In recent years much attention has been given to the ways in which “Victorianism” bore down upon women throughout the western world in the nineteenth century. The ideologies of true womanhood and separate spheres have been shown to have enclosed, restricted, and disciplined women through a multitude of practices. Their nature redefined as peculiarly moral and nurturing, Victorian women tended to be more confined to domestic duties than hitherto. Explorations of this gender shift have certainly deepened our understanding of nineteenth-century society. It is time, however, to broaden and deepen our vision yet further. Despite the new appreciation of gender inspired by feminism, comparatively little attention has been paid to the growing pressure of nineteenth-century institutions of social control upon men. Feminist historians themselves are beginning to recognize and indeed argue that a gender perspective requires attention to the construction and expression of masculinity as well as femininity. However, such arguments have usually been accompanied by a flattening assumption that gender relations have always and everywhere been structured similarly,
with men as the collective exercisers and beneficiaries of power, and women as its collective objects and victims. Such a "power essentialism" does not always encourage the fullest exploration of changing gender constructions in the past. By no means was every mode of "gendering" necessarily to the advantage of men or the disadvantage of women.

A close look at the relations between the criminal law and men in nineteenth-century Britain shows a more complicated picture. If women were being culturally reconstructed and subjected to new gender-based disciplines in the nineteenth century, the same can be said of men. The early Victorian reconstruction of womanhood was paralleled and complemented by a much less well known reconstruction of manhood, and a full understanding of the relations between gender and culture requires that both processes (intertwined, of course) receive their due. This essay is therefore not meant to be a complete or balanced account of these relations but, rather, a complement to existing accounts focused on the treatment of women.

**Gender and Violence**

The most direct institution of social control in nineteenth-century Britain was its rapidly expanding criminal justice system. If this system was in many ways "classed," as many historians have usefully argued, it was also gendered. When historians of the criminal law have taken notice of gender, however, it has usually been for one purpose only: to target the stigmatization and control of women, as in the treatment of prostitutes or of unmarried mothers. Yet there is more to be done in bringing gender and justice into fruitful historical interplay. In particular, it is time to examine a little-noted but pervasive pattern emerging in the course of the nineteenth century, in which the law increasingly stigmatized and proscribed long accepted modes of male behavior.

Central to "traditional" patterns of male behavior in eighteenth-century Britain was the acceptance of a high degree of physical aggressiveness, both against other men and against women. Men were far more likely than women to exhibit general physical aggressiveness and also to commit outright violence. This was true of early modern Europe in general. As Robert Muchembled has observed of France in the fifteenth through seventeenth centuries, not only were homicide rates far higher than in modern times, but even more, "violence is at the very heart of life" and
"especially attached to male roles." He described it as playing a fundamental role in young male life, as cementing group bonds and providing rites of passage into adulthood. The Belgian historian Marie-Sylvie Dupont-Bouchat has recently gone even further. Noting that something like half of all homicides took place in or about taverns, she has found violence to be almost "exclusively a male thing." Similarly, Pieter Spierenburg has recently described a pervasive lower-class male "knife-fighting culture," centered around taverns, in seventeenth-century Amsterdam, which produced remarkably high homicide rates. Eighteenth-century Britain was no exception. In Surrey between 1660 and 1800, about 85 percent of grand jury "true bills" for assault were against men; the proportion actually prosecuted was even higher. Indeed, in eighteenth- and early nineteenth-century Essex, 92 percent of those prosecuted for assault were male.4

These figures, of course, are of prosecutions only; yet, as far as we can tell, the bulk of the almost surely much larger domain of unprosecuted interpersonal violence, including behavior (like settling disputes by "fair fights") that was not even clearly disapproved of was also male. And if men dominated the ranks of those prosecuted for assault, the same is true of homicide (except for the killing of infants, which required, significantly, much less physical aggressiveness, often being accomplished simply by abandonment). This eighteenth-century pattern was no historical anomaly but, it would seem, deeply rooted. Almost every historical, sociological, and anthropological study of violence has found it to be highly gendered.5 Indeed, in virtually all times and places, males have accounted for a very disproportionate share of physically aggressive behavior. Of the 241 women officially recorded as murdered in the United Kingdom in 1991, to cite a particularly striking statistic (as well as one close to home), every single known killer was male.6 We do not need to resolve the longstanding causal debate as to how much of the pronounced gendering of aggression and violence is "natural" and how much "social" or "cultural" to accept the fact that violent behavior has been in the past and is today very disproportionately male.7 Given that circumstance, any change in the social valuation of physical aggressiveness carries clear gender implications. To increasingly stigmatize and criminalize the personal use of physical force is to very disproportionately stigmatize and criminalize men.8 Such stigmatization and criminalization is precisely what took place, in Britain and elsewhere, in the course of the nineteenth century.
This stigmatization and criminalization of violence would appear to be part of a long drawn-out process of character reshaping in which, throughout "western" societies, internal psychic controls on the expression and immediate gratification of impulses were heightened. This "civilizing process," as Norbert Elias termed it, was probably related to the growth of states, cities, and a market economy — in short, to the structural processes of "modernization," reinforced by the deliberate efforts of increasingly powerful states. Much has been written about the "civilizing process" since Elias coined the term, particularly about its class implications. The "civilizing offensive" that warred on much of the traditional culture of the populace has been identified with the rising bourgeoisie, whose way of life was so much more in harmony with its values and whose interests it could be said to have served. Yet if the process was "classed," it also had specific gender implications that have generally been overlooked. Indeed, more than merely "implications": it is not too much to say that the "civilizing process" was fundamentally and deeply gendered. Just as the universal prescriptions of "civilized" behavior bore down with different force and consequences on the poor and on the rich, they affected men and women differently. The nature of new restrictions on impulsiveness varied: while the "civilizing" of women proceeded particularly around their sexuality (a well-known story), that of men, by contrast, focused primarily around their aggression.

This process, elements of which can be detected from the sixteenth century, accelerated with the breakthrough in the pace of social change in the later eighteenth century. The readiness to resort to violence that lay at the heart of "traditional" manhood was then challenged by several new and rapidly advancing cultural movements. The "culture of sensibility" and the Evangelical religious revival shared a commitment to a "reformation of male manners," an ideological and affective "domestication" of men that complemented their better-known domestication of women. Throughout the new sentimental fiction of the eighteenth century, which drew an unprecedented number of female readers, G. J. Barker-Benfield has shown, "men are depicted as savage hunters, trappers, and fishermen, with women as their prey." Much of this fiction did not merely register anxiety about male predatoriness, but yearned to change men, to make them less frighteningly aggressive: to turn the macho "man of honor" into the domestic "man of feeling." The Evangelical revival, from rather different origins, worked in the same direction. Evangelicals regularly de-
nounced the worship of "honor," and sought to replace it by the conjoined ideals of "sympathy" and "prudence." Accordingly, in the rapidly growing and increasingly influential religious middle classes male selfhood came to depend less on physical virility and more on occupation, on "rational" public activity, and on one's role as husband and father—a shift which was to spread both to the aristocracy and to the working classes during Victoria's reign.

Similarly, the "civilization of the crowd" that both secular and religious reformers of manners opposed was predominantly a male culture, and its most authentic emblem was Punch beating his wife (and child). The Victorian era gradually softened Punch's fierce brutality and aggressive sexuality, turning him from a figure of adult entertainment to one confined to juvenile audiences, as was happening with the wider male culture he symbolized. Domestication was also overtaking the violent and quasi-pornographic popular literatures of "true crime" and criminal fiction that had exploded with the coming together of a mass rudimentary readership and cheap printing early in the century. After describing with outrage the prominent illustrations of brutal and gory crimes displayed in store windows to sell broadsheets and "penny dreadfuls," Charles Dickens's periodical *All the Year Round* asked, "Is it good for the audience of men and boys" that was "never wanting" for such exhibitions "to be familiarised with these things? . . . when the time of temptation comes his nature will be all the less ready to resist, because of the habitual familiarity with violence." Under a combination of overt moralist pressures and a "civilizing" audience, such literature was gradually transmuted into several tamer genres, among them "boys' adventures" and detective fiction.

In such ways, the reaction against the expression and display of violence that steadily advanced in nineteenth-century Britain became closely associated with the specific desire to change men, to redefine the "ideal" or "natural" attributes of masculinity. Indeed, the one exception to the trend to stigmatize, criminally prosecute, and punish more severely more instances of violence underscores its gender affiliations: the only form of violence in which women predominated—the killing of newborn infants—was the one that in certain ways defied this trend, being in fact increasingly likely to be punished less severely than before. It is not that the violence of infanticide became any less shocking; indeed, prosecutions for the noncapital offense of "concealment of birth" (which stood to infanticide roughly as manslaughter stood to murder) rose from 1803 (when its
However, the blame for such violence was progressively shifted to male seducers—men “of dissolute principles,” working on “the tender minds of our various females,” as one broadside put it, or even to overly punitive fathers. “Let the frailties of human nature be what they may,” another broadside writer observed, “and in an unguarded moment a female be led astray and wander in the paths of illicit intercourse; it is much to be regretted that the laws operate so severely against them, and that the finger of scorn is for ever to be pointed at the despised victim of man, and drive them to commit acts at which human nature shudders, rather let us follow the example of him who said on a similar occasion, ‘Let him that is without fault cast the first stone at her.’”

As such sentiments were ever more widely accepted, penalties for both concealment of birth and the capital charge of willful child murder became ever milder. After midcentury, almost every convicted “murdering mother” was respited from hanging; as a local petition, supported by the judge, observed in one such case—that of an eighteen-year-old who had killed her three-month-old child—they “deeply pity her, both on account of her youth and in consideration of the gross wrongs she has suffered at the hands of her seducer.” During the nineteenth century, capital sentences upon women were ever more widely regarded with horror. As Vic Gatrell has recently noted, “Women whose sufferings ensued from misguided sexual passion or loyalty to powerful men became subjects of sympathy, and male villainy became the active principle in such stories.”

A sea change in constructions of gender was thus taking place in tandem with a similarly fundamental alteration in constructions of violence, reshaping the cultural context within which criminal justice operated.

The Criminalization of Violence

What was happening, specifically, to legal constructions of “violence”? For eighteenth-century English criminal law, neither in principle nor in practice was personal injury a major concern. Whereas theft of property valued as low as a shilling was a felony, punishable at least in principle by hanging, assault was not—unless the victim died. Even manslaughter—culpable but nonintentional killing—carried a maximum penalty of only a year’s imprisonment. Even the minimal sanctions against violence available in law, moreover, were only rarely applied; most cases of private violence in the eighteenth century seem not to have reached the courts, and
even those that did were generally viewed as essentially private matters. Sexual violence received even less attention: not only did the law make rape extremely difficult to prove, resulting in a very high acquittal rate, but most complaints of rape or attempted rape seem to have been dismissed by JPs or grand juries without ever reaching trial.

This legal tolerance of interpersonal violence began to change during the second half of the century, with administration preceding the formal law. The treatment of assault hardened in two ways: the size of fines tended to spiral, and courts became increasingly willing to order some time in jail in cases of serious violence. By the 1820s, the typical penalty for most assault convictions had altered from a nominal fine to the clearly harsher one of imprisonment. Similarly, in manslaughter cases by the turn of the century the jury’s finding that the victim’s death came by way of accident did not necessarily, as earlier, lead to a discharge; in such cases, if offenders had shown recklessness or imprudence, they were increasingly likely to be sentenced to some jail time. Concern for personal security also seems a major motive behind the war on juvenile crime that began in the 1790s and accelerated after 1815. Just as the growing intolerance of violence was chiefly impacting upon men, this new effort against youthful delinquency was disproportionately directed against boys, whose prosecution rose faster than that of girls. Boys, who were far more likely than girls to combine theft with a degree of personal violence, were perceived as a threat in a way that girls were not.

After 1800 judges and juries showed a new interest in prosecuting violence in jurisdictions traditionally outside their sphere, such as among the military and at sea; both these realms, of course, were traditional strongholds of aggressive male culture. Soldiers first appeared in Kent assizes as accused killers in 1806, although that county’s dockyards and ports had long been home to an unruly military population. Similarly, it was only after the turn of the century that efforts were made in Kent courts to impose liability upon ships’ masters who had killed men under their command.

New legislation increased the potential penalties for violence. Lord Ellenborough’s Act in 1803 made possible capital prosecution of attempted murder or even in certain cases of mere attempts to commit serious injury, if firearms or sharp instruments were employed. And Lord Landsdowne’s Act in 1828, which replaced the 1803 act, dropped the requirement of use of such weapons. Also in 1828, magistrates in petty sessions were given wider jurisdiction over common assault and battery, including the power to imprison. In 1822 (the same year in which cruelty to animals was first
criminalized) the maximum penalty for manslaughter was increased to three years imprisonment or transportation for life; in 1837, while a great many property offenses had their penalties reduced, those for various kinds of assault were raised. All of these measures tended to augment the number and the proportion of men being prosecuted and more severely punished. Even as the number of assault cases prosecuted in London and Middlesex, for example, rose sharply between 1760 and 1830, the proportion of female offenders (always a minority) fell. More prosecutions and convictions for assault thus meant a growing criminalization of men and a complementary “masculinization” of the social perception of “the criminal.”

Even more obviously gendered was the new attitude toward killings in defense of honor or status, which began to lose their traditional excusable character. Spokesmen (and spokeswomen) for a broad spectrum of cultural and intellectual movements, from Evangelicalism to Utilitarianism, converged in condemning the masculine culture of honor. Dueling, long technically criminal, now began to be seriously proscribed. In August 1838 a successful prosecution for murder placed the institution in the dock of public opinion: four gentlemen were convicted at the Old Bailey (London’s chief criminal court for serious offenses) of murder for a death resulting from a duel on Wimbledon Common; although the mandatory death sentence was of course commuted, they did suffer a rather severe twelve months’ imprisonment, which marked a watershed in judicial treatment of dueling. Within a few years the military code was revised to provide severe penalties for the practice. This was paralleled for the lower classes by a hardening official attitude toward pugilism, whose practitioners were increasingly liable to criminal prosecution if serious harm or death resulted. Following his 1875 decision to award only a week’s imprisonment to participants in a working-class “set fight” in which a man died, Mr. Justice Brett was roundly criticized for leniency by the Times. “It is one of the first conditions of civilized society,” the newspaper announced, “not to mention Christianity or morality, that men should abstain from fighting out their quarrels, and that they should be content to seek from the law the redress of any real injury they may suffer. The mass of people are not of so mild a temper that a laxer doctrine can be safely encouraged among them.”

In line with this custom, the leading stimulant of violence, drunkenness, was becoming less likely to mitigate one’s responsibility for disor-
derly behavior. In sentencing one wife slayer at the Old Bailey in 1839, Mr. Justice Parke observed that “the barbarity of the act admitted of no excuse, and only one circumstance could possibly be suggested as to the cause of the dreadful crime—namely, that he was intoxicated at the time. The law, however, could never admit intoxication as an excuse for such a heinous offense; for if it did, the most dreadful crimes, many of which were committed under the baneful excitement of drink, would go unpunished.” As another judge declared in an 1865 case of wife murder, “To have one law for drunken or angry and another for sober or quiet people would be subversive of all justice and order in this country.” Correspondingly, the Home Office was ever less likely to make allowances for drunkenness in deciding on reprieves from capital sentences. In the 1839 case, despite a deputation to the Home Office that included sheriffs and aldermen, the man was hanged. The Home Secretary told the deputation that “he regretted to say that murders committed under the excitement of drink had become of late so frequent, that it was necessary an example should be made.”

What was applied to drunkenness held also for other forms of loss of self-control. In 1852, Mr. Justice Cresswell, later to be placed in charge of the new divorce court (and there to become the single most influential arbiter of Victorian marriage behavior), rejected an accused wife-murderer’s plea for reduction of the charge to manslaughter by reason of provocation by taunting language, emphasizing the traditional, but oft-ignored, points of law that words could form no justification for mortal violence and that death produced by a willful and unprovoked blow was murder, although the blow may have been given in a moment of passion or intoxication. In the realm of violence against women, judges tended to be ahead of the broader (male) public (or just more generally punitive): here, for example, despite Cresswell’s argument, the jury (probably focusing on the defendant’s apparent drunkenness) found the lesser verdict of manslaughter. It was only gradually that the taunts of “bad” wives or tavern-fellows ceased to be readily allowed by juries as provocation in assault and homicide cases. Nonetheless, the trend throughout the century was clearly in the direction of more severe prosecution of such violence.

Both Victorian antidrink campaigns and Victorian feminism drew much of their emotional force and moral authority from denunciation of male violence, particularly against women and children. Judges increasingly joined in such denunciations, not just on behalf of long-suffering
domestic "angels," but even where the violence had been clearly provoked by bad wifely behavior. The highly publicized 1819 case of Henry Stent may have marked a watershed in this regard: Stent, a respectable middle-class man, attacked his wife, attempting but failing to kill her, after she had run away with a lover and then, remorseful, sought to return. Although judge and jury expressed sympathy with Stent, he was nonetheless convicted of attempted murder and imprisoned for two years. In 1841 James Taylor, a Salisbury pig-dealer, shot his wife to death after she eloped with a man who had lodged in his house. He was promptly convicted of murder. The jury urged mercy, and many leading citizens of Salisbury, "taking into account the circumstances under which the crime was committed," petitioned for clemency; however, the judge withheld his support for their plea, and the man hanged. At every level of the criminal justice system, men were increasingly expected to exercise a greater degree of control over themselves than ever before.

Judges, juries, and lawmakers also began to display a new attitude toward sexual violence. Prosecutions and convictions for sexual assault rose after 1800, and legislation in 1828 removed the need to prove seminal emission in rape, making any degree of penetration, if forced, sufficient. This change in the law had a double significance: practically, it made prosecution easier while, ideologically, it more clearly defined the offense as one of violence rather than of illegitimate taking, a crime against a woman as a person rather than as the property of her husband or father. Anna Clark has minimized the "progressive" aspect of this alteration, arguing that it was not a desire to convict rapists but "moral objections to women recounting explicit details in open court [which] seem to have provided the main impetus behind the 1828 legislation." However, while one can readily grant that the rise of sexual prudery and an ideology of female purity was operating here, to see the change only as "silencing" women, as Clark does, and not also stigmatizing and criminalizing their assailants, seems much too one-sided. For the prosecution of sexual assault did eventually rise markedly—if not in the early Victorian years, then in the second half of the century (aided by the undoubtedly puritanical Criminal Law Amendment Act of 1885, which among other things made it easier to prosecute molesters of young girls).

At the same time, both judicial tolerance and popular acceptance of violence against wives were fading. The shaming sanction of "rough music" came to be deployed less against female scolds and male cuckolds and
more against wife-beaters. In the 1820s newspapers, seeking to boost their circulation, lowered their prices and turned to exposing crimes against women. Even the comparatively expensive *Sunday Times* followed innovating Sunday papers like *Lloyd’s* and *Reynolds* by expanding its coverage of “dreadful” and “horrible” crimes, particularly murders and rapes. By the 1840s, this journalistic turn had become a well-nigh universal preoccupation. Although some of these sensationalizing news stories had female villains (a poisoner was always a good seller), among the “heavies” men clearly predominated.

At all levels the courts were paying growing attention to domestic violence. After summary jurisdiction was extended in 1828 to common assault and battery, providing a cheaper and quicker venue than jury trial for complaint and remedy, abused wives came to form a larger part of the growing business of magistrates’ courts. And in the higher courts, judges increasingly pressed reluctant juries to punish life-threatening violence against spouses, heaping some of their fiercest abuse on convicted wife-killers.

As much of the press, and most of the judges, took up the cause of reforming men, domestic violence for the first time entered national political debate, leading to the first legislative measure specifically addressing the problem. The 1853 Act for the Better Prevention of Aggravated Assault upon Women and Children set the first clear ceiling on the degree of “chastisement” permitted husbands and fathers. The act extended summary jurisdiction to aggravated assaults, and allowed magistrates, without juries, to punish attacks on all females and on males under fourteen that resulted in actual bodily harm by up to six months imprisonment with hard labor (raised in 1868 to one year). Prodded by voluntary bodies like the Society for the Protection of Women and Children from Aggravated Assaults, founded in 1857, which sent observers into magistrate’s courts, this trend to criminalize violence against women continued through the late nineteenth century, with prosecutions for assaults on females rising even as total prosecutions for assault (most of which were male-on-male) began to fall. Every decade produced new legislation—in 1878, 1886, and 1895—providing increased legal recourse, both criminal and civil, for victims of marital violence. Such measures reflected two desires, interrelated but distinct: to better protect women and to reform men. As one MP observed in introducing a bill in 1856 to make such violence punishable by flogging, the issue was at root not a woman’s but “a man’s
question. . . . It concerned the character of our own sex, that we should repress these unmanly assaults; and he believed that upon the men who committed them they had a worse and more injurious effect than they had upon the women who endured them.”

Meanwhile, the draconian earlier penalties for property crime (in which women formed a higher proportion of offenders than in crimes against the person) were being reduced, in particular by the wholesale removal of capital offenses. After the passage of the Criminal Law Consolidating Acts in 1861, although by modern standards crimes of theft were still punished severely and crimes of violence lightly, the relative scale of penalties for these two types of offense had been significantly rearranged. This rearrangement continued, as the next few decades witnessed repeated violence “crises” like the “garroting panic” of the sixties and the excited discussions in the seventies about a supposed wave of “brutal assaults” on women and children, both of which produced official inquiries, new legislation, heightened penalties, and increased propensities to prosecute.

Even beyond criminal law the same gender tendencies were at work. Marriage law, which was in the nineteenth century quasi-criminal in its use of public stigmatization, was also moving to rein in male aggressiveness. In that domain the concept of violence began to expand in 1790, in Lord Stowell’s ruling in *Evans v. Evans* that “apprehension” of violence, though it had to be “reasonable,” could take the place of actual violence as grounds for divorce. The impact of this concession was limited not only by judicial conservatism but by the very small amount of divorce litigation under the extremely restrictive procedures in effect before 1857. The creation of the divorce court in that year, as James Hammerton has recently shown, widened the stream of litigation and accelerated the development of case law: within the next few years the threshold of “reasonableness” for such apprehensions was lowered by a series of rulings. At the same time, the threshold of provocation for marital violence was raised: a greater degree of wifely misbehavior came to be necessary to excuse husbandly violence. Nor was divorce the only form of civil litigation furnishing increased opportunities for stigmatizing and “punishing” bad men. Growing numbers of actions for seduction and for breach of promise of marriage, at home and in the colonies, were providing the scandal-hungry press with new male targets.
The Criminalization of Men

As more crimes against the person were defined and prosecuted, and as conviction and the severity of punishment, in crimes against property as well as against the person, came increasingly to depend upon the degree of violence or threat to personal security involved, the ranks of those criminally prosecuted and, even more, of those punished became ever more male. The total prosecutions of females at assizes and quarter sessions between 1805 and 1842 rose four times, from 1,338 to 5,569, which certainly seems large; but in the same period prosecutions of males rose eight times, from 3,267 to 25,740. Although this expansion of prosecution thereafter slowed markedly, and later in the century reversed, the gender trend continued. Just as the rise in prosecution, conviction, and incarceration in the first half of the century had been disproportionately concentrated on males, so the decline in the late nineteenth century was disproportionately female. An emerging disenchantment with the use of imprisonment focused first on its use for women. At the same time, while a growing number of deviant women were coming to be seen as mentally ill and were diverted to asylums and reformatory institutions, this psychiatrizing tendency was slower to affect deviant males. As a consequence, the proportion of men prosecuted at the Old Bailey, which had risen from an eighteenth-century average of about two-thirds to about three-quarters in the 1820s, rose to almost 90 percent by the end of the century. On a national level, men formed an increasing proportion of those proceeded against by indictment (the more serious form of criminal proceeding), rising from 73 percent of the total in 1857 to 81 percent by 1890. Moreover, throughout the century male defendants remained somewhat more likely to be convicted and to receive longer sentences and thus formed an even higher proportion of those undergoing criminal punishment. By 1900, more than 85 percent of inmates of local prisons (for short sentences) and about 96 percent of convict (longer sentence) prisoners were male.

This "masculinization" of crime and punishment was one of the most notable, but least noticed, facts of nineteenth-century British (and, indeed, western) criminal justice history. It suggests not only an increasing "male" focus on the part of the criminal justice system but, even more, a long-term expansion and intensification of the legal disciplining of men.
relative to women. This was a development of the greatest importance for
the shaping of modern society and culture, but it has been sadly neglected.
The new attention to gender in history ought to help end that neglect.

Notes

1. At least as an ideal and goal: in practice, economic pressure ensured that many
women—even married women—continued to be employed outside the home.

2. For examples, see Allen 1990, pt. 1, sec. 2; Dubinsky 1993, 168; more theoretically,
Hohe 1994, 158.

3. On prostitution, see Backhouse 1985; Levine 1993; Mahood 1990; Walkowitz
1980. On unmarried mothers, see Higginbotham 1989. A sociological counterpart of these
historical works is Cain 1989.

4. Beattie 1986, 404; Dupont-Bouchat 1994; King 1996; Muchembled 1987; Spienn-

5. See, for example, Counts, Brown, and Campbell 1992; Gottfredson and Hirschi
1990, 444-49; Muchembled 1987; Riches 1986.


7. However one wants to explain it, this well-nigh universal gender gap in regard to
violence cannot be ignored. Some feminist criminologists have indeed begun to focus their
attention on this apparently universal gender difference: for example, Maureen Cain (1990,
11) has recently declared that "the most consistent and dramatic finding from Lombroso to
post-modern criminology is not that most criminals are working class—a fact which has re-
ceived continuous theoretical attention from all perspectives—but that most criminals are
and always have been mea. Yet so great has been the gender-blindness of criminological dis-
course that men as males have never been the objects of the criminological gaze." Indeed,
Judith Allen (1989, 19) has somewhat melodramatically observed that "the spectre of sex
[now] haunts criminology," and she has gone on to suggest that "the capacity to explain the
high sex ratio and sexed character of many criminal practices might be posed as a litmus
text for the viability of the discipline."

8. And young men in particular, more prone to violence than their elders. As a dimin-
ishing tolerance of violence worked to “masculinize” crime, it also worked to “juvenilize” it
(another important story, but one not to be dealt with here). As the female proportion of
criminal offenders declined, the average offender’s age also declined.

9. See Elias 1978; Lagrange 1993; Muchembled 1986; Rousseaux 1993; Wrightson
1982.

10. Indeed, this disciplining of males continued through the twentieth century, even as
the sexual disciplining of females relaxed. See the comparative remark of an Australian
feminist scholar that "the masculinisation of criminality rather than the sexualisation of
female delinquency” is the more pressing question in contemporary criminal justice: Carr-
The Victorian Criminalization of Men

15. "Nothing like Example," All the Year Round 19 (30 May 1868), 585.
16. For important evidence, see Monholland 1989; Morgan 1993.
18. Quoted broadside in Gatrell 1994, 159.
19. "A full and particular account of the apprehension and taking of Anne and Mary Brinkworth, for the willful murder of the infant child of Anne Brinkworth, 15 September 1824."
20. Public Record Office, HO45/9358/31576 (case of Elizabeth Ellen Trevett, 1874). The judge recommended a mere three months imprisonment; the home secretary, concerned about such a precedent in a year of moral panic about violent crime, demurred and awarded six years.
23. Simpson 1986, 123 and passim. At the Old Bailey between 1770 and 1800, out of forty-three men tried for rapes of females over twelve, only three were found guilty (and two of them had raped fourteen-year-old girls). See Clark 1987, 58. Clark also found that in the northeast circuit in the later eighteenth century, only one out of three men accused of raping adult women was actually tried (ibid., 54).
24. Popular tolerance also seems to have entered a decline around this time: examples of execution-crowd execration of murderers cited by Gatrell (1994) all date from after 1820.
26. See King and Noel 1993. The inference concerning violence is mine. King and Noel suggest that, with the decline of the predominantly male institution of apprenticeship and the gradual feminization of domestic service, job opportunities in London for young males may have been declining in this period, rendering them more likely to fall into crime.
29. See G. Smith 1995. The gender proportion of the rising numbers indicted for assault in Essex remained about 92 percent male (King 1996, 55).
30. Times, 10 April 1875. The more severe attitude was evident in the appeal case of R. v. Corey (1881–82), in which, although the conviction of witnesses to a prizefight of aiding and abetting a felonious assault was narrowly quashed, all the judges agreed in denouncing the barbarity of the event (Cox Crim. Cases 46).
31. "Sorrowful lamentation of William Lees, now under sentence of death at Newgate" (1839).
32. Mr. Justice Mellor, Times, 6 March 1865.
33. Times, 17 December 1839. The Home Office also refused to intervene in the 1865
case noted above. For the official dismissal of drunkenness as a mitigating factor in Home Office reprieve decisions in the second half of the century, see Chadwick 1992, 383.

36. Morgan 1993, 146–47. He was sentenced to death with a strong recommendation to mercy, and the sentence then was commuted to two years imprisonment.
37. Times, 13 and 18 March 1841.
38. Clark 1987, 60, 63; Morgan 1993, chap. 5.
39. Thompson 1972. Thompson has more recently qualified this claim: Thompson 1991, 467–538. While similarly cautioning about the excessive Whiggism of this view of rough music, A. James Hammerton (1992) nonetheless provides additional evidence of rising early Victorian concern, popular as well as middle-class, about domestic violence.
40. Even the Times followed: in the decade 1810–19, it reported 48 cases of rape; in the following decade, it reported 147; its coverage of domestic violence also expanded sharply. Some examples from the 1840s are cited in Knelman 1993.
42. See May 1978.
44. Lewis Dilwyn, M.P.: Hansard's Parliamentary Debates, 3d series, House of Commons, 7 May 1866, 142, col. 169.
47. See Gatrell and Hadden 1972, 392–93 (table 3). Even as the total number of persons apprehended for indictable offenses (those more serious offenses which had not been turned over to summary jurisdiction) fell between 1857 and 1890 by almost half (from 32,031 to 17,678), the female proportion of this declining total fell from 26.9 percent to 19.3 percent. The female proportion of those committed for trial and those convicted and imprisoned fell even more. See Zedner 1991, 316–23.
52. Annual reports of the prison commissioners; annual criminal statistics.
53. It also seems to have been true in western Europe and North America: as early as 1975 the study of criminal justice developments in France suggested to Michelle Perrot that a “fear of young men came to permeate” nineteenth-century French society; for women, on the other hand, “their weight on the scales of Justice became lighter.” The percentage of French women arraigned declined from 19 percent in assize courts and 22 percent in lesser courts of correction in 1826–30 to 14 percent in both by 1902 (Perrot 1975; translated and republished in Deviants and the Abandoned in French Society, ed. Robert Forster and Orest Ranum [Baltimore: Johns Hopkins University Press, 1978]). Helen Boritch and John Hagan (1990), studying Toronto from 1859 to 1965, described a similar shift in the gender ratio of criminal involvement.