Deirdre Palk, *Gender, Crime and Judicial Discretion, 1780-1830*

Woodbridge, Royal Historical Society/Boydell Press, 2006, 202 pp., ISBN 0 86193282-X

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- 1 Criminologists and historians of crime have long been aware of the fact that, statistically, women are and were brought before the courts in fewer numbers than men, and that in aggregate their punishments were less than those of men. The suggestions of historical actors that women's nature made them less prone to crime than men have been quoted often, and explanations for the difference have been sought in various forms of what might be termed chivalric patriarchy. The great virtue of Deirdre Palk's book is the way that she vigorously probes these issues driving beyond any simple statistical measure and any sweeping generalisations about 'patriarchy' to compare and contrast male and female offending in three capital offences in late eighteenth- and early nineteenth-century London.
- 2 Palk has selected shoplifting, picking pockets and the circulation of forged paper money as the crimes for her study. On the face of it these are not obviously gendered although with the later development of the department store shoplifting tended to be associated with women and from time to time prostitutes were associated with picking pockets. In discreet chapters on each offence Palk is able to show distinct gendered behaviour by the perpetrators of each offence. In shoplifting, for example, women focussed much more on textiles; men tended to take more valuable things; and women could use their dresses and cloaks more easily for concealment. Women appear to have been pickpockets more often than men; they were more likely to work in pairs, and

more likely to act at night. From teasing out this kind of information, Palk moves on to consider how the organising category of gender influenced first, the discretion and response of victims and the courts and then the needs of the state and its investment in policing and forms of punishment. Some of the most novel evidence deployed here concerns the prosecution of those responsible for uttering forged bank notes. At one of the bleakest moments of the war against Revolutionary France the Bank of England suspended payment in specie and from 1797 until 1821 the Bank produced poor quality, low denomination notes that were easy to forge. The Bank employed its own investigators and developed a network of links with other officials up and down the country to combat forgery and the uttering of false notes. The men who managed the Bank were not like other prosecutors. If they dropped a case it was not because of fear that the law was too harsh, because of sympathy for the offender or because of concern about the loss of time and money in pursuing a case through the courts. The Bank dropped cases because they appeared too trivial; it also dropped cases when it suspected the evidence was insufficient for a conviction. At other times, often to the annoyance of the government, it engaged in plea-bargaining; and when the offence was deemed serious, it prosecuted without mercy. Women were involved in this offence in much fewer numbers than men, though the evidence does not suggest much in the way of different behaviour in their respective methods of operation. Gender differentiation here is much more apparent in the Bank's relationship with those found guilty of the offence.

- 3 Palk's research has been painstaking and wide-ranging. She has trawled Home Office papers and also those of the Bank of England's solicitors. Much is drawn from the printed proceedings of trials at London's Old Bailey. Palk appears to have done this work before these documents became available online (www.oldbaileyonline.org). The new facility might have made her work easier and enabled her to extend her sample without the need for working through the trials in detail, but given her thoughtful selection and methodology, it seems unlikely that use of the online resource would have altered her overall conclusions. In sum this is a fine piece of work. It is well-researched, cogently argued and provides a significant and novel perspective on the issues of crime and gender. It will be important for historians focussing on the late eighteenth and early nineteenth centuries, but it will also provide important and stimulating suggestions for those interested in different historical periods.

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