MISSIONARIES, MORAL ADVOCACY, AND THE TRANSFORMATION OF POLICE COURT PROCEDURE IN LONDON, 1876-1930

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ABSTRACT: This paper examines how informal courtroom negotiations transformed formal trial procedures, significantly expanded the social roles of local courts, and helped shape discourses of class, gender, race, and nationalism in British courtrooms. Specifically, it explores the origins, development, and impact of London’s first unofficial probation officers, the Police Court Missionaries. The introduction of these missionaries, who were paid agents of the Church of England Temperance Society (CETS), into the courts of the metropolis represented a watershed in the relationship between the state, private philanthropy, and working-class men and women. From the evolving dialogue between missionaries, working-class defendants, and magistrates emerged such innovations as pre-trial interviews, informal legal advocacy, court-sponsored social welfare, and the substitution of structured supervision (i.e. probation) for fines or imprisonment. Through these new practices, the results of which were widely advertised through CETS publications and local newspapers, the discourses of law and social identity were actively shaped by all those who participated in them. This paper demonstrates both the significance of informal negotiations in British courtrooms and the value of incorporating the approaches of social, gender, and cultural history into the study of law.
The first Police Court Missionaries commenced their work in 1876. Initially, the goal was to aid first-time offenders whose crimes were attributable to alcohol. The hope was that they could be “redeemed” before their lives took a downward spiral into crime and misery. The missionaries rapidly adopted a wide range of tasks, not only counseling first-time offenders and monitoring their behavior over longer and longer periods of time, but interviewing them before their trials and even advocating lenient treatment to the magistrates. In time, the missionaries became vital liaisons between the magistrates and the ever-increasing numbers of men and women that appeared in court, not just for trial, but seeking conflict mediation, advice, and even informal charity from the police court “poor box.” In 1907, the missionaries finally received formal sanction from the Home Office and they became England’s first official Probation Officers.

A missionary’s impact on an individual’s treatment at the hands of the summary justice system (i.e. courts presided over by magistrates without the aid of a jury) could be decisive. Their word often meant the difference between prison or probation. Of equal significance was the missionary’s role in extending the purview and authority of the courts well beyond the confines of the courtroom and formal law. Much of their work took place in the homes of their probationers, interviewing their friends and family, meeting with their employers, visiting public houses, and learning as much as possible about the lives and character of their charges. Like the magistrates and the plebian clientele of the courts, however, the missionaries had their own agenda. As they translated their ideals of morality, gender, and justice into practice, the missionaries had a profound impact on the daily operation of the law and on the public perception of the courts, their authority, and their roles in their local communities.
The paper is drawn from the third chapter of my second book manuscript, *Armed with Sword and Scales: Law, Courts, and Culture in Modern Britain*. *Sword and Scales* is an interdisciplinary study of legal culture, race, and gender in Britain from 1876-1930. In it, I examine how a communal courtroom culture developed through the reciprocal relationship between the courts and their portrayals in cultural media such as newspapers, autobiographies, and popular fiction. The shared moral and legal discourse fostered by this relationship allowed court participants from disparate social backgrounds to negotiate gender issues, ethnic and national identity, and the balance between personal freedom and public duty in wartime. In particular, working-class women and poor Jewish immigrants, who ordinarily had little voice in public affairs, were able to employ the courts as forums to assert their rights and to broadcast their views. In this second manuscript, I also continue to analyze the impact of World War I on the dynamics of law in Britain, which is one of the main themes of my first book, *Race, Law and “The Chinese Puzzle” in Imperial Britain* (New York, 2009). Beginning January 2011, work on this manuscript will be supported by the Fulbright-King’s College London Scholar Award.

**Armed with Sword and Scales: Law, Courts, and Culture in Modern Britain**

**INTRODUCTION: Words in Court**

**CH. 1: “Playing Hamlet in a Barn”: Courtroom Culture in Victorian London**

**CH. 2: A Poor Woman’s System of Justice**

**CH. 3: Missionaries, Moral Advocacy, and the Transformation of Police Court Procedure**

**CH. 4: Negotiating Nationalism in Wartime Courts and Tribunals**

**CH. 5: “Lurid Dramas”: Race and the Legal Campaigns Against Vice, 1916-1930**

**CONCLUSION: “In Close Contact with the Multitudes”**