazine, review and periodical published in the United Kingdom and the British Isles* (London, 1917), 131.

³⁹ Rowbotham, Stevenson and Pegg, *Crime News*, 50-1.

potential for identifying broader responses to female crime: as Esther Snell reminds us, whilst individual news items on petty offending ‘reveal little about notions of criminality’, the representation of crime emerges from ‘the thousands of separate accounts which constructed discourses about the nature, causes and consequences of crime’.⁴⁰ Owing to considerable similarity in newspaper coverage, cases from Cheltenham and Exeter have been examined collectively rather than comparatively.⁴¹

5.3 Newspaper coverage on assaults by women

Given that violence was a staple feature of crime reporting during the nineteenth and twentieth centuries, it is unsurprising that cases of female assault were frequently reported. Of the 1,507 female assaults prosecuted at Exeter and Cheltenham during the research period, 1,226 (81.4%) were reported in one or more of the papers examined in this study (Table 5.1). There was some discrepancy between reportage rates at Cheltenham and Exeter – 77.8% of Cheltenham’s cases having been reported compared to 86.1% at Exeter – although this divergence was likely caused by the fact that defendants and/or complainants less frequently attended summonses at the former than they did the latter.⁴² In addition, it appears that newspapers remained focused on women’s assaults throughout the period, the reportage rates across both courts having fluctuated only between 75.3% and 87.7% during the years 1880-1909.

TABLE 5.1 REPORTAGE RATES FOR FEMALE ASSAULT PROSECUTIONS

⁴⁰ Snell, ‘Discourses of criminality’, 16.

⁴¹ Discrepancies between reportage on Cheltenham and Exeter cases have however been indicated where relevant.

⁴² As demonstrated in Chapter 4, 35.3% of cases at Cheltenham compared to just 3.4% of those at Exeter were dismissed by magistrates due to the failure of either party to attend the trial. Newspapers rarely reported these cases.

Media attention to female violence is further indicated by the depth of coverage which cases received. Female assault cases at both Cheltenham and Exeter took up a notable proportion of newspaper space reserved for reporting petty crime, on average accounting for 35.9% of the words within columns dedicated to recording daily proceedings at magistrates' courts (Table 5.2). This proportion increased gradually as the period progressed, rising from an average of 32% to 44.6% of the newshole on petty sessions during the years 1880-1909.⁴³ An explanation for this trend may be offered within Rowbotham *et al.*'s research on crime reporting in modern Britain, within which they argue that newspapers reduced their coverage on petty sessions during the late-nineteenth and early-twentieth centuries but began to focus on a select number of cases in more detail.⁴⁴ If this was the case, then it would appear that acts of female assault were amongst the selection of offences which editors continued to deem as newsworthy.

TABLE 5.2 DEPTH OF COVERAGE IN REPORTS ON FEMALE ASSAULT

	Average no. of words in petty sessions column	Average no. of words per report on female assault	Average % of petty sessions column filled by female assault case
1880-1885	790	172	32.0
1886-1891	597	157	35.3
1892-1897	709	191	38.1
1898-1903	698	172	34.8
1904-1909	590	213	44.6
Total	690	177	35.9

⁴³ The term 'newshole' refers to the amount of space available for news (as opposed to advertisements) in a newspaper.

⁴⁴ Rowbotham, Stevenson and Pegg, *Crime News*, 102.

Naturally, cases did not receive equal amounts of media attention: the level of coverage which each assault prosecution could receive was highly variable. As historians have noted, crime reporting was a highly selective process over which journalists and editors were responsible for distinguishing between the most and least newsworthy cases.⁴⁵ A number of factors, both internal and external to the crime itself, could impact on how much coverage a case received. In the first place, there was always competition with other potential news categories. Particularly important domestic or global news, such as updates on parliamentary proceedings or wars, could reduce the amount of space which editors allocated to crime stories.⁴⁶ Even in columns dedicated to crime news, offences could be brushed over when there had been shocking or exceptional crimes that warranted a lengthy discussion.⁴⁷ Conversely, a mundane case might receive a great deal of coverage on a slow news day: a run-of-the-mill neighbourly assault reported in an issue of the *Gloucester Citizen*, for example, took up the entire petty sessions column simply because there had been only one other charge brought before the Cheltenham magistrates' court that day, for which the neither the defendant nor complainant had appeared.⁴⁸

The amount of coverage which a case received could also depend on the circumstances of the offence. Examinations of both contemporary and historical crime reporting have indicated that numerous factors played a role in determining the newsworthiness of a case: a recent criminological study, for example, has demonstrated that newspapers reported violent crime in greater depth if they involved robberies, sexual acts or high-status victims; King's study on late-eighteenth-century crime reporting has added to this by highlighting both the presence of humorous content and the ability of a case to chime with crime panics as additional factors.⁴⁹

A study of female assault cases at Exeter and Cheltenham similarly indicates that numerous selection criteria impacted the length of reports (see Table 5.3). Whilst

⁴⁵ Snell, 'Discourses of criminality', 16; King, 'Making Crime News', 94; Rowbotham, Stevenson and Pegg, *Crime News*, 1; Curtis, *Jack the Ripper*, 6-12.

⁴⁶ King, 'Newspaper Reporting', 83-4; Snell, 'Discourses of Criminality', 16; Devereaux, 'From Sessions to Newspaper?', 19.

⁴⁷ Knelman, *Twisting*, 4; King, 'Newspaper Reporting', 90.

⁴⁸ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/32, 3 February 1882; *Gloucester Citizen*, 3 February 1882, 4.

⁴⁹ M. Peelo, B. Francis, K. Soothill, J. Pearson and E. Ackerley, 'Newspaper Reporting and the Public Construction of Homicide', *British Journal of Criminology*, 44:2 (2004), 256-75; King, 'Making Crime News'.

cases which met none of the examined criteria took up on average only 29.3% of the word count in petty sessions columns, those within which the defendant had previous convictions averaged a proportion of 55.2%.⁵⁰ The second highest proportion (51.8%) was allocated to cases within which moderate or severe injury had been caused by an assault.⁵¹ Cases involving particularly young or elderly victims were also likely to receive detailed coverage, having typically averaged 51.2% of the newshole on petty crime. These amongst other notable criteria – such as the involvement of high-status victims – played a role in determining the length of articles on female assaults.

TABLE 5.3 DEPTH OF COVERAGE BY SELECTION CRITERIA

	Average no. words in petty sessions column	Average no. of words per report on female assault	Average % of petty sessions column filled by female assault case
Previous convictions	484	176	55.2
Severe injury of victim	600	234	51.8
Elderly/young victim	612	239	51.2
High status victim	731	321	45.2
Multiple defendants	724	261	40.7
Humour/irony in case	898	278	39.5
Sexual content	812	260	32.0
Multiple charges	689	180	34.1
Two or more of above	691	387	63.8
None of above	694	128	29.3

⁵⁰ The depth of coverage on women whom had previous convictions may be linked to the 'local' focus of newspapers. Hobbs has suggested that the provincial press used 'distinctively local selection criteria' and as such reported events which 'represented places and people known personally to most readers' ('Provincial Periodicals', 221). It is therefore possible that newspapers focused on reoffenders since they may have been better known to readers.

⁵¹ As stated in Chapter 4, 'moderate or severe' injury was defined by a victim having received black eyes, deep wounds, broken bones or burns, or having been hospitalised or permanently maimed by the defendant.

The relationship between defendant and victim was also an influential factor in press coverage.⁵² Reportage on female-perpetrated assault in Cheltenham and Exeter indicates that violence against certain victims received greater attention than that perpetrated on others (see Table 5.4). In particular, assaults by women on their children received a notable amount of attention: when these cases were reported, they took up on average 83.8% of the words within daily magistrates' court columns. Assaults on authority figures and husbands also appear to have been deemed especially newsworthy, typically having filled 56.4% and 54.1% of the newshole respectively. By contrast, assaults on strangers reached an average proportion of 27.8% of petty crime columns whilst those on neighbours reached a figure of 29.9%. This suggests that newspapers were less interested in female violence directed towards the general public than they were in those which challenged authority figures or which emerged within the context of women's domestic lives.

The impact of these circumstantial and contextual factors on levels of press coverage can be further demonstrated by considering the lengthiest reports in this study. The five reports which received the most detailed coverage indicate the ways in which issues such as injury, age and relationships played a role in determining newsworthiness. The longest report described an assault by a workhouse officer against a ninety-three-year-old female inmate: alongside detailed description of the 'brutal treatment' and severe injuries sustained by the victim, the paper paid considerable attention to the defendant's failure to 'fulfil her duty of caring for old people' by allowing the elderly victim to 'suffer at her hands'.⁵³ The second and third longest reports recorded an assault on a county court bailiff by a woman and two men, a case which gained especial press attention not only due to the perceived seriousness of assaulting authority figures but also because it had involved multiple defendants charged on numerous counts.⁵⁴ Fourth was the case of Fanny Rebecca Wakefield, whose cross-summons for assault with her husband revealed a considerable history of abuse between the parties and sparked detailed press

⁵² Similarly, King has indicated that murders of spouses, servants and officers typically resulted in longer newspaper articles ('Making Crime News', 103-7).

⁵³ *Exeter and Plymouth Gazette*, 21 November 1891, 6.

⁵⁴ *Cheltenham Examiner*, 14 September 1892, 3; *Cheltenham Chronicle*, 10 September 1892, 2. The defendants were also charged with both obstruction and attempting to retrieve goods from the bailiff.

commentary on the stability of marriage.⁵⁵ The final report focused on an assault by two women against their neighbour. Although, as previously noted, assaults on neighbours were often less detailed, this case was deemed newsworthy since the victim had been an elderly woman and had experienced substantial injury from the victims through their 'violent, aggravating and aggressive' behaviour.⁵⁶

TABLE 5.4 DEPTH OF COVERAGE BY TYPE OF VICTIM¹

		Average no. words in petty sessions column	Average no. of words per report on female assault	Average % of petty sessions column filled by female assault case
Child assaults	Own child ²	589	448	83.8
	Other child	692	115	29.1
Relationship assaults	Husband	605	283	54.1
	Partner ³	818	209	37.4
	Rival in love	749	274	41.9
Community assaults	Neighbour	696	144	29.9
	Officer	656	320	56.4
	Service-provider	736	187	40.7
Other family assaults	Parent	613	238	46.0
	Sibling	485	175	42.1
	Other relative	755	187	33.9
Other assaults	Other acquaintance	699	199	37.0
	Stranger	965	129	27.8
	Unknown	672	117	29.5

¹ When victims fell under multiple categories, assaults were catalogued according to their contexts.

² This includes children who were not women's offspring but were under their domestic care.

³ The term 'partner' refers to victims who were either 'courting' or cohabiting with the defendant.

⁵⁵ *Cheltenham Chronicle*, 28 September 1880, 4.

⁵⁶ *Exeter and Plymouth Gazette*, 7 May 1881, 3.

This section of the chapter has offered two insights into reportage on female violence. First, it has been demonstrated that female acts of assault were given a considerable amount of press attention, not only being frequently reported but also having been covered in increasing depth as the research period progressed. Secondly, it has been indicated that certain female assault cases were prioritised over others. Previous convictions, ages of victims, levels of injury and the relationships between offenders and victims all could have a marked impact on the level of coverage which cases received. Having examined editorial decision-making processes, the following sections of this chapter discuss media portrayals of accused women. They each focus on three separate contexts of female violence: assaults on children; assaults relating to marriage and relationships; and assaults within the wider community.

5.4 Child abuse

Victorian and Edwardian commentators were heavily focused on the notion of familyhood. This had a notable impact on members of the working-class, for whom middle-class conceptions of the 'perfect' family resulted in scrutiny being placed upon the behaviour of both children and women: whilst children were expected to undertake employment in order to supplement the household income, mothers were judged by how well they prepared their children for later life.⁵⁷ Given this increased focus on family life, it is unsurprising that the issue of child abuse also gained greater prominence within social and legal debates during the nineteenth century. In 1889, assaults on children came to be defined by law as a separate category of offence and were distinguished as a more severe form of violence than acts of common assault.⁵⁸ The media played an essential role in shaping discussions on child abuse, particularly through its coverage on criminal court proceedings. This section of the chapter

⁵⁷ This thesis does not discuss notions of childhood in detail. For further discussion, see: P. Bolin-Hort, *Work, Family and the State: Child Labour and the Organisation of Production in the British Cotton Industry, 1780-1840* (Lund, 1989); Ross, *Love and Toil*; and J. Humphries, *Childhood and Child Labour in the British Industrial Revolution* (Oxford, 2010). There has also been some insightful discussion on the relationship between fatherhood and childhood during this period. See, for example, J. Strange, *Fatherhood and the British Working Class, 1865-1914* (Cambridge, 2015).

⁵⁸ *Prevention of Cruelty to Children Act 1889* (52&53 Vict., c.44).

analyses the media portrayal of the seventy women prosecuted at Cheltenham and Exeter during the year 1880-1909 for acts of child assault, focusing first on those who assaulted children over whom they held domestic responsibility before examining those who had assaulted children outside of their care.

i) *Domestic assaults on children*

Prosecutions against women for having assaulted their children – or those under their domestic care – were exceptionally uncommon in Cheltenham and Exeter.⁵⁹ However, as aforementioned, they received more media attention than any other type of female-perpetrated assault. These cases fell under increasing scrutiny as the years 1880-1909 progressed: although receiving scant attention at the start of the period, assaults on children came to be reported in greater depth from the late 1880s. This shift not only prompted changes to the ways in which women were portrayed but also sparked discussions concerning the boundaries of appropriate maternal behaviour.

During the early 1880s, newspaper responses to assaults by women on their children were relatively dismissive or lenient. In the first place, reports on these cases were often terse and thereby failed to provide substantial information on the women or their actions. The only detail frequently reported by the press was the injuries which had been suffered by children. An article printed in *Cheltenham Mercury*, for example, dedicated little space to describing the backgrounds of either the mother or child involved, only drawing attention to the child's bruises and the 'extreme difficulty' with which he had attended hospital examination.⁶⁰ Similarly, another paper provided little contextual information on an assault by a woman on her step-daughter but noted that the girl had appeared in court with 'black eyes' and 'a large wound on her nose' before reporting the evidence offered by a medical examiner.⁶¹

⁵⁹ As demonstrated in Chapter 1, assaults by women on children under their domestic care accounted for only 3.4% of all female assault prosecutions in Cheltenham and Exeter during the years 1880-1909.

⁶⁰ *Cheltenham Mercury*, 13 March 1886, 3.

⁶¹ *Western Times*, 20 June 1885, 4.

Secondly, when any context was given, it typically emanated from the words of female defendants themselves. Newspapers at this time frequently reported the statements made by women in their defence, thereby providing them a platform for airing grievances about the misconduct of their children. One woman admitted that she had 'lost her temper' and thus hit her partner's son, although ultimately claimed that he had been 'impudent' towards her.⁶² Another woman stated that her son was 'in the habit of stealing things from the house and sleeping out' and that she had beaten him because she had 'no other control over him'.⁶³

From the late 1880s, however, press coverage on cases of child assault by parents and carers became more stringent. This is likely to have been prompted by wider shifts in attitudes towards child abuse since this issue started to fall under increasing scrutiny amongst social reformers and policymakers. Fearing that working-class children were being raised by 'blows not love', commentators started to question the 'appropriate' level of chastisement which could be administered to children.⁶⁴ Numerous legislative reforms were passed with the aim of improving the protection of children, expanding not only the range of circumstances under which an action could be defined as child abuse but also the variety of penal options available to judicial decision-makers.⁶⁵ At the same time, the newly-established NSPCC started to play an increasingly important role as prosecutors for acts of cruelty against children.⁶⁶

Given these shifts in the discourses and treatment of child abuse, it is unsurprising that the media started to draw more attention to domestic violence by parents or carers against children from the late 1880s. Cases against women charged at Cheltenham and Exeter started to be reported in greater depth: although having previously been recorded under small paragraphs, reports on child abuse by women began to span across multiple columns.⁶⁷ These cases were also reported in papers outside of the locality for the first time, indicating that they had become a topic of wider public

⁶² *Cheltenham Mercury*, 13 March 1886, 3.

⁶³ *Western Times*, 13 June 1885, 4.

⁶⁴ M. May, 'Violence in the family: an historical perspective', in J. P. Martin (ed.), *Violence and the Family* (Surrey, 1978), 135-167 (p. 152).

⁶⁵ For further discussion on legislation concerning child cruelty, see Wilson, 'Mad, Bad or Sad?', 44-5.

⁶⁶ May, 'Violence in the family', 151-6.

⁶⁷ The first child abuse case to exceed the length of one column was the prosecution of Mary Herbert at Cheltenham in 1888 for having assaulted her child. The longest report on her prosecution lasted a column and a half (*Gloucestershire Echo*, 3 May 1888, 4).

interest.⁶⁸ In addition, newspapers drew more attention to female acts of child abuse by using suggestive headlines. Whilst headlines during the early 1880s had been uninformative, typically titling cases of child assault as 'ASSAULT' or 'ALLEGED ASSAULT', newspapers subsequently began using more descriptive terms: phrases such as 'BRUTAL ASSAULT BY A MOTHER', 'VIOLENT ASSAULT ON A CHILD' AND 'ILL-TREATING A CHILD' became common headlines for assaults by women on their children, through which newspapers signposted readers to the nature and severity of a case.

Newspapers also became more severe in their treatment of accused women. After 1890, no reports on child assaults included defence statements made by accused women. Instead, reporters formed their own perceptions of women and their actions. The portrayals which emerged were largely unforgiving. Many women came to be depicted as brutal and violent mothers or carers: in one instance, a woman summoned for beating her daughter was described as 'an evidently violent woman' who had 'acted without the slightest provocation'; another case, headlined as a 'GROSS CRUELTY TO A CHELTENHAM BOY', provided a lengthy history of abuse by a woman and her husband on their son before stating that he was 'the butt of his parents' cruelty' and that he 'lived in terror of them' on account of their continuous bad treatment.⁶⁹ Evidence of women's violence in these cases further sparked commentary on the appropriate level of chastisement by mothers, as was the case when Fanny Kettle was prosecuted for assaulting her son in 1898. After describing the manner in which she had given him 'a violent blow' with a saucepan, the *Cheltenham Chronicle* stated that 'whatever the boy said, no-one was justified, and still less a mother, in smashing a saucepan over a boy's head'.⁷⁰

The media also focused heavily on the drinking habits of mothers and carers. Female acts of child abuse stimulated by alcohol, as Rowbotham has noted, were always deemed by the press to be unforgivable.⁷¹ Intoxication often became an explanatory factor behind women's violence towards their children. A newspaper reported that

⁶⁸ The first case reported in a paper published outside of either Cheltenham or Exeter was, as above, the prosecution against Mary Herbert in 1888. This prosecution was reported in papers published within the county of Gloucestershire as well as in the *Worcestershire Chronicle* (5 May 1888, 8).

⁶⁹ *Cheltenham Chronicle*, 4 June 1892, 6; *Cheltenham Chronicle*, 28 March 1892, 2.

⁷⁰ *Cheltenham Chronicle*, 19 March 1886, 6.

⁷¹ Rowbotham, 'Only when drunk', 164.

there was 'not a better woman' than Mary Ann Cheldon when she was sober, yet that she was 'violent and cruel' to her son when drunk.⁷² Similarly, another woman was said to have 'treated [her son] well when sober' but was 'often intoxicated and violent towards him'.⁷³ The relationship between alcohol and violence was made yet more apparent in the case of Mary Rummings, a woman charged with her husband in 1898 for having assaulted three of their children. Having noted that both parents were 'the worse for beer' when they committed the assaults, a newspaper stated that 'the whole misery was through the drink'. It was further suggested that, if Mary 'could only leave off the drink', her children would be 'well off enough'.⁷⁴

The issue of alcohol abuse was not only used by newspapers to stress female violence and disorder but also to suggest that women were incapable in their role as mothers. It was often implied that women's drunkenness was a cause of neglect, thereby rendering women unable to provide or care for their children. Selina Mardon, charged with assaulting her children in 1900, was castigated by *Western Times* on account of her allegedly drunk and absent behaviour: describing her as a woman of 'drunken habits and character' who had 'given way to drink', the reporter expressed concern that she 'often left [the children] without food or clothes'.⁷⁵ Another accused woman, whom had several previous convictions against her for assault and drunkenness, was described as having been 'always drunk' whilst she left her children with 'barely any subsistence'. In this case, the paper agreed with the magistrates that she was 'not a fit person' to have charge of her children and approved of the Bench's decision to assign them to someone else's care.⁷⁶

A final aspect emphasised in reports on child abuse was the sexual behaviour of accused women, as was the case when Mary McGrath was described as a 'loose woman' due to allegedly returning to her illegitimate children at night whilst intoxicated and in the company of 'strange men'.⁷⁷ Such reports reflected fears that a woman's alleged sexual impropriety would affect the morality of her children. When another woman of 'loose character' was prosecuted for assaulting her child in 1900, evidence

⁷² *Trewman's Exeter Flying Post*, 26 November 1898, 4.

⁷³ *Cheltenham Chronicle*, 28 March 1898, 6.

⁷⁴ *Cheltenham Chronicle*, 5 March 1898, 8.

⁷⁵ *Western Times*, 14 July 1900, 2.

⁷⁶ *Western Times*, 29 January 1901, 5.

⁷⁷ *Western Times*, 15 August 1902, 6.

that she often invited sailors and soldiers to drink and stay the night at her house led a reporter to note that her behaviour would bring 'moral corruption' and 'irrevocable ruin' to her daughter in the future.⁷⁸

Particularly demonstrative of press representations of women who assaulted children is the media coverage on Mary Ann Brewer, a woman summoned at Exeter in 1899 for cruelty to her daughter. Whilst her husband was described as a 'good, hard-working man [who] tried to keep the house together', Brewer was depicted as the absolute antithesis. Discussions on her treatment of their daughter were particularly graphic, one paper having alluded to the frequent manner in which she would 'repeatedly drag the child on the ground' in public until she screamed.⁷⁹ The media also focused heavily on Brewer's drinking habit, which was considered to be linked with her maltreatment of the child: noting that she spent all her money by going 'from pub to pub all day', the *Western Times* reported that her daughter was often refused food and was left 'almost starving'.⁸⁰ Her sexuality also fell under the media's gaze. One paper reported that Brewer would frequently stay out all night 'in the company of men of bad character', taking her daughter with her: this behaviour, it was claimed, would have the effect of leading her girl into 'a life of moral ruin'.⁸¹ Such accounts of Brewer's behaviour led to harsh opprobrium in the press, one reporter having described her as a 'depraved creature' whilst another referred to her as 'a cruel, heartless and callous mother'.⁸² Brewer thus became the paradigmatic stereotype of the violent, drunken and immoral mother whose behaviour made her incapable of caring for her child.

During the early years of the period under study, the media was relatively lenient in its portrayal of child abuse by mothers and carers. Reports had often been terse or, if detailed, were typically given through the words of women themselves. This treatment changed during the late 1880s, at which point observers became more concerned with child abuse. Cases came to be reported in greater depth and were more frequently recorded. Female defendants often came to be portrayed as violent, drunk and immoral women whose actions suggested their inability to perform duties as carers.

⁷⁸ *Western Times*, 16 April 1900, 2. It is possible that the terms 'loose character' and 'loose women' used to describe the women in these examples were used to make references to prostitution.

⁷⁹ *Trewman's Exeter Flying Post*, 24 June 1899, 3.

⁸⁰ *Western Times*, 20 June 1899, 5.

⁸¹ *Trewman's Exeter Flying Post*, 24 June 1899, 3.

⁸² *Trewman's Exeter Flying Post*, 24 June 1899, 3; *Western Times*, 20 June 1899, 5.

Surprisingly, these reports offer a stark contrast to portrayals of women who committed more serious acts of violence against their children: historians have demonstrated that the media was often sympathetic to women who killed their offspring, sometimes having justified their actions due to either the insanity – and thus unaccountability – of women or to the destitution and/or abandonment which they had suffered.⁸³ Although there were some inconsistencies in media portrayals of child abuse cases, it appears that women who were charged for these offences fell under increasing scrutiny during the years 1880-1909 and were heavily castigated by the media for their inability to fulfil contemporary expectations of maternal behaviour.

ii) *Non-domestic assaults on children*

In comparison, assaults by women on children outside of their domestic care received far less attention from the media. Throughout the years 1880-1909, these offences were less frequently reported by local Cheltenham and Exeter newspapers than assaults by women on their own children. Reports on these cases were also considerably shorter in length, often being relegated to a handful of words within which little contextual information was provided. When Mary Newman was charged with assaulting a child in 1888, for example, the *Cheltenham Chronicle* merely reported that '[she] was summoned for assaulting a little boy named Ernest Iles [and] the case was dismissed'.⁸⁴ The *Gloucester Citizen*, meanwhile, gave another case particularly scant attention, despite its entry in the court minutes' book having been remarkably lengthy and containing evidence from a police witness. Rather than providing detail, the paper merely reported that 'Kate Birch was summoned by William Idles, boot-seller of the High Street, for assaulting his son Hubert, aged three years and eight months, on June 17th, and the case was dismissed.'⁸⁵

Since reports on these offences were often terse, they had little to say about the women who committed these offences. Of the thirty-one cases in which women were

⁸³ Startup, 'Damaging Females', 287-317; Knelman, *Twisting*, 123-180.

⁸⁴ *Cheltenham Chronicle*, 10 November 1888, 2.

⁸⁵ *Gloucester Citizen*, 29 June 1905, 4; GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/49, 29 June 1905.

charged for assaulting children outside of their domestic care, in only five did the press mention anything about the defendants' backgrounds or appearances. One defendant was reported to be Irish, whilst another was described as a woman of 'respectable appearance'.⁸⁶ In the remaining three cases, the press commented on the age of defendants. This detail was only given, however, due to their exceptional youth, two having been 'young girl[s]' and the other a 'small girl'.⁸⁷

The press also appears to have had little interest in the appearances of either the defendants or their victims when brought before the magistrates. Descriptions of courtroom appearances were provided in only two reports on these cases, one of which merely stated that a child had been beaten and that 'the marks on the body were still there'.⁸⁸ In the other case, a reporter appears to have sympathised with a woman's demonstration of her struggles: headlining the case as 'A POOR WOMAN'S TORMENTORS', it was noted that the defendant had 'burst into tears' after stating to the magistrates that her life was 'made a burden by juvenile persecutions'.⁸⁹

The general disregard with which the media responded to assaults by women on other people's children is further reflected in the reporting of defences. Statements made by defendants either went unreported or were mentioned in one of two ways: very briefly, or with a tone of mockery.⁹⁰ One newspaper reported that a woman had 'denied the offence, saying that she never put her hand on the child', whilst in another case a reporter merely wrote that the defendant had 'called a witness in her defence' without going into any further detail.⁹¹ Another article adopted a mocking tone when reporting a woman's defence, within which it was reported that she made 'a hysterical statement' in her attempt to deny the charge.⁹²

Although newspapers were brief when reporting on women's backgrounds, courtroom behaviour and defences, they sometimes offered discussion on their behaviour during the assaults themselves. For the most part, however, these descriptions continue to

⁸⁶ *Gloucester Citizen*, 2 February 1882, 4; *Exeter and Plymouth Gazette*, 29 May 1884, 8.

⁸⁷ *Gloucestershire Echo*, 13 June 1892, 4; *Cheltenham Chronicle*, 19 September 1882, 3; *Cheltenham Chronicle*, 8 July 1884, 5.

⁸⁸ *Cheltenham Chronicle*, 5 April 1890, 5. 1890.

⁸⁹ *Cheltenham Chronicle*, 27 August 1898, 4.

⁹⁰ In 51.2% of reports on these cases, newspapers did not mention defence statements given by female defendants.

⁹¹ *Cheltenham Chronicle*, 31 August 1889, 3; *Gloucestershire Echo*, 13 June 1892, 4.

⁹² *Western Times*, 22 May 1890, 3.

indicate that the press was largely unconcerned by women's violence against children outside of their domestic circle. Reporters frequently used headlines to indicate the apparent triviality of such offences, many of which were listed under titles such as 'A TRIVIAL CASE', 'A PALTRY AFFAIR' and 'A CHILDREN'S SQUABBLE'. Content often reinforced this notion by depicting cases as minor quarrels between the parties involved: in one case described as a 'petty little squabble', it was claimed that 'a little forbearance on both sides would have prevented such a trumpery little case being brought to the court'; another case was described by the *Exeter and Plymouth Gazette* as 'a simple misunderstanding between the two about some carpets'.⁹³ Thus often having been described as squabbles, misunderstandings or quarrels, these cases were regarded to be trivial by the local press.

Only in particularly severe or unusual circumstances did the press place interest in these cases. When an Exeter teacher was summoned for assaulting her pupil in 1889, a lengthy article in *Western Times* offered discussion on the injuries which had been inflicted on the victim and commented on the levels of chastisement deemed appropriate for teachers. The article noted that, due to the girl having 'worked nearly all her sums wrong', the teacher had 'chastised her with a cane, bumped her head on a desk and threatened to tear her to pieces'. It further stated that 'teachers are allowed to chastise' but that the teacher had 'exceeded her duty of chastising' in this instance.⁹⁴

An examination of newspaper reporting on child abuse highlights conflicting representations within the media. Assaults by women on children outside of their domestic care were given scant attention from the press. Whilst some reports were brief and revealed little information about the cases or the women involved, others depicted women's actions as trivial and thereby largely unimportant. Assaults by women on their children, by contrast, received considerable attention. As the years 1880-1909 progressed, mothers and carers who assaulted their children were increasingly depicted as cruel, drunken and immoral women whose behaviour made them incapable of acting in an appropriate maternal manner. This examination thereby indicates that the press was predominantly concerned by acts of female violence

⁹³ *Cheltenham Chronicle*, 20 August 1892, p6; *Exeter and Plymouth Gazette*, 16 September 1886, 4.

⁹⁴ *Western Times*, 7 October 1889, 3.

against children within only one context: the home. The following section further examines the depiction of female violence in a domestic context by exploring the portrayal of women's assaults which emerged out of their marital and intimate relationships.

5.5 Marriage, relationships and intimacy

Of the 1,507 female assault prosecutions brought before Cheltenham and Exeter magistrates' in the years 1880-1909, 96 cases had arisen out of women's romantic relationships. These acts typically fell into one of three categories. The first, often emerging from domestic disputes, was assaults on husbands. The second category was assaults on rivals in love, which included instances of single women competing for a man's affections as well as exchanges of violence between paramours and mistresses. The third was assaults on partners, the majority of which were committed by single women against men whom had allegedly ill-used or abandoned them.

i) Assaults on husbands

Although there has been little research on media depictions of husband-assault, studies of reporting on husband-murder indicate that violence against husbands received considerable press scrutiny in the Victorian period. Knelman has argued that these offences gained more media attention than almost any other form of murder, despite the fact that they were exceptionally rare and were far outnumbered by acts of wife-murder. She further suggests that the detailed coverage which these acts received was influenced by contemporary fears of the powerful wife who dominated her husband and thereby subverted traditional notions of gender hierarchy.⁹⁵ In addition, Startup has argued that husband-murder fell under press scrutiny during the

⁹⁵ Knelman, *Twisting*, 85-122.

mid-nineteenth century since this offence highlighted 'fundamental contradictions between women's subordinate position and the home as an arena of female power'.⁹⁶

Assaults on husbands also appear to have received a disproportionate amount of attention from the media. These offences were particularly uncommon in Cheltenham and Exeter, at which they accounted for only 3.2% of the assault prosecutions brought against women during the research period.⁹⁷ Yet they were discussed in considerable depth by newspapers. As demonstrated earlier, assaults on husbands filled a considerable proportion of the space reserved by editors for recording petty crime: on average, reports on husband-assault filled up 54.3% of the total word count within daily magistrates' courts columns, placing them as the third most reported form of female assault by depth of coverage.

During the years 1880-1909, there was little change in press portrayals of husband assault at Cheltenham and Exeter. Two models of women appear to have emerged within these discussions. The first – and considerably less common – stereotype was the 'wronged woman', through which women were depicted as abused wives whose circumstances warranted sympathy. Wives who demonstrated a history of their husband's previous violence were sometimes portrayed as abused and pitiable women. In one case of husband assault, a reporter stated that a woman deserved 'great pity' after having heard her 'long, distressing statement' that her husband always came home late at night and ill-treated her.⁹⁸ When another woman was accused of assaulting her husband with a jug, a paper justified her actions by noting that he had 'abused, struck and bruised her' throughout their marriage. The report further stated that he had had three previous wives and had 'ill-treated them all before sending them out on the streets', thereby highlighting the inherently violent nature of her husband.⁹⁹ The 'wronged wife' stereotype was also sometimes used when husbands had been adulterous, as was the case when Mary Bowden Cook was summoned at Exeter in 1896: noting that she had been living 'a dreadful life of unhappiness and wretchedness' due to her husband's adulterous conduct, a reporter stated that she

⁹⁶ Startup, 'Damaging Females', 245.

⁹⁷ See Chapter 3. This figure excludes cases whereby the relationships between defendants and victims are unknown.

⁹⁸ *Exeter and Plymouth Gazette*, 3 November 1884, 4.

⁹⁹ *Gloucester Citizen*, 21 December 1886, 4.

had been 'greatly aggravated' at the time of the offence because she had found him visiting his mistress late at night.¹⁰⁰

Cases in which women were depicted as the 'wronged wife' also sometimes resulted in the mockery of a husband for his conduct. In a particularly satirical article on a cross-summons between an Irish wife and her English husband, a reporter demonised the male complainant by linking the case to contemporary discussions on the Irish Home Rule movement.¹⁰¹ Although little was said of her offence, her husband was described as having been considerably brutal in his conduct when it was noted that he 'pitch[ed] into her and ill-treat[ed] her until she was black and bruised from head to foot'. Evidently believing the wife to be the victim, the reporter stated that 'Ireland triumphed' in the courtroom, whilst 'her English oppressor was given 21 days in which to reconsider the Home Rule question'.¹⁰² By expressing the case through satirical references to contemporary political debates, the reporter juxtaposed the plight of a wronged wife with the oppressive and brutal conduct of her husband.

Yet the 'wronged wife' model was not the dominant depiction of women who assaulted husbands. The majority of these women fell under quite a different stereotype: the dangerous, disorderly wife who dominated her husband. Within this model, reporters frequently emphasised the violent nature of women's actions. Reported under the headline 'THE WIFE ASSUMES THE OFFENSIVE', one woman was described as having been 'so violent' when she hit her husband that he was 'insensible for some time afterwards'.¹⁰³ Another wife, whose husband appeared in court with his face bandaged, was described as a 'very violent women' who had 'made bad threats and put them into force'.¹⁰⁴

At times, articles suggested that women's violence had intimidated their husbands. One husband was reportedly 'afraid to go home' out of fear that his wife was 'waiting for him with a knife or a revolver', whilst another had allegedly felt compelled to sleep outside since his wife had 'become very violent [and] he needed to get out of the house

¹⁰⁰ *Trewman's Exeter Flying Post*, 4 April 1896, 8.

¹⁰¹ The Irish Home Rule movement emerged during the late Victorian period and campaigned for Irish self-government. For further discussion, see A. Jackson, *Home Rule: an Irish History, 1800-2000* (Oxford, 2003).

¹⁰² *Cheltenham Chronicle*, 26 August 1893, 5.

¹⁰³ *Cheltenham Chronicle*, 24 November 1900, 4.

¹⁰⁴ *Western Times*, 7 May 1894, 3.

for protection'.¹⁰⁵ In another case, it was stated that a husband was scared of his wife and 'walked the Exeter streets in misery' as a result of her violent conduct. Having described the manner in which she 'knocked him down as flat as a pancake', the reporter further alluded to her power over him by juxtaposing her strength as a 'powerful-looking woman' with his weakness as a 'medium-sized man'.¹⁰⁶ Through such descriptions, newspapers portrayed these women as abusive, dangerous wives whom had challenged the natural gender order by asserting physical dominance over their husbands.

A further aspect which the media focused on in cases of husband assault was the drunken conduct of wives. Since alcohol was frequently depicted as the root cause of their violence, women faced particularly unfavourable portrayals if they had exhibited drunken behaviour. Annie Bedwell was described as having been 'perfectly decent' when sober, yet it was stated that when drunk she habitually beat her husband and on the night in question had '[fallen] over several times due to being drunk'.¹⁰⁷ Described in a headline as 'A PERFECT WRECK', another woman was said to have smelt 'so strongly of drink' that the constable found it 'impossible to go near her' when attempting to arrest her for assaulting her husband. It was further reported that she was so intoxicated that she 'acted like a mad woman, shouting, waving her arms about, with her hair streaming down her back'.¹⁰⁸

In addition, drunk and disorderly behaviour by women who assaulted their husbands was attributed not only to their violence but also to their failure in conforming to the conduct expected of them as wives. Many defendants were alleged to have abandoned their wifely duties in favour of alcohol, a choice which prompted strict responses from the press: one wife was described as an 'intemperate woman' who 'never provided [her] husband with food' but instead pawned his belongings for alcohol; a report of a subsequent assault on her husband stated that there had been 'some ill-feeling' between them as she was 'always at the pub' whilst her husband 'always had to prepare his own food and that for the children'.¹⁰⁹ Alcohol was also used to depict women's failure to respond to their husbands rationally, as was the case

¹⁰⁵ *Trewman's Exeter Flying Post*, 4 April 1896, 8; *Cheltenham Mercury*, 25 December 1886, 3.

¹⁰⁶ *Western Times*, 23 October 1906, 6.

¹⁰⁷ *Cheltenham Chronicle*, 15 August 1908, 6.

¹⁰⁸ *Western Times*, 14 September 1907, 2.

¹⁰⁹ *Exeter and Plymouth Gazette*, 20 August 1889, 6; *Western Times*, 25 May 1896, 3.

for Mary Ann O'Grady in 1886. Having noted that she had 'given way to drink lately', a journalist noted that her husband and friends wanted her examined since she would 'sometimes come up and kiss him and at other times she would take up a knife'.¹¹⁰

The stereotype of the 'dangerous and drunk' wife is clearly demonstrated in the media's portrayal of Sarah Annie Taylor, a wife summoned by her husband at Cheltenham magistrates' court on numerous occasions. Taylor received two convictions in 1887 for having made threats towards him, during both occasions having been drunk and making use of abusive language towards him.¹¹¹ Although neither of the cases received substantial press coverage, her subsequent conviction for assault a year later gained greater attention. The reportage on this case depicted her as a particularly violent woman: one newspaper stated that her husband was 'afraid of her' since she had previously 'broken his nose with a flat iron'; another recorded a police officer's statement that she was 'one of the most violent women he ever saw'.¹¹² Her drinking habits were also commented upon in multiple newspapers, one having reported that she had 'been drunk a great part of the time since she came out of prison and had smashed everything she could in the house, broken open the office and taken the money and other things'.¹¹³ As a result of her conduct, her husband 'could not conduct his business with profit or comfort' and as such had separated from her and taken custody of their child.¹¹⁴ These reports thus depicted Taylor as the epitome of an intemperate, violent and neglectful wife whose behaviour was transgressive of contemporary expectations of wifely behaviour.

Furthermore, articles on husband assault not only shaped the stereotype of the violent and dominant wife but also reflected wider fears about the institution of marriage. Reporters made frequent statements about the failures of marital relationships, through which they attempted to reassert contemporary behavioural ideals for both husbands and wives. One cross-summons between a husband and wife led a reporter to question in a headline: 'IS MARRIAGE A FAILURE?'. The content which followed clearly delineated the boundaries of their expected behaviour: whilst the husband was castigated for having 'frequently abused [his wife] during their twelve months of

¹¹⁰ *Exeter and Plymouth Gazette*, 8 May 1886, 4.

¹¹¹ *Gloucester Citizen*, 2 September 1887, 4; *Gloucester Journal*, 22 October 1887, 3.

¹¹² *Gloucestershire Echo*, 19 July 1888, 3; *Gloucester Citizen*, 20 July 1888, 4.

¹¹³ *Gloucester Journal*, 22 July 1888, 3.

¹¹⁴ *Gloucester Citizen*, 20 July 1888, 4.

married life', she was described as having 'behaved as badly as a woman could behave' by hitting him in an attempt to obtain money.¹¹⁵ Under the similar heading of 'MARRIAGE A FAILURE', another assault between a husband and wife led a reporter to state that they had been 'living together in misery' due to abuse. Indeed, the article further advised that 'unless they went on differently, either one of them would come back under a more serious offence'.¹¹⁶ The press again reinforced expectations of marital behaviour when reporting Fanny Rebecca Wakefield's prosecution for assaulting her husband: after stating that she had gone into a pub, torn his hat and pushed him, the article printed the magistrates' response that her conduct was 'utterly disgraceful' since 'a wife had no right to follow her husband into a public-house'.¹¹⁷

Although spousal violence by women was uncommon during the Victorian and Edwardian period, wives sometimes chose to target or to retaliate against their husbands. As Chinn has argued, many women 'learnt to fight to survive', whilst others were able to 'dominate [their] famil[ies] physically as well as financially and emotionally'.¹¹⁸ The media paid considerable attention to these cases. Although some women were displayed as the 'wronged wife' who deserved public sympathy, the majority were portrayed as the 'dangerous and drunk wife' who had a history of violence, drinking and dominance over her husband. Despite the contradictions between these stereotypes, both indicate that the local press was heavily focused on the domestic behaviour of women, especially that conducted towards their husbands.

ii) *Assaults on rivals in love*

As with assaults by women on their husbands, assaults on rivals in love were of considerable interest to local newspapers. Throughout the years 1880-1909, cases in Exeter and Cheltenham were not only covered in great depth but were also frequently reported by papers published outside of the immediate locality: news of a cross-summons between two rivals in Cheltenham, for instance, spread as far as

¹¹⁵ *Cheltenham Chronicle*, 6 April 1889, 3.

¹¹⁶ *Exeter and Plymouth Gazette*, 7 May 1894, 3.

¹¹⁷ *Cheltenham Mercury*, 2 October 1880, 3.

¹¹⁸ Chinn, *They worked all their lives*, 162-3.

Birmingham, Nottingham, and even Dublin.¹¹⁹ Although the media depiction of these offences shifted as the period progressed, newspapers continued to use them for providing commentary on a range of personal details concerning women's lives, not least of which included extra-marital affairs, jealous rivalries and unstable relationships.

During the early years of the period under study, reports of assaults on rivals in love frequently focused on the allegedly scandalous aspects of women's behaviour. Headlines drew attention to women's sexual conduct, as was the case when one assault was headed as 'ALL ABOUT A MAN' in a paper whilst being 'A CHELTENHAM SCANDAL' within another.¹²⁰ Reporters also frequently described women's sexual reputations, even when these were unconnected with their charges. When a woman was prosecuted for assaulting her husband's alleged mistress in 1887, the *Exeter and Plymouth Gazette* offered little discussion on her action yet reported that she was 'a troublesome character' to the community whom 'a respectable man could not pass without being annoyed'.¹²¹ In another case, a woman charged with assaulting her rival in 1882 was castigated by the press for her 'past immorality' with another woman's husband some years before.¹²²

The cross-summons between Frances Sarah Gowing and Mary Parker, in particular, became something of a press scandal. Prosecuted at Cheltenham magistrates' court in 1887 for having assaulted one another during a fight over a 'gentleman', the women's actions and behaviour was depicted by the press as both shocking and scandalous. One newspaper described the affair as a 'disgraceful scandal' whilst another headlined the case as 'A SCANDAL ON A CHELTENHAM GENTLEMAN'.¹²³ Two aspects of their behaviour were focused on by the media. First, the women were depicted as particularly violent: whilst Gowing was described as an 'accomplished bruiser' who gave her victim two black eyes, it was noted that Parker had smashed up windows and had promised to 'come again and again to do for [Gowing]'.¹²⁴ Second,

¹¹⁹ This was a cross-summons between Jeanette Thomas and Henrietta West at Cheltenham in 1893, which was reported in the *Nottingham Evening Post* (10 October 1893, 2), *Birmingham Daily Post* (10 October 1893, 8) and *Dublin Evening Telegraph* (11 October 1893, 2).

¹²⁰ *Gloucester Citizen*, 20 March 1888, 4; *Cheltenham Chronicle*, 10 December 1887, 2.

¹²¹ *Exeter and Plymouth Gazette*, 19 August 1887, 8. It is possible that the phrase 'without being annoyed' was making a reference to soliciting by the defendant.

¹²² *Gloucester Citizen*, 20 March 1888, 4.

¹²³ *Cheltenham Mercury*, 10 December 1887, 3; *Gloucestershire Echo*, 5 December 1887, 3.

¹²⁴ *Cheltenham Mercury*, 10 December 1887, 3.

the press emphasised their intimacy with the man over whom they were fighting. Gowing, for instance, was alleged to have spent 'a great deal of time' with the man, during which she had 'acted as his mistress in appearance'. It was stated that Parker, meanwhile, would 'nurse his naked feet, open his telegrams and sleep in his dressing room'.¹²⁵ Thus describing the women's violent and intimate behaviour, the press depicted the case as a depraved scandal between two women and a gentleman.

Media representations of assaults by women on rivals shifted in the early 1890s. Newspapers started to depict these cases as the actions of emotional and unrestrained women. Many defendants came to be portrayed as overly jealous women whose actions were irrational. A report of an assault by a wife on her husband's alleged mistress claimed that she 'appeared to have got the idea that everybody – strangers and friends alike – were in love with her husband', thereby giving the impression that her jealousy had been somewhat unwarranted and even trivial.¹²⁶ Reportage on another case again depicted an assault on a mistress as an irrational act of jealousy: whilst one report, headlined 'A CHELTENHAM WIFE'S REVENGE', described the perpetrator as a 'jealous wife' for having assaulted a woman whom her husband had been living with and supporting financially, another newspaper stated that there was 'no justification' for her action since 'jealousy was the cause of it'.¹²⁷

The apparent jealous and impulsive behaviour of these women was further depicted within discussions of their violence. Newspapers often ascribed female pugilistic encounters with their rivals to outbursts of jealous rage. A cross-summons case between two women whom fought in a theatre was described by the *Gloucester Citizen* as 'a fracas between a jealous wife and a young woman'.¹²⁸ Evidently taking the latter woman's side on the matter, another paper stated that the mistress was 'defending herself from the attack of a passionate person whose jealousy was unfounded'.¹²⁹ Similarly, an assault between a wife and a mistress was described as a 'stand-up fight' within which 'one woman had had the worst of it'. The reporter also stated that the wife had turned on the paramour 'in a fit of jealousy' and attacked her

¹²⁵ *Gloucestershire Echo*, 5 December 1887, 3.

¹²⁶ *Gloucester Citizen*, 30 March 1893, 4.

¹²⁷ *Cheltenham Chronicle*, 12 February 1897, 7; *Gloucester Citizen*, 4 February 1897, 4.

¹²⁸ *Gloucester Citizen*, 9 October 1893, 4.

¹²⁹ *Cheltenham Chronicle*, 14 October 1893, 6.

before they ended up 'fighting like men in the street'.¹³⁰ Furthermore, a fight between two single women of Exeter was described as a 'pitched battle' during which there had been 'some quarrelling over jealousy about some sailors'.¹³¹

Reportage also commented on women's volatile and unrestrained behaviour within the courtroom. Many defendants were described as having been 'lively' or 'excited' when brought before the Bench, thereby conveying the impression that they were unstable. One 'agitated' woman was said to have 'gradually worked herself into such a pit of fury' whilst giving evidence that a police officer had to prevent her from committing a further assault on the complainant. The article further suggested that the officer had been unable to quieten her: upon the officer's intervention, she allegedly became so 'terribly violent, throwing her arms about and shouting incoherently' that a constable was 'obliged to take her down to the cells'.¹³² Another woman was described as having behaved in 'such an excited manner' that the magistrates threatened to remove her from the dock. The reporter further stated that she was 'removed below taking very loud' after receiving a conviction and custodial sentence, her behaviour having led a magistrate to state that 'in all his experience in the court, he had never come across her equal'.¹³³

Whilst some comments on women's court behaviour alluded to their excitable nature, others depicted women as upset or remorseful. Ultimately, these images continued to maintain the portrayal of female defendants as emotional and irrational. One woman was said to have 'broken down into tears' when brought before the magistrates, whilst another was removed to the cells 'amidst the cries of the female defendant and her baby'.¹³⁴ The *Western Times* commented on the way in which another woman gave her 'weeping defence' when entering into a 'long, pitiful story about her husband's relations with the complainant', thereafter stating that she was taken to the cells whilst 'weeping and crying out'.¹³⁵

The portrayals which emerged across newspaper discussions of women who assaulted their rivals are exemplified well within the case of Mary Cook, a woman who

¹³⁰ *Western Times*, 31 August 1889, 3.

¹³¹ *Western Times*, 10 June 1908, 2.

¹³² *Trewman's Exeter Flying Post*, 8 August 1891, 5.

¹³³ *Trewman's Exeter Flying Post*, 25 May 1897, 2.

¹³⁴ *Exeter and Plymouth Gazette*, 12 July 1894, 4; *Western Times*, 11 June 1908, 4.

¹³⁵ *Western Times*, 14 February 1896, 5.

assaulted her husband's alleged mistress, Maria Kelly, on two occasions. The first charge, taken out in 1887 after Cook had broken into Kelly's house and beaten her, portrayed her as a violent and jealous woman. Although coverage on this case was only brief, the *Exeter and Plymouth Gazette* described her as 'a jealous wife' who had 'rushed into [Kelly's] house, grabbed her hair, and used her roughly'. Her second charge in 1889, for which she received a month in prison, resulted in longer coverage. She was again portrayed as a fiery woman whose violence was unrestrained. One paper noted that she had given her victim 'a good thrashing', whilst another stated that 'the Cooks as a rule are hot members, but Mary of that ilk is as 'fiery' as Stanbury's Scotch Whiskey at the Bodega'.¹³⁶ It was further indicated that she been particularly impulsive and unmanageable when appearing in the courtroom, the *Exeter Flying Post* having described her behaviour thus:

Mary began to pour forth invective words, and the language...so choice! No one could get into the witness box and utter a syllable without Mary coming down upon them like a cartload of bricks...she was idly gesticulating her arms, stamping with her feet, and frantically declaring that she would not divorce from her dear one; she wouldn't be domineered over by Kelly, whom she wanted to give a few 'blue ones'. But when she found out she got a month, there were ructions! She tenaciously clung to the bars of the dock, and began to kick right and left, and it took no fewer than three stalwart constables to carry her out.

The allegedly wild behaviour of Cook in court was further emphasised through an opposing image of her victim, who was described by the reporter as 'veritably an object of pity'. After reflecting on her case, the reporter 'asked [himself] the poser, "is or is not marriage a failure?"'.¹³⁷ Through descriptions of her actions both inside of and outside of the courtroom, Cook was depicted as a jealous, passionate and fiery wife whose actions were driven by impulse and emotion.

Overall, Cheltenham and Exeter women who assaulted their romantic rivals received negative portrayals within the press. During the early years of the period under study, newspapers depicted these cases as scandalous affairs caused by women's sexual impropriety. This portrayal shifted during the late 1880s, from which point reporters

¹³⁶ *Western Times*, 21 March 1889, 5; *Trewman's Exeter Flying Post*, 16 March 1889, 8.

¹³⁷ *Trewman's Exeter Flying Post*, 16 March 1889, 8.

started to regard these assaults as the actions of unrestrained, impulsive, jealous and emotional women. These notions may have been linked to the emergence of psychobiological explanations of female crime during the late-nineteenth century, which emphasised the ways in which criminal women were 'physiologically, emotionally and behaviourally abnormal'.¹³⁸ As a result, newspapers came to downplay women's grievances by defining their offences as irrational and unjustifiable actions.

iii) *Assaults on partners*

Assaults by women on their partners were one of the rarest forms of female assault in Cheltenham and Exeter, having accounted for only 1.3% of the prosecutions within this study.¹³⁹ These offences received less press coverage than other female assaults committed within the context of relationships: whilst the average proportion of petty sessions columns filled by assaults on husbands and on rivals was 54.3% and 42.1% respectively, this figure was only 37.4% for acts perpetrated against women's partners. They also appear to have generated little interest outside of the locality, none of the cases within this study having been reported in newspapers published outside of Devon and Gloucestershire.¹⁴⁰ An initial examination therefore indicates that these assaults aroused less concern amongst late Victorian and Edwardian reporters than other acts relating to women's intimate relationships.

During the years 1880-1909, there was little change in the depiction of women who assaulted their partners. On occasion, some were portrayed as troublesome, violent and/or drunken women whose behaviour was inexcusable. When Rebecca Snell was prosecuted for drunkenly throwing a glass at her partner in a public-house, one paper noted that he had been hospitalised and had appeared in court with a 'bandaged' wound, whilst another commented on the way in which his cheek was 'severely

¹³⁸ Carlen and Worrall, *Gender, Crime and Justice*, 6.

¹³⁹ As noted in Chapter 3, the term 'partner' has been used throughout this thesis to refer to victims who were either 'courting' or cohabiting with the defendant.

¹⁴⁰ It is possible these cases were printed in other local newspapers which are not held amongst the British Library's digital newspaper archive.

lacerated'.¹⁴¹ In another case, a woman was said to have made use of such 'violent and threatening conduct' towards her partner that she 'might be heard of a mile off'.¹⁴²

Yet for the most part these women received sympathetic portrayals within the press. Reports frequently adopted the trope of the 'abused woman' when describing female assaults on their partners, within which attention was drawn to the maltreatment suffered by women in their relationships. The most common issue addressed by reporters was the physical violence inflicted on women by their partners. A great deal of women were described as having attended their hearings with injuries from abuse, one woman having appeared before the magistrates 'with her head bandaged' whilst another 'showed black marks on her arms' and stated that she 'could not live such a life any longer'.¹⁴³ Other articles stressed a history of abuse inflicted on women by partners: when Bessie Tarr was summoned for assaulting her ex-partner in 1880, *Exeter and Plymouth Gazette* reported that the parties had 'lived together [but] he had recently left her and ill-used her'; similarly, the *Western Times* stated that she had lived with him intermittently for two years but had felt compelled to leave on numerous occasions when he 'brutally ill-used her'.¹⁴⁴

An additional aspect focused on by the media was the abandonment of women by their partners. Newspapers often provided detailed coverage on cases in which men had failed to carry out their promises of marriage. When Rhoda Hucker was charged three times for assaulting her ex-partner, the press on each occasion drew attention to his abandonment of her: a report on the first case, for instance, stated that he had 'promised to marry her, borrowed money from her and refused to pay the loan' before leaving her; similarly, a report on the second case noted that he had 'borrowed £40 under false pretenses to marry her' but now 'had another lover and had chucked up the defendant because she had no money'.¹⁴⁵ Abandonment was considered to be especially problematic if a woman had been left during pregnancy or with a child. After being refused money for child support, Ellen Jackson assaulted a married man with whom she had had a child. The *Cheltenham Examiner* ultimately castigated the man

¹⁴¹ *Trewman's Exeter Flying Post*, 6 November 1897, 5; *Exeter and Plymouth Gazette*, 9 November 1897, 3.

¹⁴² *Gloucester Citizen*, 12 June 1885, 4.

¹⁴³ *Gloucester Citizen*, 12 February 1883, 4; *Western Times*, 25 May 1896, 3.

¹⁴⁴ *Exeter and Plymouth Gazette*, 18 February 1880, 3; *Western Times*, 18 February 1880, 3.

¹⁴⁵ *Gloucester Citizen*, 4 February 1884, 4; *Gloucestershire Echo*, 19 May 1884, 3.

for his behaviour, stating that she was 'never met by him without his sneering and jeering at her over the trouble he had caused' whilst he himself had 'escaped scot-free'. As such, the reporter believed that her action was condonable since 'all she had done had been through exasperation'.¹⁴⁶

Several women were also sympathised with on account of becoming impoverished and destitute as a result of abandonment. Articles stressed the ways in which women had been left with no subsistence as a result of their engagements with men, which again had the effect of portraying them as wronged women. One woman was said to have been 'subjected to much trouble in consequence of the machinations of the prosecutor' and was left 'homeless and penniless in consequence'.¹⁴⁷ Another defendant, who had had an illegitimate child with her partner, claimed to have refused his child support payment since she 'did not consider his offer adequate to what she had lost and suffered'. Noting that she had 'pawned all that she had to provide for it', the reporter recorded her statement that she had 'waited so long for him to make a home for her that all her money was gone'.¹⁴⁸

A further way in which reporters sympathised with women's plights in these cases was by publishing the defences which they gave in court. In doing so, papers provided opportunities for women to publicly express the physical and emotional distress which had been caused by their partners. Prosecuted for kicking her partner in 1890, Jessie Taylor stated in her defence that her partner had 'been living with her two or three years but did not support her' and that 'he had molested her at home [and] had promised to marry her but had not done so'.¹⁴⁹ Another woman stated that her partner had 'knocked her down not long ago' but maintained that she had 'been a good woman to him' ever since she had started living with him two years previously.¹⁵⁰

Indeed, newspapers sometimes gave preferential treatment to evidence presented by female defendants. When a cohabiting couple, Florence McDermott and Charles Collett, summoned each other for assault in 1896, the media focused almost solely on her version of the story. The *Cheltenham Chronicle* ignored that the case was a cross-

¹⁴⁶ *Cheltenham Examiner*, 1 July 1909, 6.

¹⁴⁷ *Cheltenham Chronicle*, 11 January 1881, 3.

¹⁴⁸ *Cheltenham Mercury*, 18 October 1884, 3.

¹⁴⁹ *Western Times*, 20 August 1890, 2.

¹⁵⁰ *Gloucester Citizen*, 8 September 1881, 3.

summons and only reported the assault by Charles on Florence, giving details of her evidence that he had frequently 'knocked her down, kicked her and threatened her'.¹⁵¹ Although another newspaper's coverage on the case did mention that there had been a cross-summons, the story was again told largely from her perspective. This report provided great detail of her defence, noting her statement that she had been 'covered with blood' on the day in question and that he had 'frequently hit her...threatened her with violence...[and] made her life a misery'. Meanwhile, only one line was spared for Collett's defence that she had 'cut his arm with a knife'.¹⁵²

Exeter and Cheltenham women who assaulted their partners typically received sympathetic responses from the press. This suggests that the media may have held similar attitudes to the magistrates, whom, as demonstrated within Chapter 4, were more lenient in their treatment of single women than those who were married. With few exceptions, newspapers portrayed these defendants in the image of the 'abused woman' by referring to the physical and emotional suffering which they had endured from their partners. This marks a stark contrast to the depiction of those who had assaulted their husbands or rivals in love, many of whom faced harsh portrayals within the press. Ultimately, whilst women who assaulted their husbands were depicted as violent and intemperate and those who assaulted their rivals as unrestrained and aggressive, women who assaulted their partners were portrayed as poor, abused women who had been victimised by men.

5.6 Community violence

Having explored the portrayal of female violence committed largely within the private sphere of the home, the final section of this chapter examines the treatment of women who acted violently in public. It focuses on women's assaults directed against three categories of victims: neighbours, service-providers and peace officers. As will be demonstrated, whilst many of these acts were trivialised by the press, others reflected

¹⁵¹ *Cheltenham Chronicle*, 20 June 1896, 8.

¹⁵² *Cheltenham Examiner*, 24 June 1896, 3.

deep contemporary fears concerning women's presence in the streets and other public spaces.

i) Neighbourly assaults

Assaults on neighbours were the most common type of female-perpetrated assault in Cheltenham and Exeter in the years 1880-1909, during which time neighbours accounted for 52.9% of all victims targeted by women.¹⁵³ The majority had been committed in working-class neighbourhoods, within which cramped housing conditions meant that tensions between neighbours were rife: as Woods has noted, neighbourly discord was often aggravated by 'the sheer frustration of trying to get a living in miserable, overcrowded conditions'.¹⁵⁴ Spontaneous rows over territory, possessions and noise could spill onto the streets in the form of violence, whilst fights arranged for conflict resolution could result in injuries and, ultimately, court summonses. Community streets therefore became a central site for many working-class women to express their grievances and resolve disputes with neighbours.

Partly due to their run-of-the-mill nature, these cases received little media attention. As demonstrated earlier, reports of assaults on neighbours took up considerably less space in magistrates' courts columns than almost any other context of female violence. In some instances, reports were remarkably terse: one newspaper reported that 'Susan Hitt, of Coombe-street, summoned for assaulting Sarah Gale, also of Coombe-street, was dismissed on paying the costs'; another, under a headline of 'NEIGHBOURS', noted that 'Lucy Smith, a married woman, was summoned by Martha Denley for an assault on the 27th ult. [and] was fined 5/- and costs'.¹⁵⁵ For the most part, however, reports typically spanned a small paragraph in the middle of a magistrates' courts column, within which journalists sometimes offered discussion on the backgrounds, actions and court appearances of accused women.

¹⁵³ See Chapter 3. This figure excludes the cases in which the relationships between defendants and victims are unknown.

¹⁵⁴ Woods, 'Community Violence', 176.

¹⁵⁵ *Exeter and Plymouth Gazette*, 6 November 1886, 2; *Gloucester Citizen*, 5 April 1889, 4.

One of the key areas focused on by newspapers in these cases was the past behaviour and reputations of defendants. Through references to their backgrounds, women were frequently depicted as notorious, troublesome members of their local community. Many reports indicated that women's behaviour had been annoying to neighbours: Annie Denley, for example, was described as 'a thorough nuisance to the neighbours of Rutland Street'; Mary Roberts' behaviour was regarded as 'a considerable and habitual annoyance' to her neighbours; and Jane Charlotte Edwards was labelled as 'the mischief-making woman of Burton Street'.¹⁵⁶ Reports also sometimes suggested that women's behaviour had disrupted the entire neighbourhood. One paper described a defendant as a 'disagreeable woman' whose 'nuisance' to her neighbours had 'upset them all', whilst another report on her case stated that she had 'upset the whole neighbourhood during the fortnight that she had been living there' on account of 'always causing disturbances'.¹⁵⁷ Another woman was instructed to leave her community due to upsetting her neighbours: described in a headline as 'AN UNDESIRABLE NEIGHBOUR', it was reported that she was 'a most undesirable individual to live near' and that it would be 'advisable for her to leave the neighbourhood'.¹⁵⁸

Women who assaulted their neighbours were also depicted as particularly quarrelsome, a portrayal which becomes immediately clear from the frequent use of headlines such as 'A QUARRELSOME WOMAN' or 'QUARRELSOME YOUNG WOMEN'. Many defendants were described as having been particularly loud or argumentative in the past, as was the case when a paper stated of Mary Rummings that 'if [she] was in Rutland Street, she would manage to make herself heard whatever the noise'.¹⁵⁹ Other reports linked women's argumentative natures to their assaults: one case was said to have arisen out of a 'lively exchange of words' between two women, during which they had called each other 'bestly names'; similarly, a cross-summons between two neighbours was described as 'a flourishing of hands and tongues' in which the women had had 'a war of words'.¹⁶⁰

¹⁵⁶ *Cheltenham Examiner*, 17 November 1897, 2; *Cheltenham Chronicle*, 21 March 1891, 10; *Cheltenham Chronicle*, 18 August 1894, 5.

¹⁵⁷ *Gloucestershire Echo*, 24 May 1886, 3; *Cheltenham Mercury*, 9 May 1886, 3.

¹⁵⁸ *Gloucester Citizen*, 13 July 1899, 4.

¹⁵⁹ *Cheltenham Chronicle*, 18 October 1881, 3.

¹⁶⁰ *Cheltenham Mercury*, 19 March 1887, 3; *Cheltenham Chronicle*, 5 September 1896, 8.

The quarrelsome behaviour of these women was further emphasised in descriptions of their behaviour in court. Newspapers frequently commented on the loud or argumentative conduct of defendants when brought before magistrates, through which they were depicted as outspoken and impulsive women. Whilst one hearing between a defendant and her neighbour was described as ‘a wordy warfare between women’, another was said to have resulted in such a quarrel that the ‘good ladies’ had given the Bench ‘a good taste of what the little disturbance was like’.¹⁶¹ Another newspaper commented on the way in which a woman had interrupted during the evidence, further recording the magistrates’ view that she was ‘an untied tigress’ who had ‘put her questions testily [and] wouldn’t listen to reason’.¹⁶² Furthermore, when a hearing culminated in a row between a defendant and complainant, a newspaper stated that they ‘left the court quarrelling and vowing vengeance on each other at some future occasion’.¹⁶³

Discussions of women’s courtroom behaviour frequently implied that defendants had disrupted prosecution procedures. Indeed, it was sometimes suggested that women’s volubility had made it difficult for evidence to be taken. Two women charged with assaulting their neighbour in 1881 were said to have made ‘warm conversation’ and ‘frequent interruptions’ during witnesses’ statements, the Bench and the women’s lawyers having ‘more than once requested each to sit down and hold their tongues’.¹⁶⁴ In another case, it was reported that ‘such considerable difficulty was experienced in keeping [the defendant’s] tongue still’ that she was ‘eventually put outside’ by the magistrates.¹⁶⁵ Another defendant was said to have ‘continued chatting at such a rate and in such an excited manner’ that the magistrates ‘were obliged to send her out of court until the next case had been heard’.¹⁶⁶

In addition, many women who assaulted neighbours were described as pugilistic. Reports often stressed the reputation which women held in their local community as fighting women: a Cheltenham defendant charged numerous times for assaulting her neighbours, for example, was described by the *Cheltenham Chronicle* as ‘the fighting

¹⁶¹ *Cheltenham Chronicle*, 2 July 1887, 2; *Cheltenham Examiner*, 5 July 1882, 3.

¹⁶² *Western Times*, 23 July 1890, 2.

¹⁶³ *Gloucester Citizen*, 15 November 1897, 4.

¹⁶⁴ *Devon Evening Express*, 6 May 1881, 3.

¹⁶⁵ *Gloucester Citizen*, 20 December 1890, 4.

¹⁶⁶ *Western Times*, 30 August 1884, 2.

woman of Rutland Street'.¹⁶⁷ Other reports focused on the pugilistic behaviour conducted by women during assaults. When a woman was prosecuted by her neighbour in 1897, reports on the case focused on their scrimmage: one paper described them as 'fighting women' who had 'fought out their differences' on the street; the other report, under the headline 'FEMALE PUGILISTS: A SUNDAY NIGHT SCENE', stated that they had 'fought like two men'.¹⁶⁸ Another woman, described as a 'pugnacious dame' and a 'powerful-looking woman', was reported to have drunk some beer and 'entirely stripped off her clothing' before challenging her neighbour to fight.¹⁶⁹ Comments on women appearing in court with injuries further emphasised their pugilistic behaviour, as was the case when it was reported that a defendant and her victim both came to court 'with their faces disfigured from fighting'.¹⁷⁰

Despite having depicted women as troublesome, quarrelsome and pugilistic, newspaper reports typically conveyed one overarching message about female acts of violence in the neighbourhood: they were trivial, dismissible affairs rooted in menial problems.¹⁷¹ Although women were often portrayed as a menace to their neighbourhoods, their violence in itself was deemed to be of little concern. Many cases were headlined under titles such as 'WOMEN'S SQUABBLES', 'PETTY SQUABBLES', 'A TRUMPERY CASE' and 'A PALTRY AFFAIR'. One case, headlined as 'A NEIGHBOURS' SQUABBLE', was described as 'nothing more than a neighbours' grievance over a cup of tea'.¹⁷² The *Western Times* stated of another prosecution that 'quite a lot of unnecessary time' had been spent at the courtroom for 'hearing disputes amongst some quarrelsome women', the parties having given evidence which appeared to be 'of a very trivial nature'.¹⁷³

A further way in which newspapers trivialised women's offences was by reporting them in a mocking tone or by describing them as amusing. One newspaper stated that a 'strange narrative' given by two female neighbours resulted in 'ripples of laughter'

¹⁶⁷ *Cheltenham Chronicle*, 8 September 1894, 8.

¹⁶⁸ *Cheltenham Examiner*, 17 February 1897, 3; *Gloucester Citizen*, 11 February 1897, 4.

¹⁶⁹ *Western Times*, 18 September 1886, 3.

¹⁷⁰ *Cheltenham Examiner*, 8 October 1884, 6.

¹⁷¹ There were exceptions to this, particularly in cases whereby acts had resulted in severe injury. For example, when Ann White was summoned for assaulting her neighbour in 1885, the act was described as 'a most brutal assault...of a most dangerous character' since the victim's head had been split open (*Cheltenham Mercury*, 1 August 1885, 3).

¹⁷² *Western Times*, 31 March 1887, 2.

¹⁷³ *Western Times*, 12 August 1904, 5.

across the courtroom.¹⁷⁴ Another case, described as ‘a neighbourly dispute of the usual order’, was allegedly dismissed after ‘some amusing evidence had been heard’, whilst another assault was similarly dismissed after an ‘amusing wordy warfare’ had ensued between the parties involved.¹⁷⁵ Newspapers also sometimes used puns to express cases in a humorous way: Mary Trapp’s summons for assaulting her neighbour in 1888 was headlined by the *Cheltenham Chronicle* as ‘CLAP-TRAP(P)’, the paper having used a pun on her name to suggest that the case was little more than a trivial affair.¹⁷⁶

Particularly demonstrative of media responses to neighbourly violence is the case of Ada Ryles, a Cheltenham woman prosecuted in 1908 for assaulting her neighbour during a staged fight. Two papers which reported the case, *Gloucestershire Echo* and *Cheltenham Examiner*, depicted it as a trivial affair which had arisen out of disorderly conduct between troublesome women. The *Examiner* focused heavily on their pugilistic behaviour when stating that there were ‘traces of a black eye’ from ‘under the raven locks which waved about [the defendant’s] face’, an injury caused by her belief that she could ‘take her own part’ in the fight. Yet the disruptive behaviour of the defendant and complainant in court received greater attention: little was stated concerning what the women had actually said, but the reportage focused on the ways in which they had said it. Describing the women as ‘a party of voluble and gesticulative gipsies’ who were ‘as picturesque and apparently quite as spiteful as the witches in Macbeth’, the reporter claimed that ‘their devotion to the cause of truth was proclaimed with many fervent expressions of piety...[and] awoke the echoes of the court for the space of twenty minutes, turning the abode of justice into a sort of babel’. It was further noted that the women made ‘a series of interjections, expostulations, protestations and appeals to the heavenly powers’, due to which the ‘wisest judge on Earth’ would have ‘failed to determine what it was all about...or who was really to blame’.¹⁷⁷

Meanwhile, *Gloucestershire Echo*’s report focused on the backgrounds of the women and the severity – or lack thereof – of the case. By describing the women as ‘tribal ladies’ from a ‘gipsy fraternity’, for example, the paper suggested that the women were

¹⁷⁴ *Gloucestershire Echo*, 18 June 1908, 4.

¹⁷⁵ *Gloucester Citizen*, 10 July 1905, 4; *Cheltenham Chronicle*, 9 June 1894, 5.

¹⁷⁶ *Cheltenham Chronicle*, 30 June 1888, 5.

¹⁷⁷ *Cheltenham Examiner*, 27 August 1908, 7.

of a particularly lowly and troublesome background. The reporter further alluded to the triviality of the case, having stated that 'the story of the squabbles caused immense amusement in the court' and were 'almost striking upon such a sultry morning in such a stuffy morning'.¹⁷⁸ Through the reportage in both the *Examiner* and the *Echo*, then, Ryles was depicted as a troublesome, loud and quarrelsome woman whose offence was little more than an amusement for readers.

In their discussion of women charged at magistrates' courts for fighting, D'Cruze and Jackson have argued that female defendants were 'often disregarded and sometimes mocked' but that their violence 'did not undermine the social order'.¹⁷⁹ A similar image has emerged within this section of the chapter. During the years 1880-1909, women's violence against neighbours was largely trivialised by local newspapers. Some acts received scant attention whilst others were depicted as amusing or trivial. In addition, the women themselves were seldom seen as a violent threat but instead as more of a social nuisance: their depiction as troublesome, loud and pugilistic women signified them as annoying members of their community but, ultimately, not as dangerous or violent women. These reports suggest that, whilst women's assaults on neighbours raised concerns about female disorderliness within local communities, their violent acts were of little concern to the press and as such came to be downplayed.

ii) *Assaults on service-providers*

Over the years 1880-1909, a handful of women were brought before the Cheltenham and Exeter magistrates after having allegedly assaulted service-providers within their local community. These cases were uncommon in comparison to attacks by women on their neighbours, having accounted for only 4.3% of female assault prosecutions brought to both courts during the period.¹⁸⁰ Most prevalent amongst victims who were service-providers were publicans, assaults against whom typically arose out of a quarrel when women were refused a drink or were asked to leave. Landlords and landladies were also sometimes targeted by women, especially when there were

¹⁷⁸ *Gloucestershire Echo*, 24 August 1908, 3.

¹⁷⁹ D'Cruze and Jackson, *Women, Crime and Justice*, 63.

¹⁸⁰ See Chapter 3. This figure excludes the cases in which the relationships between defendants and victims are unknown.

issues over rental payments. Less common were assaults on those who owned shops or were independent traders, although these acts could occur during disagreements concerning the price or quality of products. Taken together, these assaults demonstrate a range of interactions which women frequently experienced on a public level and which could result in acts of interpersonal aggression.

As with acts perpetrated against neighbours, women's assaults on service-providers did not receive considerable media coverage.¹⁸¹ Many reports on these cases were exceedingly brief and provided little context. A newspaper report of an assault on a publican, for instance, merely stated that: "Mary Trapp, of Rutland-street, was summoned by George Powell, of the Plasterers' Arms, for assaulting him on the 27th May. Mr. A. Lamb appeared for the complainant. A fine of 5/- was inflicted".¹⁸² Assaults on landladies could also be particularly short, as was the case when a newspaper wrote that 'Selina Sugg, South-street, summoned for assaulting Susan Clynick, her landlady, on the 9th inst., was fined 5s and the expenses'.¹⁸³ Another assault on a landlady provided basic facts such as the names of the parties involved, date of the offence and value of the fine imposed, the only contextual information revealed having been that 'Mrs Pearce told the Bench that when she called for her rent the defendant threw some soapy water over her'.¹⁸⁴

When newspapers provided more detailed coverage, they typically discussed the backgrounds of the women involved. These descriptions suggest a similarity between coverage of assaults on neighbours and those on service-providers, since within both contexts newspapers highlighted women's troublesome behaviour. However, whilst those who assaulted neighbours were depicted as nuisances to their community, women who assaulted service-providers were portrayed as hardened offenders whom were well-known to the police. One woman's offending record, for example, was demonstrated when a newspaper described her as a woman 'of ill—fame' who was 'too well known to the police'.¹⁸⁵ Similarly, in another case, headlined as 'AN OLD OFFENDER: MARY LYNE MAKES HER 27TH APPEARANCE', a reporter noted that

¹⁸¹ On average, reports of assaults on service-providers took up 38.9% of the space reserved by newspapers for publicising magistrates' court proceedings. As previously demonstrated, this is a much lower figure than that for assaults on husbands or children.

¹⁸² *Gloucester Citizen*, 3 June 1901, 4.

¹⁸³ *Trewman's Exeter Flying Post*, 18 August 1880, 3.

¹⁸⁴ *Cheltenham Chronicle*, 18 August 1906, 3.

¹⁸⁵ *Trewman's Exeter Flying Post*, 9 August 1890, 3.

the defendant's offending record made her evidence unreliable since the Bench 'could not believe what she said'.¹⁸⁶

A number of reports also provided descriptions of women's behaviour during assaults, throughout which much emphasis was placed on drunken and disorderly conduct. Naturally, this was especially the case when women had assaulted publicans. Described within a headline as 'A DISORDERLY WOMAN', one defendant was reported to have 'had a bit to drink', after which she 'naturally became excited' and pushed a publican into a table.¹⁸⁷ Meanwhile, when Eliza Smart was charged for assaulting a publican in 1894, the *Gloucester Citizen* reported not only that she had committed the offence 'in a state of intoxication' but also that 'after [the defendant] had been drinking, she had the impression that she was the Queen of England [and that] everybody must bow down to her'.¹⁸⁸

Descriptions of courtroom behaviour amongst these women were often brief, although where mentioned it was typically indicated that women were unstable. Such reports are likely to have been influenced by contemporary discussions concerning the relationship between women, alcoholism and mental instability.¹⁸⁹ One woman was described as having been 'hysterical and distressed' during her examination, whilst another was said to have given her evidence 'in a very excited state'.¹⁹⁰ In another case, a newspaper reported that a woman had appeared before the magistrates 'in such an excited manner' that they were 'obliged to send her out of court until she calmed down'.¹⁹¹

Despite the depictions of these women as troublesome, drunken and unstable, their actions were largely deemed to be trivial. Indeed, reports frequently suggested that assaults had arisen out of menial circumstances. Whilst a case in which a woman had drunkenly assaulted a publican was considered to be of 'a very trivial nature', an assault by a woman on her landlord was referred to as 'a trivial case' which had arisen out of 'rent squabbles'.¹⁹² Headlined as 'MUCH ADO ABOUT NOTHING', another

¹⁸⁶ *Western Times*, 16 July 1907, 6.

¹⁸⁷ *Cheltenham Chronicle*, 30 August 1902, 4.

¹⁸⁸ *Gloucester Citizen*, 28 May 1894, 4.

¹⁸⁹ For more on contemporary views concerning women and alcohol, see Morrison, 'Ordering disorderly women'.

¹⁹⁰ *Gloucester Citizen*, 13 June 1892, 4; *Cheltenham Chronicle*, 30 August 1902, 3.

¹⁹¹ *Western Times*, 30 August 1884, 2.

¹⁹² *Western Times*, 14 October 1904, 9; *Exeter and Plymouth Gazette*, 30 September 1881, 7.

assault on a landlord was described as a 'paltry case' within which the lawyers on both sides had 'ridiculed the whole thing'.¹⁹³

Akin to those directed against neighbours, assaults by women on service-providers appear to have been of minor concern to local provincial newspapers. Many cases were gleaned over since they lacked the substance to make them newsworthy. Cases which were reported in detail, meanwhile, typically portrayed women as troublesome, drunk and disorderly yet depicted their actions as trivial and non-threatening. Newspaper coverage on these cases thereby indicates that female violence on service-providers were perceived as unimportant, with women's drunken behaviour appearing to have caused greater concern than violence in itself.

iii) *Assaults on authority figures: policemen and bailiffs*

Victorian and Edwardian observers were particularly concerned by assaults on officers.¹⁹⁴ Legislative reform through the *Offences Against the Person Act 1861* distinguished assaults on peace officers – such as policemen and bailiffs – as a separate and more serious category of violent crime than acts of common assault.¹⁹⁵ Magistrates also responded more severely to these offences: as demonstrated in Chapter 4, assaults on officers resulted in considerably stricter penalties than those directed against most other victims. The media came to play a role in shaping public perceptions of violence against officers: through their coverage on prosecutions at magistrates' courts, newspapers frequently offered detailed commentary on the backgrounds and behaviour of those who had assaulted officers and reflected contemporary fears about challenges to authority figures within local communities.

Assaults on officers received a disproportionate amount of newspaper attention. In Cheltenham and Exeter, female assaults against authority figures were extremely

¹⁹³ *Cheltenham Mercury*, 30 July 1887, 3.

¹⁹⁴ The terms 'officer' and 'authority figure' are used interchangeably in this discussion. This category includes only police officers and bailiffs, since no other types of government officer featured in this study as victims.

¹⁹⁵ *Offences Against the Person Act 1861* (24&25 Vict., c.101).

uncommon yet were reported in great depth: whilst these acts accounted for only 3.9% of female assault prosecutions brought to the courts, they took up a substantial proportion of the newshole reserved by newspapers for covering petty crime.¹⁹⁶ Indeed, reports of assaults on officers filled on average around 56.4% of the word count within petty sessions columns, making them the second most reported category of female assault by depth of coverage (following that of assaults by women on their children). Several cases were also reported by newspapers published well outside of Cheltenham and Exeter, including localities in the north west of the country.

Newspaper coverage of assaults by women on officers was rarely forgiving. The first feature which indicates the bleak nature of reports – and one which did not emerge in the reportage on other contexts of assault – is the remarkably low frequency at which newspapers recorded women’s defences. Reports on these cases, often told from the perspective of authority figures, seldom included defence statements and thereby failed to provide women with the opportunity of giving their own account.¹⁹⁷ Even when women’s defences were recorded, they were typically reported in a dismissive way by being paraphrased as a brief sentence. Although Selina Peek made a lengthy defence when appearing before the magistrates in 1895, the press paraphrased her statement to note that she had ‘tried to help her husband to the police station [and] denied having struck the constable’.¹⁹⁸ A report of an assault on a bailiff, meanwhile, provided great detail of the evidence given by the complainant but for the defendant only stated that ‘[she] gave a different version of what took place at her house to that placed before the Bench by the bailiff and police constable’.¹⁹⁹

Newspapers not only neglected to report defence statements but also depicted women in particularly unfavourable ways. In the first place, many articles emphasised the bad reputations which women held amongst both the police and their communities. Headlines such as ‘AN OLD OFFENDER’ were used to highlight previous convictions against women, as were descriptions within articles: one woman, for instance, was described as being ‘much too well-known to the police’, whilst another was described

¹⁹⁶ See Chapter 3. This figure excludes cases in which the relationships between defendants and victims are unknown.

¹⁹⁷ Only 12.7% of the reports on female assaults against officers printed defence statements. By contrast, defences were reported in 48-56% of reports on other categories of female assault.

¹⁹⁸ *Western Times*, 4 April 1895, 4.

¹⁹⁹ *Cheltenham Examiner*, 3 June 1885, 6.

as a 'vagrant' whom had 'black records against her'.²⁰⁰ Such descriptions were also carried into discussions of women's lifestyles, whereby their previous offending behaviour was linked to their disorderliness as a whole. A woman charged with assaulting a constable in 1893 was described as 'a constant offender' whose behaviour had impacted her domestic propriety, the *Western Times* having commented that her husband was 'an industrious man' but that '[her] conduct deprive[d] him of a comfortable home'.²⁰¹

Women who assaulted authority figures were also portrayed as having been violent and aggressive. Reporters frequently stressed the violent manner in which these assaults were committed, as well as commented on women's inherently dangerous nature. Described in a headline as 'A VIOLENT WOMAN', a defendant accused of assaulting a police officer whilst being arrested was reported to have 'resisted [him] a great deal and shouted at the top of her voice' before she 'abused him, bit his hand, and hit him several times'.²⁰² In another case, a woman was describing as having used 'most filthy language' when taken into custody by an officer, after which she allegedly became 'very violent' and 'tr[ie]d to bite him and scratch[ed] several parts of his hand'.²⁰³ This depiction of women as violent and aggressive was especially prevalent in the newspaper coverage on Emily Scarrett, a woman who was prosecuted alongside two men in 1892 for assaulting a county court bailiff. Throughout reports on her case, Scarrett was depicted not only as a violent woman but also as the main driver of the offence: indeed, both the *Gloucester Citizen* and *Cheltenham Examiner* stated that she had been 'the ringleader of the mob' when assaulting him, during which she had been 'very violent' towards the bailiff and threatened to break his jaw.²⁰⁴

Many assaults on officers also coincided with drunk and disorderly charges against women, which frequently resulted in female offenders being depicted not only as violent but also as drunk and incapable. Indeed, the drinking charges taken out against women often received more attention than their violence. Headlines typically alluded only to women's drunken conduct, as was exemplified within titles such as 'THE DRINK', 'DRUNKEN AND DISORDERLY', 'DRUNKENNESS' and 'A DRUNKEN

²⁰⁰ *Gloucester Citizen*, 28 April 1886, 4; *Cheltenham Chronicle*, 12 October 1895, 8.

²⁰¹ *Western Times*, 28 February 1893, 5.

²⁰² *Devon Evening Express*, 17 August 1885, 3.

²⁰³ *Gloucester Citizen*, 5 December 1881, 4.

²⁰⁴ *Gloucester Citizen*, 6 September 1892, 4; *Cheltenham Examiner*, 14 September 1892, 3.

WOMAN'. Content within articles also frequently contained more descriptions of their drunken behaviour than their acts of violence. For example, when a mother and daughter were charged on three counts for assaulting a constable, using obscene language and being drunk, the latter offence gained the most attention. The only statement made in reference to their violence was that they had 'kicked [the policeman] and tried to bite him', yet their drunkenness was discussed in great depth and they were ultimately described as having been 'so drunk' that the officer 'had to send someone to get a stretcher' because they were unable to walk.²⁰⁵ Another report on a case in which a woman assaulted an officer focused predominantly on her drunkenness – and said nothing of her violence – by headlining the case as 'DRUNKENNESS AT EXETER' and commenting that she had 'taken more drink than she should have done'.²⁰⁶

As with assaults on service-providers, newspaper accounts of women's drinking habits were linked to descriptions of wild or excited behaviour. This became particularly prominent from the early 1890s and may have been influenced by contemporary notions of a social 'residuum': from the late 1880s, commentators expressed fears over a group of citizens whom they believed to be a degenerate, mentally deficient and immoral underclass of society.²⁰⁷ Newspaper reporters increasingly described women as drunk and 'excited' or 'mad' at the time of their offences: When Harriet Higgs and her husband were charged with being drunk and disorderly and assaulting an officer in a public-house, for example, it was reported that she had been 'very drunk' when she 'flew' at the officer, after which she and her husband had to be 'carried out like dogs [because] they were so excited'.²⁰⁸ Another 'half-drunk' woman was alleged to have acted 'like a mad woman' when she assaulted a constable in 1907, thereafter making a 'torrent of bad language all the way to the police station' upon her arrest.²⁰⁹ Similarly, when Mary Russell was charged both for drunkenness and assaulting an

²⁰⁵ *Exeter and Plymouth Gazette*, 9 September 1881, 8.

²⁰⁶ *Exeter and Plymouth Gazette*, 2 July 1907, 2.

²⁰⁷ Notions of the 'residuum' were widely popularised by Charles Booth in *Life and Labour of the People of London*, 17 vols. (London, 1889-1903). For further discussion on the social 'residuum', see J. Harris, 'Between civic virtue and Social Darwinism: the concept of the residuum' in R. O'Day and D. Englander (eds.), *Retrieved Riches: Social Investigation in British History, 1840-1914* (Surrey, 1995), 67-87 and J. Welshman, *Underclass: A History of the Excluded since 1880* (London, 2006), 1-34.

²⁰⁸ *Cheltenham Chronicle*, 2 May 1890, 3.

²⁰⁹ *Western Times*, 2 July 1907, 2.

officer, one newspaper stated that she had 'kicked him violently like a mad woman' whilst another commented that she had 'acted like a maniac'.²¹⁰

In only one reported act of assault on an authority figure did the media appear to sympathise with a female defendant. When Emma Popjoy was summoned at Exeter for assaulting a policeman in 1906, the *Western Times* reported her case under the headline of 'A WOMAN'S STORY'. The paper commented very little on the nature of Popjoy's offence, stating only that she had been charged on counts of drunkenness, bad language and assaulting an officer. Instead, the reporter focused on her personal circumstances: describing her as a divorcee whose family had ostracised her, the article noted that Popjoy had promised to leave the city if dismissed and would return to her family in Bristol. When she was instead issued with a one-month prison sentence, it was reported that she became 'a broken-down woman' who 'gave way to tears'. The article further stated that Popjoy was subsequently fortunate to receive the support of two Salvation Army women when they approached her in her cell, took her back into the court and told the magistrates that they could offer her a space in the Plymouth Salvation Army home. The newspaper agreed with the Bench that this alternative offered her an 'excellent chance' to reform, since it would not only remit her sentence but would also provide her with 'time to reflect'.²¹¹ Coverage on Popjoy's case thus differed from most reports on assaults against officers as it expressed both her marital difficulties and remorseful behaviour and portrayed her as a woman who possessed the ability to be reformed.

Whilst assaults by women on their neighbours and service-providers were largely trivialised by the press, acts directed against authority figures prompted a greater level of concern. These cases were frequently reported in rich detail by local newspapers, their apparent newsworthiness possibly being linked to contemporary fears about challenges to the hierarchy of authority. Women faced notable opprobrium in the media when prosecuted on such charges: with few exceptions, they were portrayed as dangerous, disorderly and, from the 1890s, as unstable. Their defences were also seldom reported by newspapers, which ultimately resulted in stories being retold from the perspective of authority figures without considering women's motivations behind

²¹⁰ *Western Times*, 31 March 1891, 5; *Exeter and Plymouth Gazette*, 31 March 1891, 8.

²¹¹ *Western Times*, 19 June 1906, 6.

their actions. As such, this examination indicates that, whilst female acts of community violence were often downplayed when perpetrated against ordinary citizens, they attracted harsh responses if women's actions had challenged contemporary notions of authority and orderliness.

5.7 Conclusion

This chapter has examined the press portrayal of women charged with acts of assault in Cheltenham and Exeter during the years 1880-1909. Using local newspaper coverage, it has focused on three issues: the amount of attention which female assault cases received within the media; the ways in which accused women were portrayed; and the extent to which newspaper reportage on these cases changed during the period. Particular attention has been paid to the ways in which newspapers depicted women's backgrounds, actions and courtroom behaviour.

As historians have noted, female acts of violence have received considerable attention in the press.²¹² Throughout the period, local newspapers reported Cheltenham and Exeter assault cases in considerable and increasingly greater depth. Yet newspaper coverage on female assault cases was highly variable according to the contexts in which acts had been committed: assaults by women on their children, on their husbands and on authority figures typically received more coverage than other categories of assault, despite these acts having been exceptionally rare. In addition, women who committed these offences fell under notable press censure. Assaults on children were increasingly regarded as the actions of violent, drunken and immoral women who were incapable of providing for their infants, whilst those who assaulted their husbands were often depicted as dangerous, drunken wives who had subverted traditional gender hierarchies. By contrast, women whom assaulted their partners were frequently portrayed as 'wronged' women whom had been mistreated. Newspapers thus depicted women's violence in the domestic context in respect to contemporary notions of 'normal' femininity, whereby female defendants were judged

²¹² D'Cruze and Jackson have noted that women's violence 'has not infrequently acquired high(er) cultural visibility' than property offences (*Women, Crime and Justice*, 48).

according to their ability to live up to the domestic, passive and nurturing traits prescribed of them as mothers and wives.²¹³ Meanwhile, whilst these cases reflect fears over female behaviour in the domestic sphere, women's assaults on authority figures indicate concerns about their conduct in public: women who committed these offences were almost invariably portrayed as dangerous, disorderly and unstable women whose actions posed challenges to power structures within local communities.

By contrast, other contexts of assault were often trivialised by the media. Women who assaulted their neighbours, for example, were seldom portrayed as dangerous or violent women: more frequently, they were depicted as troublesome, quarrelsome and loud characters whose behaviour was an annoyance rather than a danger to their communities. Assaults on service-providers were portrayed in a similar manner, reports having typically depicted women's behaviour as annoying, drunken and disorderly but rarely as a violent threat. Newspapers which reported on neighbour and service-provider assaults also frequently described women's offences as trivial and used mocking tones to describe both the circumstances of offences and the behaviour of women within the courtroom. As such, this examination reinforces the argument put forward by D'Cruze *et al.* in their study of female assault in late Victorian and Edwardian Crewe, within which they suggest that women's petty violence was largely treated as 'a social nuisance' rather than 'a social threat'.²¹⁴

This chapter has demonstrated the often contradictory ways in which female violence was reported by the local press in Cheltenham and Exeter during the period 1880-1909. Ultimately, cases were usually depicted in one of three ways: as the actions of violent and overpowering women; as deserving of sympathy due to women's maltreatment; or as trivial and annoying. Having thus explored the treatment of violent women by both the magistrates and the press, this thesis will next focus on the aftermath of female offending behaviour. By tracing women's trajectories before, during and after appearing before magistrates' courts, it assesses the impact which criminal convictions had upon their later lives.

²¹³ Similarly, Phillippe Chassaingne has argued that depictions of criminal women within nineteenth-century broadsides '[did] not depart from the expected social role of the woman as wife and mother'. See Chassaingne, 'Popular representations of crime: the crime broadside – a subculture of violence in Victorian Britain?', *Crime, History & Societies*, 3:2 (1999), 23-55 (p. 39).

²¹⁴ D'Cruze, Godfrey and Cox, 'Most troublesome woman', 244.

CHAPTER 6: FEMALE RECIDIVISM AND VIOLENT CRIME

6.1 Introduction

Drawing influence from eighteenth-century discussions of the ‘criminal class’, observers became increasingly concerned by the issue of habitual offending during the late Victorian period.¹ The introduction of criminal statistics in the nineteenth century had indicated a rise in reoffending rates which, in turn, prompted a series of government legislation aimed at penalising offenders with repeated convictions.² Since women constituted a greater proportion of habitual criminals than they did the general criminal population, female recidivists were considered to be a particular problem. Noting that a half of female defendants prosecuted in 1880 – compared to just a third of males – were repeat offenders, the *Western Times* stated that there was ‘some truth in the common belief that women who have once adopted a criminal life are less likely to be reclaimed from it than men’.³ As the Victorian period progressed, female recidivists came to be regarded as distinct from the rest of female offenders and were depicted as immoral, degraded women who lacked in traditional feminine attributes.⁴

Scholarly discussion on recidivism was predominantly pioneered by criminologists. Examinations have placed considerable focus on both the backgrounds of repeat offenders and the causes behind their desistance – or persistence – from crime.

¹ Since contemporaries replaced the term ‘criminal class’ for ‘habitual criminal’ by the late nineteenth century, this chapter does not use the former term. For discussion on the emergence and meaning of this term, see: Weinberger, ‘Law Breakers’, 152-94; S. J. Stevenson, ‘The ‘habitual criminal’ in nineteenth-century England: some observations on the figures’, *Urban History*, 13 (1986), 37-60; H. Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-Century London* (Suffolk, 1999), 1-9; D. Philips, ‘Three ‘moral entrepreneurs’ and the creation of a ‘criminal class’ in England, c. 1790s-1840s’, *Crime, History & Societies*, 7:1 (2003), 79-107; and A. L. Beier, ‘Identity, Language and Resistance in the Making of the Victorian “criminal class”: Mayhew’s Convict Revisited’, *Journal of British Studies*, 44:3 (2005), 499-515.

² As Kevin Felstead has noted, the *Habitual Criminals Act 1869* and *Prevention of Crimes Act 1871* provided police officers with greater power to regulate habitual offenders (‘Interpersonal violence’, 120). On the increase in habitual offenders during the nineteenth century, see Wiener, *Reconstructing the Criminal*, 342.

³ *Western Times*, 6 November 1880, 8. Emsley also notes that there was ‘a preponderance of female recidivists’ in the late nineteenth century (*Crime and Society*, 92).

⁴ For further discussion on attitudes towards female habitual offenders, see: Zedner, *Women, Crime and Custody*, 53-75; Morrison, ‘Ordering disorderly women’; Taylor, *Hooligans*, 102.

Following the work of Robert Sampson and John Laub, many academics cite the impact of social control institutions as a contributor to desistance, with factors such as family formation, employment and education being regarded as key motivators for offenders to reform.⁵ Others have stressed the impact of the criminal justice system, whereby exposure to severe punishments such as incarceration has deterred criminals from subsequent offending.⁶ Several of these studies employed 'life-course' approaches by tracing points at which offenders experienced significant personal changes that altered their perspectives towards offending and punishment.⁷

Although initial research on recidivism focused predominantly on male perpetrators, criminologists have recently paid greater attention to female reoffenders. These studies indicate that there are gendered pathways into habitual criminality, since female recidivists are more likely to have a history of victimisation, economic marginalisation, social isolation and substance abuse than their male counterparts.⁸ Similarly, it has been argued that there are gendered routes out crime. For example, whilst the start of parenthood has been cited as a key factor in reforming male habitual offenders, this experience has sometimes contributed to women's personal difficulties and as such exacerbated their criminality.⁹ More influential amongst female recidivists are factors related to becoming an 'adult', such as leaving the family household, finishing education, gaining employment and becoming economically and/or socially independent.¹⁰

⁵ R. Sampson and J. Laub, *Crime in the Making: Pathways and Turning Points Through Life* (Cambridge, Mass., 1993); R. Sampson and J. Laub, 'Desistance from Crime over the Life Course' in J. T. Mortimer and M. Shanahan (eds.), *Handbook of the Life Course* (New York, 2003), 295-310.

⁶ B. M. Huebner, C. DeJong and J. Cobbina, 'Women Coming Home: Long-Term Patterns in Recidivism', *Justice Quarterly*, 2010, 27(2), 225-254; E. Gunnison, 'Desistance from Criminal Offending: Exploring Gender Similarities and Differences', *Criminology, Criminal Justice, Law & Society*, 2014, 15(3), 75-95.

⁷ For further discussion on life-course approaches, see Sampson and Laub, *Crime in the Making* and Sampson and Laub, 'Desistance from Crime'.

⁸ I. Sommers, D. R. Baskin and J. Fagan, 'Getting out of the life: crime desistance by female street offenders', *Deviant Behaviour*, 15:2 (1994), 125-149; M. Chesney-Lind and L. Pasko, *The Female Offender: Girls, Women and Crime* (Thousand Oaks, CA., 1997); C. Uggen and C. Kruttschnitt, 'Crime in the Breaking: Gender Differences in Desistance', *Law & Society Review*, 32:2 (1998), 339-366; P. C. Giordano, S. A. Cernkovich and J. L. Rudolph, 'Gender, Crime and Desistance: Toward a Theory of Cognitive Transformation', *Journal of Sociology*, 107:4 (2002), 990-1064; Huebner, DeJong and Cobbina, 'Women Coming Home'; Gunnison, 'Desistance'.

⁹ Giordano, Cernkovich and Rudolph, 'Gender, Crime and Desistance'; Huebner, DeJong and Cobbina, 'Women Coming Home'.

¹⁰ For further discussion on these factors, see: Sommers, Baskin and Fagan, 'Getting out of the life'; Uggen and Kruttschnitt, 'Crime in the Breaking'; Giordano, Cernkovich and Rudolph, 'Gender, Crime

There has been considerably less historical research on recidivism, although recent examinations have provided insights into the lives and experiences of habitual offenders.¹¹ Several studies, most of which focus on countries outside of England, have paid especial attention to the female recidivist.¹² Following similar lines of enquiry addressed within criminology, historians have focused on two key areas. First, to determine whether eighteenth- and nineteenth-century descriptions of the 'criminal class' bore any resemblance to reality, scholars have examined the backgrounds of female reoffenders. These have typically disregarded the existence of a criminal class yet indicate that recidivists were a distinct category of offenders frequently positioned at the lowest strata of the population: Helen Boritch's study on recidivism in late-nineteenth-century Ontario, for example, has argued that there was not a 'dangerous or professional criminal class' but a 'criminalised group consisting primarily of those at the bottom of the social hierarchy'.¹³

and Desistance'; and E. Rodermond, C. Kruttschnitt, An Slotboom and C. Bijleveld, 'Female desistance: a review of the literature', *European Journal of Criminology*, 13:1 (2015), 3-28.

¹¹ Some examples include: R. McGowen, 'Getting to know the criminal class in nineteenth-century England', *Nineteenth-Century Contexts*, 14:1 (1990), 33-54; B. Godfrey, D. J. Cox and S. Farrall, *Criminal Lives: Family Life, Employment and Offending* (Oxford, 2007); J. Rowbotham, 'Turning away from criminal intent: reflections on Victorian and Edwardian strategies for promoting desistance amongst petty offenders', *Theoretical Criminology*, 13:1 (2009), 105-128; G. Pavlich, 'The Emergence of Habitual Criminals in Nineteenth-Century Britain: Implications for Criminology', *Journal of Theoretical and Philosophical Criminology*, 2:1 (2010), 1-62; M. Bach, 'Combating recidivist crime in London: the origins and effectiveness of legislation against habitual criminals, 1869 to 1895', PhD thesis (University of Melbourne, 2017); and G. N. Woolnough, 'Victorian fraudster and bigamist: Gentleman or criminal?', *Criminology and Criminal Justice*, 19:4 (2019), 439-355.

¹² Studies which address female recidivism in England include: Godfrey, Cox and Farrall, *Criminal Lives*; Turner, 'Offending women'; B. Godfrey, D. Cox and S. Farrall, *Serious Offenders: A Historical Study of Habitual Criminals* (Oxford, 2010); J. Turner, 'Punishing Women, 1880-1905', *Howard Journal of Criminal Justice*, 50:5 (2011), 505-15; and J. Turner and H. Johnston, 'Female prisoners, aftercare and release: residential provision and support in late nineteenth-century England', *British Journal of Community Justice*, 13:3 (2015), 35-50. Studies which examine female recidivism outside of England include: J. Fingard, 'Jailbirds in Mid-Victorian Halifax', *Dalhousie Law Journal*, 8:3 (1984), 81-102; H. Boritch, 'The Criminal Class Revisited: Recidivism and Punishment in Ontario, 1871-1920' *Social Science History*, 29:1 (2005), 137-170; L. Vikstrom, 'Before and After Crime: Life-Course Analyses of Young Offenders Arrested in Nineteenth-Century Sweden', *Journal of Social History*, 44:3 (2011), 861-888; Haider, 'Female petty crime'; A. Piper, "'I go out Worse Every Time": Connections and Corruption in a Female Prison', *History Australia*, 9:3 (2013), 132-153; M. Weevers and C. Bijleveld, 'Mad, Bad or Sad? Dutch Female Beggars and Vagabonds Sent From the State Labor Institution to the State Mental Asylum at the Turn of the Nineteenth Century', *Women & Criminal Justice*, 24:3 (2014), 176-192; and A. Piper and V. Nagy, 'Versatile Offending: Criminal Careers of Female Prisoners in Australia, 1860-1920', *Journal of Interdisciplinary History*, 48:2 (2017), 187-210.

¹³ Boritch, 'Criminal Class', 143. Other studies which deny the existence of a 'criminal class' include: D. Philips, *Crime and Authority in Victorian England: The Black Country, 1835-1860* (London, 1977); Stevenson, 'Habitual criminal'; V. Bailey, 'The fabrication of deviance: "dangerous classes" and "criminal classes" in Victorian England' in J. Rule and R. Malcolmson (eds.), *Protest and survival: the historical experience* (New York, 1993), 221-56; Godfrey, Cox and Farrall, *Criminal Lives*.

Second, historians have focused on the factors which influenced criminal desistance. Examining the roles played by informal social controls and the criminal justice system, studies have marked distinctions between male and female routes out of crime. As in criminological research, family formation has been regarded less influential amongst female recidivists than their male counterparts, many women having been married with children at the onset of offending. Female desistance, it has been argued, was more significantly impacted by employment status, residential settings and available support networks.¹⁴ Alongside this, there has been some research – albeit limited – on recidivists’ post-offending experiences, which has offered valuable discussion on how the stigma of being labelled an ‘offender’ impacted on recidivists’ lives after the cessation of offending.¹⁵

Both criminological and historical studies on recidivism have tended to examine the full spectrum of offences committed by individuals rather than focusing specifically on repeat offending within one category of crime. This has resulted in a lack of research on the nature of habitual violence, despite widespread acknowledgement amongst scholars that there are fundamental differences between the perpetration of offences against the property and those against the person. Criminologist Neil Weiner, however, has offered a review of patterns in habitual violence, within which he argues that women are not only ‘outstripped’ by men as violent recidivists but are also more likely to desist than their male counterparts.¹⁶ The violent reoffender has been particularly neglected by historians of crime, although some studies have provided groundwork. Gatrell has demonstrated that late-nineteenth-century property offenders were twice more likely to be reconvicted than those charged with offences against the person, whilst Davis has offered discussion on contemporary fears concerning habitual violence during the ‘garrotting panics’ of the 1860s.¹⁷ Yet there is still a shortage of research on violent recidivism, leaving questions concerning the onset, cessation and aftermath of habitual violence unanswered.

¹⁴ Godfrey, Cox and Farrall, *Criminal Lives*, 108; Turner ‘Offending women’, 244; and Turner and Johnston, ‘Female prisoners’.

¹⁵ Vikstrom, ‘Before and After Crime’.

¹⁶ N. A. Weiner, ‘Violent Criminal Careers and “Violent Career Criminals”: An Overview of the Research Literature’ in N. A. Weiner and M. E. Wolfgang (eds.), *Violent Crime, Violent Criminals* (London, 1989), 35-138.

¹⁷ Gatrell, ‘The Decline of Theft and Violence’, 299-300; Davis, ‘London Garrotting Panic’, 190-213.

This chapter offers an original contribution to studies on recidivism by focusing on violent female reoffenders who were brought before late Victorian and Edwardian magistrates' courts. In particular, it examines the lives of the forty-seven women who were convicted for multiple acts of assault at Cheltenham and Exeter during the years 1880-1909. Three lines of enquiry are followed in turn: whether – and how – the backgrounds of recidivists and non-recidivists differed from one another; which factors influenced desistance – or indeed persistence – amongst recidivists; and, finally, the ways in which recidivist women experienced their post-offending lives. Ultimately, it highlights the disparate ways in which violent female recidivists experienced familial, relationship and community interactions throughout their lives.

Within this study, Exeter and Cheltenham's forty-seven violent female recidivists (defined as those who received three or more assault convictions) are analysed alongside a random sample of fifty non-recidivists (those convicted of one or two assaults).¹⁸ Identifying recidivists was challenging and by no means fool-proof: aliases have been traced where possible, although it is possible that recidivists had additional unidentified pseudonyms; additionally, women are especially difficult to trace in historical census records due to name changes following marriage.¹⁹ Recidivist women were first identified by gathering information on each Exeter and Cheltenham assault case from court records and newspaper reports. This made it possible to find overlaps between defendants who appeared to be the same woman. These sources were also used to determine whether any women faced additional criminal charges at either magistrates' courts, Quarter Sessions or the Assizes. Census returns and birth, marital and death records were then used to ensure that there were no possible alternative women with the same (or similar) names, as well as to gain additional

¹⁸ The definition of a 'recidivist' varies across studies. There is some discrepancy over whether to count 'reoffending' as the act of being rearrested, reconvicted or reincarcerated. There is also divergence over the number of re-entries into the criminal justice system required for an offender to be deemed a recidivist. Boritch's study on nineteenth-century Ontario defines female recidivists as those who were arrested and incarcerated more than once ('Criminal Class Revisited'); Haider's study on Dundee uses the qualification of two or more convictions ('Female petty crime'); and Turner's research on Staffordshire bases the definition on those who had three or more appearances before magistrates ('Offending women'). This study defines recidivists as those who were convicted on three or more occasions. Note that the terms 'habitual offender' and 'repeat offender' and 'reoffender' are used interchangeably.

¹⁹ For example, one recidivist was known by the names of Jessie Heath, Jessie Maunder and Jessie Towel during her offending career (*Exeter and Plymouth Gazette*, 6 October 1882, 8; DHC, Exeter City Magistrates' Court Register, F1/32, 23 March 1889; *Trewman's Exeter Flying Post*, 23 March 1889, 8).

demographic information on the defendants and their families.²⁰ The data collected from this range of sources were then cross-referenced to accurately identify each woman. Once identified, it was possible to create life-course timelines for each offender, incorporating details such as her origin, court appearances, family networks, relationships, occupations and death.²¹ This study therefore follows recidivist women through their offending trajectories by examining their life experiences at the onset, duration and termination of their criminal careers.

6.2 Recidivist offending patterns at Cheltenham and Exeter

As aforementioned, providing figures for crime rates is notoriously difficult. Analyses are yet more challenging when calculating levels in recidivism: not only are these examinations plagued by the 'dark figure' of crime, but they are also complicated by the terse nature of court records and newspaper reports. Since sources sometimes provide only brief information on the parties involved in prosecutions, it is difficult to identify reappearing defendants with certainty.²² Nevertheless, through the combined use of court records, newspapers and demographic documents, it is possible to construct an estimate of, at the very least, the *minimum* number of reoffenders within a criminal population at any given time.

During the years 1880-1909, there were 1,507 assault prosecutions taken out against women at the Cheltenham and Exeter magistrates' courts. Approximately 1,040 women acted as the defendants in these cases. From the evidence available, it appears that only a small number of these women – just 47 (4.5%) – were recidivist offenders, although the proportion was slightly higher at Exeter than at Cheltenham (Table 6.1). Yet these offenders made a significant contribution to the total number of female assault prosecutions: out of the total 1,507 cases, recidivists were responsible for 258 (17.1%) of the prosecutions heard at Cheltenham and Exeter (Table 6.2).

²⁰ This search included census returns for the years 1871, 1881, 1891, 1901 and 1911 in addition to the 1939 England and Wales Register.

²¹ Other studies which use 'life grids' for studying recidivism include Boritch, 'Criminal Class Revisited' and Turner, 'Offending women'.

²² Piper and Nagy, 'Versatile Offending', 5.

These figures are smaller than those provided within other historical studies of female recidivism: Haider suggests that roughly 60% of female petty offenders in late-nineteenth-century Dundee were reconvicted, whilst Turner's study on female petty offending in late Victorian Staffordshire has demonstrated that recidivists were responsible for almost half of all female prosecutions.²³ This discrepancy may be due to the fact that other studies have focused on a full range of petty offences rather than solely on violent crime. If this is the case, then it is possible that female recidivism was less prevalent amongst offences against the person than other types of crime.²⁴

TABLE 6.1 LEVELS IN RECIDIVIST AND NON-RECIDIVIST FEMALE DEFENDANTS

	Total no. of defendants	No. of non-recidivist defendants	No. of recidivist defendants	Recidivists as a % of all defendants
Cheltenham	578	557	21	3.6
Exeter	462	436	26	5.6
Total	1040	993	47	4.5

TABLE 6.2 ASSAULT PROSECUTIONS AGAINST FEMALE RECIDIVISTS AND NON-RECIDIVISTS

	Total no. of prosecutions	No. of non-recidivist prosecutions	No. of recidivist prosecutions	Recidivist prosecutions as % of total
Cheltenham	859	720	139	16.2
Exeter	648	529	119	18.4
Total	1507	1249	258	17.1

Offending patterns amongst violent female recidivists varied significantly. The average gap between assault prosecutions was 2.7 years. The average number of

²³ Haider, 'Female petty crime', 182; Turner, 'Offending Women', 75.

²⁴ Indeed, studies which focus specifically on violence provide similar figures to that of Cheltenham and Exeter. Felstead's research on assault in late-nineteenth-century Staffordshire indicates that roughly 12% of female prosecutions were committed by reoffenders ('Interpersonal violence', 123).

prosecutions received by Cheltenham's and Exeter's recidivists was five, whilst the average number of convictions was four. The female recidivist with the most assault prosecutions in this study was Mary Trapp of Cheltenham, who was prosecuted nineteen times for assault (but convicted only six times). Elizabeth Hoaken of Exeter, who was found guilty of assault seven times, received the highest number of convictions. The lengths of women's offending careers in Exeter and Cheltenham were may have been longer than that elsewhere in the country: whilst two studies of petty crime in late-nineteenth-century Staffordshire have provided figures varying from six to nine years, the average period of offending at both Cheltenham and Exeter was eleven years.²⁵ Hoaken had the longest offending course in this study, having offended for approximately twenty-seven years (1881-1908), whilst Selina Mardon, whose four prosecutions occurred within the same year, had the shortest.

Alongside their assault prosecutions, most recidivists were summoned for other crimes during their offending careers.²⁶ A substantial proportion (70.2%) were prosecuted for other categories of petty crime, a remarkably high figure when it is considered that only 20.8% of non-recidivists faced additional summary prosecutions. These prosecutions were typically for public order offences such as drinking, obscene language, wilful damage and obstruction. Some women had particularly large records of petty offending: Ann White, a Cheltenham recidivist, received six charges for assault, seven for drinking, four for obscene language, two for fighting and one for causing an obstruction in the street. In addition, whilst none of the non-recidivists were prosecuted at a tribunal higher than the magistrates' court, a small number of recidivists were indicted for more serious offences at either the Quarter Sessions or the Assizes. Mary Trapp, for example, was charged for malicious wounding at the Assizes alongside her husband in 1890, whilst another recidivist and her partner were charged at the same court with perjury in 1906.²⁷

Although few Cheltenham and Exeter women were repeatedly convicted for acts of petty violence, their offending histories are by no means insignificant. Together, these women were responsible for almost a fifth of all female assault prosecutions heard by

²⁵ Felstead, 'Interpersonal violence', 123; Turner, 'Offending Women', 214.

²⁶ Piper and Nagy similarly demonstrate the versatility of female petty offending during this period ('Versatile Offending').

²⁷ *Gloucestershire Echo*, 11 July 1890, 4; *Exeter and Plymouth Gazette*, 7 September 1906, 5.

the magistrates. Several women had offending careers which spanned over a decade, during which time they frequently faced numerous prosecutions not only assault but also for misdemeanours such as drinking, abusive language and wilful damage. They were also more likely than non-recidivist offenders to transgress from committing acts of petty crime to serious offences and thus to be brought before a judge and jury.²⁸

6.3 Socioeconomic backgrounds of recidivists and non-recidivists

Studies of recidivism have examined the ways in which reoffenders and non-reoffenders differ in their socioeconomic backgrounds. As aforementioned, criminologists have indicated that female recidivists are more likely than non-recidivists to experience economic deprivation, unemployment, inadequate housing, substance abuse and victimisation prior to the onset of offending. Historians have demonstrated similar inequalities: although typically questioning the existence of a distinct 'criminal class', scholars have argued that female reoffenders faced more social and economic marginalisation than the non-reoffending criminal population. In her study on female petty crime in Dundee, Haider denies the existence of a 'criminal class' yet stresses that reoffenders 'very often shared social characteristics particular to the most marginalised sections of the working class' since they 'were unskilled and inconsistently employed [and] were impoverished and...routinely abused alcohol'.²⁹ Similarly, Alana Piper argues that female recidivists in late-nineteenth-century Australia constituted a 'social underclass' rather than a 'criminal class'.³⁰

There were some similarities in the backgrounds of recidivists and non-recidivists at the onset of violent offending. In the first place, these groups of women were typically of similar ages. The average age amongst both recidivists and non-recidivists when first prosecuted for assault was 33 and 34 respectively, with the majority of all

²⁸ Four recidivists (yet no non-recidivists) were tried for indictable offences at either the Quarter Sessions or the Assizes.

²⁹ Haider, 'Female petty crime', 178.

³⁰ Piper, 'I go out Worse', 135. See also Fingard, 'Jailbirds', 84 and Godfrey, Cox and Farrall, *Criminal Lives*, 166. By contrast, Weinberger's thesis argued that there 'can be no suggestion that habitual criminals formed an occupationally distinct, marginal or ostracised group in relation to other offenders' ('Law Breakers', 163).

defendants being aged 16-30 (Table 6.3). The oldest non-recidivist was aged 76 whilst the oldest recidivist had been 71. The youngest defendant in the study was a fifteen-year-old non-recidivist who received magisterial lenience on account of her age: noting that she was a 'very young woman' whose parents were 'not very well off', the Bench imposed the minimum fine of 1/- when she assaulted her schoolteacher.³¹ The ages of these women correlate with figures provided within other studies on female recidivists: Alana Piper and Victoria Nagy's study on Victoria county in 1850-1900, for example, indicates that over half of female recidivists were under 30 before their first incarceration, whilst Turner's research on late Victorian and Edwardian Staffordshire demonstrates that the majority of female reoffenders were aged 22-40 at the time of their first prosecution.³²

Additionally, these groups of women were born in similar locations. The majority of both recidivists (51.2%) and non-recidivists (62%) were local women born either in Cheltenham or Exeter (see Table 6.2).³³ Amongst those born outside of the immediate vicinity, roughly a third in each group were born in the counties of either Gloucestershire or Devon. These women were typically born in areas very close to Cheltenham or Exeter: non-recidivist Prudence Tucker, for example, was born nine miles north of Exeter in the town of Silverton, whilst recidivist Lilly Barnfield was born eight miles south of Cheltenham in the village of Cranham.³⁴ Recidivists were the most likely to have been born in other counties, yet the proportion of women in this category was low: 7.3% of recidivists compared to 2% of non-recidivists were born in counties elsewhere in the country, the majority of whom had still been born in the Southwest region. An additional two women – one in each category – were born outside of England, both of whom were Irish. Few women in the study were therefore 'outsiders' to their towns, the majority of both recidivists and non-recidivists having been 'local' women whom were born either in Cheltenham, Exeter or neighbouring vicinities.

³¹ *Cheltenham Chronicle*, 6 July 1895, 5.

³² Piper and Nagy, 'Versatile Offending', 13; Turner, 'Offending Women', 213.

³³ Similarly, in their study of North West England in the years 1880-1940, Godfrey, Cox and Farrall found that approximately a half of persistent offenders were born locally (*Criminal Lives*, 38-9).

³⁴ 'Prudence Tucker' (1901), *Census returns for St. Thomas sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 21 November 2019); 'Lilly Barnfield' (1881), *Census returns for Cheltenham, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 11 December 2019)

TABLE 6.3 SOCIODEMOGRAPHIC TRAITS AMONGST RECIDIVISTS AND NON-RECIDIVISTS AT ONSET OF OFFENDING

		% of recidivists	% of non- recidivists
Age	<16	0	2
	16-30	51.1	42
	31-40	19.1	30
	41-50	10.6	20
	Over 50	10.6	6
Birthplace	Cheltenham/Exeter	51.2	62
	Gloucestershire/Devon	31.7	28
	In South West	7.3	2
	Elsewhere in England	7.3	6
	Outside of England	2.4	2
Accommodation type	Own/family house	58.1	80.4
	Flat in shared house	32.3	13
	Lodging-house	9.7	4.3
	Live-in servant	0	2.2
Marital status	Married	76.6	87.4
	Unmarried	21.3	8.6
	Widow	2.1	4
Occupation	Semi/unskilled labour	54.8	34.8
	Business proprietor	0	4.3
	Unemployed	41.9	54.3
	Other	3.2	6.5
Husband's occupation (if married)	Skilled labour	7.7	25
	Semi/unskilled labour	84.6	65.6
	Business proprietor	0	6.3
	Unemployed	7.7	0

Note: the data for each variable excludes cases in which information was unknown.

Yet despite similarities in ages and origins, recidivists appear to have experienced different living circumstances to their non-reoffending counterparts at the onset of offending. Firstly, whilst most reoffenders and non-reoffenders had been living in the poorest parts of their towns, there were discrepancies in the types of accommodation occupied by these groups of women. Non-recidivists were more likely than recidivist offenders to be living either alone or with their families in a private (non-shared) household at the time of their first prosecution (80.4% compared to 58.1% of recidivists).³⁵ Reoffenders, meanwhile, more frequently lived in shared housing. Almost a third of these women – compared to just 13% of non-recidivists – lived in houses shared with others, a situation which often entailed renting apartments in a house occupied by upwards of thirty people. They were also over twice as likely as non-recidivists to have been living in lodging houses. This circumstance typically occurred when women were single, but some had lived in lodging houses with their husbands and children: Ann White, for example, had been living in a lodging-house with her unemployed husband and six children prior to committing her first assault.³⁶

Women's marital statuses also indicate some differences between the experiences of recidivists and non-recidivists.³⁷ Women in the former category were less likely to have been married at the onset of offending: 21.3% of recidivists compared to 8.6% of non-recidivists were unmarried when they first appeared before magistrates; the proportions of those who were married were 76.6% and 87.4% respectively. Most recidivists who were unmarried had been living in shared or lodging houses, although some were living in whole houses and were recorded in census returns as head of the household. Those with their own homes were typically self-supporting working women: Mary Ann Hopkins, an unmarried recidivist from Exeter, had been living in her own household and was supporting herself as a hawker when she started offending.³⁸

³⁵ This is not to suggest that none of the non-recidivists had unfortunate living circumstances. Non-recidivist Martha Morgan was separated from her husband and living in a pub with her son, the landlady of the inn having let her stay there for free since she had 'nowhere else to go' (*Cheltenham Mercury*, 25 February 1882, 3).

³⁶ 'Ann White' (1881), *Census returns for Cheltenham sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 22 November 2019).

³⁷ This discussion excludes women who were widows, since this was exceptionally rare: only one recidivist had been widowed at the onset of offending.

³⁸ 'Mary Ann Hopkins' (1881), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 2 December 2019).

Yet what most separates the recidivists apart in terms of relationship histories are the experiences of those who were married. These women appear to have experienced marital abuse more frequently, 26.3% of the married recidivists compared to just 9.8% of their non-recidivist counterparts having prosecuted their husbands for assault during the research period.³⁹ Many married recidivists had lengthy records of victimisation and appeared before the magistrates on numerous occasions to report acts of abuse. Caroline Loveridge of Cheltenham, for example, charged her husband with assault on six separate occasions during the research period. In 1890, she appeared before the Bench with a bandaged head and stated that her husband had 'beat her and kicked her several times' and 'broke all the things in the house'.⁴⁰ Two years later, she alleged that he had come 'beastly drunk' and assaulted her when she asked him for money for food.⁴¹ After a number of subsequent assaults during the 1890s, she had separated by her husband in 1901 and was supporting herself and their two daughters through her earnings as a hawker.⁴²

Not only were recidivists' husbands more likely to commit violence against them, but they also more frequently committed violence alongside them. 17.1% of the recidivists compared to 11.8% of non-recidivists committed acts of assault with their partners. In some instances, recidivists perpetrated numerous offences with their husbands. Melinda and Robert Lang were convicted together three times for assault: in the first case, for which a reporter described them as a 'lively pair', it was alleged that they had assaulted a police officer when Robert attempted to 'rescue his wife' from his custody; during their final conviction together, they were described as a 'rough-looking couple' whom had drunkenly assaulted a neighbour and damaged their house.⁴³ Bessie Bond was also convicted three times for committing assaults with her husband, one of which occurred when he 'took her part' in a stand-up fight on the street.⁴⁴ The violent histories of recidivists' husbands – whether directed alongside or against their wives – thus suggests that some women may have been induced into violence through their

³⁹ It is possible that recidivists were simply more willing than non-recidivists to prosecute their husbands for assault. However, since these groups of women were typically living in similar neighbourhoods and thus experienced similar levels of policing and support networks, this is unlikely.

⁴⁰ *Gloucester Citizen*, 18 June 1890, 4.

⁴¹ *Gloucestershire Echo*, 26 March 1892, 3.

⁴² 'Caroline Loveridge' (1911), *Census returns for Cheltenham sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 13 November 2019).

⁴³ *Western Times*, 14 May 1881, 3; *Western Times*, 3 April 1882, 3.

⁴⁴ *Western Times*, 11 September 1883, 6.

interaction with an aggressive partner. Indeed, as Spierenburg's study on female violence in early modern Amsterdam has suggested, women may have learnt the 'culture of violence' through their association with violent husbands and partners.⁴⁵

Although non-recidivists were more likely to have been married than recidivist women, an equal proportion of offenders in both categories (70%) had children by the onset of offending. This was largely due to the prevalence of illegitimate children amongst recidivists: as Turner's study on late Victorian and Edwardian Staffordshire has indicated, female recidivists were sometimes 'abandoned' women whose partners had broken marriage promises and left them with children to maintain.⁴⁶ Court and newspaper records of assaults by women suggests that many were raising children with little financial assistance, thereby providing a further indicator of the financial distress and lack of support amongst female recidivists. When charged for her first assault in 1901, a Cheltenham woman hoped that the Bench would be 'lenient with her' since she was 'the mother of eight' with 'no one to support her'.⁴⁷ Previously having been convicted for assault on multiple occasions, another recidivist prosecuted the father of her illegitimate children with affiliation cases three times and stated during one hearing that he 'ought to give her something' since she 'could not afford them'.⁴⁸

Alongside differences in their accommodation and family lives, there were discrepancies in the occupational statuses of repeat and non-repeat offenders. Women in the former category were more frequently employed, 54.8% of the recidivists compared to 39.1% of non-recidivists having been undertaking paid work when they first appeared before magistrates.⁴⁹ This divergence may have resulted from family circumstances: since non-recidivists were more likely to be unmarried, they may have had a greater need to secure employment in order to support themselves; non-recidivists, meanwhile, may have relied on their husband's salaries. Yet there were few differences in the types of employment undertaken by these women: almost all employed recidivists and non-recidivists were engaged in unskilled, low-paid labour roles such as charring, hawking, needlework and domestic service.

⁴⁵ Spierenburg, 'How violent were women?'.
⁴⁶ Turner, 'Offending women', 212.

⁴⁷ *Cheltenham Chronicle*, 25 May 1901, 3.

⁴⁸ *Cheltenham Mercury*, 25 February 1888, 3.

⁴⁹ By contrast, Haider's study on female reoffenders in Dundee indicates that most women were unemployed ('Female petty crime', 165).

Amongst married defendants, there were some differences between the occupational statuses of recidivists' and non-recidivists' husbands. Although most of their husbands had been employed in unskilled or semi-skilled labour roles, this was more prevalent amongst recidivists' partners (84.6%) than those married to non-recidivists (65.6%). These roles typically involved working as hawkers, cart-drivers, labourers, gardeners and painters. A greater proportion of non-recidivists' husbands were skilled labourers such as smiths and engineers. In addition, a greater proportion of non-reoffenders' husbands were owners of small businesses, white-collar workers and police officers. As such, it appears that non-recidivists may have experienced more prosperous economic positions than women who reoffended.

The greatest difference between recidivists and non-recidivists at Cheltenham and Exeter, however, appears to have been their relationships with alcohol. As historians and criminologists alike have demonstrated, there appears to be a strong relationship between alcoholism and habitual offending.⁵⁰ Alcohol use appears to have been much more prevalent amongst the recidivists in this study: indeed, 25.5% of the reoffenders compared to just 2.1% of the non-reoffenders were either alleged alcoholics or had faced multiple drinking charges at magistrates' courts. Some reoffenders had particularly long histories of alcohol abuse, resulting in their stigmatisation by the police, magistrates and press. Cheltenham recidivist Julia Fisher, for example, was prosecuted seven times for drunkenness over the years 1882-1900 alongside her assault convictions. A report on one incident commented that she had 'been before the Bench a great number of times' on account of being drunk; at another hearing, the magistrates stated that she had 'numerous previous convictions' and warned that 'if she came there again she should be dealt with under the Habitual Drunkards Act'.⁵¹ Another woman, convicted over ten times at Exeter for acts of drunkenness, was frequently portrayed as a drunk and disorderly woman. One reporter described her as a woman of 'drunken habits and bad character', whilst a subsequent appearance led the magistrates to lament that she had 'received help from the ladies of the city' but had 'spent her money in drink' and 'left her children without food or clothes'.⁵²

⁵⁰ Wiener, *Reconstructing the Criminal*, 349; Boritch, 'Criminal Class Revisited', 155; Turner, 'Offending women', 213; Haider, 'Female petty crime', 165.

⁵¹ *Gloucester Citizen*, 12 March 1883, 4; *Cheltenham Chronicle*, 5 May 1900, 3.

⁵² *Western Times*, 16 April 1900, 2; *Western Times*, 14 July 1900, 2.

An examination of female defendants at Cheltenham and Exeter indicates several divergences between the circumstances of violent female recidivists and non-recidivists at the onset of offending. Although the women within both categories were typically young, local and working-class, there were differences in their family structures, financial statuses and social behaviour. Recidivists were more likely than non-recidivists to have lived in cramped houses, to have undertaken low-paid work and to have resorted to alcoholism. They were more also likely to be unmarried and to be supporting children alone. Those who were married, meanwhile, appear to have experienced domestic abuse more frequently than non-recidivists. Recidivists' lifestyles and experiences thus indicate that they may have experienced a greater degree of social and economic marginalisation prior to offending.

6.4 Desistance from violent crime: social factors

Desistance, broadly defined as 'the process of ending a period of involvement in offending behaviour', remains a central enquiry within studies of recidivism.⁵³ Numerous factors have been attributed to the cessation of recidivist offending, although most scholars agree that various forms of informal social control – such as marriage, parenthood and employment – play a vital role.⁵⁴ As Barry Godfrey, Stephen Farrall and John Locker have noted, desistance is often triggered when offenders have 'acquired something (most commonly employment, a life partner or family)' since this leads to 'a re-evaluation of his or her life and for some a sense of who they are'.⁵⁵

Several studies have indicated that desistance is linked to the process of gaining employment, an effect prompted not only by changes in financial security, physical surroundings and maturity but also by a reduction in available leisure time. Criminologists Christopher Uggen and Candace Kruttschnitt have argued that female recidivists who acquire stable, structured employment are more likely to desist than

⁵³ Godfrey, Cox and Farrall, *Criminal Lives*, 75.

⁵⁴ See, for example, Sampson and Laub, *Crime in the Making* and Huebner, DeJong and Cobbina, 'Women Coming Home'.

⁵⁵ B. Godfrey, S. Farrall and J. Locker, 'Persistence in crime and the impact of significant life-changes: a Pilot Study of Crewe, 1881' in F. Briegel and M. Porret (eds.), *Le Criminel endurci: récidive et récidivistes du Moyen Age au XXe siècle* (Geneve, 2006), 309-321, (p. 317).

those who are unemployed or undertake erratic working patterns.⁵⁶ Yet gaining employment appears to have had little impact on violent female recidivists at Cheltenham and Exeter: only a small number of women – just five – became employed during their offending careers, all of whom continued to offend. Bessie Bond was unemployed and living with her husband when she received her first assault conviction in 1883, but her subsequent employment as a laundress did not encourage desistance: by that point living apart from her husband and supporting 7 children – a circumstance which possibly contributed to her difficulties and exacerbated her offending –, she was issued with two prison sentences for assault in 1901 and 1906.⁵⁷

If a change in work environment failed to make an impact, moving to a new community was less influential still. Indeed, relocating neighbourhood may have exacerbated women's offending. 25 of the 47 recidivists in this study moved communities during their offending careers, the majority of whom (22) reoffended. One Cheltenham woman moved six times during her offending period (1882-1894) and committed at least one assault whilst living at each address. An Exeter recidivist, meanwhile, moved between two districts on four occasions and reoffended each time. Typically, women had been moving to and from the poorest districts of town and were repeatedly involved in neighbourly rows over territory and space, indicating that a change in environment did little to alleviate their living conditions and personal grievances.

Changes in household structure also appear to have had little contribution to desistance from violence. It might be expected that women's experiences of obtaining independence from male-headed households would promote a change in behaviour, especially given that criminological studies have attributed female desistance to gaining independence.⁵⁸ Yet this did not have an impact at either Cheltenham or Exeter. Five recidivists became head of a household during the research period, all of whom started to live alone or with their children as a result of widowhood or marital

⁵⁶ Uggem and Kruttschnitt, 'Crime in the Breaking', 16-7.

⁵⁷ 'Bessie Bond' (1881 and 1901), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed 3 December 2019); ; DHC, Exeter City Magistrates' Court Register, F1/32, 6 September 1883; DHC, Exeter City Magistrates' Court Register, F1/32/4, 7 August 1901; DHC, Exeter City Magistrates' Court Minutes Book, F1/32, 30 August 1906.

⁵⁸ See, for example, Sommers, Baskin and Fagan, 'Getting out of the life' and Giordano, Cernkovich and Rudolph, 'Gender, Crime and Desistance'.

separation. Four of these women had multiple subsequent assault convictions, whilst the remaining woman was convicted on one further occasion.

One way in which living conditions could foster desistance was through an offender being institutionalised. Five recidivists were committed to institutions such as workhouses and asylums, three of whom subsequently desisted. One of these women, Eliza Smart, received a string of assault prosecutions during the years 1881-1894, during which time she had been living with her husband, a railway worker, and their three children. Shortly after her last offence, however, she was relocated to a 'lunatic asylum', at which she remained a patient for over a decade. She committed no further offences either during or after her time at the asylum; her confinement is likely to have resulted in isolation from society and restricted her ability to reoffend and thus led to a cessation in offending.⁵⁹

Family formation, meanwhile, had a mixed impact on desistance. Scholars have previously demonstrated that motherhood could exacerbate women's offending by increasing distress.⁶⁰ As Turner's study on female recidivists in Staffordshire has demonstrated, having children could even be the cause of women's entries into crime. Similarly, childrearing does not appear to have influenced desistance amongst Exeter and Cheltenham recidivists: all four women who gave birth to their first child during their offending careers reoffended, possibly since the presence of a new-born contributed to their difficulties. An Exeter recidivist's offending history offers insight into this issue. She was charged with assaulting neighbours in 1880 and 1881, at which point she was single and had no children. By 1885, she had given birth to two illegitimate children and was charged for failing to maintain them: expressing to the magistrates that she was 'very sorry for what had happened', she asked them to 'overlook' it since she 'had no work and could not maintain her children'.⁶¹ She was

⁵⁹ 'Eliza Smart' (1881 and 1891), *Census returns for Cheltenham sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 23 November 1891); 'Eliza Smart' (1901 and 1911), *Census returns for Barnwood sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 23 November 1891).

⁶⁰ Giordano, Cernkovich and Rudolph, 'Gender, Crime and Desistance'; Huebner, DeJong and Cobbina, 'Women Coming Home'.

⁶¹ *Devon Evening Express*, 30 November 1885, 1.

subsequently convicted four times for child abuse, by which time she was unemployed, living with her mother and expressed her inability to feed or clothe her children.⁶²

Perhaps the only social factor which appears to have had an impact on desistance amongst Cheltenham and Exeter recidivists is that of marriage.⁶³ Four of the five recidivists who got married after the onset of offending appear to have desisted from crime; none of these women were prosecuted at the magistrates' courts after their marriage. The woman who persisted after marriage may have continued due to the violent influence of her partner, with whom she committed several assaults during street fights.⁶⁴ Amongst those who desisted, marriage may have offered a support network and financial stability. Consider, for example, the case of Elizabeth Derrett. Over the years 1884-1892, when she was unmarried, Derrett was prosecuted for assault no less than ten times. Her offences included several assaults on the father of her illegitimate child, who had left her during pregnancy and provided little financial support. During one of these charges she told the magistrates that, since the father's child support was 'inadequate to what she had lost and suffered', she would 'wait...for him to make a home for her'.⁶⁵ Although she was prosecuted for assaulting him on two further occasions, they eventually reached reconciliation: the couple married a year after her last assault prosecution (1893) and she was never brought back before the magistrates.⁶⁶

Just as marriage could influence desistance, the loss of a partner could extend women's offending careers. Two women became widows after the onset of offending, both of whom continued to commit acts of violence. As Turner has noted, widowhood could contribute to recidivist behaviour due to the circumstances which women could

⁶² 'Selina Mardon' (1901), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 5 December 1891); DHC, Exeter City Magistrates' Court Register, F1/32, 14 April 1900; DHC, Exeter City Magistrates' Court Register, F1/32, 13 July 1900.

⁶³ By contrast, Godfrey, Cox and Farrall have argued that marriage did little to reduce habitual offending (*Criminal Lives*, 108). This difference may be due the fact that their study examined male and female recidivists as a collective.

⁶⁴ Criminologists refer to this influence as 'negative assertive mating', a process through which marrying or uniting with a violent partner encourages violent behaviour amongst the other party. This argument originates within G. S. Becker, *A Treatise on the Family* (Cambridge, Mass., 1981).

⁶⁵ *Cheltenham Mercury*, 18 October 1884, 3.

⁶⁶ 'Elizabeth Derrett' (1893), *Civil Registration Marriage Index for Cheltenham, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 19 November 2019). For some examples of Derrett's assault charges, see: GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/33, 24 July 1884; GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/34, 11 June 1884; and *Gloucester Citizen*, 11 June 1885, 4.

face when 'left alone after having had someone to provide for them, particularly if they had children who were still dependent on them'.⁶⁷ Marital separations could also exacerbate violent offending; four of the five recidivists who separated from their husbands during their offending careers received subsequent assault convictions. It appears, then, that becoming separated or widowed may have triggered further criminal behaviour amongst recidivists due to a loss of male support.

Although there are many other factors – such as health, self-identity and aging – which may have impacted a woman's propensity to reoffend, historical sources rarely reveal this type of information. From the available evidence, however, it appears that few social factors fostered desistance amongst Exeter and Cheltenham's violent female recidivists. Changes in marital status may have had some impact; most recidivists who got married desisted, whilst the loss of a partner had the opposite effect. Yet many examined factors – such as securing employment, moving households, gaining independence and child-rearing – failed to prompt desistance amongst women. The next section of this chapter therefore considers whether the criminal justice system played a more influential role in triggering desistance amongst recidivist women.

6.5 Desistance from violent crime: the criminal justice system

During the late nineteenth century, commentators become increasingly concerned by the efficiency of the criminal justice system. A rise in levels of habitual offenders had prompted fears that prisons were failing to reform offenders and served as 'breeding grounds' for new offenders to become involved with – and influenced by – members of the 'criminal class'.⁶⁸ Historians have similarly questioned the utility of the Victorian criminal justice system: whilst some have argued that the short nature of local prison sentences provided little deterrence to offenders, others have argued that prison

⁶⁷ Turner, 'Offending women', 217.

⁶⁸ L. Williams and B. Godfrey, 'Intergenerational offending in Liverpool and the north-west of England, 1850-1914', *History of the Family Journal*, 20:2 (2015), 189-203.

sentences merely resulted in convicts being released to the original conditions within which their crimes had been committed and thus prompted them to reoffend.⁶⁹

In order to conduct the most accurate examination of women's responses to sentencing practices, this discussion on the impact of penal policies on desistance is based on the *actual* rather than *initial* punishments meted out to women. There were 258 prosecutions against female recidivists in this study, 177 of which resulted in a conviction and either financial or custodial punishment. Although Cheltenham and Exeter magistrates issued financial sentences in the majority of these cases, many women had been unable or unwilling to pay their fines: as demonstrated in Table 6.4, financial penalties were initially issued in 81.4% of the assault convictions, yet in reality only 42.4% of cases resulted in women paying fines. Since those who did not pay were typically sent to prison in default, approximately 37.3% of the cases resulted in a prison sentence (including those who went to prison in default alongside those who were given a custodial sentence without the option of a fine). In the remaining 20.3% of cases, it was unclear whether defendants had paid their fine or were incarcerated in default and as such these cases have been excluded from the following discussion.

TABLE 6.4 INITIAL VS. ACTUAL PUNISHMENTS RECEIVED BY FEMALE RECIDIVISTS

	Initial sentence		Punishment received	
	No. of cases	As a % of initial cases	No. of cases	As a % of punishments
Fine of under 10/-	91	51.4	52	29.4
Fine of 10/- or more	53	29.9	23	13
<i>Subtotal of fines</i>	<i>144</i>	<i>81.4</i>	<i>75</i>	<i>42.4</i>
Prison for under 1 month	10	5.6	42	23.7
Prison for 1 month or more	23	13	24	13.6
<i>Subtotal of prison sentences</i>	<i>33</i>	<i>18.6</i>	<i>66</i>	<i>37.3</i>
Unknown ¹	0	0	36	20.3

1. Court minute books and newspapers sometimes failed to indicate whether women had paid their fines or gone to prison in default.

⁶⁹ Wiener, *Reconstructing the Criminal*, 343 and Turner, 'Punishing Women', 506. For further discussion on criminal justice policies towards habitual offenders in the nineteenth century, see Radzinowicz and Hood, *History of English Criminal Law*, 231-287.

i) *Financial sentences*

An examination of reoffending rates after the sentencing process indicates that fines – typically considered to be the lighter penal option – had little of a deterrent impact on recidivist women at Cheltenham and Exeter. Women who had been able to pay fines were frequently brought up for further assaults; over 89% of recidivists' convictions which resulted in fines were followed by at least one subsequent prosecution (Table 6.5).⁷⁰ Perhaps unexpectedly, the reoffending rate was higher when fines were of a greater value: 86.5% of the cases in which a fine below 10/- was issued compared to 95.7% of those resulting in a fine over 10/- were followed by a further assault prosecution at either Cheltenham or Exeter.

TABLE 6.5 REOFFENDING RATES ANALYSED BY TYPE OF PUNISHMENT

	No. of cases	No. of cases followed by subsequent prosecution	% of cases followed by subsequent prosecution
Fined under 10/-	52	45	86.5
Fined 10/- or more	23	22	95.7
<i>All fines</i>	75	67	89.3
Prison for under 1 month	42	24	57.1
Prison for 1 month or more	24	10	41.7
<i>All prison sentences</i>	66	34	51.5
Unknown ¹	36	23	63.9

1. Court minute books and newspapers sometimes failed to indicate whether women had paid their fines or gone to prison in default.

⁷⁰ In her study of late Victorian and Edwardian Staffordshire, Turner similar notes that fines 'did not unduly affect many of the recidivists' ('Offending women', 271).

Yet the impact of financial sentences varied according to women's personal circumstances. Married recidivists had a considerably higher reoffending rate after receiving a fine than their unmarried counterparts (91.5% compared to 70%), indicating that marital status may have played a role in women's propensity to reoffend after being fined. This discrepancy is likely a result of the more stable financial circumstances amongst married women, some of whom may have been able to rely on male partners to pay their fines. Caroline Loveridge was convicted three times for assault at Cheltenham and on each occasion was able to pay the fine imposed upon her. During the second hearing, her husband appeared in court and agreed to pay the penalty when he 'laughed' and told the magistrates to 'settle it which way [they] like[d]'.⁷¹ When Ann White was issued with a 5/- fine for assault in 1894, she told the magistrates that she 'wouldn't pay a farthing' and would opt for prison instead. Yet her husband paid the fine on her behalf and she was subsequently convicted for two further acts of assault within the same year.⁷²

Married recidivists were even more likely to reoffend after a fine if their husbands were from more affluent financial backgrounds. All of the women whose husbands were in skilled labour positions reoffended after receiving a fine, compared to 88% of those whose husbands had been in unskilled or semi-skilled employment. The individual tariffs imposed also reflect this division: after receiving a fine of 10/- or more, the majority of women whose husbands were skilled workers reoffended whilst none of those with husbands in the lowest strata were prosecuted for a further assault.

Fines thus appear to have had a greater deterrent effect on recidivists who were unmarried. A smaller proportion of these women reoffended after receiving a fine, which may have been due to the fact that some had been sole earners whom lacked a male breadwinner salary. Lilly Barnfield, an unmarried dressmaker from Cheltenham, had been unable to pay fines for assault convictions on two instances and had spent time in prison in default.⁷³ Upon her third conviction, by which point she was living as a lodger in a large, shared house, she paid a fine of £1, but was not

⁷¹ *Cheltenham Chronicle*, 6 October 1900, 5.

⁷² *Cheltenham Chronicle*, 26 May 1894, 4 and GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/41, 13 May 1895.

⁷³ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/RM1/3, 1 November 1883; GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/33, 2 July 1884.

brought back to the magistrates' court again.⁷⁴ The likelihood of unmarried women desisting after a fine was even higher if they had been unemployed, most likely due to their financial circumstances rendering financial sentences particularly taxing.

ii) *Prison sentences*

Custodial sentences appear to have been more effective as a deterrent than fines. Whilst the reoffending rate after financial sentences was 89%, only 51.5% of the cases resulting in a prison sentence were followed by a further assault prosecution. Many women in this study paid numerous fines in succession but desisted after their first experience of incarceration. Eliza Smart, for example, continued to offend after paying four fines for assault although subsequently desisted after being issued with a prison sentence of one month without the option of a fine.⁷⁵ The effect of prison sentences is also marked when considering the lengths of prison sentences: 57.1% of the prison sentences below one month compared to 41.7% of those over a month were followed by a further assault prosecution.

As with financial penalties, the impact of prison sentences varied depending on women's backgrounds. Age, for example, may have influenced women's responses to incarceration. Offending rates after custodial sentences were notably lower for older recidivists, only 20% of those over 50 compared to 54.5% of those aged 16-30 having reoffended after spending time in prison. Indeed, several recidivists pleaded with the magistrates on account of their age. Upon receiving her third assault conviction, Maria State pleaded with the Cheltenham magistrates when she was unable to pay her fine of 10/-. Stating that she was a 'poor, lone woman', she expressed her hope that the magistrates would reconsider the sentence due to her being an 'old woman' and promised not to reoffend. State's request was declined and she went to prison for one week with hard labour, yet she was not brought to the court again after her incarceration.⁷⁶

⁷⁴ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/35, 14 October 1886.

⁷⁵ For her last offence, see: GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/40, 23 May 1894.

⁷⁶ *Gloucestershire Echo*, 9 December 1901, 4; *Cheltenham Examiner*, 11 December 1901, 7.

Relationships also appear to have played a role in desistance. Married recidivists who were living with husbands were the most likely to desist after incarceration: only 49% of these women reoffended after experiencing a prison sentence, compared to 58.3% of those who were unmarried and 75.1% of those who were separated. The reluctance of married women to reoffend after incarceration may have been due to the prospect of spending time away from their families. Mary Ann Cheldon, for example, had been fined three times for assault before receiving a custodial sentence in 1898. After hearing this punishment, she allegedly ‘burst out crying and pleaded to say goodbye to her husband and little girl’ before going to prison. She was not prosecuted again.⁷⁷

Whilst prison sentences may have served as a greater deterrent than fines, it is important to note that some women continued to offend after repeated terms of incarceration. Some of these women preferred – sometimes even chose – imprisonment over a fine. Mary Trapp of Cheltenham opted for a prison sentence over a fine during her third conviction when she stated to the Bench that she ‘w[ouldn’t] pay a half-penny [and would] go down’ and that her children ‘may go to the workhouse’.⁷⁸ Another Cheltenham recidivist was given the choice between a fine of 5/- or a week with hard labour, but told the magistrates that she ‘chose to do the seven days’ because she had ‘nowhere else to go’.⁷⁹ Such instances were uncommon, yet they indicate that some recidivists were unaffected by the local prison system and became caught in a cycle of offending and incarceration.

The late Victorian and Edwardian criminal justice system therefore had a variable impact on desistance amongst female recidivists. Financial penalties appear to have had little effect, although unmarried women or those experiencing financial difficulties were less likely to reoffend after being a fined. Prison sentences were more effective overall, especially if women had received particularly long terms of imprisonment. Older women seldom reoffended after going to prison, which may have been due to the labouring conditions imposed during incarceration. Married women were also more frequently deterred by prison sentences than others, possibly as a result of spending time apart from their families. Having thus provided a discussion of the factors – both formal and informal – which could promote desistance amongst female recidivists, the

⁷⁷ *Trewman’s Exeter Flying Post*, 26 November 1898, 4.

⁷⁸ *Cheltenham Chronicle*, 8 September 1894, 8.

⁷⁹ *Cheltenham Chronicle*, 27 April 1889, 3.

following section of this chapter will focus on the experiences of those who persisted in their offending.

6.6 Persistent female offenders

Most recidivists eventually desist from crime, yet in every criminal population there is a group of 'persistent' offenders who appear to be caught in a cycle of offending. Amongst female recidivists at Cheltenham and Exeter, this group was remarkably small. Of the forty-seven women convicted for multiple acts of assault, only six – five at Exeter and one at Cheltenham – persisted with violent crime until their deaths.⁸⁰ These offenders were distinguished from other recidivists in a number of ways: their offending careers were longer; they were prosecuted more frequently; their punishments were stricter; and their domestic circumstances were particularly unstable. This section therefore focuses on the lives of the six Cheltenham and Exeter women who were persistent violent offenders and follows them through their offending trajectories.

i) *Turbulent lives: four female recidivists*

Female persistent offenders at Cheltenham and Exeter can be broadly split into two categories: first, those who experienced particularly turbulent marriages; second, those who fell into a cycle of alcohol abuse, poverty and distress. The former category consisted of four female recidivists from Exeter: Elizabeth Hoaken (who offended during the years 1881-1908); Mary Bowden Cook (1896-1907); Sarah Salter née Bennellick (1897-1909); and Annie Cann (1907-1914). As will be demonstrated, these women shared largely similar offending patterns, domestic circumstances and post-offending outcomes.

⁸⁰ In this study, a 'persistent offender' has been defined as a woman who continued to receive assault prosecutions up to two years within her death. Whilst Turner has used a similar qualification for persistent offending ('Offending women'), Godfrey *et al.*'s *Criminal Lives* has defined persistent offenders as those who appeared in court five or more times.

The most immediate similarity between these four women – both at the onset and in the duration of their offending careers – was their shared experience as victims of domestic abuse. Each woman prosecuted her husband for numerous assaults, the records of which demonstrate long histories of domestic violence. Cann summoned her husband for assault at least eight times during the years 1902-1912, on each occasion having reminded the magistrates of his violent conduct towards her throughout their marriage. In 1904, after he returned home drunk and abused her, she alleged that she had been ‘so much in danger of his violence that she had to lock her door to protect herself from him’. She further stated that she lived in ‘fear’ of him as he had ‘continually ill-used her since the first day of their marriage’.⁸¹ After a subsequent series of assaults, she requested a separation order against him in 1907. Although she testified that she had experienced ‘cruel ill-usage during the whole four and a half years of her married life’ due to her husband frequently returning home drunk, breaking things and threatening to kill her, her request was promptly refused when the magistrates told her that they must ‘try to bear with each other’.⁸² Yet no peace appears was found; a 1912 newspaper article entitled ‘NINE YEARS’ MISERY’ reported on a further assault by Cann’s husband and alleged that he was ‘constantly ill-treating her’ when drunk.⁸³

Meanwhile, Elizabeth Hoaken’s marriage was especially unstable and violent. Throughout the relationship, she experienced numerous arguments, separations and reconciliations with her husband. She charged him with threats of personal violence within fourteen weeks of their marriage in 1880, on this occasion stating to the magistrates that she was ‘afraid to live with him’ on account of his conduct.⁸⁴ Within a year, she had moved back to her parent’s household with her son.⁸⁵ Hoaken had reconciled with her husband by 1883, although she applied for a separation order from him in the same year: explaining that she returned to him since he had ‘promised to behave properly and be a teetotaller’, she told the magistrates that ‘after about a month...[he] was worse than he had been before’.⁸⁶ Her request for separation was

⁸¹ *Western Times*, 6 August 1904, 4.

⁸² *Western Times*, 20 April 1907, 2.

⁸³ *Western Times*, 5 September 1912, 2.

⁸⁴ *Exeter and Plymouth Gazette*, 7 August 1880, 3.

⁸⁵ ‘Elizabeth Hoaken’ (1881), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 2 December 2019).

⁸⁶ *Western Times*, 12 May 1883, 3.

refused and ultimately there were four further assault prosecutions against him during the years 1883-1888. The Hoakens appear to have separated again by 1889, in which year Elizabeth prosecuted her husband for failing to maintain the family. On this occasion she told the court that he had moved to London and sent her no money.⁸⁷ Although he had returned to the family by 1891, he was subsequently charged with assaulting her and was warned by the magistrates that he needed to 'refrain from molesting his wife'.⁸⁸ Ultimately, the couple had separated again by 1901 and Elizabeth spent the rest of her life living apart from her husband.⁸⁹

These four women were not only victims of domestic abuse, but they also reciprocated on occasion. Violent behaviour was sometimes used by both parties during marital conflicts, providing a further indicator of the instabilities of their relationships. Cann was assaulted by her husband on numerous occasions, yet she was prosecuted – and convicted – for assaulting him in both 1907 and 1909 during domestic disputes. In the first instance, she was fined for assaulting him in self-defence when he allegedly came home drunk and ill-used her.⁹⁰ The second prosecution resulted in her incarceration for one month: after he had allegedly 'knocked her down' and told her 'to keep her mouth shut', she reached for a razor and cut him several times in the face.⁹¹ Mary Cook was similarly convicted for assaulting her husband during a domestic argument in 1896. A newspaper article entitled 'MATRIMONIAL MISERY' reported that she had threatened him, thrown a bucket at him, kicked him and punched him during an argument. In her defence, she claimed that she had been responding to years of 'unhappiness and wretchedness': stating to the Bench that she had had a 'rough time of it' during their twenty-seven years of marriage, she claimed that he would often stay with other women before returning home and 'beat[ing] her until she was bruised'.⁹²

In Cook's case, marital discord manifested not only in violence towards her husband but also in that directed against other women. Acts of adultery by her husband led her to encounter conflict with female rivals on numerous occasions. During the years

⁸⁷ *Exeter and Plymouth Gazette*, 28 March 1889, 6.

⁸⁸ 'Elizabeth Hoaken' (1891), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 2 December 2019); *Taunton Courier and Western Advertiser*, 25 January 1893, 6.

⁸⁹ 'Elizabeth Hoaken' (1901 and 1911), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 2 December 2019).

⁹⁰ *Western Times*, 14 September 1907, 2.

⁹¹ *Western Times*, 25 October 1909, 2.

⁹² *Trewman's Exeter Flying Post*, 4 April 1896, 8.

1887-1889, she was convicted three times for assaulting a woman whom she believed to be her husband's mistress. On the first occasion, it was reported that she was a 'jealous wife' whom had been 'annoyed at the familiarity between the complainant and her husband' and as such had punched and kicked the woman.⁹³ Her third assault on the same woman resulted in a prison sentence alongside severe reproach from the magistrates, after which Cook responded that there would be 'a hundred more convictions' if they 'allow[ed] her to live with [her] husband'.⁹⁴ Although this was followed by a one-year cessation in her offending, she was summoned for assaulting a different alleged mistress in 1896. Stating in her defence that she had 'faced her like a woman' since she had been 'too intimate' with her husband, she lamented that it was 'all through he and nothing else'.⁹⁵

Alongside their marital experiences, persistent offenders shared similar financial difficulties during their offending careers; all had been working-class women who experienced ill-paid employment and overcrowded housing. Sarah Salter and her husband were both intermittently employed as hawkers, had numerous children to support and were living in a lodging-house on Coombe Street – one of Exeter's slum districts – throughout their lives.⁹⁶ Their financial difficulties are further indicated by their joint prosecution at Cullompton magistrates' court in 1889 for stealing and selling a garden brush, during which Sarah stated that she 'had no situation' and needed to 'feed her family'.⁹⁷ Hoaken also expressed financial difficulty during her offending career, a circumstance which likely resulted from intermittent separations from her husband. For much of her life, she had been supporting their 8 children through a combination of poor relief and her earnings as a hawker. Following her husband's move to London in 1889, she stated to the magistrates that he had sent no money to the family despite making 'good business' and that, as a result, she had been forced to provide for the children through poor relief.⁹⁸

Financial insecurities were further reflected in their living situations. Hoaken's intermittent separations from her husband prompted her to relocate five times during

⁹³ *Exeter and Plymouth Gazette*, 1 August 1887, 2.

⁹⁴ *Exeter and Plymouth Gazette*, 12 March 1889, 6.

⁹⁵ *Western Times*, 14 February 1896, 5.

⁹⁶ For more discussion on Cheltenham and Exeter's working-class districts, see Chapter 3.

⁹⁷ *Western Times*, 9 August 1889, 7. Sarah was also subsequently prosecuted for stealing a gold ring elsewhere in the county (*Western Times*, 23 October 1891, 10).

⁹⁸ *Exeter and Plymouth Gazette*, 28 March 1889, 6.

her adult life, and on each occasion she moved into cramped, shared housing within the poorest districts of Exeter.⁹⁹ Cook, meanwhile, was committed to the workhouse following her separation from her husband, at which site allegedly assaulted a nurse in 1907.¹⁰⁰ Cann similarly found herself destitute after her husband had left her and moved into an almshouse for old-age pensioners.¹⁰¹ It would appear, then, that these women experienced financial and residential instability partly as a result of their turbulent marital relationships.

A further similarity between these women is their involvement in more serious levels of offending. Although all four offenders had numerous petty charges against them, three – Cook, Salter and Cann – were also indicted for felonies at either the Quarter Sessions or Assizes.¹⁰² Cook was convicted at the Assizes in 1896 and sentenced to nine months with hard labour, again having allegedly committed an offence which emerged from marital discord. On this occasion she had set fire to the house of an alleged mistress of her husband, whom she subsequently ‘gave a violent blow at the back of the head’ as she left the dock.¹⁰³ Salter, meanwhile, was tried twice at the Assizes on charges of perjury and theft in 1891 and 1906 alongside her husband.¹⁰⁴

ii) *Alcoholism, poverty and persistence: two female recidivists*

The second category of persistent offenders consisted of two women whose life courses featured alcoholism, poverty and marginalisation. The first was Ellen Trapp of Cheltenham, who committed five acts of assault alongside other petty offences during the years 1883-1909; the second was Mary Slack of Exeter, whose offending career was considerably shorter (1881-1890). These women experienced more stability in

⁹⁹ ‘Elizabeth Hoaken’ (1881, 1891, 1901 and 1911), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 2 December 2019).

¹⁰⁰ *Western Times*, 12 September 1907, 2.

¹⁰¹ *Western Times*, 20 July 1921, 3.

¹⁰² By contrast, none of the non-recidivists and only one of the recidivists whom desisted were prosecuted at either the Quarter Sessions or Assizes.

¹⁰³ *Western Times*, 18 November 1896, 3; *Western Times*, 20 November 1896, 2.

¹⁰⁴ *Western Times*, 23 October 1891, 10; *Exeter and Plymouth Gazette*, 7 September 1906, 5.

their domestic relationships than the former group of persistent offenders, yet both fell into a spiral of alcohol abuse and poverty as their offending careers unfolded.

At the onset of offending, Ellen Trapp appears to have had a relatively stable domestic life. Born in Cheltenham, she began offending at the age of twenty-four whilst she was living with her husband and children. Both Ellen and her husband secured stable employment and remained in the same house throughout their marriage within a seemingly non-violent district of the town.¹⁰⁵ In addition, her husband appears to have had a clear offending history and was never summoned for either assaulting or threatening her. By initial appearances, she lived a stable, working-class life prior to offending.

Yet Trapp's entry into violent crime was sparked when she became a prolific drinker. Before she started appearing in courts for acts of assault, she received a number of summonses for drunken and disorderly behaviour. On one occasion, a constable reported that he had found her drunk in the High Street with 'no hat or bonnet on' and with 'her hair loose down her back'. A subsequent charge alleged that she had been 'very drunk' when she went to a neighbour's window, refused to leave and smashed the glass.¹⁰⁶ In 1884, by which point she had received seven drinking charges, a magistrate commented that she had appeared at the court 'too often' for alcohol-related offences.¹⁰⁷

Drunken behaviour brought Trapp into frequent physical conflict with police officers. In 1883, when an officer attempted to arrest her for drunkenness, she pushed him against a wall, bit his finger and tried to get away. She was charged with both assault and drunkenness and was fined 5/- on each count.¹⁰⁸ A subsequent arrest for drinking also resulted in aggressive behaviour towards the police. On this occasion, the officer had been called by a landlord to his public-house in order to send her away. Although she 'went quietly' when arrested, the officer stated that she used 'shocking language' when she arrived at the station and 'scratched and kicked him several times' in such a manner that 'it required several policemen to remove her to the cell'. On this

¹⁰⁵ Trapp and her husband lived in Cleaveland Street, which was not an area identified as a 'hotspot' of violence in Cheltenham (see Chapter 3).

¹⁰⁶ *Gloucester Citizen*, 22 April 1879, 3; *Cheltenham Mercury*, 31 May 1879, 3.

¹⁰⁷ *Gloucester Citizen*, 12 April 1884, 8.

¹⁰⁸ GA, Cheltenham Magistrates' Court Minutes Book, PS/CH/M1/33, 9 July 1883.

occasion, she was again convicted on the counts of drinking and assaulting an officer.¹⁰⁹

In addition, Trapp's propensity for alcohol appears to have encouraged her engagement in street fights. In 1883, she drunkenly challenged two neighbours – a husband and wife – to fight with her on the street. By the time a constable arrived at the scene, he found her 'insensibly drunk' and standing before 'a huge crowd of over 100 people' with her sleeves rolled up.¹¹⁰ Trapp was involved in at least five more street-fights during her offending career, her final appearance for pugilism having occurred in 1909. After having a drunken row with a woman on the High Street, she agreed to 'take the part' of her sister-in-law and settle the matter through a stand-up fight. The constable who found them described them as 'drunken women' who were 'scratching like cats'.¹¹¹

Akin to Trapp, Mary Slack appears to have had a relatively stable domestic life at the onset of offending. Her husband had no prosecutions against him, she had several children – none of whom were known offenders – and resided in the same house throughout her life. Although she was unemployed, her husband was in consistent employment as a labourer until his death in 1888. Census records also indicate that she had family members living on her street, which suggests that she may have had an extensive support network prior to offending.¹¹²

Slack's earliest assaults were relatively run-of-the-mill offences during which she engaged in disputes with other women in her neighbourhood. The majority of these acts were rooted in either territorial or slander-related disputes arising from the cramped living conditions fostered by working-class housing. She assaulted a neighbour on the street in 1881 after she overheard her calling her 'foul names', whilst a further assault in 1882 was provoked when a neighbour's child had been playing outside of her house.¹¹³ In 1885, she was charged with assaulting another neighbour

¹⁰⁹ *Gloucestershire Echo*, 12 January 1886, 3.

¹¹⁰ GA, Cheltenham Magistrates' Court Minutes' Book, PS/CH/M1/33, 9 July 1883.

¹¹¹ *Gloucestershire Echo*, 5 April 1909, 3.

¹¹² 'Mary Slack' (1871 and 1881), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 4 December 2019).

¹¹³ *Western Times*, 12 April 1881, 3 and *Exeter and Plymouth Gazette*, 12 October 1882, 3.

after she told him that he had 'no right' to be on her path and threw a bucket of ashes over him.¹¹⁴

Although her assaults were relatively typical, Slack's propensity for alcohol exacerbated her involvement with crime. Her earliest drinking charges occurred in the 1870s, which brought her into conflict with neighbours, publicans and police officers alike. In 1871, she was refused a drink by a publican when he felt that she had had 'quite enough' already. When a police officer tried to remove her, she made 'offensive epithets' at him and threw a shoe through the window.¹¹⁵ Two years later, she was charged with being drunk and using abusive language when she went to a neighbour's house, made drunken threats towards him and abused his mother.¹¹⁶ She was subsequently summoned for abuse after drunkenly approaching a neighbour in a public house, slapping her, pulling her hair and making abusive language.¹¹⁷ She continued to drink after the death of her husband in 1888 and made subsequent appearances before the magistrates: in 1890, for example, she assaulted a publican by throwing a plate at him after he refused to serve her another drink.¹¹⁸

Slack's widowhood in 1888 alongside her penchant for alcohol caused her to experience significant financial difficulty and contributed to the continuation of her criminal behaviour. By 1891, three years after her husband's death, she was unemployed and living in the Exeter workhouse.¹¹⁹ She left Exeter after her release and relocated to Plymouth, in which city she resumed her petty offending career. Alongside two further assault convictions, she was charged in 1897 for having stolen paintbrushes and was incarcerated for a week with hard labour. In response to the magistrates, she stated in her defence that she was an 'old widow' with 'nothing and no-one' to support her.¹²⁰

Indeed, Slack's financial instability appears to have had dire impacts on her later life. In 1931, she was charged at Exeter for having stolen from a shop. Under the headline 'THE INFLUENCE OF DRUGS: A SAD CASE', a newspaper reported that she had

¹¹⁴ *Exeter and Plymouth Gazette*, 24 November 1885, 3.

¹¹⁵ *Exeter and Plymouth Gazette Daily Telegram*, 5 December 1874, 2.

¹¹⁶ *Exeter and Plymouth Gazette Daily Telegram*, 24th July 1876, 3.

¹¹⁷ *Trewman's Exeter Flying Post*, 29 July 1885, 5.

¹¹⁸ *Western Times*, 6 March 1890, 2.

¹¹⁹ 'Mary Slack' (1891), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 5 December 2019),

¹²⁰ *Western Morning News*, 22 June 1897, 5.

been an 'invalid' for over seven years and had stolen 'a large dose of drugs which she was accustomed to taking for her nerves'. Alongside this, a police officer who searched her found cigarette holders, suspenders, ties, chocolate and clothes. She again pleaded in her defence that she was a 'poor, old woman' and asked for leniency: the magistrates agreed to avoid incarceration 'on account of her age' and bound her over in the sum of £10 for two years.¹²¹

The six persistent offenders in this study all experienced challenging personal circumstances, social isolation and economic marginalisation. Some faced turbulent marriages and were victimised by their husbands. For these women, separations, abandonment and adultery were not only part of the course of their married life but also contributed to their offending patterns. The remaining two women appear to have had non-violent husbands, yet their relationships with alcohol led them down a path of habitual petty offending and resulted in conflict with members of their communities. Despite their differing trajectories, all six women appear to have become so involved in a cycle of offending that it became difficult for them to attain cessation. As Turner notes in her research on female recidivism, some offenders became 'so excluded from society that their reintegration into their families or communities was not feasible': although many women were released from prison, the 'harsh existence of working-class life or homelessness only exacerbated, or at least continued, their offending behaviour'.¹²² Leigh Straw's study on recidivist women in twentieth-century Perth has similarly argued that some had 'minimal or no familial or financial support' and were 'caught in a cycle of offending and incarceration' to such an extent that they were 'confined to a life more or less decided by legislation, the courts, police and press'.¹²³

6.7 Life-course trajectories of violent recidivists and non-recidivists

The final section of this chapter compares the experiences of recidivists and non-recidivists after their desistance from crime. Such an examination is, however, limited

¹²¹ *Exeter and Plymouth Gazette*, 7 September 1931, 8.

¹²² Turner, 'Punishing Women', 514.

¹²³ L. Straw, "'The worst female character'" Criminal underclass women in Perth and Fremantle, 1900-1939', *Journal of Australian Studies*, 37:2 (2013), 208-224 (p. 215).

in two ways. First, since data protection laws prevent access to census returns taken within the last century, most offenders' life-course outcomes could only be examined up to 1911 (although the 1939 Register for England and Wales has been used in cases within which women were still alive).¹²⁴ Second, a number of women were not recorded in censuses and as such have been excluded from discussion. In these cases, it is possible that they were either away from home, homeless, or had been living in lodgings but went unmentioned by their landlord or landlady at the time the census was taken.¹²⁵ Nevertheless, by piecing together information from censuses and newspaper reports, it has been possible to conduct a study on recidivists' and non-recidivists' lives following their involvement in violent crime.

Within historical literature on recidivism, only one study has paid extensive attention to the post-offending lives of female reoffenders. Focusing on nineteenth-century Swedish recidivists, this examination has indicated that the life courses of female reoffenders and non-reoffenders differed in two ways: first, reoffenders were more likely to experience an 'untimely' death; second, they were more likely to be ostracised and thus migrate from their hometowns.¹²⁶ Yet this does not appear to have been the case amongst their English counterparts. Rates in migration were similar amongst recidivists and non-recidivists at Cheltenham and Exeter, with only 25% of those in the former category and 24.3% of those in the latter having left their locality after offending. Even when women migrated from Cheltenham or Exeter, they typically moved to a nearby town or village within the same county.¹²⁷ Nor were there substantial differences in death rates amongst these groups of women, the average age of death having been 69 and 70 amongst recidivists and non-recidivists respectively.

Yet there were several features which distinguished the recidivists and non-recidivists in their post-offending lives. Non-recidivists were more likely to become widows than their recidivist counterparts, although this is unsurprising given that a greater proportion were married at the onset of offending.¹²⁸ In addition, recidivists appear to

¹²⁴ Due to protection of personal information, census records can only be accessed if they are at least 100 years old.

¹²⁵ Turner, 'Offending Women', 83.

¹²⁶ Vikstrom, 'Before and After Crime'.

¹²⁷ Very few women left their counties. Fewer still (just 3 women in the study) left England altogether.

¹²⁸ 23.3% of non-recidivists compared to 16.7% of recidivists became widows after offending.

have had more difficulty in finding partners: only one recidivist got married after offending compared to four non-recidivists. Possibly as a result in their difficulties with finding partners, recidivists were also less likely to have given birth to children than non-recidivists.¹²⁹

It appears that recidivists not only had more difficulty in forming relationships but also in sustaining them: 19% of the recidivists – compared to just 2.3% of non-recidivists – became separated from their husbands in later life. This may have been due to being stigmatised as an offender, although it is more likely that separations resulted from marital discord and disorderliness. Mary Lyne, for example, had been living with her husband for the majority of her offending career (1881-1907) although ultimately a string of both assault and drinking charges took a toll on their relationship: when she was charged with drunk and disorderly conduct in 1905, her husband expressed his concern with her conduct when stating that he ‘hardly knew how to deal with her’.¹³⁰ By 1911, she had separated from her husband and had moved to London with her two daughters.¹³¹ By contrast, most of the non-recidivists who had separated from their husbands reached reconciliation in later life. Louisa Hawkes committed her only assault in 1906 when she was separated and living with her parents, although the 1939 Register indicates that she subsequently reunited with her husband.¹³²

An additional disparity between the recidivists and non-recidivists was their prospects of employment. Seven of the recidivists compared to three non-recidivists became unemployed after committing assault, indicating that holding a reputation for habitual violence may have affected women’s changes in the labour market. Non-reoffenders were also more likely than recidivists to gain employment after offending, although this may have been due to the greater proportion of women in this group who became widows and as such may have needed their own income. One woman, for example, had been unemployed throughout her married life and appears to have relied on her husband’s wages as a painter. Following his death in 1909, she was registered in the

¹²⁹ 30% of non-recidivists compared to 21% of recidivists gave birth to children later in their lives.

¹³⁰ *Western Times*, 1 December 1905, 7.

¹³¹ ‘Mary Lyne’ (1911), *Census returns for Chelsea sub-district, London*. Available at: <http://www.ancestry.co.uk> (Accessed: 13 December 2019).

¹³² ‘Louisa Hawkes’ (1901), *Census returns for Cheltenham sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 16 December 2019); ‘Louisa Hawkes’ (1939), *England and Wales Register for Cheltenham sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 17 December 2019).

census as a widow, head of household and domestic servant with two children to support.¹³³

There were also some differences in living conditions amongst these groups of women. Firstly, recidivists were not only more likely to have experienced cramped living conditions at the onset of offending but were also more likely to face this prospect in their post-offending lives. Only one non-recidivist, compared to eight recidivists, moved into shared housing after being convicted by the magistrates. The non-recidivist who went into lodgings moved on account of becoming a widow, whilst the majority of the recidivists had relocated due to relationship difficulties. An Exeter recidivist, for example, had a particularly unstable family life: she had prosecuted her husband for assault on several occasions, had been incarcerated twice for assaulting her children and had been convicted numerous times for drunk and disorderly conduct within her home. Although she remained with her husband during her offending career, the couple later separated and she moved to a lodging-house where she gained employment as a domestic servant.¹³⁴

Secondly, a handful of recidivists found themselves without a permanent residence after their offending careers. Two women became homeless in later life, a circumstance which did not arise amongst any of the sampled non-recidivists. Julia Fisher, a Cheltenham recidivist whom faced numerous prosecutions for assault, drink and theft across the years 1879-1887, became homeless after her cessation from crime: describing her as a 'drunk [and] homeless woman' who spent her time 'in and out' of the workhouse, an article in the *Cheltenham Chronicle* in 1900 reported that she 'annoyed' the Cheltenham guardians and commented that it was 'undesirable that a Guardian should be subjected to such annoyance'.¹³⁵ In addition, whilst none of the non-recidivists appear to have been institutionalised, five recidivists spent time in workhouses, almshouses and/or asylums. Exeter recidivist Eliza Smart, convicted of four assaults during the years 1881-1894, was known as a prolific drinker within her community: in one assault case, a neighbour alleged that she drank two bottles of

¹³³ 'Martha Morgan' (1881, 1891, 1901 and 1911), *Census returns for Cheltenham sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 22 December 2019).

¹³⁴ 'Elizabeth Andrews' (1891 and 1901), *Census returns for St. Thomas sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 19 December 2019); 'Elizabeth Andrews' (1911), *Census returns for Exeter sub-district, Devon*. Available at: <http://www.ancestry.co.uk> (Accessed: 19 December 2019).

¹³⁵ *Cheltenham Chronicle*, 24 February 1900, 8.

stout a day; another stated that Smart 'at times after drinking had the impression that she was the Queen of England [and that] everybody must bow down to her'.¹³⁶ Ultimately, she was institutionalised, the 1901 and 1911 censuses having recorded her as an inmate at the Gloucester County Lunatic Asylum.¹³⁷

Overall, there were broad differences between the domestic circumstances of recidivists and non-recidivists after the cessation of offending. Non-recidivists appear to have had more stable lives: these women more frequently found or reunited with partners, were more likely to have children, more frequently secured employment and lived in more desirable types of accommodation than their recidivist counterparts. By contrast, violent female recidivists faced bleaker post-offending outcomes. Firstly, they appear to have experienced more difficulties in both the partner and labour markets. Secondly, they were more likely to move into shared housing, to become homeless or to be institutionalised. These differences indicate that repeated convictions for violence may have contributed to recidivists' marginalisation, relationship difficulties and financial hardship and thus made it more difficult for them to reintegrate into society after offending.

6.8 Conclusion

Historical research on female recidivism has been scant, particularly that relating to habitual violence. This chapter has therefore offered an original contribution to discussions on female reoffenders by focusing on the onset, cessation and aftermath of women's petty violence in late Victorian and Edwardian Cheltenham and Exeter. As has been demonstrated, violent female recidivists constituted only a minor proportion of women charged with petty violence, yet their contribution to assault rates was substantial. The majority of women brought before the magistrates were young, working-class, and living in poorer districts of their towns, yet recidivists appear to have experienced more difficult backgrounds than non-recidivists. On aggregate, they

¹³⁶ *Gloucester Citizen*, 28 May 1894, 4.

¹³⁷ 'Eliza Smart' (1901 and 1911), *Census returns for Barnwood sub-district, Gloucestershire*. Available at: <http://www.ancestry.co.uk> (Accessed: 23 November 2019).

were more likely to: live in shared housing; be occupied by unskilled labour roles; be unmarried or in particularly violent marriages; have illegitimate children; and have a chain of additional offences alongside that of assault.

Most female recidivists at Cheltenham and Exeter eventually desisted from crime. Although a number of informal social control factors – such as gaining employment, having children or relocating – do not appear to have played a role, the formation of partnerships contributed to cessation: all but one of the recidivists whom got married during the research period had no subsequent charges against them, likely as a result of the greater financial and social stability fostered through marriage. The criminal justice system also appears to have had a reformatory effect: although fines provided little deterrent unless women faced particularly difficult circumstances, many recidivists desisted after experiencing a term of imprisonment. Yet there was a small minority of women for whom social and judicial impetuses appear to have had little impact. Some persistent offenders appear to have been caught in a cycle of offending due to turbulent and abusive marriages, whilst others were hampered by experiences of alcohol abuse, marginalisation and destitution. As Turner has noted, some late-nineteenth-century female recidivists became ‘so excluded from society’ that ‘the streets, workhouses and prison had become their homes’.¹³⁸

Although many appear to have reformed and desisted from crime, prospects were still bleaker for recidivists during their post-offending lives than those amongst their non-recidivist counterparts. Their lives were thus not only more difficult at the onset of offending but also at its cessation. Recidivists were less likely than non-recidivists to find a partner and more frequently became separated from their husbands. They also faced more difficulty in the labour market and were more likely to move into shared housing, to become a lodger or to be sent to an institution. Some of these women had particularly tragic lives: one recidivist, having become unemployed, separated and a lodger by the time of her cessation, ultimately attempted suicide in her later life due to the ‘lot of trouble’ which she had experienced.¹³⁹ The life courses of recidivists therefore demonstrate that reoffending – and the label of being an ‘offender’ – may have had significant impacts on women’s later lives, resulting in their social, economic

¹³⁸ Turner, ‘Punishing Women’, 514. For similar arguments, see: Turner, ‘Offending women’, 215-6; Haider, ‘Female petty crime’, 53; and Straw, ‘Worst female character’, 215.

¹³⁹ *Gloucestershire Echo*, 12 July 1904, 4.

and familial isolation. In many ways, then, the experiences of late Victorian and Edwardian recidivists echo those of their more recent counterparts: as Ira Sommers *et al.* have demonstrated in their study of late-twentieth-century female street offenders, recidivist women struggled to 'drift back' into conventional lives after offending since many had 'hit rock bottom...[they] were marginalised from family, friends, children and work...lost their traditional life structures [and] were vulnerable to street conditions'.¹⁴⁰

¹⁴⁰ Sommers, Baskin and Fagan, 'Getting out of the life', 139-40.

CHAPTER 7: CONCLUSION

For many years historical research on women and violence focused largely on women's experiences as either victims of abuse or as perpetrators of lethal violent crime. Although scholars have drawn greater attention to women's non-lethal violence in recent decades, most studies have been geographically limited to areas in London, the North West and the Midlands. This thesis has therefore contributed to historical knowledge on female non-lethal violence by drawing evidence from a hitherto underexplored region of England: the South West.¹ The primary aim of this research was to examine the perpetration and treatment of female assaults during the years 1880-1909.

The time constraints of conducting a doctoral project made it necessary to impose a number of boundaries upon this research. In the first place, the thesis focuses on only one category of non-lethal violent crime: assault.² Secondly, it was only possible to examine two southwestern localities, Cheltenham and Exeter, owing to the high volume of cases which were handled by Victorian and Edwardian magistrates. These locations were selected due to their contrasting socioeconomic conditions as well as the excellent survival of relevant court records. It was also decided that the study should concentrate solely on violence by women; female criminality has often been 'marginalised' when measured against male criminality due to the overwhelming dominance of men within the criminal justice system.³ Finally, the research period 1880-1909 was selected due to its overlap with recent studies on female non-lethal violence. This made it possible to contextualise the experiences of violent women in Cheltenham and Exeter amongst those of their counterparts elsewhere in the country.

A range of archival and digitised primary sources were used to conduct this research. Court registers served as a valuable starting point since they provided a list of all

¹ The few studies which have examined crime in the South West focus on periods earlier than that within this study. See Williams, 'Criminality of Women'; King, *Crime and Law* and Warner, Riviere and Graham, 'Men and Women'.

² This includes acts of common assault, assaults on authority figures and assaults on children. Some studies of non-lethal violence have included acts of verbal assault (usually categorised as 'abusive language') yet the sheer volume of assault cases in this study made it implausible to examine both categories. Acts of military and judicial violence have also been excluded since no women were charged for crimes of this nature.

³ Kermode and Walker, *Women, Crime and the Courts*, 4.

charges brought before the Cheltenham and Exeter magistrates and thus made it possible to identify female assault prosecutions. Information on these assaults was supplemented through an examination of court minute books: although difficult to transcribe, these documents often provided rich details on cases by including statements from defendants, complainants and witnesses. Further information was gathered by analysing provincial newspapers digitised by the British Library. Newspaper sources are particularly useful for crime historians as they sometimes provide details which were not revealed in court documents.⁴ Furthermore, census returns and BMD records were examined for the penultimate chapter of this thesis in order to trace women's experiences before, during and after their offending careers.

The details obtained from these sources were inputted into a database which catalogued all female assault prosecutions held at the Cheltenham and Exeter magistrates' courts in the period 1880-1909. This database made it possible to conduct quantitative and qualitative analyses on each case, which involved examining patterns in the incidence and nature of women's violence, the backgrounds of the defendants and their victims, the ways in which magistrates and the media responded to their actions and how women reacted to the treatment which they received. Additionally, discourse analysis was employed in Chapter 5 in order to examine the language and themes used by reporters when recording women's violence.

These analyses provided a number of insights into women's non-lethal violence in late Victorian and Edwardian Cheltenham and Exeter. Following a literature review, Chapter 3 examined the prevalence and nature of female acts of assault. This discussion demonstrated that women's assaults accounted for a significant minority – approximately a quarter – of all assault prosecutions brought before the Cheltenham and Exeter magistrates. This figure was consistent with those found within studies of female-perpetrated assaults elsewhere in the country.⁵ In addition, it became apparent that the majority of female defendants were from working-class backgrounds and were married with children at the time of committing assaults.

⁴ For further discussion on sources for crime historians, see B. Godfrey, 'The Crime Historian's *Modi Operandi*' in P. Knepper and A. Johansen (eds.), *Oxford Handbook of the History of Crime and Criminal Justice* (Oxford, 2016), 38-56.

⁵ See, for example, Zedner, *Women, Crime and Custody*, 35, Felstead, 'Interpersonal violence', 170 and Abraham, 'Summary Courts', 120.

This chapter also examined the contexts and methods behind women's acts of assault. In some ways, women's violence resembled that perpetrated by men: female assaults were typically committed through physical force – rather than the stereotyped method of scratching and hair-pulling – and could involve drinking and pugilism. However, it appears that there were notable distinctions between male and female minor violence. Historians have indicated that male assaults predominantly occurred in public settings such as public-houses or workplaces; in comparison, evidence from Exeter and Cheltenham indicates that women's acts were typically committed on their streets or outside of their houses.⁶ Female assaults were also largely directed against neighbours – or sometimes family members – and were rooted in conflicts relating to the behaviour of children, the sharing of facilities and/or possessions and other domestic grievances. As such, it appears that women's assaults were largely confined to neighbourhood and/or domestic contexts and may be reflective of their limited participation in the public sphere.

Chapter 4 focused on magisterial responses to female acts of assault. The first aim of this chapter was to provide an overview of the verdicts and sentences issued to women, through which it was demonstrated that there were some disparities between the attitudes of Cheltenham and Exeter magistrates. Cheltenham's magistrates were more lenient in their treatment of female assaults than their counterparts at Exeter, yet a cross-examination with other studies indicated that their leniency was something of an anomaly when compared with magistrates presiding over courts elsewhere in the country. In addition, this analysis of prosecution outcomes challenged the view that magistrates often regarded female violence to be trivial.⁷ Although Cheltenham and Exeter magistrates sometimes dismissed women when they considered acts to be minor or unworthy of attention, a greater proportion of cases were dropped either due to a lack of evidence or due to the failure of the defendant and/or the victim to attend the hearing. Women were also sometimes dismissed when magistrates felt that the complainant had been the aggressor or that a caution would provide a sufficient deterrent.

⁶ Gray, 'Summary Proceedings', 164.

⁷ Work which expresses this view includes Davies, "These viragoes", 75; D'Cruze, Godfrey and Cox, "Most Troublesome Woman", 244; Godfrey, Farrall and Karstedt, 'Explaining Gendered Sentencing Patterns', 717-8.

Following an overview of prosecution outcomes, the chapter examined the ways in which magisterial policies shifted over the years 1880-1909. In particular, this examination engaged with debates over the relationship between the 'civilising process' and attitudes to violence. Historians have argued that judicial decision-makers became increasingly stringent in their treatment of male violence as the nineteenth century progressed.⁸ Yet this study has indicated that violent women also faced harsher treatment over the research period, during which time they became more likely to receive convictions and custodial sentences from the Cheltenham and Exeter magistrates. It was argued that this shift may have been caused by two factors: first, an apparent 'civilising offensive' directed by magistrates against violent, married women; second, changes in courtroom procedures – in particular, an increase in both police prosecutors and guilty pleas.

Having discussed magisterial responses to female acts of assault, the following chapter examined the treatment which women received in the press. As historians have noted, violence – especially that committed by women – has received considerable media attention.⁹ Provincial newspapers which reported proceedings at the Cheltenham and Exeter magistrates' courts focused heavily on women's acts of assault; indeed, they appear to have devoted an increasing proportion of the newshole to these offences as the research period progressed. Yet press coverage on women's violence varied according to the contexts within which individual acts were committed. Violence which contradicted women's expected wifely and motherly behaviour received especial castigation: assaults on husbands and children, for instance, were reported in considerable detail and were portrayed as the actions of dangerous, overpowering, disorderly and incapable wives and/or carers. Other forms of violence received more lenient coverage. Assaults by women on their partners were often reported in sympathetic tones, many defendants having been portrayed as abandoned or abused women. Assaults on neighbours, meanwhile, were consistently depicted as trivial and unimportant affairs yet seldom received harsh opprobrium. As such, it appears that magistrates and reporters alike stigmatised certain women – those who

⁸ See, for example: Wiener, 'Victorian Criminalization', 197-212; Wiener, *Men of Blood*; Carter Wood, *Violence and Crime*.

⁹ King, 'Making Crime News', 107; Startup, 'Damaging females', 193-4.

had betrayed contemporary gender expectations – whilst downplaying acts committed within other contexts.

Chapter 6 drew attention to a specific category of violent women: those who were recidivist offenders. Since there has been scant historical research on violent female recidivists, this chapter provides an original contribution to studies of women's criminality. Few women became habitual violent offenders, yet they were responsible for a substantial proportion – almost a fifth – of female assaults at Cheltenham and Exeter. The first aim of this chapter was to examine differences between the life experiences of recidivist and non-recidivist female offenders. It was demonstrated that recidivists, being more likely than non-reoffenders to experience domestic abuse, overcrowded housing, and low-waged employment, faced more difficult circumstances at the onset of offending. Contrasts in life experiences were also marked at the end of women's offending trajectories: non-recidivist women were more likely to find employment, to get married and to occupy private houses with their families; recidivist offenders, meanwhile, appear to have had more difficulty in both the labour and partner markets and a small number found themselves in institutions such as workhouses and asylums.

In addition, Chapter 6 examined the factors which could influence women's desistance – or persistence – from violent crime. As discussed earlier, recent criminological and historical studies have emphasised the role of both informal social institutions and the criminal justice system in influencing a change in women's offending behaviour. Evidence from Cheltenham and Exeter in the years 1880 to 1909 indicates that few social factors had an impact on recidivist women: although most of the women who got married were never prosecuted again, other lifestyle changes such as childbearing, moving household and gaining employment do not appear to have been linked to a desistance from violent crime. The criminal justice system, however, may have played a greater role. Women were less likely to reoffend after being incarcerated than if they were fined, especially if their term of imprisonment had been particularly long. Yet there were a small number of persistently violent women for whom neither social nor criminal justice interventions had an impact. These offenders appear to have faced particularly difficult circumstances such as domestic violence, adulterous marriages, destitution, poor support networks, institutionalisation and/or alcohol

abuse, all of which may have exacerbated their involvement in criminal activity and made it harder for them to reform.

Whilst undertaking this doctoral project, it became evident that various aspects of women's non-lethal violence might benefit from further scholarly attention. Firstly, there is still little research on female habitual violence. This thesis provides only a starting point: future examinations could, for example, consider issues such as intergenerational offending amongst violent recidivists or the role of police officers in monitoring 'known' female offenders. Secondly, the relationship between women and the 'civilising process' remains under-researched. Although scholars have examined the ways in which authorities became more concerned with curbing male violence, there has been less research on the changing mechanisms, both judicial and informal, which aimed at regulating disorderly and violent women. In addition, studies on female violence have tended to focus on periods only up to the early twentieth century.¹⁰ Further research on women's violent crime from the early-twentieth century onwards would provide an opportunity to examine long-term trends in female violence. It would also be possible to ascertain whether non-lethal violence increased from the 1960s, as appears to have been the case with more serious forms of violent crime.¹¹ Finally, since most studies have focused on London, the North West or the Midlands, studies on other regions of the country are needed. These would enable academics to compare female violence across a national context. This task could be facilitated through the Historical Violence Database project, a platform which allows scholars to share data on violent crime: the sheer volume of cases handled by magistrates makes it near-impossible for individual academics to undertake a national study alone, yet the opportunity to access shared records from a multitude of courts provides scope for a meta-analysis on female acts of assault to be conducted in the future.¹²

¹⁰ For studies which offer some – albeit limited – discussion on female violence in the twentieth century, see S. D'Cruze, 'Crime' in Zweiniger-Bargielowska (ed.), *Women in Twentieth-Century Britain*, 198-213 and N. Lacey, 'Women, crime and character in the twentieth century', *Journal of the British Academy*, 6 (2018), 131-167.

¹¹ Eisner, 'Long-Term Historical Trends', 106.

¹² 'Historical Violence Database: A Collaborative Research Project on the History of Violent Crime, Violence Death and Collective Violence', *Criminal Justice Research Centre* (Ohio State University), <https://cjrc.osu.edu/research/interdisciplinary/hvd> [accessed 8 April 2020].

Although there are still areas of discussion which require further attention, scholars have recently drawn greater attention to the history of female non-lethal violence. This thesis has offered an original contribution to the literature by offering evidence from an underexplored region of the country during the late Victorian and Edwardian period. By following Cheltenham and Exeter female offenders through various stages of their offending pathways, it has demonstrated that their experiences, although by no means uniform, were affected by their positions as women. The behavioural expectations placed upon them had a profound impact not only on their actions but also on their court treatment and media portrayal: society, the law, the justice system and the media alike were entrenched in assumptions concerning appropriate female conduct, whereby violence was perpetrated, defined and handled within the parameters of what constituted as 'normal' and 'deviant' models of femininity. These assumptions came to guide women's experiences as they encountered interpersonal disputes, faced prosecutions and, ultimately, transitioned into their post-offending lives.

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