Morality for the masses:
the social significance of crime and punishment discourse in British broadsides, 1800-1850

KATE BATES

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Abstract

This thesis is a study of the sociological significance of crime and punishment discourse in early-nineteenth-century broadsides. Broadsides were a form of street literature and, for almost 300 years until the late nineteenth century, were a forerunner to our modern tabloid newspapers. As such, they were published on a wide range of topics, but by far the most prevalent were those covering violent crime, especially murder, and the public execution of criminals. The publication of this genre of broadside reached a peak in the first half of the nineteenth century and its popular appeal was greatest among the labouring poor. This has led several scholars to propose two prominent, yet contrasting, arguments: namely, that this 'gallows literature' should be read as either evidence of attempts at ideological social control or merely as a form of debased, sensationalistic entertainment. However, this thesis proposes that broadsides actually reveal ordinary people's thoughts and feelings about crime and criminal justice and, as such, reflect common moralities and mentalities. By presenting a detailed discourse analysis of 650 broadsides printed all over Britain between the years 1800-1850, this thesis provides an alternative interpretation as to the form, function and meaning of their narratives of crime. This interpretation is based upon the social theories of Emile Durkheim, who recognised the higher utility of crime and punishment as being one of social integration and the preservation of moral boundaries. The central argument of this thesis, therefore, is that broadsides relating to crime and punishment were a form of moral communication for the masses and that they are examples of how the working class once attempted to bolster a sense of stability and community, during the transitional years of the early nineteenth century, by effectively representing both a consolidation and celebration of their core values and beliefs.

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Abbreviations used in broadside referencing

A unique coding system has been used to identify broadsides throughout this study. When collating the broadside sample for discourse analysis each broadside was given its own identifier code. This code consisted of a letter abbreviation of the name of the digital collection from which the individual broadside came, followed by a number. To ensure consistency and ease of referencing, this system has also been adopted throughout the text, with the addition of the year of broadside publication. Thus, a citation of (JJ84 1812) indicates a broadside dated 1812 from the John Johnson Collection of Printed Ephemera at the Bodleian Library; (NLS181 1845) indicates a broadside dated 1845 from the National Library of Scotland's 'The Word on the Street' collection; and (GU4 1823) indicates a broadside dated 1823 from the special collection held at the library of Glasgow University. This referencing format continues in the bibliography where all listed broadsides begin with their unique identifier code followed by the date of publication in brackets, for example, JJ84 (1812); NLS181 (1845); GU4 (1823).

Declaration

This thesis began life as a 5,000 word research project submitted as an examinable component for the Open University course *A822: Crime and Policing in Europe since c.1750*, which was undertaken for my MA in Social Policy and Criminology awarded with distinction in December 2005. However, no significant portion of this thesis is a direct replication of that original project.

Acknowledgments

PART ONE:

HISTORY AND DISCOURSE

Illustration1.1: Broadside, Bodleian Library, University of Oxford, John Johnson Collection

Chapter One: Introduction - The Broadside Ballad: Themes and Interpretations

Introduction and Background

A broadside, dated January 10th 1832, tells of the trial and execution of Eliza Ross for the crime of murder (JJ243 1832 – see Illustration 1.1). It begins with a short prose account of the trial, recounting how 'the Old Bailey was crowded to hear the Proceedings of the day', and that the defendant, aged 38, 'appeared not to be effected [*sic*]' when charged with the wilful murder of Caroline Walsh, an 'old lady' aged 84 years. The particulars of the case are then set out, with the broadside focusing on the most important witness testimony against the defendant, which was that of her own 12-year-old son. The broadside describes how the mother turned and spoke to the boy as he was passing the dock but unfortunately the writer 'could not here [*sic*] what it was' that was said. This 'fine looking boy' then swore under oath that he and his father were both present in the room when his mother suffocated the victim and told how the old woman 'did not Struggle but her eyes nearly started from the Sockets'. On her son's evidence, Eliza Ross was found guilty and sentenced to hang, and the broadside includes a brief four line account of her execution and of how she was 'launched into eternity'. What then follows is a letter supposedly written by Eliza to her sister on the eve of her execution declaring that: 'the awful sentence, it is a just one. For the eye of the Lord see's [*sic*] and hears all things, as the crime of "Murder," is one of the darkest hue'. Eliza finishes by warning her sister and 'all others' to 'keep from bad company, for in keeping such has brought me to this dreadful end'. The broadside concludes with a 'mournful' copy of verses, written especially for the occasion of Eliza's execution, urging its readers to think of the awful crime she committed and the wretched punishment she suffered: 'Now justice did her overtake'. In addition to these texts the broadside is decorated with three woodcut illustrations: one being a portrait of a woman, presumably aiming to depict Eliza Ross; the second showing a woman being

hanged on a gallows surrounded by a crowd; and the third illustrates a penitent prisoner, chained to the wall of a prison cell but still managing to kneel before a chaplain who is preaching to him from the open bible in his hands.

This broadside is a 'classic' example of the genre that is the focus of this study. Broadsides were a form of street literature and, for almost 300 years until the mid-nineteenth century, they were printed and sold all over the country. They were published on a wide range of topics, from politics to royal scandals, but the most popular subjects covered by broadsides were undoubtedly related to crime and punishment, especially murders and executions. These accounts could run to several editions of a series of broadsides and would cover all aspects of the criminal justice process, from details of the crime scene, to the trial and verbatim transcriptions of murderers' last words as they faced the hangman. At first glance, such printed ephemera as these nineteenth-century broadsides may appear to be a 'trivial and peripheral' source for historical analysis (Andrews, 2007, p.434). For, being merely single sheets of paper, with print on only one side, this form of cheap literature would seem to be an aged version of our modern tabloid newspapers: cheap, throwaway and sensationalistic reading (Collinson, 1973). However, upon closer scrutiny, it is evident that a critical reading of broadsides provides 'a history of impulses, emotions, ideas and trends' (Shepard, 1973, p.109) and enables us to 'recapture the mental attitudes of a culture' (Gretton, 1980, p.22). Hence, the importance of such ephemera is not to be denied and increasingly historians are valuing the social and cultural evidence they provide (Andrews, 2007).

However, it is not only the specific narrative content or factual detail provided in any one particular broadside that affords so much opportunity for historical analysis but, more

importantly, it is the cumulative gleaning of the whole genre as equating to a 'printed lore' that 'found its way into the psyche of the masses' that provides a crucial insight (Shepard, 1973, p.109; Andrews, 2007). For broadsides were produced with the intention of being both accessible and affordable, costing the price of only one penny, and thus enabled a wide public consumption. As such, they clearly represent an early example of mass culture and reflect the general public's apparently enduring fascination with crime and punishment. Their popularity in the nineteenth century can certainly not be denied, as it is documented by contemporaries that they were produced in vast numbers. Even Henry Mayhew, the famed social investigator, was to note that one particular broadside, reporting the execution and confession of a notorious criminal, sold over two and a half million copies (Mayhew, 1861, p.284). Indeed, such was the voracious demand for every macabre detail of the latest serious crime that, by the early nineteenth century, each provincial town had its own organised network of broadside printers, pedlars and eager public.

The content of these broadsides therefore provides an opportunity to gather what the great majority of the general population in the early nineteenth century understood to be issues of crime and punishment. However, it is a specific view of the world, since it is known that the great majority of these broadsides were bought and read by the poor and uneducated masses (Neuberg, 1977; Shepard, 1962; O'Connell, 1999). This fact is an important focus for this research, as the content of broadsides was tailored quite deliberately for that specific audience and would often take the form of a moral tale. This has led many scholars to view these broadsides as merely 'entertainment with a rough edge', since not only did they feed the general public's apparently insatiable appetite for gruesome details of crime and punishment, but these simple tales of judicial vengeance could also subtly manipulate their readers' thoughts and actions (Shepard, 1973, p.127). However, it has also

been suggested that this prime focus on issues of criminal morality achieved a more specific purpose, namely, 'the triggering of associations and the arousal of emotions', since the reports and images circulated in terms of crime and punishment sought to affectively provoke their readers and, in doing so, expanded their ability to embrace certain complexities of the wider world (Gretton, 1980, p.20). This emphasis on the role of emotion in broadsides is at the very heart of this study and exactly which emotions were evoked and for what purpose will provide a focus for much of the discussion in later chapters of the thesis.

It is debatable, therefore, whether serious journalism was the main concern for either broadside authors or their readers and, although efforts were made to relay facts pertaining to individual cases and circumstances, often by 'cribbing' from local newspaper reports, broadsides, especially those recounting supposed last words and confessions, could frequently be nothing more than flights of imaginative fancy. Why then were they bought so avidly? Were they merely a form of morbid entertainment or did these coarse sheets of paper provide their readers with something more meaningful? One dominant and recurring theme of the genre certainly suggests the latter, as despite the apparent variety in style and specific content, what is eminently striking from reading these broadsides is their overall moralistic and commanding nature. It is evident that the producers of these broadsides would freely appoint themselves as moral guardians to their readers and would often produce works, fictional or otherwise, for the purpose of moral instruction. For example, one favoured theme was the criminal biography where the circumstances leading to an individual's descent into a life of crime would be described, in order to present the readers with a stark warning and to encourage them to improve their own moral conduct and to lead 'upright lives'. Indeed, it is a central contention of this thesis that this habitual

emphasis on morality must be of some social significance and therefore needs to be further explored.

Furthermore, it is perhaps ironic that broadsides were traditionally one of the few pieces of non-religious reading available to the poor (James, 1976), since their content was often rich in religious and biblical imagery and sentiment. For example, an emotive theme repeatedly alluded to in broadside content is the last dying speech or confession of the condemned criminal about to be executed. Within these speeches we typically find exhortations to renounce sin and embrace a Christian way of life and very often they will contain powerful reminders that God is a vengeful and omniscient judge. The standard lament usually portrays the misery and regret of the condemned, with prayers for forgiveness and heartfelt repentance being offered to both God and fellow man. Finally, there is often a strong emphasis on finding redemption and inner peace from both religion and the recognition that justice has been served. It is precisely this juxtaposition between earthly acts and spiritual salvation that gives the crime broadside genre its wider meaning, and this important interaction between religious and secular subject matter has been dominant throughout its long history (Shepard, 1962).

For the broadside was certainly not a nineteenth-century innovation and indeed the origins of the genre pre-dates that of even print itself, with the written broadside deriving from the traditional oral ballad of the fifteenth century. However, it was the coming of print that was to transform the broadside into a crucial element of popular culture and literature, which it was to remain throughout the sixteenth and seventeenth centuries (Neuberg, 1977). This was the first great era of the broadside ballad, but in the eighteenth century the genre momentarily lost its appeal. Curiously though, the broadside did not die out completely but

merely retreated 'before gathering its resources for its second and last great period at the opening of the nineteenth century' (Shepard, 1962, p.65). An important point to note when considering the 'longue durée' of the broadside is that they appear to have flourished at certain periods of history. They ebbed and flowed throughout four centuries, emerging in the sixteenth, thriving in the seventeenth, declining in the eighteenth, and finally resurging in the earlier nineteenth century. From this evolutionary chart it is noticeable that broadsides were most virulent during periods of social change and urban growth (Hopkin, 2002a) and, as Shepard (1962, p.34) suggests, broadsides were to become 'very much part of the folklore of cities'.

This was never more true than in the first half of the nineteenth century when the broadside genre adapted itself to the needs of a more industrialised populace. James (1976, p.39) notes that it was then that the broadside changed in character 'becoming realistic rather than romantic, concerned with common people and everyday affairs'. Neuberg (1977) also argues that the nineteenth-century street ballad can be distinguished from its predecessors, in that the former focused on topical news and events whereas the latter was more immersed in the older tradition of folklore. However, despite its modernisation the broadside ballad never forgot its roots completely and street literature as a whole has always been 'a great melting-pot of tradition and topicality' containing within its coarse pages 'the whole story of mankind, its ideals and achievements, its sins and follies' (Shepard, 1973, p.50). This is most apt of course when referring to those broadsides specifically covering crimes and punishments, but what was at the root of their long-term popularity and appeal? Neuberg (1977, p.139) notes that these murder sheets were clearly 'what the nineteenth-century public wanted', but was this just a crude form of

entertainment reflecting people's enduring fascination with crime and punishment or do these broadsides speak of something more?

An Historiography of Crime and Execution Broadsides

This very question has been at the heart of much academic deliberation and debate with regards to crime broadsides, and especially with those focusing primarily on the executions and 'last dying speeches' of condemned criminals. It is perhaps unsurprising that these scaffold texts, with their narratives loaded with admonitory themes of contrite criminals and vengeful justice, should have been interpreted by several historians as evidence of calculated and overt social control. First, Linebaugh (1977, p.264) states that 'the repenting tone and formula apologies' of those criminal confessions written by the Ordinary of Newgate primarily served to legitimate the 'bloody code' of capital hangings in the eighteenth century. Sharpe (1985) has identified a similar value in this type of literature by arguing that it was of obvious advantage to both religious and secular authorities, in that they portrayed to a wider audience the power of state authorised executions, which in reality were only witnessed by a few. Sharpe (1985, p.162) therefore suggests that broadsides 'must have played a vital role in spreading official ideas about crime and punishment, and about the whole nature of authority and disorder, down to the lower orders', and concludes that this 'suspiciously stereotyped' literature of the gallows represents a way in which the church and state 'designed the execution spectacle to articulate a particular set of values, inculcate a certain behavioural model and bolster a social order perceived as threatened' (Sharpe, 1985, p.148).

Although Sharpe's study was on last dying speeches printed in the seventeenth century, his central argument is comparable to that of Spierenburg (1984, p.59) who declares that the

existence of broadsides in late-eighteenth- and early-nineteenth-century Europe also 'contributed to the atmosphere of exemplarity-with-a-moral which was so dear to the authorities', during a period of history when stability of the state could not be guaranteed. By so publicly telling the story of the criminally condemned, Spierenburg (1984, p.55) contends that broadsides contributed to a much needed formal display of criminal justice and that this display served the interests of the authorities in that it 'warned potential transgressors of the law that criminal justice would be practised and it warned everyone to remember who practised it'. In essence then, broadsides, like the executions they dramatised, were a form of state repression and Spierenburg (1984) asserts that both were intended by the authorities to serve as an edifying example to the populace during a particularly unstable phase of state formation. This interpretation of crime broadsides as a manifestation of state power and a portrayal of the spectacle of suffering is further supported by Cooper (1974) who also argues that even those execution sheets printed later in Victorian England were equally didactic lessons of the scaffold and are to be viewed as important forms of state propaganda.

The utility of crime and execution broadsides for the dissemination of official authoritarian messages in society is further assumed by Chibnall (1980) who considers the social history of crime reporting, of which broadsides are important early examples. He argues that the function of crime journalism has always in part been the political control of the lower orders and that the ideological control disseminated through this type of print has been important in the establishment of 'a control culture suited to an emerging industrial capitalist economy' (Chibnall, 1980, p.179). In a similar vein, Davis (1983, p.47) claims that the main function of the early printed news ballads was not only to inform the illiterate lower classes of newsworthy events, such as murders, but also 'to preach religious

homilies to those considered most likely to commit violent acts'. He suggests that the frequency with which the early ballads featured criminals is significant in that they promoted a socially useful 'double discourse'. On the one hand, the criminal is an example of immorality and degeneration and his choices are 'to be avoided and his fate deplored'; on the other hand, the criminal becomes an example to be emulated as he is shown to repent of his past sinfulness and thus gains forgiveness and salvation (Davis, 1983, p.126). For Davis then, these popular accounts of criminal lives serve both as 'an example and a dis-example' and he contends that there is 'an apparently conservative, punitive, authorizing power' embedded within their narratives, which has 'an obvious constraining social function'(1983, pp.127-8).

There are, however, some major issues to be raised with all of the above accounts. In highlighting the overt social control function of broadsides, these historians fail to fully grasp the thorny questions of authorship and popularity of this literature. For, whilst it is acknowledged that in the early modern period broadsides were certainly used by the state to disseminate propaganda (O'Connell, 1999; Shepard, 1973) and could often be appropriated for more political and religious ends (Lake, 1994), the need for the authorities to utilise this particular form of literature in the nineteenth century was minimised by the development of other more advanced forms of print. This detail is also highlighted by Shaaber (1966) who clearly illustrates that, even before the advent of the newspaper, when the authorities wanted to spread information, they were more than capable of doing so using their own official proclamations and publications. Also, because the authorship of the great majority of broadsides is anonymous, it is often assumed that those covering subjects such as crimes and executions were, at the very least, akin to the semi-official publications produced by the Ordinaries of Newgate, but again can the same really be

implied for those produced in the nineteenth century? Were these publications controlled and censored by state officials then as before? These are important questions which this study will seek to address.

The final issue with the social control interpretation is that it tends to assume a passivity in the readers of these texts which is infinitely questionable, and an insight into why this is so is presented by, what would be for some, a rather surprising source. In his seminal work *Discipline and Punish*, Foucault (1991) argues that public executions are to be understood not only as judicial but also political rituals, in that they are ceremonies whereby power is made manifest, and that the very public nature of these punishments was planned as an exercise of terror and a form of ideological control. However, in his consideration of the gallows speeches that accompanied these executions, Foucault points to a more complex picture. He argues that these speeches were undoubtedly a rite of execution which could usefully legitimate this form of exemplary justice, but he questions whether this literature of crime can be viewed merely as 'a concerted programme of propaganda and moralization from above'(Foucault, 1991, p.67). The reason for this is the plain fact that 'these true stories of everyday history were received so avidly' by the lower classes and thus Foucault (1991, p.68), in recognising the active interest that readers took in broadsides, suggests that these texts can only be understood as 'two-sided discourses'. The point that Foucault makes is an important one and he successfully introduces the question of audience perception and participation into the social control debate. It is surprising therefore when self-proclaimed Foucauldian disciples apparently continue to dismiss the intricacy of his argument by declaring that, even in the mid-nineteenth century, broadsides had an ideological policing function and an intended monitory effect on their readers (Worthington, 2005).

If then, as Foucault suggests, there is more to crime and execution broadsides than one-sided and official social control, are there other possible interpretations as to their purported effects and function? Rawlings (1992) certainly seems to think there is and forcefully argues that biographical accounts of criminals were more than mere propaganda. Instead he suggests that a Gramscian perspective is more appropriate in unlocking these texts and claims that, like all other popular literature, they are 'an important site on which the struggle for hegemony takes place' (Rawlings, 1992, p.13). Anderson (1991, p.5) also favours Gramsci's concept of hegemony and argues that forms of popular mass culture were 'processes through which the economically and politically powerful members of society informally and not necessarily deliberately exercised their social, moral, and intellectual leadership'. In referring directly to the last dying speeches of murder and execution sheets, Anderson (1991, p.42) states that they were 'expressions of a widespread system of civilized values relating to religious belief and the virtues of work and self-discipline' and, as such, were an example of how social and moral authority could be wielded even in the most 'frivolous' form of popular literature. Anderson (1991, pp.5-6) is keen to point out that Gramscian hegemony is not social control *per se* but merely leadership, which has to rely upon actively negotiated consent to be effective. She therefore suggests that the working class of the mid-nineteenth century willingly chose to submit to 'socially restrictive values' in order to benefit from new cultural experiences and entertainments (Anderson, 1991, pp.177-8).

This hegemonic view of crime broadsides is as unsatisfactory as the more straightforward social control position and there are several reasons why. Firstly, despite its claims of 'negotiated consent', the inherent nature of hegemony implies that it is still the views and values of the powerful in society that are disseminated in broadsides, which are merely

'bought into' by readers of the lower orders. Although it does not claim that these 'civilising values' are in any way imposed in a tyrannical sense, this position still implies that broadside production and content was somehow controlled by those in social and moral authority in society, but there is ample contemporary evidence from the nineteenth century which firmly suggests that this, in fact, was not the case. Secondly, both Rawlings (1992) and Anderson (1991) muddy the waters by applying this theory to several distinct types of literature, not all of which comfortably fit the model. For example, Rawlings' (1992) focus was on eighteenth-century biographical pamphlets, not nineteenth-century broadsides, and he himself notes the distinction by acknowledging that, due to their higher price bracket and more sophisticated literary style, the main market for these criminal biographies was not the labouring but middling classes, which is the opposite for nineteenth-century broadsides. Also, Anderson's (1991) main point of interest was four illustrated weekly magazines published between 1830 and 1860 which, although aimed at a working-class clientele, espoused much more 'establishment' views than those expressed in street literature such as broadsides.

Another major issue is that Anderson (1991) implies that the readers of such material were willing to trade certain social values purely for the acquisition of entertainment. This is similar to Worthington's (2003, p.27) assertion that, in order to disseminate their covert disciplinary messages, 'broadsides had to entertain their audience, and did so in the case of the criminal narratives by including as much graphic detail of violent crime and equally violent punishment as possible'. Not only does this viewpoint insinuate that the working classes were easily duped, but it also promotes a myopic interpretation of broadside content, as any close reading of the genre will reveal that there is much more to them than salacious gore. For example, Martin *et al.* (2005) argue that broadside scholars need to

look beyond the first impression of shallow sensationalism in these texts and recognise them as culturally significant artefacts. However, Worthington is unfortunately not alone in preferring to focus on the sometimes graphic representations of violence in nineteenth-century broadsides. For example, Chassaigne (1999, p.40) suggests that far beyond their basic moralising and edifying purpose, crime broadsides reflect what their contemporary readers thought and felt about violence, even to the extent that they 'constituted and propagated a subculture where violence played a prominent part'. Crone (2012, p.30) also insists that the theme of violence in broadsides is significant, arguing that this form of popular 'entertainment' formed part of a celebratory 'culture of violence', which allowed their mainly plebeian readers to 'protest against the imposition of urban discipline' and thereby present a direct challenge to the emerging middle-class ideology of respectability, which is in direct contrast to Anderson's (1991) earlier argument. Crone (2012, p.110, p.267) thus asserts that violence was rebelliously reclaimed by the lower classes during the Victorian period, who clearly revelled in the 'vulgar and outrageous images of brutal murders' contained in broadsides, which ultimately provided their readers with 'an alternative and more suitable way to experience and even participate in violence'. Unfortunately, however, these readings of broadsides as a form of violent entertainment are as selective as previous attempts to uncover their inherent function and meaning, and quite evidently neglect to embrace the religious and didactic qualities which others have claimed were also of equal importance in this type of literature (Lake, 1993).

So far then, we have had academics interpret broadsides as social control, hegemony and violent entertainment, but there are a number of others who would question all of these analyses. Elkins (1980), for example, considers broadsides as 'the voice of the poor' and a medium through which the Victorian urban working classes communicated their social,

political and economic grievances. His study, however, focuses on the often satirical and bawdy political sheets produced in this period and he does not include broadsides that deal specifically with crime in his analysis. Whatley (2000) also reveals how Glasgow handloom weavers utilised the broadside format in protest of their working conditions in the 1820s, but he too only refers to actual ballad songs which were printed and sung by the workforce rather than crime broadsides *per se*. O'Brien (2008, p.22) however, does focus in particular on crime broadsides and indeed declares them to be 'inscriptions of class politics and interrogations of state discipline'. She argues that ballads often adopted 'a counter discursive stance' (2008, p.39) and argues that in reflecting working-class experience of poverty, policing and punishment these texts often 'posed challenges to class inflected ideologies of crime and invited reflections on the disciplinary power of the state' (2008, p.23). Curiously though, O'Brien (2008) proclaims that her interest is only in verse accounts included in broadsides, treating them as a form of 'street poetics', and quite deliberately therefore completely disregards any interrogation of their prose discourses. This favouring of the verse texts of broadsides, as opposed to their prose accounts, is one that is unaccountably adopted by a number of studies (Friedman, 1961; Bratton, 1975; Hepburn, 2000; Holloway and Black, 2006; Crone, 2012). For example, Crone (2012, p.110) states that verses are 'perhaps the most important feature on murder and execution broadsheets' without providing any explanation why and it is this unjustified bias towards broadside verse which appears only to result in an inconsistent reading of the genre as a whole. Not least when it is considered that with regards to the sample used for this particular thesis only 13% of the broadsides contained any form of verse at all.

If the review of the literature on broadsides has revealed nothing else thus far, it has certainly shown that this particular genre of popular literature is complex and multi-

layered, and that these texts can be read and interpreted in several distinct and conflicting ways. If this is true for academics studying them now it must also have been true for their more contemporary readers and several studies have shown that, regardless of their intended purpose or effect, the messages contained within broadsides were often mis-read or even deliberately inverted. McKenzie (2007, p.xvi), in her study of eighteenth-century Ordinary's Accounts, argues that criminal literature of this kind shared the 'semiotic instability' of public executions and reveals the extent to which criminals were often able to exploit the media of the last dying speech despite its semi-official nature. McKenzie (2007) states that these execution accounts would portray the condemned criminal as an 'Everyman' who could highlight disparities between the justice and religion of common men and God, and so in fact actually pose a much unwanted threat to the secular authorities. Smith (1996, p.236, p.241) similarly considers the 'narrative opportunities' that execution rituals provided for criminals, and argues that the 'pious performances' so avidly followed by popular audiences became an increasing concern for the authorities who were anxious that their disciplinarian agenda was not being effectively received and understood. However, both McKenzie (2007) and Smith (1996) base their findings mainly on execution discourses of the eighteenth century. Indeed McKenzie (2007) claims that the popularity of last dying speeches, and the criminal account genre in general, dramatically declined from the 1770s, never to be so popular again. This of course rather deftly ignores its significant resurgence, and possible difference, in the first half of the nineteenth century.

Despite a few claims then that crime broadsides could sometimes be rebelliously appropriated by criminals or the working class in general, the overall theme of the research thus far examined has been that broadsides are a vehicle for disseminating messages or propaganda down to the masses who read them; that they are officially or semi-officially

controlled, and thus have an overt or covert agenda; and that they are representative of the views of those who produce them and not necessarily those who receive them. There are, however, other scholars who have a completely different perspective of the genre and who argue that broadsides are, in fact, undoubtedly representative of much more popular mentalities. Gaskill (2003), for instance, disputes the claim that crime broadsides were a hegemonic process imposed from above and instead contends that they reflected the expectations and mentalities of their readers with regards to crime and justice and, as such, revealed their core values. Lake and Questier (1996, p.64) similarly argue that execution sheets and last dying speeches in particular were not 'a species of state-sponsored mind-control' but were instead a spontaneous reflection of the sheer amount of genuinely popular interest and attention which executions could provoke. Indeed, they reason persuasively that official control of 'such a variegated process of transmission' as broadsides, and the numerous ways in which they recounted such events as executions, would clearly have been impossible to achieve (Lake and Questier, 1996, pp.83-4). Rosenburg (2004, p.170) further elaborates on this theme by contending that crime and execution broadsides were an extension of ordinary people's desire to punish those who committed criminal offences and that they were in effect part of 'a convention laden, highly stylized practice of name-calling'. He also suggests that the traditional broadside emphasis of criminal justice being for God, not man, to dispense actually undermines rather than supports the notion of state power.

What these three studies begin to propose therefore is the notion that perhaps it is more appropriate to interpret broadsides as authentic expressions of the opinions, beliefs and concerns of the wider community. This is not a revolutionary idea however, for there is a long and continuing tradition in broadside scholarship which recognises that these texts

may be used as a key to unlock the history and culture of ordinary folk (Muir, 1965; Lloyd, 1967; Buchan, 1972; Preston and Preston 1995; Cowan, 2000a; Fumerton *et al.*, 2010). These studies treat broadsides, together with other forms of cheap print, as important cultural artefacts, especially for understanding the transmission of custom and folklore, in both rural and urban environments, and they remind us that: 'The popular traditions of common people do have a history which can be reimagined and traced' (Dugaw, 1995, p.15). Importantly for this thesis, this particular approach tends to link notions of popular culture to questions of tradition and traditional forms of life and thereby introduces a class dimension to the definition of the term 'popular' (Anderson, 1991; Hall, 1998). The study of popular culture therefore becomes the study of 'the culture of working people, the labouring classes and the poor' and there is a clear distinction to be made between the 'high culture' of patrician society and the customary culture of plebeian life, especially during the eighteenth and early nineteenth centuries (Hall, 1998, p.442; Anderson, 1991, p.8; Thompson, 1991, p.5). This is an important point to note because, although scholars have long debated the validity of various meanings of the term 'popular culture', warning against empty generalisations and its indiscriminate use, there does appear to be a consensus that, with regards to print culture at least, the term popular may legitimately describe distinctly working-class tastes during specific historical periods (Anderson, 1991; Thompson, 1991; Hall, 1998). For example, Anderson (1991, p.12) argues that in the early nineteenth century, popular culture was non-elitist and included forms being mainly of and for the working population; whereas by the mid-century a 'mass' culture was emerging, which incorporated 'an unprecedentedly numerous and socially diverse public'. The term mass culture therefore designates 'multiple social layers', as opposed to popular culture which may exclusively refer to the common cultural experience of the working class

specifically and this is how the concept may be understood throughout this thesis (Anderson, 1991, p.11).

So then, if social and cultural historians have been turning to cheap print in order to examine the popular attitudes and beliefs of working people, what are they able to tell us with regards to their common mentalities and moralities? Spufford (1981) and Watt (1991) both believe that much may be learned about the religious beliefs of ordinary people from a study of their ephemeral literature. Spufford (1981, p.197) argues that the sheer volume of cheap print published in the seventeenth century on the subject of religion strongly suggests that interest in it was 'not confined to a small minority' and that popular religious belief was an important social phenomenon not to be easily dismissed. Indeed, neither are the stories that they bought, since they reflected the social realities and aspirations of a 'humble literate audience' (Spufford, 1981, p.245). Watt (1991, p.326) also studied the 'godly' broadsides and chapbooks of the sixteenth and seventeenth centuries and claims that they reveal the moderate piety of 'a core of honest folk'. She argues that the majority of these forms of print 'operated largely outside the sphere of the church' and that they were bought by ordinary parishioners, mainly 'to satisfy needs which the reader might not necessarily have defined as 'religious'', for example, for inspiration and guidance in everyday life. As such, Watt (1991) maintains that cheap print was responsive to the mundane needs of common people, not any social or religious elite, and this point in particular is crucial for this thesis. However, it is unfortunate to note that that neither she nor Spufford (1981) extend their studies to include any cheap print specifically covering the subjects of crime and executions. In fact, Watt (1991, pp.108-9) rather disappointingly appears to dismiss this class of broadside as 'a source of gruesome entertainment and

collective disapprobation', but does concede that: 'Perhaps we should not be too narrow-minded about the potential audience for these seemingly indigestible offerings'.

One historian who does feel that crime and execution broadsides are worthy of study is Gatrell (1994) who features them heavily in his seminal study of public execution from the late eighteenth century until its abolition in 1868. He considers these plebeian texts as evidence of what 'humble people' felt, thought and wrote about hanging, and argues that those historians who insist on interpretations of either deference or resistance do not do justice to their 'multiform mentalities' (Gatrell, 1994, p.111). Crucially, Gatrell (1994) makes a clear distinction between the rough, bawdy ballads of the eighteenth century, which were full of anarchic bravado, and the later more moralistic execution sheets printed in the nineteenth. He is one of the few historians to recognise the proliferation of execution broadsides in the early nineteenth century and notes the irony of their growth in the exact period when the events they covered were on the decline. Gatrell (1994, p.171) argues that these later scaffold sheets were never as subversive as their earlier counterparts and that, despite their unashamed moralising and didactic nature, 'we are safe in presuming that their ethical and sentimental messages accorded with plebeian expectations'. However, despite his detailed analysis of them, Gatrell (1994, p.175) admits these broadsides still hold some 'mystery', especially with regards to their obvious popularity, for as he succinctly says: 'Read half a dozen and you have read them all'. His only suggestion for their wide appeal is that perhaps broadsides could be viewed as 'totemic artefacts' that symbolised and gave a much-needed moral meaning to the execution rituals that were witnessed and experienced by ordinary people (Gatrell, 1994, p.175).

Kalikoff (1986, p.9) agrees with Gatrell that broadsides were often 'tonally and stylistically similar' and also recognises that these accounts of criminals and their executions had a certain 'ritual quality' to them. However, she suggests that these tales, especially those relating to murder, served a specific psychological and social function for their nineteenth-century readers. Kalikoff (1986, p.15, p.19) believes that these moral fables were needed and valued by the public as 'expressions of relief' that repentance and restitution followed crime and that: 'The frantic, chaotic murders and ritualised executions of street literature reflect a resounding determination to punish criminals with the violence that characterises their attack on legal, sexual and moral authority'. Kalikoff is not alone in indentifying a special function for crime broadsides, as Vicinus (1974, p.15), in her study of working-class literature, also sees them as responding to 'a need within the poor themselves'. She explains that crime ballads and last dying speeches were not simply vicarious entertainments but instead provided those living in the slums of the city a means of managing and understanding the routine violence that they experienced in their own lives. So, instead of being celebratory of violence, as Crone (2012) has suggested, Vicinus (1974, p.18) informs us that these broadsides more realistically 'provided solace for those facing intolerable conditions', since they interpreted their daily concerns. In a similar vein, the easy dismissal of murder and execution broadsides as cheap gory entertainment has further been attacked by Wiltenburg (2004) who insists that it is emotion, not violent depravity, which is central to the reception of these crime reports, and this is an important point that will be revisited later.

Debates and Discrepancies

This review of the historiographical writings on broadsides has raised certain issues which need to be discussed and explored further. It is obvious that there have been various

approaches to the interpretation of broadsides and a number of debates have emerged as to their function, meaning and social significance. Overall, most existing works tend to fall into four categories, with some themes being more dominant in the literature than others. Firstly, the prevailing argument has been that of broadsides as a form of moralising official social control, whether that is of an overt punitive nature or of a more covert and benign form; secondly, there is the view that broadsides merely represent a form of entertainment, with violent, graphic, sensationalistic depictions predominating their discourse; thirdly, broadsides have been construed as employing a counter-discursive stance, providing opportunities for protest from those with dissident views, especially regarding the infliction of capital punishment; and lastly, there is the mentalités school, which understands broadsides as reflections and expressions of genuinely popular attitudes, values and beliefs. When summarised thus, it is clear that several paradoxes are revealed in the literature and inconsistencies and contradictions abound. How is it possible for broadsides to be resolutely dictatorial on the one hand, yet frivolously amusing on the other? How can broadsides be rebellious and conservative at the same time? Is it possible for them to reflect official and popular attitudes without negation? These are just some of the questions which still need to be answered.

One of the main reasons why there is so much apparent confusion and contradiction with regards to broadsides is because scholars tend to hone in on their own particular area, and era, of interest and, whilst these restrictions are often appropriate and necessary, they can also lead to only partial explanations of the genre as a whole. For example, we have seen that several academics have chosen to favour verse broadsides rather than prose accounts, while still others select only those discourses which highlight either didactic morality or graphic violence. In addition to this we have explanations which may be applicable to a

particular form of political or bawdy broadside, or other form of cheap print altogether, and not those relating to crime at all; or interpretations which may seem appropriate for the early modern period but are not as apposite for the nineteenth century, with its different social and political structures. These are confusions which need to be clarified and rectified. For instance, the authorship and readership of nineteenth-century broadsides are not necessarily the same as they were in the sixteenth and seventeenth centuries. Moreover, the people who wrote for broadside printers in the nineteenth century were not the same prison chaplains who wrote the earlier eighteenth-century Ordinary's Accounts. Indeed, even Linebaugh (2006, p.89) acknowledges that 'there is a tendency to overlook differences' between the 'last dying speeches' of the nineteenth century and this earlier incarnation. Furthermore, the more affluent and literate readers of criminal biographies and Newgate Calendars based in London were not necessarily those who bought the execution sheets hawked about the streets of towns and villages all over the kingdom. These are significant differences which need to be highlighted and explored.

The ensuing discrepancies in the historiography of broadsides mean that there is a lack of any account which satisfactorily explores those crime and execution broadsides printed and read in the early nineteenth century. To simply categorise these broadsides as either salacious entertainment or discipline imposed from above does both their readers and their content a disservice. For, as will be evidenced in this study, these small sheets are filled with details and discourse regarding criminality, law, punishment and morality which deserve to be analysed and exposed. For too long assumption as opposed to analysis has dominated the historiography of broadsides and it is now time to carefully examine what these sheets actually say about certain contemporary issues. For example, what do they tell us about early-nineteenth-century attitudes to murder or theft; or what people thought were

the causes of crime; or whether or not people supported the death penalty? Such an examination of broadside discourse is crucial to this thesis, as it is only when we, as modern scholars, know what broadsides actually say that we can begin to interpret their deeper meaning and social significance for contemporary readers.

It is a contention of this thesis therefore that, of all the explanations proffered by the historiography, the mentalités school affords the most insight and needs to be more fully explored. This perspective suggests that broadsides do not only impart official information or provide frivolous entertainments but denotes that they reflect instead the authentic values, attitudes and concerns of their readers. For if, as previously suggested, early modern broadsides replicated the genuinely popular religious beliefs of ordinary people (Spufford, 1981; Watt, 1991) and their similar desire and expectation to witness punishment meted out (Lake and Questier, 1996; Rosenburg, 2004), then why can the same not be assumed for nineteenth-century broadsides as well? Is it not equally as possible that these broadsides reveal not only a shared religious and social morality but also an active and popular support for punishment and justice? However, it is one thing to accept that broadsides can be read as signs of shared values and social consensus, but it is another to explain and understand why they seemed to have been so important for those who read them and at a particular period of history. What purpose and function did crime broadsides serve for their readers; what did they represent for them; and did they have any wider social significance in the first half of the nineteenth century? There are still many answers to be found.

A Durkheimian Theoretical Framework

One of the main reasons why the previous historiography of broadsides lacks any real explanatory power is the failure to ground any analysis in relevant social theory. Apart from the assumptions of social control or the application of the concept of hegemony, which have both been shown to be unsatisfactory, scholars of broadsides have struggled to find any other theoretical framework to support their judgements. This can partly be explained by the fact that the study of crime broadsides has largely been dominated by historians, as opposed to sociologists or criminologists, and this has traditionally been the same for the history of crime in general. It has been recognised that despite the inherent interdisciplinary nature of the subject 'there is comparatively little by way of arguing from ideological or theoretical positions' within the history of crime (Sharpe, 1988, p.124) and that, for many historians in general, theory often tends to be merely 'an afterthought' (Smith, 2008, p.7). However, there are welcome signs that this is slowly beginning to change and that crime historians especially are recognising the need to 'more meaningfully interact with sociological enquiry' (Godfrey and Lawrence, 2005, p.167). This is mainly because crime history of all histories cannot be left as the sole preserve of historians, for as Harrison (2004, p.143) suggests, once they more fully began to investigate such social matters as crime and deviance 'it seemed foolish not to consider what social scientists had to say about the same topics'. Indeed, much modern crime history research increasingly engages with the historical theses of major social theorists, and one of the most prominent of these is Emile Durkheim (1858-1917) (Godfrey *et al.*, 2003).

It is perhaps not surprising that the work of Durkheim is able to bridge the gap between history and social theory, as it is well known that this founding father of sociology was well acquainted with history himself, having not only studied it, but also frequently using

historical materials as the basis of several of his works (Harrison, 2004; Burke, 2005). Indeed, Bellah (1959) attests to the significance of history in Durkheim's work and the fact that he thought the two disciplines were in many ways indivisible. Durkheim's easy integration of historical fact and sociological theory may also explain why it is not unusual for historians to instinctively rely upon many of his concepts, especially when analysing periods of social transition and instability (Stedman Jones, 1983; Emsley, 2010). However, it is unfortunate that, although many have been evidently influenced by Durkheim's work, he often fails to be openly acknowledged or indeed even fleetingly referred to (Smith and Alexander, 2005). Indeed, it is becoming increasingly evident, especially in the history of crime and punishment, that there is a growing body of work that 'somehow fails to make the necessary intellectual connections' between their historical analyses and the social theories of Durkheim (Smith, 2008, p.22). This is true of even some of the most influential works in this particular field, for example Spierenburg (1984), Gatrell (1994) and Wiener (1990).

With regards to the historiography of broadsides, there is only one relevant work which makes direct reference to Durkheim, and that is Faller's (1987) study of criminal biography in the seventeenth and eighteenth centuries. Faller uses an aspect of Durkheimian theory to explore the significance of two particular forms of crime myth contained in this type of popular literature and argues that these depictions of criminal lives served a specific cultural function. The first myth is that of the 'criminal cum sinner', which depicts the rogue thief and highwayman as a criminal to be feared and despised; the second is that of the 'criminal as sinner turned saint', which has as the leading character the penitent murderer who wishes for death in order that he can atone for his heinous crime. Both these myths, Faller (1987) argues, contributed to a sense of social solidarity for their readers, as

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they were given an occasion to feel more keenly their own goodness and shared morality. However, Faller (1987, p.113) then proceeds to claim that this enhanced social bond and sense of moral worth was merely 'a neat device' which gave the predominately middle-class readers of these pamphlets an excuse to feel no guilt about the hanging of criminals. This is a disappointing interpretation of some of Durkheim's most relevant concepts regarding the possible social significance of crime narratives and only succeeds in introducing an element of class conflict and false consciousness that has no place at all in Durkheim's original theories.

Despite Faller's rather crude and cynical use of Durkheimian concepts he is, however, to be applauded for recognising that the work of the great French sociologist is worth revisiting. For the longest time Durkheim has been neglected and has, even for criminologists, been regarded as 'one of the busts on the mantel of the formerly important' (Smith, 2008, p.13). It has been argued that the main reason for this neglect has been 'the debilitating legacy of functionalism' and that few academics are able to look beyond Durkheim's most famous work *The Division of Labor* for any insights into crime and society, yet his later works such as *The Elementary Forms of Religious Life* also have significant contributions to make (Smith, 2008, p.23). In many ways, Durkheim has fallen victim to his own success, for his influence on generations of sociologists and criminologists is well known, but as Bellah (1959, p. 449) laments 'what is perhaps less well known is his equally profound influence on cultural history'. For whilst there have always been a few 'isolated pioneers' continuing his legacy, it has only been in the last few decades that a major shift towards cultural analysis as a whole has led to Durkheim's work being seen in a new light by a growing number of academics (Smith and Alexander, 1996, p.587). Indeed, it has been argued that 'the cultural turn owes everything to Durkheim'

(Smith and Alexander, 2005, p.12) and this is due to a revival of interest in his work on ritual, discourse and meaning.

For example, one specific school of historical thought, the mentalités approach, has drawn particular inspiration from the ideas of Durkheim, focusing as it does on states of mind, beliefs, superstitions and values (Black and MacRaild, 2000, p.158). Durkheim began to work on these profoundly cultural concepts as early as the 1890s and his ideas had a significant influence, whether directly or indirectly, on scholars who are now recognised as leaders in the field of contemporary cultural theory, such as Mary Douglas, Victor Turner and Clifford Geertz (Hunt, 1989; Smith and Alexander, 2005). All of these scholars have built upon Durkheim's legacy and have expounded theories whose 'lineage' clearly extends back to him, focusing as they do on rituals and the symbolic maintenance of cultural boundaries (Smith and Alexander, 2005, pp.10-1; Joyce, 1991). Indeed, any sociologist familiar with the Annales school paradigm, from which much modern cultural history derived, would instantly recognise this Durkheimian inheritance, since it emphasised 'serial, functional, and structural approaches to understanding society as a total, integrated organism' (Hunt, 1989, p.2). It is a shame therefore that even proponents of the new cultural history, such as Hunt (1989), fail to recognise the debt they owe Durkheim and omit him from their family tree. However, this lack of 'a unity of perspective between disciplines' is not unusual in academia, 'since the parameters of different disciplines are based on individual agendas of research leading to end analysis and conclusions appropriate to those disciplines' (Rowbotham and Stevenson, 2003a, p.1). Importantly for this thesis however, Moretti (1988, p.6) has argued that one area of study in particular that benefits from the conscious merging of academic disciplines is the critical analysis of popular cultural texts or what he terms 'a sociology of rhetorical forms'. This is

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because, for Moretti (1988, p.2 – italics in original), all texts are in essence historical products written 'in order to satisfy specifically *social* requirements' and therefore the interpretation of any literary genre should begin with an understanding of its socio-historical context; for only then can we 'reconstruct the literary system of the past with great theoretical precision and historical fidelity' (Moretti, 1988, p.16).

With regards to the history of crime there has also been a significant shift towards cultural analysis and more historians are beginning to argue for the recognition that criminal justice and law have 'an inescapably subjective or sociocultural dimension' (Wiener, 1990, p.7). This 'cultural turn' has been influential in directing historians' attention towards the changing social meanings and contexts of crime, especially with regards to interpersonal violence, and has resulted in 'one common denominator' in current research being 'an interest in meaning and symbolic representation' (Wood, 2007, p.80; Wood, 2011). It is perhaps surprising therefore that this change in evidential focus and methodology had led several prominent crime historians to critique the relevance and applicability of Durkheimian theory to their work. For example, it is traditional for crime historians studying trends in aggregate rates of crime and violence, especially murder and suicide, to make passing reference to Durkheim's work in this particular area, as it is well known that he was interested in the form and function of crime as an indicator of social change (see for example Monkkonen, 2002 and Spierenburg, 2008). However, these scholars tend to limit their use of Durkheim's work to an understanding of statistical analysis only, preferring instead to leave any relevant theoretical insights into the quantitative decline of violent crime and murder over the centuries to the 'civilising process' proposed by Elias (2000) (see for example Wood, 2004 and Spierenburg, 2008). This is unfortunate since, as this thesis will reveal, Durkheim has much more to say on this particular subject than they give

him credit for. Similarly, Durkheim is also short-changed due to a limited understanding or myopic view of his sociological perspective. For example, it is often assumed, as Wood (2007, 2011, p.492) argues, that sociologically-inspired theoretical approaches to cultural history place too much emphasis upon external structural forces and broad social trends with regards to crime and violence and therefore 'pay insufficient attention to individual motives' and 'too often downplay the active role of individuals' in both the creation of society and culture. This criticism is misplaced however with regards to Durkheim, since any true scholar of his work knows that Durkheim was 'passionately attached' to the autonomy of the individual and that the central focus of his lifework was to highlight how community and culture could fulfil an individual's social, psychological and moral needs (Coser, 1984, p.xiii). It is evident therefore that those who continue to question the utility of a Durkheimian theoretical framework with regards to histories of crime are regrettably failing to take account of the extent and complexity of his total body of work.

There is however one topic of crime history in particular that has benefitted from a Durkheimian inspired cultural focus and that is what Garland (1983, p.37) terms 'the sociology of punishment'. Garland, notably a sociologist rather than an historian, has been one of Durkheim's greatest advocates in recent years and has written extensively on the importance of his theories for any social or historical investigation of punishment (Garland, 1983, 1990a, 1990b, 1999, 2006). One of the main reasons for this is that Durkheim offers a persuasive alternative to the traditionally dominant Marxist and Foucauldian positions that punishment is essentially about power and social control. Instead Durkheim recognises that punishment has a wider social significance and that it is laden with more popular values, emotions and meanings. Garland (1990b, p.1) suggests that a Durkheimian view of penality offers a far greater insight than conflict approaches,

for it acknowledges 'the nature of punishment's social support and its cultural significance'. By recognising that 'criminal laws and penal institutions usually encapsulate moral values and sensibilities that are widely shared', Garland (1990b, p.2, p.46) argues that the work of Emile Durkheim 'opens up new and important questions concerning the semiotics of punishment'. It is this focus on the semiotics of punishment which makes the work of Durkheim an appropriate theoretical framework for this thesis. For Durkheim, punishment is a deeply expressive and emotional act which communicates collective outrage in response to violated social values and moral norms. One of the main functions of punishment is to display the strength of feeling behind these violated sentiments and the way it does this is through its diverse penal symbols and rituals. For Durkheim, penal rituals are 'a means of representing and reinforcing a morality that already exists' and therefore the ceremonies surrounding the trials and executions of criminals 'form the focus for the diffuse concerns, anxieties and emotions that constitute the public temper in regard to crime' (Garland, 1999, p.32). Garland recognises that the mass media plays a crucial role in penality's communicative process and argues that the 'archaic ritual' of publically condemning and punishing criminals still has resonance for contemporary society (1999, p.35). He suggests that, in order to more fully understand the social meanings inherent in punishment and its more communicative aspects, our attention should be drawn to its 'more public and declaratory practices', and Garland recognises that in the past these would have included crime and execution broadsides (1990b, p.254). Indeed, he further argues that any cultural analysis of punishment that focuses its attention on such discursive texts as broadsides 'makes good sense', as 'the best clues to the perceptions or beliefs or feelings that support a practice are often found in the elaborated discourses or depictions associated with it' (Garland, 2006, p.427).

Thesis Aims and Outline

It is therefore a central aim of this thesis to rescue the crime broadside, and its readers, from 'the enormous condescension of posterity' (Thompson, 1980, p.12). It will do this by marrying historical investigation with sociological theory, and will highlight how the two seamlessly meet in the cultural works of Emile Durkheim. For, it has been argued that the mentalités approach in history has three main features and these are: that it emphasises collective attitudes; that it is concerned with highlighting 'unconscious assumptions and everyday thought'; and that, finally, it focuses on 'the structure of belief' (Black and MacRaild, 2000, p.115). These are also what any Durkheimian scholar would recognise as three of Durkheim's main concerns and concepts, namely, collective representations, the collective conscience, and the importance of ritual and morality in everyday life. This thesis will therefore utilise these mutual concepts to show that, far from being a form of ideology imposed from above, these crime broadsides from the nineteenth century are, in contrast, evidence of collective mentalities widely shared. It will adopt the position championed by E.P. Thompson (1980, p.8) and other cultural historians that the working class 'was present at its own making' and that broadsides, as an independent form of popular culture, are evidence of how they expressed and shared their core values, concerns and beliefs. In addition, this thesis aims to show that nineteenth-century broadsides, in focusing so predominantly on the topics of crime and punishment, were not just a form of frivolous and salacious entertainment, but rather that this is evidence that they were invested with greater meaning and infused with significant emotion, which culminated in manifest popular support for the workings of contemporary criminal justice.

Consequently, this thesis will take the following form. Due to the explicit and inherent interdisciplinary nature of this thesis, its content naturally falls into two substantive parts.

Part one examines the social history and structural discourse of the broadsides themselves, whereas part two applies sociological insight and provides their theoretical analysis. For example, the next chapter will describe and discuss the methodology used to achieve the research aims and will also present some preliminary statistical findings from the broadside study, such as details about the types of crimes, criminals and victims featured in the sample content. Chapter three will then investigate in detail the social and historical context of early-nineteenth-century crime and execution broadsides. The main aim will be to challenge the assumption that these broadsides are evidence of state-authorised social control by investigating who actually wrote, produced and distributed them. This chapter will therefore look in detail at the nineteenth-century broadside trade and in particular focus on the printers, authors and sellers of crime broadsides. It will also examine the readers of broadsides and chart the immense popularity and impact broadsides had in the early part of the century. Issues such as working-class literacy, competition between broadsides and newspapers, and middle-class attitudes to broadsides will be discussed. The central argument will be that broadsides can be viewed as authentically working-class and, therefore, representative of their values and beliefs. Having thus established that broadsides are fundamentally a form of working-class culture, chapter four will subsequently focus in detail on what broadsides can tell us about early-nineteenth-century working-class attitudes to crime, law, morality and punishment. The main evidence from a discourse analysis conducted on 650 broadsides will be presented and several distinct categories revealing contemporary perceptions of criminal justice will be discussed. For example, broadside evidence regarding public attitudes to execution will be given especial focus. Overall, it will be argued that broadside discourse reveals widespread popular support for criminal justice and that the working classes also experienced great anxiety regarding crime and disorder in society. It will be argued that this therefore necessitates a

shift in the interpretation of broadsides, since close analysis reveals that their content embodies popular mentalities more often than state agendas.

Part two of the thesis then begins with chapter five, which will build and reflect upon some of the major themes and theoretical implications raised by the previous findings and will thereby seek to challenge the more traditional interpretations of crime and execution broadsides. It will achieve this by making specific reference to three main areas of academic controversy, namely: the existence of popular punitivism; the nature of social control; and the question of class. This chapter will engage with the academic debates which currently exist regarding each of these and will argue that an understanding of broadside discourse calls for a promotion of the concept of consensus over those of conflict and control. Following this, it falls to chapter six to begin to explain the social significance of early-nineteenth-century crime and execution broadsides by providing such a consensus interpretation of their content. It will by now have been shown that there is more meaning inherent in this cheap literature than mere entertainment or social control and the main aim here will be to suggest a more apposite interpretation of the role and function of broadsides for their readers. This will be based upon the social theories of Emile Durkheim who recognised the higher utility of crime and punishment as being one of social integration and the preservation of moral boundaries. Moreover, Durkheim insisted that crime and its punishment achieved this latent function most effectively when widely publicised and shared emotionally by a community. With regards to broadsides therefore, it will be argued that there are several concepts in Durkheim's work that can bring more insight into their social meaning and importance; not least his claim that punishment is the symbolic affirmation of societal values and that its practice and publicity is nothing more than a meaningful demonstration of a community's collective denunciation of crime.

Chapter seven will continue to justify the strength of a Durkheimian interpretation of nineteenth-century crime and execution broadsides by providing further evidence from modern sociological and criminological research into the form and function of crime narratives. These have been widely recognised as a form of social and emotional ritual, which express and codify shared values and beliefs regarding crime and morality. In doing so, crime narratives fulfil a psychosocial need and provide emotional security in the face of anxiety and disturbance. Crime narratives have been shown to have a long history, developing from primitive myth and folklore to modern news and crime fiction. However, despite their various forms, what has remained central to these human interest stories is their ability to socially integrate and contribute a sense of moral communitas. This chapter will therefore argue that it was no coincidence that broadside publication peaked during the first half of the nineteenth century, as this was a period of violent transition and severe social strain. The disintegrating forces of industrialisation and urbanisation were at their most destructive then but, by the middle of the century, society had slowly adapted to the crisis and a period of stability and consensus was reached. This thesis therefore contends that early-nineteenth-century crime and execution broadsides played their part in this social integration by affording the working class a means to bolster a sense of security and society. For in a world of social disorder and moral distance, these public declarations of punishment and morality, in their own small way, helped to consolidate an emerging community by commemorating their collective core values.

Chapter Two: Methodology and Statistical Evidence – An Overview of Key Findings

Introduction

This thesis offers an insight into the distinctive content of early-nineteenth-century broadsides covering the topics of crime and executions. It is based upon the detailed analysis of 650 broadsides, which were taken from three different collections: 324 broadsides were taken from the John Johnson Collection of Printed Ephemera held at the Bodleian Library at Oxford University; 316 were taken from the National Library of Scotland's 'The Word on the Street' collection; and 10 were taken from a Special Collection on 'The History of Crime and Punishment in Britain 1790 – 1870' held at the University of Glasgow. All of the broadsides used are digitised copies and available for download online and the two main collections accessed, the John Johnson and National Library of Scotland, have fully searchable indexes under various subject categories (see bibliography for full details). Ease of accessibility, via digitisation, was one of the main reasons why these particular collections were chosen, but another was the fact that these data sets, taken together, provide broadsides which cover the whole of Britain and not just one limited geographical area. The search criteria used for including these broadsides in the data sample were that they fell in the time period of 1800 to 1850 and had contents relating to crime, murder, last words and executions. This particular fifty year period was chosen as a focus for study for the main reason that this was the period when broadside production was known to have peaked, but by the mid-century they had once again declined in popularity (Shepard, 1962; Shepard, 1973; Neuberg, 1977).

When the data search was conducted in January 2009, all of the broadsides accessed were included in the research sample, which would be impossible now as the digitised collections, especially the John Johnson, have grown exponentially. It was considered

important, however, that this research be based upon such a large sample of broadsides, since other studies previously mentioned in the historiography have based their findings on only a relatively small selection, for example, a total of 55 (Chassaigne, 1999, p.23) or 124 (Crone, 2012, p.100). In addition, such samples can often be limited to one particular locality, primarily London (Crone, 2012), and therefore fail to take account of the nationwide broadside trade. Other studies have failed to clearly cite details of their source materials at all (O'Brien, 2008), but merely state that due to their ephemeral nature, broadsides as a resource are scarce commodities (Worthington, 2003). This general lack of clarity and scale with regards to sampling is unsatisfactory, as it has often resulted in broad generalisations and unfounded assumptions being made as to broadside content. In order to combat this, this thesis had to be grounded in the analysis of as wide a range of broadsides as possible and it was equally important that all aspects of their content, whether verse or prose, should be consistently and methodically examined.

It should be noted however that no analysis of visual imagery contained in broadsides (more specifically their woodcut illustrations) is included in this study. Two reasons support this decision: firstly, only 19% of the broadside sample contained any form of decorative illustration at all, suggesting that textual discourses of broadsides are by far their most important feature and, hence, due close analysis; and secondly, other studies of broadsides have taken woodcut imagery and the gallows emblem as their sole or main focus, with the consequence that these illustrations are far from overlooked or in need of further study (see for example, Gretton, 1980; Gatrell, 1994; Crone, 2012). Similarly, this thesis does not present a full descriptive account of the actual crime events featured in every single broadside cited, although data from each one sampled has necessarily been included in the overall analysis. Again, there are two reasons supporting this rationale:

firstly, the large size of the sample (650) together with the length constraint of a thesis, both preclude a detailed description of each and every crime or execution, criminal or victim; secondly, the aim of this research was neither to provide an edited volume collection of broadsides, nor an encyclopaedic reference work, but instead to produce a sociological study of their overall form, function and meaning, based upon an interpretation of a particular genre's collective content.

This research was therefore conducted by using discourse analysis. This particular research approach was considered the most appropriate because it focuses upon texts as a primary data source and on 'acts of communication in context' (Redman, 1999, p.96). A discourse refers to 'a set of meanings, metaphors, representations, images, stories, statements and so on that in some way together produce a particular version of events' (Burr, 1995, p.32) and, as such, an analysis of those contained within broadsides not only offers a practical method for the 'interrogation' of these historical documents (Harrison *et al.*, 2004, p. 30) but it also provides a link with the chosen theoretical framework of this thesis. For example, the study of these broadsides aims not only to identify particular narratives but also seeks to reveal how these texts made sense 'within the cultural way of life of those interpreting them' and to understand how they produced meaning in their everyday lives (Smith, 1998, p.240). It is a contention of this thesis that broadsides are to be read as a form of cultural communication and that an analysis of their semiotic content is therefore directly concerned with how people used them as 'social and communicative resources in order to generate discourse and to act socially' (Redman, 1999, p.97). A key idea of discourse analysis is that discourses 'create boundaries around what is seen to exist, to be true or to be worth saying or knowing' (Gerwitz, 2000, p.90) and so a main aim of this research is not only to discover what contemporary nineteenth-century broadside producers

and readers perceived to be 'worth saying or knowing' about crime and punishment, but also to attempt to understand how these social texts can be interpreted 'as speech acts, and analysed according to their practical function' (Schöttler, 1989, p.44).

Discourse analysis has been defined as 'the analysis of a piece of text in order to reveal the discourses operating within it or the linguistic and rhetorical devices that are used in its construction' (Burr, 1995, p.128). Though this definition is deceptively simplistic, as a research method, Schöttler (1989, p.54, p.43) claims that discourse analysis is consciously utilised by 'only a small proportion of historians', who often prefer to view it in more general terms only as 'archive reading', but he suggests that if the discipline as a whole continues to focus on aspects of mentalité and culture then it is a social science research method that should be more rigorously adopted and applied. For discourse analysis is a most apposite method of historical inquiry as it aims 'to consider discourses not only in terms of the external circumstances in which they arise but seeks to trace contexts and discursive strategies in the material itself by examining the developments of themes' (Schöttler, 1989, pp.43-4). However, the 'doing' of discourse analysis raises some issues, as it presents to a researcher no one particular method or applicable technique but should be considered instead as 'an approach to research' (Burr, 1995, p.112). Burr (1995, p.112-3) explains that discourse analysis is not like the majority of traditional social science research methods as it cannot be described in 'recipe-like' terms and that guidance on discourse analysis methods fall short of concrete instructions since the inherent nature of it is 'subjective and interpretive'. The aim of discourse analysis therefore is to provide only one unique account or interpretation of any text and so '[T]he question becomes not how truthful this account is, but how useful it may be in understanding' the text in question (Burr, 1995, p.119). Although some scholars may argue that such a subjective

representation of 'truth' may shed little illumination on actual lived reality or practice, Lacey et al (2003, p.6) show that even something as prescriptive as the criminal law can be subject to multiple interpretations with regards to its social meaning. It is important, therefore, to counter subjective readings of texts and materials with 'careful historical interpretation' in order to 'reveal the social insight lurking within what appears a conceptual truism, and illuminate that social 'truth' as relative to a particular period' in the development of criminal justice, and this is what this study aims to achieve regarding the social significance of early-nineteenth-century crime and execution broadsides.

Although discourse analysis is a term which covers a wide variety of research practices, one approach that is especially useful and which has been applied to the study of broadsides in this thesis is deconstruction, which refers to 'attempts to take apart texts and see how they are constructed in such a way as to present particular images of people and their actions' (Burr, 1995, p.113). The key to unlocking any text in the practice of deconstruction is the identification of core words, concepts, themes and tropes within it. Evidently the deconstruction of one broadside would be a simple enough process, but in order to highlight the central themes and concepts of 650 of them, a consistent system of analysis had to be created for this research. In order to do this an initial pilot study was conducted using an approximate 5% sample of the broadsides (34 in total). This allowed for the identification of the core categories for the broadsides' content and from this a coding sheet was then designed to enable the main data collection (see Appendix). From this coding sheet a database was then constructed and implemented using Microsoft Access. The main data collection was then conducted whereby each of the 650 broadsides had a coding sheet complied, in order to collate their content, and this data was then manually entered into the database. Once the data was collected from all 650 broadsides,

the database was then used to isolate the content of each separate coding category and then these were once again individually deconstructed in order to identify emerging themes and concepts within their specific narratives.

This detailed method of analysis has produced a wealth of information from the broadside content and the results will evidently form the basis of the thesis as a whole, especially with regards to contemporary discourses about crime, law, morality and punishment. However, in addition to these main findings, which will be fully discussed in chapter four, the analysis of the sample broadside content also revealed more factual details relating to the broadsides themselves and the crimes, criminals and victims they depicted. These will be considered now in the rest of this chapter. However, a word of caution must be given as to the data presented. It has to be remembered that these broadsides, and the information they contain, are not formal court or criminal records and therefore cannot necessarily be relied upon to be 'fact' in the true sense of the word (indeed, conversely the same would normally be argued for any 'official' statistics regarding crime – see for example Maguire (2012)). Undeniably, broadside content was selected and presented by individuals who had their own specific interests and agendas which, as we shall see in the next chapter, were primarily commercial. Nevertheless, the discourse and information contained within these crime broadsides are products of a process termed 'intertextuality', whereby 'true' knowledge is 'inextricably linked' with wider social discourses and, more importantly for this particular study, people's perceptions of reality (Leps, 1992, pp.3-6). For, it must be noted that 'broadsides were not produced in a vacuum; they both reflected and fed into a particular social, cultural and political context' (Hopkin, 2002b, para. 9 of 9), and it is

precisely because broadsides would have helped to form the attitudes and perceptions of their contemporary readers with regards to crime and criminal justice that they are such a valuable source for this study.

Date and Place of Broadside Publication

Figure 2.1 depicts the dates of publication for all 650 broadsides in the sample. Despite the fact that the date of publication was often not always printed on the broadside itself, it was still possible to date the publication by several other means, such as: other broadsides relating to the same case; Old Bailey records; execution records; and book trade indexes. When dating broadsides from the latter, only the first date given for a particular printer's period of production activity was counted for the data in Figure 2.1. When considering the dates of publication overall, it is clear that the peak of broadside printing was the 1820s and early 1830s. It is also evident that the level of broadside production for particular years reflected contemporary moral panics regarding individual crimes. For example, in 1830 a particularly gruesome rape and murder occurred in Gilmerton near Edinburgh, which resulted in a flurry of broadsides being produced and this case, together with the crimes of Burke and Hare in 1827-8, dominate the National Library of Scotland collection.

Map 2.1 indicates the places where the broadsides in the sample were printed. Only a small minority of the broadsides contained no printer information, with the majority providing at least the printer's last name and town of residence. From the map, it is apparent that the broadsides in this sample were produced in locales covering the length and breadth of the country. However, there were four main printing hubs that dominate: Edinburgh; Glasgow; Newcastle; and London, and these cities are recognised as the largest producers of

broadsides in the early nineteenth century (King, 1987; Day and Watson, 1990; McNaughtan, 1990; O'Connell, 1999). Each of these hubs had several printers all active in broadside production, with some making crime, trial and execution coverage their specialism, for example, John Muir in Glasgow; James Catnach in London; John Marshall in Newcastle; and Forbes and Owen in Edinburgh. These printers and the broadside trade in general will be investigated in more detail in the next chapter.
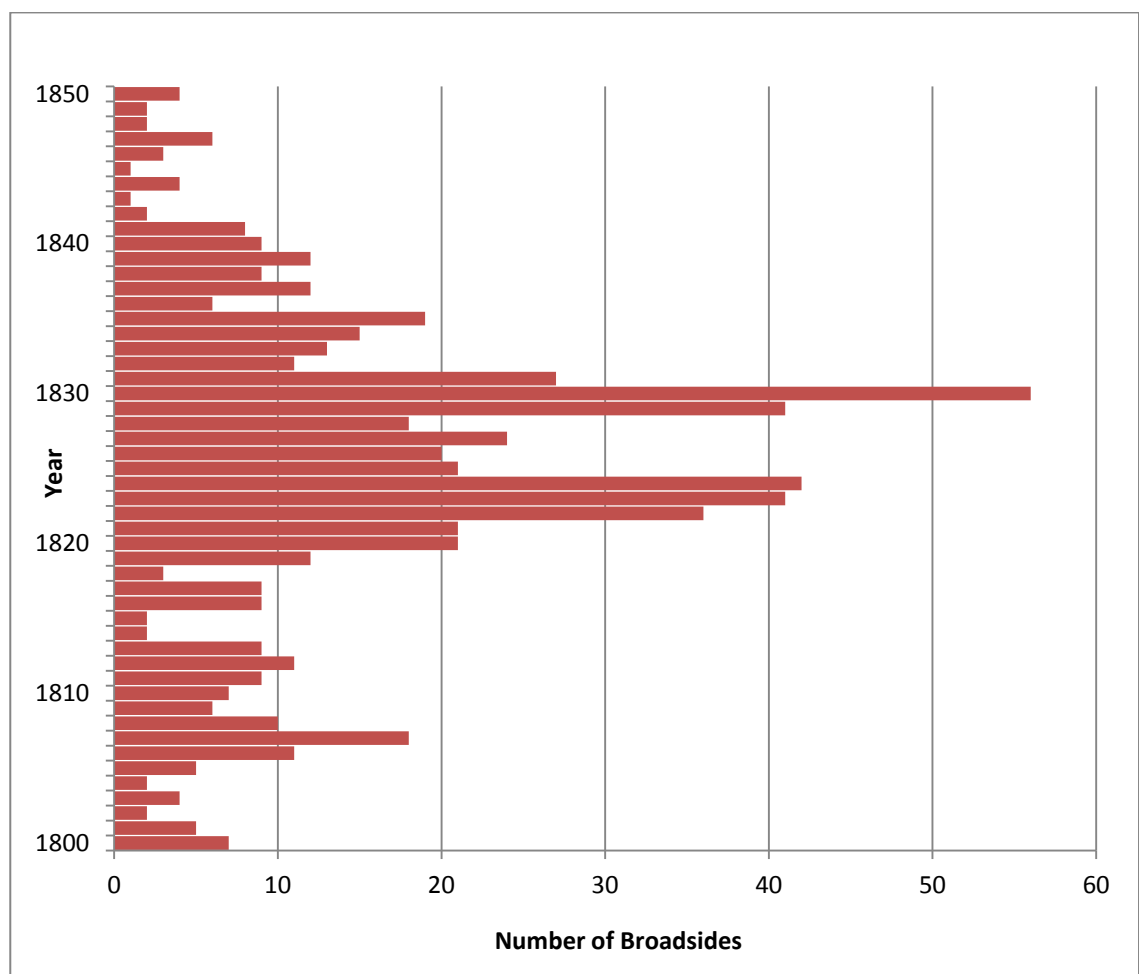
Figure 2.1: Date of broadside publication.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.
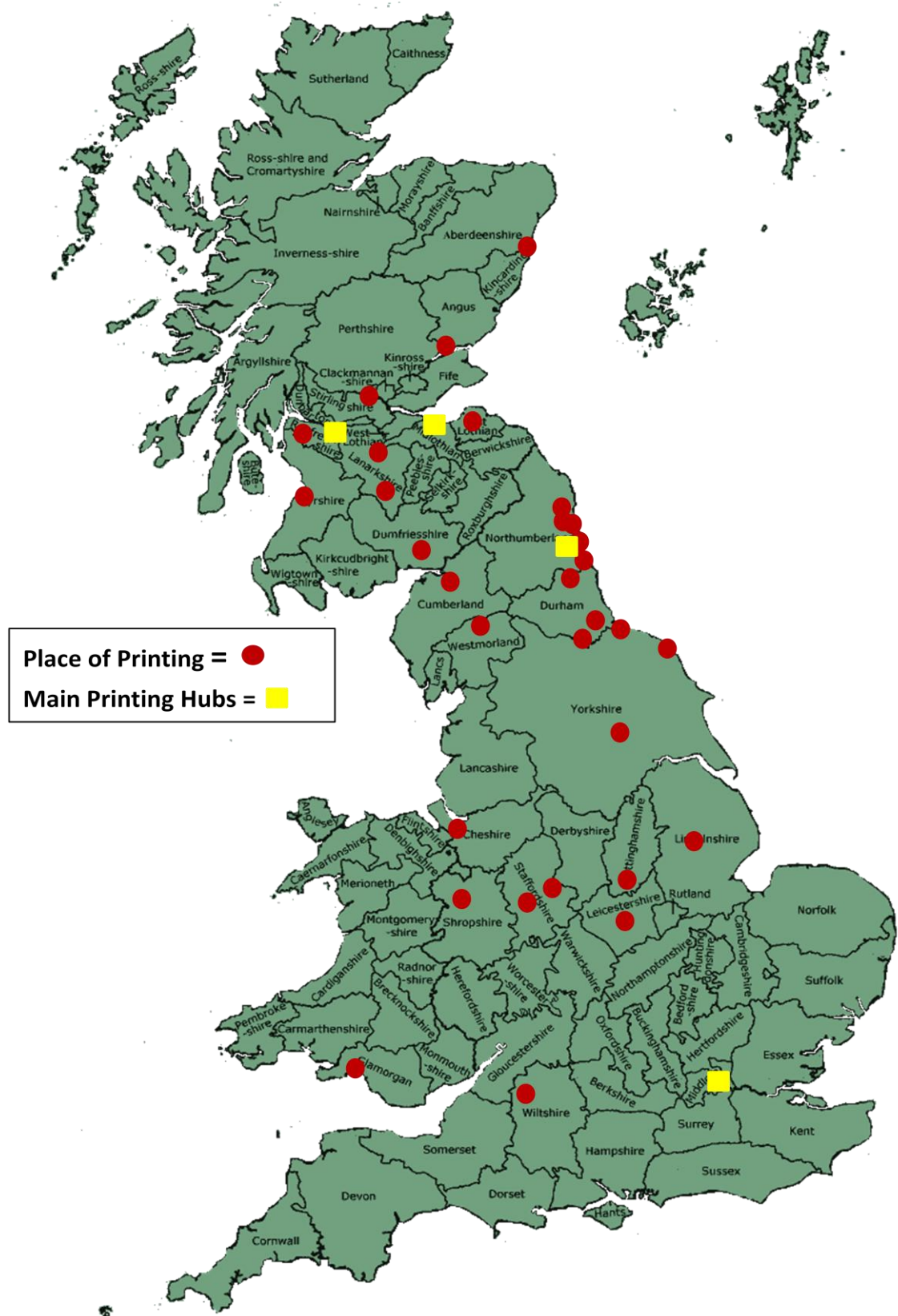
Map 2.1: Place of broadside printing and publication
Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow. Historic counties of Great Britain map reproduced by kind permission of the Association of British Counties and available from www.PicturesOfEngland.com.

Broadside Sources

In a bid for authenticity, many broadsides in the sample go so far as to actually cite their sources of information and these fall into three main categories: informal; formal; and newspapers. The informal sources tend to be vague and unnamed and are used mainly for accounts of crimes, as opposed to trials and executions, for example, 'the following is the particulars of the murder which has been communicated by an eye witness' (JJ284 1838). However, despite their unspecified nature, this type of source is useful in denoting a sense of journalistic immediacy and may have contributed to a sense of 'news-worthiness' (Greer and Reiner, 2012, p.263). Many broadside authors assert the accuracy and truth of their content by claiming their accounts are from good authorities, who may be relied upon or vouched for, and several will even claim to have been called upon to witness the crime scene themselves. The more formal sources of information come from various activities and agencies of official criminal justice and highlight how immersed and involved the broadside trade was in all aspects of the criminal justice process. For example, not only did several broadside authors evidently often attend the various trials and executions themselves, but they also spoke to witnesses who were present at coroner's inquests; followed police depositions and magistrates' investigations; and also gathered information from post-mortems and jailers. Finally, as far as actual newspaper sources are concerned, one interesting fact is revealed and that is by 1820 the broadside trade will sometimes use newspaper reports as one of the main sources of their information regarding crimes and especially trials. Prior to 1820, only three broadsides include a vague reference to public prints and papers but post-1820 fifty-eight broadsides state their main source as a specific newspaper and often will provide the date of the edition used.

Some interesting questions are raised by this data and one concerns a claim by other academics that certainly by the early nineteenth century, if not the late eighteenth, most of the population, including the working classes, were primarily reading newspapers as their main source of information about crime (King, 2007; Snell, 2007). However, if this were true then why would the labouring poor be willing to spend money on broadsides that merely regurgitated the same content? Is it not more likely that the broadside authors and printers were distilling newspaper reports down to a public who were still not literate or affluent enough to read the originals? Also, does the 'cribbing' of some broadside content from more middle-class newspapers make them any less authentic as historical sources for insights into working-class attitudes and perceptions? Leps (1992, pp.4-5) would argue that the answer is most assuredly no, as she suggests that although social knowledge is produced from a variety of sources, 'each discursive practice retains a relative autonomy' and that 'it is indispensible to consider the position of any text within the general discourse of its time'. This research supports Leps' (1992) contention, for there is plenty of evidence from the broadside texts to reveal that newspaper content was not just mindlessly copied, but that broadside printers and authors actively interpreted and interacted with it, often producing their own commentary and insights into the events reported upon. In addition, there is some evidence from the sample that the broadside trade and readership may even have been suspicious or unconvinced of newspaper content, with some broadsides correcting or directly challenging newspaper reports and statements of fact, for example: 'The statement which appeared in two Edinburgh papers on Saturday, that the jury had petitioned for a commutation of sentence, we now understand was incorrect' (NLS261 1840). These questions pertaining to authenticity, literacy and newspaper readership will continue to be considered in more detail in chapter three.

From the broadsides' content, it is evident that many printers and authors perceived themselves to be part of the criminal justice process itself. What has been striking from the sample is the amount of broadsides that are not merely sensationalistic entertainments, but instead faithfully report upon criminal justice proceedings. This is especially true with regard to trials, and many broadsides take their content directly from evidence presented in court, summarising witness and medical depositions, and even transcribing verbatim accounts of judges' summations and sentencing addresses. There are also indications that broadside printers and authors felt a keen sense of responsibility, not only in relating to their readers authentic detail, but also to the progression of law and justice. Several even go so far as to restrict their own content for fear of hampering an investigation or hearing, and refuse to engage in idle gossip adhering instead to facts that are already on public record. For example, one broadsides states:

> In the present early stage of the investigation, it would be highly improper in us [*sic*] to indulge in a repetition of the various statements we have heard connected with this horrid crime. Such is the account of this affair which has reached us: But it is necessary, of course, to receive them with the utmost caution, until the production of legal evidence on the charge (NLS219 1835).

They also appear sensitive to their readers' lack of knowledge regarding matters of law and even provide definitions and explanations of legal terms such as parricide, culpable homicide, and joint enterprise. The broadside trade even sometimes plays a more active role in the actual criminal investigations themselves, not only calling for witnesses and

information, but also conducting their own enquiries to corroborate evidence. For example, the circumstances of one case, where a man died after falling from a high storey window in Edinburgh, were deemed to be so suspicious that the broadside author visited the tenement in question and observed various scratches on the front of the building suggesting foul play rather an accident or suicide (NLS243 1830). Another assumes a 'watchmen' role assuring his readers that: 'We will keep a strict look out, and should anything very important be disclosed we shall not fail to publish it' (JJ324 1850). This is typical of the stance taken by later broadside producers who, far from being alienated by the increase in official police presence from 1829 onwards, seem to rather revel in any opportunity to help bring criminals to justice. This is further evidence that they did not just passively regurgitate information regarding criminal justice but instead actively attempted to participate in its very production.

Date of Crime

The specific date of crime is not always cited in broadsides or only a vague indication is given, for example: 'this day'; 'last night'; 'Thursday last', or only a day and month are provided. This lack of detail, though frustrating for modern-day researchers, would not have been a problem for contemporary readers, as broadsides were bought and published daily so their news was immediate. Also, some of the more sensational crimes would have been so familiar to them that the more mundane details such as dates would have been unnecessary. Another reason why a broadside may not contain a specific date of crime is because it was only intended to discuss a general theme rather than a specific incident or event, or a broadside could simply have been a 'cock' or 'catchpenny', terms used by contemporaries for fabricated stories or 'deceptive narratives' (Shepard, 1973, p.74);

although these are virtually non-existent in this sample and most broadsides of this period appear to report upon actual criminal events. Of course, it is possible to date specific crimes when not printed within broadsides by other means such as court, gaol and parish records; the Annual Register and Newgate Calendar; also, newspapers and other related broadsides themselves. However, this data analysis is concerned with representing only the information contained within the broadsides themselves and out of the sample almost half of the total number of broadsides (317) contained dates for specific crimes.

These dates are charted in Figure 2.2 which reveals that there were discernible increases in the number of crimes reported in broadsides especially in the 1820s. This broadly corresponds with what is known about actual increases and decreases in crime in the first half of the nineteenth century in Britain and it reveals that broadside production was responding to legitimate fluctuations in crime rates. For example, it is now commonly accepted that in both England and Scotland there was a sharp increase in reported crime in the first half of the nineteenth century (Gatrell, 1980; Wiener, 1990; Donnachie, 1995); however, within this period, Emsley (2010, p.35) notes specific peaks and troughs in the crime statistics, such as the post-war peaks in 1817 and 1819 and the overall upward trend from the 1820s, which peaked in 1832 and this is comparable to broadside figures. It must, however, be noted that Emsley (2010, p.35) also identified an 'all-time peak' in 1842, which does not appear to correlate with the downward trend depicted in Figure 2.2, but this is perhaps explained by a decline in broadside production by this time rather than any corresponding decline in crime.
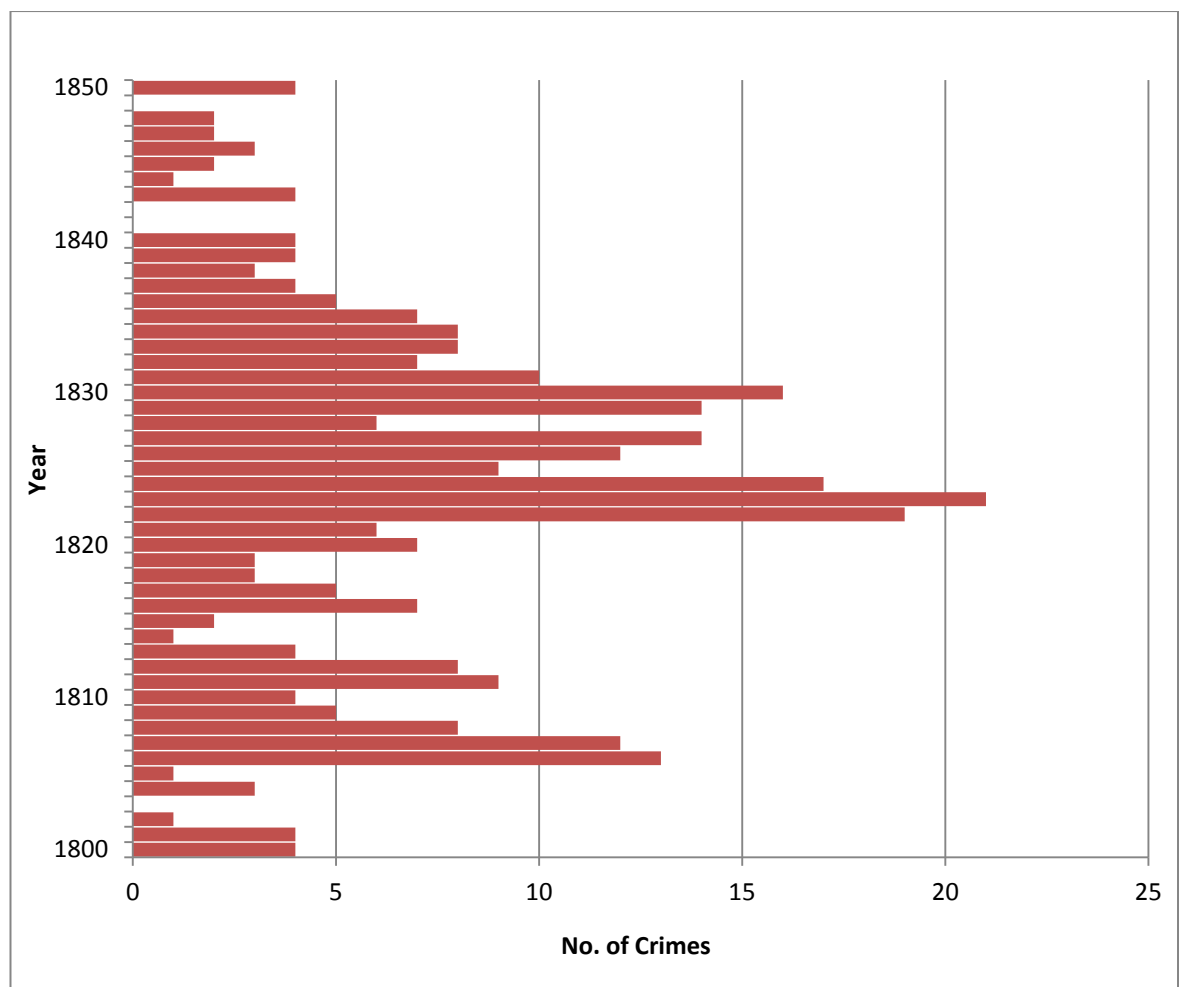
Figure 2.2: Date of crimes reported in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.
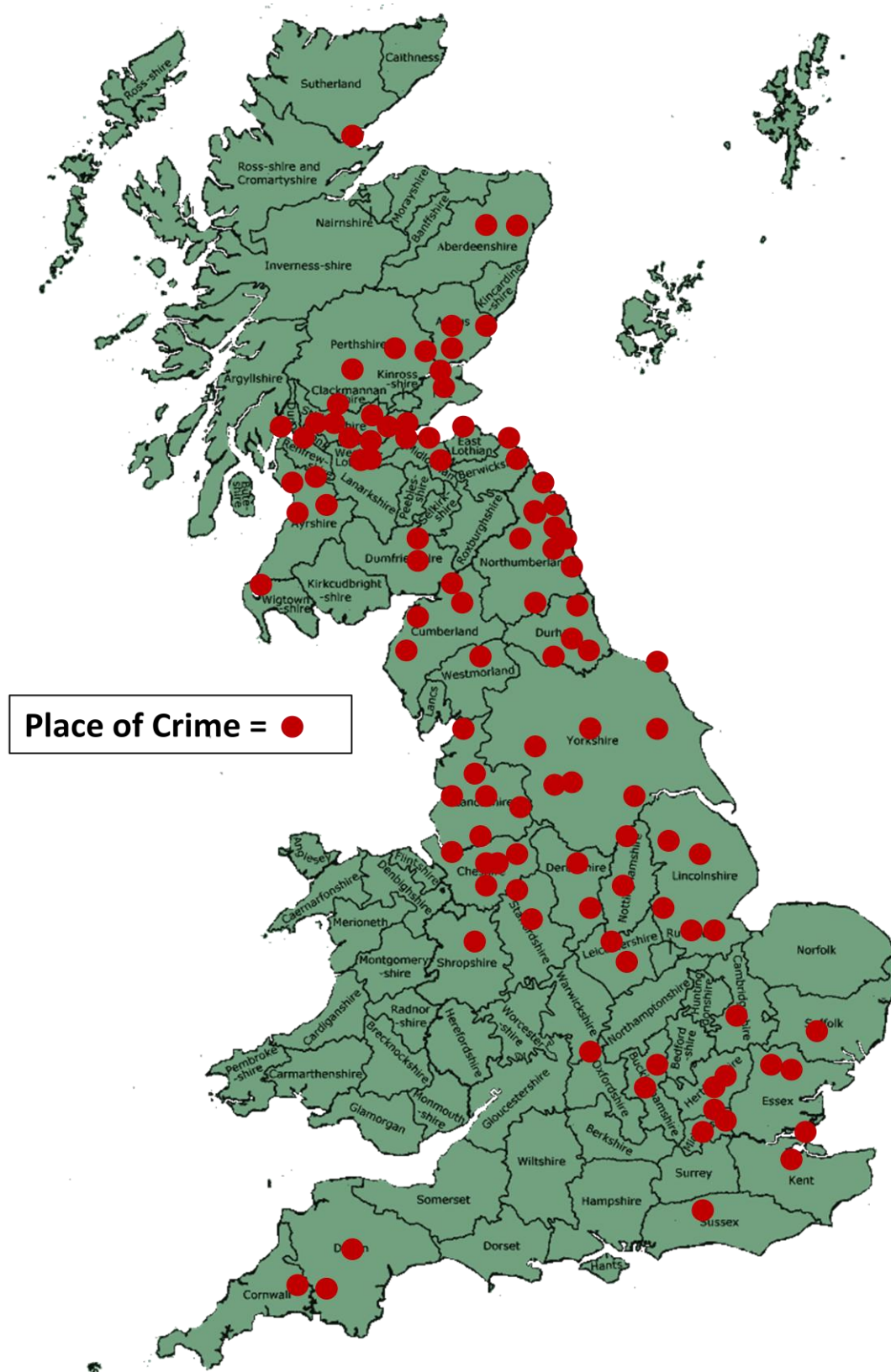
Map 2.2: Place of crimes reported in broadsides
Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow. Historic counties of Great Britain map reproduced by kind permission of the Association of British Counties and available from www.PicturesOfEngland.com.

Place of Crime

Map 2.2 indicates the places where crimes cited in the broadsides occurred. The map indicates only those occurring in Scotland and England, as these were the overwhelming majority, and range as far north as Tain in Ross-shire and as far south as Plymouth. Only 13 broadsides in the whole sample covered crimes occurring outside of Scotland and England, although still printed there, and all of them relate to cases of murder. Six of these broadsides refer to murders in Ireland but the remaining seven, however, cover murders occurring in places as far flung as the Island of Goree, Senegal; Augusta, USA; Canada; Spain; France; Russia and Bavaria. The reasons why British printers chose to publish these particular foreign crime stories are unclear, since only one stipulates a connection by identifying the criminal as a recent emigrant and the crimes they cover were not particularly distinctive or especially newsworthy when compared to native crimes, but their inclusion does indicate the apparent ease with which international crime news spread even in the early-nineteenth-century broadside trade and the interest that these crimes had even for more parochial readers.

Type of Crime

The types of crime featured in broadsides are many and varied but can be placed into six main categories:

1) *Murder*, including alleged and/or attempted; infanticide; manslaughter; self-murder or suicide (as this is how the crime is portrayed in the broadsides themselves)

2) *Sexual*, including 'unnatural acts'; rape; violating chastity of a child; sodomy

3) *Property*, including theft and reset of theft (the latter being a Scots law term for the receiving and keeping of stolen goods); robbery (highway and street); house

and shop-breaking; sheep and horse stealing; forgery; fraud; coining; hamesucken (a crime particular to Scots law meaning an assault of a person in their own home in progress of a robbery); stouthreif or masterly theft (a crime particular to Scots law meaning the overpowering or depriving by force a man of his property)

4) *Assault*, including stabbing; attack; wounding

5) *Public Order*, including high treason; conspiracy and rioting

6) *Other*, including cruelty; child stealing and piracy

Out of the whole sample, 551 broadsides were identifiable as relating to one of these categories of crime (see Figure 2.3). Where two or more types of crime occurred in a broadside only the most prominent crime to feature in the broadside discourse was counted, for example, for a murder / robbery the murder would be dominant. The remaining broadsides were not included in the statistical analysis as they were either assize calendars and therefore contained multiple crimes or were unclear and/or not applicable, for example, a disappearance or warning relating to crime in general. The resultant percentages show that the overwhelming majority of broadsides in the sample (74%) featured murder and the social significance of this will be discussed in detail in later chapters. Suffice to say here however that, similar to modern crime news, broadsides evidently over-represented the crime of murder when compared to its actual incidence (Greer and Reiner, 2012).

For example, throughout the eighteenth and nineteenth centuries, murder 'was never a statistically significant offence', with the homicide rate in Victorian England generally equating to only 1.5 per 100,000 of the population (Emsley, 2010, p.42). Far more

common were crimes of larceny, which 'far exceeded all other types of crime, regularly reaching a proportion of 75-80 per cent of all cases' in the early nineteenth century (Rudé, 1985, p.117). It is therefore interesting to note that sole property offences, as opposed to robberies or burglaries resulting in murder, only appeared in a total of 18% of this broadside sample. Also, public order offences rarely feature in these broadsides at all, making up only 2% of the types of crime reported in them. If therefore, as Donnachie (1995, p.14) suggests, offences of a public order nature 'give some measure either of social stability and regard for authority or of conflict and disregard of the law', their lack of prominence in broadsides is perhaps significant and has possible implications for those academics who claim an overt social control function for these texts, since arguably the punishment of crimes against the authority of the state or interests of the propertied elite would feature more heavily in their content if this was their sole purpose, or indeed necessary.
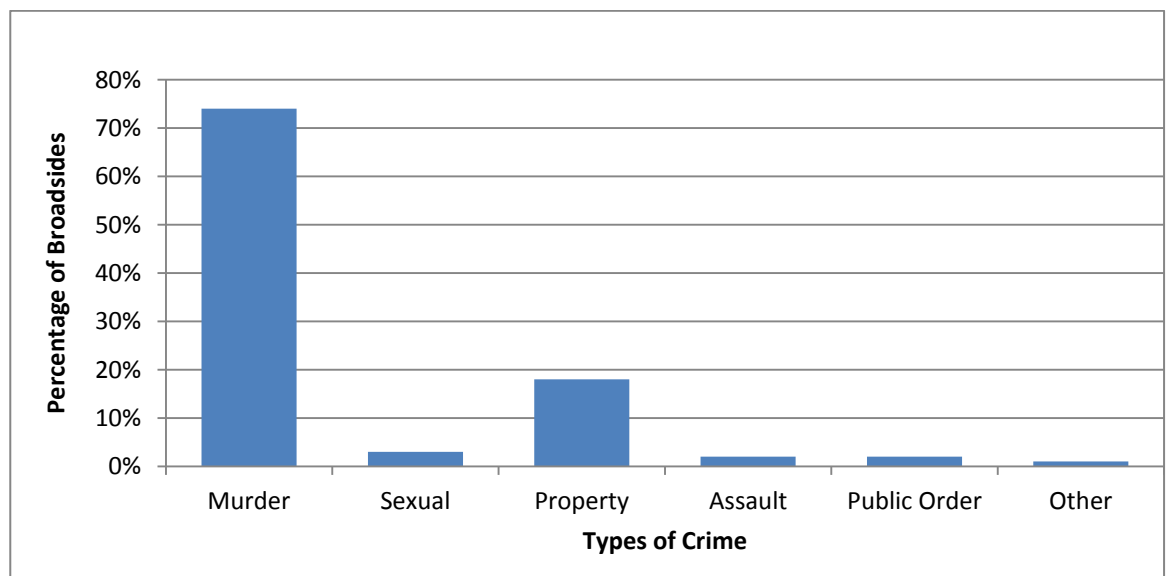
Figure 2.3: Types of crimes reported in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.

Criminal's Age, Occupation and Gender

Broadsides reveal some interesting details concerning criminals in the early nineteenth century. Figure 2.4 depicts the ages of criminals cited in the broadside sample. Only 182 out of 650 broadsides included any ages for the criminals depicted, which is just over a quarter of the sample, and each age citation was counted despite possible case duplications. This was justified because not all broadsides covering the same criminal case included the age of the criminal, for example, out of the three broadsides to cover the crime of the famous murderer James Greenacre in 1836 only one in the sample cited his age. Furthermore, only specific age citations were included in the analysis, since often broadsides will only estimate an age, stating that a criminal was between 20 to 30 years old or just 'middle-aged'. This lack of clarity may not be the fault of the broadside producers however, since it has been noted that criminals themselves would often approximate or distort their ages in court (King, 1984). Despite taking these discrepancies into consideration the resulting data is still worthy of note for, although the average age overall is 32 years, the great majority of criminals depicted in broadsides appear to be in their late teens and early to mid-20s and this is consistent with similar findings from official records and crime statistics of the period for both England and Scotland (Donnachie, 1995; Emsley, 2010). However, the graph also shows that there are two clear spikes at the ages of 35 and 50 years and it is possible that this is a reflection of the domestic nature of the majority of crimes reported in broadsides. Furthermore, the youngest criminal reported in these broadsides was James Wilson, aged 14 years, from Cupar in Fife (JJ269 1835) and the oldest was Allan Mair, aged 84, from Muiravonside, Stirlingshire (NLS87 1843). Both were executed for robbery and murder respectively.
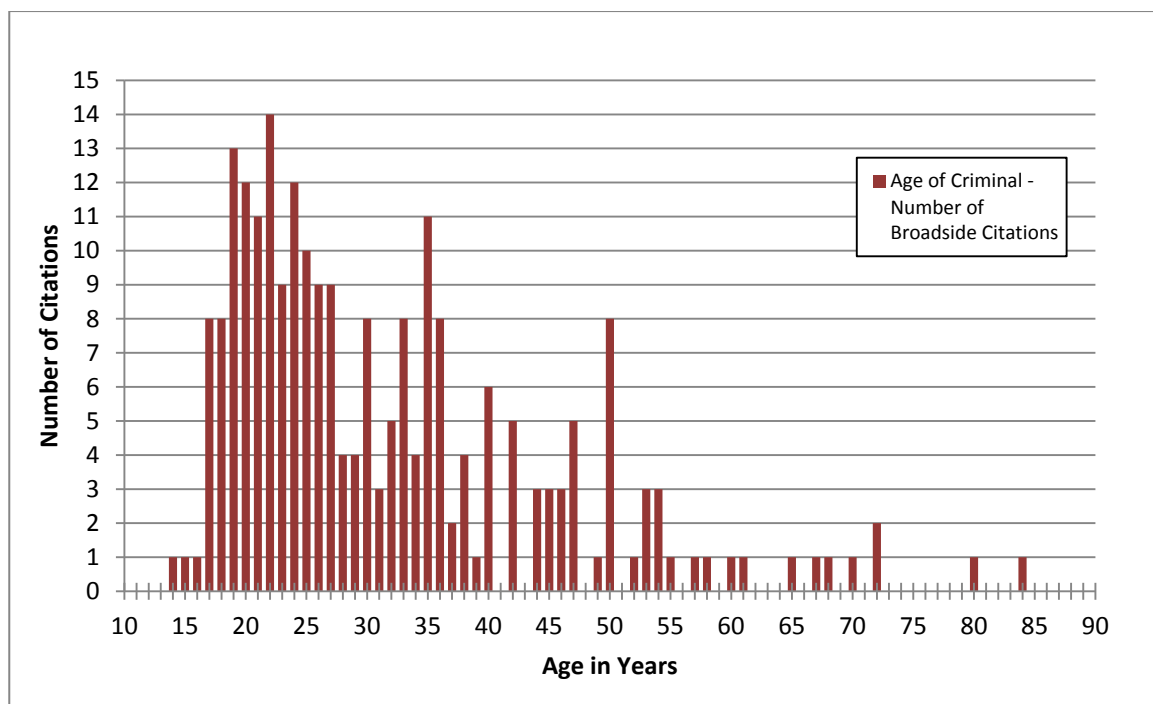
Figure 2.4: Ages of criminals cited in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.
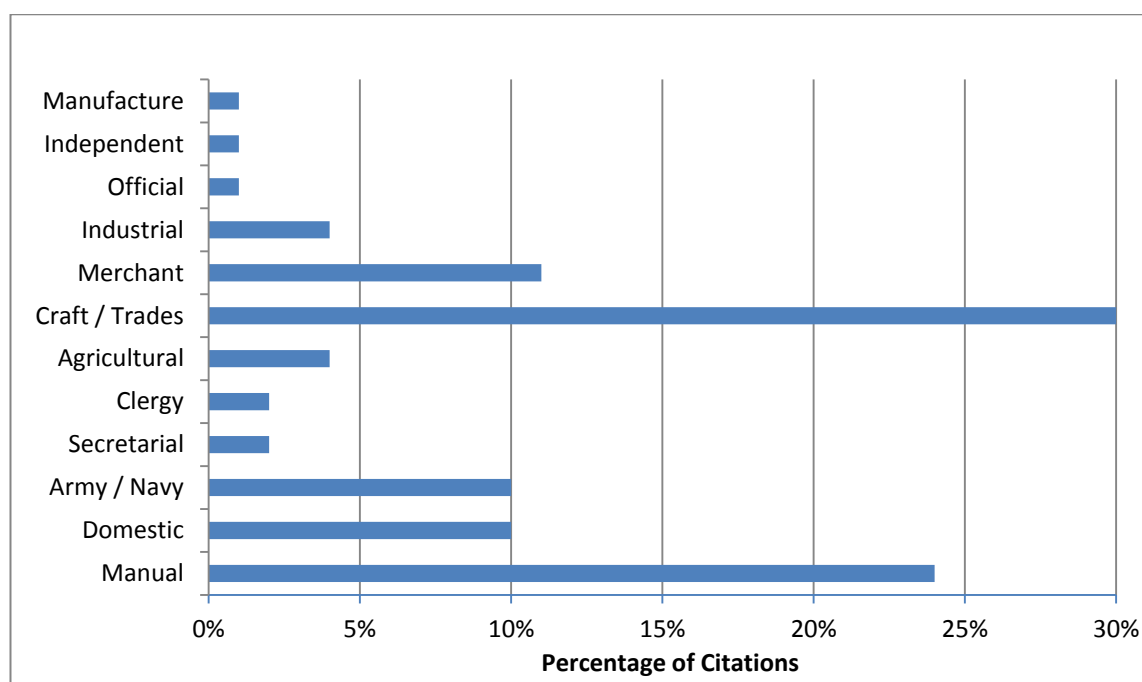
Figure 2.5: Occupations of criminals cited in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.

Figure 2.5 relates to the occupations of criminals as cited in the broadside sample. Out of all 650 broadsides a total of 271 (42%) make specific reference to the criminal's occupation. The two occupation categories to feature the most are craft / trades (for example, weavers, blacksmiths and shoemakers) and manual labourers, but it is noticeable that the broadsides include criminals covering the whole range of the social spectrum from priests and independent gentleman farmers to domestic servants and soldiers. There is no unemployed category included, as this status is never specifically assigned in the broadsides themselves. This is also the reason why occupations have been used as a category for analysis rather than class, since these are the only social positions referred to in broadsides. The fact that certain types of manual labour or trade tend to dominate in criminals' occupations is also linked to their gender. An analysis of the gender of all named criminals reveals that a remarkable 86% were male and a mere 14% were female. It was possible to isolate from the data unique criminal names only in order to avoid duplicated counts. Again, these findings appear to be consistent with studies of criminality in this period. For example, both Rudé (1985) and Donnachie (1995) note that early-nineteenth-century criminals across Britain tended to be male and employed in lower paid working-class occupations.

Victim's Age, Occupation, Gender

Broadsides tend to contain much less detail about the victims of crime than the criminals, for example, only 101 broadsides included the age of the victim in their accounts and often victims are not even named. From those cited, the average age of victims was 27 years, with the oldest being 85 and the youngest a newborn only minutes old. Figure 2.6 shows the overall spread of ages stated in the broadsides and indicates that, for the broadside audience at least, a victim's age is of considerably more interest the younger (infant to

young adult) or older (over 70 years) they are. Figure 2.7 relates to the occupations of victims as cited in the broadside sample. The occupation of the victim is mentioned in 182 broadsides out of 650 and the categories that dominate are: merchants 20%; craft / trades 19%; and manual labourers 18%. Interestingly, these are the same occupational categories that King (1984) found dominated his figures for prosecuting victims taken from court records in the earlier period of 1760 to 1800. With regards to gender, there is a noticeable increase in the number of women as compared to the criminal category but men still dominate with 62% of all named victims being male and 38% being female.
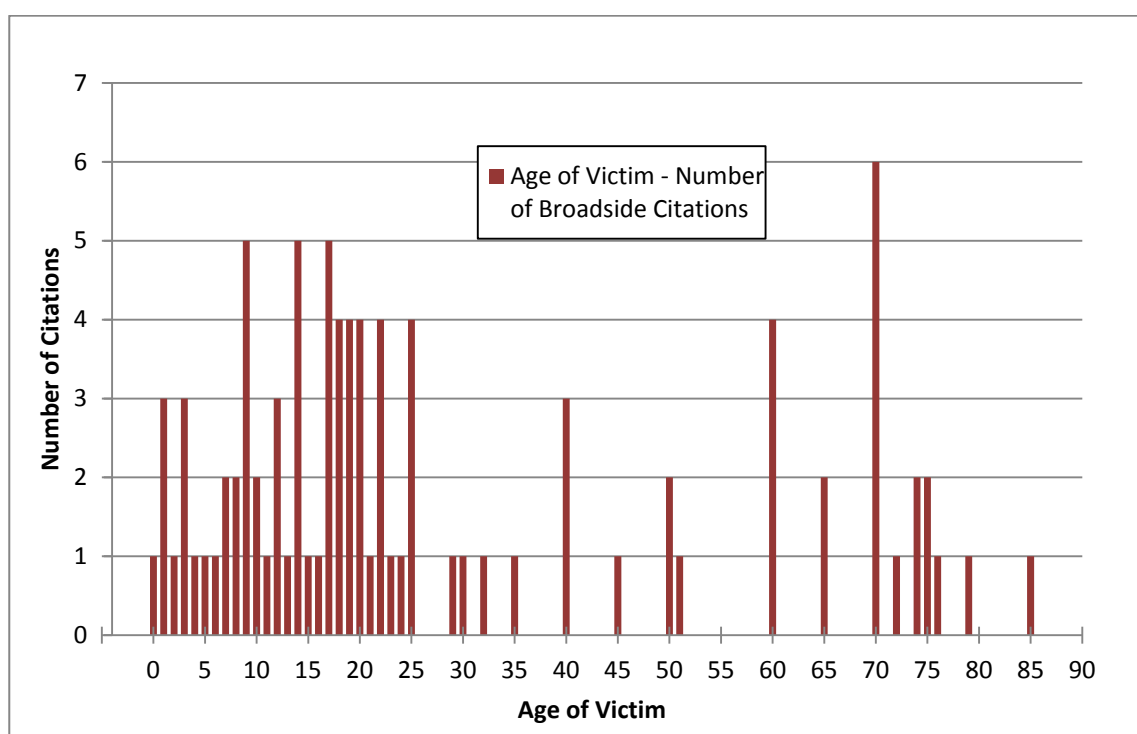
Figure 2.6: Ages of victims cited in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.
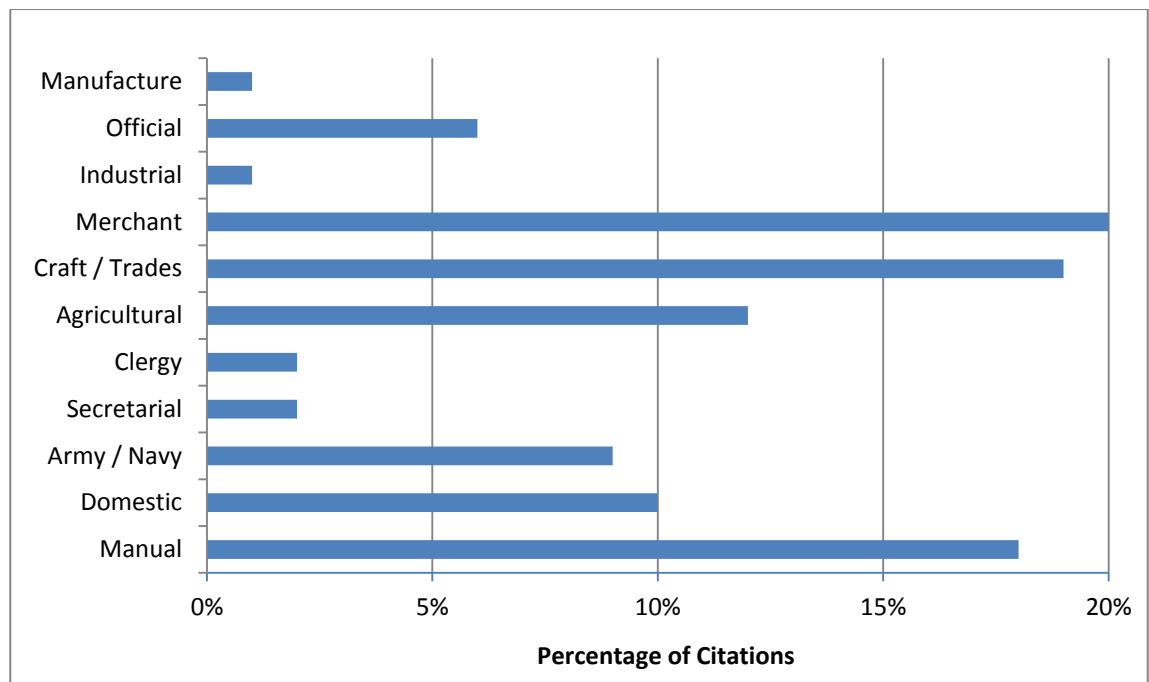
Figure 2.7: Occupations of victims cited in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.

Relation of Criminal to Victim

One detail about the victim that is more frequently mentioned is their relationship to the criminal, and 202 broadsides in total include this information (see Figure 2.8). It is indeed interesting to note that these broadsides corroborate the recognised historical fact that, at least with regards to homicide, most criminals and victims are known to each other and often related (Emsley, 2010; D'Cruze, 2010). For by far the most common relationship recorded between a victim and criminal in broadsides is that of either wife or child, with 57 victims being wives and 42 being children (including step-children). Then follows other kin relationships: 20 are near relations (for example, aunt or brother-in-law); 16 are husbands; 12 are parents. After this the relationships become more diverse and cover the whole social sphere. However, in considering the relationships of criminals and victims, as well as their respective occupations previously discussed, it is clear that the majority of

crime represented in broadsides is intra-class as opposed to inter-class and the theoretical implications of this for an understanding of broadsides will be discussed in more detail in chapter five.
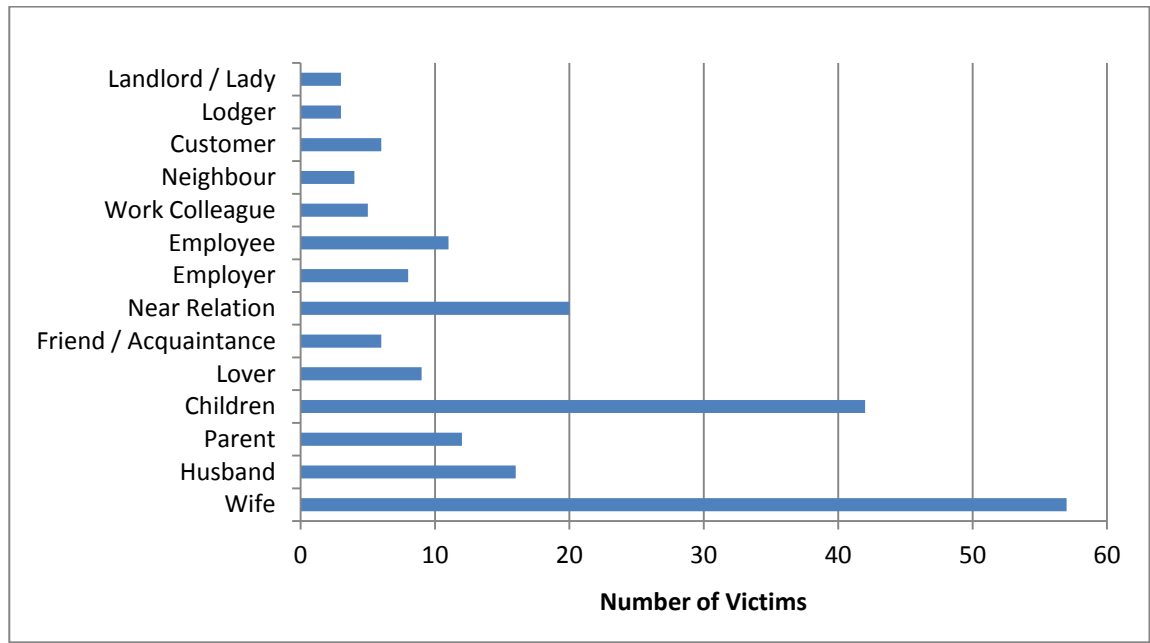
Figure 2.8: Victim's relationship to criminal.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.

Summary and Conclusion

This survey of the preliminary findings from the broadside analysis has raised some matters of especial interest, which will be explored further throughout the rest of this thesis. One of the most noticeable themes to emerge is that broadsides, far from being mere entertainment, actually included a substantial amount of factual information regarding crime in the early nineteenth century and this is something that broadside scholars can no longer ignore, especially as most of the information contained would have been a source of concern rather than pleasure for contemporary readers. For example, broadsides clearly reveal that criminals were more likely to be young, working-class men in their twenties,

and that people were more likely to fall victim to crime, especially interpersonal violence, in their own home or workplace, and at the hands of someone they knew or came into contact with on a routine basis. This broadside portrayal of criminality as a form of 'everyday violence' is not only one that any modern criminologist would be familiar with but it is one that, as previously indicated, is also corroborated by historical studies based upon more official contemporary records (D'Cruze, 2000, p.1). These broadsides then were evidently an important source of information regarding crime and criminality for those who chose to read them. However, this is not to say that broadsides were read only for their factual content, for indeed this thesis will argue that their value for contemporary readers extended far beyond the accumulation of criminal facts and figures. Rather it is an acknowledgment, long overdue, that broadsides contain valuable information for modern scholars, which has significant implications for their overall interpretation.

For example, it is clear that nineteenth-century broadside production was motivated to a large extent by the reporting of actual crimes and that they responded to real fluctuations in crime rates. This is of particular interest, for it must not be forgotten that, although broadsides were printed and sold the length and breadth of the country, they were, in the nineteenth century especially, a mainly urban phenomenon. Is it possible then to presume that broadside content was becoming a reflection of genuine social anxiety regarding crime in the burgeoning cities and towns of industrialising Britain? If this is to be assumed, then why was there such a disproportionate focus on the crime of murder in these broadsides and does this fact in itself have greater social and moral significance, especially with regards to punitive attitudes? These are questions which this thesis aims to answer. One final observation from the data is that the people to feature most prominently in broadsides are those of the poorer and lower classes, whether they are criminals, victims or simply

onlookers. This is a detail not to be underestimated, for not only does it reveal that ordinary men and women were those most affected by crime, but it also indicates that broadside producers had a detailed knowledge and understanding of their everyday lives. Yet this is not to be wondered at for, as the following chapter will show, the broadside trade was deeply immersed in the realities of early-nineteenth-century working-class life.

Chapter Three: A 'Barbarous' Trade – Early-Nineteenth-Century Broadsides in Social and Historical Context

Introduction

Broadside ballads are notoriously 'awkward things' and, for centuries, have intrigued scholars and collectors alike (Buchan, 1972, p.1). The reason for this is that these 'tales of marvel, love and butchery ... provoke questions which have never been satisfactorily answered' and have therefore, over the years, given rise to what has been termed as 'the ballad enigma' (Buchan, 1972, p.1). In truth, the mysteries surrounding these ephemeral prints have been so enduring that one nineteenth-century commentator would write: 'we have very indistinct notions indeed as to who write the ballads, who buy them, why they buy them, how many are sold, in what places, and under what circumstances' (Anon., 1861, p.399). Indeed, as previously discussed in chapter one, these apparently numerous unknowns regarding broadside authorship, production and readership have given rise to several academic theories regarding their content and purpose, not least of which is the assumption that broadsides have historically been produced and disseminated by the authorities as a form of state sponsored social control (Cooper, 1974; Chibnall, 1980; Spierenburg, 1984; Sharpe, 1985; Linebaugh, 2006). Yet, as this chapter will show, this particular theory rests on some implausible foundations, especially when a consideration of the social and historical context of the nineteenth-century broadside ballad trade is fully taken into account. The function of this chapter therefore is to unravel some of the mysteries surrounding the 'ballad enigma' by revealing who wrote, printed and sold broadsides in the early nineteenth century and also in considering the social impact that this production and trade had on their readers and other cultural contemporaries. Although much of the evidence presented here will relate directly to the broadside trade in London, since this has been the main focus of both contemporary commentary and modern

scholarship, in order to reflect the fact that broadside production was indeed a national enterprise, where possible, this chapter will also include accounts relating to Scotland and the north of England.

BROADSIDE TRADE

Authors

One of the most fundamental conundrums facing any scholar of broadside ballads is that of authorship, since most tend to be anonymously written and therefore present no clues as to the people who penned them. This, however, was not always the case, for Watt (1990, p.72) affirms that in the sixteenth century most ballads would have included either the full name or initials of their writers, and that this visible authorship was mainly due to the fact that these early balladists were 'not generally a separate breed of journalists, but came from a cross-section of respectable professions'. Indeed it is clear that in the early modern period, broadsides were often written by eminent poets and courtiers, as well as members of the clergy, and that this form of street literature, being an accessible and convenient vehicle of expression, often found itself 'heavily involved in the politics of church and state' (Shepard, 1973, p.122). However, during this period there was also to emerge the professional ballad writers or tavern poets who were to remain 'the backbone of broadside balladry' right up until the end of the nineteenth century and who were to be immortalised by Dr. Johnson in his famous dictionary as the poorly paid scribes of Grub Street (Shepard, 1962, p.56).

The single most prominent feature of these professional ballad writers to go down in the annals of history is that they were 'needy hacks, journeymen of belles-lettres, notorious to all members of the publishing trade and at anybody's service for an extremely modest fee'

(Shaaber, 1966, p.224). Indeed, Watt (1990, p.72) suggests that the social and educational status of these mercenary pot-poets is in 'stark contrast' to that of the more elite ballad versifiers of the earlier period and that by the beginning of the seventeenth century 'the association of ballad-writers with low-life and vice was complete'. This change in perception and participation of ballad authorship was to have a direct impact on the genre as a whole, for '[N]ot only were the ballad hacks sliding further down the social scale; they were also becoming increasingly anonymous', so much so that by the early seventeenth century, the names of authors were rarely to appear on broadsides again (Watt, 1990, p72). Furthermore, as ballad authors began to fade into obscurity, so too did they begin to detach from the very works they produced and, in the seventeenth century, the ballad that had 'once been an author's medium – a vehicle for propaganda and personal opinion ... was now largely a publisher's medium, governed by time-tested commercial dictates' (Watt, 1990, p.73). This trend was to continue throughout the remaining centuries of broadside production and the transition in dominance from author to publisher and reader is nowhere more apparent than in the broadsides written in the nineteenth century. For as Shepard (1973, pp.126-7) argues, in the early years of this street literature, propaganda was often intended by their writers but in the nineteenth century 'street ballads were printed for money, and the propaganda was largely incidental except in so far as it was likely to meet a public mood and sell well'.

In fact, so elusive would the personality and private opinions of the broadside ballad author become that, by the mid-nineteenth century, Charles Dickens (1859, p.478) would enquire in an article for his *Household Words* journal: 'Who write the people's ballads? What manner of men? of what status in society? and of what, or how much, sympathy with their audience?'. Dickens was not alone in wondering about the identity of these anonymous

writers, for their brand of literature had become so prevalent that their wares were increasingly difficult to avoid, especially those broadsides reporting the latest accounts of crimes and executions. Indeed, the intrigue surrounding the characters behind this immensely popular gallows literature was even to lead the magazine *Punch* (1842) to include a satirical ode to one such 'illustrious scribe', with a cartoon depicting a broadside author staring for inspiration at a miniature scaffold on his desk whilst he tries to write a last dying speech (see Illustration 3.1). This envisioning of a broadside writer as a 'literary gentleman', dressed in brocade coat and surrounded by books and writing implements was, in all probability, far from reality; for it later became evident that nineteenth-century ballad mongers were much more likely to be found drinking in a public house and fraternising with beggars, rather than ensconced in some lofty garret (Shepard, 1969).

Curiously though, whilst modern scholars, such as Cross (1985, p.1), have investigated the social and economic conditions of 'the common writer' of books in the nineteenth century, little academic attention has been paid to those who wrote street literature during this same period. So, for details regarding the reality of broadside authors' lives, emphasis must be given to the works of several contemporary social investigators. The most notable of these is Henry Mayhew, who dedicated a whole chapter of his seminal work *London Labour and the London Poor* to the lives of those involved in the street literature trade.[1] In this

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[1] Indeed, modern scholars of nineteenth-century street literature owe a great debt to Mayhew, since his work is still the most informative, providing lengthy first-hand accounts of the trade from interviews with its own people. Many broadside scholars have therefore turned to his work but, unfortunately, tend to use it only for passing anecdotes or statistical details regarding broadside sales and costs. This has meant that with regards to an exploration of the social background and life experiences of the printers, authors, sellers, and readers of street literature, there is a wealth of untapped information still to be found in Mayhew's work, which will form the basis of this chapter. However, it must be acknowledged that, although Mayhew strove to let his interviewees speak for themselves throughout *London Labour and the London Poor*, it is undeniable that his 'editorializing shines through', since he clearly had an agenda of social reform to promote with regards to perceptions of the deserving poor (Godfrey *et al.*, 2008, p.11). Nonetheless, despite this potential narrative bias, his account of the street literature trade in the early nineteenth century has yet to be rivalled and still has valuable insights to offer any scholar of broadsides.

MURDER

ROBBERY

GALLOWS HEROISM

BURGLARY

GALLUS LITERATURÆ

G. Sandells
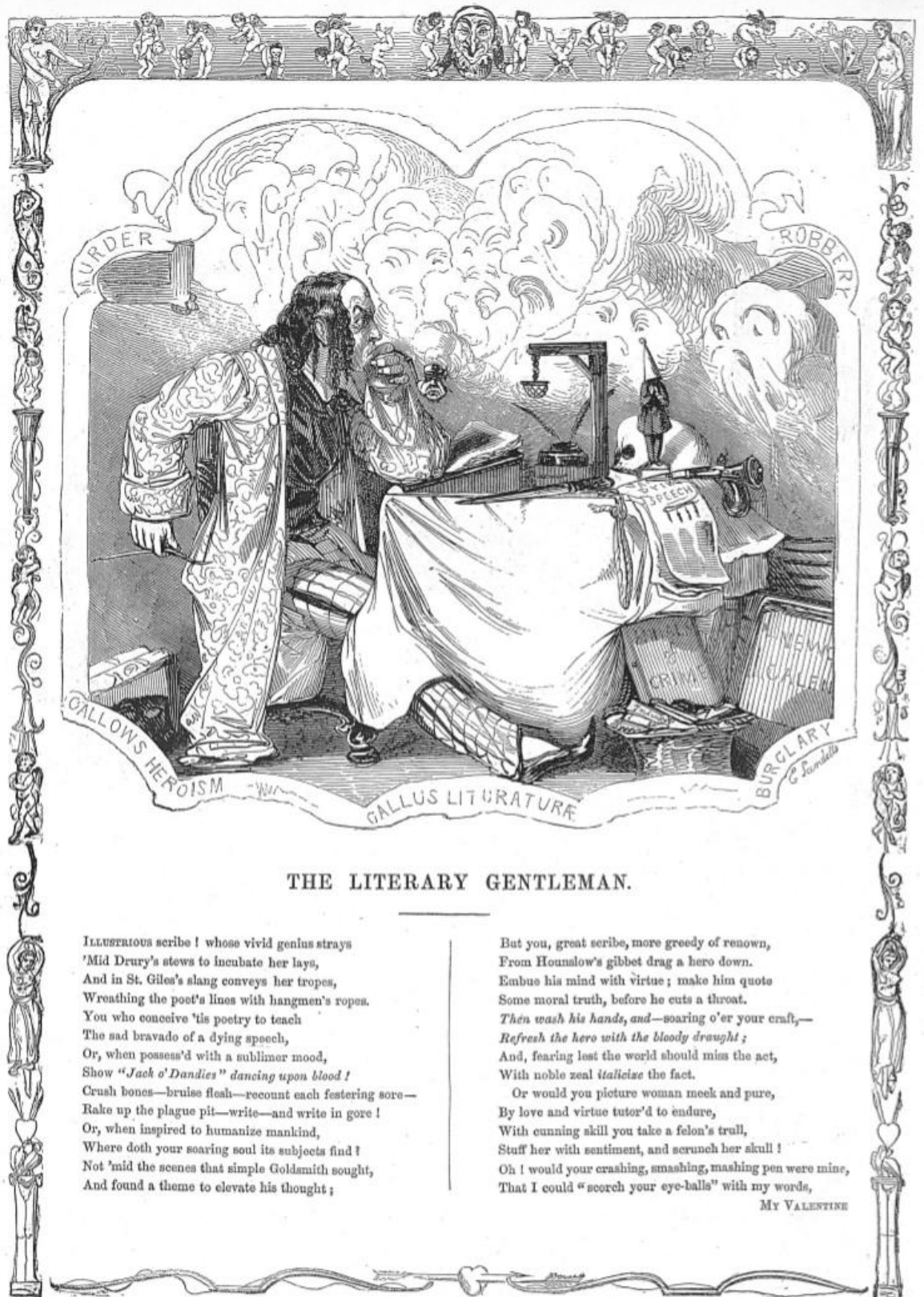
THE LITERARY GENTLEMAN.

ILLUSTRIOUS scribe ! whose vivid genius strays
'Mid Drury's stews to incubate her lays,
And in St. Giles's slang conveys her tropes,
Wreathing the poet's lines with hangmen's ropes.
You who conceive 'tis poetry to teach
The sad bravado of a dying speech,
Or, when possess'd with a sublimer mood,
Show *"Jack o'Dandies"* dancing upon blood !
Crush bones—bruise flesh—recount each festering sore—
Rake up the plague pit—write—and write in gore !
Or, when inspired to humanize mankind,
Where doth your soaring soul its subjects find !
Not 'mid the scenes that simple Goldsmith sought,
And found a theme to elevate his thought ;

But you, great scribe, more greedy of renown,
From Hounslow's gibbet drag a hero down.
Embue his mind with virtue ; make him quote
Some moral truth, before he cuts a throat.
Then wash his hands, and—soaring o'er your craft,—
Refresh the hero with the bloody draught ;
And, fearing lest the world should miss the act,
With noble zeal *italicize* the fact.
Or would you picture woman meek and pure,
By love and virtue tutor'd to endure,
With cunning skill you take a felon's trull,
Stuff her with sentiment, and scrunch her skull !
Oh ! would your crashing, smashing, mashing pen were mine,
That I could "scorch your eye-balls" with my words,

MY VALENTINE

Illustration 3.1: Cartoon, *Punch*, (1842), Vol. 2, p.68

book, Mayhew (1861, p.220) investigated broadside ballad authorship and described how this 'peculiar literature' was prepared for sale on the streets of London. The authors and poets who were connected to this street trade would either scour the evening papers for the latest news or would hear of some 'out-of-the-way occurrence'; they would then 'resort to the printer and desire its publication in a style proper for the streets'. Sometimes the authors would write original pieces for publication themselves and would submit them to the printer, who either 'accepts or declines, as he believes the production will or will not prove remunerative'. Mayhew stresses that commercial success was key to broadside publication and states that 'the street author is closely restricted in the quality of his effusion. It must be such as the patterers approve, as the chaunters can chaunt, the ballad-singers sing, and -- above all -- such as street-buyers will buy' (1861, p.220). Also, whatever the mode of creation, for the writing of a broadside, the payment to the author was always the same: a shilling.

This trifling remuneration for their wares meant that writers of broadsides would often endure crushing poverty and it has been estimated that: 'An author in the 1820s would have had to sell five ballads a week, week in and week out, to keep from starving' (Hepburn, 2000, p.34). Broadside authors would rarely earn enough to support themselves by writing alone and Mayhew interviewed one such street poet who supplemented his meagre income by taking in additional tinning work. When Mayhew (1861, pp.279-80) visited this man he was suffering from abscesses and lying in his sick-bed in a room 'furnished in the way usual among the very poor'. The man recounted how he had been writing for the street broadside trade since he was fourteen years old and that he supplied all manner of works: 'ballads on a subject, and copies of verses, and anything ordered of me'. He told Mayhew that: 'The printers like hanging subjects best, and I don't. But when

any of them sends to order a copy of verses for a 'Sorrowful Lamentation' of course I must supply them. I don't think much of what I've done that way. If I'd my own fancy, I'd keep writing acrostics'. When Mayhew (1861, p.280) asked about his earnings the man replied:

As to my poetry, a good week is 3*s.,* and a poor week is 1*s.* -- and sometimes I make nothing at all that way. So I leave you to judge, sir, whether we live hard; for the comings in, and what we have from the parish, must keep six of us -- myself, my wife, and four children. It's a long, hard struggle.

Despite his destitution this particular poet was evidently reluctant to earn his living from writing crime and execution broadsides, preferring instead to produce more literary wares, but demand was so high for these gallows sheets that there were many writers a good deal more dedicated to the supply. Two of these men, named Ben and Nick, were described by a printer's associate, in an article on London street minstrelsy, who claimed that whilst 'Ben had a gift at speeches for the prisoners at the Old Bailey', it was Nick who 'gave you value for money'. Indeed so skilled was Nick deemed to be at his trade that the printer declared:

No man had a chance with him at a last speech or dying declaration. He smoothed the bed of death with the hand of a master. Ah, Sir, an execution was something in our way [*sic*] when he lived. His criminals were the very best of characters, his hangmen were as good as born gentlemen, and as to his spectators, they were patterns for the world; it would be a blessing for a man to have such a crowd at his last moments (W.Q., 1825, p.547).

Ben and Nick were two of the renowned 'Seven Bards of the Seven Dials' who were recognised by contemporaries as the core writers of the now famed Seven Dials Press which monopolised the broadside ballad trade in London during the nineteenth century (Hindley, 1878, p.51). Another of their colleagues was John Morgan, who even at over 70 years old was known to be still writing broadsides in 1870, but who had made a scant living as he refused to sell his own ballads in the streets, preferring to deal only with printers (Hindley, 1878). It is from the likes of John Morgan that contemporary investigators were able to state that: 'Very often the author of a new ballad is the man who first chants it about the streets; but oftener still he is a man whose chanting and pattering days are over' (Manby Smith, 1857, p.254).

One final member of the Seven Dials fraternity to be identified by contemporaries was Fitz, who was observed by an associate of Mayhew's as he accompanied the great man on a visit to a well-known printing establishment. Fitz is described as 'a very seedy, half-starved looking middle-aged man', who had on 'a shocking bad hat, and a red nose, and smelt of liquor abominably'. Fitz was obviously not the most successful ballad writer since his offerings were rejected by the printer's clerk as too 'spooney' (sentimental) and he was dismissively advised to 'put more devil and a good rattling kivolus (chorus) to this one' and then he would get his shilling for it (Anon., 1863, p.49). From all of this contemporary anecdotal and observational evidence, it is clear that nineteenth-century broadside authors wrote 'to give the public what it wanted, rather than what somebody thought it ought to want', and moreover that they were designed without any obvious 'social or moral inhibitions' (Hughes, 1969, p.10). Indeed, contemporaries were given to understand that these popular broadside productions were 'almost all written by persons of the class to which they are addressed; and ... that they are adapted to and meet the wants and views of

that class' (Anon., 1861, pp.399-400). It is therefore difficult to imagine that any of the aforementioned authors would have felt any sort of pressure as to the content of their writings from any form of authority other than their paymasters – the printers. These characters seem to be the real key to the broadside trade and so our attention must now turn to them.

Printers

In nineteenth-century London, there was only one place to visit to gain an insight into the broadside ballad trade and that was the area of the Seven Dials. This was the place where most printers working in the trade had their establishments, where most of their authors resided, and where any hawkers looking for broadsides to sell would gravitate. The production of broadsides would so dominate this area of London that it became collectively known as the Seven Dials Press, which was heralded as 'perhaps the greatest verse factory in England' (Anon., 1878, p.214). However, its Press was not the only reason why the Seven Dials area gained a reputation during this period, for it was also known to be part of St. Giles: 'the largest and most squalid slum in London, reeking with disease, poverty, vagrancy and crime' (Shepard, 1969, p.39). At the turn of the nineteenth century, there were fourteen times as many people as houses in the parish of St. Giles-in-the-Fields and its inhabitants lived in abject misery and squalor, continuing to do so for decades to come (Stedman Jones, 1984). Indeed, St. Giles had been a slum for so long that the famous artist Hogarth based his depiction of 'Gin Lane' on the area in 1751 (Shepard, 1969, p.39). Nearly a century later in 1839, Charles Dickens (1850, p.66) would still be writing about the place and its people 'whose appearance and dwellings would fill any mind but a regular Londoner's with astonishment'.

So, it was in this 'delectable locality' that the Seven Dials Press had its head-quarters (Manby Smith, 1857, p.252) and, as a contemporary would comment, it was:

> [i]n good keeping with its surroundings the rag-shops, the fencing-kens, the crippled mangles, and the gin-shops---seeing that its literature is decidedly tattered, that three-fourths of its productions are stolen property, that both its verse and prose are crippled and mangled beyond cure, and that its philosophy is principally of the tipsy and staggering sort (Manby Smith, 1857, pp.252-3).

The Seven Dials Press was also 'in keeping' with its locale due to the fact that St. Giles had long been the traditional half-way point for condemned criminals on their journey to the Tyburn gallows and, as such, was the place where the execution procession would pause so that the condemned could be given a last drink of ale. This fact alone meant that St. Giles was 'a natural area for balladmongers, with their Dying Speeches and Lamentations' (Shepard, 1969, p.41). In fact, so synonymous would this area become with the production of gallows literature that Dickens (1850, p.65) would exclaim: 'Seven Dials! the region of song and poetry – first effusions, and last dying speeches' and Manby Smith (1857, p.258) would note that: 'There never is a murder avenged by the law that does not call for its hundreds of thousands of impressions from the Seven Dials Press'. Indeed the popularity of their broadsides was such a success that other printers in different areas would try their luck and compete, but the Seven Dials Press was not to be rivalled in the production of this cheap literature (Manby Smith, 1857). There were known to be at least ten printers in the Seven Dials Press and they were, in the main, 'rough, tough and

uncouth opportunists' (Collinson, 1973, p.7). However, there was one printer in particular who would come to dominate the Seven Dials fraternity and that was James Catnach.

Much of what is known about the life and times of James Catnach is due to a biography written about him by Charles Hindley in 1878. James or 'Jemmy' was only 22 years old when he set up his business in the Seven Dials in 1813, but he had learnt the trade from his father who had been a jobbing printer in Northumberland. Catnach Junior specialised in the publication of crime and execution broadsides and he was responsible for some of the biggest sellers of the genre. All of the most notorious murder cases of the period would result in a flurry of activity and Hindley (1878, p.93) recounts how Catnach would often have to keep his presses running 'night and day to keep pace with the great demand'. One particular 'great go' for Catnach was the Weare murder case in 1823 and he managed to push his pressmen 'to turn out nearly 500,000 copies of the trial in about eight days' (Hindley, 1878, p.143). Despite his immense productivity, Catnach had a small and humble establishment, befitting of its surroundings in Monmouth Court, Seven Dials. He was known to hate 'innowations [*sic*]' and would make do with whatever printing equipment he had to hand, often substituting numbers for letters and mixing fonts and figures with blatant disregard (Hindley, 1878, p.302).[2] The number of his staff was never large, seldom exceeding four men, and Catnach would often have to resort to writing and inventing his own broadside content when any number of the seven bards of the Seven Dials were 'on the drink, or otherwise not inclined to work' (Hindley, 1878, p.51).

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[2] It must be noted, however, that this practice was evidently not confined to Catnach, since many broadsides from various printers in this sample, and especially the later ones, are of poor quality and show shoddy workmanship, with crammed type and evident mistakes in their content. For example, several include many grammatical and spelling errors and typos abound, with letters being upturned, substituted or even omitted altogether. Even basic details such as the criminal's name, age, and the place of crime fell afoul of hasty printing but none of this evidently worried the readership, who would overlook these minor failings in order to garner the latest crime story.

Despite his many evident abilities, Catnach had received 'a very indifferent education' (Hindley, 1878, p.65) and 'like many others connected with the getting up of news broadsides and fly-sheets, did not always keep clear of the law' (Hindley, 1878, p.172). He was once famously imprisoned for six months due to a charge of malicious libel and was known to be an eccentric in both his manner and dress, and also 'a hard drinker of Scotch whisky, and argumentative in his cups' (Shepard, 1969, p.53). However, he was also 'a rigid churchman and a staunch old Tory' (Hindley, 1878, p.409) and must have had a canny head for business, since he was said to have amassed a fortune of over £10,000 before he retired in 1838 (Mayhew, 1861, p.220). A major part of his success was the fact that Catnach did not just rely on cribbing facts from the newspapers for his broadside content, but instead had 'correspondents' all over the country, whose duty it was to 'procure the latest information, especially that part which pertains to the awful and sensational' (Hindley, 1878, p.355). He also had the foresight to dispatch his broadsides to the provinces, and even once sent two of his best hawkers down to the scene of a murder in Brighton to live for months so that they could receive weekly supplies of his latest offerings (Hindley, 1878). In this way he was often able to beat off the local competition from provincial printers covering the same cases.

Catnach also managed to outsell all of his Seven Dials compatriots as well, most notably John Pitts, who is said to have created the market that Catnach so enlarged. From as early as 1802 Pitts had 'monopolized the broadside ballad trade in London' but after 1813 was to face 'crushing competition' from Jemmy (Shepard, 1969, p.46). Pitts was an older man, born in Norfolk in 1765, to a father who was a baker and a mother who was reputedly a former bumboat woman, and he reportedly found it difficult to keep up with his younger rival (Lloyd, 1967; Shepard, 1969). He was also more of a traditionalist than Catnach and

preferred to keep the bulk of his output consisting of old fashioned ballads; although during the 1830s Pitts was to print his fair share of crime and execution sheets. However, Catnach had a real talent for the genre and was to realise that there was more demand for sensational crime news than old songs, and so quickly adapted his broadsides to contain more prose than verse (Shepard, 1969). In effect, his total domination of the broadside ballad trade in the relatively short career span of twenty-five years was to lead his enthusiastic biographer to proclaim that: 'There can be little doubt that Catnach justly earned the distinction of being one of the great pioneers in the cause of promoting cheap literature' (Hindley, 1878, p.406). However, it has also been noted that the spectre of Catnach looms large over the broadside trade and that: 'A single printer cannot represent the whole industry, especially a trade that spanned a nation' (Ford-Smith, 2004, p.4). In fact, as Hindley (1878, p.35) states: 'A large part of the trade which James Catnach commenced to do in London, had for years previous to this been done in Scotland, as well as in several parts of the North of England' and so he owed much of his success to other less well-known, but just as important, provincial printers.

Whilst Catnach may have dominated the early-nineteenth-century broadside trade in London, it is also clear that by the end of the Napoleonic wars in 1815 every provincial town of any size would have had similar printers working in the same industry (James, 1976). In fact, Newcastle-upon-Tyne was the second largest producer of broadsides outside of London and, as O'Connell (1999, p.62) notes, the training that Catnach received there must have been 'influential', since the north-east of England had been one of the leading provincial publishing centres since the late eighteenth century and 'standards were high'. Day and Watson (1990, p.190) claim that the significant print output from this area between 1750 and 1860 was due to the fact that 'nearly seventy towns and villages had

some involvement at one time or another with the trade', and that the 'rapid industrial and commercial expansion of the area during the nineteenth century was, therefore, very much mirrored in the work and activities of the region's printers'. There was however, much overlap between the different provinces involved in the broadside trade and this is evidenced in the sample used for this thesis. Both of the two main collections used contain broadsides printed in different parts of the country, with the cities of London, Newcastle, Edinburgh and Glasgow appearing to dominate the national broadside scene. One of the main reasons, of course, for this overlap was the content that these broadsides covered, and each regional printer would have been keen to capitalise on the latest sensational crime no matter where this occurred. This was especially true for printers in Scotland, since this country had a 'relative innocence of the noose' and so would publicise English executions as well (Gatrell, 1994, p.8).

Cheap literature had long been a staple of the printing industry in Scotland, and it was the biggest producer of chapbooks throughout the eighteenth century. However, in the nineteenth century, crime and execution broadsides would become as much a part of its popular culture as elsewhere in the country (King, 1987). Indeed, the city of Glasgow would so take to this form of print that it would even have its own equivalent of the Seven Dials Press. By the mid-nineteenth century, there were about a dozen printers in Glasgow who were writing and publishing broadsides and ballads, but unfortunately much less is known about them than their London counterparts (King, 1987). It is known however that most of them lived and worked in the Saltmarket area of the city which, like the Seven Dials, was notorious for its densely populated slums. In fact so dilapidated were some of these tenement premises that one unfortunate printer twice had to change his address due to his buildings' collapse (McNaughtan, 1990). As in London, the best selling broadsides

were those relating to crime and, whilst for some Saltmarket printers these would only ever be an occasional sideline, for others it would become their main line of business (Hopkin, 2002b). There were three main Saltmarket printers who competed with each other in the covering of crimes and executions, and they were Thomas Duncan, William Carse and John Muir. The height of their rivalry appears to have been in the 1820s with their broadside coverage 'often ranging furth [*sic*] of Glasgow to avoid duplication' (McNaughtan, 1990, p.168). Many other printers would join them in this trade and Scotland would hold onto its broadside tradition much longer than England, with its famous Poet's Boxes even operating through to the early twentieth century (Henderson, 1937; McNaughtan, 1990).

The distinguishing feature of most broadside printers was the fact they tended to work in 'an intimate artisan setting' (McWilliam, 1989, p.258). They often ran very small, close-knit operations and many printing businesses were family run affairs. Until the mid-nineteenth century, the majority of printers employed less than three men, and they rarely had the luxury of working in purpose built premises, often moving instead into whatever vacant rooms or shops they could find. This meant that these printers lived and worked in the midst of their working-class communities, 'often in close physical contact with other activities' around them (James, 1976). Whilst Catnach was supposed have made a fortune from the publication of broadsides, for most other printers it was still 'a trade founded on pennies' (Vincent, 1989, p.200). The majority of broadside printers had no choice but to keep their costs down by printing on cheap rag-based paper and small hand-powered printing presses 'remained the norm until the middle of the nineteenth century' (Banham, 2007, p.276; O'Connell, 1999). Even though successful items could keep a printer in work for many days, possibly weeks, these were not to be relied upon and many a broadside

printer would have to maintain their livelihood with 'the usual jobbing tasks', such as labels and letterheads (Neuberg, 1977, p.140). However, 'none of them was a printer of the first rank' (Collinson, 1973, p.3) and those who did manage to make a profitable career out of broadside production owed much of their success to the final key-player in the trade: the hawker, who kept them 'in touch with the popular fancy' (Collinson, 1973, p.4).

Sellers

As previously mentioned, for insights into the lives and work of early-nineteenth-century street-sellers of broadsides, there is no greater source than Mayhew's *London Labour and London Poor*. Although first published in 1851, Mayhew's work looked back 'over the street life of the metropolis for a generation earlier', and presented testimonies of the street folk themselves (Holloway and Black, 2006, p.1). With regards to the broadside trade, Mayhew's focus was, once again, the Seven Dials area of London, which he describes as the 'headmeet' of the street-selling fraternity (1861, p.222). Mayhew explains how this fraternity was made up of all different types of sellers of street literature, including long-song sellers, pinners-up, and ballad singers, but he identified that for the selling of crime and execution broadsides specifically, it was the 'patterers' who were most significant. This group had two particular styles of selling that were best suited to broadsides or 'ballads on a subject', which were always on a 'political, criminal, or exciting public event' and could often be written, printed and sold in the street 'in little more than an hour' (Mayhew, 1861, p.275). The first style of selling was the 'standing patter', where the seller would set up a 'pitch' by positioning themselves in a fixed locality, and would then attempt to attract a crowd of potential buyers, 'in order that the audience may have time to swallow the many marvels worked by their wares' (Mayhew, 1861, pp.214-5). In contrast, there were also the 'running patterers' or 'flying stationers', as they became known 'from the

fact of their being continually on the move while describing the attractions of the 'papers' they have to sell' (Mayhew, 1861, p.214). These papers usually contained the details of some 'barbarous and horrible murder' and it was in times of great excitement that the running patterer 'reaped the best harvest' (Mayhew, 1861, pp.215-6).

These patterers saw themselves as 'the haristocracy [*sic*] of the streets' and a cut above other street-sellers since, as one was to inform Mayhew (1861, p.213), they earned their living by 'the hexercise of our hintellects [*sic*]'. It was true that their survival relied upon their skill in street-oratory and Mayhew (1861, p.7) was to concur that these patterers, compared to ordinary costermongers, were 'generally an educated class'. Indeed, he was even to discover that they included 'many men of respectable connections, and even classical attainments' (Mayhew, 1861, p.214). This led Mayhew to place street-sellers into three different groups: 'Those who are *bred* to the streets'; 'Those who *take* to the streets'; and 'Those who are *driven* to the streets' (1861, p.320 – italics in original). For Mayhew, patterers definitely fell into the second category, since they have for the most part 'neither been born and bred nor driven to a street life -- but have rather *taken* to it from a natural love of what they call "roving"' (1861, p.213 – italics in original). This opinion was verified by one such 'educated gentleman', who told Mayhew that patterers were 'those who -- whatever their early history -- will not be or do anything but what is of an itinerant character', and that in one lodging house he stayed in there were 'at one time five University-men, three surgeons, and several sorts of broken-down clerks, or of other professional men' and that their general habits were 'demoralised to the last degree' (Mayhew, 1861, p.217). However, despite his claims otherwise, many of the stories that Mayhew elicited from his interviewees were to uncover tales of destitution and distress, rather than dissipation, as a main cause of taking to the streets for a living. One informant

told how he had, at the age of sixteen, run away from his parents; another claimed to have been a gentleman's servant, but had lost his place due to his master moving abroad: both had had to take to selling broadsides in the streets to survive, since 'there was only that, or robbing, or starving' (Mayhew, 1861, p.230).

However they got there, once on the streets, these men would find that their best friend was the criminal, since 'it is under the scaffold and the gibbet the patterer reaps his largest gains' (Manby Smith, 1857, p.257). Indeed, so dependent were nineteenth-century broadside sellers on the commission of serious crime that a contemporary commentator would note that: 'If the legislature should put an end to capital punishment, they will at the same time destroy a species of traffic which yields an occasional harvest to thousands of vagabonds scattered through every part of the kingdom' (Manby Smith, 1857, p.258). Whilst it was generally found that most crime broadsides would sell, for a really 'great go' one patterer would claim that: 'There's nothing beats a stunning good murder, after all' (Mayhew, 1861, p.223). This patterer was to inform Mayhew that there was so much money to be made from murderers and their executions that with one famous murder he had started out fourteen shillings in debt for rent, but 'in less than fourteen days I astonished the wise men in the east by paying my landlord all I owed him' (Mayhew, 1861, p.223). He also recounted that: 'I call my clothes after them I earn money by to buy them with' and that his trousers were affectionately named after the famous nineteenth-century executioner, William Calcraft (Mayhew, 1861, p.224). In fact, so remunerative would executions prove to be that patterers would travel far and wide, often covering hundreds of miles, to sell the last laments and confessions of famous murderers. If they were lucky they would even make it to the site of the execution itself and would 'stand under the drop, and

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as soon as ever it falls, and long before the breath is out of the body, they begin bawling out' (Mayhew, 1861, p.234).

Unfortunately though, 'the gallows is not always a fruit-bearing tree, and a "good murder" does not happen every day', and in these more virtuous times, the patterer must resort to selling 'cocks' in order to survive. Cocks are 'pleasing fictions', broadsides written with 'not an atom of foundation in fact' but which are suitably startling and exciting for sale on the street (Manby Smith, 1857, p.259). Mayhew (1861, p.228) confirmed that a patterer always prefers to sell the truth, so that he can 'go the same round comfortably another day', but that if there are 'no truths for sale', patterers will invent them. If, however, they are caught in their lie by a customer, then the patterer would simply feign bewilderment and murmur: 'O, it's shocking to be done this way – but I can't read' (Mayhew, 1861, p.228). Another dubious sales technique for both 'cocks' and 'truths' is the running patterers 'mob', whereby a number of them will all charge down opposite sides of a street, in order to create a 'hurly-burly', for they know that:

> [t]he greater the noise they make, the better is the chance of sale, and better still when the noise is on each side of a street, for it appears as if the vendors were proclaiming such interesting or important intelligence, that they were vieing [*sic*] with one another who should supply the demand which must ensue (Mayhew, 1861, p.222).

These tricks and scams were not the preserve of London street sellers only, of course, but were instead recognisable all over the country. Indeed, one superintendent of Manchester markets, writing under the pseudonym of Felix Folio, produced an exposé in 1858 of all the

'dodgings and doings' of the local and itinerant street dealers', including those of flying stationers selling murder and execution sheets (Folio, 1858, p.v). Folio claimed that so many of these street-sellers earned their money by imposition and fraud that their profession was called 'hawking' after the bird of prey (1858, p.12). He provides numerous proofs of their deceits and dodges including how he has observed 'fellows among them' sneaking into back yards with their wares 'not so much for the purpose of making a sale, as to steal anything valuable they may see lying about' (Folio, 1858, p.27). He also claims that prostitution and mendicancy are often carried on under 'the cloak of hawking' and that many a trifling article has been carried by beggars 'as a protection against the vagrant act' (Folio, 1858, p.31).

Folio's opinion that: 'Hawking and street dealing is, in a great many cases, only carried on as a cover for vicious and dishonest practices' was one that was shared by a growing number of people in the early nineteenth century (1858, p.27). However, it was not a new reputation, as itinerant hawkers had for centuries been persecuted as objects of suspicion and enmity (Vicinus, 1974; Neuberg, 1977). Indeed, as Lloyd (1967, pp.31-2) points out Mayhew's 'street screamers' were merely following in the footsteps of mountebanks and vagrant pedlars who had carried on their trade throughout the country, despite being denounced since the fourteenth century 'as a class beyond hope of salvation like whores and epileptics'. For centuries the hawker had fallen foul of numerous byelaws and regulations, which often resulted in floggings or even death, but the 'pressing demands for order and respectability in the nineteenth century led to increased agitation against him' (Vicinus, 1974, p.21). For example, in 1811 a notice posted in Amersham, Buckinghamshire proclaimed that: 'The Magistrates acting for this Hundred have given peremptory orders to the Constables and Other Peace Officers to apprehend all Common

Beggars, Ballad Singers and other Vagrants so that they may be dealt with according to Law' (Palmer, 1979, p.8). Similarly, in 1819 the residents of a street in Manchester petitioned their local magistrates complaining:

> That we are everyday (except Sundays) troubled with the pestilent and grievous nuisance of profane and debauched ballad singing by men and women, to the corrupting of the minds and morals of the public in general, and our children and servants in particular. We therefore most humbly request, that you will use the power committed to you, in removing this evil immediately (cited in Vicinus, 1974, p.22)

It is evident from these examples that, by the early nineteenth century, many of the tricks and dodges of street-sellers were becoming known and that the respectable middle class at least 'saw in every open palm the evidence of idleness and deceit' (Thompson, 1980, p.294). This attitude was not always unwarranted however, since one of Mayhew's collaborators interviewed a hawker who admitted that between begging and ballad singing 'when times were hard he picked pockets for handkerchiefs' (O'Connell, 1999, p.171). It is little wonder then that the lifestyles and working practices of most hawkers both contributed to 'the lasting notion that itinerant traders were part of a criminal sub-culture' (Harris, 1990, p.89).

Street hawkers and ballad sellers have always been depicted in popular culture as people living on the edge of society, with numerous images and descriptions of ragged and crippled men and women indicating their very low status through generations (Palmer, 1979; O'Connell, 1999). In the early nineteenth century this was not to change. A novel

written in 1814 would recount how 'the jaws of penury and want' would lead its heroine to adopt 'the sordid occupation of A BALLAD SINGER!' (Edgeworth, 1814, p.192) and, similarity, the poet Thomas Hood would movingly describe in 1820 the pathetic nature of a ballad singer and how '[H]unger hath made him a wind instrument: his want is vocal, and not he' (Hood, 1820, p.37). The fact that 'a common thread of poverty' ran through the trade of street literature is evident from both contemporary testimony and historical study, and it is repeatedly noted that: 'Bringing print to the people was at once a last refuge for the respectable and a first opening for the destitute' (Vincent, 1989, p.200). Historians have confirmed that depressions in trade and industry would often result in an increase in the selling of street ballads in the nineteenth century, and that the desperate poverty endured by this residuum meant that they became outcasts to any society but their own (Thompson, 1980; Stedman Jones, 1984; Vincent, 1989).

Broadside sellers were part of 'the wandering hordes' of nineteenth-century Britain, and Mayhew (1861, pp.306-8) estimated that, in London alone, there were 250 sellers of songs and ballads; 90 running patterers; and 20 standing patterers all working in the trade; and that on average the daily earnings of each individual was only two to three shillings. This meant that most of them usually took to living in cheap lodging houses, or vagrant hovels, where among 'beggars, patterers, hawkers, tramps, and vendors of their own manufacture, are mingled thieves, women of easy virtue, and men of no virtue at all' (Mayhew, 1861, p.246). A contemporary of Mayhew's would describe in vivid detail some of the many residents of these lodging houses in the rookery of St. Giles, including a group of broadside sellers who each had 'a copy of the news he had been so loudly proclaiming stuck in the front of his hat, with that awful word, "murder," printed in large letters as the headline' (Anon., 1848, p.65). These men are described as a bawdy gang of 'lung-

labourers' who when settled in their lair then 'threw away all further care for the night, and each sought after his own individual amusement – as smoking, eating, gambling, and larking' (Anon., 1848, p.66). This eye-witness clearly imagined life as a street-seller as one filled with carefree camaraderie, yet Mayhew (1861, p.6) was to observe that 'of all modes of obtaining subsistence, that of street-selling is the most precarious', even to the extent that there are 'hundreds belonging to this class in the metropolis who are reduced to starvation by three or four days successive rain'.

Two men who knew well the precarious life of a street-seller are William Cameron and David Love. Both of these men worked as hawkers and speech criers in the early nineteenth century and each left behind a memoir of his life and experiences. Although both men shared the same profession, each had a very different character, which means that, through their autobiographies, we gain an invaluable insight into various aspects of the broadside ballad trade. William Cameron, or Hawkie, was a well-known figure in Glasgow and had earned his living since youth from a mix of ballad-selling and being 'on the cadge' (Strathesk, 1888, p.18). Though a cripple, Hawkie managed to rove all over both Scotland and England plying his trade, and he provides many an account of how he and his comrades would be chased out of towns and villages, often being arrested and having to spend several days in prison for 'calling books' (Strathesk, 1888, p.22). One notorious example of this was in 1819 when Hawkie pattered at the execution in Glasgow of William Robertson, which 'brought "flying stationers" from every quarter' (Strathesk, 1888, p.93). Such a furore was caused by these hawkers due to their crying of an expected reprieve - even as the condemned was climbing the scaffold steps - that the police soon descended and swiftly arrested over fifty of them. This fracas would later lead Hawkie to retort that: 'Criers o' Hanging-speeches – wha, generally, should hae been the subject o'

their ain story' (Strathesk, 1888, p.124). Despite his frequent visits to local bridewells and his 'inveterate love of a dram', Hawkie was obviously an intelligent fellow and prided himself on his literacy and ability to write his own material to sell in the streets (Strathesk, 1888, p.5). He tended to pick up his stories on his travels and describes once hearing a tale recounted by a fellow lodging house resident and then drawing it up the next day, before taking it to a local printer to produce for him. So popular would this broadside prove to be that: 'The strange "patterers" got copies, and it was soon in every town in Scotland' (Strathesk, 1888, p.93). Indeed, a copy of this broadside is still to be found in the National Library of Scotland (NLS11 1830).

Whilst Hawkie appeared to revel in the dodgings and dealings of an itinerant lifestyle, David Love was a ballad seller of a different nature. Unlike Hawkie, Love did not choose a street-seller's life but instead had been forced, due to a mining accident that crushed his arm, to sustain a living in this way. Although he had had less than a year of formal education, Love wrote much of his own material, pronouncing that:

> I have composed many rhymes,
>
> On various subjects and the times,
>
> And call'd the trials of pris'ners's crimes,
>
> The cash to bring.
>
> (Harris, 1990, p.93)

He was quick to capitalise on local events and recounts how he once witnessed an arrest which drew a 'great crowd'. Love realised that a potential profit was to be made from the interest shown and so set about collecting the details of the case and quickly composed a

song about it, which he got printed and had 'bawling in the streets the same evening' (Harris, 1990, p.94). Love describes his dealings with local printers on his travels and, in doing so, clearly reveals the symbiotic relationship which existed between various sections of the broadside trade. Harris (1990, p.95) suggests that printers and freelance hawkers 'relied on each other, and the printers, as well as engaging in the conventional strategies of loan and debt, did all they could to support the activities of their primary distributors'. This is plainly shown in a broadside produced in 1832 by the Glasgow printer, William Carse, who is evidently trying to protect his hawkers from harassment or arrest (see Illustration 3.2). The broadside lists the names and details of all the people he does legitimate business with and who wish to 'sing and call papers in the street' (GU11 1832). Most of the named individuals are described as blind, aged or lame, and Carse assures any prospective customer that those in his employ are genuine sellers and may be trusted.

One final point of interest from the memoir of David Love is the fact that he was a devoutly spiritual man, and that 'the frame of much of his life and writing was supplied by his religious conviction' (Harris, 1990, p.100). Love, however, was not unusual in this regard, since one of Mayhew's informant's told him that many patterers 'are devout communicants at church' and that several ensure that their children regularly attend Sunday school (1861, p.218). It therefore appears that a strict morality was not necessarily at odds with a life on the streets selling ballads and that many involved in the broadside ballad trade were good, decent and dignified people who just happened to be 'living and working outside the orbit of middling society' (Harris, 1990, p.101).

Names of the Persons who wish to sing and call papers on the street.

Hugh Baird, Blind Man, 12 years in Glasgow.
James Dunn, do. born in Anderston.
James Wyllie, do. born in Glasgow.
Archd. Dunn, do. do.
James M'Farlane, do. do.
Robert Murdoch, do. 16 years in Glasgow.
George Smith, nearly blind, born in Glasgow.
Widow Ferguson, an aged woman, and her blind
    son, born in Glasgow.
Alexr. Mills, blind of one eye and sore leg, born
    in Glasgow.
Andrew Clark, wanting an arm, 8 years here.
Alexr. Kirkwood, lame, belonging to Glasgow,
    with his wife.
Peter M'Ewan, advanced in life, and who has
    been in Glasgow since his childhood.
Peter Donnachy, (Lame), 25 years in Glasgow.
Peter M'Grady, (Lame and aged) 40 years here.
James Taylor, (Lame), 8 years here.
John Dugan, an old man, 45 years in Glasgow.
William Patrick, born in Glasgow, short of sight.
Francis Buchanan, sickly, 20 years here.
Donald M'Leod, an orphan, born in Glasgow.
Matthew Twats, aged, 20 years in Glasgow.
Michael M'Caughrey, aged, 40 years here.
Peter Murray, aged, a number of years here.
Torrance M'Michan, (Lame), 4 years here.
Peter Lindsay, cannot get work, 15 years here.
Widow Dunn, an aged woman, and her daughter
    with two children, belonging to Glasgow.

These are the names of those who attend at
my Office, but there are other Printers, who have
people of this profession going about them, but
whose names I do not know. Those I have gi-
ven I believe to be the most worthy of your pa-
tronage, and if you mean to give them Tickets
you can examine their cases before you do so.

WILLIAM CARSE.

GLASGOW, 15th Feb. 1832.

Illustration 3.2: Broadside, University of Glasgow Library, Special Collections

SOCIAL IMPACT

Readership and Popularity

Having looked in depth at the people involved in the writing, printing and selling of broadside ballads in the nineteenth century, it would appear that there is absolutely no evidence to suggest that 'anyone concerned in this trade set himself the task of forming attitudes in society', but rather it appears that the trade was instead entirely dependent on what would sell - and only their readers could determine that (Neuberg, 1977, p.142). But who read these broadside ballads? In answering this question there is evidently a wide consensus amongst modern commentators that the people who bought and read broadsides were generally the poor and working classes (Hughes, 1969; Collinson, 1973; Shepard, 1973; Vicinus, 1974; Bratton, 1975; Neuberg, 1977; Palmer, 1979; Gretton, 1980; King, 1987; Gatrell, 1994; Altick, 1998; O'Connell, 1999). This broad agreement is possible because, whilst Spufford (1981, p.258) may have complained that the question of readership is 'maddeningly obscure' for seventeenth-century cheap print, by comparison scholars of modern history have a wealth of contemporary evidence to rely upon when seeking an answer. It is all the more striking therefore when studies which profess to uncover the reading experiences of the British working classes during this period, such as Rose (2001), often fail to take account of broadsides at all.

The prominence of broadside ballads in the lives of ordinary men and women is evident from the sheer amount of literary and pictorial references made to them in contemporary culture. From numerous images in Hogarth's engravings of fishwives reading them and weavers pinning them onto their looms to Rowlandson's street singer surrounded by a motley crowd of labouring sorts; all these indicate that 'ballads were deeply ingrained in the habits and affections of ordinary people' (Palmer, 1979, p.8). It is also clear from

personal reminiscences that broadsides were an important feature of everyday life. John Clare, the renowned 'peasant poet', affectionately recalled his early-nineteenth-century childhood and told of how he and his father were 'very fond of the superstitious tales that are hawked about the street for a penny' (Robinson, 1983, p.2). He would even include broadside ballads in his own poems, such as 'Dobson and Jodie' (Robinson and Powell, 1989, p.175), where the eponymous young couple had no ornament in their cottage:

> Save Ballads, songs, and Cutts, that hide
>
> Both window-shutters, wall, and door,
>
> Which tell of many-a-murder'd bride
>
> And desperate Battles daubed oer.

It is references and recollections such as these that make it possible to infer that, in the countryside at least, the primary buyers of broadside ballads included farm labourers, milkmaids, and housewives (Shepard 1973; Vicinus, 1974; Lloyd, 1967). However, when it comes to more urban locales, the evidence regarding broadside readership is even more specific, and it suggests that the main customers were those who tended to take their business or leisure out into the streets (Folio, 1858; Vicinus, 1974; King, 1987).

The best information regarding these urban customers comes from the street-sellers themselves. Several provide testimony that the most frequent buyers of broadside ballads in the cities, as well as the country, were females and David Love certainly admitted to targeting young women 'at fairs as well as on the doorstep' (Harris, 1990, p.93). However, women were not alone in buying broadsides and the murder sheets especially were bought by men, women and children (Mayhew, 1861). One patterer recounted how he did

'uncommonly well' with one murder and that 'the tradespeople bought a great many of the affair'. He also remarked that: 'Gentlefolks won't have anything to do with murders sold in the street; they've got other ways of seeing all about it' (Mayhew, 1861, p.234). Folio concurred with this and stated that the 'intelligent' in Manchester never purchased the wares of flying stationers knowing that 'it is seldom to be depended on for truth, and if it is true, it has already appeared, or will immediately appear, in the daily newspapers' (1858, p.110).

Street-sellers were well aware who their best customers were and did not often waste time touting for business in areas where they would get short shrift, but preferred to work instead where they knew that business would be swift. As one patterer would tell Mayhew (1861, p.223) areas like Ratcliff-highway were splendid quarters for working as 'there's plenty of feelings -- but, bless you, some places you go to you can't move no how, they've hearts like paving-stones. They wouldn't have `the papers' if you'd give them to 'em -- especially when they knows you'. Even when London hawkers did venture into more up-market neighbourhoods like the West-End, they knew that their customers would be 'principally the footmen, the grooms, and the maid-servants' (Mayhew, 1861, p.235). However, all patterers knew wherever they were in the country that the best business was to be had in the poorer districts of towns and cities on a Friday and Saturday night when the working classes would have their wages in their pockets and 'there is the same shouting and the same struggling to get the penny profit out of the poor man's Sunday's dinner' (Mayhew, 1861, p.10; Folio, 1858).

Hawkers would more often than not get their pennyworth too, especially if the broadside they were selling had to do with 'great crimes', for as one contemporary would note: 'They

are by far the most numerous, and are bought with singular eagerness. There is no great criminal of any note in our day who has not been the subject of several ballads' (Anon., 1861, p.402). Indeed, in order to show the extent of the trade in these broadsides, Mayhew (1861, p.284) estimated that the circulation figures relating to the principal executions of murderers in the years between 1827 to 1849 reached between 1,650,000 to 2,500,000 copies each. Despite the fact that these figures can only be interpreted as 'informed guesses', they do however suggest 'the order of magnitude in which contemporary observers thought of the murder-broadside trade' (Altick, 1972, p.46). In fact, the incredible popularity of crime broadsides was recognised to such an extent that Manby Smith (1857, p.258) would remark: 'The annals of literature can boast no publication whose circulation equals that of the gallows-sheet'. What is even more remarkable than their sales figures alone is the fact that, even if a minority of other classes sometimes bought these broadsides, their primary circulation had always been predominantly among the lower classes, and it was recognised at the time that broadside ballads 'still form an important, perhaps the chief part of the reading of a large class of our population' (Anon., 1861, p.400; Hughes, 1969). One patterer was to exemplify this in his description of an old man reading a broadside of a recent execution, which the former had just sold him, to an attentive audience of 'eleven persons, young and old, gathered round a scanty fire' (Mayhew, 1861, pp.280-1). This rapt attention is even more significant when it is remembered that the immense popularity of murder and gallows-sheets in the early nineteenth century was occurring at the exact time when the frequency of executions was actually decreasing (Gatrell, 1994). In fact, even after 1868 when the Capital Punishment Amendment Act would abolish public executions, the broadside trade survived, though not to such a large degree, leading Hindley to remark in 1871 that: 'Still old memories and

customs yet cling to [it], and are found sufficiently remunerative to author, printer, publisher, and vendor' (Hindley, 1871, p.160).

Perhaps one of the reasons why crime and execution broadsides continued to be bought and read so avidly by the working classes in the early nineteenth century is because they occupied 'the vacuum in reading tastes which more sophisticated forms didn't seriously exploit until almost mid-century' (Hughes, 1969, p.9). It is known that murder and gallows literature heavily outsold all other types of broadside production during this period, and yet, as a contemporary commentator would note: 'this morbid curiosity is by no means confined to the uneducated classes' (Anon., 1864, p.597; Hughes, 1969). However, more affluent readers had other ways of reading about crime than via broadsides, and the Newgate Calendar was one such example. Although originally published in 1774, this publication also reached a peak in popularity in the 1820s, when several volumes were issued which covered the lives and deaths of criminals. Indeed, it has been argued that the Newgate Calendar did 'for the educated classes what Catnach and others had long been doing for the poor', and that its producers had been heavily influenced by the popularity of broadsides sold at public executions (Child, 1907-21, para.1 of 1). Yet the Calendar was an elaborate and expensive publication, evidently aimed at a more specific readership, such as Marjory Fleming, the young daughter of an affluent middle-class Scottish family who wrote in her diary in 1811 that: 'The Newgate Calendar is very instructive, Amusing, & shews us the nesesity [*sic*] of doing good & not evil' (McLean, 1999, p.45).

The recognition that certain forms of popular literature about crime were deliberately aimed at different types of readership is important and, as previously highlighted in chapter one, is often overlooked. There is a tendency to assume that because this literature is so

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similar in content, it must also be similar in appeal, whether it takes the form of a broadside, pamphlet or book. Yet, as Faller (1987, p.192, p.204) argues class consciousness was increasingly infiltrating the popular literature of crime even in the early eighteenth century, and that this was evident from within the texts themselves, with each tending, whether by inference or direct reference, to offer clues as to the social status and attitudes of their intended audience. That there was a definite 'middle-class cast' to the more expensive pamphlets and Calendars is undeniable (Faller, 1987, p.206) but, equally, it is obvious from the style and marketing of cheap street broadsides that they too were unashamedly directed at a class specific audience – albeit a more 'humble' one (Gatrell, 1994, p.171). Pricing, of course, is the most obvious clue to readership and with pamphlets costing between six pence to a shilling it is little wonder that poorer readers would stay loyal to the penny broadside (Faller, 1879, p.47). Even the Ordinary's Accounts of the early eighteenth century were beyond the price range of most of the labouring classes, since they usually sold for between three to six pence each, and so there was a difference even then between the official account and the cheaper versions bought from hawkers, with the latter being 'remembered below decks, in gin-shops, at the work-bench and under hedges; the other by schoolmasters, vicars and magistrates' (Linebaugh, 1977, pp.246-7).

The readership of cheap print had not always been so polarised however, since in the early modern period the audience for this literature appears to have been 'inclusive rather than exclusive' (Watt, 1991, p.3). Broadsides printed in the sixteenth and early seventeenth centuries were certainly not aimed exclusively at a poorer audience, but were instead patronised by princes as well as paupers. Indeed, many of the early broadsides were written specifically for the gentry and elite, yet through a network of minstrels and hawkers they became increasingly shared between both patrician and plebeian cultures (Watt, 1990;

Watt, 1991; O'Connell, 1999). Even in the eighteenth century there were many aspects of popular culture that were shared between the classes, and there was no social pressure on the respectable to repudiate plebeian culture as later generations would do (Gatrell, 1994). Yet, as the century progressed, there was to emerge in society a growing divide in both class and culture. In Edinburgh, for example, social life in the early eighteenth century was shared, both geographically and culturally. People, whether high or low occupied the same streets and sang the same songs, but by the 1780s the 'cultivated classes' began to alienate themselves from native life and culture and, both physically and psychologically, began to remove themselves from the old city. This exodus was not only to result in the creation of crammed inner-city slums but also 'the studious shunning of the low' which would make up the ideal of respectability throughout the next century to come (Craig, 1961, p.52).

So, broadsides were one form of popular culture to be left behind by more polite society and this was to be sorely lamented by the famed ballad collector Francis Child who wrote in 1878 that 'the growth of civilization has driven them from the memory of the highly-polished and instructed, and has left them as an exclusive possession to the uneducated' (Child, 1878, p.367). Child valued only the older more traditional ballad poetry from previous generations and was to describe the street broadside of his own time as 'a low kind of *art* ... thoroughly despicable and worthless' (Child, 1878, p.367 – italics in original). This superior attitude of Child's appears to have been shared amongst the cultivated elite in the nineteenth century, 'for in general Victorian official culture either ignored contemporary broadsides or was unaware that they existed' (Hughes, 1969, p.8). Increasing literacy and the emergence of newer more sophisticated forms of print would conspire to leave broadsides as 'almost wholly a working class cultural form' and during this period broadside readership would expand numerically but contract socially (Hughes,

1969, p.8). More educated and affluent readers no longer needed to read broadsides in this new industrial age, since they increasingly had other reading matter of their own, and with broadsides becoming more associated with the working classes 'the social tensions of the early nineteenth century almost guaranteed the flight of their respectable readers' (Hughes, 1969, p.8).

Newspapers

It is not possible to fully explore the issues of broadside readership and popularity without taking into consideration another burgeoning form of print in the nineteenth century: the newspaper. Indeed, it has been argued that even as early as the eighteenth century, it was the newspaper which dominated in the dissemination of information about crime and that this form of print became the most widely read source of reports regarding issues of law and order (King, 2007; Snell, 2007). However, this claim needs to be regarded with caution, since it overlooks the major impact and influence of crime and execution broadsides, and fails to take account of the complex and symbiotic relationship between the two forms of print in the early years of the nineteenth century. For, as discussed in chapter two, there is no doubt that there was a direct and distinct relationship between crime reports appearing in both newspapers and broadsides during this period. Contemporary observers were well aware that most of the information presented in broadsides regarding the latest crimes was cribbed from the newspapers of the day and the producers of broadsides would quite openly cite their sources. However, they also adapted the 'borrowed' newspaper content for their own audience, condensing lengthy trial accounts and adding exclusive commentaries and original copies of verses (Manby Smith, 1857; Folio, 1858; Mayhew, 1861). So, whilst it is true that broadside producers would

mine newspaper reports for factual details, they were not short of their own inspiration with regards to how this information was presented.

Indeed, it has been widely acknowledged by modern scholars that it was the broadside's innovative and distinctive style of crime reporting which would impact and influence the content of contemporary newspapers, and even change the nature of all subsequent popular journalism itself (Hughes, 1969; Altick, 1972; Shepard, 1973; Williams, 1978; Berridge, 1978; Vincent, 1989; Altick, 1998; Williams, 1998; Crone, 2012). One particular form of newspaper which would exploit and capitalise on the immense success and popularity of early-nineteenth-century crime broadsides was the new Sunday weekly, which began in the early 1840s. Enterprising editors such as Lloyds and Reynolds would take their cue from broadsides, incorporating as much crime content and social sensation as their pages would allow, and even copying the gallows sheets' format and style, including attention grabbing headlines and images, and it was this canny cribbing of features from the older traditions of street literature which allowed newspaper publishers to eventually poach working-class readers from the dominating broadside trade (Shepard, 1973; Berridge, 1978; Crone, 2012). Yet, this transition from broadsides to newspapers was not quickly achieved and the labouring classes were not to be easily weaned from their daily diet of murder and execution broadsides until at least the late 1860s when the abolition of public executions finally ensured their demise (Shepard, 1969; Gatrell, 1994; Crone, 2012). Indeed, Crone (2012, pp.225-6) insists that: 'Despite such fast acceleration towards mass circulation, during the 1840s and even during the 1850s it was not entirely certain that the Sunday newspapers would replace the broadsides as the preferred method of violent crime reporting for the lower classes'.

Certainly competition between broadsides and newspapers was to become rife as the nineteenth century progressed, and as a street patterer remarked to Mayhew: 'us and them treads close on one another's heels' (1861, p.284). One particular form of broadside, however, which long held its own against the rising tide of newspaper production was the execution sheet and it was often a great source of satisfaction and pride for those involved in the broadside trade that their accounts were still able to beat off their rivals, not just in speed but in sales. Despite the fact that they probably knew in the long term that they were fighting a losing battle, the producers of last dying speeches could rest assured that still, even in the more sophisticated second half of the nineteenth century, 'the public looks to us for the last words of all monsters in human form' (Mayhew, 1861, p.224). Further evidence that broadsides survived to form a significant part of the reading material of the working classes is provided by a *Punch* cartoon published in 1849 (see Illustration 3.3). This famous image portrays a large, impoverished family all huddled round listening as the father reads aloud from a Sunday newspaper the latest details of a murder. This image has been often used by contemporary and modern scholars alike to highlight the popularity of sensationalistic newspaper crime reporting – yet – there is something that many fail to notice, and this is the fact that on the wall, over the fireplace, there are pasted several crime and execution broadsides.

There were many reasons why crime and execution broadsides continued to be popular, and sell so readily, among the working classes until the second half of the nineteenth century: one of the main ones being the affinity they had with their intended audience. Shaaber (1966, p.321) argues that the broadside ballad had long been 'a thing wholly aimed at the popular taste' and that broadsides gave their readers news suited to their levels of interest and comprehension. This is an important point because, until the emergence of

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OR, MURDER MADE FAMILIAR.

Father of a Family (reads). "The wretched Murderer is supposed to have cut the throats of his three eldest Children, and then to have killed the Baby by beating it repeatedly with a Poker. * * * * * In person he is of a rather bloated appearance, with a bull neck, small eyes, broad large nose, and coarse vulgar mouth. His dress was a light blue coat, with brass buttons, elegant yellow summer vest, and pepper-and-salt trowsers. When at the Station House he expressed himself as being rather 'peckish,' and said he should like a Black Pudding, which, with a Cup of Coffee, was immediately procured for him."

Illustration 3.3: Cartoon, *Punch*, (1849), Vol. 17, p.116

the Sunday weeklies in the 1840s, newspapers would have had very little appeal for the average working-class person. This was mainly because these earlier papers tended to be thin, dull affairs with content focusing on London, politics, and foreign intelligence. As such, they were clearly produced for a smaller and more elite readership (Altick, 1972, 1998). For example, at the turn of the nineteenth century many newspapers relied heavily upon political subsidy for their economic survival and so were expected to reflect 'the political and economic aspirations of both its backers and its audience' (Leps, 1992, p.92). This 'social location of the press' was firmly rooted for, as Black (1990, p.69) suggests, an examination of the content of these newspapers 'does not suggest much of an effort to cater for and thus create a mass readership'. The broad middle-class bias of both London and provincial newspapers in the eighteenth and early nineteenth centuries meant that they were 'socially circumscribed' and class biased, meaning that in effect the press can only be viewed as a limited representation of middle-class opinion (Black, 1990, pp.70-71; Altick, 1998). It is little wonder therefore that, until the mid-nineteenth century when the character of the press was 'fundamentally different' from what it had been before, it was the street broadside trade which alone catered for the tastes and interests of their working-class readers (Asquith, 1978, p.115; Altick, 1972).

Accessibility was also another main reason why broadsides remained a staple form of reading for the working classes in the early nineteenth century. As opposed to newspapers, such as *The Times*, which in 1803 had a circulation of less than 2000 and depended upon subscriptions for its sales, broadsides proliferated in the streets and were readily available to any passing customer going about their business who should wish to read one (Eliot, 2007, p.292; Leps, 1992). Newspapers, on the other hand, were more elusive and their role more limited, since their circulation, and therefore sales, tended to be low, and their

commercial distribution methods did not match that of the far-ranging hawker until the introduction and expansion of the train network in the 1830s and 40s (Webb, 1971; Collinson, 1973; Asquith, 1978; King and Plunkett, 2005; Eliot, 2007). Although it is known that some working-class readers could and did gain access to newspapers, this tended to be achieved by sharing between several people or reading aloud in public houses rather than by outright individual purchase, unlike the broadside which was easily accessible and comparably cheap enough for all readers to have their own personal copy (Jones, 2007). Newspapers in the early nineteenth century, therefore, still remained 'a minority culture', especially for the working class, and it has been estimated that the newspaper reading public in 1820 was only about 1% of the adult population (Williams, 1978, p.45, p.42).

Newspapers were restricted reading for potential working-class purchasers not solely due to small circulations however, but also due to their expense. Hindley (1878, p.144) observed that in the 1820s during the height of the broadside ballad trade: 'There were no newspapers in those days to give working people particulars of what was going on, except a few at 7d. and 8½ d. a copy, and these only circulated amongst the rich and merchants'. At these prices it is evident that newspapers were financially beyond the means of most of the working class, since 'it is hard to imagine people living in slums going without food to read the latest news' and that they relied instead upon the cheap penny broadside press to fulfil their needs (Leps, 1992, p.94; Collinson, 1973). Although demand for print culture of all forms was increasing in the early nineteenth century, access to it was still controlled by 'a number of powerful fiscal and ideological forces' (Jones, 2007, p.370). These mainly took the form of various stamp and paper duties on the press, which kept the price of print high and, despite growing opposition resulting in several concessions by the Government,

most notably in 1836, these taxes were not fully removed until after 1855. In fact, in the early years of the nineteenth century these 'taxes on knowledge' were even increased, which meant that after 1815, for a large section of the population, the price of print was largely prohibitive (Webb, 1971; Elkins, 1980; King and Plunkett, 2005; Eliot, 2007; Jones, 2007). However, there was one form of print that was unaffected by these taxes, and which continued on regardless, and that was the broadside, since it was so cheap and easy to produce, and being a form of street literature, largely outwith government control (Shepard, 1969; Eliot, 2007). Indeed, it is interesting to note that the years when these taxes were at their most restrictive, namely between 1815 and 1836, can also be identified as the golden era of the broadside ballad trade.

Literacy

So far it has been argued that affordability, accessibility and affinity with their audience were three main reasons why broadsides remained so popular and prominent in the early nineteenth century; but there is also a fourth, and that is regarding the levels of literacy of their working-class readers. Definitions of literacy during this period were vague and modern conceptions of the term, such as the ability to read and write at a conventionally accepted or expected level, were not applicable for one main reason: there were different levels of literacy for different sections of society. In the early nineteenth century, the ability to read the most basic prose was all that was expected by, and for, the majority of the poor and working class (Webb, 1954; Stone, 1969). For them, this elementary form of literacy did not include the ability to write, beyond learning the 'meaningless trick' of signing their names (Vincent, 1989, p.17). It has been suggested that 'alphabetism' is the more apposite term for the reading ability of a large proportion of the labouring poor during this period, and that this does not equate with 'true literacy', namely the ability to

communicate via the written word and to understand what is being read (Stone, 1969, p.98; Rawson, 1841). Therefore, the laborious process, undergone by many, of identifying individual letters was very different from the assured skill, held by the minority, that made reading not only easy but pleasurable.

It was not until the mid-1830s that these differing definitions of literacy began to be categorised, when growing concerns regarding the link between ignorance and crime resulted in the official recording of the reading and writing abilities of criminals (Rawson, 1841). Criminals were found to be the least educated in the country (Webb, 1954) and this is not surprising considering that, as already discussed in chapter two, the great majority of them came from the lower sections of society. In 1836 four main categories of literacy were distinguished: those who could neither read nor write; those who could read and write imperfectly; those who could read and write well; and those who had received a superior degree of instruction (Rawson, 1841, p.333). It is interesting to note that these criminal literacy categories would thereafter begin to appear in broadside calendars reporting on assize proceedings and that there are several in the sample used for this thesis dating from 1840 (for example JJ300). The results from these enquiries into standards of literacy for criminals were shocking and showed that, for the years 1837 to 1839, out of the annual average of persons of both sexes committed for trial, literacy rates were as follows: 35.4 % could neither read nor write; 54.2 % could read and write imperfectly; 10% could read and write well; and 0.4% had a superior degree of instruction (Rawson, 1841, p.333).

These statistics show that, although overall levels of literacy for the national population were estimated in 1840 at two thirds for adult males and one half for adult women, differences in quality of literacy were something to be reckoned with. It also meant that

there was still a significant proportion of the population who were deemed to be completely illiterate (Stone, 1969, p.119). It was only after 1840 that this widespread illiteracy was really tackled as a social issue, and it began to be recognised that economic growth did not necessarily lead to social and educational progress in society (Stone, 1969; Vincent, 1989). Indeed, it is only now with historical hindsight that modern scholars can state with a degree of certainty that levels of literacy in fact fell in the early years of the nineteenth century and that optimistically high estimates of reading ability may have been exaggerated (Vicinus, 1974). Any previously high levels of national literacy achieved in earlier centuries were to fall victim to the urban dislocation and social changes of the Industrial Revolution, and now it is understood that literacy 'declined significantly at those moments and in those areas where industrial development was at its most rapid and extensive' (Gardner, 2007, p.355; Stone, 1969; Vincent, 1989). The main reason for this was that, between 1800 and 1840, migration and urbanisation were occurring at such an unprecedented scale that social resources, including education, simply could not compete and that the result was a 'temporary deterioration of literacy under the initial impact' (Stone, 1969, p.130).

Unsurprisingly, it was in the fast growing slums of the new industrial cities where this decline in literacy was at its most prevalent (Stone, 1969) and this is probably why the broadside ballad trade was to find its home among the 'sinks and dens', not only of London but Glasgow, Newcastle and Manchester (Anon., 1848). Nevertheless, it was not only in the growing cities where literacy was erratic but across the whole country the levels of reading ability varied greatly (Webb, 1971). Geographically, Scotland had higher levels of literacy than England, but all over Great Britain the situation could vary 'from parish to parish' (Webb, 1954, p.102). For example, the city of Glasgow was deemed to be

especially illiterate in the early nineteenth century, and this can be explained by rapid expansion, over-crowding, and migration of workers from the rural north (Webb, 1954). Levels of literacy were not only greatly affected by where people lived but also by the occupation they worked in, and social class and status became closely associated with literacy during this period (Vincent, 1989). In general, the most highly skilled members of the workforce were the most literate and the least literate section of the population tended to be the unskilled labourer (Webb, 1971; Vincent, 1989). For example, Mayhew (1861, p.22) would note that only about one in ten of the costermongers selling in the streets of London could read. It is evident therefore that, in terms of literacy, 'for the working population as a whole, substantial differentials were a reality throughout the nineteenth century' (Vincent, 1989, p.96). This meant that there must have been a 'significant cultural barrier', even amongst the working class themselves, between those who could read and those who could not, and that 'the bottom third of the population was cut off from the rest, not only by its abject poverty, but also by its illiteracy' (Stone, 1969, p.119).

The main reason why standards of literacy were so variable for the working classes during this period was that, for the greater part of the nineteenth century, the provision of schooling for them was a largely haphazard affair. Education was, at this time, geared towards the needs, aspirations and status of different social classes, which meant that until the Education Act of 1870, the acquisition of learning for those outwith the economic and cultural elites was 'characteristically episodic, fractured and contingent' (Gardner, 2007, p.354; Stone, 1969). There were schools available to the poor in the early nineteenth century but many of these were relatively expensive and of very poor quality, resulting in the provision of only the most basic literacy, which was soon forgotten by most who attended (Stone, 1969; Gardner, 2007). In addition, working-class children were rarely

expected to go to school for long, and contemporary school records documented the average duration of school attendance as being one year in 1835 and two years in 1851 (Webb, 1971; Williams, 1978, p.42). These findings led one social commentator to state that: 'It is a fact as certain as it is deplorable, that the degree of education among the working classes in this country is in general still very incomplete and imperfect' (Worsley, 1849, p.12). Changes in demography and increasing industrialisation were placing great strain, not only on the already limited educational provisions available but also on the working classes themselves, meaning that their levels of education, and therefore literacy, 'consequently varied in inverse correlation with the opportunities for employment and the prosperity of the family household' (Stone, 1969, p.116). Indeed, a contemporary educator was to admit that one of the main obstacles to working-class education and literacy in the early years of the nineteenth century was their own 'almost unconquerable indifference' (Stone, 1969, p.116).

Yet, this indifference was not due to ignorance or apathy but practicality, since there was very little evidence that literacy did much at all to improve the employment prospects of many of the labouring poor, and that: 'Social and economic advancement did not appear to be – and in fact was not – related to educational achievement at the elementary level' (Stone, 1969, p.116). Though much comment has been given to those working-class scholars who diligently self-educated and recorded their road to success and enlightenment in autobiography, it must be remembered that these hardy few were in the minority and that 'they do not represent the commonality of working-class experience' (Gardner, 2007, p.355; James, 1976). For the fact remains that, for the majority of this class, education featured very little in their lives, and learning and reading were merely 'a modest source of local status, shared pleasure and individual solace, rather than being an all-consuming

passion' (Gardner, 2007, p.356, James, 1976). Indeed, the reality of many working-class lives meant that the pursuit of reading was hardly the most pressing concern, and working and living conditions often conspired to provide very little incentive to read. Not only were working hours long and exhausting, both physically and mentally, but the typical early-nineteenth-century working-class home was not a place for quiet reading to occur. Social constraints such as overcrowding, insanitary conditions, noise, inadequate lighting, and general discomfort, all meant that: 'It would take a type of literature especially suited to men and women with dulled minds and tired bodies to turn manual workers into habitual readers' (Altick, 1998, p.94).

Indeed, it has been argued by several modern scholars that the type of literature found to be especially suited to the lives and conditions of the working classes in the early nineteenth century was none other than the humble broadside ballad itself (Shepard, 1969; Webb, 1971; Buchan, 1972; Shepard, 1973; Vicinus, 1974; Neuberg, 1977; Vincent, 1989; Altick, 1998). The main reason being that broadsides required very little skill or effort for the barely literate to read and enjoy; for not only were they cheap and readily available but, more importantly, broadsides were short and written in a style and format that was easily understood by even the most inexperienced reader (Webb, 1971; Neuberg, 1977). Broadsides included many 'pre-literate devices', such as rhymes, images and proverbs, and can be credited with 'helping the poor to make the transition from an oral to written culture' (Vicinus, 1974, p.26). In fact, Vincent (1989) argues that the construction of broadsides can be compared to that of school primers, used to teach young children to read, since they presented one single story in several different ways. Firstly, there would be the short prose account, then the simple formulaic verse, finishing with the crude woodcut, which told the tale without words. Indeed, Vincent (1989, p.204) argues that so multi-

layered were these broadsides that: 'Only the blind and stone deaf can have failed to derive some pleasure' from them. Broadsides and working-class literacy appear to be closely interlinked and many are convinced that without the outpouring of this form of cheap literature in the first half of the nineteenth century, a significant proportion of the population would never have learnt to read at all (Shepard, 1969; Webb, 1971; Buchan, 1972; Shepard, 1973; Vicinus, 1974; Neuberg, 1977; Vincent, 1989; Altick, 1998). In an era when both class and literacy were becoming increasingly important factors in 'demarcating the folk', broadsides remained popular with 'those whose mode of life and work asked least in the way of literate skills' (Buchan, 1972, p.275). These were the 'casual unpurposeful' readers and it was among them that Catnach *et al* found a ready audience (Altick, 1998, p.28).

Middle-Class Attitudes

The evidence thus far presented clearly suggests that broadsides remained popular and prominent in working-class people's lives in the early to mid-nineteenth century, but what of middle-class attitudes to this prolific form of print? How were crime and execution broadsides perceived by them and what reactions did this gallows literature provoke in the more elite and refined circles of society? In general, it appears that the mildest response was merely to completely disregard the productions of the broadside ballad trade and to consider their penny sheets as crude pieces of trash, unworthy of any serious attention (Cowan, 2000a; Hopkin, 2002a). In contemporary comment there is evident condescension due to a widespread perception that broadsides were 'the voice of and for the poor' and, as such, they were bound to offend the tastes of more 'respectable' readers' (Elkins, 1980, p.264). For example, esteemed commentators such as Sabine Baring-Gould (1892, p.213, p.217) positively despised the 'atrocious rhymes' and 'utter balderdash' which poured

forth from the 'half tipsy, wholly stupid band' of writers in the pay of printers such as Catnach. Their broadsides, especially execution sheets and last dying speeches were considered 'disgusting abominations' (Anon., 1852, p.52) and no self-respecting member of 'genteel society' would deign to reveal an interest in these wares (Folio, 1858, p.115). Respectable booksellers and publishers would no doubt have avoided dealing with the 'vulgarities' of the broadside trade, such as mobs of dirty hawkers congregating around their premises, and similarly 'the better sort' of customer was rarely witnessed buying broadsides for themselves (Shepard, 1969, p.22; Anon., 1868c, p.438; Mayhew, 1861). One notable middle-class purchaser of broadsides was the author Margaret Oliphant who described an afternoon spent reading 'the unauthoritative, undignified, unlearned broadsheets, which represent literature to a great portion of our country people' (Oliphant, 1858, p.196). Upon perusing the content of 'these dreary sheets of printed paper', she concluded that: 'good sense, good thought, truth, excellence, or refinement of any kind, are by no means included ... in publications such as these' (Oliphant, 1858, p.197).

Whilst some members of the middle class may have been content to merely ignore or express their distaste of broadsides, others attempted to actively prevent their sale. As previously mentioned, it appears that increasingly during the early to mid-nineteenth century the often loud and raucous practice of hawking literature in the streets was becoming a major source of irritation and concern. Indeed, those occupying more respectable residences would often be startled by 'shrill clarion-like voices' as patterers tried to attract domestic servants out to buy their wares (Anon., 1852, p.51; Anon., 1856). This objectionable practice of speech-crying was frequently complained about in the newspaper press and repeated calls were made to the authorities to 'take severe measures to repress' this social nuisance and to prevent 'the worthless class' who practice it from

dispensing 'this wretched tissue of lies and ribaldry' (Caledonian Mercury, 1836, p.3). Similarly, one broadside in the National Library of Scotland collection has a cutting from an unidentifiable newspaper pasted to it, dating from 1831, which denounces the crying of crime broadsides as follows:

> SPEECH-CRYING. - One of the most intolerable nuisances which the citizens of Edinburgh are made to endure, is the incessant bawling of speech-criers who infest the streets, and swindle the lower orders out of their pence, by vending the most abominable fabrications of robberies and murders. The whole of yesterday, scores of these sturdy vagabonds were busily employed in hawking "an account of a horrid and barbarous murder, between Glasgow and Lanark," which happened some 20 or 30 years ago, making it appear as if it had been perpetrated within the last few days. Has the police no control over such miscreants? *Is the publisher not amenable to justice?* (NLS178 1807 – italics in original)

The strongest campaign to eradicate broadsides, however, came not from a desire to end the fraudulent and anti-social practices of those who sold them, but from a fear of their morally contaminating content. In the mid-nineteenth century there was growing concern that the prevalence of this form of cheap literature was detrimental to society, with the primary concern being that they were having a 'vitiating' effect on the character and morals of the working class (Worsley, 1849, p.112). The fact that broadsides during this period mainly contained tales of crime and murder led many to speculate about the debased morals of those who wrote and read them, and the social harm which might result from their 'pernicious influence' (Anon., 1852, p.53). Respectable authors such as Fanny Mayne

warned that such working-class literature as broadsides would result in 'a callousness to crime' and lead to a dissemination of lawlessness throughout the country. For was it not a well-known truth, she argued, that: 'Man, by nature, is a being of imitative sympathy' and 'that poisoning, begets poisoners; a murder, murderers' (Mayne, 1850, p.41). Mayne was not alone in her belief that broadsides and other forms of cheap print, which flaunted crime before the masses, could lead to a 'murder mania', as others would even claim that such literature could be deemed to be 'accessories before the fact' (L.R., 1849, p.209). Similarly, Eliza Meteyard, the prolific writer and social campaigner, was convinced that 'the viler sections of cheap print', such as broadsides, were 'a vicious mental stimulant' to crime, especially on the young, and 'particularly those of the lower class' (Meteyard, 1850, pp.221-2). Furthermore, an anonymous article written for the *Ragged School Union Magazine* provided evidence from case studies showing that children had been 'soul-poisoned by this literary sewage', and specifically blamed the dissemination of gallows literature for undoing much of the charity's work 'among the wild tribes of our great cities' (Anon., 1868b, pp.170-2).

It is evident then that, by the mid-nineteenth century, the threat posed by crime and execution broadsides was perceived by many middle-class contemporaries to be potentially catastrophic, even to the extent that these penny sheets were deemed capable of 'undermining the foundations of our tranquillity' (Mayne, 1850, pp.42-3). Broadsides were being blamed for not only an increase in crime but also for a decrease in church attendance of the working class. One newspaper article, arguing for the social and religious improvement of the lower orders in Manchester, suggested that 'more good would accrue from due attention to "ballad literature and speech crying"' than many other forms of interference for the public good, since it was claimed that: 'We never heard but once in the

streets of any city "The last speech and dying testimony" of a working man' (Manchester Examiner and Times, 1854, p.4). However, this negative perception and attitude was not unique to this period, for throughout their history broadsides have 'incurred the censure of the serious-minded' (Henderson, 1937, p.14). For centuries crime and execution broadsides have been regarded as a threat to established moral values and the dominant social order, especially as 'their primary audience was identified increasingly with the lower socio-economic registers' (Preston, 1995a, p.xiv; Neuberg, 1977; Gatrell, 1994). The view that broadsides could be 'downright subversive' often led to attempts by those in a position of power and influence to devise schemes to either suppress or replace this dangerous form of literature (Elkins, 1980, p.264; Radzinowicz, 1956). In his famous treatise of 1795, the magistrate Patrick Colquhoun even suggested that it could be a duty of the police in London to ensure that ballad singers are 'rendered instruments useful' by providing them with more morally acceptable materials to disseminate in the metropolis (Colquhoun, 1806, p.348). Despite his plan, however, Colquhoun seemed aware of the notoriously resilient nature of ballad singers and noted with pessimistic dismay that: 'They were evils suffered centuries ago where laws proved equally unavailing' (Colquhoun, 1806, p.349).

The campaign to stem the tide of deleterious broadsides appears to have reached its zenith at the turn of the nineteenth century, when Hannah More began writing her cheap repository tracts. Her aim was to supplant those 'corrupt and vicious' little publications, which she felt were 'so highly mischievous to the Community', with her own more salubrious fare, in order to counteract revolutionary ideas and promote 'a proper regard for the social order' (Bratton, 1975, p.139; Webb, 1971, p.25). Recognising the immense popularity of broadsides, More specifically designed her tracts to mimic their style and format, and even employed hawkers to sell them in the streets (Webb, 1971; Altick, 1998).

However, hawkers were to soon find that tracts were not popular with their usual customers and so their free distribution was thereafter left in the hands of middle- and upper-class philanthropists (Mayhew, 1861; Webb, 1971; Neuberg, 1977). Throughout the early nineteenth century, the religious tract movement had fervent followers, and imitation last dying speeches were even circulated at executions 'where one could find hundreds of the most degraded of the lower orders' (Webb, 1971, p.27). However, all attempts to replace broadsides with tracts were to prove unsuccessful, since the working classes never willingly took them into their hearts and homes. The problem was that tracts were recognised as a form of 'obtrusive patronage' and represented only what the established elite thought the lower classes ought to read, not what they wanted to (Bailey, 1987, p.179; Neuberg, 1977). In contrast, genuine broadsides showed 'a real knowledge of the people for whom they were intended' and so remained a force to be reckoned with by the authorities (Webb, 1971, p.28).

Increasingly throughout the nineteenth century, broadsides were to become embroiled in the debate regarding the provision of education for the masses. By the 1820s and 30s the 'march of the intellect' was a major cause of concern and many were 'apprehensive as to the social consequences' of educating the labouring poor (James, 1976, p.21). However, the cultural and political decision makers of the period were both uncertain and divided in their views on popular education, 'now encouraging it to feed their nationalist and religious aspirations, now damping it down for fear of social unrest' (Stone 1969, pp.88-9). Advocates of both sides began to focus their attention on the spread of cheap literature amongst the uneducated, and the working class found themselves castigated by reformers, not for their illiteracy but for their choice of reading matter (King and Plunkett, 2005; Gardner, 2007). A series of investigative articles written by William Hepworth Dixon

(1847) on the literature of the lower orders merely served to heighten the sense of middle-class panic which prevailed and, as Vincent (1989, p.208) states: 'To many alarmed commentators, the growth of the reading public during the first half of the century was characterised by the million-selling execution broadsides'. The sale and purchase of this particular form of cheap literature once again became a moral issue, but despite much evangelical pleading and 'outraged orthodoxy', the authorities seemed at a loss as to how to eradicate it from the streets (Neuberg, 1977, p.218).

It is ironic therefore that during the 1860s there began a nostalgic revival of interest in broadsides from the middle class themselves, which seems to have occurred in response to Mayhew's investigations into the street literature trade (Anon., 1868a). A plethora of articles began to appear in periodicals which now viewed the broadside ballad trade as a form of 'literary bohemia' and since the worst excess of broadside popularity was over and its decline in popular working-class culture was evident, it was possible from a safe distance to view the previously derided nineteenth-century broadside ballad as a type of quaint urban minstrelsy (Dickens, 1859; Anon., 1868b; Anon., 1878). Furthermore, it was generally agreed by all who took the time to study the subject that these modern broadsides had in fact been 'unfairly condemned' and that this literature of the people was not 'so great a social evil' as previously feared (Macaulay, 1884, p.654; Anon., 1864, p.597). The main reason for this was that despite the often 'barbarous jangles' and 'doggerel narrative', the sole redeeming feature of the street broadside was that its tone and stance was always 'according to its own standard, eminently moral' (Dickens, 1859, p.478, p.578; Anon., 1864, p.597). It was revealed that within these street ballads 'platitudinous ditties of lofty moral sentiment seem to find much favour' and this led one commentator to be persuaded that 'there are yet in the minds and hearts of the poorest class ... deeper feelings, and purer

tastes ready to spring up' (Anon., 1878, p.216; Johns, 1867, p.406). Even the whole of the last dying speech genre was eventually seen to contain a 'monotonous morality', such as appeals to heaven and Christians in general, which meant that, taken as a whole, street ballads and those who read them could be considered to be both 'honest and right-minded' (Anon., 1861, p.405, p.417).

Conclusion

With regards to the historical interpretation of certain types of literature, Rose (2001, p.4) argues that many academics often commit what he terms 'the receptive fallacy', in that they examine only the text and not the audience it was written for. This criticism is applicable to much that has been written about early-nineteenth-century broadsides, which often tends to obscure the fact that in these ragged sheets of paper 'the poor and wretched found a voice' (Henderson, 1937, p.9). Indeed, generations of broadside scholars have come to understand that the most essential feature of this form of popular literature is the fact that 'it represents the common denominator of feeling and experience in the community to which it belongs'; and that this community was that of the poor and working class (Bratton, 1975, p.7; Hughes, 1969; Vicinus, 1974; Elkins, 1980; Gretton, 1980; Thompson, 1980; Vincent, 1989; McWilliam, 2007). Broadsides therefore remained popular for so long not because they told members of this community what to think, but because they accorded with and reflected their own opinions, values and expectations in print (Watt, 1991; Gatrell, 1994).

This chapter has provided evidence to corroborate the opinion, held by most modern commentators, that the early-nineteenth-century broadside ballad trade 'flourished with few influences from above' (Vicinus, 1974, p.8). This is evident from an understanding of

its background and social context, since all of those involved in the trade, whether they were printers, writers or hawkers, merely attempted to follow rather than form the attitudes and concerns of their working-class readers. Moreover, the testimony suggests that educated and elite members of society during this period rarely, if ever, patronised the broadside trade, either as publishers or purchasers (McWilliam, 2007). This contradicts any theories which suggest that broadsides were used as a form of social control or hegemony for, certainly in the nineteenth century at least, those in political and cultural authority had every intention and desire to suppress or supplant this literature, not to disseminate it. Working-class broadsides simply did not accord with middle-class norms, and yet, they provide evidence of 'a strong, demotic morality' (McWilliam, 2007, p.217). For, in the broadside world, virtue overcomes vice and punishment follows crime, and there is no evidence to suggest that this morality was imposed from 'above', but rather it was a morality born of the streets (McWilliam, 2007); and it is this working-class morality regarding criminality and justice which will be explored in the following chapter.

Chapter Four: 'A Full and Particular Account' – Representations of Morality and Justice in Broadside Discourse

Introduction

Any scholar of broadside ballads will be familiar with the much repeated quote, often attributed to Fletcher of Saltoun, which proclaims that: 'if a man were permitted to make all the ballads, he need not care who should make the laws'(cited in Henderson, 1937, p.9). This wise and age-old sentiment infers that those in positions of political and social authority should dismiss broadsides at their peril, since these ragged pieces of paper often 'served to express – perhaps in some degree to form – opinions that counted for little at first but came to count for much' (Henderson, 1937, p.9). For these opinions, as established in the previous chapter, were those of the working classes and broadside ballads contain much information regarding their collective attitudes and dispositions. The focus of this chapter therefore will be to explore in more detail exactly what broadsides can tell us about early-nineteenth-century working-class attitudes to crime, law, morality, and punishment. Evidence from the discourse analysis conducted on the broadside sample used for this thesis will be presented and several distinct categories revealing contemporary perceptions of criminal justice will be discussed. The implications for the social control debate arising from this core discourse analysis will continue to be examined in chapter five. Overall, it will be argued that the recognition that broadsides were written for the poor by the poor, and were not distributed by any government authority during this period, necessitates a shift in their interpretation, and that a close reading of the broadside sample reveals that they embodied popular mentalities more often than state agendas.

ANALYSIS OF BROADSIDE DISCOURSE

Criminal's Character Pre-Crime

When discussing the character of criminals before they commit the crime in question, broadsides recognise gradations of good and evil, with individuals being placed at points upon an imaginary spectrum of criminal character. This spectrum and the gradations between good and bad are evident and recognised in the broadsides throughout the time period from 1800 to 1850. In total, 296 broadsides comment upon the criminals' character pre-crime, with 84 being deemed to have been 'good' and 212 'bad'. The 'good' criminals were considered to be such because, prior to the commission of the crime in question, they had led honest and industrious lives. It was only, therefore, a particular circumstance or set of events which led to them committing a crime, for example, a drunken quarrel or a lover's unwanted pregnancy. Several characteristics are assigned to these previously 'good' criminals and they are often described as having been church attendees; kind or friendly; quiet, inoffensive or good tempered.

The 'bad' criminals, however, are depicted as being much more complex characters and tend to fit into three main categories. Firstly, there are the criminals who were good but eventually turned due to bad company, loose women and drink, for example. Secondly, there are the criminals who are perceived as not necessarily wicked *per se* but merely foolish, being tempted into crime either due to extravagant spending and idle lifestyles, or simple ignorance or discontent. Third are the notorious criminals, the 'career criminals', who are seen as inherently wicked, living immoral lives of unrestrained debauchery and vice. It is interesting to note however that this last set of hardened criminals totals only 40 in number, meaning that the great majority of criminals portrayed in broadsides, though depicted as undoubtedly flawed, are not perceived as wholly contemptible individuals.

Criminal's Behaviour Post-Crime

Once a criminal has committed a crime, broadsides frequently comment upon their subsequent behaviour, especially when in the condemned cells awaiting execution. The behaviour of criminals' post-crime generally falls into three categories: calm; affected; and hard, with the calm type featuring more heavily during the earlier part of the time period, then latterly the hardened criminal tends to dominate more. Out of 288 broadsides discussing such behaviour, the majority (160) of criminals behaved with calm characteristics. For example, the most favoured expression was that they behaved 'in a manner becoming', showing appropriate resignation and Christian fortitude, and seeking forgiveness through due penitence. However, not all of the 'calm' condemned were penitent, as a very small minority showed resignation and composure throughout their experiences despite declaring their innocence of the crime. Others only displayed 'calm' characteristics after a request for pardon had been refused or after much agitation and grief in the cells.

The second category refers to those criminals, 37 in number, who were emotionally affected or traumatised, either immediately after the crime or throughout their confinement. For example, some individuals were described as being dejected and despairing, even suicidal in their cells, weeping bitterly and wringing their hands in torment over the guilt that they felt. Others were portrayed as frenzied and driven to distraction, shrieking and pleading in fear of what awaited them upon receiving sentence of death, for example one broadside relates how a particular female criminal had to be 'carried to the scaffold, and executed in a straight waistcoat' (GU8 1829). The last category contains those 'hard' individuals who faced their arrest, confinement or sentence with contempt or unconcern. 91 criminals are described thus, again with varying degrees of

unbecoming behaviour. For example, the most brazen are pictured as jeering and garrulous, showing brutal insensibility and indecent levity at odds with their situation. Others were more cavalier, remaining cool, indifferent, and ultimately remorseless, whereas the final group appeared to remain sullen and self-pitying, blaming others for their plight. The presence of these depictions of defiance contrasts with Sharpe's (1985, p.155) claim that 'such cases were rarely recorded' and shows that, in the early nineteenth century at least, broadsides were not constrained in their portrayals of the behaviour of the condemned.

Victim's Character Pre-Crime

Victims feature less prominently in broadsides than criminals and only 90 broadsides comment about the victim's character prior to the crime. This trend is not unusual however since, even in its earliest forms, crime reporting has always focused attention on the criminal. As Way (2006, p.464) states: 'Victims were useful actors in these morality plays, but they were most often just bit players – rarely the star attraction'. However, it has also been argued that, in the nineteenth century, the nature and role of the victim became increasingly symbolic in criminal justice and that the creation and identification of certain ideal types of victimhood became more prominent in popular / public discourse, especially with regards to inherent characteristics of innocence and purity (Kearon and Godfrey, 2007). These generic constructs are certainly evident in broadside discourse and when comments regarding the character of victims of crime are made they tend to reflect two main public perceptions: 'good' where an overt positive judgement is made; and 'bad' where an overt negative comment is made. A third type is 'neutral' where only fact is stated and no judgement is made, for example, married or mother of three. Whilst it is possible to argue that these factual statements could be interpreted as inherently 'good'

social labels in themselves, this analysis is concerned with explicit comments made regarding the temperament or behaviour of the victim, and so a distinction has been made between the categories.

Out of 90 victims: 55 were perceived as 'good'; 22 'bad'; and 13 were neutral. When a victim is considered to be 'good', they are viewed as being wholly innocent and are therefore deserving of the readers' sympathy. As such they are assigned certain characteristics, for example: they were virtuous and industrious; they were responsible, perhaps caring for aged mothers; or they were good tempered and sober. The implication is always that these victims did not in any way provoke or deserve their criminal treatment. 'Bad' victims on the other hand are inferred to be in some way culpable, being depicted as abusive or quarrelsome. One major characteristic of the 'bad' victims is that they were drunk, with 11 out of the 22 being cited as such, and in broadside terms this equates to a provocative circumstance. Another observation is that broadsides appear to be surprisingly sympathetic towards unmarried young women who fall pregnant to their lovers. Despite forming 'an imprudent connexion' by having sex out of wedlock (GU5 1828), these women tend to evoke pity rather than condemnation, with the blame placed firmly on the male concerned. Victim blaming, therefore, appears to be rare in these broadsides, as only 22 of the sample make any overtly negative comment regarding the victim's perceived character. There are also no evident changes in victim perception over the time period concerned, with virtue and respectability being rewarded with sympathy as much in 1800 as in 1850.

On Victims in General

In addition to the judgements made by broadsides regarding a victim's character prior to the crime, the wider discourse surrounding victims in general also provides some interesting insights. All victims discussed in this sample of broadsides tend to be seen as having suffered at the hands of various forms of inhumanity and cruelty. Words such as 'unfortunate' or 'ill-fated' are used to describe them and the impression formed is that they were all ordinary people going about their innocent business when crime struck. The implication, therefore, is that not only are these victims deserving of sympathy but also that their innocence should strike a chord in the heart of the honest broadside reader, who may be as likely to suffer crime themselves. For the very nature of a victim's 'ordinariness' makes their violent end all the more affecting and their pitiful calls for vengeance and retribution therefore seem to speak directly to those reading about their plight (D'Cruze, 2000, p.13).

The evocation of emotion is an important feature in broadside discourse and different victims are portrayed as deserving of different responses. For example, child victims, especially infants, evince the most sentimentality, as they are seen as inherently defenceless and pure, with broadside eulogies designed to melt the hardest of hearts. A case in point is that of a 17-month-old boy who was strangled and then thrown into the Forth and Clyde canal in Glasgow by his father, just so he could be rid of the expense. The broadside reserves all of its sympathy for the infant claiming that, despite its illegitimacy, it was deserving of protection but the cruelty of this father is heightened by the image of the child 'perhaps at the time smiling in the father's face' whilst being murdered (NLS81 1827).

However, it is not only children who are portrayed as in need of protection but also women, with broadsides clearly reflecting the gender stereotypes of the time with men bound by duty to shield the weaker sex from cruelty and crime. Broadside content is very clear in its denunciation of male treatment of female victims and repeatedly states that wives are entitled by the laws of God and man to protection and support from their husbands, and that rape victims are unprotected females overpowered by savage men. Women, moreover, are not only victimised through violence but also seduction, and many naive sweethearts are described as being ruined by pretend lovers who delude and decoy. As mentioned previously, the discourse regarding these young women is surprisingly sympathetic considering the strict sexual morals of the era, and broadsides will often wax lyrical about their trusting natures and comely features. One final point is that, out of all the commentary made regarding victims whether male or female, only four negative remarks were made and these came as direct quotes from the mouths of criminals, so their bias was clear. Therefore, once again, victim blaming in this broadside sample is noticeably absent.

Motivation for Crime

When broadsides discuss individual cases of crime, specific motivations are not always identified. Only 181 out of 650 broadsides quoted a direct cause of the crime. However, when a direct motivation is assigned, they recognise a wide range of criminal impulses. Figure 4.1 shows how the assigned motivations fall into nine categories. Some are straightforward such as domestic disputes between husbands and wives and non-domestic fights or quarrels between strangers and / or acquaintances. Others are more complex, for example, the 'negative emotions' category relates to impulses such as revenge, hatred, malice and cruelty, whereas 'guilty passions' refers to lust, sexual cravings and unnatural

desires. Drink, it is interesting to note, is cited as a direct cause of crime in only eight instances despite the many moral maxims warning against it in broadsides in general, which will be discussed later. The 'other' category includes more unusual instigations, such as two cases of mistaken identity; an exorcism gone horribly wrong; and, most bizarrely, one criminal committing murder in order to taste human flesh simply because he was curious (JJ227 1830).

Overall, however, what is most interesting is that the motivation more commonly attributed to crime in these broadsides is monetary gain, with 69 crimes having this directly cited as their cause. These crimes committed for money or gain though were not caused from poverty or desperation but from greed, with only two broadsides in 1817 citing poverty and want as possible reasons for the crimes. One describes a case of child stealing when a young woman's defence counsel argued that 'pressed with extreme poverty and want, the pannel had taken the child for the purpose of exciting compassion and procuring employment' (NLS50 1817). The second instance was when a father poisoned two of his own children and the broadside author writes that: 'Poverty and want of work, was the only excuse they could make for this unnatural crime' (JJ99 1817). The rest tend to view poverty as self-imposed due to a craving for extravagance, wasted earnings and an indulgent lifestyle.

This view of poverty, and indeed all of the causes of crime, does not appear to vary over the time period studied, and is consistent with the prevailing views of the era, such as 'the greater faith ... in the ability of the individual to avoid temptation and rise to goodness despite unequivocally adverse circumstances' (Rowbotham and Stevenson, 2003b, p.36). It is often tempting for modern scholars to imagine crime as a version of poor relief but, as

James (2006, p.202) suggests, '[C]ontemporaries would have been astonished by this explanation'. For in the early nineteenth century, it was generally recognised, by even criminals themselves, that 'want is not the usual instigator to crime' and that 'poverty is not of necessity allied with depravity' (Rawson, 1841, pp.335-6). This was especially true of course for violent crimes, which feature most in broadsides, but the general consensus appears to have been that many saw that crime was not an economic issue but a moral one and that poverty played little part in its creation (Tobias, 1972; Rudé, 1985; James, 2006; Emsley, 2010). The fact that 'nineteenth-century broadside ballads about crime are seldom ballads explicitly about poverty' seems to provide evidence to suggest that their working-class readers also accorded with this view (Hepburn, 2001, p.338).
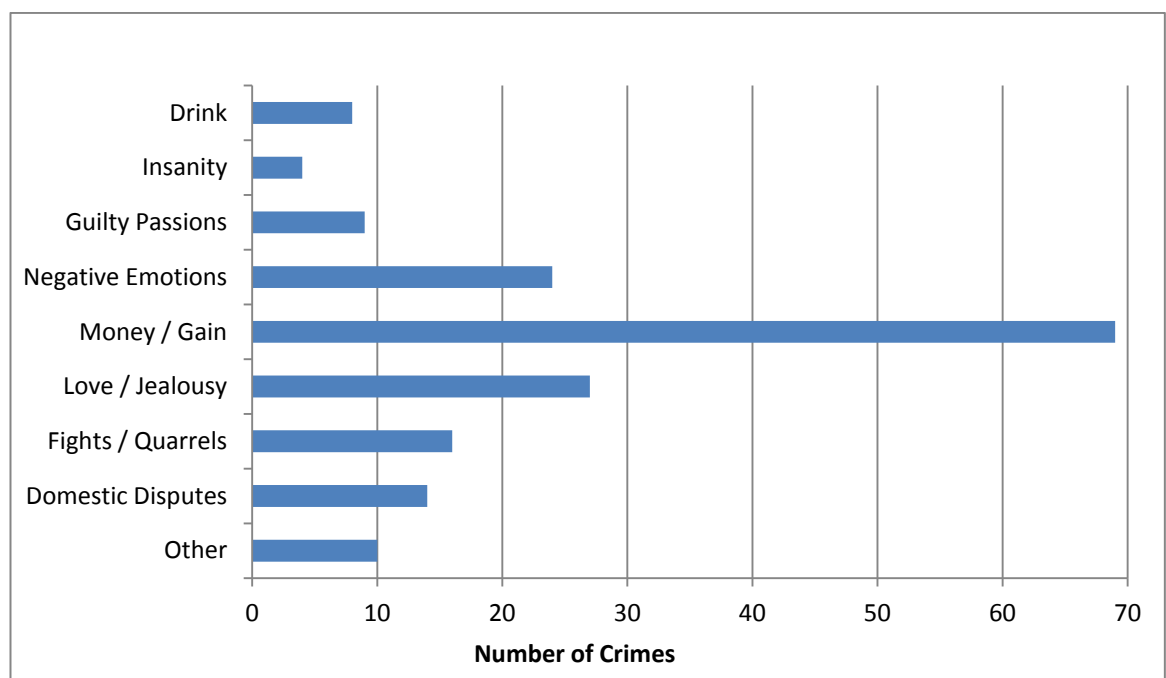
Figure 4.1: Motivation for crime as cited in broadsides.

Source: Based on broadside sample taken from the John Johnson Collection, Oxford University; 'The Word on the Street' collection, National Library of Scotland; Special Collection, University of Glasgow.

Gory Sensationalism[3]

Contrary to the view that a predominant feature of broadsides is graphic and sensationalistic bloodshed (Chassaigne, 1999; Worthington, 2005; Crone, 2012), the analysis of this sample provides evidence that the violence contained in broadsides is, in reality, nominal but what does exist fulfils an important function. Out of 650 broadsides, only 301 included any violent or gory content, meaning that over half of the whole sample (54%) featured no descriptions of bloodshed or killing at all. A breakdown of the discourse contained in the 301 violent or gory broadsides shows that 82 contained only purely factual statements and / or medical descriptions from surgeons' depositions given at inquests or trials, for example, 'a large wound on the posterior of the head, occasioning a violent depression of the brain and ... a cut on the thick part of the right thigh, about 4 inches long, effected by a sharp hatchet, and had penetrated to the bone' (JJ39 1807). Another 50 actually refused to give any detailed comment regarding the violence involved in the crime due to regard for public decency, even though they evidently had access to this information from trial transcripts and other sources. For example, some broadsides even self-censored so as not to give offence, especially if the crime was sexual in nature or involved injuries to infants, and either avoided details by only making very general or vague comments, such as, the rapist 'effected his purpose', or descriptions are omitted altogether, for example, 'Here the indictment particularly specified the first outrage ... which it would be improper more particularly to publish' (NLS300 1830). The fact that 'euphemisms veiled the most horrific crimes' in broadsides is also recognised by Gatrell (1994, p.175) who suggests that these gallows sheets were often far less sensational than others have made out.

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[3] For the purposes of this discourse analysis, the term 'gory sensationalism' is intended to refer to those words and phrases in broadsides which specifically describe acts of extreme physical violence and/or the infliction of serious personal injury. Therefore, if in this thesis a narrative is described as sensational or sensationalistic it may be assumed that it emphasises the most lurid, shocking and emotive aspects of crime and violence. The social significance of such sensationalistic narratives of crime and the multiple connotations of the descriptive term itself will both be more fully discussed in chapter seven.

Consequently, only the remaining 169 broadsides (26%) can be said to be in any way vicariously lurid or needlessly explicit in detail. However, even the goriest narrations tend only to either describe the crime scene or the attack and wounds, all details in fact which appear in trial evidence, but these broadsides present the same accounts using non-medical, unofficial and ineloquent language. Also, the goriest broadsides tend to qualify their gruesome content by making subjective statements about it, such as 'appalling', 'frightful' and 'dreadful', and in doing so invoke a sense of horror and genuine shock. In addition, only 12 broadsides discuss bloodshed in verse form and could be interpreted as written for entertainment purposes alone. However, Davis (1983, p.70) has argued that verse was often used in news ballads to 'better extract the moral truth' from the event described, and that this form of print ultimately helped their readers to absorb the enormity of the situation before them. Ultimately then, it is possible to argue, based upon the sample evidence, that the overwhelming majority of broadsides include their gory content, not simply for sensationalistic amusement but, more importantly, to provide factual information about a particular crime; to educate their readers regarding forensic evidence, which was becoming 'a more regular feature in trials for fatal violence' during this period (D'Cruze, 2010, p.108); and to invoke emotional reaction and moral denunciation against violent behaviour.

One main example of the latter function is the Gilmerton carter case of 1830, which is covered in several broadsides contained in the National Library of Scotland collection. John Thompson and David Dobie were two young men who worked as carters and who were hired by a young woman called Margaret Paterson to take her to visit her father in the village of Gilmerton near Edinburgh. On the journey, these men assaulted, raped, robbed and murdered Margaret in so brutal a manner that, even to this day, the details beggar belief. Not only did Dobie and Thompson force her into a field, beat and successively rape

her but also afterwards they proceeded to mutilate her by inserting various items into her body, including the bones of her corset, stones, straw, horse dung and coal. The public outrage regarding this crime was immense, exceeded only by the crimes of Burke and Hare two years before, and broadside readers were spared no awful detail being exposed to the full horror of the indictment. That, however, is the point, for in order to evoke the appropriate response to such a hideous crime, the public had to be made aware of the extent of the brutal violations. Skirting the details would have diminished the crime and, in this case especially, descriptions of the violence endured effectively bore witness to the victim's torment and instigated a punitive response. Indeed, modern criminologists have now become aware that public support for criminal justice and punishment is often bolstered by similar narratives of crime, which include such portrayals of intense suffering and, therefore, graphic images of physical violence may have a more significant purpose than mere voyeuristic entertainment (Valier, 2004a; Greer and Reiner, 2012). The function of such 'sensationalism' and the important link between empathy for the victim and punitive attitudes will be discussed further in chapter seven.

Religious Imagery

The dominance of religious themes in cheap literature has often been noted by scholars (Spufford, 1981; Faller, 1987; Gatrell, 1994; Lake, 1994; Gaskill, 2003; Rosenburg, 2004; McKenzie, 2007) and the broadsides contained in this sample are no different. A major part of the broadside discourse is religious and 267 broadsides in the sample contain some form of sacred imagery. This imagery can be divided into three main categories: firstly, that which concerns 'Heavenly Beings' or perceptions of God and Jesus specifically; secondly, imagery pertaining to 'Church Dogma' or the main body of beliefs preached within the broadsides; and lastly, 'Earthly Practice' or how religious discourse is translated

into the 'performances' of criminal justice players, such as judges, Ordinaries and criminals. What is especially interesting to note in this analysis of nineteenth-century discourse is the persistence of core religious beliefs throughout the centuries, and there is much early modern religious doctrine still to be found in these later broadsides.

With regards to the first category, the main 'heavenly being' is God who is predominantly viewed as an all-seeing, omnipotent judge who sits at the awful tribunal of eternity where the good are rewarded with salvation and the bad are condemned to suffer perpetual damnation. He is perceived as the God of the just and the dispenser of divine providence and as such works to bring all things to light, especially it would appear murder, as only he holds the right to dispose of human life. Ultimately, the God of the broadside is a vengeful God and one who is repeatedly offended by the crimes and sins committed by man. However, He is also a merciful Father who will forgive sins for the sake of His son, Jesus, who intercedes on our behalf and who is able to turn the blackest of sins as white as snow. This portrayal of God remains constant throughout the period concerned and the three most popular and persistent images last for several decades, for example, 'all-seeing' and 'judge divine' both appear in 1800 and last until 1849, and God as 'vengeful' persists from 1803 to 1844. However, despite the consistent imagery, the style of discourse does change over the period, with the language becoming less vehement. For example, in 1801, a broadside states: 'that great judge shall decree come ye blessed or depart ye cursed into everlasting fire prepared for the devil and his angels' (JJ7 1801), as opposed to a verse in 1849 (JJ322) which proclaims:

Their heavenly judge all secrets knows

And marks what each does say

And He will tell them to account

Upon the judgement day.

In the second category of 'Church Dogma' there is a clearly defined body of beliefs present in the broadside sample. The most dominant of these is the importance and necessity of repentance, which has been a heavily emphasised theme in this genre since at least the seventeenth century (Dragstra, 2000). It is repeatedly inculcated that sinners who sincerely repent can be saved and criminals especially are left with only one atonement in their power and that is the unreserved acknowledgment of their guilt. Broadsides are full of anxiety regarding a lack of penitence before death, for example criminals are warned of the dreadful consequences of dying with a lie in their mouths, and victims of murder are especially pitied as they have been caused to die with all their imperfections still on their heads. Unrepented sins are therefore seen as a heavy burden and broadsides repeatedly caution readers to consider their own last judgement and dramatically remind them that 'the wages of sin is death'. In contrast, religion is portrayed as offering consolation and hope, through Christian piety and fortitude, and encourages good conduct which is the only way to get to heaven in the end. An adherence to religion provides earthly happiness and is regarded as one of life's principal duties and broadsides readers are encouraged to seek instruction from their bibles and to endeavour to live by faith. Of course, one main way to lead a religious life is to attend church, especially on the Sabbath, and broadsides are full of the consequences of failing to do so. Sabbath-breaking is seen as a cardinal sin and, if some broadsides are to be believed, is the one major cause of all crime.

The final category of 'Earthly Practice' is represented by three main groups and the first is the ministering by clergy in the gaols and at the scaffold to the condemned. The broadsides are very flattering towards ministers of religion and use positive terminology in their

descriptions of the work that they do, for example, Ordinaries are depicted as indefatigable in their exertions and unremittingly attentive to the needs of prisoners. From their 'most excellent and appropriate' sermons to their admonitions in the cart on the way to the gallows, these churchmen are ever present in the background and their earnest efforts in religious instruction and spiritual consolation are deemed to be laudable. This flattering discourse may of course be merely a lingering survival from when the Ordinaries used to write their own accounts, but it also might reflect a genuine public respect for the difficult work that these churchmen conducted at the scaffold. Secondly, there is the use of religious imagery by judges in their trial speeches, especially upon sentence of death. These addresses to the condemned resonate with dire warnings that their days on earth are numbered and that no hope of mercy should induce them to trifle with their souls; that they should spend what little time they have in devout preparation for eternity; and that they can only look now to heaven for forgiveness as none can be offered to them here on earth. Lastly, are the criminals themselves and broadsides show great interest in their knowledge of, and attitude towards, religion, especially once they are condemned to die. Precise details are given of their attendance in chapel and the time spent in prayer and devotional exercises with the chaplains and the reader is able to follow the condemned in their solicitous efforts to learn and understand divine principle and practice before it is too late. Often criminals are portrayed as being thankful for the attention of the ministers and several broadsides report how the criminal had previously been ignorant of religion. One broadside bewails in utter astonishment how one criminal, prior to imprisonment, 'DID NOT KNOW HOW TO PRAY!!!' (JJ251 1834). It is also common for the condemned to urge their friends and family, as well as readers and spectators, to convert or repent, with one particularly incisive criminal commenting that 'advice of this kind, coming from a preacher on the streets may have little or no impression, but I trust and hope, that coming

from one of your late companions in guilt, it will have an effectual, and everlasting impression' (NLS22 1833).

Overall, the presence of religion in crime broadsides of this period is enduring but there are some evident changes in the discourse over time. For example, there is a noticeable peak in religious content from the years 1820 to 1835 but then it falls off until, by the late 1840s, the broadsides are almost wholly secular. Out of the three religious imagery categories, it is 'Earthly Practices' that is the most popular, and increasingly so, in the later decades, with broadsides showing a dedicated interest in the prison visits of clergy and other pious individuals, possibly exhibiting the early Victorian zeal for evangelical rehabilitation. The least prevalent discourse category is that of 'Church Dogma' and this is consistent throughout the period, perhaps reflecting the alienation of the predominantly working-class readership from strictly imposed doctrine. The importance of religious belief for the working classes in the nineteenth century will continue to be a point of discussion in chapter five.

Moral Maxims

As all scholars of the genre will affirm, a key theme in any broadside, but especially those relating to crime and punishment, is morality and 198 broadsides in this sample contain an overt moral message. These moral maxims can be divided into three main categories, namely: 'simple advice'; 'great truths'; and 'lessons from the scaffold'. In the first category of 'simple advice', the broadside discourse provides wise counsel for everyday life and directs this advice to all who are in need of it, sometimes addressing the community at large but often tackling the problems of a specific group. The central theme appears to be recommendations for leading an honourable life. All readers are counselled

to be sober and industrious and to forsake the paths of virtue and rectitude at their peril. The emphasis is on seeking honest industry, avoiding idleness, and keeping orderly company, as all of these are perceived as being crucial in cultivating a respectable reputation for honesty and integrity, which is evidently highly prized. Readers are advised to govern their lives by the maxims of religion and virtue and not to ruin their reputation, health or livelihood by being led astray. They are warned to guard against hasty passion and to keep their reason, as this will lead to peace of mind and save them from public ignominy. Broadsides, therefore, in dispensing such wholesome advice assume the role of the reader's conscience and provide a self-help guide to exemplary behaviour, for 'from no other conduct can solid happiness be found in this life' (JJ85 1815).

Whilst much of the advice given in broadsides is applicable to all, often they will provide moral assistance to specific groups in society. For example, women, especially young virgins, are warned to shun the attentions of men who may seek to deceive them with promises of love and devotion, for 'a man that makes such oaths and promises, he only wants to satisfy his own lust' (JJ32 1807). Women are advised to guard against all such fickle swains and to keep themselves pure, for as one verse warns:

> A woman's honour is a woman's all
>
> You're lost forever if perchance you fall;
>
> [...]
>
> All worth, all pleasure, is with honour lost,
>
> A truth which thousands witness to their cost.
>
> (NLS23 1830)

Men are equally cautioned to 'flee youthful lusts' and to refrain from the company of lewd women and, indeed, all profane companionship that might tempt them into dissipated habits of gaming, drinking and adultery. However, it is young people in general who seem to attract most of the broadsides' moral sermonising and it is evident that much concern was felt over the behaviour of the youth of the day. The main advice for the rising generation is to 'beware of the first beginnings of evil' by shunning all vain, idle company, being contented with honest gain, and avoiding all lures of vice (NLS1 1819). 'Giddy youth' are instructed to be vigilant as 'temptations to evil are numerous, inveiglers many, and thieves in abundance; they therefore, cannot be too guarded, neither too well warned, to flee from such company, and to tread those steps which lead to happiness here and to happiness hereafter' (NLS102 1823). For younger children the advice is much simpler for they are merely required to obey their parents and attend to their counsel and instruction. Even parents themselves receive coaching from broadsides and are frequently told to keep a strict observance over their children's moral and religious education. They are warned to take the utmost care over the conduct of their children and broadsides are often unforgiving if a parent has shown culpable neglect in this duty, for example:

Ye parents, rich or poor, in every station,

Do not neglect your children's education;

But while at home before they go abroad,

Instruct them in the knowledge of the Lord,

Consider well what charge upon you lies,

Who bad examples set before their eyes;

If they are brought unto disgrace and shame,

Or to the gallows, you are most to blame;

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Or if, when you grow old, you are despis'd,

By your own children, who can be surpris'd,

Train up a child, when young, in the right way,

And when grown old they won't go far astray.

(JJ99 1817)

Parenting was only one aspect of family life that these broadsides were willing to offer advice on, as several also provided marriage guidance whenever a relevant case of spousal murder afforded an opportunity. A main recommendation for all married couples was to attend church regularly 'as this would harmonize their minds and bring them to a true sense of domestic happiness' (JJ170 1824). However, there was also separate advice for wives and husbands, with the former being informed that 'the sure way to make a good husband is to be a good wife' (NLS158 1832) and the latter urged to: 'Abstain from evil company, your wife and children love, / And then you may expect to find a blessing from above' (JJ281 1837). Spouses were all also advised to abstain from imbibing alcohol, since during this period it was generally accepted that 'drink was the single greatest stimulus to violence' and the cause of many a domestic disturbance (Rowbotham, 2000, p.164). In fact, a substantial number of broadsides in this sample carry a strong temperance message and this was common in the genre as a whole (Neuberg, 1977). Indeed, Vicinus (1974) notes that it was not unknown for broadside hawkers themselves to be strong teetotallers and to promote the temperance cause in their own self-styled ballads. It is evident from the broadsides that during this period, drink was seen to be a prolific source of violent crime and sorrow in society, mainly due to its negative effect on a person's self-control, as the following quote confirms:

Drunknness [*sic*] is a vice that has very fatal effects on the mind, the body,

and the fortune of the person who is devoted to it. The sober man, by the

strength of reason, may keep under and subdue every vice or folly to which

he is most inclined; But drunkenness, makes every latent seed spring up in

the soul, and show itself; it gives fury to the passions, and force to those

objects which are apt to produce them. It often turns the good-natured man

into an idiot, and the choleric into an assassin (NLS214 1822).

The fact that drink is recognised as a dangerous vice is only one of the many great truths that are contained within the broadsides of this sample. These 'great truths' are the second category of moral maxims in the broadside discourse and are less a form of tutelage but rather pithy pearls of wisdom that stand the test of time. These are the sayings that have been handed down through the generations and which equate to age-old sentiments of customary lore. For example, there is the timeless proverb that 'honesty is the best policy' (JJ106 1818) and several of the sayings focus on the compunctions of conscience, reminding the reader that it is 'a *just*, but a *severe* monitor!'(JJ21 1806 – italics in original). There are also more philosophical truisms to be gleaned from stories of crime contained within broadsides, for example, one tells the melancholy tale of a child's death caused by a quarrel and chastisement gone wrong, and moralises that: 'Man is to man the sorest, surest ill' and ends with the lament: 'What dire events from simple causes flow!'(JJ77 1812). At the heart of all of these maxims is the belief that all, whether young or old, rich or poor, may benefit from advice at some time of life and that those who choose to ignore it are fools, for as one broadside proclaims: 'All those who pass douce Wisdom's door, For glaiket Folly's portals' (JJ50 1808). This broadside paraphrases a quote from the 1786

Robert Burns' poem entitled 'Address to the Unco Guid', which translates as 'the prudent pass through Wisdom's door, only idiots choose Folly's portal'.

The third category of moral maxims to be discussed is 'lessons from the scaffold' and these all focus upon the public execution as a salutary warning against the dreadful consequences of crime. The broadsides plead for all who witness such awful punishments to heed the disgrace and shame that accompanies vice and to beware of following the same destructive path to the gallows. It was evidently hoped that the spectacle of suffering on the scaffold would make a suitable impression upon the minds of spectators and readers alike, and would ultimately prevent them from making the same mistakes themselves, for example:

> Ye fellow men, pray view the end,
>
> Of those who live in crime,
>
> They range abroad without a friend,
>
> And die before their time.

> The dreadful scaffold does unfold
>
> A lesson to the young;
>
> It paints in language seldom told,
>
> That crime will stop the tongue.
>
> (NLS135 1833)

However, whilst these cautionary tales were a warning to all, they were also more specifically intended as an important lesson to the already licentious and profligate.

Broadsides endeavoured to prevent crime by speaking directly to those already responsible for it, in the hope that eventually one of the criminal fraternity would reflect upon their folly and reform. In order to promote their message of deterrence in as potent a way as possible, broadsides would often speak through the mouths of the condemned and many a criminal's dying breath would beseech their fellow associates to turn over a new leaf before it is too late. These sorrowful laments are made all the more poignant when the condemned are portrayed in their lonely cells reflecting upon their ill-spent lives, rueing their idleness and wicked ways, and regretting that they themselves were so foolish as to ignore such dread admonitions. It is perhaps not surprising then that when reading such moral maxims as these other broadside scholars have interpreted their function as purely didactic social control. However, as shown above, the lessons from the scaffold are only one part of the morality contained in these broadsides and most else appears to be borne of more benign motivations, for example, aiding inter-marital relations and guiding the young. This recognition perhaps calls for a more flexible interpretation of the term social control, which will be considered in the next chapter.

Finally, it has been suggested that the presence of such overt morality in broadsides was, to some extent, possibly adopted by publishers merely as a form of cunning protection to fend off allegations from the authorities that their content was polluting or impious (Shaaber, 1966; Altick, 1972). This seems too cynical however, because it not only fails to acknowledge the genuine morality of ordinary folk, as evidenced by both Spufford (1981) and Watt (1991), but also fails to consider the fact that morality in broadsides remained a constant feature throughout many centuries, despite the vast changes which were to occur socially and politically. Certainly for the period in question, 1800 to 1850, the moral maxims contained in crime and punishment broadsides appear to remain consistent

throughout, and in order to assess whether basic moralities changed over time, a yearly breakdown of key words was carried out for discourse in the first category of 'simple advice'. This revealed that commentary relating to all of the most popular moral themes, such as honest living, bad company, hasty passions and so on, all continued to appear in broadsides from the turn of the century to well into the 1830s. In fact, from the start of the sample in the year 1800, such moral maxims regularly appeared but noticeably peaked from between 1822 to 1835, when during this period there were not just a greater number of broadsides featuring moral discourse but also there was an increase in the variety and content of them too. For example, warnings about Sabbath-breaking and bad company were common in the early years of the century but in the mid-peak period the broadsides were being much more catholic in their moralising and covered all topics noted above. In contrast, by the 1840s the moralising content of broadsides dramatically reduces to almost nothing and the only lasting concern seems to have been regarding drink. This decline in moralising content could possibly have been due to the simple fact that, as discussed in the previous chapter, by this time broadsides were in direct competition with certain newspapers over the reporting of crime and, hence, were attempting to focus more specifically on this aspect of their content. Or, perhaps more significantly, the presence or absence of discourses of morality in broadsides could have been linked to wider public perceptions of crime and social instability. This is a premise that will be returned to later in this chapter, but suffice to say here that there is an evident correlation between these peaks in broadside morality and actual increases and decreases in crime in the first half of the nineteenth century, which were discussed in chapter two. Lastly, the broadsides contained in both the English and Scottish collections were equally as moralistic in content but interestingly the former includes more moral discourse pre-1820 and the latter post-1820.

On Specific Crime

As shown in chapter two, 74% of the overall sample relate to murder, so it is not surprising that broadsides have a great deal to say on the subject of this particular crime. Broadsides reflect the fact that murder is abhorrent to common feelings of humanity and that human nature recoils with horror and indignation when faced with it. It is evident from a reading of these broadsides that murder is a highly emotive issue and there is no shortage of adjectives used to portray the expected response to it, for example, heinous, repugnant, atrocious and infernal. However, broadsides do not just provide the reader with knee-jerk emotional reactions but are also able to articulate in considerable detail much more lucid reasoning for the strength of response this crime evokes. To do this many broadsides depend upon theology which, as Potter (1993) argues, was often resorted to throughout history in order to justify justice by linking the human to the divine, especially regarding the sentence of death for murder and, as highlighted earlier, this religious discourse featured heavily in broadsides. Most start by reminding us that murder is a crime against which the law of God as well as man has denounced and frequently the sixth commandment 'Thou shalt not kill' is included. However, the most commonly quoted divine command in broadsides is Genesis 9:6 'whosoever sheddeth man's blood, by man his blood shall be shed', for it clearly decrees that a murderer's life must be forfeited to pacify man's law and to atone for God's broken commandment. For broadsides, murder had ever been considered, and ever would be considered, a capital offence and this is justifiable because, like the punishment inflicted, the injury caused by the crime is irretrievable and its consequences cannot be undone. Also, broadsides clearly indicate that the repercussions of murder are felt far beyond the immediate criminal and victim. Murder not only brings grief and shame upon the perpetrator but also hurts the feelings of all with whom s/he is connected. In addition, it is also perceived as tarnishing and disgracing the

character and honour of the country in which it occurs. One broadside in particular neatly summarises the emotions behind the moral denunciation of murder in society:

> Murder is a crime which too unhappily occurs in this country: and when a deed of this dark description has been committed, every feeling of the human heart rises up anxious to discover the perpetrator of such a dreadful outrage, and the mind never rests satisfied till the murderer is sacrificed to the demands of Justice. Murder carries with it such an appalling sound - such dreadful ideas - that human nature starts back affrighted, and is shocked at the contemplation of the horrid deed! It is the greatest possible violation of the social compact; and is not only a crime against the law of the land, but against the law of God. By murder, the wretched victim is plunged into eternity, unwarned, and oftimes unprepared. By murder, a rent is made in a peaceful family, and the domestic heart is frequently robbed of one of its most valuable ornaments. The murderer lifts up his impious hand, and setting at defiance all rules and law, sends the object of his stroke into another world - deprives society of a member - plunges families into the abyss of affliction and distress - and excites the utmost consternation and alarm throughout the neighbourhood (JJ184 1825).

Despite the fact that broadsides claim that the crime of murder is absolute and therefore can receive no mercy whatsoever, their discourse also makes it evident that there are gradations of repugnance depending on the relations and motivations involved. For example, the murder of an infant or child, especially by one of its own parents, is considered to be the worst form of murder imaginable. It is considered to be unnatural and often broadsides are

at a loss as to account for motive with regards to infanticide. Of all murders, that of a mother or father shedding the blood of their own child is considered the most shocking and cannot in the smallest degree be justified and often broadsides incredulously wonder at the perpetrators asking: 'What must they be made of? What must be their feelings? Their heart must be as hard as stone who would murder their new-born, unoffending offspring' (JJ235 1831). Another type of murder that beggars the broadsides' belief is that of self-murder or suicide. Suicides appear rarely in broadsides, there were only 8 in this sample, and they are more likely to be reported if they occur with other murders, for example, a man killing his whole family then himself. However, regardless of their form these 'self-murders' tend to excite the strongest emotions of horror and disgust, as they are perceived as diabolical outrages against nature which only insanity could cause. The basis for this belief is again religious for, as one broadside explains, a reasonable mind 'will naturally shudder at the bare idea of terminating this sublunary existence ... so expressly and so solemnly forbidden by the laws of nature's Great Author' (JJ79 1813).

Other forms of murder to receive especial mention in broadsides involve the killing of spouses and fathers, with each being seen as reflective of a dereliction of duty. Patricide is viewed as particularly odious and a crime which no circumstance could justify or palliate, for the murder is aggravated by a son killing 'the author of his own being ... the individual whom he was bound by the laws of God and of nature to have protected even at the risk of his own life' (NLS295 1826). This sense of familial duty is felt even more strongly when related to spousal murder, for not only are husbands and wives supposed to love and cherish each other but they also have their individual roles to fulfil. A husband is expected to provide for and protect his wife and she in return is bound to honour and obey. The law regarding the murder of a husband by a wife is especially clear and was considered to be

'next to High Treason, and in its similitude to the crime was called Petty Treason, because the obedience which was due from a wife to her husband, was similar to that which was due from a subject to his King' (JJ92 1816). However, spousal murder in general is thought to be of the first magnitude as it can be considered as 'dissolving one of the primary bonds of society, or as a breach of that sacred confidence which ought to subsist between a man and his wife, from which arises all the other relative and social duties of civilised life' (JJ29 1807).

It is not only the different relationships involved in killing that make up the gradations of murder so evident in broadsides but also the motivations behind the various incidents of it. For example, it is recognised in broadsides that murder is 'very rarely the villain's settled and determined purpose ... but is more frequently committed from a momentary impulse' (JJ65 1811) and so, when a murder is premeditated, the public outrage is even greater. For as one broadside states: 'Murder, when rashly committed, through overheated passion is highly criminal but when attended with cool deliberation, its guilt is every way increased' (JJ12 1804). This is even more applicable if a murder is premeditated for monetary gain. Several broadsides bewail the fact that often murders are committed for such paltry sums of money, for example, when a young pedlar boy was killed one broadside exclaimed:

> Alas! a brother's life,
>
> Of such a small account,
>
> His blood should thus be shed,
>
> For a trifling pack's amount.
>
> (NLS159 1834)

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Evidently, the gravity of the act of murder seems so at odds with the insignificance of the object to be gained by it and broadsides regularly lament that a human life should be deemed so worthless. The case to receive the most commentary regarding this was, of course, that of Burke and Hare who killed sixteen people in Edinburgh between 1827-8 and sold their corpses for dissection. Two broadsides in particular epitomise the strength of feeling regarding their motivations, with one asking: 'Who could for the love of money / Turn the living into the dead?' (NLS234 1829) and the other exclaiming: 'To think that such murders for the sake of a fee, / By a GANG of MONSTERS committed should be' (NLS316 1829).

In addition to murder, there are two other forms of crime which receive specific commentary in broadsides. The first of these is rape. As with murder, this crime of violence is viewed as one of the deepest dye and its denunciation is espoused in the strongest of terms. It is considered an outrage on decency and the perpetrators who commit is are decried as unworthy of being called men. As far as the broadsides are concerned, no man of integrity or honour would commit rape, as their conduct should protect innocence and virtue rather than to spoil it. It is also viewed as being of great consequence, not only for the victim but also for the public at large, as it is an offence of the strong against the weak. Once again it is the Gilmerton carter case in 1830 that in particular highlights the strength of feeling that this crime could evoke. As described in 'Gory Sensationalism', the brutality of this rape was unparalleled and the two men who committed it were repeatedly depicted as monsters in the broadsides that covered this case. The harrowing nature and extent of the victim's degradation seemed to galvanise public opinion and the crime was viewed as a wicked and brutal abomination and the men concerned a disgrace to civilised society. The people of Edinburgh especially seemed both shocked and saddened that this

atrocity could have happened so near to the capital city and the trial judge no doubt seemed to speak for them when he was reported as saying:

> It is hardly possible to imagine that persons would have been found living in this Christian land who could have brought their minds to the commission of such atrocious crimes. Melancholy it is to think that, had this unprotected female been wandering the world amongst the most barbarous people, she would have been in a state of comparative safety to what she was within three miles of the metropolis of this most civilized country (NLS309 1830).

The second type of crime to warrant commentary in broadsides is property crime and more especially theft in all of its many forms. The serious nature and consequences of property crime are often highlighted in broadside discourse and it is argued that it brings ruin upon industrious families; destroys the national credit; and is detrimental to the general interest of the community. However, as broadsides will point out, its pernicious tendency does not only affect the rich but also the poor and even criminals themselves; for example, one broadside recounts a case where a brothel keeper lodged a complaint with the police after a customer tried to sell her counterfeit coins (NLS61 1832). Property crime in general is considered a wretched and dishonourable way to make a living and the '... paltry gain, which ne'er lasts long, / With those who basely get it' is certainly not worth dying a shameful death on the gallows for (NLS199 1829). Probity is considered to be priceless and broadsides urge the reader to remember that 'honesty is the best policy', for whilst theft may rob the victim of money and property, it also robs the criminal of his reputation and upright character. Of course, property crimes are also recognised in broadsides as being at times crimes of violence, especially highway robbery. Whilst other forms of

robbery may be dealt with mercifully, highway robbery is considered to be deserving of the most rigorous punishment and seldom, if ever, are acts of robbery when accompanied by violence mitigated by a court of law. For as one judge is quoted as saying: 'We make a marked difference between persons who shew mercy themselves, and those who, armed in a deadly manner, inflict cruelty ... It is enough for people to lose their property; but it is too much to meet with barbarity' (GU4 1827). In summary then, the broadside stance on property crime is unequivocal, with this social bane having at its heart the love of money, which one condemned robber sorely laments:

> For money is so strange a thing it leadeth to all ill,
>
> By it the devil leadeth man a captive at its will,
>
> And many a one by taking it from whence they had no claim,
>
> Has brought himself as I have done into much grief and shame.
>
> (NLS20 1831)

On Specific Criminal

Broadsides are very expressive when it comes to describing individual criminals and certain terms are repeatedly used, for example rogue, wretch and reprobate. The depictions tend to correspond with the severity of the crime as petty criminals are merely 'unfortunate delinquents' but the most serious offenders, such as serial murderers and rapists, are portrayed as 'monsters in human form' or 'fiends of hell'. This is evidently an attempt to pathologise these criminals and such statements provide an assertion of difference between broadside readers and those who could commit such heinous acts (D'Cruze *et al.*, 2006). Often these images of wickedness and evil are at odds with the more mundane descriptions which may accompany them regarding the criminal's physical appearance, for example:

stout; 5 ft 8; pitted with small pox. However, sometimes these descriptions of physique go beyond objective statements and attempt to reveal a sense of the criminal's character, such as 'he had a gloomy but interesting countenance' or 'she had a sharp cunning expression'. Royer (2004, p.75) argues that this scrutiny of the outward appearance of the condemned originated in the sixteenth century when authors of execution narratives began to look to 'the body as the window to the hidden interior of souls'. They would try to read the conscience of the condemned from his corpus and so perhaps in a similar vein did their nineteenth-century counterparts. Certainly during this period, a criminological tradition began which was to link certain physical attributes with criminality and D'Cruze *et al*. (2006, p.151) argue that the presence or absence of acceptable emotion has always been linked with perceptions of moral culpability, 'since surely a normal person would have some reaction to hearing that ... they were on their way to the gallows'. Broadsides will try to get the measure of a particular offender in other ways as well and several of the ensuing commentaries merit discussion here. For instance, the level of ignorance of a criminal is regularly noted, whether in regards to religious or moral knowledge, as well as formal schooling. From this sample, the overall message appears to be that it is mainly ignorant people who commit crime, with one broadside commenting that a recently executed criminal's ignorance was 'extreme and hence probably the awful manner in which he breathed his last' (JJ122 1820). Occasionally, however, it will be observed that even the more serious offenders 'are by no means so brutishly ignorant as they might be supposed to be from the enormity of their crimes' (JJ209 1829).

Broadsides are also extremely judgemental not only about criminals' apparent lack of intelligence but also about the choices they have made. One major theme in this sample has been the concept of wasted lives; that criminals could have been so much more than mere

crooks but they chose to waste opportunities, such as a good education or trade, to pursue a life of sin and debauchery. A favourite phrase is 'he led a very indifferent life' and it is often lamented that criminals did not apply their natural abilities or talents to more honest means so as to become useful members of society. This corresponds to the reasons proffered by broadsides in order to explain how criminals descend into a life of crime. Mostly they are blamed for bringing their misery and punishment on themselves because they spurned honest labour and regular industry for more 'comfortable livelihoods', for example, 'he could never think of settling at any regular employment and to this ... he attributed his awful end' (NLS167 1824). Criminals are therefore portrayed as being swayed by ambition and deluded by avarice and, through lack of religion or want of moral feeling, become corrupted by temptation, evil company or intemperance. Occasionally, it is the parents who are blamed for setting their criminal offspring a bad example but this is uncommon. Much more often the fault is fully the criminals', with several felonies being caused by their lack of self-control or ungovernable passions and tempers. Rosenburg (2004, p.163) argues that this tendency to view criminals as 'self-victimizers' was one that was also common in the seventeenth century and that this unsympathetic discourse merely served to underpin the retributive desire to view the felons' fate as a result of their own making.

Considering this level of personal blame, it is not surprising to find that broadsides tend to view criminals as undeserving of mercy, either because the nature of their crimes precludes pity or just simply due to their iniquitous behaviour. Many broadsides will positively rejoice at the perceived justness of a criminal's punishment and will make such comments as 'surely none will regret that justice has at last interposed to rid the community of such a

monster' (JJ65 1811). This lack of compassion is seen as just reward, especially for murderers who showed no mercy for their victims, and the general sentiment is:

> So now he's hanged for the deed,
>
> And what more can I say,
>
> But ye that did no mercy show,
>
> Can scarce for mercy pray.
>
> (NLS159 1834)

So, sympathy for criminals is indeed rare in broadsides and overall only 14 from the whole sample were deemed to be worthy of the slightest compassion. This pity was felt for various reasons, for example, a murder may have been committed by accident, or due to provocation, or was considered to be out of character for the criminal. In three particular instances sympathy was expressed due to the youth of the condemned criminal but, although the broadsides note with sadness the executions of such young offenders, they never forget the crimes they committed or criticise the justice system that sentenced them to execution.

In general, the default position for broadsides is to show compassion for the condemned but to revere the authority that condemned them and readers are reminded that whilst they may pity a criminal's suffering on the gallows, they must always detest the crime that led them there. Even when a broadside reports that a petition or intercession for pardon has been made on behalf of a criminal, the rejection of such is always accepted without question or acknowledged as justified by the authorities. Sometimes there is even a broadside backlash against such calls for mercy, as in the case of Elizabeth Jeffrey in 1838

who was to be executed for a double murder in Carluke, Lanarkshire. One particular broadside was so incensed to hear that 'a few Quakers and other eccentric individuals' had applied for her pardon that it retorted:

> But we have no patience with them – their maukish [*sic*] ravings are an outrage on nature and common sense, how humane, and kind, and charitable they are to the cold blooded murderer – while not a sigh is given for the innocent butchered victims! (NLS98 1838)

This broadside clearly corroborates Potter's (1993) claim that Quakers and other abolitionist campaigners during this period were frequently ridiculed and, indeed, its overall sentiment points to the apparent popularity of the death penalty amongst the broadside fraternity, and this issue will be considered in more detail in the next chapter.

On General Crime and Criminality

Commentary on this particular topic is rare with only 26 broadsides including any observations on crime and criminality in general. Broadsides tend to have as their focus individual cases of crime but when they do enter into a discussion of general crime there are three main areas of debate that emerge: causes of crime; increase in crime; and moral decline. With regards to the causes of crime, the consensus is that crime is caused by those who 'forsake paths of honesty and industry and abandon themselves to every species of vice' (JJ85 1815). Criminals allow themselves to be tempted by evil and are adverse to reflection, allowing their covetous inclinations and lack of self-control to corrupt them. Envy, malice, resentment and revenge are often cited as causing crime, and criminals are generally considered to be both ignorant in mind and brutal in feeling. It is noticeable again

in these general discussions of crime that not once is poverty considered to be a cause of crime but rather broadsides adopt the stance that:

> Out of all the examples that have taken place for a number of years past, not one crime can be attributed to need, or want of employment, but arises from a system of dishonesty instilled into them by keeping bad company, and idle and dissipated habits (NLS114 1826).

Comments relating to a general increase in crime tend to appear mainly in broadsides of the late 1820s and early 1830s. This is especially interesting as it reflects the common perception during this period that crime, and especially violence, was on the increase and that cities in particular abounded with all manner of vice (Tobias, 1972; Wiener, 1990; Emsley, 2010). For example, one Glasgow broadside comments that: 'It is calculated that there are nearly 5000 people in the city and suburbs, who, were they called upon to give account how they gain a livelihood, could give no satisfactory answer' (NLS114 1826). It is also lamented that this increase in crime is 'notwithstanding the many awful warnings and examples which have consequently been exhibited by the law' (NLS219 1835). The sense of fear and despair regarding crime is palpable in these later broadsides, with one describing it as 'like a dark cloud hovering about' and urges: 'Let every good Christian put up a prayer, / That these crimes and murders become more rare' (NLS233 1830). However, anxiety over crime was not solely confined to the latter half of the period in question, with broadsides from as early as 1803 blaming criminality on moral decline. Broadside accounts of crime were taken as 'proof of a declining age of people who are not seeking after godliness, but are giving way to divers [*sic*] lust following the imagination of their own corrupt hearts' (NLS246 1803). This is consistent with the opinion that pervades

throughout the subsequent decades that a lack of religion was central to the existence of crime in society.

On Criminal Justice / Law / Sentence

Of all the topics covered in the broadside sample, this one dominates with 380 broadsides in total containing relevant discourse and from this content it is possible to learn much about the practice and perception of criminal justice. Indeed, Chassaigne (1999) suggests that contemporary readers would also have learned a great deal from broadsides regarding the inner workings of the preceding stages of the judicial process, which were much less public than executions and Rowbotham and Stevenson (2003b, p.35) concur that such popular media reports on the legal process could serve 'as the major source of information for the mass of the non-professional community'. Trials especially feature very heavily in broadsides and the interest in them remains consistent throughout the period in question. Much of their content is devoted to describing in great detail for their readers the happenings in courts of law, even down to the duration of the trial in hours (the shortest in the sample was 3 hours and the longest was William Burke's at 24). The perception of courts is that they are where justice is impartially and virtuously administered and trials are solemn interrogations of the law. The criminals tried in these courts of law are always patiently and impartially heard, with defence counsels, who are both eloquent and earnest, ably defending them. Indeed all agents of the court are depicted as servants of justice and trials are conducted with dignity and integrity. These are not just hollow words however as broadsides relate instances of hearings being moved from town to county courts to obtain a more impartial jury (JJ57 1809) and trials being put off from the last assizes due to a lack of evidence for the defence (JJ74 1812).

Of course, the major player in any court and trial is the judge and broadsides treat them with the utmost respect. They are always described as honourable and learned, and their words are given the greatest emphasis, with broadsides often reproducing in verbatim particular addresses to the court. In their summing-up speeches, judges are portrayed as taking infinite pains when advising the jury on points of law, recapitulating evidence with great precision and perspicuity, and placing great stress upon any evidence that may be favourable to the accused. Upon sentence of death, judges have a propensity to give affecting and impressive addresses, talking directly to the condemned in the most feeling and pathetic manner, sometimes even showing visible emotion themselves. The overall impression of a judge therefore is that he is the embodiment of justice, being good and merciful but, when the law dictates, he has the onerous and painful duty to inflict the awful sentence of death. To more modern and cynical eyes, this broadside discourse may appear somewhat sycophantic, yet Rowbotham and Stevenson (2003b, p.33) argue that, in the nineteenth century, large sections of society tended to adopt a more trusting and 'generally positive attitude towards leading legal figures', especially in times of social panic and crisis.

Judges are not alone however in dispensing justice and juries are also given their place in broadside content. There is an evident sense of pride when referring to juries who are regarded as not only intelligent and respectable but, more importantly, British. They too are performing a duty which can often be long and arduous, as they sit patiently hearing and attending to evidence, before giving what are usually unanimous verdicts. These verdicts are always considered to be fair and often broadsides will reveal that the court fully concurred with their decision or report that later circumstances or confessions have upheld their moral uprightness. Importantly though juries are also shown to be compassionate and

will often strongly recommend a prisoner to mercy. In this sample there were several reasons given for these recommendations and these were due mainly to the criminal's previous good character or inexperience and youth; or the fact that the crime was a first offence or there was a lack of intent; the criminal was intoxicated at the time; the criminal has a wife and family to support. These mitigating factors are similar to those that King (2000) states were frequently used by juries in eighteenth-century courts of law as well. Witnesses are also shown to play an important role in trials, and broadsides reveal them to be ordinary people from all walks of life. For example, one broadside recounts how a clerk and servant both found pieces of stolen cloth in the street, which they then gave into the sheriff's office and later identified in court (JJ59 1810). Named prosecution witnesses have also included a tailor's apprentice; a butcher; a pot boy; a fruit seller; and a 17-year-old blacksmith. With regards to the evidence given by these various witnesses it mainly proves beyond a shadow of doubt the guilt of the accused and broadsides frequently contain statements regarding the strength of conclusive evidence given in courts of law.

The sentences which result from trials are also greatly discussed in broadsides and are overwhelmingly considered to be justly merited and passed to protect the safety of society. Sentences such as death, transportation and imprisonment are intended to represent the criminals' rejection or debarring from society, as they have shown themselves to be unworthy of inclusion by their breaking of the law. However, punishments may also perform more symbolic functions in order to make examples of law-breakers, and broadsides reflect the changing ways in which this has been achieved. For example, the law once decreed that criminals should be denied a Christian burial and have their bodies given for public dissection but, after the crimes of Burke and Hare in 1827-8, anatomising fell out of favour and the 1832 Reform Act led to prisoners being sentenced to burial within the

grounds of a prison after execution instead (Gatrell, 1994). Other examples of symbolic punishments mentioned in broadsides are the feeding of murderers on bread and water in preparation for their final atonement and the hanging in chains between heaven and earth as a more lasting example of the criminals' outcast status. The fact that broadsides so evidently recognise the symbolic nature of punishment is of great significance to the central argument of this thesis, which will be developed further in subsequent chapters. The ultimate role of any sentence, of course, is to uphold the law and broadsides portray the law as having been offended and injured by violations of its barriers. The law marks its abhorrence of crime and requires that atonement be made for its infringement. One main purpose of the law is to deter others from breaking it and broadsides warn that the arm of the law is long and strong and able to reach and punish all who transgress it. Ultimately, it is argued in several broadsides that a rigorous law is necessary as it not only ensures the security and stability of society but also satisfies the demands of public justice.

By covering court proceedings and trials in so much detail, broadsides are also able to provide insight into the roles and actions of other criminal justice officials. For example, there are accounts of hue and cries taking place; town councils offering rewards; and magistrates issuing warrants. However, it is the police that receive the most attention from broadsides and from the 1830s there is a discernible shift away from broadsides focusing solely on trials and executions to those featuring mainly police investigations instead. Broadsides in general appear to be very supportive of the police and openly encourage them in their pursuit of villains, and thus their content makes for an interesting contrast to the popular resistance to the police claimed by Revisionist historians such as Storch (1975, 1976). Indeed, police officers are mainly depicted as vigilantly searching for criminals on the run and their exertions are lauded as zealous and unremitting. Police officers are also

followed as they make other diligent enquiries and there is rejoicing when a culprit has been successfully apprehended. Thus, the general impression given by broadsides is that once the police are on the case, there is little doubt that a criminal will soon be safely behind bars.

Finally, it is quite clear from the content of broadsides that, overall, criminal justice and those who administer it are given great support. However, there is also some content which suggests biased treatment of criminals or evenly openly criticises the decisions and actions of officials. The most common of these representations is when prisoners are reported to have complained during their trials that they have received no justice or that certain witnesses have given false evidence against them. One criminal was even said to have the 'effrontery' to accuse the judge of 'false-colouring' the evidence and thereby influencing the jury's guilty verdict (JJ183 1825). These accusations from prisoners are never commented upon by the broadsides but are merely included as trial detail and as such are treated with near disregard. With regards to actual broadside criticisms, there are only 3 in the whole sample. One criticises the fact that no official person took the deposition of a victim before she died or arranged for her to identify the accused (NLS254 1830). Another condemns the extreme haste with which a women was taken into custody after giving birth despite accusations that she had killed the newborn (NLS265 1830). The final broadside complains of the failure of police to catch earlier the notorious Scottish serial killer, William Burke, claiming that this lack of action 'exhibits a woeful picture of the inafficacy [*sic*] of our criminal law; and of the fearful amount of chances of escspe [*sic*], which it affords even to the most hardened and daring of offenders' (NLS198 1829).

On General Public

The extent of public participation in the various stages of criminal justice is evident from broadsides in this sample. In recounting tales of crime, these broadsides reveal that it is ordinary people who affect the workings of criminal justice the most. This is especially true in the immediate aftermath of a crime being committed and broadsides are full of accounts of how people behaved at the scene. Indeed if, as Shoemaker (2004a) claims, in the eighteenth century Londoners especially became increasingly reluctant to involve themselves in the policing of the streets, it is clear from these early-nineteenth-century broadsides that people had once again found an enthusiasm to act in the defence of law and order. Local inhabitants and neighbours are often described as responding immediately to shouts and cries for help and, upon arrival, they burst open doors and rush to the aid of the victim or seize the criminal, for example: 'he was immediately taken into custody by the people in the house who left their beds at the cries of murder' (JJ179 1824). If the perpetrators are not there, then local people will organise searches and try to find them with an eagerness and enthusiasm that can sometimes go too far, as in one case when the whole town of Hoddesdon in Hertfordshire searched for a murderer and upon finding him:

> [h]e was immediately made prisoner, and brought to the Bell ale house, where he was bound and handcuffed until morning: and was actually on the point of death from the tightness of his ligatures, which had nearly stopped the circulation, when Mr Fairfax, of the Black Bull Inn in the town, interfered, cut the ligatures, and thereby prevented a death too summary for the cause of public justice (JJ43 1807).

Also, it is often local people who, in going about their daily labours, discover that an offence has been committed in the first place, either by finding a dead body or simply by happening to walk past just as a crime is in progress.

Whatever the circumstances of a crime being brought to light, it is abundantly clear from the broadsides that not only are ordinary people eager to act on their own initiative but also that they are more than willing to involve the local authorities to help in their fight against crime. An evident partnership is seen to exist between locals and their criminal justice officials and more importantly a sense of dual responsibility in dealing with deviance. For example, one criminal confessed to a drover, with whom he was travelling, that he had killed a man and after arriving at the nearest town 'the drover reflecting upon the intelligence he had received, thought it a duty incumbent upon him to give information to the Civil Authorities in that place' (NLS202 1830). There is a plethora of accounts of individuals running to call for watchmen and constables; or taking especial notice of a criminal's appearance so they could later identify him; and coming forward on learning of an incident to give what information they may have to the police. Sometimes authorities are willing to act on local suspicion alone and there is a wonderful occurrence when a woman was arrested for poisoning both a neighbour and lodger because 'reports not favourable to her began to be openly made, and to such a length did the matter go, that both bodies were raised from their graves, and certain portions of the stomachs extracted for medical examination' (NLS98 1838).

Furthermore, broadsides show great skill in conveying the general public interest and attention aroused by incidents of crime. Their narrations expertly convey the sense of confusion and consternation felt by locals after a crime has been committed in their midst,

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with people thronging about the vicinity in agitation and indignation. There is also often an intense melancholy conveyed, as if the peaceful and industrious locals are deeply wounded and disturbed by a crime, especially a murder, occurring in their neighbourhood. Tears of dismay are cried and the disgust and horror felt is palpable. It is evident from this broadside discourse therefore that murder could often have such an immense impact and take such a toll on the wider community that a process of 'secondary victimisation' took place, where everyone felt deeply affected by the crime (D'Cruze *et al.*, 2006, p.20). Consequently, there is also a strong commiseration with the victim and locals evidently are left feeling responsible for securing them justice. One particularly poignant broadside shows that this sense of responsibility is experienced even if the victim is a complete stranger. It contains a verse entitled 'A Tribute of Regret' written in response to 'the unprecedentedly barbarous murder' which took place in the small parish of Lochwinnoch in Renfrewshire. The victim was a person unknown to locals but the distress and anger they felt on his behalf was no less for that, for the verse concludes by saying:

> And, while thy Blood for Vengeance cries,
>
> - Borne on the wings of deep drawn sighs,
>
> Thy Country's pray'rs to heav'n shall rise,
>
> And make thy cause their own, poor stranger.
>
> (NLS310 1821)

The next stage of the criminal justice process that the public participate in is the official hearing, whether it be a coroner's inquest or criminal trial. Broadsides are full of detail regarding trials exciting great public interest, with people of all ranks travelling from far and wide to attend trials, and there being great anxiety to gain admittance to the courts. So

much so that there are several accounts of tickets being issued and people queuing from an early hour to ensure a seat, resulting in the court being thronged to excess as soon as the doors open. Broadsides also describe the behaviour of the spectators during the trial itself and will recount their horror and disgust upon hearing harrowing evidence as well as their tears and assents of 'amen' in response to affecting judges' speeches. Verdicts especially can cause extreme reactions and on a few occasions there are accounts of the audience reacting verbally to its delivery, with one 'breathless multitude' giving vent to 'a suppressed murmur of satisfaction' (JJ313 1846), and another receiving the court's unanimous judgement of guilt with a loud cheer (NLS264 1830). However, the drama of a criminal hearing is not just contained within the walls of the court but sometimes spills out onto the streets and beyond. For instance, there are several accounts of criminals being reviled or pressed into by angry crowds and one broadside recounts the aftermath of an inquest into a suspected murder where 'so enraged were the crowd, assembled on the Quayside, at the man's reported improper conduct towards the woman previous to her death, that it was with the greatest difficulty he escaped being mobbed' (JJ211 1829).

The final opportunity for public participation in criminal justice is, of course, an execution and accounts of these dominate broadside discourse. Much commentary is given over to the size of the crowd attending and it seems that the great majority of executions were watched by 'a vast concourse of spectators'. Some broadsides even try to estimate the size of the crowd and this can range from as comparatively little as 2,000 to upwards of 50,000. One broadside reveals that a particular execution crowd was so immense and everyone was so compacted together that 'a boy actually walked from one side of the street to the other, on the heads of the people' (JJ185 1825). Of course, such huge gatherings were not without their dangers and in 1807 one crowd was so great that many people died (JJ33 1807).

These catastrophes were generally avoided though, as great preparations by the authorities were often made prior to an event in order to resist the pressure of the crowd, and their organisational skills would even be praised by the broadsides when an execution was able to pass off without accident. The hazards involved in attending an execution evidently failed to put the majority of people off however and it is frequently documented that, once the prime positions near the gallows were filled, the crowds would line the streets and even climb up lampposts to see. People were so keen to be able to see the scaffold that local residents were able to command high prices in exchange for their own views, as one broadside attests with regards to the execution of James Greenacre in 1837: 'Such was the interest to witness the execution of this man, that as soon as his sentence was known, applications were made for seats at the windows at the houses opposite the Old Bailey' (JJ279 1837). Obviously it was only people with money to spare who could afford the luxury of buying a view; for the rest a sight of the gallows was bought with time and broadsides will describe how people started to gather from before daybreak, or even the day before, in order to secure their spot. Once, in Glasgow, such was the excitement to see a hanging that 'the City was in a commotion during the whole night; and strangers continued to pour in from Paisley, and other parts of the country from three in the morning' (NLS172 1828). Only 7 broadsides out of the whole sample noted when an execution attendance was not so great, with one citing 'about 1500 only' (NLS10 1822), and these smaller crowds tended to be due either to the time of the execution being changed at the last minute or to adverse weather conditions.

Broadsides certainly manage to evince a great sense of spectacle at public executions and people of every age and sex would attend: but why did they go? Gatrell (1994, p.73) suggests that there would have been 'multiple gratifications' from watching executions but,

as far as broadsides from this sample are concerned, two main motivations for attending are made clear: firstly, people attended executions to witness justice being done, especially if the crime was a particularly heinous one; and secondly, people went to satisfy their curiosity, particularly if the execution was extraordinary in some way, for example, a rare occurrence in that part of the country or the condemned was a female. The broadsides in this sample rarely, if ever, say that people attended executions for entertainment only and indeed provide evidence that executions were often arduous and occasionally feats of endurance for the spectators. For example, the average execution ceremony would last about an hour and a half, with the condemned often spending up to an hour of that time in devotional exercises, and not only would the attendant clergy expect the crowd to join in these devotions, but also the condemned were usually free to address them for as long as they wanted during their last speech. Indeed, one broadside relates how a particular criminal stood on the scaffold addressing the crowd for a full 38 minutes (NLS132 1827).

Spectators however would not just stand there passively during an execution but would actively respond to the condemned and their crimes. Out of this sample, only 8 criminals received any sympathy or compassionate support from the scaffold crowd and did so mainly due to their youth, good looks or exemplary behaviour in dying. On the other hand, 23 broadsides detail how scaffold crowds reacted very badly against the condemned, showing no commiseration or pity for them at all. These crowds greeted the criminals' arrivals at the scaffold with applause and execrations and one crowd made so much noise that the condemned was unable to make his last dying speech (NLS312 1835). If a criminal was particularly unpopular then the crowd would hail their exit with loud huzzas, with the most dramatic example of this being at the execution of the despised William Burke when: 'At every struggle the wretch made when suspended, a most rapturous shout was raised by

the multitude' (NLS193 1829). This sanguinary behaviour was of course one of the only ways that the people could express their revulsion and detestation of a particular crime or criminal. However, not all execution crowds were so extreme in their behaviour; in fact, this sample shows that most of them behaved in a more neutral and dignified manner. For example, 30 broadsides in total make specific comment about how affected and deeply impressed these spectators were by the awful spectacle and how they acted with great propriety, dispersing quietly afterwards. At these execution gatherings there would be no shouting or popular feeling displayed but instead a solemn silence would prevail, with only the slightest movement or general sigh of sorrow being expressed; thus representing an altogether more melancholy affair than the bawdy carnival more traditionally portrayed (Laqueur, 1989; Smith, 1996).

On Execution

Executions evidently feature heavily in this broadside sample, with 216 containing descriptions of the hanging of criminals. The great majority of these descriptions (179) are factual and unemotive in nature, giving only straightforward accounts of how the execution was carried out, for example: the rope was fixed; the signal given; the drop fell. This then tends to be followed by a figurative phrase, such as they were 'launched into eternity' or 'thrown off'. Apart from these momentary allusions to the actual death, most of these factual descriptions of executions can appear rather blasé and even uninterested, for example 'after the usual time, the body was cut down' or 'they were executed at the usual place'. The impression given is not that these euphemisms were used to shield both authors and readers of broadsides from their unease regarding such judicial deaths as Crone (2012) would suggest, but rather that executions were almost a familiar feature of everyday life, which Gatrell (1994) claims they undoubtedly would have been for early-nineteenth-

century contemporaries. However, some broadside writers can obviously not resist the temptation to wax lyrical and will include phrases such as 'she breathed her last' or 'the world closed on them forever', but mainly the picture they paint is one of business being conducted even down to criminals shaking hands with the executioner. Many also simply report that the prisoners were 'executed pursuant to sentence' or that 'they underwent the sentence of the law'. These kind of factual descriptions of executions remain constant throughout the period and there is no noticeable change in style over time.

Also contained within these factual accounts are descriptions of what may be termed 'good deaths'. These again are very straightforward in style and almost manage to portray a gallows death as an easy one, for example, the criminals die instantly or almost without a struggle. These deaths are quick and painless and again their descriptions contain little or no emotion. In contrast, some broadsides do contain descriptions of 'bad deaths', but these are relatively rare, numbering only 35 in total. These 'bad deaths' are where the unfortunate criminals take a considerable time to die and evidently suffer much, as the broadsides describe their violent convulsions and severe struggles in departing life. Sometimes, the sufferings are caused due to the noose slipping or the condemned seizing the rope and the executioner will have to pull on the criminals' feet to help them pass. However, the broadsides do not tend to dwell on these deaths and their descriptions of them amount only to a few words or a couple of sentences. This is in contrast to Kalikoff's (1986, p.15) claim that broadsides aim to stress the tormented physical and emotional suffering of the condemned, in order to show that 'criminals are always subdued by society'. Indeed, only one broadside in the whole sample provides a detailed account of an horrific gallows death caused by the rope giving way and thus allowing the criminal's feet

to touch the ground resulting in 'the tears and groans and shrieks of the surrounding multitude' (NLS184 1823).

In addition to descriptions of the actual deaths of criminals at executions, broadsides also provide a narration of the whole gallows scene. It is interesting to note however that despite the crucial role performed by the executioner, only 26 broadsides give him any mention at all. Most of these depict him as an officer of the law carrying out a painful duty on behalf of the public and provide somewhat dramatic allusions to this 'gaunt minster of death' or 'veiled companion'. Other broadsides include quite dispassionate descriptions of him, merely recounting his position and action, with two even recounting the executioner's technical methods and observing the length and placement of the noose and that one criminal was given more of a drop due to his body type (NLS193 1829; NLS96 1840). This broadside discourse certainly seems to corroborate Bleackley's (1929, p.167) claim that, in the early nineteenth century, the public perception of executioners was changing dramatically and that he was now merely regarded as 'a salaried servant of the establishment'. Only two broadsides were critical of executioners due to their lack of skill and preparation leading to suffering for the criminal but also there were two broadsides which praised the 'highly creditable' performance of others. The scaffold itself tends to be referred to as 'the fatal platform' or the 'dreadful apparatus of death' and some broadsides do manage to evoke a sense of drama to the occasion of an execution. Despite the factual descriptions of death, the whole execution ceremony itself is evidently regarded as a performance with some broadsides referring to it as 'the last scene of suffering' or 'the last fair show'. Others try to evince a feeling of melancholy and awful tragedy to it by describing bells tolling the funeral knell and other dreadful noises of preparation.

Whilst the dramatic and ceremonial side of public executions has been claimed to provide useful demonstrations of state power, especially when utilising a military 'manifestation of force' (Foucault, 1991, p.50; Cooper, 1974; Hay, 1975; Spierenburg, 1984; Sharpe, 1985; Linebaugh, 2006), there are only 39 broadsides in this whole sample of 650 which include any descriptions of official presence or state authority at the hangings. Out of these, 24 tell of a strong military or police attendance at or near the scaffold and on occasion this can appear extreme, for example at the execution of two men for the murder of a railway ganger in Glasgow, the broadside estimates the military escort to be 'at about 600 or 700 infantry, and about 200 cavalry' (NLS96 1840). The reasons given for any such heavy show of force include fears of attempts to break the peace or to prevent a rescue attempt. However, sometimes the military are seen to be there just in case and are actually hidden from the crowd, as in the event of one execution for rioting when the broadside notes that due to the decorum of the crowd and their ready compliance 'not the slightest necessity existed for bringing a single soldier within sight of the crowd' (JJ97 1817).

Out of the 24 broadsides depicting a strong official presence, half of the executions were for crimes that could be seen to threaten the state in a direct way, for example rioting, or high treason. The other 12 were for the more typical crimes of murder and theft, but the criminals were habituated and repeat offenders. High treason executions are especially interesting due to the added ceremonial decapitation of the condemned but even this can be described by the broadsides rather routinely, for example 'a person in a black mask, proceeded to sever their heads from their bodies, which were severally displayed to the populace with the usual ceremonies' (JJ120 1820). It is evident therefore that if broadside authors intended to display the power of state authority, they certainly did not achieve it by depicting an awe-inspiring official presence at executions. Certainly, such broadside

evidence also suggests that not all of their readers would automatically have equated such pomp and circumstance with the exercise of control, but might have instead considered that the rituals and ceremonies attached to the practice of execution were merely 'a manner of formalizing it, of raising its decorum' (Spierenburg, 1984, p.45; Lofland, 1977). Also, it has to be noted that executions were not the only public events in the early nineteenth century to warrant the presence of the military (Spierenburg, 1984); for example, in 1830 at the gala opening of the Liverpool and Manchester railway a regiment of infantry lent both ceremony and order to the civic occasion (James, 2006, p.131).

Nevertheless, there are also more subtle displays of state power and authority than military might to be found in broadsides including, for example, the execution being held specifically on a market day to ensure a greater audience; having the condemned sit on elevated seats in the cart on the way to the scaffold; and leaving the bodies uncovered on the cart afterwards so all could view the result. But, even with these evident attempts to display authoritarian control over executions, often the officials involved are depicted as showing kindness and concern for the condemned. From offering glasses of wine and water to shaking their hands and kissing their cheeks, the officials involved are more likely to be described as melancholy and solemn than disciplinary, and the weight of the occasion on all involved is palpable. This behaviour would not have been unusual for, in his treatise relating to the use of the death penalty, Wakefield (1831, p.468) was to note that: '*Every one* [*sic*] who comes in contact with a man whose death by the hangman is probable, treats him, not as a criminal, but as an unfortunate' (italics in original) and that was because the punishment of death 'shocks every mind to which it is vividly presented', including those in positions of authority.

Out of all of the broadsides to highlight a state presence at executions, it is also interesting to note that the majority of them appear to fall in the earlier decades of the century and not after the early 1820s, when the greatest period of social agitation and unrest was known to have occurred (Thompson, 1980). It seems odd therefore that if broadsides were used as a form of social control they were not portraying overt state authority during the time it was needed most. Also, it seems that most of the more authoritarian executions occur in Scotland than anywhere else in Britain. Indeed, one Glaswegian broadside writer bemoans the fact that executions are not what they used to be and argues that: 'The unceremonious quick morning despatch is certainly no improvement on the solemn and affecting ceremonial adopted by our forefathers' (NLS124 1831). He was not alone either in feeling that the official displays at executions are not great enough, as another Edinburgh broadside maintains that: 'If life be taken away at all, surely every circumstance which can give solemnity and power to the example ought to be sedulously studied' (NLS38 1830).

This support for solemn and ceremonial public executions is also evident in other commentary contained in the broadsides regarding the expected nature of the scaffold scene. One recurring theme is the disgrace and shame that should be felt by the criminal who dies on a gallows and broadsides are fond of quoting the bible verse from Galatians 3:13 which states: 'Cursed is every man that hangeth on a tree'. To hang is to be degraded publically and ignominy is crucial if any purpose is to be attained from the display, for as one broadside criminal laments: 'High on the gallows we must hang and be exposed to scorn, / But 'tis our just and due reward and therefore must be borne' (JJ317 1847). The ultimate purpose of such an ignominious death is so that the criminal can expiate and atone for crime and both of these concepts are frequently found in gallows discourse. The forfeiture of life is the finishing of the law and the highest punishment it can impose and

the justice of it is clearly felt in broadsides. Executions are not only occasions where criminals justly suffer but they serve as awful proof of the end to which crime and vice uniformly leads.

Interestingly, broadsides do provide some evidence to suggest that the publicity of executions does have the desired emotional effect on criminals, with some accounts of individuals attempting to starve themselves in order to avoid the ignominy of the public scaffold or requesting that they may be hung in private. From these broadsides it does appear that it is facing the crowd of spectators and not the thought of dying itself that is the main cause of a criminals' dread. For example, one condemned woman 'appeared to be much shocked with the idea of appearing before the crowd, and was extremely agitated by the rumours which were abroad concerning her'; so much so it would seem that, despite her attempts to appear resolute, '[H]er courage failed her, however, when she reached the platform, and saw the multitude, who were met to witness the miserable end of herself' (NLS172 1828).

So, broadsides confirm that without the crowd a major source of the criminal's suffering, and therefore punishment, would be absent. However, broadsides also reveal that it was not necessarily only the criminals who dreaded the public nature of executions; as in the case of the townspeople of Montross near Edinburgh who, in 1821, petitioned the authorities requesting that 'the feelings of the inhabitants might be spared the horrible exhibition of a public execution'(NLS163 1821). This shows a public sensitivity to executions that is not always expected and certainly suggests that not everyone revelled in the carnival of public hangings (Laqueur, 1989). For some, especially those living in more rural areas, the horror of a hanging was not something they were ever likely to become accustomed to and several

of the Scottish broadsides in particular note the rarity in occurrence of executions in certain parts. Sometimes a particular town or village will not see an execution for decades and certainly not one where multiple criminals or females are hanged. Despite this, however, broadsides still make it perfectly clear that whilst executions may not always be welcomed in practice, they most definitely are in principle, for there are only two comments contained in the whole sample that advocate any kind of abolitionist sentiment regarding capital punishment and these do not appear until 1839 and 1846 respectively. This suggests therefore the existence of a significant degree of popular support for capital punishment which will be considered more fully in the next chapter.

On Society

Only 46 broadsides out of the 650 sample included direct comments on society: a mere 7%. However, the terms used when referring to society are illuminating and include such words as tranquil, educated, peaceable and happy. In addition, the most frequently occurring terms imply that society in general is viewed as: ordered; enlightened; well governed; Christian; civilised; and moral. With regards to the date spread for this discourse, there is an obvious peak in the year of 1830 when 8 different broadsides from Scotland all emphasis the fact that society had certain characteristics, for example, 6 call it 'civilised'; 3 'well governed', and 4 'Christian'. It is especially interesting to note that all 8 of these broadsides relate to just two crime cases: the first is the Gilmerton rape and murder which has been discussed in previous sections and the second was a murder which occurred also near Edinburgh in the village of Haddington. This crime excited much interest and involved the brutal murder of Mrs Franks, a respectable woman, and her 14-year-old daughter by their relative, Robert Emond, for money. So, at a time when Scottish society was being rocked by two sensational murder cases, the broadsides relating to them were

evidently attempting to provide reassurances for their anxious readers that despite these heinous crimes the state of society was still nonetheless ordered and moral, and more importantly, would remain so.

The link between levels of crime and the perceived stability and morality of society is therefore recognised by broadsides and some even refer directly to social bonds, placing great importance upon social duty and benevolent affections as being the basis and cement of human society. Indeed, as shown throughout this analysis, a sense of civic duty and social responsibility is a common theme in broadsides and it is argued that these principles can only be developed by adherence to 'civil, moral and divine laws' (JJ206 1829). This desire for a secure society also of course provides strong justification for punishment, with one broadside in particular asserting that 'the welfare and order of society in this country, demands prompt vengeance on all persons who are found breaking those bonds, by which alone the peaceable order of things are maintained' (JJ94 1816). The overall message then from these broadsides appears to be that law, morality and religion are all necessary for a strong society, which in turn is of benefit to all and, as this thesis will show, this interpretation is strongly corroborated by the theories of Emile Durkheim.

Of course, this discourse could also be interpreted as evidence of ideological social control, the concept of which will be discussed in the next chapter, but it is worth noting here that all but one of the statements made regarding social bonds were contained within the broadside commentary itself and were not verbatim quotes from trial judges or other figures of authority. This therefore indicates that when certain criminal cases become a national concern, such as those cited above, 'the interpretations of threat (expressed through the rhetoric of moral outrage) strikes a chord across a wide range of interested

groups and communities because it represents behaviour considered detrimental to the health and stability of society as a whole'; and not just one privileged section (Rowbotham and Stevenson, 2005a, p.xxvii). Indeed, this perception that social unease about crime and disorder is more often than not widely shared is an important theoretical theme for this thesis and as such will be given more extensive treatment in subsequent chapters.

On Class

Joyce (1991, p.246) states that, with regards to broadside ballad content, '[T]he use of an explicitly class vocabulary is notable by its absence', and this is corroborated here. In fact, only 26 broadsides in this sample relate specifically to class issues: 13 can be said to contain commentary which is negative towards the working class; 4 are overtly supportive of the working class; and 9 adopt a neutral class position. The negative working-class commentary falls into four main areas, for example, 3 of the 13 broadsides merely portray class division in terms of domestic life and the expected deference and associated patronage that existed in early-nineteenth-century Britain. One example is a broadside that covers the case of a murder and robbery which resulted after the criminal gained access to a house due to falsely courting one of the servants. The broadside concludes its account with a warning to other servant girls 'not to entertain any one as sweethearts, without the approbation of their master or mistress' (JJ100 1817). Another 3 broadsides contain rather derogatory comments regarding the ruffianism, misogyny and drinking habits of the lower orders and 2 broadsides include remarks pertaining to social status and preordained hierarchy, for example the reader is told that happiness comes from 'doing your duty in that state of life into which it shall have pleased God to have called you' (JJ85 1815). These are sentiments not dissimilar to those famously promoted by Hannah More's religious tracts, which were discussed in chapter three. Only 4 broadsides contain direct

warnings or condemnations regarding seditious inclinations and these are a consequence of specific crimes that were committed. For instance, both the Scottish and English collections had a broadside relating to the Lancaster power-looms riot of 1826 where the trial judge cautioned all that 'no happiness can result from a life of turbulence and riot, but that peace and good order are always conducive to the interests and happiness of men' (JJ189 1826).

The 4 broadsides supportive of the working class are determinedly so and each sends a clear message that the poor should not be oppressed or abused. One account tells the tale of a 'respectable gentleman' who was providentially struck blind by lightning after trying to rape, and then giving false evidence against, his servant girl, and the author of this broadside evidently relishes the dispensing of this divine justice (NLS4 1834). A second concerns the case of Thomas Storey, an agricultural labourer, who committed murder after his repeated applications for parochial relief to his employer had been refused. To escape the dreadful privations he was suffering and to avoid the workhouse, this unfortunate man 'refused to be left to the mercy of a petty tyrant without feeling or remorse' and killed his overseer instead (JJ284 1838). The third broadside is a fictional account, which presents the last dying speech of a potato merchant who committed the 'abominable crime' of forestalling the meal market and thereby raising the price of provisions. This 'notorious criminal' was reported to have warned others to 'never try to enrich yourself by pinching the bellies of the poor' (NLS180 1824). The final broadside is again militant in its message and recounts the execution of Captain Moir for shooting dead a fisherman who was trespassing on his grounds. The accompanying indignant verse warns:

O never let the rich and proud

Oppress the humble poor:

For God for such hard-heartedness,

Has still a vengeance sure.

<div align="center">(JJ219 1830)</div>

Whilst the two previous categories of broadsides contain either positive or negative messages relating to class, the final 9 broadsides are decidedly neutral. For example, 4 of them involve crimes resulting from either worker disputes or pitmen strikes and, despite the potentially political nature of some of these incidents, the broadsides remain determinedly impartial, describing only the facts of the case and including no subjective commentary at all. The rest relate to cases where there is evident social support for the punishment of the crime, despite the radical nature of the offence or the class differences between the victim and criminal. An example of the latter is the famous case of the murder of Lord Russell in 1840 by his valet Francois Courvoisier, after he was caught red-handed stealing from him. The public outcry against the brutal murder of the aged aristocrat was immense and his killer received no pity from any quarter, with the broadside recounting how at his execution 'the crowd appeared to rejoice at the death of so cruel a murderer' (JJ304 1840). The case of John Kean is also a very interesting one, as it provides an insight into the mentalities of ordinary working-class people and their attitudes to work and radicalism. Whatley (2000, p.146) notes that this notorious shooting was 'one of an intermittent series of outrages' which occurred as a result of tensions within the cotton industry in Glasgow and Lanarkshire during the 1820s and 30s, and which often spilled out dangerously into the streets. Kean was publically whipped in Glasgow for protesting against his recent dismissal by causing a disturbance at his previous workplace and

shooting at a fellow cotton-spinner. The broadside in this sample reports that the general public consensus at his whipping was that 'he deserved it all, as the poor man whom he had wounded would be an object for life' and then the author continues to provide the following commentary:

> [t]o way-lay a man, shoot at and wound him, for striving to gain an honest livelihood for himself and his family, cannot be called by any name but cowardly; if he had not accepted the work offered him, some other person would, for self preservation is the first law of nature. Cases of one man filling the place of another, occur daily in manufactories and among trades of all descriptions, and were all who have lost their places to way-lay, fire at, and wound those who fill them, thousands in Glasgow and its neighbourhood would either be killed or made cripples for life. We hope, for the honour of this country, this outrage will be the last (NLS36 1825).

On Readers

It is interesting that broadsides speak to their readers in several different ways. There are clear attempts by the broadside writers to build a relationship with their readers and the terminology they use to address them is enveloping, for example 'dear friends', 'come gentle readers'. They also will sometimes enter into a direct dialogue with their audience, asking them questions or presenting them with an express challenge, for instance: 'BEHOLD, my readers, the sad example of the evil of sin now set before you! Say, - Is *your* heart fully set in you to still do evil?' (JJ147 1822 – italics in original). It is also apparent that broadsides assume a loyal readership, by way of the repeated use of phrases such as 'it will be remembered', which in turn evokes an important notion of collective

memory and community. This also suggests that not only does a direct relationship exist between those who produce broadsides and those who read them, but also that they have a shared existence and experience: they understand each other. This should come as no surprise considering the evidence presented in the previous chapter, but broadsides evidently were not only a medium through which information and news could be transmitted but also were an important channel of communication with the inner life of the reader. For example, broadsides often encourage their readers to contemplate and reflect upon the stories they have been told, whether this be with regards to the nature of crime and sin, or on the frailties of human nature. Moreover, as shown earlier, it is clear that readers are invited to think about their own morality and to learn from what they have read. Broadsides will also provide their readers with emotional cues as to how they should react to any particular account of crime. These cues mainly come in three forms, namely: warnings, such as 'this cannot be read without exciting sentiments of the utmost horror and astonishment' (JJ116 1820); appeals for compassion, as in 'the feeling mind cannot but drop a tear of pity' (JJ85 1815); or finally, calls for readers to look with abhorrence upon certain crimes, for instance 'every humane mind must deplore the sad catastrophe' (NLS69 1822). The underlying theme here is that broadsides intend to evoke feelings and in so doing provide their readers with an opportunity to bond over their shared experiences and emotions. This is clearly a significant aspect of broadside discourse that has been curiously overlooked by other analyses, but which now forms the theoretical foundation for the interpretation presented in the rest of this thesis and this will be fully elaborated upon in chapters six and seven.

Conclusion

In his work on street violence in the nineteenth century, Sindall (1990) claims that there is a distinct lack of sources to inform any historian about the responses of the poor and working classes to crime and violence. Yet, this examination of early-nineteenth-century broadside discourse shows that these ephemeral pieces of paper contain a wealth of information regarding just that. Indeed, it is possible to argue that these texts are representative of a public debate or 'criminal conversation' that took place within the working-class community about the nature of crime and criminality and its appropriate penalties (Rowbotham and Stevenson, 2005a, p.xxi). It is therefore a wonder that these broadsides have been so often overlooked by modern academics or, if taken account of at all, merely reduced down to some simple stereotype. For, as this chapter has shown, this genre of cheap literature is much more complex than others have assumed, and the multi-faceted discourses within them cannot easily be categorised or dismissed as mere social control or sensationalistic entertainment. Indeed, such a close reading of broadside discourse has allowed for some interesting insights into contemporary perceptions of criminal justice and for some alternative conclusions to be drawn; for, despite the number and variety of broadsides studied in this sample, there have emerged four distinct themes, which are worthy of much greater attention.

Firstly, crime and criminals were distinctly unpopular with the people who wrote and read broadsides. There is little mass public support or sympathy shown for the criminal fraternity here, but instead there is evident strength of feeling, especially anxiety and anger, shown about crime in general. Secondly, these broadsides provide much evidence to suggest that ordinary working-class people both supported and participated in the workings of the criminal justice process. Indeed, it is apparent from the discourse that they did not

perceive law and crime control as something imposed upon them and consequently resented but, on the contrary, something which was recognised as being of benefit to them and therefore welcomed. Thirdly, the social importance of punishment and justice is recognised and openly discussed in these broadsides. The often symbolic nature of punishment is highlighted and within the discourse it is society, not the state, which is perceived as stronger for its presence. Fourthly, these broadsides evidently reflect genuine religious beliefs and a morality that is perceived as common among those who read them. This broadside morality may have found its focus in portrayals of crime, which is perceived most vehemently as a moral issue, but it also speaks of a desire for safety and security in a wider, and more social, sense. These four themes are too significant to be ignored and their theoretical implications suggest that there is room for some serious rethinking to be done; and this will begin in the next chapter.

PART TWO:

THEORY AND ANALYSIS

Chapter Five:

Punitive Ideologies – Broadsides as Class Control, Conflict or Consensus?

Introduction

As shown in the previous chapter, a close reading of a large sample of crime and execution broadsides raises some important issues regarding early-nineteenth-century working-class perceptions of, and attitudes towards, crime and criminal justice. There were four main conclusions drawn from the analysis of broadside discourse, namely: that there was little sympathy for crime or those who committed it; that ordinary working-class people both supported and participated in criminal justice; that punishment and justice were seen as socially important and beneficial; and that broadsides reflected a strong and common morality. These conclusions are pivotal to the theoretical foundations of this thesis, since they highlight the weaknesses of other interpretations of broadsides, and therefore have implications for furthering a comprehensive understanding of these texts. For example, there are three broad, and arguably overlapping, issues which still need to be addressed with regards to the social significance of broadside discourse on crime and criminal justice. These are: the existence and extent of popular punitivism; the nature and source of social control; and the question of class, especially in relation to conceptions of shared identities and moralities. It must be stated however that these three issues all evidently intersect in various ways and so their division into three separate sections for the purposes of this chapter should be taken only as a practical means of presenting the discussion rather than implying any inherent or impervious distinctions. This chapter will therefore engage with the academic debates which currently exist regarding these identified issues and will argue that an understanding of broadside discourse necessitates a promotion of the concept of consensus over those of conflict and control.

Popular Punitivism[4]

The content of early-nineteenth-century broadsides is dominated by the public execution of criminals and, as such, provides information about a topic that has fascinated historians for decades. This fascination with the rites and ceremonies of public execution has led to 'a good deal of controversy' over the years, as differing accounts of this theatre of punishment have arisen (Lake and Questier, 1996, p.64). On the one hand there are historians who consider execution as simply an apparatus of state control, and on the other there are those who interpret public execution as a site of conflict or carnival. However, as McKenzie (2007) argues, more recently scholars have tended towards a more pluralistic interpretation of the public execution, as more historical evidence emerges to suggest that this dramaturgy of punishment was much more complex in reality. The interpretation of public execution as purely a means of social control has been especially contested and, despite its often compelling nature, has been shown to have some basic flaws. Traditionally, it has been easy for academics to highlight the evident social control aspects of punishment, and many have agreed with Foucault (1991) that public executions can only be understood as a state ceremony whereby power is made manifest, and that the very public nature of these punishments was exploited by the authorities as an exercise of terror and a form of ideological control. For example, Spierenburg (1984, p.77) considers the scaffold as the most conspicuous element of state authority and describes public executions as 'the pearl in the crown of repression'. Sharpe (1985, p.161) also argues that historically 'the public execution remained one of the principal methods by which the power of the state was demonstrated'; and there is, of course, Hay (1975, p.29) who states that the rituals

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[4] In criminological works, this term is often interchangeable with the concept of 'penal populism', which denotes 'the interplay in late modern society between the media, public opinion and politicians that generates a backdrop to the formulation and implementation of both criminal justice and penal policy (Monterosso, 2009, p.13; Pratt, 2007). However, for the purposes of this thesis, the term is only intended to describe the widespread approval and support, by the majority of ordinary people, for the apprehension and punishment of criminals, as evidenced in this particular historical period and context.

of capital law and execution were a means to 'fuse terror and argument into the amalgam of legitimate power'. However, there is now much debate as to how much control any official authority actually did have over the ceremony of public execution, since at no point in history has there been 'a nakedly authoritarian power' in Great Britain, but only a weak state resorting to dramatic displays of its desired supremacy (Gatrell, 1994, p.55). For, whilst there can be no doubt that 'execution rituals bore political meanings', the historical evidence suggests that, in both reality and practice, these rituals were not always consistent, and that it was not necessarily the state who controlled these events but the people (Gatrell, 1994).

Historical studies have shown that there were two main ways in which the people could control the public execution and these were by means of open conflict or bawdy carnival, with both being interpreted as a form of rebellion against authority. Inversion is the key to both of these accounts, with the crowd performing a kind of countertheater to assert their presence and challenge the power and influence of the state; for, as Thompson (1974, p.400) avows the audience too 'trod the stage at Tyburn'. One of the most seminal accounts of public execution to challenge the social control thesis has come from Laqueur (1989) who insists that executions were less solemn, state ceremonial and more bawdy, bacchanal comedy, with the central actor being the carnivalesque crowd. Indeed, he argues that contemporary accounts portray the execution crowd as one that was not terrified or cowed by the event but festive and buoyant and 'wholly unconcerned with serious state theatre and unaffected by its efforts' (Laqueur, 1989, p.332). The public execution then, for Laqueur (1989, p.309), was not an awesome display of state power but 'the shabbiest of rituals with the minimum of authorial control' which could, and often did, descend into risible chaos.

Linebaugh (1975, 2006) also sees the execution crowd as one that was irreverent and unruly, but argues that this response was due to active resistance not mindless debauchery. Linebaugh (1975, p.xix) contends that public hangings were 'the central event in the urban contention between the classes' and that the site of the gallows was often a place where working-class resistance and protest was vigorously displayed, whether this was regarding the anatomising of the bodies of the condemned or the execution of property offenders. For Linebaugh (2006), public hanging has only ever been political, and such was the strength of oppositional unrest against the state's use of it that the mob would often turn riotous. However, whilst the historical record attests that riots did undeniably occur during public hangings, some would argue that only a small proportion of executions actually resulted in revolt and that 'the frequency of incidents of civil disturbance had begun to decline long before public capital punishment was abolished' (Smith, 1996, p.238). This therefore suggests that rioting was not necessarily the habitual response to public execution and, in attempting to dispel the 'lazy characterisation that the public Tyburn hanging was merely a raucous spectacle', Linebaugh (2006, p.xix) too has oversimplified the reaction of the crowd.

The major flaw with both the carnival and conflict accounts of public reactions to executions is that they choose to highlight the exception rather than the rule; for there is a distinction to be made between 'a mob' and the customary crowd who gathered at the gallows (Gatrell, 1994). It is also necessary to recognise that public reactions and conceptions regarding executions might have changed greatly between the eighteenth and nineteenth centuries, as did society and the state, and as such generalisations do not necessarily stand the test of time (Spierenburg, 1984). For, as we have seen in the previous chapter, broadsides from the nineteenth century indicate that the great majority of people

who attended executions behaved with appropriate solemnity and decency for the occasion. Other contemporary accounts also confirm this, for example, when the novelist William Thackeray witnessed a hanging in 1840, he described the crowd as 'extraordinarily gentle and good-humoured' and marvelled at 'the vigorous, orderly good sense, and intelligence of the people' (W.M.T., 1840, p.152, p.154). He was also to note that the immense crowd of 40,000 comprised of 'all ranks and degrees', including women, children, honest tradesmen, pick-pockets and members of parliament (W.M.T., 1840, p.156). This diversity of the gallows crowd has also been recognised by several modern commentators (Cooper, 1974; Lofland, 1977; Spierenburg, 1984; Gatrell, 1994; King, 2000) and once again calls into question the simplistic stereotypes of the bawdy or riotous horde. For it must be noted that social historians, such as Rudé (1971), have long recognised the variety of social strata that comprised the 'mobs' so often denigrated by elite contemporaries. Furthermore, it has been suggested that reactions to executions were also as diverse as the crowd itself, and much depended on the crime and criminal in question (Gatrell, 1994). Spierenburg (1984, p.101) argues that 'identification is the keyword' for an understanding of the public's reaction to any execution, and that many delinquents who died on the scaffold 'did not bring pity to the hearts of the spectators, because the latter had no empathy for them as fellow human beings', primarily because of the crimes that they had committed. This lack of empathy for criminals is corroborated by broadsides, as shown in the previous chapter, and suggests that perhaps there was often an attitude of consent rather than conflict in the mind of the gallows crowd.

Gatrell (1994, p.196) argues that those who assembled at the scaffold, or who read execution accounts, did not do so passively or with 'empty heads', but in reality must have actively consented to much of the law's message. The fact that public punishments of any

kind, whether capital or corporal, usually relied upon the participation and approval of the people present has been acknowledged by a number of historians (Ignatieff, 1983; Lake and Questier, 1996; Shoemaker, 2004b; Rosenburg, 2004) and this has led many to conclude that 'the crowd and the state shared in the making of the ritual' (Ignatieff, 1978, p.23). Indeed, Laqueur (1989, p.352) suggests that 'the sheer physical imbalance of forces between the state and the crowd at public executions ... meant that any hanging could take place only with the tacit consent of the crowd'. Furthermore, it has been noted that the authorities allowed a considerable degree of license to both the crowd and the condemned in terms of their behaviour at executions (Thompson, 1974; Lofland, 1977; Ignatieff, 1978; Gatrell, 1994; Lake and Questier, 1996; McKenzie, 2007; Smith, 2008), which meant that 'many of the dramas enacted on the gallows were, in part at least, of the people's own making' (King, 2000, p.351). For, whilst the display of state power is perhaps the most obvious feature of any spectacle of punishment, Rosenburg (2004, p.158) argues that this explanation alone 'fails almost entirely to account for the fact that the public supported the state's right to punish'.

So then, it is possible to argue that historically there has long been 'a fragile consensus' that villainy must be punished, and that the broadside trade in crime and execution sheets reflected this (Gatrell, 1994, p.175). It is also clear from a reading of broadsides that religion played a major part in the shoring up of this consensus. For centuries, the two main ubiquitous themes in broadsides have been retribution and repentance, as any scholar of the genre will attest (Spufford, 1981; Lake, 1993; Gatrell, 1994; Lake, 1994; Dragstra, 2000; Gaskill, 2003; Rosenburg, 2004; Royer, 2004), and there has evidently long been a belief that earthly justice merely serves heavenly justice and that human punishment and divine punishment 'were, in fact, mutually reinforcing' (Rosenburg, 2004, p.169). This

fundamental belief formed what McKenzie (2007) defines as a common eschatology about death, judgement, heaven and hell, and it is this powerful religious doctrine which has underpinned the cultural history of the gallows. McKenzie (2007, p.26) however argues that this pious discourse must not be viewed merely as 'false consciousness', but as 'a common language within which values were situated'. These older religious values were clearly still evident in the broadsides used for this thesis, as shown in the previous chapter, and they reflect the fact that not only did these traditional Christian beliefs permeate early-nineteenth-century society (Kitson Clark, 1962; Briggs, 1979; James, 2006) but also that during this period religion still played a major role in criminal justice (Spierenburg, 1984).

Traditionally one of the main functions of religion within criminal justice has been to justify and legitimate the use of capital punishment. Gorringe (1996, p.223, p.225) states that our attitudes towards crime and punishment are 'beyond argument, rooted deep in the Christian Scriptures' and that even in the nineteenth century this theology remained 'stubbornly retributive'. Indeed, Gorringe (1996, p.6) argues that one aspect of legal-theological rhetoric which has 'exercised a potent ideological function' historically has been the satisfaction theory of atonement. This theory determines that the need to make expiation for our sins is a powerful truth of human experience and thus reinforces our demand for retributive punishment. Furthermore, he argues that to accept that religion is concerned with law is not to commit necessarily to a dominant and oppressive ideology but merely to recognise that often moral consensus is based upon a natural law of justice (Gorringe, 1996). One of the principal laws of justice concerning the death penalty, of course, has always been 'a life for a life' and Potter (1993) has shown that, throughout its history, capital punishment has relied upon official religious sanction from the church for its survival. The mosaic code set a legal precedent by stipulating that '[H]e that sheddeth

man's blood, by man shall his blood be shed' and Potter (1993, p.55) argues that it was regular practice for trial judges to quote such 'proof-texts of scripture when the sentence of death was passed', and this is corroborated in broadsides, as shown in the previous chapter. Of course, the mosaic code was also used tenuously to justify the punishment of death for crimes other than murder (Potter, 1993), and the growing disquiet concerning the use of capital punishment for thieves and forgers especially, even before the nineteenth century, has been well documented (Hay *et al*., 1975; Linebaugh, 1975; Gatrell, 1994; King, 2000). However, it was in the early nineteenth century that repeated reforms regarding the repeal of capital statutes forced the church and the state to clarify their position regarding the infliction of the death penalty, which culminated in hanging being retained primarily only for the crime of murder (Tobias, 1972; Rudé, 1985; Potter, 1993; Gatrell, 1994; Priestly, 1999; King, 2000; Emsley, 2010). However, it is important to note that the retention of the death penalty for murderers was due as much to the strength of contemporary popular opinion as it was to some official need to maintain it for state control purposes. For, as Potter (1993, p.205) asserts, anyone who 'boasted a simple biblical faith ... tended to be in favour of hanging', and this remained as true in the early nineteenth century as it did in medieval times. Neither is it to be forgotten that the use of capital punishment in Britain was not totally abolished until 1969, and so in maintaining the death penalty, the church and the state of the previous century were merely sharing in 'the common morality of the day', and that for us now to equate support for capital punishment with compliance to social control is to deny the widespread moral investment in it that evidently existed (Potter, 1993, p.37).

It has been recognised that throughout the nineteenth century those who campaigned for the abolition of the death penalty were only in reality 'a tiny, if vocal minority' and that

those involved often faced social ridicule and contempt (Smith, 2004, p.290; Potter, 1993). Indeed, the vitriol aimed at Quakers, who formed the core abolitionist group, is clear in broadside discourse (see previous chapter) and even in 1871, ten years after capital offences had been reduced to four, and a mere three years after the public execution of criminals was abolished, Charles Hindley was to argue that the prominence of the gallows in broadsides still 'augurs strongly for a deep popular belief' in the justice of the death penalty (Hindley, 1871, p.160). The conviction that capital punishment was a suitable sanction for murderers was to remain firm until well into the twentieth century, and Smith (2004) has shown that many who supported the ultimate penalty of the law came from the ranks of the masses. His research reveals that when the executioner William Marwood died in 1883 'there was an overwhelming number of applicants' who wished to replace him, many of whom had ordinary working-class backgrounds, and that nineteenth-century England quite evidently still had 'its fair share of willing executioners' (Smith, 2004, pp.291-2). Smith (2004) claims that those who applied for the job of executioner did not do so for monetary reward alone but from a real sense of duty, order, necessity, and custom which motivated them more. He therefore suggests that, with regards to the history of the death penalty, middle-class sensibilities have long been overemphasised, since 'there was considerably wider support among Britain's labouring class for capital punishment' than previously assumed (Smith, 2004, p.304).

Such historical evidence regarding the existence of popular punitivism suggests that ordinary people's feelings about crime and punishment ran deep and that the public desire to see justice being done was often strong. This is especially true regarding particular crimes, such as rape, theft and murder, and it is recognised that there has long been a traditional consensus, amongst all social groups, regarding the need to punish these

offences (Gatrell, 1980; Thompson, 1980; Emsley, 2010). Indeed there is a growing body of research within the history of crime which indicates that criminal justice has usually been driven by the social needs of ordinary men and women as much as by any political state agenda (Emsley, 2010). For example, King (2000, p.1.) reveals that in the eighteenth and early nineteenth centuries, the labouring poor often brought cases of theft and assault to court and that, as prosecutors, the criminal justice system awarded them 'extensive discretionary powers'. His research shows that the poor made as much, if not more, use of the law than the rich, and that effective criminal justice was 'heavily dependent' on such widespread and popular participation (King, 2000, p.371). This willingness of the lower classes to take action against crime is also reflective of the fact that historically they have been its main victims and certainly, by the early nineteenth century, it was people of humble status who were becoming ever more willing to invoke the law to protect themselves and their property (Gatrell, 1980; Emsley, 2010). Indeed, Emsley (2010, p.300) suggests that since the working class were so often the victims of crime 'it is scarcely surprising if they had little time for many former offenders' and that, if anything, their repeated victimisation probably made them feel more insecure about crime than those in a more elevated social position.

It is evident then that '[T]he anxiety that linked popular disorder and crime in the first half of the nineteenth century was not limited to one social class' (Emsley, 2010, p.38) and contemporary broadsides provide strong testament to this fact. They reveal the extent to which morality about crime often commanded widespread assent and furthermore that, in punishing certain offences, 'the state simply ratified a line of demarcation already indigenous to the poor' (Ignatieff, 1983, p.90). This necessarily calls into question the validity of the arguments of both conflict and control theories, which tend to portray the

poor and working classes as 'simple objects of the punitive sanction' (Ignatieff, 1983, p.96). For whilst official authority may always have been an important force in criminal justice, 'it is a serious overestimation of the role of the state to assume that its sanctioning powers were the exclusive source of the social division between criminal and respectable' (Ignatieff, 1983, p.91). Indeed, what historical research, and contemporary evidence such as broadsides, suggests is that the working classes appear not to have been coerced into accepting the rule of law and its rituals of punishment, but rather that they willingly accorded with them, and this therefore suggests that a reconsideration of the concept of social control is long overdue (Gatrell, 1980).

Social Control

Social control is a concept that has appeared with regularity in the historical literature of crime. The main proponents of it were the Revisionists in the 1970s, who used Marxist social theory to justify a critique of the more traditional Whig interpretation of how law and criminal justice developed. For example, whilst conservative Whig historians, such as Radzinowicz (1948), Tobias (1972), Critchley (1978) and Langbein (1983), all tended to view the history of criminal justice as one of progressive and benign reform, and the development of its institutions as nothing more than a pragmatic response to evolutionary social change wrought by urbanisation and industrialisation; in contrast, the more radical Revisionist school saw the development of criminal law and policy as oppressive tools of class power and control, manipulated by a ruling elite determined to maintain its position of social and political dominance (see for example Hay *et al.*, 1975; Storch, 1975; Ignatieff, 1978). These two opposing schools of thought have been the foundation stones of much historical research and debate, and scholarly interventions for and against are perennially traced in historiographical reviews, such as King (1999), Shore (2007) and

Williams (2008), but, whilst the history of crime as a whole discipline has itself progressed, 'these two long-standing historiographical orientations have resisted efforts to relate criminal policy to broader developments in society and culture' (Wiener, 1990, p.4).[5]

As a result the ghost of social control still haunts historical studies of crime and justice; for example, in accounts of how the elite have contrived criminal justice policy to instil discipline and order in society. Most studies have claimed that the poor were simply controlled by one means or another, but this concept of social control, where one dominant group has infinite power over another in society appears to have distorted reality (Mayer, 1983). For historians of crime, social control has come to represent repression, coercion, manipulation and regulation, and has often been employed by those critical of authority; in effect, the term has become nothing more than a 'crude conspiracy theory' (Philips, 1983, p.59; Rothman, 1983). Yet, many have been critical of this myopic use of the term social control and have accused its adherents of being incoherent and vague (Donajgrodzki, 1977; Gatrell, 1980; Mayer, 1983; Philips, 1983; Rothman, 1983; Stedman Jones, 1983). The main criticism has been that it is easier to generalise in theory about social control than it is to identify it in practice, and that historians of crime have a tendency to assert its presence with little evidence beyond that of 'an ideological flourish' (Donajgrodzki, 1977; Rothman, 1983). In reality, the term has often merely been used as 'a convenient catch-all' and has been abused with 'little or no effort at clarification' (Philips, 1983, p.59; Rothman, 1983, p.106). This has resulted in the use of the term being 'so broad as to render it more productive of confusion than of meaningful analysis' (Mayer, 1983, p.22).

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[5] For a more in-depth exegesis of both the Whig and Revisionist interpretations of criminal justice, Reiner (1992) is exemplary in his examination of the debates in relation to nineteenth-century policing reforms.

One of the most enduring causes of confusion regarding the use of the term social control has been the fact that historians of crime have never been able to come to an agreement as to who controlled who, or what, and how? Neither have they agreed on what methods of control were used and to what ultimate purpose (Mayer, 1983; Rothman, 1983). This has led many to find fault with the social control thesis, not least because it has overstated the extent to which the ruling class was ever a united force to be reckoned with (Croll, 2007). Also, more recent historical research, especially with regards to popular culture and leisure, has shown that 'mechanisms of social control were highly imperfect' and that often elite schemes to control and discipline the working class came to nothing (Croll, 2007, p.404). For, as Spierenburg (1984, p.vii) asserts, it is undeniable that throughout history 'the authorities never achieved the ordered society they were aiming for'. The appearance of such contrary evidence, however, has not led to a retreat for social control theorists, but merely a change of tactics, since many now resort to the insistence of covert ideology rather than overt control (Stedman Jones, 1983; Hewitt, 2007). The main problem though with this now preferred notion of hegemony or ideological social control is that 'it can be seen to be everywhere' (Croll, 2007, p.404). Suddenly, every institution and aspect of society becomes an agency of official, premeditated social control, from education and religion to popular culture and family. Thus, once again, the term becomes too all-encompassing and is rendered void of any real explanatory force (Rothman, 1983; Stedman Jones, 1983; Croall, 2007). Ultimately, however, the insistence that society can be divided between the controllers and the controlled, whether by overt or covert means, has led many a theorist to fail to recognise the fact that social relations and motivations are much more complex in reality, and deserve to be regarded as such (Gatrell, 1980).

It cannot be denied that, with regards to criminal justice, law and punishment, the social control argument has an obvious appeal but, as previously discussed, this 'should not lead us to ignore the ways in which reactions to crime penetrate and interact with concerns of the general population' (Jones, 1981, p.1020). For whilst coercion is evidently an intrinsic part of law and punishment, 'the institutions of criminal justice have historically responded to a greater variety of motives and served a wider array of interests than that of "social control"' (Wiener, 1990, p.8). Ignatieff (1983, p.77) has argued that revisionist accounts of criminal justice suffer from three basic misconceptions, namely: 'that the state enjoys a monopoly over punitive regulation of behaviour in society, that its moral authority and practical power are the binding sources of social order, and that all social relations can be described in the language of subordination'. For him, the influence and monopoly of the state with regards to social order and crime control has been greatly exaggerated and he suggests that 'powers of moral and punitive enforcement are distributed throughout civil society' (Ignatieff, 1983, p.100). This is a sentiment that is supported by the content of broadsides, for they show that official authority was not the only force in society and that overt coercion was in fact often redundant, since the law-abiding did not react to it alone but from their own sense of justice, conscience and traditional moral values (Donajgrodzki, 1977; Gatrell 1980; Braithwaite, 1989).

The recognition that other realms of social life, beyond official state authority, control crime and instil order is important and historical research has shown that social relations and the dispensing of justice was often more complex than a simple interaction between individual and state (Donajgrodzki, 1977). Both Thompson (1974, 1991) and King (2000) have highlighted the reciprocity involved in local social relations with regards to law and order, and argue that social discipline was as much a result of negotiation and compromise

as overt social control. For example, E.P. Thompson (1991, p.8) especially highlights the fact that the continuing presence of more traditional forms of community-based sanction, such as rough music, which were practiced well into the nineteenth century, suggests that 'quite powerful self-motivating forces of social and moral regulation were at work' in plebeian culture and, more importantly, that the customary values and norms so defended were not always those supported by the authorities but were defined within the community itself; '[H]ence we have a customary culture which is not subject in its daily operations to the ideological domination of the rulers' (Thompson, 1991, p.9). Similarly, Roodenburg and Spierenburg (2004) have also shown that, throughout Europe, the state has only ever been one aspect of social control, since ordinary people have always claimed agency in what is increasingly acknowledged as a two-way process, and consequently it may be argued that 'informal social control has been equally, or perhaps more, forceful than formal social control in all societies over the past five centuries' (Spierenburg, 2004, p.17).

So much so in fact that even Revisionists such as Storch (1977, p.156) recognise that, in early-nineteenth-century Britain, there was 'an unmistakable chariness about the use of the state and a certain tendency to eschew its use'. Others too have noted that when it came to the reassertion of social order, personal influence was often more effective than overt control and that many local officials were 'more inclined towards a policy of appeasement' than repression (Spierenburg, 1984, p.103; Donajgrodzki, 1977). Stevenson (1977, p.40) has shown that this more benign approach was even utilised for the management of riots and that, in the late eighteenth and early nineteenth centuries, there was never a monopoly of control, either locally or nationally, and that social order was instilled 'by a variety of means, including the mobilisation of the strong ties of deference and respect which still bound many members of rural and urban society'. Whilst some may argue that this merely

reflects the prevalence of more covert means of ideological control in society, King (2000, p.353) however stresses that such hegemony cannot be taken for granted, since judicial power and concern was quite evidently shared and that, in reality and practice, criminal justice had 'different meanings for different people'.

Emsley (2010, p.300) also concurs that, when it comes to many features of apparent social control, it is difficult to explain them away simply by referring to bourgeois hegemony, primarily because there are often 'considerable differences' between perception and intention. This point is most apt however when confronting the assumption that aspects of popular culture, such as broadsides, are crucial tools in the dissemination of ideological social control. The notion that popular literature equates to powerful propaganda is not new and can be traced back to the Marxist tradition, which argued that the social elite acted as guardians of culture in order to legitimate its rule, and that social order can usefully be bolstered by way of mystifying the masses (Hall, 1979; Murdock, 1980). There are however serious problems with this interpretation of popular culture, with issues of audience censorship and collective reception being at the core (Burke, 1978; Joyce, 1991; Rose, 2001). Rawlings (1992, p.14) argues that the approach that popular literature was pure propaganda fails to answer three main questions, namely: why was it that the literature was so popular in the first place?; why did the propaganda adopt this particular means and not another?; and lastly, did the propaganda achieve its desired effect? In failing to confront these questions, the social control analysis has, once again, to rely upon assertion and inference only, since 'direct evidence of the pragmatics of control is comparatively rare' (Murdock, 1980, p.38). Elliott (1980, p.157) has argued that propaganda as a means of ideological social control is both 'inherently ambiguous in content and unpredictable in effect' and so, therefore, its use is limited. For, what social

control theorists ultimately fail to take account of are the readers, who were not 'mere receptacles ready for anything the ruling class may want to throw into them' (Rawlings, 1992, p.14). Instead, as evidenced in chapter three, readers of broadsides and other forms of popular literature were the ones to directly influence what was produced, and thus 'the tenet of 'consumer sovereignty'' turns the social control account on its head (Murdock, 1980, p.40). For if, as Chassaigne (1999, p.25) suggests, broadsides found an eager reading public well into the nineteenth century, this should be taken as a sign that 'they answered their readers' expectations and it is a little too simplistic to present them as passively manipulated or culturally alienated'. Furthermore, he argues that to interpret these texts as enforced ideology is to deny that they had any intrinsic value or utility for their readers and that, on account of this, crime broadsides 'deserve not to be dismissed as meaningless propaganda or mere social control' (Chassaigne, 1999, p.43).

The content of early-nineteenth-century crime and execution broadsides, together with an acknowledgment of their immense popularity and lower social class background, provides persuasive evidence that an alternative vision of the term social control is required in order to fully understand them. This is feasible because the concept itself is more ideologically flexible than those who use it most tend to imply and, as will be shown, is therefore equally applicable to both conflict–orientated and consensual theories of society (Donajgrodzki, 1977; Stedman Jones, 1983). Indeed, as Rothman (1983, p.107) states: 'Those who think of social control as more or less synonymous with repression and coercion may be startled to discover that American sociologists first used it to capture the very opposite quality, that of cooperation, of voluntary and harmonious cohesion'. Unfortunately, however, despite its original meaning, the term has most commonly been appropriated by those who wish to reverse its orientation, 'moving from cooperation to

coercion, from harmony to conflict', and it is this secondary definition of social control that came to the attention of historians especially, 'who for their own reasons were eager to adopt it' (Rothman, 1983, pp.109-110).

In focusing, therefore, on the control element rather than the social, it is clear than many crime historians have failed to recognise that in society there have always been many different types of social control at work, and that social order is 'the product of many social processes, relationships and institutions', many of which have little or nothing to do with official authority or state influence (Donajgrodzki, 1977, p.9). This more pluralist view of social control 'does not operate in the defence of any particular social interests, but rather originates as a broadly based corrective to *generally* perceived threats of social disequilibrium and disorder' (Cohen and Scull, 1983, p.4 – italics in original). Social control therefore becomes all the myriad ways in which any society may secure its members' conformity and prevent deviance from norms or expectations and, as such, includes both formal and informal mechanisms of social control, such as family, religion, education and law (Cohen, 1966; Cohen and Scull, 1983; Smith and Natalier, 2005). However, it is important to note that social control is not always the central aim or characteristic of these different social processes and institutions; for, as Donajgrodzki (1977, p.15) states: 'Parents undertake control functions with respect to their children, and vice versa, but it would be a cynic indeed who saw this as the true and only meaning of family life'. It is of immense importance, therefore, to recognise the cultural rather than political forms that social control may take and to make more apparent that, in terms of social interaction, many control mechanisms 'operate independently of any conscious manipulative process' (Donajgrodzki, 1977, p.11).

It is for this reason that F.M.L. Thompson (1981) prefers the term 'socialization' to social control, since he argues that it more appositely reflects the forces at work in the transformation of nineteenth-century Britain. For example, he is critical of historians who deploy notions of social control merely to imply legalised authority and who insist that its basis is the imposition of opinions and habits by one dominant class upon a subservient other. For social control, thus defined purely in the context of inter-class relations, ignores the extent to which people of all classes behaved willingly and voluntarily in ways that were conducive to law and order (Thompson, 1981). The concept of socialization however recognises 'the direct impact of physical and material changes on *mass* behaviour, regardless of any attempted mediation by social superiors' and emphasises the fact that, during the nineteenth century, the whole of society, including large sections of the upper and middle classes as well as the working classes, had to alter its habits, expectations and values in order to sustain social order (Thompson, 1981, p.207 – italics added). Thompson (1981) therefore effectively diminishes the importance of class conflict with regards to social control by cultivating the more sociological concept of socialization as the general process by which dominant norms and values are internalised and the whole culture of a society is reciprocally transmitted (Jary and Jary, 1995).

Despite this, within the history of crime, political interpretations have tended to dominate over cultural and social analyses, and shared aspects of society have often 'received short shrift in favour of those that were contested' (Wiener, 1990, p.10). As previously indicated, formal social control, whether overt or covert, has traditionally been favoured as an interpretation of law and criminal justice, even though ample evidence suggests that the state was only one manifestation of power in society and that, throughout history, communities have successfully utilised more informal means of control to ensure order

(Smith and Natalier, 2005). This emphasis on coercion has tended to negate the fact that control was not always inflicted from the top down but also from across society and that community groups have always self-regulated by way of shared ideals, customs and beliefs. Coercion has not always been necessary to ensure social order and so, therefore, a broader working definition of social control needs to be reimagined (Mayer, 1983). Mayer (1983, p.24) suggests that the concept of social control could usefully be divided into two separate categories; firstly 'coercive controls, which either use or imply force' and, secondly, 'social controls, which consist of group self-regulation outside the boundaries of force'. This second category allows for the fact that many aspects of control in society are voluntarily complied with and indicates the existence of associative, rather than coercive, social control. For Mayer (1983) associative social control implies that there is always an element of choice in society and that we should question how much unwanted control was actually exerted on people historically. He argues that very often control was not enforced but chosen and that the vast majority of cultural and legal influences in society fell into the associative control category, in that 'people were not forced to participate in them and could refuse to' (Mayer, 1983, p.31). This is of major significance for both an understanding of popular punitivism and nineteenth-century crime broadsides themselves, for crowds were never frogmarched unwillingly to witness executions during this period, neither were they legally obliged to buy an accompanying broadside. This realisation therefore denies either state control or class domination with regards to both and suggests that, in reality, social control has always been more associative than others have allowed, and further evidence to support this claim will be provided in the next chapter.

Class

The question of class permeates this study of broadsides and for two conflicting reasons. Firstly, as evidenced in chapter three, nineteenth-century broadsides are identifiable as a working-class cultural form and the majority of scholars recognise this; yet, secondly, there are still scholars who interpret these same broadsides as ideological tools used by the cultural and political elite to somehow discipline and coerce the lower orders in society. Not only are these two interpretations evidently incompatible but they both also make significant assertions about class which need to be clarified. In recent years, historians have debated the utility of the concept of class, claiming that it is too simple and therefore limited as an explanatory category, and that it is nothing more than a useful organising myth rather than a social reality (Croll, 2007; Hewitt, 2007). Yet, the terminology of class still dominates historical analysis and this is especially true for the nineteenth century, arguably because it was only then that the tripartite division of class was consolidated, with the emergence of the industrial middle class, and so distinctions regarding methods of income, from rent, profit and wages, became increasingly important (Hewitt, 2007). However, historians have generally become aware that 'class is a cultural as much as an economic formation' (Thompson, 1980, p.12) and that social identities also include other characteristics such as status and lifestyle, which are much more flexible and open to interpretation (Hewitt, 2007). This therefore means that although the language of class emerged in the nineteenth century, contemporary conceptualisations of it 'co-existed, perhaps uncomfortably, with a number of other identities or distinguishing forces' (Hewitt, 2007, p.311).

Class, as an historical concept, is much more complex than it first appears and it is important to be aware that 'stereotypes dissolve under close inspection' (James, 2006,

p.273). Neither the working nor middle class was an homogenous social group and there were often marked differences in both levels of occupation and income in each, meaning that the social and economic conditions experienced by different people of the same class could be diverse (Stedman Jones, 1984; Joyce, 1991; James, 2006). For example, in terms of wealth and status the middle class ranged from rich manufacturers and entrepreneurs to those 'who struggled to keep up their position on incomes of only around £100 per annum' (Hewitt, 2007, p.308). Similarly, in the working class, a skilled artisan would have had little in common with an unskilled navvy or itinerant dealer. Such wide disparities in status and standard of living meant that not only did each class have its own internal hierarchy based upon 'differences of outlook, ambition, temperament, patterns of consumption and moral codes', but also that, in reality, the boundaries between the three main classes often became blurred and so there never were any fixed and absolute class divisions between them (James, 2006, p.273; Hewitt, 2007). Nineteenth-century society, therefore, was evidently more multi-layered than stark class distinctions allow and this calls into question any theories of straightforward class domination, for several historians have noted that neither the upper nor middle classes ever had the collective cohesion or power to impose a culture or ideology onto the demographically vast and socially diverse working class (Donajgrodzki, 1977; Ignatieff, 1983; Thompson, 1988; James, 2006; Hewitt, 2007).

There is, of course, the question of how contemporaries actually perceived of class issues themselves and whether or not they viewed class as important in their daily lives. It has been suggested that the language of class is 'spoken almost exclusively in academic institutions' (Grusky and Galescu, 2005, p.338) and that this divisive terminology does not seem to have been used much by the very people who we categorise by it (Emsley, 2010). Indeed, Joyce (1991) argues that this academic fixation with class denies us sight of other

visions of the social order and that we must pay more attention to the actual terms in which contemporaries made sense of it themselves; for class alone did not determine real lives and so, as a source of supposed intense conflict in society, it is a concept that needs to be re-examined. Class is often roughly defined as 'economic, socially exclusive, and connoting conflict' (Joyce, 1991, p.11) and yet research has shown that, in the nineteenth century, class differences were mainly fractional and irregular, sparking only in reaction to particular political conflicts and then fading back in times of prosperity (Smelser, 1959; Hewitt, 2007). This therefore raises significant doubt as to the importance of class conflict in historical analysis and draws attention to the fact that there was much greater stability and commonality in class positions than historians have often allowed (Hewitt, 2007).

It has been argued that concepts such as conflict, exploitation and domination have been allowed 'an unjustifiably dominant role' in the setting of class agendas and do not necessarily reflect or govern the attitudes and behaviours of the ordinary people involved (Hewitt, 2007, p.318; Smelser, 1959). Indeed, for historians such as Joyce (1991), the emphasis has far too often been on conflict and not enough on consensus when considering class identities and relations; for, he argues that all classes had more of a vested interest in cooperation than conflict and that contemporaries of nineteenth-century society recognised their mutual interdependence and collectivity. He therefore suggests that it was not class that dominated social relations but instead notions of a more populist nature, which emphasised community, concord and the desire for social justice. Joyce (1991) explains that exploitation and injustice were more often perceived and understood in moral not economic terms and that, in a time when preordained social hierarchies and disparities of wealth were commonly accepted and even taken for granted, recognition of common humanity was deemed more important than monetary equality.

Joyce's (1991) analysis of class is important to this thesis, not only because he emphasises consensus over conflict, but also because he uses broadside ballads to illuminate our understanding of working-class perceptions of the social order. His focus, however, is mainly on political songs dating from the early nineteenth century and he makes no mention of crime broadsides from this period at all, but there are evident comparisons to be made regarding the content of each broadside genre, since they both were essential elements of early-nineteenth-century working-class culture. Indeed, Joyce (1991, p.234) is of the opinion that broadside ballads are important for an understanding of contemporary class discourse and that one of their vital functions was to help cultivate a social identity for the working class itself. However, this identity was not as revolutionary as conflict theorists might suppose, for broadsides reveal that the working class, in reality, maintained a surprisingly conservative nature and outlook, often favouring the monarchy and espousing strongly patriotic and politically liberal views (Joyce, 1991). Many broadside scholars, in addition to Joyce (1991), have commented upon this lack of radical politics or social protest in broadsides and, as previously discussed in chapter three, the broadsides sampled for this thesis are reflective of this fact also (Vicinus, 1974; Neuberg, 1977; Thompson, 1980; Spufford, 1981; Anderson, 1991; Gatrell, 1994; O'Connell, 1999; McWilliam, 2007). Even contemporaries would note that political ballads were of no great interest to those who normally bought cheap literature and that 'though the roughs are fond of shouting *Reform*, they don't care, it would seem, to spend money on it' (Hindley, 1871, p.118 – italics in original).

This lack of working-class interest in politics has not been often commented upon, since historians have traditionally preferred to focus their attention on those who were radicalised or rebellious. Yet, it has been argued that the majority of people who read

broadsides in the nineteenth century would have been mainly politically naive or ignorant of state affairs, and this could be blamed upon their lack of education or living and working conditions (Folio, 1858; O'Connell, 1999). However, as Thompson (1988, p.359) has suggested, for the great majority of the working class, their everyday experience did not fan any revolutionary flames, and this was a cause of much frustration for radical leaders, who often encountered 'the obstacle of widespread working-class indifference' and who would eventually have to accept that many working-class men and women 'perceived the state as simply a source of mischief, or at best as an irrelevance, in their lives, and saw little point or attraction in political activity'. It is not unlikely therefore that the predominant attitude of the silent majority of the working class was a resistance to social change or outside influence 'which leads to real conservatism' (Mountjoy, 1978, p.268) and that the ideological priorities of the few would long be 'a matter of popular indifference' for the many (Rosenburg, 2004, p.178). However, this evident lack of revolutionary fervour does not necessarily mean that plebeian culture was entirely deferential either, as the historical record will attest, but recognises that the consciousness of the working class has been notoriously fragmentary and reluctant to perceive the existing social structure as anything but legitimate (Best, 1971; Thompson, 1974; Lee and Newby, 1983). Indeed, popular culture, such as broadsides, has long shown that the aspirations of the poor did not include changing the social order, but merely assuming their place in it and that labouring people were to remain loyal to the *ancien régime* until well into the early nineteenth century (Spufford, 1981; Joyce, 1991; Gorringe, 1996).

Similarly, Bushaway (1982, p.149) has argued that social relations in traditional society would not have been viewed by contemporaries as deferential but reciprocal, and that 'the promotion of an ideal of community and of social cohesion by the labouring poor remained

a significant feature of much customary activity in the eighteenth and nineteenth centuries'. For it must not be forgotten that those ordinary people who came to inhabit the urban sprawl of the industrial towns and cities in the early years of the nineteenth century were only one or two generations removed from a more traditional and rural past, where their behaviour would have been regulated not so much by official state influence but by informal community censure and custom (Bushaway, 1982). Joyce (1991) argues that these older cultural methods of communal self-regulation were continued and adapted for the new industrial way of life and Thompson (1988, p.307) also notes that the influence of local community and traditional custom was to remain strong, especially with regards to popular working-class pastimes, and that control was mainly exerted due to 'conventions of acceptable behaviour' rather than formal authority. The fact that the working class has always been willing to operate its own social controls is evidenced in broadside content, as shown in the previous chapter, especially with regards to perceived illegality, and this reveals a certain conservative respectability which 'is best seen as a bundle of self-generated habits and values derived from past customs and present responses to living and working conditions, rather than as being either imitative or imposed from outside or above' (Thompson, 1988, p.355). Therefore, this working-class conservatism should no longer be perceived as merely 'a matter of forelock-tugging' but instead an attitude which amounts to 'a very real community of interest with respectability and self-respect' (Mountjoy, 1978, p.269). For, throughout history, the social and political elite have 'never had a monopoly on respectable behaviour' (Croll, 2007, p.404) but have merely been one part of a social equation which was to see respectability become the great 'shibboleth' of the nineteenth century (Best, 1971, p.282).

The notion of respectability has become one of 'the key paradigms and perspectives that have been applied by successive generations of scholars' (Williams, 2007, p.1) and, despite its longevity, continues to be 'the lens' through which the majority of historians view and assess nineteenth-century society (Crone, 2012). For example, in one early seminal work, Best (1971, p.282) states that by the mid-nineteenth century, respectability had become 'the sharpest of all lines of social divisions, between those who were and those who were not respectable: a sharper line by far than that between rich and poor, employer and employee, or capitalist and proletarian'. Respectability became the hallmark by which contemporaries were judged, for it reflected an inner morality and social worth, which was deemed much more important than class (Best, 1971). There were basic standards of respectability which even the poorest could strive to achieve, for example, respectable people did not drink; they did not behave indecently in public or speak with impropriety; they were clean, tidy and house-proud; they observed the Sabbath; and most importantly, they were law-abiding (Best, 1971, pp. 283-4). Those who did not achieve these minimum conventions of respectability ran the risk of being ostracised by their local community and it was in this way that social divisions 'operated as forcibly within the ranks of the labouring poor as outside them' (Joyce, 1991, p.156). For, in the nineteenth century, social disapproval and loss of personal honour was considered by many to be 'a far more powerful sanction than either the law or the pulpit' (Briggs, 1979, p.73).

Although fear of stigma and moral censure was experienced by all social groups, several historians have noted that it was the poor who felt the pressure most keenly, since, for them, the consequences of ruin were perhaps the greatest (Kitson Clark, 1962; Best, 1971). Indeed, it has been noted that the great majority of the honest poor would often prefer to endure the most extreme poverty and hardship rather than have to resort to either a life of

crime or dependence on the state (Best, 1971; Tobias, 1972; Thompson, 1980; Thompson, 1988). This moral dignity borne out of notions of respectability and independence was to become increasingly important to the working class throughout the nineteenth century as they began to adopt a new moral code based upon self-discipline (Thompson, 1980; Stedman Jones, 1984). This was not a discipline that was imposed from above, however, but one which emanated from working-class roots based upon tradition, self-rule, and labour ethics, and which was to gradually find focus in the establishment of trade unions and friendly societies (Thompson, 1980). These societies wielded a great influence among their members, and arguably the wider community as a whole, being based upon values such as thrift, sobriety, self-control, and social mobility, and were to have a major impact on not only how the working class viewed themselves but also on how their image and status was perceived in wider society (Thompson, 1980; Stedman Jones, 1984; Thompson, 1988).

Of course, people's concern with respectability throughout this period of history was more than just a rational work ethic but was also driven by a staunch religious belief. The early years of the nineteenth century witnessed a revival of interest in evangelical religion, which was to provide a code of conduct for all aspects of social life and was to become the foundation of 'a culture as much as a creed' (Mountjoy, 1978, p.273; Thompson, 1988). Evangelicism laid particular emphasis upon personal responsibility and lauded the virtues of thrift, hard work, abstinence and self-control and, in doing so, became one of the greatest driving forces in the development of early Victorian society (Derry, 1970). However, it is important to note that evangelicalism became a formal moral code which exerted great influence on all sections of society and regulated the behaviour of every class; in short, it united 'high and low in a common atmosphere of piety, concern for the

souls of one's brothers, and stringent, self-conscious morality' (Altick, 1972, p.41; Briggs, 1979; James, 2006).

Despite the fact that the nineteenth century is recognised as a period in which religion claimed 'a significant role' in people's lives, there has been some debate amongst historians as to whether this religious fervour equated to actual church attendance (Smith, 2007, p.337). Traditionally it has been believed, due to the religious census of 1851, that a large proportion of the population did not go to church and that most of the non-attendees were working class. This led to a contemporary concern that religion was becoming the preserve of the middle class and that there was much 'spiritual destitution' amongst the poor (Briggs, 1979, p.466; Pelling, 1968). However, more recently historical studies have challenged the belief that organised religion was in decline during the early nineteenth century and have argued instead that, whilst the influence of the established church may have been waning, there was a dramatic increase in other church denominations, such as Christian Evangelicism (McFarland, 2007; Smith, 2007). Indeed, new religious movements such as Methodism and the Salvation Army were to make great gains amongst the urban working classes, and church congregations began to increasingly reflect the neighbourhoods whence they grew, which in the towns and cities were mainly poor (Donajgrodzki, 1977; Thompson, 1980; Smith, 2007). In fact, it has even been argued that it was not the working class who deserted religion in the early nineteenth century but sections of the middle class who began to find such devoted fervour increasingly alienating (Craig, 1961; Donajgrodzki, 1977). For the labouring masses, however, their new-found religious fidelity conferred a certain dignity and meaning to their lives, which they clung to whole-heartedly, and it is notable that popular religion persisted 'longest and in its purest form among the very poor' (Joyce, 1991, p.161; Craig, 1961; Gorringe, 1996). Regardless

however of who attended church and how often, it is evident that religious values pervaded early-nineteenth-century society, most clearly fuelling 'the ethos of 'decency'' that helped to demarcate the 'rough' and 'respectable', and which is also strikingly visible as a major discourse in contemporary working-class broadsides, as evidenced in the previous chapter (McFarland, 2007).

Conclusion

This chapter has sought to clarify, contextualise and - in some cases - contradict traditional interpretations of crime and execution broadsides, by making specific reference to three main areas of academic controversy. In paying close attention to the differing notions of popular punitivism, social control, and class, it has been possible to highlight the weak foundations of certain theoretical stances. For example, with regards to the existence of popular punitivism, it was shown that the infliction of criminal justice and capital punishment in society has been far from an area of conflict and contestation as traditionally supposed, since more recent historical evidence suggests that attitudes to perceived illegality and criminality reveal areas of consensus and legitimising popular support and belief. This then necessitated an examination of the concept of social control and it was argued that a more sociological understanding of the term allows for the 'social' aspect to be emphasised over the 'control', which is in contrast to its more habitual usage. This alternative vision of social control, however, can also be grounded in historical evidence, since it is becoming clearer that the working class were not necessarily coercively controlled by the state but instead chose to self-regulate based upon their own associative ideals, customs and values. Lastly, the question of class was considered and it was established that, in the nineteenth century, class was not the determining factor when it came to perceptions of social order and discipline, but rather a sense of shared morality

was. This was seen to take the form of respectability and religiosity, neither of which were the preserve of the middle class but instead were shown to have strong roots in the hearts of ordinary working people.

In all three of these discussions, there has emerged one significant and recurring theme and that is the notion of consensus. Whether it has been in relation to attitudes to punishment, or visions of the social order, or religious beliefs and respectable values, there has been a continual resurgence of the argument that social and legal boundaries were not imposed but were internal, and that mutual interdependence and collectivity had more impact historically than previously allowed. Indeed, one of the main aims of this thesis is to reveal that broadsides have always indicated this. For example, in her study of religious belief in the early modern period, Watt (1991, p.325) argued that contemporary cheap print, such as broadside ballads, indicated that confrontational models of society were 'unsatisfactory', since they evidently reflected 'areas of consensus and gradual integration', especially with regards to minimum standards of acceptable behaviour and morality. Watt (1991) is evidently not alone in coming to this conclusion, since this chapter has illustrated that several historians concur with this social analysis. However, one of the main criticisms put forward by this thesis of other work in this field has been the failure of many scholars to go beyond hollow statement or easy assumption. In 1983, Philips (1983, p.68) argued that counter-revisionist accounts of the social history of crime and punishment were proving 'distinctly disappointing', primarily because they were taking 'refuge in detailed but sterile empiricism', instead of offering alternative theoretical approaches. Unfortunately, nearly thirty years later, this is a criticism that can still be levied and this thesis aims to take a small step towards filling this void. For whilst conflict and control theorists have based their understanding primarily on the works of Marx, Gramsci and Foucault, especially in

relation to criminal justice and popular culture, few have succeeded in grounding their suspicions of consensus on any alternative social theory. Yet, there is an obvious one; and it is based upon the sociological works of Emile Durkheim. As indicated in the first chapter, it is Durkheim who holds the key to unlocking our understanding of consensus and culture, and the rest of this thesis will be devoted to illustrating this, based upon a now comprehensive knowledge of nineteenth-century crime broadsides.

Chapter Six:

Collective Representations - A Durkheimian Interpretation of Crime Broadsides

Introduction

Considering that the major themes of nineteenth-century crime and execution broadsides are those of religion, morality, law and punishment, it is remarkable that no scholar of these texts has yet taken satisfactory notice of the works of Emile Durkheim, despite the fact that he, more than any other social theorist, shared a fascination with these 'great preoccupations' (Bellah, 1973, p.xviii). Durkheim may well be widely regarded as one of the founding fathers of sociology, and there can be little doubt as to the great influence of his research with regards to criminological theory, but his work has often failed to capture the imagination of crime historians. It is a central contention of this thesis that this has left a significant theoretical void which needs to be filled; for, in recent years, Emile Durkheim has once again become increasingly acknowledged by a number of scholars as 'one of the most profound thinkers on the law, justice and punishment' (Smith and Natalier, 2005, p.13). As discussed in chapter one, this revival of interest in Durkheim's social theories is due to the influential 'cultural turn' in academia and slowly Durkheim's work in relation to the emotional, moral and consensual nature of social organisation is beginning to be awarded the attention and respect it deserves. However, with regards to broadside ballad scholarship there is still much to be learnt from Durkheim and the focus of this chapter therefore will be to explore in detail how his theories can clarify and expand our understanding of this form of cheap literature. It will be shown that there are several concepts in Durkheim's work that can bring more insight into the social meaning and significance of crime and execution broadsides and that, ultimately, in considering three main areas of his work, namely: crime and punishment; law and morality; and religion and

ritual, it is possible to provide a more profound interpretation of the form and function of this genre of broadside than ever before.

On Crime and Punishment

As shown in the previous two chapters, the discourse relating to crime and executions in early-nineteenth-century broadsides reveals a popular and punitive support for criminal justice, which has yet to be satisfactorily explained by any other theorist. Yet, as will be revealed here, the consensus account of crime and punishment is most 'classically displayed' in the work of Durkheim who, it has been argued, 'did more than anyone else to develop a sociological account of punishment' and who still has 'important insights' to offer regarding its social function and meaning (Hester and Eglin, 1992, p.258; Garland, 1990b, p.23).[6] For Durkheim, both crime and its punishment are acts of great social significance and the 'foundation-stone' of his theory explaining this is the collective conscience, which is his idea of an identifiable common moral order (Garland, 1990b, p.50; Breathnach, 2002). Durkheim (1984, pp.38-9) defines the collective conscience as the 'totality of beliefs and sentiments common to the average members of a society' and claims that once established this common consciousness 'forms a determinate system with a life of its own'. Durkheim argued that in the very act of living together, people always naturally develop an understanding of their shared morality and, hence, expectations of behaviour arise, which form the basis of collective social life. These shared values and norms become the collective conscience which, whilst diffused over society, becomes a distinctive reality, independent of any one individual person, geographical location or even generation. Indeed, Durkheim asserts that it is the generality, autonomy and longevity of

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[6] Durkheimian scholarship on crime and punishment has traditionally relied upon *The Division of Labor*, but Durkheim expanded upon these topics throughout his life-work, especially with regards to their perceived links with wider morality and culture, therefore most of his major works are relevant and will be referred to throughout this chapter.

the collective conscience that gives it its strength, since it is a cherished legacy from the past and its authority is that of tradition (Durkheim, 1984). The collective conscience then is considered by Durkheim to be the very 'soul' of society, representing all that its members share in common and, as such, this embodiment of collective ideals becomes of critical importance for the understanding of any social practice, including crime and punishment (Durkheim, 1974, p.93; Lukes, 1973).

For Durkheim (1973b), the existence of either crime or punishment is simply inconceivable without first the formation of a collective conscience in society, as this is the moral glue that joins these two pieces of social action together. Indeed, Durkheim even defines crime in terms of the collective conscience stating that an act may only be considered criminal when it consists of 'an action which offends certain collective feelings which are especially strong and clear-cut' (Durkheim, 1982, p.99). Furthermore, he suggests that the seriousness of crime is not in any one single act *per se* but in the violation of our sentiments and that the one basic feature shared by all crimes is that 'they strike the moral consciousness' (Durkheim, 1984, p.31). Crime is therefore considered to be immoral precisely because it opposes and offends the authority of the collective conscience and Durkheim insists that the collective sentiments offended by crime are distinguishable from others by their more than average intensity. Thus, the shared values and sentiments opposed by crime are 'in no way mere halting, superficial caprices of will, but emotions and dispositions strongly rooted within us', meaning that crime strikes at our moral core and transgresses rules that are 'deeply written' on our consciousness (Durkheim, 1984, p.37). This notion of crime offending a strong and widely shared collective conscience has not been without controversy; for example, Lukes and Scull (1983, pp.21-2) criticise Durkheim for insisting that the latter represents 'a set of universally accepted moral rules,

which are absolute, clear and obvious to all members of a society in all situations'. However, this is clearly a misinterpretation because Durkheim never claimed that everyone in society reacted to crime in the same way but rather that 'crime disturbs those feelings that in any one type of society are to be found in *every healthy consciousness*' and that these sentiments are 'shared by *most average individuals* in the same society' (Durkheim, 1984, p.34 - italics added). Thus, Durkheim explains that crime only affects those members of society who feel especially attached to the values and morals represented by the collective conscience, and this is an important distinction that needs to be made, especially when we go on to consider the social reaction provoked by crime.

Durkheim was always more concerned with studying the social significance and function of crime and violence rather than in any specific detail of the acts themselves and because of this his work has come to epitomise what is now referred to as the social reaction model of crime (Liska and Warner, 1991; Stedman Jones, 2006). Durkheim explains that because crime offends collective sentiments that 'represent especially powerful states of the common consciousness, they cannot possibly brook any opposition', and so we instinctively react to crime as intensely as the offence is felt (1984, p.55). Crime, therefore, is less important than our reaction to it; however, if we fail to react to crime it can have devastating effects. Criminal behaviour violates our most cherished values and beliefs and Durkheim (1984, p.53) writes that: 'The result is an impression of being disturbed and upset, one similar to what we feel when an important function is halted or slows down'. Consequently, the moral contradiction of crime 'provokes a veritable disorder' and attacks, as if 'a foreign force had penetrated us', leaving us confused, weakened and depressed (Durkheim, 1984, p.53). Cohen (1966, pp.4-5) explains this further by suggesting that crime, as deviance from social and moral norms, leaves 'a destructive legacy of distrust',

since it provokes bitterness and resentment by offending honest people's sense of justice and due reward. Crime, therefore, has the effect of undermining our faith in others and this, in turn, is destructive of social organisation as a whole. Hence, we come to the crux of Durkheim's theory, for crime is not significant because it affects one individual alone but because it affects an entire moral community, and offences against this sense of collectivity simply cannot be tolerated without the breaking of bonds and the disintegration of society (Durkheim, 1984).

In this respect, Durkheim, more than any other theorist, emphasises the social nature of crime and our reaction to it. Indeed, Durkheim describes in great detail exactly how we react to crime, especially serious crimes, like murder, which affect our shared sensibilities and sentiments the most. When such a crime occurs, Durkheim (1984, p.57) states that 'the wrong done arouses among all who witness it or who know of its existence the same indignation. All are affected by it; consequently everyone stiffens himself against the attack'. In this way, our reaction to crime is truly collective, since we do not respond in isolation but 'all together and in unison' (Durkheim, 1984, p.57). This unity becomes even clearer when emotional reaction becomes physical action, since we do not tend to suffer crime in silence but instead our natural instinct is to share our moral outrage and seek comfort from those who are similarly affected. In other words:

> Crime therefore draws honest consciousnesses together, concentrating them. We have only to observe what happens, particularly in a small town, when some scandal involving morality has just taken place. People stop each other in the street, call upon one another, meet in their customary places to talk

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about what has happened. A common indignation is expressed (Durkheim, 1984, p.58).

In thus describing how people react to crime, Durkheim also is able to account for much of the content of broadsides. For, as previously discussed in chapter four, crime and execution broadsides are full of narratives describing how people responded in the immediate aftermath of a crime, and they expertly convey the sense of confusion and agitation felt by locals after one has been committed in their midst. Furthermore, it could be suggested that the broadsides themselves were also participating in this common indignation by including such descriptions in their commentary and, thus, were reflecting the fear and abhorrence felt about these crimes back to the reader. This will be revisited later in this chapter, but suffice to say here, it is evident that broadsides, in their own way, felt the need to provoke and share an intense reaction about the criminal events they covered and this, in itself, goes some way to corroborate Durkheim's claims regarding the social and emotional character of crime.

However, Durkheim's theory regarding the social significance of crime does not end with an explanation of how we emotionally react or feel towards it. For Durkheim was not a psychotherapist, interested in human emotion for its own sake, but rather he was a sociologist, driven by a need to understand how intense and shared sentiments about crime perform a much-needed function for society. This function is the creation of a sense of group solidarity. As previously discussed, for Durkheim, the essence of any social group is its collective conscience, being 'the set of ideas about right and wrong' which is shared amongst the members of that group (Sharrock, 1984, p.88). So when a crime occurs that offends this inner sense of morality and justice, it is not only the individual victim who is

seen to be attacked but the group itself and its core values. This perception is significant for, as Durkheim (1984, pp.58-9) explains:

> If therefore when this occurs the individual consciousnesses that the crime offends did not unite together to demonstrate to one another that they were still at one, that the particular case was an anomaly, in the long run they could not fail to be weakened. But they need to strengthen one another by giving mutual assurance that they are still in unison. Their sole means of doing so is to react in common. In short, [...] the entire group attacked closes ranks in the face of danger and, in a manner of speaking, clings closer together.

Crime therefore helps to integrate moral communities by threatening to break them apart and, in reacting so strongly to deviance, Durkheim (1984) shows us that our violent emotions are in essence an appeal to each other to help restore the unanimity of the group and to show those who endanger them that our values remain strong in the face of adversity.

This claim of Durkheim's that crime is functional to social integration is one that has had great impact among social scientists, and several Durkheimian scholars have demonstrated its validity in practice. Most notable amongst these are Erikson (1966) and Ben-Yehuda (1985) who have both shown how distinct communities in different historical periods have been able to use crime as a boundary-maintaining device. The core of the argument is that crime establishes moral boundaries 'by marking the outer edges of group life' and thus supplying 'the framework within which the people of the group develop an orderly sense of

their own cultural identity' (Erikson, 1966, p.13). Durkheim therefore shows us that in reacting to crime we are also, in effect, learning about ourselves and our moral universe, and this is what Cohen (1966, p.10) has termed the 'contrast effect'. In several of his works Durkheim (1982, 1984, 1992a, 2001) refers to the fact that morality and immorality are two sides of the same coin and therefore in order to understand one we need to study the other. We need examples of contrast to clarify and define our moral boundaries and 'deviance, then, may provide an anchor or reference point against which conformity can be measured' (Cohen, 1966, p.10). This is an important aspect of Durkheimian theory for this thesis, since it has considerable implications regarding the social significance of broadsides. For example, it raises the possibility that, by focusing so heavily on crime and criminals, early-nineteenth-century broadsides are in actual fact serving a moral purpose for their honest readers that goes well beyond mere attempts to vicariously entertain, as others have suggested, and this is an argument that will be developed more fully throughout this chapter and the next.

So far, it has been shown that crime causes intense social reaction which, in and of itself, has functional aspects for society, but Durkheim also asserts that the ultimate consequence of crime is that it provokes punishment. As a social theorist, it has been argued that Durkheim is unique in emphasising the emotional and expressive roots of punishment, especially as he insists that crime and punishment are not 'two heterogeneous things coupled artificially', but instead are linked quite naturally by our collective sentiments (Durkheim, 1973b, p.179; Garland, 1990b). Indeed, for Durkheim, the very essence of punishment is emotion and he defines the act as 'a reaction of passionate feeling, graduated in intensity, which society exerts through the mediation of an organised body over those of its members who have violated certain rules of conduct' (Durkheim, 1984, p.52). Scholars

have noted that Durkheim equates the passionate emotion behind the penal response to "choler", which is 'an ancient label for anger, hostility, and even rage', and that this punitive hostility stems from 'the social psychological disturbance and pain caused by violations of strong collective sentiments' (Fisher and Chon, 1989, p.4; DiCristina, 2000, p.503). The fact that such collective anger is at the heart of punishment is of great importance to Durkheim's theories and in itself provides an understanding of penal practice throughout history. Crime provokes intense anger which, when displayed publically, compensates for the harm caused by the offence and thereby allows for the moral order to be visibly restored. However, Durkheim (1984, p.55) reveals to us that: 'A mere re-establishment of the order that has been disturbed cannot suffice. We need a more violent form of satisfaction'; and this is why punishment has always retained an element of vengeance.

In Durkheim's writings on punishment, the concept of vengeance appears repeatedly, but Durkheim (1984, p.45) is clear that it represents not 'mere wanton cruelty' but that instead 'it constitutes a veritable act of defence'. In seeking revenge by punishment we are, in reality, reacting against something which has caused us great harm and what we are avenging is 'the outrage to morality' (Durkheim, 1984, p.47). For Durkheim then, the term 'public vindication' is 'no vain expression', since it represents an essential element of punishment, which is the need to expiate and atone for crime (1984, p.46). Indeed, Durkheim asserts that behind this notion of expiation is 'the idea of a satisfaction rendered to some power, real or ideal, which is superior to ourselves', such as our morality or vision of society (1984, p.56). Therefore, we demand expiation for crimes, not for our own personal vengeance but for the greater good. This goes some way to explain the role of suffering in punishment, since Durkheim (1973b) reveals to us that capital and corporal

punishments have existed not because we enjoy seeing criminals in pain, but because their suffering provides the clearest indication of the strength of feeling provoked by their crimes. Suffering is only inflicted in order to equal in measure the extent of the offence felt and this, Durkheim suggests, is also why we instinctively feel that there should be proportionality between crime and punishment (Durkheim, 1973b, 1984). Indeed, part of Durkheim's definition of punishment is that it varies in intensity, because the feelings that underlie it do also, and he asserts that 'the passionate feeling that lies at the heart of punishment dies down only when it is spent'; thereby explaining why historically there have always been refinements of stigma and pain to supplement capital punishment (Durkheim, 1984, p.44).

Durkheim's insistence that punishment is a vengeful and expiating act is one that is fully corroborated by the content of crime and execution broadsides. As previously discussed in chapter four, themes of repentance, atonement, guilt and blame are dominant in these texts and the need for retribution is clear. It was also shown that, as proposed by Durkheim, there is ample evidence that people did feel gradations of anger and repugnance for different crimes, depending on levels of violence and degrees of victimisation. In addition, from a study of the discourse, it is obvious that the evocation of emotion is an important feature in these broadsides, with readers being provided with emotional cues indicating that they should react to a particular account of crime with feelings of either horror or compassion. Durkheim's claim therefore that the essence of punishment is emotion should not come as any great surprise to scholars familiar with these historical accounts of crime and execution, and indeed Durkheim (1984, p.48) insists that the nature of punishment has 'remained essentially unchanged', throughout history. Even today, passion still lies at the heart of the modern penal system and, as Durkheim (1984, pp.47-8) suggests:

Moreover, we need only observe how punishment operates in the law-courts to acknowledge that its motivating force is entirely emotional. For it is to the emotions that both prosecuting and defending counsel address themselves. The latter seeks to arouse sympathy for the guilty person, the former to stir up the social sentiments that have been offended by the criminal act, and it is under the influence of these opposing passions that the judge delivers sentence.

Indeed, scholars of jurisprudence have long concurred that passion is a phenomenon borne out in many aspects of legal practice, for example, we punish murderers more severely than robbers even though it is the latter who are more likely to re-offend and, of course, the emotional, often irrational, reactions to modern sentences and punishments, especially capital ones, are readily visible in our own contemporary media (Hart, 1967; Sharrock, 1984; Smith, 1996; Smith, 2008).

This recognition, therefore, suggests that punishments 'do not arise from intellectual theories of justice alone' but that legal responses to crime are often driven by instinctive and unprompted public reactions to moral violations (Gane, 2006, p.43; Garland, 1990b). Indeed, Durkheim has always clearly stated that deterrence and the control of crime have never been the primary reason for endorsing penal sanction, even claiming that 'the prophylactic influence of punishment has been exaggerated beyond all reality' (1973b, p.162). Instead, Durkheim claims that the true meaning of punishment lies elsewhere, and this is what Garland (1990a, p.8) has called 'his paradox of higher utility', for punishment has an inherent functionality despite itself, and this is the promotion of social solidarity. Sociologists have often made the distinction between manifest and latent functions of

social institutions, and this is a major part of Durkheim's legacy, since his work emphasised the less obvious function of punishment, which is to conserve the emotional rather than the political basis of social life (Cuff *et al.*, 1992; Gephart, 1999). Durkheim (1984, p.63) states that the real function of punishment is to 'maintain inviolate the cohesion of society by sustaining the common consciousness in all its vigour', and that the sole means of achieving this is by way of an official act, which nullifies the wrong inflicted upon society and gives voice to the unanimous aversion that the crime evokes (Durkheim, 1982). The act of punishing, then, helps to 'alleviate the social psychological distress caused by violations of strong collective sentiments' and, in effect, helps to 'restore a sense of well-being among the average members of society' (DiCristina, 2000, p.494, fn.9). Durkheim (1984), therefore, is able to claim that punishment helps the moral consciousness of society to survive and that its regular and effective application sustains 'positive relationships, together with the basic conditions of social life' (Durkheim, 1982, p.33, fn.1).

At the heart of Durkheim's claim that punishment is able to sustain both morality and society is the belief that, in essence, penality is primarily an expressive and dynamic form of social disapproval. Quite simply, for Durkheim (1973b, p.175), '[T]o punish is to reproach, to disapprove' and this is the crucial reason why it exists and remains important. In the act of punishing, society is, in effect, forcefully showing its disapproval of the violation of its moral rules and, in so doing, is also preventing those rules from losing their authority over us. Durkheim (1973b) explains that when a crime violates a moral rule a sacred thing is profaned and that if we do not react to this violation we are agreeing with the criminal that the rule is not worthy of respect and, thereby, our morals are demoralised. In order to prevent this, we therefore need to confront the misdeed, and restore our moral

authority, by demonstrating in an unequivocal way that our faith in the rule remains intact and that we object to its violation. This we achieve through punishment, which is 'nothing but this meaningful demonstration' (Durkheim, 1973b, p.166). Crucially, Durkheim is also clear that the only effective way of showing disapproval is for punishment to involve some form of ostracism or infliction of suffering on the criminal, since 'one cannot reproach anyone without treating him less well than those whom one esteems' (1973b, p.175). However, for Durkheim (1973b, p.167), what matters is not that the criminal is made to suffer as such but rather that his behaviour has been 'vigorously censured' and that the force of moral disapproval has been felt. This display of 'reproachful displeasure' in punishment is important to Durkheim (1973b, p.202), since he states that: 'Should all emotion be drained from it, then it is emptied of all moral content. It is then reduced to the sheer physical act'. The essential function of punishment, therefore, is not to intimidate or inflict pain gratuitously but instead to send a strong message that violations of morality will not be endured.

This conception of punishment as a form of moral communication is a major theme in Durkheim's writings on the subject and one that has received significant attention from modern scholars. Garland (1990b, p.44) especially believes that Durkheim's analysis of punishment as a means of conveying moral messages is one that has 'important consequences' for the way we should think about penal sanctions and their character. For example, Durkheim focuses our attention on the value of punishment's communication process and the nature of its message, rather than on the sanction itself, which has major implications for understanding 'the cultural foundations upon which punishment is based' (Garland, 1990b, p.46). Durkheim (1973b, p.176) shows us that punishment is 'only the palpable symbol through which an inner state is represented; it is a notation, a language'

through which the general social conscience can be expressed; and thus, he asks us to consider the importance of symbolic ritual in penality. For example, Erikson (1966, pp.15-16) argues that a single act of punishment is only the culmination of 'an intricate rite of transition' in which various 'commitment ceremonies' take place throughout the process of criminal justice. These ceremonies tend to be 'occasions of wide public interest and ordinarily take place in a highly dramatic setting', with the two most obvious examples being the trial and execution of the criminal. These penal rituals are, for Durkheim, the 'formalized embodiment and enactment' of the collective conscience and, so, are the core means by which society communicates its moral messages regarding notions of crime and justice (Garland, 1990b, p.67). It is for this very reason, therefore, that Durkheim (1973b) considers the publicity of punishment to be important, believing that it must be of a public nature for us to perceive and understand its messages.

It therefore follows that, through a Durkheimian lens, we are able to perceive these penal rituals as 'a kind of didactic theatre', that allows all who witness it to 'experience for themselves the emotional drama of crime and its resolution in punishment' (Garland, 1990b, pp.67-8). Indeed, as we have seen from the previous exegesis, Durkheim (1984, 1973b) is clear that the most important audience for any penal ritual is not the criminal but the wider community, who feel themselves affected by the crime. For, as Durkheim (1984, p.63) states 'punishment is above all intended to have its effect upon honest people', since it buttresses their consciences when they are weakened by deviance and immorality. Penal rituals, then, perform an essential boundary-maintaining function, since 'the interactions which do the most effective job of locating and publicizing the group's outer edges would seem to be those which take place between deviant persons on the one side and official agents of the community on the other' (Erikson, 1966, pp.10-1). However, since penal

rituals are rarely experienced directly by most members of any community, there is a need for a 'crucial intermediary', which is 'the various media which relay and represent penal events to the public'; of which crime and execution broadsides are one (Garland, 1990b, p.258). Erikson therefore is able to suggest that the reason we have always devoted so much attention to news of crime is because these stories 'constitute one of our main sources of information about the normative outlines of society. In a figurative sense, at least, morality and immorality meet at the public scaffold, and it is during this meeting that the line between them is drawn' (1966, p.12). However, it is important to emphasise that moral boundaries only remain intact if repeatedly tested and this is where Durkheim's 'contrast effect' once again comes into play (Cohen, 1966; Erikson, 1966; Sharrock, 1984). For, Durkheim shows us that the existence of shared values and moral norms is not enough in itself to unify any society, but that in order to remain strong our collective conscience must be continually challenged by events that contradict it. As Sharrock (1984, pp.88-9) explains:

> Durkheim tended to look upon human states of mind as somewhat akin to muscles: they tend to atrophy if they are not used. [...] We may feel strongly against murder. But if no one is ever murdered in our society, eventually we shall cease to feel so strongly against it. If our feelings *are* to be kept alive and strong, they must be provoked and stimulated, that is, *exercised* (italics in original).

Durkheimian theory, therefore, suggests that penal rituals and publicised instances of them are all ways in which people are able to exercise their moral muscles, and this interpretation provides great insight into the significance and popularity of crime and

execution broadsides. For example, Durkheim persuades us that: 'Deeply held sentiments regarding crime and punishment undoubtedly exist throughout the population and are forcefully and frequently expressed' (Garland, 1990b, p.62) and this thesis will continue to demonstrate in the next chapter that broadsides provide an example of how this was practically achieved in the early nineteenth century. Moreover, in focusing our attention on the social and emotional functions of crime and punishment, Durkheim's approach reveals that punishment may be viewed as 'both *positive* and *productive*', and this provides an alternative vision to that of social control (Garland, 1983, p.59 – italics in original). For Durkheim, punishment has always been 'a deeply social issue' and his explanation of it is entirely credible, since even today it is evident that crime still produces intense emotion, and that 'there is still a considerable collective involvement and public interest in the business of crime and punishment' (Garland, 1990b, p.1, p.66). Durkheim shows us that the punishing of criminals is more about meaning and emotion than politics and power, and that 'punishment is never left to the experts' (Smith, 2008, p.174). Instead, there are always 'diffuse societal inputs', which emanate from 'a witnessable civil discourse' on morality, and Durkheim's insight into this moral discourse will be the focus of the next section (Smith, 2008, pp.175-6).

On Law and Morality

From his theories on crime and punishment, it is clear that one of Durkheim's main concerns was to understand how each of them can affect social bonds and the integration of society. It was argued that when both crime and punishment occur in any society, members of that community are brought together and experience an increased sense of social cohesion. This solidarity exists because of their shared conformity and 'arises because a certain number of states of consciousness are common to all members of the

same society' (Durkheim, 1984, p.64). The collective conscience and social solidarity are therefore mutually interdependent, since one cannot exist without the other, and both depend on moral rules to survive (Durkheim, 1984). However, Durkheim was aware that neither was observable in society, except through their effects, and this is why he turned much of his attention to the study of law and criminal justice. For Durkheim (1984, p.24), law becomes a 'visible symbol' of social solidarity and is the system of legal rules whereby this moral phenomenon can be expressed and understood. Indeed, Durkheim posits that legal rules are firmly based upon our social similarities and that 'strong, well-defined states of the common consciousness are at the root of penal law' (1984, p.106). Law, then, is an expression of a community's most cherished values and beliefs, and represents 'those moral maxims which are felt to be so obligatory that the society takes precise measures to enforce them' (Bellah, 1973, p.xiv; Durkheim, 1984). Morality therefore becomes legality, and the penal law merely acts to 'codify, organize, and systematize' our mutual and instinctive reactions to crime (Durkheim, 1973b, p.181).

Durkheim's recognition of the interdependence of law and morality suggests that normative rules in any society naturally 'grow out of the collective wisdom and experience of the group' (Cohen, 1966, p.6). Durkheim, therefore, is able to link penal law with more traditional forms of authority and argues that, as societies evolve, certain ways of thinking or behaving become habits, which then transform into norms of conduct, which then, over time, develop into legal rules. Thus, 'the past determines the future' and laws become inscribed on our consciousness, leading us to feel that 'they are founded upon right' (Durkheim, 1984, p.302, p.34). However, Durkheim is clear that legal rules are more than mere custom, since they move beyond simple habitual behaviour to become a form of organised authority, which has the power to impose those uniform beliefs and practices

that created it (Durkheim, 1984, 1973b). Importantly though, due to this conception of the origins of legal rules, Durkheim is able to argue that conflict between official law and traditional custom is normally rare, since 'custom is not opposed to law; on the contrary, it forms the basis for it' (Durkheim, 1984, p.26; Jones, 1981). For Durkheim then, both law and morality represent 'the totality of bonds that bind us to one another and to society' and are the means by which disparate individuals are formed into a cohesive and strong community (Durkheim, 1984, p.331). Law, therefore, performs an important social function, which is to embody and protect social solidarity by 'insisting upon a minimum number of similarities from each one of us' (Durkheim, 1984, p.61). In this way, law provides a solid foundation for social life, since it becomes 'the authoritative voice of society', publically impressing upon all of us a basic code of moral conduct (Garland, 1990b, p.265).

The law, however, does not function by itself and here Durkheim (1984, p.37) argues that the responsibility of enforcing it is necessarily delegated to a group of 'special officials', such as magistrates, who act on behalf of society, which has authorised them to be 'the interpreters of its collective sentiments'. This allocation of responsibility to a privileged few might naturally be perceived as elitism by some but Durkheim (1984) is clear that, although legal and moral authority is enforced through certain intermediaries alone, their power is legitimated by the collective conscience, and this ensures that their actions correspond with common values and sentiments, not their own vested interests. In addition, although the average members of society are no longer directly implicated in the actual administration of justice, they still feel themselves to be actively involved, especially emotionally, because it is their collective feelings that are being represented and expressed (Garland, 1990a, 1990b). This view of criminal justice officials as social and moral envoys

is typical of Durkheim's interpretation of the state as a whole. He perceives the state to be 'a special agency with the duty of representing the overall collectivity', and its main role is to give clarity to the vague sentiments of the collective conscience, by working out what holds good for the mass of the people (Durkheim, 1992a, p.62). It is the collective conscience, therefore, that affects the decisions made by the state and which gives it its power and Durkheim argues that the primary function of any governing authority is to 'ensure respect for beliefs, traditions and collective practices – namely, to defend the common consciousness' and, ultimately, to become its enduring symbol (Durkheim, 1984, p.42). It is imperative therefore that, although the state achieves autonomy, it never becomes 'out of touch with popular needs and sentiments', as this would only weaken its moral authority (Durkheim, 1992a, p.102).

It is evident, then, that Durkheim (1984, 1992a) places the collective community at the heart of all social life and with regards to any form of authority, whether civic or state, he is clear that it is public opinion alone that lies at the base of all legal and moral rules. Durkheim (2001) argues that the public community is able to exert social pressure over its formal representatives and that its collective sentiment is a mental force 'quite as real and active' as any physical one (1973b, p.92). This means, therefore, that the moral authority of any governing body is entirely 'a creature of opinion and draws all of its force from opinion' (Durkheim, 1973b, p.165). Moreover, it is only when a government listens to this opinion and expresses the community's recognised reality in its laws that it gains any respect or legitimation of its power (Durkheim, 1992a). Durkheim therefore is able to argue that authority 'exists in minds, not in things' and he shows us that legal statutes, in and of themselves, mean absolutely nothing and can exert no control over us without the genuine and popular social force that is their essence (1973b, p.88). Hence, it is only

through collective sentiment and public opinion that laws are rendered effective and we respect the state only when it truly reflects our common consciousness (Durkheim, 1973b, 1984). Indeed, Durkheim even argues that it is precisely because we recognise the law as representative of our most cherished values and beliefs that we consider it to be sacred and hence allow it to assume an inherently religious character (Durkheim, 1973b, 1984).

Durkheim's view of the law as based upon public opinion and representative of the collective conscience has major implications for any interpretation of early-nineteenth-century crime and execution broadsides. For, as previously shown in chapter four, these broadsides reveal much about ordinary people's attitudes to the law and how its practice by criminal justice officials was perceived. Indeed, the discourses pertaining to criminal justice and the law tend to dominate these texts more than any other theme and this fact in itself can only be reflective of intense public interest and opinion in legal matters. Overall, these broadsides reveal that the law, and those who enforced it, received the utmost respect and were given great public support in what was evidently considered to be their service to public justice. The law was stated to be both necessary and just and, ultimately, there to protect the public from harm and to ensure the stability of society. Indeed, it is certainly evident from a reading of these broadsides that the law was not judged to be 'an alien imposition from above' but rather that it accorded with the moral views of the majority below (Garland, 1990b, p.53). These broadsides therefore clearly provide evidence to suggest that Durkheim was not wrong in allocating the public a central role in the creation and continuance of criminal justice. In fact, Garland (1990b, p.32; 1999, p.21) argues that one of Durkheim's major contributions to our understanding of criminal justice is his recognition of the public as 'onlooker', a crucial third element in the 'three-way conversation' that is penality; an element that is often missed by other theorists who prefer

to see only the criminal and the state. Garland (1990b) also argues that Durkheim is correct in assuming that there is a genuine and basic correspondence between popular sentiment and criminal law, especially with regards to serious crime, and that it is this popular sentiment which feeds and legitimates the authority of the state and criminal justice institutions. Durkheim insists that we consider law and penality as social, not political, elements in society and shows us that it is folly to assume that formal legal authority is somehow separate from 'broader shifts in culture and society', because he argues instead that we must recognise that our laws often have a sound cultural foundation (Smith and Natalier, 2005, p.15; Jones, 1981).

Of course, Durkheim's perspective on the evolution and function of law and criminal justice in society has been heavily criticised by numerous scholars over the years and Smith (2003, p.29) argues that this critique is 'as predictable as it is justified'. Those who have taken Durkheim to task have done so for a variety of different reasons and this has resulted in a wide-ranging commentary on his perceived failings (see Lukes, 1973; Sheleff, 1975; Spitzer, 1975; Garland, 1983; Lukes and Scull, 1983; Rock, 1998). However, the most common and relevant criticism levelled at Durkheim is that he fails to account for the existence of conflict in society and, hence, exaggerates the degree of consensus that supports legal and moral rules. Durkheim is often considered to be naive in his assumption that penal law and a dominant morality both make a positive contribution to social life and he is often accused of not recognising that a society's legal and moral order usually results from struggle and contestation and does not just naturally emerge out of the social ether (Lee and Newby, 1983; Turner, 1992; Garland, 1999; Smith and Natalier 2005; Mukherjee 2006). Similarly, Durkheim can be criticised for insisting that the law has an integrative function in society since, historically, aspects of the law have often proved to be extremely

divisive, with different group interests and cultures competing against each other (Jones, 1981; Cuff *et al.*, 1992; Cotterrell, 1992; Smith and Natalier, 2005). Some would argue, therefore, that Durkheim has no regard for class and inequalities of power and that he fails entirely to appreciate how the law is often 'the form in which coercion is most routinely exercised' (Lukes and Scull, 1983, p.24).

Despite the validity of these criticisms, however, Durkheim's work deserves not to be discarded completely, since it still has significant contributions to make especially with regards to the social and emotional aspects of law and punishment. For, as DiCristina (2000, p.514) queries: 'Does the public approach legal issues in a purely rational and utilitarian manner? Is the public indifferent to the content of the criminal law and the punishments administered by the criminal justice system?' The answer to both of these questions is most assuredly no, and so much of Durkheim's work remains distinctly plausible. Indeed, Durkheim's theories regarding the function of crime, punishment, law and morality in society have received much academic support over the years and from a variety of scholars across different disciplines. For example, Lukes and Scull (1983, p.18) argue that Durkheim's claim that all are functional to social integration is 'a venerable idea' and one that 'retains its appeal, among lawyers, social scientists and moral conservatives of all kinds'. However, it is from within contemporary criminological research that Durkheim's ideas have gained notable endorsement, especially with regards to the role that both emotion and morality play in modern criminal justice. Indeed, one of the most influential works to have a major impact on modern criminological theory in recent times is one that is based upon Durkheim's ideas regarding the moral educative functions of punishment and law (Scheff, 1990). This influential work is Braithwaite's (1989) theory of reintegrative shaming, which claims that the emotion of shame is an

integral and effective aspect of punishment, and that this form of moralising social control facilitates both individual conscience building and community-wide responsibility for the control of crime.

Significantly, Braithwaite's (1989) reintegrative shaming is a participatory form of criminal justice, based upon public moralising and active compliance with social rules, not state repression, and this modern Durkheimian interpretation has been responsible for major innovations in current criminological research and practice, so much so that Karstedt (2011, p.5) points to a recognisable 'emotional turn' in penality and criminal justice since the 1990s, especially with regards to the increased recognition of victims' rights and a resurgence of popular punitivism. For example, Pratt (2000, p.418) has argued that 'emotion and ostentation have become important motifs of penal development' in recent years, and suggests that there is a trend towards punishment practices, such as restorative justice, which are designed not only for public involvement but also the cathartic release of emotion regarding crime. Indeed, it is argued that this trend has resulted from state representatives attempting to bring criminal justice practice 'more in line with public sentiment', which is often so strong regarding crime and punishment that it simply cannot be ignored (Pratt, 2000, p.432). Of course, 'the enduring power of shame as a social emotion' is not a new phenomenon and recently crime historians have also turned their attention to its historical value as a means of regulating both society and morals (Nash and Kilday, 2010, p.3). For example, Nash and Kilday (2010, p.23, p.25) argue that the ritual practice of shaming continued to be a significant part of the wider disciplinary system throughout the nineteenth century, especially 'where collective disapproval was deemed essential' and, more importantly for this thesis, they highlight the developing role of various media, such as newspapers, in portraying shame to a wider public, thereby

'allowing individuals to be appalled by the moral behaviour of people they had never met'. Indeed, this recognition that printed news, especially when reporting crime, is an important form of public denunciation will continue to be explored in more detail in the next chapter.

The fact that ordinary people harbour strong emotions about crime and that these emotions lend an important moral dimension to criminal justice practice has been corroborated by several recent criminological studies. For example, Cromby *et al*. (2010, p.889, p.879) analysed the discussions of community groups from inner-city areas with high rates of crime and found that these residents did not separate their constructions of crime and anti-social behaviour from either their emotions or moral reasoning, but that instead all three were 'thoroughly bound together', and that it was the strength of this affective force which caused them to 'invoke moral categories such as responsibility, consideration and respect' in response to crime. Similarly, Farrall *et al.* (2009, p.4) argue that 'public perceptions of crime articulate a whole set of relational concerns about group values, normative consensus, and moral authority', and propose that people associate crime with eroding morality and social stability. As a result, fear of crime becomes 'a lay seismograph or barometer of social cohesion and moral consensus', and emotions in response to it arise, in part, as a desire to re-establish moral rules and standards of behaviour that underpin society (Farrall *et al*., 2009, p.6). Girling *et al*. (2000, p.17, p.175) also studied public concerns about crime and found that when ordinary people talk of crime they are also 'diagnosing diverse questions of order and insecurity', and that these anxieties tend to lead to a more punitive outlook, with 'some often emotionally charged demands for 'something to be done'' by state authorities in order to protect them and their way of life. Indeed, Jackson and Sunshine (2007, p.216) state more explicitly that public confidence in criminal justice, and policing especially, is shaped by 'lay evaluations of cohesion and moral consensus',

and that ordinary people look to agents of formal social control, not only to typify and represent their value structure, but also to defend and re-assert a moral order that they perceive to be under threat. As a result, Jackson and Sunshine (2007, p.214) are able to conclude that, in short, 'people are Durkheimian in their attitudes towards crime, policing and punishment'.

What these recent criminological studies reveal is something that Durkheimian scholars have been arguing for decades and this is that it is impossible to separate people's feelings about crime and criminal justice from their broader notions of society and morality. This is also a fact that is evidenced very clearly in early-nineteenth-century crime and execution broadsides. As previously illustrated in chapter four, a key theme in any broadside relating to crime and punishment is morality, with much of the discourse from the sample containing various forms of what Durkheim (1973b) would term moral education, and throughout the period of study it is clear that the existence of crime in society was generally blamed upon a perceived moral decline. Furthermore, and in common with the modern discourse identified by the criminological studies discussed above, these early-nineteenth-century broadsides reflect a strong and common morality that speaks of a desire for safety and security in a wider, and more social, sense. It is apparent from the broadside discourse that just as ordinary people today perceive crime as threatening to social order and moral consensus, so too did our nineteenth-century ancestors. For example, as evidenced in chapter four, between the years 1827 and 1830 Scotland was rocked by a spate of particularly heinous murders in and around Edinburgh, including those of Burke and Hare, and this evidently resulted in a 'social panic', which manifested itself in 'the form of concerns expressed through a moral dimension' and related to widespread fears over 'challenges to a range of socio-cultural traditions, held to act as the cohesive bonds

providing social stability' (Rowbotham and Stevenson, 2003a, p.8). Indeed, broadside discourse relating to these horrific crimes is dominated by the rhetoric of moral outrage and the inherent civility and security of society is meaningfully evoked in protection against criminals deemed to be especially threatening or socially 'offensive' to certain core values (Rowbotham and Stevenson, 2003a, p.8). It appears therefore that these broadsides, in particular, corroborate the Durkheimian view that notions of morality and society are inextricably linked and that punishment and justice are vital expressions of both.

Of course, this discourse may be interpreted as evidence of some form of ideological social control and many broadside scholars, as discussed in chapter one, have argued as such, proving that it is often assumed that where there is morality there must be influence from above. Indeed, in addition to Marx and Foucault, academic discussions of morality, power and state formation have often been greatly influenced by Elias's (2000) theory of the civilising process, which claims that civilised manners and moral sensibilities have their origin in the elite echelons of society, which over time filter their way down to the lower orders. Such has been the influence of this work that the Eliasian interpretation has become a classic theoretical paradigm, which has formed the basis of several notable works, such as J. Carter Wood's (2004) study of crime and violence in nineteenth-century England. However, where Wood (2004, p.34) argues that there was a 'civilising offensive' in the mid-nineteenth century, forged by the emerging middle-class elite against working-class customary violence, Shoemaker (2000, 2004a), in contrast, provides evidence to suggest that in the previous century such cultural transitions emanated from below and that it was, in fact, non-elite behaviours which had the most impact on the decline in violence and subsequent increase in order in society. Shoemaker (2000, 2004a) is not alone in providing a critique of theories that support the Eliasian framework, as modern Durkheimian scholars

have also found fault with the civilising process. The main criticism is that this theory denies agency from below in the making of social and moral norms, and it is argued that there is much modern and historical evidence to suggest that instead of state-directed pacification there is, and was, cultural autonomy in these matters (Smith, 1996, 2008). Indeed, as discussed in the previous chapter, historians of crime and sociologists can often agree on this matter, just as here it has been argued that ordinary people, whether represented by modern criminological studies or early-nineteenth-century broadsides, instinctively invoke morality in response to crime.

This belief in the social basis of morality is crucial for an understanding of Durkheim's sociology since, for him, morality is 'intrinsically *collective*' and, hence, it represents everything that binds an individual to society (Garland, 1983, p.41 − italics in original; Jones and Scull, 1992). Durkheim (1984, p.13) states that morality is 'the daily bread without which societies cannot live' and he explains that morals are so necessary because they form 'a totality of definite rules', which govern and guide us, 'like so many moulds with limiting boundaries, into which we must pour our behaviour' (Durkheim, 1973b, p.26). The function of morality, therefore, is to determine social, not selfish, conduct and to ensure the survival of society by providing a basis for common and enduring unity (Durkheim, 1973b; Wilson, 1973). For Durkheim argues that society simply cannot exist without a coherent moral community, which is distinctive of the entire social group, not just certain individuals, and much of his work was devoted to finding a solution to 'the problem of order'; that is, ensuring a balance between acceptable constraints on individual freedom and the collective needs of society (Cotterrell, 1992, p.71; Durkheim, 1973a). Durkheim felt that the answer to this crucial problem was to be found in the very nature of morality itself, since its most fundamental element is what he termed 'the spirit of

discipline' (Durkheim, 1973b, p.31). By this, Durkheim (1973b, p.46) meant 'the capacity for restraint ... which allows us to contain our passions, our desires, our habits, and subject them to law'. However, in contrast to other theorists, he was insistent that just because there was a need for self-control and discipline in society, this did not mean that the notion of discipline itself equated to 'blind and slavish submission', but rather to a form of benign moral regulation that ensured that the interests of the collective reigned supreme over those of individuals (Durkheim, 1973b, 1992a). Discipline, therefore, is not some social evil or coercive oppression which must be reduced to a minimum but instead it needs to be recognised as having 'a social usefulness in and of itself' (Durkheim, 1973b, p.37). For, as Durkheim (1992a) has shown us, we benefit from rules and regulations because they mark social and moral boundaries and, in order for social life to be at all possible, we also need to accept that deference to these collectively established norms must become 'the stuff of our daily duties' (Durkheim, 1973b, p.37).

Evidently then, for Durkheim, forms of social discipline and moral constraint are essential for the safety and stability of society (Turner, 1992). However, Durkheim had a clear vision of what he meant by constraint, and it has less to do with political coercion than social conformity (Scheff, 1988). Durkheim was very aware that in using such terms as discipline, self-control and constraint, he was likely to offend those who cherish individual autonomy, but he argues that all his notion of social constraint implies is 'that collective ways of acting and thinking possess a reality existing outside individuals, who, at every moment, conform to them' (Durkheim, 1982, p.45). Examples of social constraint therefore include not only legal and moral rules, but also social customs and the prevailing culture of society. For example, Durkheim (1982) explains that in any society we instinctively conform to ordinary conventions such as mode of dress, use of language, or

even our familial duties, but the point is that we feel no overt coercion to do so but that we conform from our own free will. For Durkheim then, moral discipline and social constraint are not intended to be read as 'power'-terms but merely represent our need to be 'at one with the group' (Breathnach, 2002, p.85). Furthermore, Durkheim (1982, p.143) states that a desire for social constraint does not arise from some sort of 'artful machination' or false consciousness, but that it is an entirely natural phenomenon, 'simply due to the fact that the individual finds himself in the presence of a force which dominates him and to which he must bow'; and that force is society.

In thus describing social constraint, Durkheim is reminding us that power and authority in society emanate from a collective and moral source, and that our conformity to these seemingly external constraints is nothing more than an acceptance that society possesses a degree of moral authority over us (Lee and Newby, 1983; Breathnach, 2002). Constraint is merely the internalisation of social and moral norms and because of their collective origin these norms are invested with genuine reverence and respect (Durkheim, 1973a; Breathnach, 2002). This is an important point for Durkheim (2001, p.155), since he argues that 'society's hold on the mind owes far less to its physical supremacy than it does to the moral authority with which it is invested'; meaning that we defer to rules, not out of fear or repression but because we willingly concede to their legitimacy. Not only this, but Durkheim stresses that there is an affective aspect to our conformity, that we conform in order to belong, and he argues that these positive bonds of attachment to the group are the real cause of any social and moral order in society (Turner, 1992; Stedman Jones, 2006). Durkheim (1984, pp.26-7) believed that, as human beings, we have a 'general tendency to sociability' and that altruism and active cooperation form the fundamental basis of all social life. He argues that we instinctively recognise our natural dependence on one

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another and that, for the sake of the collectivity, we place 'the highest premium on public agreement', hence recognising both the need for mutual sacrifice and the '*desirability* of pursuing social goals' (Cladis, 1992, p.85 – italics in original). Morality therefore, for Durkheim (1973b), represents all that is noble in society, it symbolises our humanity and compassion for one other, and promotes a voluntaristic commitment to the common good; and in viewing morality in this way Durkheim is, in effect, emphasising the need for collective responsibility and citizenship, not coercion (Bellah, 1973; Ramp, 1999; Cladis, 2001).

It is evident then that Durkheim's social theory regarding the nature and function of both law and morality in society has significant implications for the social control debate which has been at the heart of this thesis. For, as discussed in the previous chapter, the concept of social control is ideologically flexible and Durkheim is one of the most prominent advocates of its more associative form. For Durkheim, social control is less about power, domination and politics and much more about culture, integration and community, and therefore he succeeds in shifting our attention away from conflict perspectives onto those of consensus (Lee and Newby, 1983; Garland, 2006). For, within Marxist or Foucauldian social theory, for example, law and criminal justice have been understood primarily as 'subordinated to bureaucratic rationality or as expressions of a political logic', whereas Durkheim views them as more social and affective processes (Smith, 2003; Smith and Alexander, 2005). In addition, where Foucault especially tends to interpret conformity and discipline as 'the means to painful "normalisation"' and subordination, Durkheim sees the benefit and necessity of social bonds and constraints (Cladis, 1999, p.5). However, as Garland (1990b, p.2) states, an appreciation of Durkheimian theory does not lead us to deny that elements of power and control exist in society, but rather it encourages us to ask

'just what kind of power is involved, what are its social meanings, the sources of its authority, the basis of its social support'? For Durkheim shows us that the state is not always 'a purely repressive machine', but that systems of social control are often only the means 'whereby the overweening moral authority (or *conscience collective*) is enforced' (Gane 2006, p.48; Taylor *et al.*, 1973, p.76 – italics in original). As discussed, Durkheim clearly explains that laws and moral codes tend primarily to originate from shared social values and hold power only if recognised as legitimate, and so it follows that any state authority or institution can only reinforce a moral order that already exists (Garland, 1990b). As such, Durkheimian theory provides a complete contrast to other interpretations of social control, since he reveals that, whether in the form of criminal justice or social morality, the motivation for it comes not from above, but from below (Garland, 1990b).

On Religion and Ritual

So far it has been argued that, whether in relation to crime, punishment, law or morality, the theories of Durkheim place great emphasis upon the positive, rather than negative, aspects of social order and control (Scheff, 1990). This is important for Durkheimian scholars since, in focusing so much upon the emotional and moral foundations of order, Durkheim succeeds in drawing attention to an aspect of social life that tends to be forgotten by other theorists who only think in terms of 'ideology' or 'hegemony'; and this aspect is the important notion of 'the sacred' (Garland, 1990b, p.54; Scheff, 1990). For Durkheim, the sacred is associated with the collective ideas and practices of any moral community, which invariably come to acquire a character that is dominantly religious (Cladis, 2001). This is an important concept for an understanding of early-nineteenth-century broadsides since, as shown in chapter four, religion is a major theme in their discourse. Indeed, so prevalent is religious doctrine and imagery in these broadsides that,

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as highlighted in chapter one, several scholars have tended to interpret their pious nature as some form of official preaching, whether from church, state or cultural elite (Linebaugh, 1977; Davis, 1983; Spierenburg, 1984; Sharpe, 1985; Anderson, 1991). This interpretation is not to be wondered at, however, given the dogmatic nature of much of the religious discourse contained in broadsides. For example, in chapter four it was revealed that discussions of salvation, damnation and repentance often dominate their narratives, with God being described as primarily a vengeful and omnipotent judge. However, it was also noted in previous chapters that many historians have recognised how important staunch religious belief was to ordinary people, especially in the early nineteenth century when Christian evangelicalism experienced a revival. This, therefore, necessitates a shift in interpretation with regards to the presence of religious discourse in broadsides and it will be argued here that Durkheim, once again, is able to tell us much about its social significance.

Durkheim (2001, p.46) defined religion as 'a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and surrounded by prohibitions' and that these beliefs and practices 'unite its adherents in a single moral community called a church'. This definition of religion was important for Durkheim, since it demonstrates that the very idea of religion is inseparable from 'something eminently collective'. Hence, akin to his ideas about crime, punishment, law and morality, the significance of religion for Durkheim (1984, 1973a) is that it is essentially social, corresponding directly to the core of the collective conscience, which endows it with a certain sacred authority. Indeed, Durkheim (1973b, p.69) suggests that, as a social institution, religion has 'served for many peoples as the foundation of collective life' and he argues that, in effect, 'religious interests are only social and moral interests in symbolic form' (Durkheim, 2001, p.235). In this

respect, religion has one important consequence and this is that it creates and strengthens social ties, since individuals who share common beliefs feel emotionally bound to one another and this, in turn, forges a unified moral community (Cladis, 2001; Durkheim, 2001). Religion therefore serves to symbolise the group's collective life and it allows the community to express and reaffirm, both in doctrine and practice, all the cherished beliefs and ideas that they share in common. In this way, religion assumes an importance far beyond that of moral law alone, since it comes to represent reverence for society itself (Cladis, 2001). This point is of relevance for broadsides since, as discussed in chapter four, theology is often used in their discourse on crime and criminal justice as a way of reminding individuals of their sacred duty to one another, especially with regards to the sanctity of human life. In addition, broadsides reveal that judges would frequently sermonize upon sentence of death and include overt biblical references in their speeches. However, instead of interpreting this, as Hay (1975, p.28) did, as legal authority utilising 'the power and passion of righteous vengeance' to legitimise secular punishment, Durkheimian theory would suggest that this use of religious imagery in criminal justice was simply a means of invoking a sense of morally bound community. For Durkheim (2001, p.311) argues that the true function of religion is 'to help us live', to give us strength to overcome human miseries and to raise ourselves above the profane conditions of human life. His point therefore is not that religion constrains or controls our minds but that instead, by allowing us to 'face the world with more confidence', religion fundamentally sustains and reinvigorates us (Durkheim, 2001, p.142).

The idea that religion provides not only a solid foundation for social life but also that it stimulates us can be more fully explored through Durkheim's concept of collective effervescence, which he considered to be an important social and religious phenomenon.

Collective effervescence is defined as 'periods of creation or renewal' which occur when members of a community 'for various reasons are led into a closer relationship with each other' (Durkheim, 1974, p.91). These periods of 'fecund upheaval' occur only intermittently however but, when they do, they act as 'an exceptionally powerful stimulant' to social and moral life (Durkheim, 1974, p.92; 2001, p.162). Durkheim explains that all social life alternates between two different phases, with the first being described as ordinary and dull, since economic activity is largely predominant and most people merely devote themselves to 'satisfying the necessities of physical life' (Durkheim, 2001, p.258). During these ordinary days, our social feelings are not entirely absent however but they are held in check by the strenuous demands of daily life. Durkheim (2001) argues therefore that if nothing occurred to interrupt this life of individual monotony, our social feelings would fade over time; hence the need for holy days, when an event of importance takes us out of ourselves and everything changes. During this second phase of social life, Durkheim (2001, p.259) explains that society is 'foremost in people's minds', in that we are reminded of our common beliefs, traditions and values. This occurs predominantly because we are physically brought into communion with each other, via meetings and assemblies, and it is this close physical contact which sparks a revival of ideas that are sacred to us. However, these periods of physical, moral and intellectual communion cannot last for long because they are too intense and society simply cannot 'remain perpetually in session ... so it disperses in order to reassemble anew when, once again, it feels the need to do so' (Durkheim, 2001, p.259).

Periods of collective effervescence, therefore, are crucial to the continuation of social life, since '[N]o society can exist that does not feel the need at regular intervals to sustain and reaffirm the collective feelings and ideas that constitute its unity and its personality'

(Durkheim, 2001, p.322). Indeed, the renewal of unity is considered to be the main consequence of this 'moral remaking', since episodes of collective effervescence intensify our common faith, thereby reinforcing and regenerating our sense of solidarity and communitas (Durkheim, 2001, p.322; Stedman Jones, 2001). The fact that collective effervescence represents 'the apogee of social integration' can be understood more readily if we consider specific examples of what Durkheim meant by it (Mukherjee, 2006, p.28). Originally, Durkheim (2001) applied the term to those states of heightened emotion caused by the ritual practices and traditions of tribal communities, such as the Aborigines of Australia, whom he studied closely. Their practices would have included religious ceremonies marking, for example, rites of passage which incorporated various chants and dances leading to frenzied group behaviour and emotion. In these instances, the collective effervescence was quite natural and the resultant increase in tribal identity and solidarity is easy to assume. However, Durkheim (2001, p.157) was convinced that collective effervescence also occurred in more advanced societies, claiming that whenever a group of people are 'moved by a common passion' collective effervescence exists. Hence he was able to argue that this revivification is the function of all religious and secular rites and ceremonies, since all parties whether formed by church or politics 'deliberately hold periodic meetings in which their members may renew their common faith by some collective demonstration' (Durkheim, 2001, p.157). Indeed, Durkheim (2001, p.322) argued that even the most secular ceremonies do not differ in their goals, results and methods from 'properly religious ceremonies', since there is no essential difference between a church congregation celebrating a shared faith and a meeting of citizens commemorating 'a new moral charter or some great event in national life'.

In this way Durkheim (2001, p.157) was able to place episodes of collective effervescence firmly in the everyday reality of modern social life, so much so that he stated that human history was 'full of examples' of it. Indeed, modern Durkheimian scholars, such as Tiryakian (2005) continue to recognise the existence of collective effervescence arguing, for example, that the phenomenon was evident in the wake of the attacks on the World Trade Centre on 9/11. However, the crucial point that Durkheim makes regarding the existence of collective effervescence is not necessarily the reasons why it occurs but the nature of the resultant experience itself. For, collective effervescence is an intensely emotional experience and it was the nature and function of these emotions that were primarily Durkheim's focus. Durkheim never specified exactly what emotions are involved in any single experience of collective effervescence, noting only that 'arousal, agitation, and excitement are high', but he was clear that these instinctive emotional reactions created social bonds and maintained solidarity for the group that experienced them (Fisher and Chon, 1989, p.3). A clear example of how such intense emotions can lead to collective unity is provided by Durkheim (2001) in his description of mourning rituals. For him, mourning is a collective ceremony that brings about a state of effervescence among its participants, who come together to discharge their shared grief and pain. However, Durkheim recognised that it is not only those individuals most directly affected by the death who mourn, but that their community as a whole participates in the ritual. In fact, Durkheim (2001, p.297) argues that in instances of periodic crisis such as death, 'society exerts a moral pressure on its members to put their feelings in harmony with the situation' and, in effect, it imposes a moral duty on the collective to bear witness to the grief through expressive acts. The reasons for these collective demonstrations of moral communion are twofold, since not only do they provide sustaining comfort and courage for individuals, but also they testify to the unity of the group. Furthermore, these expressions of emotional

solidarity help to 'restore to the group the energy that events were threatening to take away, and this enables the group to recover itself' (Durkheim, 2001, p.307).

With regards to early-nineteenth-century broadsides, the full significance of the concept of collective effervescence will become much more apparent throughout the rest of this chapter but already, as a recognisable social phenomenon, it is clearly evident in the content of broadsides, since when these texts describe people's reactions to crime and punishment they are also describing instances of collective effervescence. For example, as discussed earlier in this chapter, crime and execution broadsides are full of narratives describing how people responded in the immediate aftermath of a serious crime, such as murder, and they expertly convey the states of heightened emotion that people felt. In addition, broadsides frequently describe how crowds reacted in common to executions, often reporting that spectators greeted the end of the condemned with applause, cheers or execrations. These people, whether responding to crime or punishment, were evidently experiencing arousal, agitation, and excitement and these are the very emotions which Durkheim (2001) associates with collective effervescence. Furthermore, in being moved by such common passions, these witnesses to crime and punishment were evidently being brought together, since they were sharing an intense emotional experience or reaction to some significant event, and as with mourning, they evidently felt compelled to bear witness to the event that had so affected them. The intensity of the emotional experience would also have been heightened by the fact that, whether in relation to crime or its punishment, they were often being faced with a violent and shocking death. In witnessing such an event, either directly or indirectly, people are naturally transported out of their ordinary lives and are forced to re-evaluate their own morality and mortality. In doing so, they are reminded of those values and beliefs that are most sacred to them, that is to say,

those that are social. This sense of the sacred is also heightened by a natural desire to seek each other out and to share the emotions as a community, since Durkheim (2001, p.297) states that 'human feelings are intensified when they are affirmed collectively'. However, Durkheim (2001, p.303) also suggests that when such emotions are so vivid, 'they may well be painful but they are not depressing', since in being confronted by death people are reminded of life and this results in a state of effervescence which is ultimately reinvigorating.

The fact that such instances of collective effervescence reinvigorate us and often lead to a celebration of collective life is an important point for Durkheim (2001, p.303) and he argues that: 'It matters little that this exaltation was provoked by a sad event, it is no less real and does not differ in detail from the exaltation observed in joyous festivals'. Indeed, Durkheim (2001, p.308) considers collective effervescence to be a festive rite or ceremony that joins together the sacred and profane elements of social life, since it represents the two opposing states of 'collective euphoria and dysphoria'. Hence, the feelings made common through collective effervescence can vary from 'extreme dejection to extreme joy' but Durkheim (2001, p.308) insists that 'in all cases there is a communion of consciousness and mutual comfort in this communion'. This point has significance for how we can understand and interpret some of the main rituals regarding crime and punishment that have been used historically. For example, as discussed in the previous chapter, there has been a lingering fascination with the rites and ceremonies of public execution over the years, with many scholars recognising the inherently ritualistic nature of this punishment practice (Lofland, 1977; Ignatieff, 1978; Spierenburg, 1984; Sharpe, 1985; Foucault, 1991; Gatrell, 1994; Smith, 1996; King, 2000; Smith, 2008). However, it is Laqueur (1989) who perhaps unwittingly provides the most Durkheimian interpretation of these events since,

although he never directly refers to Durkheim's work, his interpretation of the punishment ritual quite clearly provides an example of collective effervescence. It is common for Laqueur's (1989) work on executions and their crowds to be depicted rather one-dimensionally by other scholars, with most referring merely to the fact that he describes executions as bawdy carnivals. However his work is more complex than most reveal and he includes some very Durkheimian concepts in his theory. For Laqueur (1989, p.350) states that executions embody 'the festive, generative powers of sacrifice' and suggests that in the carnivalesque ritual of execution 'the fleshy nature of the 'social contract' is made manifest'. Furthermore, he recognises the 'socially binding qualities of the occasion' and argues that the intense nature of the festival meant that both capital punishment and the state that inflicted it were both 'grounded in community' (Laqueur, 1989, p.351, p.354).

Laqueur's (1989, p.340) depiction then of public executions as a sacrificial and 'socially constitutive' ritual that defines boundaries and restores the sacred order is certainly one that Durkheim would recognise. Indeed, in such festive moments of collective effervescence, Durkheim would always interpret the behaviour of the crowd 'not in terms of degeneration, but as a "moral toning up"' because these intense states of exaltation not only re-energise notions of the sacred but also provide socially sanctioned occasions for the cult of community to be celebrated (Mukherjee, 2006, pp.30-1). In fact, for Durkheim (2001, p.287), therein lies the nature and function of rituals and ceremonies of all kinds, whether secular or religious, since 'rites are, above all, the means by which the social group periodically reaffirms itself'. However, although rituals 'set the collectivity in motion', it is not always necessary for there to be a crowd of people involved, such as with public executions, but what is crucial is that some form of social and emotional interaction takes place (Durkheim, 2001, p.258; Bellah, 2005). Thus, modern Durkheimian scholars

suggest that an interaction ritual can simply involve a small group of 'at least two people physically assembled', who focus their attention on 'the same object or action' and who are thereby able to share 'a common mood or emotion' (Bellah, 2005, p.185). This sharing of emotional experience naturally leads to 'a sense of membership, however fleeting' and this gives the members of the group 'some sense of moral obligation to each other, which is symbolized by whatever they focused on during the interaction' (Bellah, 2005, p.185). Given such a description, this thesis will now go on to suggest that it is entirely plausible to imagine that the reading of a crime and execution broadside can also be deemed to be an interaction ritual, with much of the same effects. For these texts were meant to be shared and, as previously discussed, deliberately evoked intense emotion and appealed directly to those common values and beliefs that can only be considered to be sacred, such as the value of human life and the nature of social bonds.

However, in order to fully reveal broadsides as a form of interaction ritual, it will first be necessary to explore another important and related concept of Durkheim's, and this is collective representations. Bellah (1959, p.457) states that, in the concept of collective representations, Durkheim made 'the fundamental discovery of culture as an element analytically independent of social system', and argued that this form of culture, once established, is capable of exerting significant influence over society. For Durkheim (1982) conceived of collective representations as the numerous ways in which society thinks of itself and defined them as myths, popular legends and traditions, religious ideas and moral beliefs. As such, collective representations are all expressions of common ideas and sentiments and represent not only social ways of thinking but also identifiable mental realities (Bellah, 1973; Durkheim, 1982). Indeed, these 'patterned ways of viewing, describing, and explaining the world' were of the utmost interest for Durkheim, since they

represented 'the accumulation of generations of experience and knowledge' and provided a way for 'the world of the collectivity' to be maintained and communicated (Cladis, 1999, p.11; Durkheim, 2001, p.18; Gane, 2006, p.42). Such forms of communication are crucial because, whilst shared ideas and beliefs are important to social cohesion, so too are the means of expressing them (Cotterrell, 1992; Cuff *et al.*, 1992). Durkheim (1974, p.94) therefore argues that:

> Collective ideals can only be manifested and become aware of themselves by being concretely realized in material objects that can be seen by all, understood by all, and represented to all minds. Drawings, symbols of all sorts, formulae, whether written or spoken, animate or inanimate objects, provide examples of such concrete realizations.

Collective representations then are external expressions of the collective conscience and provide a direct and tangible link between the individual and society. They also form a fundamental part of Durkheim's theory of totemism, which explains how religious belief, ritual practice, social symbols and instances of collective effervescence are all intimately connected (Schilling, 2005). For as previously discussed, Durkheim (2001, p.176) explains that in experiencing collective effervescence, individuals are reminded emotionally of the most sacred aspects of their social life but that these intense feelings cannot possibly last and have only 'a precarious existence'. This is because these social feelings are strong only whilst the group is physically together and 'subject to mutual influence, but they survive later only in the form of memories that gradually fade if left to themselves' (Durkheim, 2001, p.176). However, if these feelings are inscribed onto lasting things, 'then they become lasting themselves' and these representations therefore 'perpetually call these

feelings to mind and keep them alive, as if their initial cause were still operating' (Durkheim, 2001, p.176). Thus, Durkheim (2001, p.175) places great importance upon the existence of symbols and totems in society, since they are 'a useful rallying point', in that they make social unity more tangible by expressing it in material form and so allow individuals to 'carry away within themselves these great religious, moral, and intellectual conceptions' that are inspired during periods of intense social communion (Durkheim, 1973a, p.160). Consequently, the totem becomes both the symbol and source of the group's moral life and through it the emotions felt on occasions of collective effervescence are 'perpetually sustained and revived' (Durkheim, 2001, p.166). Furthermore, the powerful emotions associated with totems are able to transform the most mundane objects into sacred things, since they come to embody the cherished ideal itself and, as Durkheim (1974, p.94) states, it is in this way that 'a rag achieves sanctity and a scrap of paper may become extremely precious'.

It is to be argued therefore that Durkheim's concepts of collective effervescence, collective representations and totemism all combine to have major implications for an understanding of the social significance of early-nineteenth-century crime and execution broadsides. For these scraps of paper were also in their own way extremely precious and can be interpreted as representing for their readers something of symbolic importance that goes far beyond mere entertainment or social control. Indeed, Gatrell (1994, p.175) suspected that such execution sheets were 'symbolic substitutes' for the experiences watched and 'mementoes of events whose physic significance was somehow worth reifying'. However, he fails to elaborate any more than this and disappointingly situates only the gallows emblem, as a form of 'folk-art', at the heart of this powerful symbolism (Gatrell, 1994, p.177). Gatrell is not alone in depicting broadsides as a form of folk-art since, as discussed in previous

chapters, several scholars have noted how broadsides throughout the centuries have found their way onto the walls of the homes and taverns of the poor, often taking pride of place over fireplaces and mantelpieces, but whilst this tradition could have been simply for the sake of decoration or vulgar delight alone, Durkheimian theory and the content of broadsides themselves would suggest otherwise. For, as we have seen, the key to these broadsides is the emotion they evoked and the fact that they reminded people of their most sacred values and beliefs. In depicting crime and punishment, broadsides were also reawakening dormant social and moral feelings, which in turn had the effect of uniting people together and helping them to live.

Indeed, if Durkheim had been aware of these broadsides he would most certainly have recognised them as a form of collective representation and would have identified these popular stories of crime and punishment as akin to myth. For Durkheim (2001, p.138) understood that myths were created to make the 'strange ambiguity of human nature more comprehensible' and knew that our need to be reassured of moral realties was clearly evident in the perpetuation of both mythologies and theologies. In fact, Durkheim (2001, p.72) believed that mythology was essential to the sacred life of any society and argued that such stories were not merely 'a kind of verbal delirium', since trivia would not have endured for centuries, but instead that they were 'objects of faith' enabling us to govern our conduct according to their wisdom. For in these social narratives there is always a general conclusion to be drawn that transcends the particular case and Durkheim (1973b, p.243) argues that these morals, for the sake of the collectivity, should be highlighted and impressed upon the group, since moral tales represent 'not a series of unconnected incidents, but a consistent and unified life'. Hence Durkheim (1973b, p.244) places great importance upon the survival and existence of popular proverbs and moral maxims,

arguing that they are the legacy of our forebears and, therefore, provide a 'condensed summary' of generations of collective experience. Indeed, so significant are these popular sayings that Durkheim (1982, p.83) defined them as 'the concrete data of collective life' and argued that their study allows us to penetrate traditional customs and beliefs. He also argued that 'the spirit of the people' is revealed in its legal and moral maxims and that such popular proverbs tend to find much favour and currency among the lower classes (Durkheim, 1973b, p.244).

The fact that proverbs and moral maxims form a significant proportion of the discourse in early-nineteenth-century crime and execution broadsides was evidenced in some detail in chapter four of this thesis. Broadsides were shown to contain various categories of moral maxim and this customary lore was reflected in large part in proverb form. These proverbs provided simple, yet wise, advice for everyday living and embody those great truths which evidently stand the test of time, such as 'honesty is the best policy' (JJ106 1818). In addition there were also greater philosophical truisms to be gained from these tales of crime and punishment, with the central focus being on the folly of human nature and a necessary reminder of our moral and social duty to one another. Broadsides therefore epitomise what Durkheim (1974) meant by a collective representation, being one way in which society's moral reality was condensed, translated and reflected. Indeed, it could be argued that broadsides, like the proverbs contained in them, direct our attention to social aspirations that are trying to be realised and that their ultimate significance is that they help us 'to go further in our analysis of the communal conscience' (Durkheim, 1974, p.77). For proverbs, and more importantly broadsides, can be interpreted as 'the concentrated expression of a collective idea or feeling' which, once established, takes on a stereotypical form (Durkheim, 1984, p.120). Hence, in contrast to scholars such as Gatrell (1994), who

can be dismissive of broadside content due to its often formulaic nature, Durkheim (1984, p.120) sees significance in stereotype arguing that every collective thought or feeling tends to find 'the expression that is most adequate for it' and so, for example, if it is common to the collective then it ends up in repetitive and popular form. Thus, in such simple formulas like broadsides, the moral homogeneity of the group is distilled and represented and, moreover, Durkheim (2001) recognised that, in modern societies, the written word was to acquire more moral power than the spoken sign. However, whilst these written texts may appear to be often crude, clumsy and naive, Durkheim (2001) argues that as methods of collective representation they are still able to adequately express and support those social feelings which give the impression of continuity with the past, solidarity in the present, and security for the future.

Conclusion

This chapter has explored in detail exactly how the social theories of Emile Durkheim can further our understanding of early-nineteenth-century crime and execution broadsides. It has provided an alternative theoretical account with regards to their social meaning and significance, and three main areas of Durkheim's work have been shown to have particular relevance. For example, with regards to crime and punishment, Durkheim provides a consensus account which can fully explain the popular and punitive support for criminal justice that is evident in broadsides. His sociology of punishment emphasises the emotional and expressive roots of criminal justice and reveals that reactions to crime are based upon common moral outrage rather than vested political interest. For, as explained, crime is deviance from social and moral norms and its punishment is a means of restoring and reintegrating a unified moral community. Similarly, Durkheim argues that all law, power and authority in society emanates from a collective and moral source and he reveals the

role of public opinion in legitimating criminal justice practice. In so linking law and morality, Durkheim questions the nature of moral authority and social constraint and provides an interpretation of both which justifies not only the positive and affective aspect of social control but also provides confirmation that the emotional and moral foundations of social order come from below. Lastly, Durkheim's work on religion and ritual places great emphasis upon the role of the sacred in the creation and continuance of communal life and highlights that intense emotional experiences, such as crime and punishment, are necessary for effective moral communion and renewed social solidarity. Concepts such as collective effervescence and collective representations were explained, with each being shown to have an important purpose with regards to the communication and demonstration of unifying values and beliefs, and Durkheim's theory of totemism was shown to have especial relevance for the form and function of broadsides. For, ultimately, it has been suggested that an understanding of Durkheimian theory can help us to more appositely perceive these texts as a form of symbolic communication, akin to myth, which has an intrinsic meaning far greater than mere entertainment or ideology, and the sociological significance of such crime narratives will continue to be explored in the next chapter.

Chapter Seven: Ballads of Blood – The Form and Function of Crime Narratives

Introduction

In the previous chapter, it was explained how an understanding of Durkheim's social theories can provide an alternative interpretation of early-nineteenth-century crime and execution broadsides. This interpretation differs greatly from those proffered by other theorists since it is based upon a consensus approach and recognises that broadsides may have had a more profound significance for their contemporary readers than previously assumed. For not only is it argued that a Durkheimian interpretation fully accounts for the punitive content and tone of these broadsides, but also that this theoretical approach highlights their wider social, moral and emotional meaning, by suggesting their primary function as a form of symbolic communication. This chapter will now continue to justify the strength of a Durkheimian interpretation of nineteenth-century broadsides by providing further evidence from modern sociological and criminological research into the form and function of crime narratives. As a social theorist, Durkheim always sought to justify the existence of collective values and beliefs in society and attempted to show how various cultural phenomena actually perform a much-needed function for the organisation and continuance of social life. Modern Durkheimian scholars have continued this tradition and have argued that crime narratives, of which it will be shown broadsides are a prime example, are a form of social and emotional ritual which express and codify a community's core values. Furthermore, these narratives have been shown to fulfil an important psychosocial function, by providing emotional security in the face of anxiety and disturbance and this, it will be argued, is of major consequence for any interpretation of early-nineteenth-century crime and execution broadsides. For, as a genre, crime narratives have a long history, developing from primitive myth and folklore into modern news and crime fiction but, as this chapter will show, whatever form they take, one aspect of the

crime narrative remains of crucial significance and that is the ability of these stories to utilise their often intense emotional potency to contribute to a sense of morally bound communitas.

The Nature and Function of Crime Narratives

Sociologists have long debated the functions of various forms of popular literature. In general, three main assumptions have been traditionally conceived to explain its cultural significance: firstly, that literature directly influences or impacts upon people's attitudes and behaviour; secondly, that literature can serve as a means of ideological or hegemonic social control; and thirdly, that literature accurately reflects society and its common cultural norms and values (Albrecht, 1956; Cawelti, 1976; Hall, 1979). The fact that many commentators have chosen to interpret popular forms of culture and literature as a form of disciplinary ideology has been well documented, both in terms of literary criticism and also in this thesis with regards to broadsides in particular, however this theoretical position often reveals a certain element of class bias. For example, as Pawling (1984, pp.8-9) notes, it is only popular literature written for the masses that is assumed to have a monitory function, as opposed to 'real' literature that is read by those who intellectually and culturally require no such didactic influence. However, the contrasting belief that popular literature reflects social mores is also widely held and the commonest conception has been that literature can be used as an indicator of prevailing cultural norms (Albrecht, 1954, 1956; Goodlad, 1971; Rockwell, 1974). As previously discussed in chapter one, this more Durkheimian approach corresponds with the now popular mentalités school of historical scholarship and emphasises the fact that literature can be regarded as a form of cultural artefact, expressing genuinely popular attitudes, values and beliefs. Indeed, it has been said that: 'Once one begins to examine literature as a 'communicative practice' with social and

historical roots, then one cannot afford to ignore those fictional worlds which command the widest public', and it is without doubt that one of the most popular forms of literature has always been the crime narrative (Pawling, 1984, p.2).

Narrative accounts of crime and punishment, whether based on fact or fiction, are arguably 'a social phenomenon', and criminality and its public response have certainly been ubiquitous themes throughout the history of our popular culture (Mandel, 1984, p.vi; King and Maruna, 2006). Indeed, Cawelti (1976, p.51) asserts that 'the mythology of crime' has been 'a great imaginative obsession' for centuries, and this fact has led many sociologists to wonder why these tales of crime and punishment hold such a fascination for us and to ask what primal needs do they fulfil? Undoubtedly, this fascination can be traced back to the crime broadside, which primarily was 'a very simple form of melodrama' and broadside scholars have long recognised that these 'dark dramatic stories of love and death are profound allegories of the human situation' (Cawelti, 1976, p.53; Shepard, 1962, p.37). As such, these exemplary tales not only preserved and expressed traditional values and beliefs but also satisfied a personal and social need for moral and behavioural guidance (Rockwell, 1977; Watt, 1991). Indeed, many have argued that the provision of a basic code of social conduct has been the fundamental function of all types of crime narrative from whatever historical era, since they are essentially stories which reflect a long-standing commitment to 'certain principles of morality and order' (Cawelti, 1976, p.77). Even one famous writer of the genre would himself remark that popular literature of crime simply expresses 'the sanguine and heroic truisms on which civilisation is built' and as such contains the most honest and noble maxims of daily life (Chesterton, 2000, p.79).

For, quite simply, in focusing so blatantly upon transgressions of basic social norms, crime narratives represent an effective 'monitor of morality' and are a useful vehicle by which members of a community can easily gauge socially approved behaviour (Goodlad, 1971, p.8). For example, Goodlad (1971) argues that popular dramas of crime and punishment are fundamentally about the Ten Commandments and, as such, they repeatedly remind people of the moral framework that is necessary for social life. Thus, Goodlad's (1971) Durkheimian interpretation of the sociology of drama asserts that such crime stories perform a beneficial function, not only for the individual observer who is reassured that his morality accords with the majority, but also for the social system as a whole, since it relies upon reassertions of moral unity to survive. It is little wonder then that there is such a preoccupation with crime in society and that immorality has perpetually been represented in our collective narratives. For, as discussed in the previous chapter, by contrasting morality with it opposite, we gain an understanding of our core values, and a preoccupation with crime is merely a preoccupation with those concerns which are of utmost importance to us, such as our security and safety (Mandel, 1984; Sparks, 1992). Indeed, as we have seen in chapter six, modern criminological research has become increasingly used to 'the idea of 'crime as metaphor', and familiar with the deployment of crime and punishment as resources of significance and value in story-telling' (Girling *et al.*, 2000, p.10). For crime easily becomes a symbol for all that is wrong with the social and moral order of society and, as a result, is a 'convenient receptacle' for our collective fears and anxieties (Farrall *et al.*, 2009, p.109).

However, what is especially interesting about crime narratives is that they both evoke and yet restrain our social fears, by providing a curious mix of stimulated anxiety and reassurance (Sparks, 1992). Indeed, it is a strange paradox that despite a focus on violence,

murder and immorality, the crime story has been widely recognised as an inherently soothing literature. For, in all their forms, crime narratives have the ultimate effect of providing a sense of security, consolation and even comfort for their readers (Albrecht, 1954; Goodlad, 1971; Cawelti, 1976; Knight, 1980; Mandel, 1984; Pawling, 1984; Sparks, 1992). This is achieved by their perpetual focus on one central theme, which is the simple transformation of disorder into order. Therein perhaps lies the crucial appeal and ideology of the crime narrative, for their underlying premise is always that, despite the introduction of chaos and evil, order and rationality are somehow restored (Mandel, 1984; Monkkonen, 2002). Indeed, it is interesting to note that even in our modern age where there is 'a trend towards greater ambivalence and ambiguity, most crime stories still have an underlying emphasis on just resolutions of conflict and violence' (Greer and Reiner, 2012, p.262). This focus on the redressing of social threat and the restoration of the moral order in crime narratives means that it is very easy to apply Durkheimian theory to their interpretation, not least because these 'fabular' stories can be viewed as having the same form and function as fairy tales and myths (Sparks, 1992, p.39). In fact, it has been argued that the modern crime story is merely a fairy tale for adults, since both genres share 'the realm of the happy ending', in that evil is always punished and justice reigns supreme (Mandel 1984, p.47; Cawelti, 1976). However, this comparison does not in any way diminish the significance of these stories, since fairy tales have been shown to have great psychological meaning for their readers and even make an important contribution to their moral education by effectively introducing simple ideas about right and wrong (Bettelheim, 1991).

The fact that Durkheim himself clearly recognised the sociological importance of various types of mythology was discussed in the previous chapter. However, it is perhaps

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Malinowski whose work is most associated with the social functionalist approach to myth (Segal, 1998). Malinowski (1954) incorporated several Durkheimian concepts into his theories regarding the social significance of myth and was to claim that, far from being idle tales, myths in fact were important cultural forces serving an indispensible function for society. In essence, Malinowski (1954, p.107, p.144) states that myths are stories told to satisfy deep religious and moral cravings in man and that the folk tale is principally 'an act of sociability', since it ensures the unity of the group by establishing 'a sociological charter, or a retrospective moral pattern of behaviour'. Hence, we revisit the notion that stories are one of the primary ways in which communities express their core ideals, values and beliefs, and how they offer exemplary models of behaviour, which ultimately help people to engage with and better understand the complexities of human life (Lule, 2001). It is not surprising therefore that being such important elements of culture, myths and folk tales 'have the latent (and often manifest) function of exercising social control' (Goodlad, 1971, p.8). However, it must not be forgotten that these 'tales of the folk' emanate from a truly collective source and so, as discussed in previous chapters, represent examples of how communities have traditionally attempted to maintain their own social and moral boundaries. This therefore accords with a more Durkheimian interpretation of the term and the role that crime narratives have played in relation to social control and stability will become much more apparent throughout this chapter.

Although myth and folklore tend to be associated with more primitive cultures, scholars of the genre have recognised that myth naturally adapts to every story-telling medium and adopts functional equivalents in order to meet the needs of the society it serves (Goodlad, 1971; Lule, 2001). For example, it is commonly accepted that street literature is derived from oral traditions of story-telling and that broadsides evolved to embody a new urban

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folklore based upon print (Shepard, 1962; Buchan, 1972; Shepard, 1973; Preston, 1995c). Similarly, in our own modern age, myths have continued to adapt and can now be found in the form of popular fiction, television drama, and news stories (Goodlad, 1971; Symons, 1972; Sparks, 1992; Lule, 2001). However, despite their changing form there are certain elements of the mythic narrative that remain timeless and placeless, as many geographical cultures and historical eras will often share stories that are noticeably alike. This is because, as Lule (2001, p.29) argues, some stories are 'fundamental to human life' and simply reflect our shared experiences and common understandings. These stories then represent 'a synthesis of cultural mythology' and become what can be regarded as formula narratives based upon archetypal characters and situations, and which have predictable structures and conventional ways of dealing with certain specific themes (Cawelti, 1976, p.3). This concentration of a few core themes tends to express in simple terms the social values and beliefs tacitly supported by all and, therefore, it is little wonder that issues of crime and morality feature heavily in their content (Albrecht, 1956). Indeed, Goodlad (1971, p.175) argues that 'the singular popularity of morality themes is of the highest importance', since these formula stories do not just entertain but, more significantly, provide their audience with a sense of moral coherence and awareness. This is because the typical morality format tends to focus upon the censuring of some form of social deviance or transgression, leading to one of its most popular forms being the crime narrative.

Crime narratives tend to follow a particular format, which revolves around certain inherent features. For example, Sparks (1992, p.146) defines them as 'a narrative sequence of danger and pursuit, framed at either end by a return to familiar and safer conditions' and, as such, the crime narrative always contains some form of conflict and crisis, followed by acts of restitution or retribution. In addition, one crucial element of the crime story has

always been the formal division between good and bad in society, resulting in the emergence of archetypal figures such as the hero and the villain (Mandel, 1984). Klapp (1954) provides us with a Durkheimian account of these generic character types and argues that each, in their own way, contributes to moral consensus and social order. For these are 'not merely dramatic figures but collective symbols with important functions for group organization and control. They are elements of primitive, not rational, discipline' (Klapp, 1954, p.62). For example, the villains in crime narratives are always 'idealized figures of evil, who tend to counter-moral actions' and who are despised as enemies of the good and the weak. In contrast, the hero is depicted as 'a defender of mores ... who arrives to restore order to the world' and is someone to be both emulated and cherished (Klapp, 1954, p.58). Both of these cultural stereotypes call for an appropriate mode of emotional and social response and therein lies their major personal and group functions. For Klapp (1954, p.62) argues that not only do these criminal caricatures provide examples of anti-social and pro-social behaviour, but they also form the basis of 'rituals of solidarity and norm-affirmation', as we all instinctively and imaginatively rally together to vanquish the villain and hail the hero. In short, what is ultimately significant about the crime narrative is that, like the myth before it, it actively works to ensure the fundamental kinship and unity of social groups (Malinowski, 1954).

When some account is taken of the fundamentally fabular and formulaic nature of the crime narrative, it is easy to recognise early-nineteenth-century crime and execution broadsides as a prime example of the genre. For this gallows literature not only shares many of the same conventions and archetypes, but also can be claimed to serve the same social and moral function as any other dramatic form of crime story. This is because arguably the content of broadsides works on two separate levels: firstly, there is the factual

information regarding a particular incidence of crime and its aftermath, which undoubtedly had an immediate interest for the reader and which has been shown in previous chapters to be significant in and of itself; but secondly, and more importantly, there is the underlying symbolic story which would have lingered in the mind long after the facts of any one case had been forgotten and, as this thesis has argued throughout, it is this affective resonance that ultimately holds the key to the broadsides' greatest influence. Indeed, many broadside scholars contend that it matters little whether these stories are based upon fact or fiction at all, since their real power and popularity lies not in the specific events that they describe but in the greater truths they represent (Shaaber, 1966; Hughes, 1969; Gaskill, 2003). For all crime narratives are, in essence, simply moral tales and their inherently dramatic events are only required 'in order to plumb their depths and find the genuine stratum of moral truth by interpretation' (Davis, 1983, p.69). It is important therefore to recognise that the beauty of the crime narrative is not only its moral simplicity, but also its ability to speak directly to 'the imaginative, emotional and social realities of its audience' (Hughes, 1969, p.10). Indeed, it has been argued that an important aspect of reading certain dramatic stories is that they are able to induce 'a psychological sense of participation', and broadsides especially tended to be written in such a way as to deeply involve the reader, reaching them as they did at the level of primal emotion, common meaning and shared experience (Rockwell, 1974, p.43; Hughes, 1969; Davis, 1983).

It is certainly interesting to note that scholars of both broadsides and crime narratives have identified the use of several similar conventions and techniques, which manipulate standardised images in order to evoke and enhance the emotional impact of their content. These conventions usually include not only value-laden descriptions of both the stories' protagonists and their actions, but also a deliberate emphasis on people, situations and

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events which, to the majority of readers, seem entirely plausible and within the realms of their experience (Darnton, 1975; Knight, 1980; Katz, 1987; Wiltenburg, 2004). For example, it has been argued that despite their avid vilification in these accounts, criminals tend to be portrayed as ordinary people who have simply rejected the roles that society offers them, and their motivations for turning to crime are ones that most people can relate to, such as drink, vengeance, lust and greed (Knight, 1980; Faller, 1987). Similarly, and as previously discussed in chapter four, victims of crime are depicted as normal people going about their everyday business, and it is this mundane familiarity that breeds compassion not contempt. Indeed, several scholars of the genre have noted how crime narratives, whether based on fact or not, wittingly and skilfully incorporate a plethora of trivial detail in order to impart 'the greatest semblance of reality' to their dramatic accounts (Monkkonen, 2002, p.17; Rawlings, 1998). These details can include anything from characters speaking direct and often colloquial dialogue to prosaic and circumstantial descriptions of both people and places (Rawlings, 1998; Wiltenburg, 2004). However, these detailed descriptions are not included simply as an end in themselves, but are designed instead to juxtapose horrific events with everyday experience, and this only serves to provoke heightened emotional responses in the reader (Katz, 1987; Wiltenburg, 2004).

The fact that these 'techniques of representation' skilfully reinforce the horror of certain crimes is even more apparent when we consider the repeated appearance of murder in crime narratives (Wiltenburg, 2004, p.1388). It is perhaps ironic that, for all of the attempts at 'ultra-realism', the crime most featured in these popular accounts tends to be the one that readers would least likely encounter (Greer and Reiner, 2012, p.248). However, the fact that murder has held such an enduring fascination is significant in itself,

for it is undeniable that 'the hold murder has exercised over men's primitive emotions and imagination has been renewed from society to society and age to age' (Altick, 1972, p.9). Many have wondered why stories about murder in particular have such an appeal and provoke such a 'collective psychic response' in us, but perhaps the answer lies in the emotional potency of these tales of life and death (D'Cruze *et al.*, 2006, p.22; Way, 2006). For, as one commentator was to write in 1864: 'There is something ... "intensely human" about a murder. The fate of the murdered man and of the criminal tried for his life comes home to every one, high or low, rich or poor, in a way which no other event ever approaches to' (Anon., 1864, p.597). Indeed, the ability of murder to impact upon our emotions is undoubtedly because this crime, above all others, is considered to be not only universally deviant but also sacrilegious. Faller (1987, p.73, p.92), for example, suggests that murder was, for our ancestors, interpreted as 'a direct attack on God', since it involved the killing of Man, the only image of God on earth and, therefore, murder was deemed to be 'especially offensive'. However, answers regarding the significance of murder do not rest solely on religious interpretations and many theorists have argued that murder holds a more intriguing secular symbolism, especially when it is of a domestic nature.

The fact that a tale of murder in a family situation is one of the most common themes in all crime narratives is borne out by the data from broadsides themselves, for it was shown in chapter two that the most common relationship between a murderer and victim was that of near kin, such as husband and wife or child and parent. Indeed, it is this evident focus on the violation of blood ties in narratives of crime that has been shown to send powerful messages with regards to perceived threats to social and moral order (Wiltenburg, 2004). For, traditionally, the basis of all morality and social authority was not only the church but the domestic circle, and so the family came to represent both the heart of the home and the

social body (Cawelti, 1977; Knight, 1980). A domestic murder, therefore, is not only 'an act of radical rebellion against the discipline of the family', but it is also deemed to threaten 'the very foundation of all social order', and this has implications for society that go far beyond the loss of one individual (Faller, 1987, p.22). For a family murder, more than any other, 'gives the nation a set of facts on which to test its moral values' and exposes the damaging consequences of neglecting our social and moral responsibilities to each other (MacGill Hughes, 1981, p.277; Vincent, 1989). Furthermore, Kalikoff (1986, p.170) argues that popular representations of murder, in whatever form, become 'an emblem of moral decay' and reflect a growing cultural fear of degenerating social and moral authority, and corroborating evidence for this interpretation, taken from both broadsides and modern criminological research, has been discussed in detail in previous chapters.

However, Knight (1980) has argued that, in popular narratives of crime, it is not only the commission of an act of murder that is symbolic of the social order, but the inevitable apprehension of the killer is too. For, as is visible in broadsides themselves, these providential stories, especially in the centuries before the advent of the police, tend to depict murderers being caught quite naturally, and often by pure chance, by the local community alone, and Knight (1980, p.13) argues that this represents a corresponding belief in 'the unity of society' and its ability to deal with disorder itself. For the basic ideology and image promoted by these crime narratives is one of 'an integrated Christian society', which needs only to rely upon its shared social and moral values in order to protect itself against the commission of crime (Knight, 1980, p.18). Early crime narratives then, such as those contained in broadsides, not only provided their readers with 'a model of unmediated social control of crime' but also offered hope and comfort to people by

facilitating 'the twin beliefs that we are all Christian at heart and that our society is integral and at root a single healthy body' (Knight, 1980, p.13). This last interpretation of the form and function of crime narratives has so far then been shown to be only one of many that evidently take as their basis the social theories of Durkheim, since they advocate the central themes of social unity and common morality in relation to representations of crime and punishment. However, there is one other theme beginning to emerge in this theoretical exploration and that is the significance of emotion and the crucial role that it plays in any narrative of crime.

The utility of emotion in the creation of social and moral unity is a central tenet of Durkheimian theory, especially in relation to crime and punishment, and was discussed in detail in the previous chapter. Now it will be explained how certain 'sensationalistic' narratives of crime, such as broadsides, can provide a practical, yet powerful, vehicle for the transmission of this emotion. The theme of 'gory sensationalism' was previously highlighted in chapter four and several scholars have noted that broadsides are often a curious mix of 'entertainment and edification' and that this paradoxical contrast is a fundamental characteristic of the genre as a whole (Bayman, 2007, p.7; Wurzbach, 1990; Way, 2006). Indeed, Bayman (2007, pp.7-8) argues that this tension between the desire to both titillate and moralise raises 'profound questions' regarding the function of this type of literature. Certainly the fact that crime narratives tend to focus mainly on acts of violence and murder has led many commentators to disparage and dismiss this form of literature as unworthy of serious consideration, and the label 'sensationalism' is therefore often applied pejoratively, since it implies 'an undesirable exaggeration' of the more offensive and visceral aspects of crime (Rowbotham and Stevenson, 2003b, p.39). Wiltenburg (2004, p.1378) argues that this low opinion is often based upon two questionable main

assumptions: firstly, that sensationalistic crime narratives are 'essentially a commercial product' designed for entertainment purposes alone and, secondly, that they appeal 'to a basic though depraved human taste for gore'. Furthermore, the immense popularity of this sensationalistic and gory entertainment is often blamed upon the apparently debased and ignorant tastes of the uneducated masses, who reportedly read this type of literature, and their inherent need to experience vicariously some unconscious, aggressive blood lust (Goodlad 1971; Mandel 1984; Anderson, 1991; Wiltenburg, 2004). For example, Worthington (2005, p.8) states that nineteenth-century crime broadsides 'appealed directly to the lowest common social denominator and relied on the prurient and voyeuristic tendencies of the masses and their seemingly insatiable desire for vicarious terror and cheap thrills'. Similarly, Crone (2012, p.99) also states that murder and execution broadsides of the nineteenth century were 'primarily a form of entertainment' and that the extreme narratives of graphic interpersonal violence contained within them had the fundamental ability to titillate and 'amuse'.

Yet, this insistence that crime narratives are simply a form of depraved entertainment 'leaves certain of their central features unexplained, or else tends to explain them in terms that are, finally, farfetched and unconvincing' (Faller, 1987, p.119). For to claim that these stories are mere entertainment is to beg the questions: 'Why is it distracting, relaxing, entertaining, to sink oneself in someone else's life and problems?', and are we really to assume that every reader of a violent crime story is of 'a cruel and thoroughly perverted' nature? (Fischer, 1959, pp.7-8; Faller, 1987, p.120). The answer to both of these queries must surely be no and, therefore, the dismissal of such sensationalistic narratives as nothing more than an amusing distraction is to merely provide the 'easy answer', and one arguably based upon the most simple of interpretations (Goodlad, 1971, p.2). There is, of

course, an alternative explanation to be proposed and this is one based upon a more functionalist view of sensationalism, in that 'it probably exists to meet a need in the community', and it has been argued that this need is 'less morbid than inspirational' in character (Goodlad, 1971, p.2; Katz, 1987, p.67). The main proponent of this alternative view of sensationalism is Wiltenburg (2004) who based her theory on a study of early modern crime broadsides. Wiltenburg (2004, pp.1377-8) defines sensationalism as 'the purveyance of emotionally charged content, mainly focused on violent crime, to a broad public', and reminds us that these works aim to arouse strong emotional reactions in their readers by focusing 'on the senses as the key site of stimulation'. However, Wiltenburg (2004, p.1396) contends that the principle emotions evoked by these sensational and violent crime accounts were not dim-witted enjoyment or vicarious relief, as some would argue, but instead the more empathic emotions of 'pity, horror, sorrow, and fear' and, furthermore, she insists that the evocation of these particular emotions was central to the genre's functioning, 'in particular its ability to mold common responses to extreme violations of social norms' (Wiltenburg, 2004, p.1378).

Broadsides then, by including often detailed descriptions of violent crime, were not providing their readers with titillation, but an opportunity to experience 'both a visceral response to violence itself and the quasi-religious dilemma posed by transgression of core values' (Wiltenburg, 2004, p.1379). For example, and as previously highlighted in chapter four, graphic depictions of blood and injury, or what Valier (2002, p.320) terms 'gothicism', may initially catch our attention, but they also compel us to consider the harm and suffering being inflicted upon another human being, and this causes us to imaginatively experience the damage and degradation of one of our own (Way, 2006). For, as Rosenburg (2004, p.172) states, images of blood are 'a potent reminder of victimisation'

and they can help us to comprehend otherwise abstract acts of violence. Readers of broadsides, therefore, were often forced to explicitly imagine the terror and plight of innocent victims, whose pleadings and sufferings evoked emotions of pity and fear, and it was this simple language of emotion that helped them to directly personify and appreciate the crises of others (MacGill Hughes, 1981; Wiltenburg, 2004). This is essentially a Durkheimian interpretation of sensationalism, since he himself wrote that: 'Human blood is just an organic liquid, yet ... we cannot see it spilled without feeling a violent emotion' (Durkheim, 2001, p.172). Sensational crime narratives then have a cultural function of greater significance than mere entertainment and Wiltenburg (2004, p.1380, p.1397) argues that these works were a potent way of constructing shared values and a sense of unity amongst their readers, since they presumed 'a like-minded community' built upon emotions 'common to all who share a basic human identity'.

The Social Significance of Crime Narratives as News

So far, this chapter has shown that the crime narrative, including those contained in broadsides, can be interpreted as a form of mythic tale, which performs the important cultural function of providing moral unity and social stability, through the evocation of emotion and expression of core values. This interpretation of the genre is quite clearly based upon Durkheimian principles yet, as the rest of this chapter will now show, Durkheim's greatest contribution to our understanding of broadsides becomes even more apparent when we consider the social significance of these crime narratives as news. This is because sociologists have long recognised that the reading of printed forms of news is akin to modern ritual and, as shown in the previous chapter, Durkheimian theory provides many insights into the possible functions of ritual in society (Goodlad, 1971). For Durkheim argued that ritual plays a crucial role in the integration of both primitive and

modern societies since, fundamentally, its practice is 'the instrument and expression of social solidarity' (Elliott, 1980, p.142). Furthermore, ritual has been shown to have many socialising and acculturating aspects, with the function of this kind of interaction being primarily the recognition and fulfilment of mutual commitment to the group and its core values and beliefs (Bellah, 2005). Rituals then not only remind members in a particular social grouping that 'a common ground actually exists' (Ben-Yehuda, 1985, p.14), but also they provide individuals with an opportunity for what Durkheim (2001, p.284) calls 'moral rebuilding'.

It is important to note that Durkheim (2001) recognises that this moral rebuilding can often take the form of recreation, for example, dancing, singing and story-telling. However, for Durkheim these types of recreation are not practiced simply to entertain but are primarily used to 're-create' us and reinvigorate our ability to live a social and moral life. Therefore Durkheim (2001, pp.282-3) shows us that rites and collective recreation are 'closely related' and suggests that: 'Perhaps even certain representations that are meant only to entertain today are really former rites whose function has changed'. Modern sociologists have taken inspiration from this idea and it has been argued that 'even in contemporary society we remain surrounded by ritual in a myriad of forms', for example, eating together, playing sport, watching television, reading fiction, and gossiping (Bellah, 2005, p.200; Klapp, 1954; Breed, 1958; Goodlad, 1971; Symons, 1972; Rockwell, 1974). However, and more significantly for this thesis, it has been recognised that Durkheimian theory with regards to ritual can 'usefully be applied' to popular forms of printed mass media, and crime news in particular (Elliott, 1980, p.142). For example, not only is the content of crime news in the printed press distinctly ritualistic, in that it tends to be stylistically conventional, repetitive and predictable, but also the production of crime news can be

interpreted as a ritual performance, which addresses and symbolises deviant threats to the social order and provokes stabilising unity in response (Elliott, 1980; Schattenburg, 1981).

The ritualistic nature of crime news is perhaps even more apparent when we consider its early origins. For example, Darnton (1975, pp.191-2) argues that there is a distinctly 'archaic element' to this particular form of journalism, since our modern understanding of news is merely based upon 'inherited techniques of story-telling', and nowhere is this more evident than in the historical development of broadsides. For, as previously discussed in this thesis, it is common for broadsides to be recognised as an early form of printed news and many scholars consider them to be a forerunner to our popular tabloid press (Shepard, 1962; Shaaber, 1966; Collinson, 1973; Chibnall, 1980; Wurzbach, 1990; Way, 2006). However, this legacy is not based solely upon the evident parallels in visual styles and reporting conventions, but also due to the important social role that the dissemination of this news had, and continues to have, for its readers (Way, 2006). This is because broadsides provide a crucial link between myth and modern news, and today's journalists are simply part of 'a long storytelling tradition' that includes both court minstrels and street-criers (Lule, 2001, p.3). Indeed, Lule (2001, p.19, p.188) has argued that 'more than any other mass media, the daily news is the primary vehicle for myth in our time', especially when it focuses upon certain stories that appeal to a broad public because they speak of fundamental social and moral concerns. These stories are of eternal human interest and, as such, reveal the connection between news and myth. For example, these stories are often repeated, yet remain compelling despite their familiarity; they always deal with social realities and draw inspiration from real lives; they address us as a public, not just a disparate group of individuals; and finally, these stories are used to instruct and

inform us, telling tales that 'shape and maintain and exclude and deny important societal ideas and beliefs' (Lule, 2001, pp.19-21).

The social significance of this ritual reiteration of certain fundamental stories in the daily news is even more apparent when it is recognised that the printed press became essentially an urban product and that an important shift occurred between written news and oral myth at the same time social life became transformed by the city (Park, 1923; Lule, 2001). For in small communities where people could quickly reach each other, stories were easily communicated in person, but in a city of a million 'the sharing of news and ideas through the instrumentality of print becomes a condition for living' (MacGill Hughes, 1981, pp.159-60). Indeed, as Park (1923, p.277) would percipiently point out in the early twentieth century: 'The first newspapers were simply devices for organizing gossip and that, to a greater or less extent, they have remained'. However, this equating of news to a form of 'commercialised gossip' does not diminish its social significance, for both have been shown to perform important cultural functions for people who are separated by emotional, not physical, distance (MacGill Hughes, 1981, p.105). For example, the great urban sociologist and former newspaperman Robert E. Park (1923, p.277) recognised that the fundamental motive and purpose of news is 'to reproduce, as far as possible, in the city the conditions of life in the village' and, in a village, news and gossip were but a form of personal contact. This personal contact made people feel part of a community but inevitably, as cities expanded, this became lost in the crowd, until printed news filled the void and 'created to some extent those conditions of close communication which give the village its social cohesion' (MacGill Hughes, 1981, p.266). Indeed, this is an example of what Durkheim (1970, p.139) would term 'moral contagion' whereby newspaper reports of certain events can 'stimulate imitation' by influencing readers 'open to sympathy and

curiosity by the levelling of local environments', and this formation of 'imagined communities' through the constitutive role of printed news has been shown by modern scholars to have important cultural and political effects (Anderson, 2006, p.6; Valier, 2004b). Most notably here however, this need for news was of particular importance for the immigrant city dweller, who perhaps never took papers before, but soon came to rely upon the ritual of reading news as 'the only way he had of satisfying his curiosity about what went on under the roofs and behind the masks of the aliens about him', and the significance of this for readers of nineteenth-century broadsides in particular will be revisited later in the chapter (MacGill Hughes, 1981, p.259).

News then can have the latent effect of bringing people 'imaginatively into the orbit of the city', however, it must be noted that there is a major difference between news that simply disseminates information and news that can potentially assimilate people (MacGill Hughes, 1981, p.260; Kaplan Daniels, 1981; Lule, 2001). For example, MacGill Hughes (1981, pp.211-13) argues that the latter tend to be stories that focus upon a few great themes of universal human interest and experience, such as family, love, bereavement, fortune and fate, and therefore, these stories are always to be found in 'the personal and not in the important or the official aspect of the news'. Moreover, these stories have a fundamental power and impact precisely because they deal with life events which are common to all of us, and this recognition in itself charges them with great import for both the people directly involved and the readers. For these 'human interest' stories are primarily stories that tell of personal vicissitudes and intimate relations and, hence, allow us to indulge our natural curiosity in each other and, ultimately, ourselves (MacGill Hughes, 1981). Indeed, MacGill Hughes (1981, p.197) argues that this curiosity in human nature is one of the main reasons why crime features so heavily in these stories, since

crime often becomes 'the excuse for telling as much as possible of the private lives and passions of the participants'. For news of a serious crime like murder, more than any other case of human interest, is able 'to expose a man's soul to the public' and each of us responds accordingly, transfixed not only by the remarkable circumstances, but also wondering how we would behave if a similar situation ever arose in our lives (MacGill Hughes, 1981, p.200). The human interest story therefore has the ability to engage its readers on a deeply personal level, as well as reminding them of their shared similarities and, in this respect, it is possible to argue that all crime news does is to take the most obvious personal crises of others, such as murder, betrayal and loss, and use them to help us become better acquainted with ourselves and the world in which we live. For, as MacGill Hughes (1981, p.278) states, these popular accounts of true stories 'by making the local and remote world human, may be a substitute on an extended scale for those intimate encounters of direct perception which are the basis of any understanding men have of each other'.

This account of crime news as a distinct genre of human interest story cannot fail to be significant for an interpretation of early-nineteenth-century crime and execution broadsides, not least because MacGill Hughes (1981) herself recognises the development of such stories in modern newspapers as originating from this earlier form of street literature. It has also been argued throughout this thesis that even the most cursory reading of these broadsides reveals that they are addressing issues far beyond particular instances of crime and punishment, and are instead engaging in wider discourses on morality, society and the meaning of life. Indeed it has been argued that these central themes and traditions in crime reporting have changed little over the centuries and that a study of early forms of crime news, such as broadsides, 'reveals important parallels to modern media practices'

(Way, 2006, p.87). For example, Katz (1987, p.60, p.68) asserts that the ordinary public has never read crime news 'in a naive search for the empirical truth about crime', or from fears of personal victimisation, but that readers have always been attracted by more pressing 'existential' concerns. Indeed, this recognition explains why the most common crimes, such as theft and burglary, rarely feature as the main attraction in the news, but instead points to why moral outrages such as murder and child abuse do, since the latter often speak directly to the most basic philosophical and moral dilemmas (Katz, 1987). Crime then is newsworthy for its symbolic rather than realistic value and this understanding has led Katz (1987), and several others, to propose distinctly Durkheimian interpretations for the social existence and meaning of crime in the media, and their arguments have direct implications for broadside scholarship.

For instance, Katz (1987, p.48) asserts that the primary function of crime news is the teaching and exercising of morality, and that 'crime is made 'news' by a modern public searching for resources to work out sensibilities routinely made problematic in everyday modern urban life'. Indeed, he bases this thesis on the elemental Durkheimian principle that representations of crime directly address the common moral integrity and character of any community, by depicting threats to the most sacred values and beliefs of society. Therefore, crime news confronts us with issues of personal and collective moral competence and forces us to address the evidently fragile foundations of social life. For example, Katz (1987, p.68) argues that crime news mainly provokes the elusive question: 'is society holding together?', and this in turn leads us as individuals to question our own role in the stability of the social order and, more importantly, to attempt to define our own personal moral perspectives. The reading of crime news therefore is not an idle pastime but 'an eminently practical, future-orientated activity', since it provides readers with the

opportunity to practice their own morality, and thus Katz (1987, p.70) is able to argue that, in short, crime news effectively provides us with 'a daily moral workout'. However, he also explains that: 'Like vitamins useful in the body only for a day, like physical exercise whose value comes from its recurrent practice', crime news must be experienced daily in order to reap the moral benefits, and this goes some way to explain why papers containing news of crime, such as broadsides, can be habitually bought and avidly read despite their often repetitive content (Katz, 1987, p.72). For the reading of crime news can become akin to a moral ritual voluntarily undertaken by ordinary people 'in acknowledgment of their personal burden for sustaining faith in an ordered social world' (Katz, 1987, p.72).

Another example of a Durkheimian interpretation of crime news as ritual comes from Dayan and Katz (1992) who studied the integrative effects of certain media events. These media events are modern instances of Durkheim's 'holy days', which were discussed in the previous chapter, and which result in the revitalising effects of collective effervescence. For Dayan and Katz (1992, p.5), modern media events are the reporting of some historic or unique occasion, which demand and receive our focused attention, and 'propose exceptional things to think about' or to witness. These events can be either joyous, such as a royal wedding, or tragic following the fallout from some major disaster or social trauma, for example, a mass shooting or child murder. The point is however that, whatever their initial cause, the blanket media coverage of such events sharply focuses public opinion and highlights some crucial aspect of our most sacred values and beliefs (Dayan and Katz, 1992). Also, because these media events are shared emotional experiences, they 'allow moments of sympathetic identification' and thus provide us with a sense of group membership and solidarity (Dayan and Katz, 1992, p.208). Media events, therefore, are a crucial means by which society can effectively unite and integrate, since they create 'an

upsurge of fellow feeling, an epidemic of communitas' and this, in turn, draws normally atomised individuals together and allows camaraderie and latent consensus to emerge (Dayan and Katz, 1992, p.196). Popular mass media then not only has the unique ability 'to tell a primordial story about current affairs' but also can effectively replace the more primitive ritual ceremonies required for maintaining group solidarity, since '[I]nstead of the expressive crowd, society is mobilized in small groups to participate in an event through attention and discussion – but also affective expression – aware that everybody else is doing likewise' (Dayan and Katz, 1992, p.1, p.211). Although this account of media events is based upon modern types of mass communication, such as television, it is not difficult to see its relevance to broadsides, especially considering that the former has 'inherited from the other media of popular culture' (Dayan and Katz, 1992, p.4). For, in the early nineteenth century, broadsides were one of the only means ordinary people had to gain information on major passing events, such as crime and executions, and is it not possible that the integrative effects of these past media events could have been the same for our ancestors as they are for us today?

Certainly the idea that forms of mass communication are functional to integration is neither ground-breaking nor new, because sociologists have for years held that 'the media serve certain societal and cultural purposes by bringing people into community relations and aiding their socialization' (Breed, 1958, p.110). This is especially true with regards to the reporting of crime and punishment and many scholars have now recognised that in modern societies 'the widespread reporting of deviance in the mass media indirectly fulfils the integrative function of deviance' that Durkheim so clearly identified (Ben-Yehuda, 1985, p.6). Indeed, Elliott (1980, p.149) has argued that there are several 'signs and symbols of unity' used by the tabloid press especially, that maintain cultural consensus through the

affirmation of social norms, and it is striking how similar these are to techniques of representation used in earlier broadsides also. For example, it is common for both broadsides and the modern press to include reports of messages of sympathy and solidarity with the victims of crime, as well as statements of condemnation for the criminals. In addition, both forms of print are well known to be quick to report on the various personal atrocities and injuries inflicted, as well as being openly supportive of any subsequent law and order activity. In short, Elliott (1980, p.155, p.171) argues that a sense of Durkheimian solidarity or 'we-ness' is emphasised in these stories and that these press rites are less reports based upon real events than a form of literature pieced together 'according to a sense of what is necessary and appropriate'. For example, and as previously discussed, crime news tends to depict protagonists acting out idealised behavioural roles, such as helpful bystanders and upright judges, and any behaviour that is deemed unfitting is carefully omitted (Breed, 1958; Elliott, 1980). However, Breed (1958) contends that this editing is not intended to falsely misdirect us in any political sense but merely strives to help us keep faith in ourselves and the social system. For in stressing such virtues as duty and justice, as well as censoring vice and unfairness, broadsides and tabloids both function to protect, not power and class, but culture as a whole and certain core values and beliefs become something akin to untouchable 'sacred cows' (Breed, 1958, p.114).

The fact that crime news seldom challenges core values and beliefs and often serves to preserve the social order is therefore undeniable and indeed accusations of it being a form of 'hegemony in action' have dominated media research for years, even though modern scholars would argue that this particular interpretation requires qualification (Greer and Reiner, 2012, p.263). For example, Lule (2001, p.191) argues that although crime news mainly conserves the status quo, this does not mean that its role is reducible to political

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ideology alone, since the social order that crime news supports exists beyond the realm of politics into the social, where it 'is acted out and affirmed each day as people participate in dramas great and small'. Crime news merely relays these social dramas and the basic values it asserts, such as justice, family and integrity, do not change to fit the manifestoes of different political parties. For the social and moral order is 'more deeply entrenched' than that and crime news stories 'were told long before and will be told long after' the passage of any one government in power, as is evident in the history of broadsides (Lule, 2001, p.36, p.192). Indeed, this encapsulates one of the main strengths of a Durkheimian interpretation of crime narratives and news, since it recognises that both are effective, and traditional, ways in which society symbolically communicates with itself and they are therefore a collective, not partisan, representation of widely held beliefs. As such, newspaper reporting, in particular, has been held by modern criminologists to form a major part of 'the public narratives by which law and order are understood' and, therefore, crime news often provides 'a forum for a definitional debate about morality' (Peelo and Soothill, 2000, p.131). For, as discussed in the previous chapter, crime and morality are not easily separated in the public mind, and newspaper coverage of major crimes can provide a golden opportunity for the communal, and public, drawing of a moral line (Peelo and Soothill, 2000).

The idea that crime news can convey public messages about social and moral boundaries cannot fail to be significant for an interpretation of early-nineteenth-century broadsides, and it is certainly interesting to note that penal reforms restricting public punishment 'coincided almost exactly' with the development of printed news as a medium of mass information (Erikson, 1966, p.12). Indeed, it has been argued that 'the social functions ascribed to punishment by Durkheim have been transferred almost intact to the content of

mass media' in modern society, since this is now the public arena in which deviance and immorality are challenged and controlled (Schattenburg, 1981, p.71). In effect, mass media depictions of crime and punishment are now the new scaffold parade and represent a modern form of ritual where moral outrage can be expressed and transgressed social norms can be reasserted (Erikson, 1966; Schattenburg, 1981; Peelo and Soothill, 2000). The significance of crime news in the mass media then is that it becomes an effective boundary-maintaining device and can represent for its readers 'the forcible affirmation of social solidarity and aversion toward crime that Durkheim saw behind punishment itself' (Schattenburg, 1981, p.76). This argument surely cannot just be applicable to modern forms of mass media, but must also have relevance for earlier forms of printed news, such as broadsides, since they too form a crucial part of 'the historic tradition of emotive crime news delivery' that has for centuries helped to reinforce communal bonds and shared moral values (Way, 2006, p.507). For crime news has always provided its readers with an opportunity to react *en masse* against deviance and, for this reason alone, the genre 'may be the best contemporary example of what Durkheim had in mind' with regards to a collectively experienced ritual of moral indignation against crime in society (Katz, 1987, p.64).

This Durkheimian interpretation of crime news therefore suggests that instead of assuming that these texts represent discourses of ideological social control, it is more apposite to regard their narratives as genuine expressions of popular punitivism. For, as previously recognised, it is an undeniable fact that the vast majority of public news about crime and punishment, whether modern or historic, is decidedly retributive, with content that conserves rather than challenges the social and legal system, and it is notable how these stories confirm rather than contradict the need for punitive justice (Goodlad, 1971; Sparks,

1992; Way, 2006). However, as Durkheimian theory has shown us, it is possible to argue that these calls for justice and critiques of legal leniency come from a source that is not merely political but truly populist, since they reflect our most primitive urge to vilify and ostracise those criminals who threaten to do us harm. Indeed, Klapp (1954, p.61) has argued that this punitive and militant response to criminality is entirely appropriate and that our natural desire for vilification is often reflected in narratives of crime, which are 'directed as much to giving public satisfaction as solving the problem' of public order or law-breaking. This therefore suggests that there may be an interesting link between punitive attitudes and narratives of crime, which is of major significance for any interpretation of broadsides, and modern scholars have argued that the crucial connection is not to be found in those who may wish to publish these works but in those who choose to read them.

For example, King and Maruna (2006, p.18) have claimed that punitive people read punitive stories and that individuals who desire retributive justice 'may find comfort and meaning in particular sorts of stories, which serve to reinforce and strengthen their views'. As previously discussed, these stories are to be found in both crime fiction and factual news and provide clear examples of right and wrong, where goodness and justice prevail and evil is punished; in short, these stories allow their readers 'to experience an idealized world with just resolutions' (King and Maruna, 2006, p.23). However, what King and Maruna (2006) found to be most significant was that the ordered world represented in these stories often appears to be in sharp contrast to the chaotic reality of those who read them and conclude that people may seek justice in stories simply because they cannot find it in life. This analysis is corroborated by Farrall *et al.* (2009, p.119) who found that people who were deeply concerned about community disorder and social cohesion held more

authoritarian views about law and order and that their anxiety led them to 'seek out information from the mass media and interpersonal communication about crime and about the moral health of the nation'. Indeed, modern criminological research provides much evidence to suggest that those who hold the most punitive views in society tend also to be those who are the most fearful of crime and disorder and yet, ironically, are the least able to protect themselves or intervene against it (Sparks, 1992; Girling *et al.*, 2000; Farrall *et al.*, 2009). In sum, the punitive passions expressed in public discourses of crime can be interpreted as 'the impotent cries of spectators watching dramas in which they play little part' (Girling *et al.*, 2000, p.177). Perhaps this then is the real reason why early-nineteenth-century broadsides appear to contain such punitive views. Perhaps, instead of assuming that they were a form of ideological social control from above, it is more appropriate to read them as expressions of anguish and alarm from below. For it is certainly feasible that ordinary people turned to these broadsides in times of crisis and concern and sought consolation not only for inconceivable crimes but also inconceivable times. For, as discussed in the previous chapter, crime has always been used as a metaphor for wider social fears and insecurities, and stories about crime often merge episodes of personal victimisation with 'perceptions of national change and decline' (Girling *et al.*, 2000, p.170). Indeed, modern criminologists continue to highlight the importance of 'the role of the imaginary in the production and reproduction of social order', especially in times of social and cultural transition (Lippens and Kearon, 2005, p.1).

It is not surprising therefore that several scholars have recognised a discernible link between periods of intense social change and the emergence of different genres of popular crime narrative. For example, Rawlings (1992, 1998) argues that the social, economic and political upheavals of the eighteenth century were reflected in the fashionable literature of

criminal biography and that these pamphlet narratives reveal middle-class concerns over the failure of the apprentice system in particular and the subsequent loss of social control over youth in general during this period. Similarly, Brooks (1995, p.12, pp.15-16) contends that melodramatic forms of literature depicting 'the manichaeistic struggle of good and evil' came into existence near the start of the nineteenth century precisely when, due to the aftermath of the French Revolution, 'a process of desacralization' reached its climax, meaning that during this intensely transformative period 'the explanatory and cohesive force of sacred myth lost its power' and people had to seek new imaginative modes in which to express and locate social anxieties. Likewise, Moretti (1988) argues it was no coincidence that classic detective fiction, more specifically Conan Doyle's *Sherlock Holmes* stories, peaked in popularity in the period between 1890 and 1935, since the emergence of this new style of policing was able to counter fears that modern society was expanding beyond any means of effective social control. For in the character of Sherlock Holmes, the archetypal detective, late Victorians were presented with a new scientific ideal, which reassured them that no matter how complicated society became it would always be able to create, through new inventions and technology, 'a framework of control, a network of relationships, that holds it more firmly together than ever before' (Moretti, 1988, p.143). Equally, Lawrence (2003, p.142) suggests that policing memoirs, which also emerged as a new trend in the late nineteenth century, may have been 'a literary 'genre' indicative of emergent societal anxieties' and that through them readers were able to explore concepts of acceptable and anti-social behaviour. Could it not be then that early-nineteenth-century crime and execution broadsides performed the same function for their readers, who may also have required a medium through which their social fears and moral concerns could be expressed?

Certainly, it has been claimed that 'popular criminal tales serve as a paradigm for the ideological and aesthetic negotiations of ... changing social relations', and in the face of major social disruption and cultural instability each section of society has surely equal need of a voice (Kayman, 2007, p.5). This would have been as true at the turn of the nineteenth century as any other time, perhaps more so, since this was the peak period when society was enduring the unprecedented forces of industrialisation and urbanisation. Indeed, Rawlings (1998, p.9) suggests that the whole genre of 'popular criminology', or tales of 'true crime' as he defines it, developed in response to 'the growth of apparently ungovernable, unknowable city populations', and it is little wonder that those living the dangerous and disorderly lifestyle of early industrial cities may have found solace in stories (Hall, 1979). For historians and sociologists alike have long recognised that disintegrating forces were at work during the period of the Industrial Revolution, not least 'the undermining of the traditional basis of social solidarity and the erosion of traditional methods of social control' (Stedman Jones, 1983, p.13). Therefore, it is understandable that there would have been a natural and corresponding need for public representations of cultural continuity and security and, as scholars of crime narratives have argued, these are traditionally found in mythic representations of crime and punishment, such as broadsides (Breed, 1958; Rockwell, 1974; Cawelti, 1976; Lule, 2001). For as we have seen throughout this chapter, these crime narratives embody the restoration of order out of chaos and help to maintain cultural consensus and social bonds through the confirmation of moral values and beliefs (Breed, 1958; Cawelti, 1976; Rockwell, 1977). Indeed, it has been argued that one of the latent cultural functions of such popular narratives is that they help to reinforce a sense of tradition and 'set patterns for imitation which are very much wanted in times when society is being unmade and reassembled in new and strange ways' (Rockwell, 1974, p.65; Breed, 1958). Therefore, both factual and fictional stories of crime can guarantee that

'a body of common ultimate values remains visible as a continuing source of consensus, despite the inroads of change' and, in effect, serve also 'to ease the transition between old and new ways' of living (Breed, 1958, p.110; Cawelti, 1976, p.36).

The Importance of Crime Broadsides as Transitional Texts

The recognition that crime narratives are important as 'transitional texts' is particularly apt for broadsides, since not only were these texts born in a period of great social and cultural upheaval, the sixteenth century, but they also reached 'their dramatic climax' in one too - the early nineteenth century (Buchan, 1972, p.243; Shepard, 1962, p.65; Wiltenburg, 2004). Indeed, as previously highlighted in chapter one, it is evident that throughout their long history, revivals in broadside popularity appear to strongly correlate with periods of intense social change, and broadsides have noticeably flourished in new urban and industrial environments, where other forms of popular literature, such as chapbooks, have failed to survive (Hughes, 1969; Shepard, 1969; MacGill Hughes, 1981). One reason for their continued success is the fact that broadsides were able to function as a vital and viable link between traditional oral and modern print cultures, and therefore provided 'a focal point for the culturally underprivileged in periods of rapid alienation from folk customs' (Shepard, 1969, p.15; Vicinus, 1974; Way, 2006; McWilliam, 2007). In this respect, Vincent (1989, p.210, p.203) argues that the production and consumption of early-nineteenth-century broadsides, in particular, formed 'a culture of transition' and states that those readers whom broadside hawkers and patterers sought to detain were 'on the move in several senses', both in terms of their hurried daily activities and also their wider social and imaginative evolution from a rural to urban way of life. In addition, the fact that broadsides did themselves adapt and evolve with their readers has been evidenced by Buchan (1972) who compared the narrative content of the old folk ballads of rural Scottish communities in

the late eighteenth century to those of the newer print broadsides of early-nineteenth-century urban populations. He found that whilst earlier ballads, with their tales of nobility and fantasy, served to provide their readers with imaginative escape and distance from everyday life, in contrast later broadsides came to reflect 'the growth of two kinds of realism – a realism of detail and a realism of attitude' (Buchan, 1972, pp.236-7). Furthermore, the focus of the people's ballads had noticeably changed with the dramatic interaction of different characters being replaced by explorations of real and personal emotion and this, Buchan (1972, p.268) argues, signifies that once the life and social conditions of the folk had changed, so too did the form and 'psychological function' of their ballads. For in the early years of the nineteenth century the harsh realities of everyday life could no longer be escaped and broadsides helped to ease 'the wrenching upheavals of society's swift transition from medieval to modern' by providing a cathartic outlet of emotion and aiding the 'mental re-orientation' of their readers (Buchan, 1972, p.221, p.243).

Early-nineteenth-century broadsides then are crime narratives of immense social significance, and reflect a period of history when '[P]opular taste was conditioned by the twin forces of confidence and crisis' (Vincent, 1989, p.205). Indeed, it is possible to argue that the re-emergence of these simple texts during this time of transition represents a form of 'invented tradition' (Hobsbawn, 1983, p.1), for the readers of broadsides not only sought reassurance that their customary values and beliefs were still relevant and shared, but also found in them a way to celebrate and consolidate their new urban identities and lives (Vicinus, 1974; Vincent, 1989; Joyce, 1991; McWilliam, 2007). For it must not be forgotten that many of the industrial working poor were only 'first-generation' immigrants to the cities and hence recently removed from their rural past into a 'bewildering', and

often frightening, future (Tobias, 1972, p.196; Neuberg, 1977). Therefore, MacGill Hughes (1981, p.291) is right to argue that broadsides gave 'the demos', or common masses, one of the only ways they had of 'expediting an understanding of themselves' in such a period of intense social and moral uncertainty. For this early form of journalism, like newspapers of today, became 'a common carrier of the mores' and, as such, they were able to introduce the ordinary immigrant poor to the unfamiliar and strange new ways of contemporary urban life (MacGill Hughes, 1981, p.283). In this way it is arguable that these human interest stories of crime and punishment became for many 'a daily *vade mecum* of counsel and comfort' and provided moral certainty in a rapidly changing world (MacGill Hughes, 1981, p.256 – italics in original). Indeed, it is worth remembering that for the thousands of immigrant poor, the news of crime contained in broadsides would have been 'the first impressions of the city to supplement their own direct experiences of sight and hearing' and this certainly explains why, in the early nineteenth century at least, broadside production and consumption became a predominantly urban affair (MacGill Hughes, 1981, p.262). For in the midst of millions, morality and security can become vague and distant concepts, yet these grubby sheets of paper perhaps came to represent the true north of morality and justice and afforded a simple means of communication for the disparate urban masses. For, in their own crude way, crime and execution broadsides defined the world and its ways for their readers and allowed them to gauge their own place in it, whilst at the same time achieving what no official authority could – the transformation of 'the demos from a disparate collection of individuals into a public, with something of a common mind' (MacGill Hughes, 1981, p.160).

The fact that the ordinary public may have had a deep psychological and emotional need for their own transitional texts during this time cannot be underestimated, since they

undoubtedly lived through a period of great social and economic change. Indeed, the progression from the late eighteenth to mid-nineteenth century brought a series of agrarian, industrial and political revolutions which would totally transform traditional ways of living and working for the great majority of people (Buchan, 1972; Tobias, 1972; Black and MacRaild, 2003). One major factor of social change during this period was a rapid rise in population, and census records show that the number of people living in Britain virtually doubled from approximately ten million in 1801 to over twenty million just fifty years later (Eliot, 2007, p.293). This increase in population, coupled with new mechanised forms of work, led to a mass exodus of labouring poor from rural villages to the new industrial towns and cities that were emerging all over the country (James, 2006; Whyte, 2007). This meant that by the middle of the nineteenth century, the whole of Britain had transformed into a mainly urban society, with over half of the population now living in heavily concentrated towns (Joyce, 1991; Gunn, 2007; Whyte, 2007). Moreover, a key aspect of this urbanisation in the first half of the nineteenth century was the development of new cities, in competition with London, which became regional capitals due to their immense size, for example Leeds, Birmingham, Manchester, Liverpool, Edinburgh and Glasgow. In fact, it has been estimated that all of these new cities had populations of over 100,000 by the 1820s and that certain central areas in each of them continued to double in size over the next decade, thereby creating the overcrowded slums which would become synonymous with early-nineteenth-century Britain (Gunn, 2007, p.240; Tobias, 1972). It is little wonder then that city life became the 'fulcrum' for all of the major changes that would overtake British society during this intense transitional period and the fact that industrialisation and urbanisation led to unprecedented social problems, especially with regards to crime, poverty and disorder, has been well documented over the years (Gunn, 2007, p.238; Tobias, 1972; Donajgrodzki, 1977; Gatrell, 1980; Thompson, 1980; Philips, 1983;

Stedman Jones, 1983; Rudé, 1985; Wiener, 1990; Emsley, 2010). Indeed, so much so, that it is now a commonplace of history that 'there was a clear and consistent correlation between population density, the degree of urbanisation, relative poverty and criminality' all over Britain in the first half of the nineteenth century (Donnachie, 1995, p.21).

Interestingly, this discernible link between crime, disorder and social change during the height of the Industrial Revolution has led several historians to refer to the Durkheimian concept of anomie, since any perception of social pathology and disorganisation tends to follow this tradition (Ben-Yehuda, 1985; Emsley, 2010). Yet, arguably, the majority of historical works only provide the most cursory interpretation of this theoretical concept, merely incorporating it as a purely perfunctory adjunct rather than a core concern. For, whilst it is widely recognised that Durkheim presented his understanding of crime and disorder within the context of a general theory of social transition into modernity, few historians look beyond his description of the problems that this caused in society and do not refer to his proposed solution (Vold and Bernard, 1986). This means that any historical analysis of the term is often only one-dimensional and fails to grasp the intricacies of Durkheim's original premise. This is not surprising since, on the surface, Durkheim's concept of anomie appears deceptively simple and somewhat perfunctory in nature, primarily because he uses a very basic model of society to explain it. For example, Durkheim argues that the stability and health of any society depends upon its equilibrium and natural harmony, but when a major structural or developmental change occurs, such as the Industrial Revolution, all sense of balance is lost and damaging disorder is experienced, which usually incorporates crime and immorality and thus equates to anomie or a state of normlessness and deregulation. Moreover, Durkheim notably insists that this period of unhealthy disequilibrium is only a temporary transition phase to be endured until society

can adapt and adjust to its changing requirements and its natural stability is secured. Durkheim's theory of social change therefore is obviously useful in interpreting any period of transition in history, since it describes an identifiable sequence of events and incorporates various social crises and challenges (Smelser, 1959; Goodlad, 1971; Donajgrodzki, 1977; Stedman Jones, 1983; Cuff *et al.*, 1992).

However, crime and disorder is only one part of the equation, albeit an important one, and most of Durkheim's work on anomie focuses upon issues of personal morality not public deviance. This is because Durkheim himself experienced anomie and social disorder in his lifetime and felt the distressing consequences of the intense moral crisis it entails. Like many social theorists of the era, Durkheim was concerned with the apparently imminent disintegration of nineteenth-century society and wanted to avert the cultural malaise that was threatening the modern secular world (Bellah, 1973; Lukes, 1973; Turner, 1992). For him though, both the problem and solution were not to be found in state politics but in civic morals, since the crisis facing society was ultimately the loss of man's meaningful existence and sense of shared moral purpose (Bellah, 1973; Lee and Newby, 1983; Durkheim, 1992a). For example, Durkheim (1984, p.339) recognised that over a relatively short period of time, profound social changes had occurred in society, which meant that traditional morality was 'in the throes of an appalling crisis'. For, in effect, changes had occurred so quickly and were so marked that the old ways and morals were no longer relevant to the new society that was emerging. This therefore meant that people found themselves in what Durkheim (1973a, p.xlvii; 2001, p.322) called an intermediary period of 'moral cold', where 'the old ancient gods grow old or die, and others are not yet born'. Moreover, Durkheim (1970, p.253; 1984, p.340) argued that, although society would eventually find its way, '[T]ime is required for the public conscience to reclassify men and

things', and so 'this period of trial' had to be endured until a new morality could be formed, which would 'put a stop to this anomie' and save society from the abyss. Durkheim (1973b, p.72) therefore stresses that anomie is not just a convenient academic term for crime and disorder but a painful lived experience for those undergoing disorientating and 'calamitous times'. Indeed, he poignantly argues that the anomic state of social anarchy is a cause of intense suffering for most people, who find themselves subjected to 'the everlasting wrangling and endless friction that occur when relations between an individual and his fellows are not subject to regulative influence' (Durkheim, 1992a, p.24). Furthermore, he states that people have to endure a 'sensation of hostility' all about them due to a 'ceaseless mistrust one of another' and that this ultimately creates an exhausting and debilitating existence caused by 'the nervous strain involved in resisting it' (Durkheim, 1992a, p.24).

For Durkheim (1984) the principal cause of this strain and human suffering was the loss of community experienced by ordinary people during the transition from primitive agrarian to modern industrial society and this is a theme that is echoed in several historical studies of the early-nineteenth-century period. For example, Thompson (1980, p.486) argues that the Industrial Revolution was unavoidably painful for the working classes since it involved the total erosion of their traditional way of life and as a result between the years 1780 and 1840 'the people of Britain suffered an experience of immiseration'. However, it is important to note that this misery was not only caused by material poverty but also by a sense of social and 'spiritual destitution' as people increasingly found themselves living in 'a society of strangers' (Briggs, 1979, p.466; Ignatieff, 1983, p.87). For it is undeniable that, despite inequalities in social and economic status, the old hierarchical way of life had for centuries kept people in smaller towns and villages involved in each other's lives, yet

industrialisation and urbanisation 'effectively destroyed the old integrated society' with its communal culture and this was to create a build-up of social tension and conflict (Buchan, 1972, p.189; Briggs, 1979). However, this tension and conflict was not only experienced between the classes but was also increasingly a source of strain between people who had once shared a social and moral place, but who were now becoming only too aware of the 'different atmosphere' palpable in larger towns and cities (Tobias, 1972, p.188). For the newly emerging urban society was now akin to 'a battlefield' where all common ground was lost and humanity was rapidly reduced to 'a way of life in which settled habits were difficult and the needs of the moment imperative' (Gunn, 2007, p.241; Kitson Clark, 1962, p.285).

Indeed, it has been argued that the social changes wrought by this period of modernisation at the turn of the nineteenth century were so immense that 'a person living in 1750 had more in common, generally speaking, with an ancestor in 1450 than with a descendant in 1850', and that the psychic and cultural shock experienced by those who lived through this period of transition should therefore not be underestimated (Cowan, 2000a, p.12; Neuberg, 1977; Thompson, 1980; Gorringe, 1996). For it is easy with our historical hindsight to assume that contemporaries knew society would survive, but to them 'the earth frequently heaved unpredictably' and their problems may have appeared insurmountable, with any stable future far from assured (Storch, 1977, p.142; Chesney, 1970; Tobias, 1972). People truly were living in 'a world of flux' where uncertainty abounded and everyone, from all social stratums, must have felt that they were caught 'in the grip of a process beyond control' (Tobias, 1972, p.284; Chesney, 1970, p.16). In fact, it is known that this 'sense of helplessness' was at its worst during 'the crisis years of early industrialization after 1815' and that the 1820s and 30s were the years where concern regarding social anarchy and

criminal disorder peaked (Chesney, 1970, p.16; Ignatieff, 1983, p.87; Smelser, 1959; Gatrell, 1980; Wiener, 1990). However, it is also instructive to note that, as evidenced in chapter two, those were the years when broadside production was similarly at its height and this can only corroborate the claim that these narratives of crime and punishment must have reflected ordinary people's fears and anxieties about the perceived dangers of their world.

This period of intense social flux was not to last however and it has been well documented by historians that by the 1850s British society was entering a more stable and prosperous phase (Smelser, 1959; Kitson Clark, 1962; Best, 1971; Webb, 1971; Tobias, 1972; Donajgrodzki, 1977; Storch, 1977; Briggs, 1979; Gatrell, 1980; Stedman Jones, 1984; Thompson, 1988; Wiener, 1990; Joyce, 1991; James, 2006; Gunn, 2007; McFarland, 2007; Emsley, 2010). Indeed, just as Durkheim's theory of social change suggests, following such a period of disturbed transition and structural differentiation 'new social forms began to find a solid place in the social structure' and society finally became more organised, balanced and secure (Smelser, 1959, p.408). For by the middle of the nineteenth century not only had the worst of the social crises been weathered, but also a new 'sense of safety after storms seems to have set in' (Best, 1971, p.250; Storch, 1977), which has led historians to equate the mid-Victorian era in Britain to an 'age of equipoise' (Burn, 1964; Hewitt, 2000). This cultural change was in no small part due to the fact that all sections of the population were now growing accustomed to their new ways of living and working, and that the great majority were beginning to cope with the challenges of modern, urban society (Tobias, 1972; Gatrell, 1980; Thompson, 1988). This is not to suggest however that poverty, inequality and crime were all totally eradicated, because it is a matter of historical record that they were not, but it is acknowledged by most scholars of the period that 'the

war against criminal disorder was palpably being won by the State, and contemporaries knew it' (Gatrell, 1980, p.241; Stedman Jones, 1984; Wiener, 1990; Emsley, 2010). Furthermore, the realisation that 'a corner had been turned' also appeared to encourage the formation of new social relations and it has been suggested that, by the mid-century, communities were once again becoming more cohesive and consensual in character (Kitson Clark, 1962, p.141; Gatrell, 1980; Stedman Jones, 1984). In fact, so much so, it is possible to argue that in many parts of the country, this period of history was dominated by a theme of convergence and collaboration and that the previous social changes of the early nineteenth century had succeeded in creating and consolidating 'a new urban culture' that integrated the classes and provided much-needed unity and order (Joyce, 1991, p.19; Best, 1971; Donajgrodzki, 1977; Briggs, 1979; James, 2006; McFarland, 2007).

Although there would have been many reasons for this increased integration and social stability, not least improvements in living conditions and rising wages, there is also little doubt that: 'The comparative tranquillity of Victorian society after mid-century was due in no small part to the growth of the popular press' (Altick, 1998, p.5). For by the middle of the nineteenth century, reading had become 'democratized', through increased literacy and accessibility, which meant that popular print culture had expanded to embody 'an unprecedently numerous and socially diverse public' (Altick, 1998, p.5; Anderson, 1991, p.12). This therefore meant that the new mass media became 'an important agency of socio-cultural integration', since different forms of print now began to highlight the shared interests and similar anxieties of all social classes (Curran, 1978, p.71; Bratton, 1975; Wiener, 1990; Leps, 1992; Preston, 1995a; King and Plunkett, 2005). This was especially true, of course, with regards to crime, and several scholars have noted how an interest in stories of crime, and especially murder, united both 'high and low' in this period (Altick,

1972, p.41; Symons, 1972; Shepard, 1973; Wiener, 1990; Gatrell, 1994; Altick, 1998; Way, 2006). Indeed, it has been argued that contemporary crime reporting underlines the fact that this was an age where 'what can seem agendas of social control were in fact strategies of socialization' (Rowbotham and Stevenson, 2005a, p.xxv). For example, Leps (1992, p.132) argues that, throughout the nineteenth century, the increase in discourses of crime in various scholarly, literary and news formats, served to erase all class divisions and constructed 'a consensual "we", a public united in its need for protection from criminal deviance'. It must be noted however that Leps (1992), like many others, promotes a Foucauldian interpretation of this social integration, claiming that mass journalism manipulated the discourse it presented in order to promote hegemonic truths and support established relations of power. She therefore implies a certain passivity inherent in the working class who had to be taught to shun the criminal by a press which 'worked to incite, entertain, and distract' this new reading public into the acceptance of primarily middle-class norms (Leps, 1992, p.132).

In contrast however, and as evidenced throughout this chapter, Durkheimian theory provides a more inclusive and meaningful interpretation of the role of crime narratives in the formation of communities and consensus. Indeed, with regards to any convergence of class discourse on crime and punishment, Durkheim (1970, 1984, 2001) would argue that it was merely an instance of 'moral density', which is a naturally occurring phenomenon resulting from the historical development of society. More specifically, Durkheim (2001, p.158; 1984, p.201) explains that moral density occurs when social relations become more frequent and active, due to the influence of 'some great collective upheaval', which allows individuals to be 'sufficiently in contact with one another to be able mutually to act and react upon one another'. In other words, in periods of great social turbulence, such as the

Industrial Revolution, people tend to 'seek each other out' and exchange their ideas and sentiments, which forms public opinion and leads to closer integration (Durkheim, 2001, p.158). In effect, the net of society is widened to incorporate more people and, as interactions become more intense, 'something like a mutual moral support' develops (Durkheim, 1970, p.210; Hughes *et al.*, 1995; Breathnach, 2002). Importantly, Durkheim (1984, p.287) stresses that once people associate they tend to 'exert a *reciprocal* effect upon one another' (italics added) and consequently this 'drawing together' is a mutual activity, dependant on the needs of many and not the select few (Durkheim, 1984, p.201; Hughes *et al.*, 1995). Moral density therefore effectively reduces the social distance between individuals who had previously lived quite disparate lives, creating 'a constant interchange of ideas and feelings from all to each and each to all', but it is important to note that Durkheim insists that moral density cannot increase 'without physical density increasing at the same time' (Durkheim, 1970, p.210; 1984, p.201; Breathnach, 2002). Hence, he insightfully places the formation of moral density in the midst of concentrated urban populations and argues that an increase in towns and cities quite naturally creates a corresponding increase in 'the number and speed of the means of communication', which in the nineteenth century primarily took the form of print (Durkheim, 1984, p.203). Moral density therefore is a concept which provides theoretical underpinning to historical fact and provides an alternative understanding of the importance of popular print culture in the unification of a newly urban society.

Crime Broadsides as Collective Representations of Community, Change and Consensus

Another important concept of Durkheim's which may enlighten regarding the significance of broadsides as transitional texts is 'the cult of the individual' (Durkheim, 1973a, 1984,

1992a, 1992b, 2001). This particular concept is one aspect of Durkheim's proposed solution to anomie in modern society and neatly synthesises his theory of social change with explanations of common morality and criminal justice. It is therefore important to this thesis because it rationalises why public narratives of crime, such as broadsides, can become fundamental forms of moral communication in the modern world. The basic premise is that as society develops from simple primitive to complex modern formations, the collective conscience of the community becomes 'weaker and vaguer as a whole', primarily due to the fact that traditional religion and custom begin to lose their hold and people increasingly have less in common with each other (Durkheim, 1984, p.121). Understandably, these emerging differences and the subsequent decline of the collective conscience has disastrous consequences for the cohesion of society, since mutual identification and social integration both rely upon shared values and beliefs. In order, therefore, to combat this dangerous and debilitating differentiation, the collective conscience is 'forced to rise above all local diversities' and consequently becomes more abstract and general in nature. Indeed, Durkheim (1992a, p.112) argues that, in modern society, so diverse are our lives and ideals that the only essential characteristic we have left in common is our intrinsic human nature and that this 'quite naturally becomes the supreme object of collective sensibility'. So much so, in fact, that our shared humanity gradually becomes a new secular form of religion, which is able to bind us closer together amidst 'the changing torrent' of modern society, because this new cult is sufficiently universal in nature to 'suit all men without distinction' (Durkheim, 1973a, p.52; 1984, p.330). For although Durkheim refers to this modern religion of humanity as the cult of the individual, it is important to note that he asserts its overall purpose is 'the glorification not of the self but of the individual in general' and therefore it addresses itself to all, providing 'the unique rallying-point for so many minds' (Durkheim, 1973a, p.48; 1984, p.333). Also,

his description of it as a religion is deliberately pertinent, since this modern cult shares all of the attributes of more traditional forms of religion, such as 'robust, sacred symbols' and the use of rituals in order to reaffirm and protect itself (Cladis, 2001, p.xxviii).

Considering that the focus of this new cult of the individual is a 'reverential respect' for humanity in general, it is rational therefore that its main symbols and rites should feature the crime of homicide in particular (Durkheim, 1984, p.119). This is because Durkheim (1970, pp.333-4; 1973a, p.48) argues that in becoming 'a god for men', man has acquired 'a kind of dignity which places him above himself as well as above society' and that this dignity is not only 'worthy of respect' but also protection. For the cult of the individual causes us to view human life as sacred and, therefore, 'outrages against the person' become more abhorrent to us, since we increasingly feel 'a broader pity for all sufferings, for all human miseries, a more ardent need to combat them and mitigate them, a greater thirst for justice' (Durkheim, 1992b, p.39; 1973a, p.49). The most important duty then, for any follower of this cult, is to prohibit homicide, since 'an act that results in depriving a human being of his life ... must of necessity seem to be the most heinous of all crimes' (Durkheim, 1992a, p.113). Durkheim therefore places a growing revulsion of murder, in comparison to all other crime, at the heart of his theories on social and penal evolution and argues that: 'There is no doubt at all that the respect and the value attached to the person by public opinion grow with civilization' (1992a, p.114) and, furthermore, that this reveals a direct correlation between sentiments of respect and human sympathy and the weight and intensity of punishments attached to murder (Durkheim 1970, 1992b).

For, as DiCristina (2000, p.499) reveals, Durkheim's analysis of the cult of the individual rests upon a crucial 'irony', since it posits that 'the sympathy which we feel for every man

who suffers, the horror which all destructive violence causes us' is also the same mental state which 'drives us to punish' those who inflict such moral atrocities (Durkheim, 1992b, pp.42-3). The cult of the individual therefore creates a curious paradox, for our abhorrence of suffering is also extended to those we must punish; yet, Durkheim (1992b) insists that any pity we may feel for the criminal can never outweigh the pity and indignation we feel on behalf of the innocent victim, since our offended morality would never allow it. Indeed, Durkheim (1992b, p.38) even argues that it is 'our greater moral sensitivity' and 'more developed altruism' which in fact lead us to reserve the most severe punishments for crimes against humanity, and especially murder. Hence, in his analysis of the cult of the individual, Durkheim therefore evokes human sympathy as 'an emotional force that can do more to incite punishment than to restrain it' and, in so doing, he explains the existence and 'persistence' of punitive attitudes in modern society (DiCristina, 2000, p.515, p.487). For he contends that not only is human sympathy 'a motivating force behind punishment', but also that punishment itself can help maintain a respect for human dignity 'by reinforcing collective sentiments associated with humanity' (DiCristina, 2000, p.501, p.494n). Durkheim's irony that 'compassion can be cruel' therefore is of great import, since it asserts that 'people will generally become more punitive as they become more sensitive to the suffering of others' and DiCristina (2000, p.485, p.504) argues that in modern society this increased compassion may result in an equal increase in popular punitivism and a subsequent need for the punishment of criminals to become more public, whether in actual practice or simply through more prominent discourse in 'the media of popular culture'. Indeed, Valier (2004b, pp.6-7) also contends that in our contemporary culture, 'the mediated spectacle of crime and punishment' in public discourse is increasingly engaging onlookers 'as audiences of fearful victims and enraged avengers'

and she explains how, for example, internet communications about notorious murder cases can often spawn 'imagined collectivities' based upon a shared punitive response.

It is to be argued therefore that Durkheim's analysis of the cult of the individual provides an insightful explanation with regards to the social significance of nineteenth-century crime and execution broadsides. For not only can it account for the punitive nature of their discourse, but also it is able to explain why, as evidenced in chapters two and four, these broadsides tended to become more secular in content and focused so heavily on the crime of murder. In contrast to other scholars who have argued that this broadside content is either evidence of ideological social control or simply a form of violent entertainment, this thesis suggests that Durkheim's cult of the individual provides the key to unlocking a more meaningful understanding of these texts. For perhaps it is more appropriate to consider that these broadsides may reveal a concern for the value and dignity of human life in a period of history when ordinary people were struggling to survive. This hypothesis is certainly feasible if we consider that sociologists of both crime and literature have long argued that public narratives and rituals tend to express 'social concern at aspects of the moral order that cause stress in the community' (Goodlad, 1971, p.92; Albrecht, 1956; Elliott, 1980). Indeed, throughout this chapter it has been contended that popular narratives of crime often reflect 'the psychological needs and cultural attitudes' of their particular period and that these stories of intense human interest therefore correspond directly to the anxieties and actual lived experiences of their readers (Cawelti, 1976, p.3; Goodlad, 1971). Moreover, it is instructive to note that scholars have extrapolated this interpretation further by claiming that crime narratives, in particular, are a form of 'civic text', in that they tend to represent or 'confront issues of social, public life', especially if these are ambiguous or under strain (Lule, 2001, p.21; Goodlad, 1971; Cawelti, 1976). For example, Cawelti (1976, p.79)

suggests that popular narratives of crime and punishment often express 'a deep uncertainty about the adequacy of our traditional social institutions to meet the needs of individuals for security, for justice, for a sense of significance', especially during periods of social change and upheaval. Therefore, it is imperative that close attention be paid to the symbolic messages in the content of these popular transitional texts, since they may reveal social and cultural patterns of notable and intense meaning (Cawelti, 1976; Rockwell, 1977).

It is worth considering therefore that the fact that the act of murder, in all of its various forms, features so prominently in early-nineteenth-century broadsides might be of social and cultural significance because it reveals ordinary people's concerns regarding the perceived value and sanctity of human life during a period of intense social strain. For, as previously discussed, these broadsides were most prevalent during the worst years of industrialisation and urbanisation, and perhaps the newly immigrant and labouring poor felt that their lives were becoming devalued or losing meaning in this daunting modern world. Certainly Erikson (1966, p.ix) argues that 'the styles of deviation a people experiences have something to do with the way it visualizes the boundaries of its cultural universe' and so perhaps for readers of broadsides reports of murder reflected more profound and personal fears. For example, Erikson (1966, p.22) states that: 'Men who fear witches soon find themselves surrounded by them; men who become jealous of private property soon encounter eager thieves' and, therefore, it is also likely that people who fear their lives are deemed worthless find themselves besieged by murderers. One reason for this apparent paradox is that the more a community feels threatened by a particular form of behaviour, the more it will attempt to protect itself by confrontation, and one way of achieving this is to 'dramatize the issues at stake' and provide 'a forum, as it were, in

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which the issue can be articulated more clearly, a stage on which it can be portrayed in sharper relief' (Erikson, 1966, p.69).

This is something that early-nineteenth-century broadsides clearly do with regards to the issue of murder, and attempts to explain and confront this perceived social threat appear repeatedly throughout their content. Indeed, there are certain important elements of broadside discourse, which were previously detailed in chapter four, that can now be shown to have a close relationship with Durkheim's cult of the individual. For example, it is evident that most broadsides reflect the fact that murder is deemed abhorrent to common feelings of humanity, and great sympathy is shown for victims who suffer because of human indecency and cruelty. In fact, Durkheim's 'compassion can be cruel' irony is strikingly evident in broadsides, since criminals who showed no respect for the sanctity of human life are especially reviled, and readers are reminded that whilst some pity may be felt for the criminal on the gallows they must always reserve their greatest compassion for the innocent victim killed. In addition, one major theme in broadside discourse is the concept of a wasted life, be it that of a criminal or victim, and broadsides seem keen to advise that a human life is not to be squandered or abused, but instead should be respected and cherished. For example, criminals are often chastised for their dissipated habits and irresponsible choices, and broadsides frequently bewail the fact that the most heinous crimes can be committed for the most inconsequential reasons, such as a petty squabble or one drink too many or, even worse, for a paltry sum of money. As a result, the gravity of the act of murder is often seen at odds with the insignificance of the object to be gained from it and broadsides frequently lament the fact that a human life should be deemed so worthless.

It is not just the moralising discourse contained in broadsides, however, that resonates with the notion of the cult of the individual, but also the repeated use of particular symbols. For example, and as previously discussed, representations of bloodshed are an important aspect of crime broadside culture and can be effectively used to personalise episodes of violent victimisation. However, as Schilling (2005, p.214) highlights, Durkheim would also argue that blood is of particular importance 'as a source of symbolism for life' and that it is 'a sacred liquid' representative of all humanity. It therefore becomes a potent demonstration of the collective life and is charged with immense 'emotional power' (Schilling, 2005, p.222). It is to be suggested therefore that the symbolism of spilt blood contained in broadsides can be interpreted not only as a form of *memento mori* but also as a *memento vivere*, since it is a reminder of the value and meaning of life. Similarly, as recognised by Gatrell (1994, p.180), the basic gallows emblem that was often depicted on these broadsides also has 'its own *sufficient* power' (italics in original). Yet in contrast to those who would argue that this symbol merely represents the authoritarian power of the state to punish, Durkheimian theorists would claim an alternative meaning. For example, Smith (2003, p.35) contends that in late-eighteenth-century France, the guillotine 'became encoded as a sacred object that crystallized in a positive way the emergent ideologies of a new political order', in that it represented in mechanical form the 'revolutionary values of equality and progress'. Therefore, is it not possible that in early-nineteenth-century Britain the gallows also came to represent something more meaningful for the people, such as the emergent ideologies of a new social order based upon a collective morality that venerated the sanctity of human life?

For, at its heart, the collective morality contained in crime and execution broadsides during this period is simple and modest, and one that Durkheim (1984, p.338) himself would

recognise, since he claimed that the morality of the modern cult of the individual 'requires us only to be charitable and just towards our fellow-men'. Indeed, as previously highlighted in chapter four, early-nineteenth-century broadside discourse places great emphasis upon social duty and benevolent affections as being the basis and cement of human society and, as we have seen, moral responsibility is a common theme throughout these texts. For example, broadside commentary will often candidly remind their readers of their social and familial duties towards one another, proclaiming that children deserve protection from their parents, parents deserve respect from children, and spouses deserve care and protection from each other. However, even indirectly broadsides skilfully convey an underlying message of social and moral responsibility, such as in their depictions of neighbours rushing to help in the aftermath of a crime, or through the affirmations of guilt and shame felt by a community when a murder is committed in their midst. The overwhelming moral of these stories appears to be that we are bound to each other as fellow human beings and, therefore, these broadsides are not just warnings about crime and punishment, or merely tales to amuse, but can also be interpreted as heartfelt appeals for a sense of community and moral fellowship founded upon basic human decency and respect.

The fact that such appeals for community should be found in broadsides during this period should come as no surprise since, as a form of working-class culture, these texts have often represented more traditionally collectivist values and ideals. For example, McWilliam (1989, p.271) argues that popular broadside ballads written on the subject of the famous Tichborne claimant case in the 1870s[7] promoted 'a spiritual concept amounting to a wished for *Gemeinschaft*, a large community where everyone is taken care of' (italics in original), and that this populist balladry represented a working-class street mentality, which insisted

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[7] The Tichborne claimant case was a Victorian *cause célèbre* concerning an imposter's fraudulent claim to an aristocratic inheritance. The subsequent scandal and legal trials divided the nation, with the claimant finding considerable support for his cause, primarily among the working-class population, even though he bore no physical resemblance to the real heir. For a detailed history of this case see McWilliam (2007).

upon a sense of group loyalty, fair play and the dignity of the common man. Similarly, and as previously discussed in chapter five, Joyce (1991, p.218, p.22) also contends that such 'idealisations of community' were integral to working-class popular culture in the nineteenth century and that the broadside ballad tradition was especially important in advocating Utopian aspirations involving 'the idea of justice yet also the possibility of human reconciliation and fellowship'. It is little wonder therefore that broadsides dealing with such morally potent topics as crime and punishment should also reveal a working-class desire for kinship and cooperation, especially during a period when traditional communities and social ties were in such flux. For, as this chapter has shown, the ultimate function of all crime narratives is one of social integration and the restoration of order out of chaos, and perhaps these broadsides were an attempt by the ordinary labouring poor to provide for themselves a sense of security and community, which they feared was lost. Indeed, Durkheim himself might have argued that the moral rhetoric contained within these early-nineteenth-century crime and execution broadsides was simply an attempt 'to feel below the moral cold ... the sources of warmth', which naturally emanate from a cohesive and caring society and, moreover, he did in fact suggest that, in the intensity of a changing modern world, 'it is in the popular classes' that this new integrative moral force would particularly form (Durkheim, 1973a, p.xlvii).

Conclusion

In her study of classical Greek drama of the fifth century, Rockwell (1974) claims that these popular plays were, in essence, public rituals of crime and punishment and argues that they fulfilled a social and psychological need to defend moral norms and maintain equilibrium in a newly emerging society. Importantly, she declares that 'Durkheim's sophisticated argument' regarding the nature and function of both crime and punishment is

'apposite' to her understanding of these literary enactments and, in so doing, Rockwell (1974, p.49) therefore becomes one of a relatively small number of modern scholars who have recognised the continued relevance and importance of Durkheimian social theory in cultural and historical studies. This chapter has similarly aimed to justify the application of Durkheimian theory to an interpretation of early-nineteenth-century crime and execution broadsides by providing evidence from modern sociological and criminological research into the form and function of crime narratives. Indeed, so relevant are Durkheimian ideas to this area of study that it is possible to argue that a distinct social functionalist approach has emerged over the years, based upon the supposition that these narratives serve an important symbolic function and thus can be viewed as cultural artefacts of great social significance. This is because all Durkheimian interpretations of crime narratives appear to begin with the same premise, which centres on the crucial belief that this literature is normative and reflective of basic social mores, and this has led several different scholars to advocate the central themes of social unity and common morality in relation to popular representations of crime and punishment.

For example, throughout this chapter, various forms of crime narrative have been shown to be a modern form of social and emotional ritual, which performs the important cultural function of expressing and codifying a community's shared values and beliefs regarding crime and morality. Furthermore, it has been revealed that crime narratives are functional to social integration and stability, since they reassure of moral unity and restore a sense of ordered communitas, especially in times of cultural insecurity and change. This sociological interpretation therefore is crucial to an understanding of early-nineteenth-century crime and execution broadsides, since this street literature was not only one of the earliest forms of printed crime narrative, but also had a revival in popularity during the

height of the Industrial Revolution. Broadsides therefore have been shown to be important transitional texts, with a social significance far beyond mere entertainment or ideology, because these simple narratives of crime and punishment evidently provided for the newly emerging modern masses an accessible morality in an increasingly immoral and inaccessible world. Indeed, by synthesising Durkheimian social theory and nineteenth-century social history, this chapter has ultimately revealed that crime and execution broadsides may have aided social integration by affording the working class a means to bolster a sense of security and community. For in a world of social disorder and moral distance, these public declarations of murder and morality, served not only to consolidate and celebrate collective core values, but also provided potent reminders of a vital and common humanity.

Chapter Eight:

Conclusion - The Social Significance of Crime Broadsides: Bonding Not Binding

An early-nineteenth-century crime broadside is just a single sheet of paper that tells a tale of some bygone murder or execution and yet, as this thesis has argued, these scraps of old print have an emotional and symbolic power that most of their contemporary readers would have felt on a more personal and affective level than other crime historians have allowed. For example, if we revisit the broadside that was described at the very start of this study (see Illustration 1.1), it is certainly feasible that this piece of gallows literature could be interpreted as either a form of violent entertainment or ideological social control: for, on the one hand, it narrates the story of a sensational murder using short dramatic bursts of both prose and verse, accompanied by decorative illustrations, which almost verge on caricature; whilst, on the other, the allusions to the power of state justice dominate in both word and image, through the depiction of a clearly penitent condemned suffering for her crime on the scaffold. However, as this thesis has suggested, both of these interpretations neglect what is at the very heart of this broadside, and that is a poignant tale of human misery and suffering. For here, not far beneath the surface, the details are to be found of a real-life case of murder and domestic strife, which would have resonated deeply with contemporary readers. Indeed, a further examination of its content will reveal that this apparently simple tale of crime and punishment could have had a great impact on both a personal and social level.

For example, primarily this broadside recounts how an innocent and defenceless old woman, aged 84 years, was murdered in premeditated cold blood by a younger woman, Eliza Ross, who was charged with her keep at the time. In addition, there was no apparent motive for this unprovoked attack and the method of killing, which was suffocation, meant

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that the victim's death was slow and distressing, taking 'for upwards of half-hour' (JJ243 1832). Most notable, however, is the fact that this murder took place in front of two witnesses, namely, the killer's husband and her 12-year-old son, the former refusing to watch by resolutely looking out of the room's window, but the latter unwittingly seeing it all to the end. Indeed, the fact that the son witnessed the crime becomes the main focus of this broadside and forms the basis of the human interest story, since during the trial 'that Boys testamony was the most Important in the whole case [*sic*]' (JJ243 1832). It is undeniable therefore that this unusual twist would have naturally provoked public attention, yet this thesis argues that any reaction was due to pity rather than piquancy. For what is ultimately striking about this broadside is neither sensational gore nor proclamations of justice but rather a palpable sense of shock and sadness due to the consequences of this heinous crime. Because it must be remembered that this murder not only resulted in the loss of two lives, both the victim and the condemned, but also it destroyed a family, leaving a boy without a home, and for what? Undoubtedly, this sad state of affairs would have reached most people on a personal level but many contemporary readers would also have been aware of this crime's more public significance. For this murder was recognisable, both in court and on the streets, as a copy-cat killing inspired by the evil deeds of Burke and Hare only three years before, since Eliza Ross not only used the exact same strangulation technique, known as 'burking', but also it was a matter of public record, and therefore local knowledge, that she attempted to take the victim's corpse to the local hospital, presumably to sell for dissection (Dobson, 1951; Old Bailey Proceedings, 2012). It is arguable therefore that this known information would almost certainly have touched a nerve and provoked both outrage and alarm amongst ordinary members of the public, who perhaps had real cause to fear for the stability of society, as well as the sanctity of life, and it most definitely justifies why many of this

broadside's readers may have eagerly shared in its punitive celebration of this wretched murderer's demise.

The above example clearly corroborates the main contention of this thesis which is that, although only a form of cheap popular print, early-nineteenth-century crime and execution broadsides have a wider social, moral, and emotional meaning that deserves to be recognised. For despite the fact that, as chapter one has shown, the study of broadsides as a whole genre has attracted a substantial amount of academic interest over the years, there still remains a limited understanding of crime and execution broadsides in particular. This is because previous studies have provided only partial explanations of either the content of these broadsides or their social and historical context, and this has resulted in confusion, contradiction and assumption. For example, there has been much academic deliberation and debate regarding the meaning and function of this type of gallows literature, with contrasting interpretations portraying crime and execution broadsides as either a means of political propaganda and cultural hegemony, or a frivolous form of debased and salacious entertainment, whilst claims that they may reflect genuinely popular mentalities and moralities have been denied any real explanatory power. The main aim of this thesis, therefore, has been to provide an alternative, and arguably more insightful, interpretation as to the form, function and meaning of early-nineteenth-century crime and execution broadsides, by merging historical analysis with sociological theory in order to reveal their profound social significance. Indeed, this thesis has examined a number of issues which are crucial for an understanding of not only the broadsides themselves but also their contemporary readers, and there are several overwhelming conclusions to be drawn from this research.

For example, chapter three explored the social and historical reality of the early-nineteenth-century broadside ballad trade and provided evidence that clearly refutes the social control interpretation of this form of cheap literature. By primarily taking account of contemporary testimony, this chapter revealed that those in political and cultural authority had no control whatsoever over the publication and dissemination of crime and execution broadsides, but rather these texts were naturally borne from below and, therefore, can only be considered as an authentic and independent form of working-class popular culture during this period. This recognition clearly promotes the mentalités approach to any further interpretation of these texts and suggests that the content of early-nineteenth-century crime and execution broadsides may be considered as representative of ordinary people's lives and views. With this in mind, chapters two and four both examined exactly what these broadsides could tell us about contemporary working-class attitudes to crime, law, morality and punishment by presenting the findings of a detailed discourse analysis of a large sample of early-nineteenth-century broadsides. This analysis revealed that broadsides written on the subjects of crime and execution are much more complex than other scholars have assumed and that their discourse cannot be so easily categorised as mere entertainment or ideology. For example, it was shown that these deceptively simple texts, when closely read, actually contain a substantial amount of factual detail regarding crime and criminal justice in early-nineteenth-century Britain and, moreover, that they contain a wealth of evidence which suggests that ordinary working people both supported and participated in the detection and punishment of criminals.

This historical and textual analysis raised several theoretical issues which needed to be addressed and chapter five investigated the concepts of popular punitivism, social control and class. In doing so the inherent weaknesses of traditional interpretations of crime and

execution broadsides were highlighted, since both historical and sociological evidence strongly corroborates that consensus, and not conflict or control, is their dominant theme. In consequence, it was suggested that clearly a new interpretation of these important historical texts was required, and especially one that could provide a more satisfactory theoretical framework. The rest of the thesis then proceeded to provide such an interpretation, arguing that a social functionalist approach, based upon the theories of Emile Durkheim, can expand our understanding of crime and execution broadsides, by accounting for aspects of their content left previously unexplained. For example, in chapter six, it was made clear how a Durkheimian interpretation can fully account for both the punitive and moralistic content of such gallows literature, without having to resort to accusations of contemporary civilising hegemony or overt political control. For Durkheimian theory reveals the social and emotional functions of crime and punishment, and emphasises the collective and moral source of power and authority in society. Similarly, chapter seven continued to expand upon this understanding by discussing how these broadsides, as a recognisable form of traditional crime narrative, must be considered as more than mere sensationalistic entertainment, since modern sociological and criminological research points to their socially significant utility and function. Ultimately, therefore, this thesis has argued that early-nineteenth-century crime and execution broadsides now need to be recognised as an important form of moral communication, since they are an example of how deeply held sentiments regarding crime and punishment were expressed and maintained during a particularly challenging period of history. Moreover, these sentiments were those of ordinary people, and broadsides, in focusing on such issues as crime and punishment, provided a medium through which the social fears and moral concerns of the masses could be articulated. As such, this thesis has suggested that these emotive texts were bonding rather than binding, since they gave their working-class

readership a much-needed sense of security and solidarity in the midst of immense social instability and change, and that this unity was simply, yet profoundly, based upon a cherished common morality.

It has to be noted however that, due to the nature of the task, there are certain inherent limitations to this particular study. For, although based upon a detailed textual analysis of broadside content and making use of sound sociological theory as an interpretative tool, this explanation of the social significance of early-nineteenth-century crime and execution broadsides is still arguably only one subjective and interpretive account, much like the original material itself. Indeed, broadside scholars have long recognised that there are 'considerable difficulties of interpretation' with regards to their chosen primary sources, since it is impossible to know for sure exactly how these texts were read and perceived by their original public (Joyce, 1991, p.222; Neuberg, 1977; Burke, 1978; Hopkin, 2002b). This interpretive concern is especially valid for a study such as this, which attempts to extrapolate from broadside discourse an understanding of contemporary readers' attitudes, values and beliefs. Thompson (1980, p.485), however, argues that such 'judgements of value' are as legitimate as assessments of fact and that human values should not be considered ''imponderables' which the historian may safely dismiss with the reflection that, since they are not amenable to measurement, anyone's opinion is as good as anyone else's'. On the contrary, Thompson (1980) asserts that any decent historical sociologist should attempt to reconstruct the values actually held by those who lived through a particular historical period, since this endeavour alone reveals the humanity behind the historical fact.

This is why broadside ballads will no doubt remain an important source for academic study, since they provide valuable insight into the 'human situation' and allow us to discover how 'ordinary people lived and thought in other times' (Shepard, 1962, p.37, p.17). And whilst this thesis in no way claims to provide a definitive account of early-nineteenth-century mentalities and moralities with regards to crime and punishment, it does at least offer a theoretically secure foundation upon which such a social judgment may be made. For the strength of this particular study is that its claims are recognisable in our own lived experience and this is something that other interpretations fall far short of. For example, it has clearly been established here that early-nineteenth-century broadsides on crime and punishment are equivalent to modern-day news stories, and when the ordinary public read or hear of similar violent acts and domestic murders in today's society, it is surely not only arrogant but erroneous of scholars to assume that either vacuous entertainment or political constraint is the audience's primary concern. For this quite simply does not do justice to how we ourselves react to reports of crime, since feelings of shock, pity, outrage and horror are our natural human response, especially when faced with senseless murders, and we only have to pick up a newspaper or switch on the television to substantiate this. Why then should anyone imagine that our ancestors felt any differently when they read or heard a broadside in the early nineteenth century?

Indeed, one of the stated aims of this thesis has been to rescue both the crime broadside and its readers from such academic condescension by providing not only an historical account of crime and punishment, but also by engaging with 'prevailing theories of social life' (Godfrey and Lawrence, 2005, p.168). It is appropriate therefore that, due to the truly interdisciplinary nature of this thesis, some final reflections are included regarding its implications for not only future broadside scholarship but also the wider disciplinary

practice of crime history. For, despite the fact that there has undoubtedly been a blurring of disciplinary boundaries within the history of crime over the last few years, there still appears to exist 'two elephants in a very small room which both ignore each other' (Godfrey *et al.*, 2008, p.2). These academic elephants are social history and criminology, and although their relationship 'can no longer be described as a dialogue of the deaf, it is still being conducted very largely in discreet whispers' (King, 1999, p.161). This is primarily because the two disciplines are often deemed by many to be too different to be compatible; for example, there have been claims that since history describes in detail the specific events of the past and the social sciences theorise in general about the present that no common ground can ever be reached (Harrison, 2004; Burke, 2005). Yet surely this stance should appear short-sighted to any historian or criminologist working in the field of crime history, since they share a similar goal, which is to study human behaviour and 'to explain and understand the past in order to gain deeper social knowledge' (Monkkonen, 2002, p.23; Burke, 2005; Godfrey *et al.*, 2008).

However, for crime historians, as opposed to historical criminologists, there appears to remain one major stumbling block in the advance of the subject and that is their continuing reticence to fully utilise social theory. Indeed, it has long been recognised that historians have traditionally been somewhat apathetic or even hostile towards social theory, with some maintaining that 'theory is best rejected in preference for an emphasis on nothing but 'the facts'' (Godfrey *et al.*, 2003, pp.22-3; Sharpe, 1988; Burke, 2005; Godfrey *et al.*, 2008). Although there are definite signs that this attitude is slowly changing, there is still a concern recognised here that historians often consider a nod to certain vaguely defined or generalised ideas as the inclusion of some theory in their work (Berger *et al.*, 2003), as the discussions in chapters five and seven regarding the concepts of social control and anomie

bear out. This can only be due to the fact that, certainly within the history of crime, historians 'still tend to raid criminological texts without fully embracing or understanding the deeper theoretical foundations of the ideas and research they are using' and this unfortunately results in speculative conjecture, rather than convincing explanation or 'cogent narrative' (King, 1999, p.161; Godfrey *et al*., 2003, p.23). Yet, social theory is too important to be relegated to a simple footnote by crime historians since, as this thesis has shown, the great sociologists 'still have much to teach us' and historical studies of crime and punishment are only to be 'denuded of much explanatory force' without reference to their sociological insights (Burke, 2005, p.x; Black and MacRaild, 2000, p.131). Indeed, crime historians are in danger of discrediting themselves if they continue to ignore the fact that vast areas of their subject have 'long been investigated by sociologists' and that 'a body of theory, a range of concepts and an arsenal of methods' is awaiting their attention (Harrison, 2004, p.143). It is imperative therefore that crime history, as a burgeoning academic discipline in its own right, should begin to adopt a more theoretically grounded sociological language and methodology, for only then will it be able to fully explore the depths of its remit (Godfrey and Lawrence, 2005; Godfrey, 2012). For example, with regards to this particular study of early-nineteenth-century crime and execution broadsides, the use of discourse analysis and the application of Durkheimian theory has allowed for their profound social significance to be conclusively revealed, and crime historians can no longer accept them as mere curiosities of control or relics of recreation but need to recognise the role of these broadsides in the formation of communities and consensus.

APPENDIX

Coding Sheet Devised for Discourse Analysis of Broadside Sample

Coding / Core Categories   **Ref:**

Crime
Date of Crime:
Place of Crime:
Type of Crime:
Motivation for Crime:
Modus Operandi:

Criminal Justice
Event/s Covered:
Sentence:
Court / Judge:
Date of Execution:
Place of Execution:

Criminal
Name:
Age:
Place of Origin:
Occupation:
Character Pre-Crime:

Behaviour Post-Crime:

Victim
Name:
Age:
Place of Origin:
Occupation:
Character Pre-Crime:
Relation to Criminal:

Broadside
Title:
Type:
Date of Publication:
Name of Printer:
Place Printed:
Woodcut Illustration:
Verse / Prose:
Cited Source:
Other:

Coding / Core Categories   **Ref:**

Phraseology
Gory Sensationalism:

Religious Imagery:

Moral Maxims:

Commentary
On Specific Crime:

On Specific Criminal:

On General Crime / Criminality:

On Criminal Justice / Law / Sentence:

On Victim:

On Readers:

On Public:

On Society:

On Execution:

Notes

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[Shelfmark: Crime 1 (34)]. Available at: http://www.johnjohnson.chadwyck.co.uk (Accessed: 29th January 2009).

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JJ189 (1826) '*An excellent Address by the Judge, when pronouncing the awful Sentence of Death on Thirty-five Men and Seven Women, at Lancaster, on Monday the 21st August, 1826, who were Tried there for being concerned in the late unlawful Riots that took place in that County, when property in Power-looms, &c. was destroyed to a great amount*', [Edinburgh: n. pr.], Oxford, Bodleian Library, University of Oxford, John Johnson Collection of Printed Ephemera: Crime, Murder and Executions [Shelfmark: Harding B 9/1 (62)]. Available at: http://www.johnjohnson.chadwyck.co.uk (Accessed: 29th January 2009).

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NLS135 (1833) '*A Full & Particular Account of the Execution Of Robert Tennant, Who was Executed at Stirling on Wednesday morning, the 2d of October, for the bloody Murder of William Peddie, an old man, about 70 years of age, on the high road between Beancross and Kerse toll, parish of Falkirk, on the evening of the 3d of August last, with his Speech upon the scaffold, also a copy of his Lamentation*', [n. pl.: n. pr.], Edinburgh, National Library of Scotland, The Word on the Street Collection: Executions and Executioners [Shelfmark: Ry.III.a.2(113)]. Available at: http://digital.nls.uk/broadsides (Accessed: 5th February 2009).

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NLS167 (1824) '*Execution. Account of the Behaviour since his condemnation, and on the Scaffold, of John McCreevie, who was Executed at Glasgow, on Wednesday the 2d of June, 1824, for House-breaking and Theft at Springvale, with a solemn warning to his companions, and those who, like him, are running a course, which leads to an awful death*', [n. pl.: W. Carse], Edinburgh, National Library of Scotland, The Word on the Street Collection: Last Words [Shelfmark: L.C.Fol.73(071)]. Available at: http://digital.nls.uk/broadsides (Accessed: 4th February 2009).

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NLS178 (1807) '*The Last Speech, Confession and dying words of the Lives of John Smith, and George Stevenson, who were Executed, at the West End of the Tolbooth of Edinburgh, this day the 21th of January, 1807. For the Crime of Horse Stealing*', [n. pl.: n. pr.], Edinburgh, National Library of Scotland, The Word on the Street Collection: Last Words [Shelfmark: Ry.III.a.2(3)]. Available at: http://digital.nls.uk/broadsides (Accessed: 4th February 2009).

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NLS214 (1822) '*Horrible Murder. A true account of that horrible murder that was committed at Kilsyth 12 miles from Glasgow on Saturday, 6ᵗʰ April, 1822; when a young man in a cruel manner murdered his own father, by stabbing him in the belly with a large knife*', [n. pl.: n. pr.], Edinburgh, National Library of Scotland, The Word on the Street Collection: Murder [Shelfmark: Ry.III.a.2(26)]. Available at: http://digital.nls.uk/broadsides (Accessed: 6th February 2009).

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