

# **CRIMES OF PASSION AND THE MAKING OF MODERN INTIMATE LIFE IN TWENTIETH-CENTURY BRITAIN**

By

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## **Abstract**

This thesis is the first history of the crime of passion in twentieth-century Britain. It demonstrates how the crime of passion, even if formally disavowed from English law, was a powerful and capacious way of understanding violence throughout the twentieth century. The crime of passion, it argues, shaped everyday attitudes towards the more difficult edges of modern intimate life. Murders ostensibly triggered by jealousy at infidelity, or rage at love gone wrong, stood at the fault-line between ideals of love which promised personal transformation and fulfilment, and the pain caused when this ideal never fully delivered on its promise.

The crime of passion was central to the operation of the English law and the British state. The thesis shows how public and official sympathy for those seen to have committed a crime of passion served to normalise almost exclusively male violence as an inevitable, if regrettable, feature of the demanding task of managing disappointment in love. This was particularly important in shaping the decision-making of the British Home Office, even though politicians and civil servants overtly distanced their decisions from the language of the crime of passion.

The thesis is thus also the first sustained study of the Home Office's responsibility for the royal prerogative of mercy in the twentieth century. It explores how institutions of state and law reaffirmed the inevitability of male violence, particularly when provoked by women's 'disreputable' behaviour. One by-product of this process is a rich and unprecedented record of ordinary people managing the demands of modern love in their own words. Drawing on this material, the thesis offers a social history of intimate life, which recasts established chronologies on the emergence of 'heterosexual' and liberal sexual cultures. In so doing, this thesis also emphasises the centrality of male violence to modern ways of understanding desire, sexuality and selfhood.

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## List of Abbreviations

|            |                                 |
|------------|---------------------------------|
| <b>CCA</b> | Court of Criminal Appeal        |
| <b>DPP</b> | Director of Public Prosecutions |
| <b>HO</b>  | Home Office                     |
| <b>GWN</b> | <i>Glasgow Weekly News</i>      |
| <b>NBT</b> | Notable British Trials          |

## **Content Note**

This thesis explores how intimate violence was normalised through the language of crimes of passion. As such, it regularly discusses historical instances of physical violence against women, and examines how this violence was pervasively ignored, underplayed and blamed on the behaviour of the victim. In several of its case-studies, this thesis features discussion of sexual violence and coercive control.

The third chapter of this thesis focuses on agreements to commit suicide. As such, it features discussion of historical instances of suicide, suicide pacts, and coercive behaviour that led to suicide. It also features discussion of pregnancy and miscarriage.



## Introduction

‘For fifty years’, opened an article in the *Daily Mirror* published in November 1950, ‘it has been getting steadily less dangerous to fall out of love.’ The article was titled ‘Passion isn’t quite as fatal as it was in Grandma’s day.’<sup>1</sup> The *Mirror* were reporting on the pet project of Frank Dawtry, secretary of the National Council of Probation Officers, who had studied 3,061 murder trials from 1900 to 1950. Dawtry discovered that there had been a significant drop in what he referred to as ‘love murders’ since the early 1940s. In a stunning act of conjecture, Dawtry categorised all murders of spouses, lovers or ‘sweethearts’ as ‘love murders’. Has easier divorce helped?, asked the *Mirror*. ‘Possibly’, Dawtry replied, ‘it does provide a less messy way of getting rid of someone.’<sup>2</sup> For Dawtry, the ‘love murder’, what criminologists would now refer to as ‘intimate partner violence’, was the consequence of marriage increasingly struggling to respond modern love.<sup>3</sup> This was a love that could cool, change shape and change direction. An assumption that has stood at the very heart of popular understandings of what a ‘crime of passion’ might be throughout the twentieth century.

Four years earlier, in the February of the first full year of peacetime, George Orwell published a rather more famous reflection on the changing nature of ‘English murder’. The ‘decline’ Orwell was interested in was a little different to Dawtry’s focus. Orwell saw the damaging effects of war, and an Americanisation of English culture, as the cause of an increase in senseless, brutal, and hedonistic violence. In contrast to this meaningless violence, Orwell

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<sup>1</sup> ‘Passion Isn’t Quite as Fatal as it was in Grandma’s Day’, *The Daily Mirror* (London), 20<sup>th</sup> November 1950, pp. 4-5.

<sup>2</sup> ‘Passion Isn’t Quite as Fatal’, p. 4.

<sup>3</sup> Lizzie Seal and Alexa Neale, “‘In His Passionate Way’: Emotion, Race and Gender in Cases of Partner Murder in England and Wales, 1900–39”, *The British Journal of Criminology*, Vol. 60, No. 4 (June 2020), pp. 811–829, p. 812.

longed for the interwar years. This was the high-point, Orwell thought, of the quintessentially ‘English murder’:

The murderer should be a little man of the professional class... living an intensely respectable life somewhere in the suburbs. He should be either chairman of the local Conservative party, or a leading Nonconformist... He should go astray through cherishing a guilty passion... and should only bring himself to the point of murder after long and terrible wrestles with conscience. Having decided on murder, he should plan it all with the utmost cunning. The means chosen should, of course, be poison.<sup>4</sup>

At first glance, Dawtry and Orwell are interested in very different sorts of murder. Orwell, like other commentators and crime novelists of the period, saw English murder as chilly and calculated crimes, often standing it in stark contrast to sudden outbursts of jealousy and rage most associated with ‘crimes of passion’.<sup>5</sup> Yet probing a little deeper, both Dawtry and Orwell view the archetypal murder of the early twentieth century as one fuelled by the passions of the heart. In both readings, the strictures, expectations and norms of marriage and middle-class respectability clashed, impossibly, with individual desire. Orwell’s chilly poisonings, at second glance, were graced with a nobility due to the ‘passions’ that caused them:

‘The old domestic poisoning dramas [were] a product of a stable society where the all prevailing hypocrisy did at least ensure that crimes as serious as murder should have strong emotions behind them’.<sup>6</sup>

In longing for a return to ‘the old domestic poisoning dramas’, Orwell also longed for a time where murders could easily be ascribed to the passions and the pull of the emotions.

This thesis is a history of murder, and the emotions ascribed to murder in the early twentieth century. In historicising both the culturally specific meanings of murder and the emotions that supposedly led people to kill, I argue that the English ‘crime of passion’ has a history.

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<sup>4</sup> George Orwell, ‘Decline of the English Murder’, *Tribune* (Blackpool), 15<sup>th</sup> February 1946, pp. 10-11.

<sup>5</sup> Victoria Stewart, *Crime Writing in Interwar Britain: Fact and Fiction in the Golden Age* (Cambridge, 2017), pp. 32-33.

<sup>6</sup> Orwell, ‘Decline of the English Murder’, p. 10.

Departing from long-held associations of passionate crime as timeless, and the English law – and the English people – as fundamentally dispassionate, I argue that passionate crime occurred regularly, and sensationally, in the English criminal court.

Departing from Orwell's nostalgic characterisation of 'domestic poisoning dramas', I don't see these murders as a 'product of a stable society'. Rather, I argue, the crime of passion was symptomatic of, and indeed dramatised, large-scale twentieth-century transformations in social, cultural and intimate life in Britain. Until recently, historians have tended to follow Orwell's understanding of Britain as a relatively stable and static society in the early twentieth century, placing greater emphasis on the years following the Second World War as a period of seismic change in social, political, and sexual life.<sup>7</sup> The history of the crime of passion, I argue, contributes to the challenge that the 1920s through to the 1950s was in any way stable or static.<sup>8</sup> The unruly passions that found themselves in an English criminal court recast conventional chronologies of social and sexual change in Britain.

The English crime of passion, one that resonated with a British public of newspaper readers beyond the legal jurisdiction of England, was a focal point, I argue, for the uneasy emergence of a new kind of intimate life and sexual self.<sup>9</sup> One where the emotions increasingly ruled

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<sup>7</sup> The work of Ross McKibbin is perhaps the most influential in popularising this reading of British society prior to the Second World War. See: Ross McKibbin, *Classes and Cultures: England 1918-1951* (Oxford, 1998), pp. 533-534; His reading of the culture of sex and sexual practice is of particular relevance to my thesis, pp. 296-33.

<sup>8</sup> Recent work on both political culture, mass culture, and the history of everyday and selfhood has stressed how the turbulence of the period of 1918-1939 challenges conventional chronologies of twentieth century social change. See for instance: Helen McCarthy, 'Whose Democracy? Histories of British Political Culture Between the Wars', *The Historical Journal*, Vol. 55, No. 1 (March 2012), pp. 221-238; Laura Doan, 'Topsy-Turvydom: Gender Inversion, Sapphism, and the Great War', *GLQ: A Journal of Lesbian and Gay Studies*, Vol. 12, No. 4 (October 2006), pp. 517-542; Matt Houlbrook, *Prince of Tricksters: The Incredible True Story of Netley Lucas, Gentleman Crook* (Chicago, 2016), pp. 7-10.

<sup>9</sup> From a strictly legal perspective, the focus of this thesis is England and Wales which fell under the jurisdiction of the English Criminal Law. A reflection on the Scottish Criminal law is beyond its scope. However, the cultural reach of these crimes makes this a history of Britain, as the English crime of passion, as a cultural product manufactured by the popular press, had a British (and sometimes even an international) readership.

supreme, and where narratives of romantic happiness became ever more central to what it meant to live a fulfilling life. The crime of passion augured the new dangers awaiting the modern subject in the private and intimate realm. Twentieth-century love, romance, desire, and marriage were difficult endeavours, plagued by the spectre of competition, haunted by the prospect of passion cooling or love fading away. The crime of passion, this thesis argues, became the constantly recurring nightmare that haunted the pursuit of romantic happiness in modern Britain.

Cultural historians of crime have long argued that murder, and the murder trial, profoundly shaped the emergence of distinctly modern cultures across the world, and have been frequent and recurring spaces through which the transformations modernity unleashed were debated, worried over and condemned.<sup>10</sup> As modern states gained a (precarious and incomplete) monopoly on the use of violence, and absolute homicide rates declined across the world, increasingly rare acts of extreme and shocking violence gained greater (and disproportionate) purchase as a scandalous and sensational cultural phenomena.<sup>11</sup> Fuelled by newspaper industries that boasted truly mass, almost universal, readerships by the 1920s onwards, murder trials were a staple of popular print journalism. Newspapers encouraged readers to vicariously

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<sup>10</sup> The historiography on the spectacle of the modern murder trial is large, see for instance: Lucy Bland, *Modern Women on Trial: Sexual Transgression in the Age of the Flapper* (Manchester, 2013); Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge, 2000); Sarah Maza, *Violette Nozière: A Story of Murder in 1930s Paris* (Berkeley, 2011); George Robb and Nancy Erder, *Disorder in the Court: Trials and Sexual Conflict at the Turn of the Century* (New York, 1999); Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries, 1870-1930* (Chicago, 1997); John Carter Wood, *The Most Remarkable Woman in England: Poison, Celebrity and the Trials of Beatrice Pace* (Manchester, 2012); For a classic work that has provided a generation of cultural historians a framework to examine the relationship between cultural scandal and the moral politics of sex and sexuality see: Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late Victorian London* (London, 1994).

<sup>11</sup> John Carter Wood, 'Criminal Violence in Modern Britain', *History Compass*, Vol. 4, No. 1 (2006), pp. 77–90, p. 85.

consume crime tales in equal parts disgust and insatiable intrigue.<sup>12</sup> Sensational murder trials horrified, condemned and titillated in equal measure.<sup>13</sup>

Scandalous trials were an international feature of modern print journalism, yet the broader meanings they mobilised often coalesced around culturally and geographically specific anxieties (even if these often had cross-cultural resonances).<sup>14</sup> The modern murder trial, these historians have shown, was a cultural spectacle within which much broader debates about gender, sexuality and social life were worked through. In this thesis, I take a different approach to both interpersonal violence and the spectacle of sensational murder. Rather than treat murder primarily as a cultural spectacle, a rare occurrence which tells us more about the journalism and mass-culture than law and punishment, I look at the interactions *between* the state, society and culture that fixed the moral and legal weight of certain acts of violence.

Put simply, this is a history of the contest over the meanings and acceptability of violence when the emotions were seen to be in charge. It explores what was modern about both murder *and* the emotions that drove people to kill. If the ‘English murder’ brought to mind chilly calculation rather than frenzied outbursts, even Orwell admitted that behind this composed

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<sup>12</sup> Adrian Bingham, *Family Newspapers? Sex, Private Life, and the British popular press 1918-1978* (Oxford, 2009) pp. 11-12, p. 145; Steve Chibnall, ‘The Crime Reporter: A Study in the Production of Commercial Knowledge’, *Sociology*, Vol. 9, No. 1 (January 1975), pp. 49–66, pp. 52-53.

<sup>13</sup> For a now classic article on the ways murder and other grisly tales traded both in revulsion and attraction (albeit in an American context) see: Karen Halttunen, ‘Humanitarianism and the Pornography of Pain in Anglo-American Culture’, *The American Historical Review*, Vol. 100, No. 2 (1995), pp. 303–334.

<sup>14</sup> Todd Herzog and Sace Elder for instance argue murder became a crucial means through which German culture saw itself as a culture in crisis in the febrile Weimar years: Todd Herzog, *Crime Stories: Criminalistic Fantasy and the Culture of Crisis in Weimar Germany* (New York, 2009); Sace Elder, *Murder Scenes: Normality, Deviance, and Criminal Violence in Weimar Berlin* (Ann Arbor, 2010); For how the crises that murder engendered differed in other geographic contexts see: Lisa Duggan, *Sapphic Slashers: Sex, Violence, and American Modernity* (Durham, NC, 2000); Ruth Harris, *Murders and Madness: Medicine, Law, and Society in the Fin de Siècle* (Oxford : New York, 1989); Aaron Freundschuh, *The Courtesan and the Gigolo: the Murders in the Rue Montaigne and the Dark side of Empire in Nineteenth-Century Paris* (Stanford, 2017); Martin J. Wiener, *An Empire on Trial: Race, Murder, and Justice under British Rule, 1870–1935* (Cambridge, 2008).

façade lay the burning and insatiable passions of affairs, petty jealousies and dreams of financial and social improvement.

That the crime of passion in modern Britain *has* a history is perhaps a more contentious argument than it might seem. English legal scholars might bristle at such a claim. There is no such thing as a ‘crime of passion’ defence in English law, and jurisprudence scholars from the nineteenth century onwards have argued that what makes the English criminal law distinctive is its cool rationality, that is, its natural hostility to the passions.<sup>15</sup> As such, legal suspicion of the passions reflected and reinforced a broader emotional culture of restraint in early twentieth century Britain where reason, rationality and emotional control were prized social skills.<sup>16</sup> Historian Martin Francis has argued that this culture remained dominant until the 1950s, which subsequently witnessed an ‘emotional revolution’, where feelings and emotional expression became more acceptable, particularly in the public sphere.<sup>17</sup> However the history of the crime of passion in Britain suggests that this culture of restraint was always more precarious, idealistic and incomplete than historians have maintained.

The disavowal of the crime of passion often belied the actual practice of the criminal law, particularly when it came to murder trials. The modern doctrine of provocation, centred on the concept of ‘loss of self-control’, placed the management of the emotions – and indeed the

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<sup>15</sup> Carolyn A. Conley, *Certain Other Countries: Homicide, Gender, and National Identity in Late Nineteenth-Century England, Ireland, Scotland, and Wales* (Columbus, 2007), p. 17; Martin J. Wiener, *Men of Blood: Violence, Manliness, and Criminal Justice in Victorian England* (Cambridge, 2004), pp. 11-12.

<sup>16</sup> Historians have long seen the culture of restraint as one part of the growth of what is referred to as liberal subjectivity as a crucial modern sensibility and form of governance. Liberal governance, in short, depended on self-governance (backed up by an increasingly maximalist surveillance state), where restraint, rationality and coolness were important social skills. See for instance: James Vernon, *Distant Strangers: How Britain Became Modern* (Berkeley, 2014), pp. 98-101.

<sup>17</sup> Martin Francis, ‘Tears, Tantrums, and Bared Teeth: The Emotional Economy of Three Conservative Prime Ministers, 1951–1963’, *Journal of British Studies*, Vol. 41, No. 3 (July 2002), pp. 354–387, p. 356; Claire Langhamer has also argued that emotional management became a vital aspect of post-war citizenship see: Claire Langhamer, “‘Astray in a Dark Forest’? The Emotional Politics of Reconstruction Britain”, in Lucy Noakes, Claire Langhamer, and Claudia Siebrecht, eds., *Total War: An Emotional History* (London, 2020), p. 143.

impossibility of managing the emotions – at the very centre of legal defences in English law.<sup>18</sup> Culpability in many English murder trials hinged upon the impossibility of keeping one's cool. That provocation was so often associated with the behaviour of a spouse, partner or lover, almost all of whom were female victims of male violence, brought the topic of passion – intimate and romantic passion in particular – even more firmly into the English courtroom.

If English judges were loath to define what a crime of passion was, this was certainly not the case for the professional crime journalists scribbling down the most salacious details of jealousies and infidelities in the court-room's press gallery. Murder trials were big business for the commercially cut-throat newspaper industry.<sup>19</sup> Crimes of passion were the most salacious, spectacular and profitable murder trial a journalist could cover, and their reportage helped give coherence to passionate murder in a way the English law specifically refused to do.

The ubiquity of the passions – love gone wrong, furious jealousy, vengeful despair – in the early twentieth century criminal court highlights the precariousness of rationality, reason, and the social status afforded to restraint in Britain. To be sure, the crime of passion proved the importance of strict emotional management. These (mostly) men, many sentenced to death and long prison sentences, faced the severe consequences of committing a crime of passion in England. Legal suspicion of the passions was not merely rhetoric. English law *has* historically been more restrictive in its definition of provocation than other jurisdictions, particularly on

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<sup>18</sup> Jeremy Horder, *Provocation and Responsibility* (Oxford, 1992), pp. 73-75; Victoria Nourse, 'Passion's Progress: Modern Law Reform and the Provocation Defense', *The Yale Law Journal*, Vol. 106, No. 5 (1997), pp. 1331-1448.

<sup>19</sup> On the growth of the modern newspaper industry, and its role in dramatising and shaping the tenor of modern life and social change see: Adrian Bingham, *Family Newspapers? Sex, Private Life, and the British Popular Press 1918-1978* (Oxford, 2009), p. 6; D. L. LeMahieu, *A Culture for Democracy: Mass Communication and the Cultivated Mind in Britain Between the Wars* (Oxford, 1988); James Curran and Jean Seaton, *Power Without Responsibility: Press, Broadcasting and the Internet in Britain* (London, 2009 [1989]), pp. 37-54; Ann L. Ardis and Patrick Collier, eds., *Transatlantic Print Culture, 1880-1940: Emerging Media, Emerging Modernisms* (New York, 2008).

the European continent and in the United States.<sup>20</sup> Yet the contest over the crime of passion was not merely a legal battle in the court-room, but a broader battle between the law, the state, and the public over how passionate killers – very often viewed as sympathetic figures who weren't responsible for their actions – should be punished. At the heart of this debate was emotional control.

In contrast to the ways lawyers, civil-servants, journalists, and members of the public talked about the *timeless* pull of the passions in such cases, I argue this contest reflected significant transformations in the way the emotions were understood, conceptualised *and* felt in modern Britain. Prefiguring – and perhaps recasting the chronology of – the emotional revolution in twentieth-century Britain, the history of the crime of passion highlights that many Britons, from at least the early twentieth century, saw the emotions as irresistible forces and the mind and body as complex and – increasingly – unknowable. This assumption about the body increased the space within which the crime of passion, and the passionate killer, could be sympathised and identified with. As we will see, by the mid-twentieth century, many self-professed 'ordinary citizens' would candidly and self-reflexively profess themselves capable of killing out of jealousy and despair.

Feminist scholars and activists might legitimately raise concerns over the consequences when the crime of passion is given a history in this way. To give credence to the crime of passion as a coherent object of knowledge, one worthy of a history, could further contribute to the ways in which the passions has historically served to normalise, trivialise and legitimise violence

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<sup>20</sup> Douglas J. Brown, 'Disentangling Concessions to Human Frailty: Making Sense of Anglo-American Provocation Doctrine through Comparative Study Note', *New York University Journal of International Law & Politics*, Vol. 39, No. 3 (2007), pp. 675–728; Stanley Yeo, 'The Role of Gender in the Law of Provocation', *Anglo-American Law Review*, Vol. 26, No. 4 (1997), pp. 431–460; Harris, *Murders and Madness*, p. 286.



against women. As this thesis itself demonstrates, men disproportionately kill women, supposedly ‘out of passion’, and the passions themselves have consistently if not excused, then frequently mitigated the punishment men have received across the twentieth century, and indeed still do receive.<sup>21</sup> In writing a history of the crime of passion, I do not reify it as a form of knowledge, but forward a *critical* history of its uses and abuses in twentieth-century Britain. Bearing witness to the banality of brutal male violence highlights how love narratives often obscured the lived realities of interpersonal and intimate partner violence. The reality of ‘passionate crime’ was often, in fact, a story of regular, banal, and ubiquitous male violence against women, exacerbated by poverty, hardship and mental and physical ill-health.

To write a critical history, paraphrasing the historian Laura Doan, is to prise apart the ‘conceptual apparatus’ of a concept, exposing its fragility, malleability and fundamental historicity.<sup>22</sup> The crime of passion is a baggy and incoherent signifier, which, particularly in an English and British context, has possessed a tendency to categorise a dizzying array of different sorts of intimate violence. In this way the crime of passion has obscured as much as it may elucidate, particularly when it comes to the ubiquity and banality of male violence. As a critical history, I trace the uneasy constitution of the crime of passion as form of knowledge.

To do this, I examine the interactions and contestations between the actors, institutions and discourses which sought to comprehend and punish murder. My focus begins with the British Home Office, whose responsibility for adjudicating reprieves from the death penalty has

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<sup>21</sup> R. Emerson Dobash and Russell Dobash, *When Men Murder Women* (Oxford, 2015), pp. 26-28; Anette Ballinger, ‘Masculinity in the Dock: Legal Responses To Male Violence and Female Retaliation in England and Wales, 1900—1965’, *Social & Legal Studies*, Vol. 16, No. 4 (2007), pp. 459-481; Joachim Kersten, ‘Culture, Masculinities and Violence Against Women’, *The British Journal of Criminology*, Vol. 36, No. 3 (1996), pp. 381–395. Seal and Neale, “‘In His Passionate Way’”, p. 813.

<sup>22</sup> Laura Doan, *Disturbing Practices: History, Sexuality, and Women’s Experience of Modern War* (Chicago, 2013), p. 18.

preserved a uniquely rich archive of the English legal process.<sup>23</sup> Attention to the Home Office brings to the fore the ways in which the British state attempted to comprehend, discipline and contain the threat of passionate violence. Yet the state, as I will demonstrate, was only one actor when it came to the constitution and normalisation of the crime of passion. The culture of crimes of passion, the sensational excess of popular newspaper reportage, and the massive popular protests against the death penalty it fuelled, were always treated with scepticism, and often derision by civil servants and politicians within the Home Office. Nonetheless, the British state could not always dismiss public protest as sentimental outrage.

Broad public sympathy for passionate killers shaped and constrained how the Home Office decided who to reprieve from the death penalty, even if the Home Office attempted to maintain a conservative-minded fidelity to nineteenth-century precedent. Civil servants worked hard to suggest that emotions and passions provided no basis for mitigation or leniency when it came to the death penalty. In practice, though, that fiction proved impossible to maintain. Even if Home Office civil servants maintained a distrust of public opinion when it came to passionate crime, they nonetheless shared a taken-for-granted assumption that there *were* certain contexts within intimate and romantic life where someone could sufficiently lose their self-control.

The decisions taken in these cases, and the responses to them from a newspaper-reading public, highlight how this ‘English murder’ was a fundamentally different type of murder in the twentieth-century imagination, one less serious, more understandable, and a normal, if regrettable, response to the demands of modern intimate life.

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<sup>23</sup> George Roger Chadwick, ‘Bureaucratic Mercy: The Home Office and the Treatment of Capital Cases in Victorian England’, PhD Thesis, 1989, pp. 340-341.

## The Crime of Passion: A Legal History

By the twentieth century, rates of murder and acts of killing were at a historically unprecedented low.<sup>24</sup> The British state, among other modern nation states of the ‘global north’, had succeeded in policing and regulating their populations to an extent that everyday acts of violence were in significant abeyance. Even if historians continue to debate the success of the modern British state’s monopoly on violence, it is certainly true that murder and other acts of killing were quite exceptionally rare occurrences.<sup>25</sup> A few caveats are needed here. A declining murder rate within the British metropole bears very little correlation to a general decline of violence. Indeed, the twentieth century bore witness to the mass slaughter of both martial and civilian populations, both in Europe and within the colonised lands of their empires. The very idea of a civilised society predicated on the elimination of everyday violence, moreover, did not extend to Britain’s colonies, where both state and interpersonal violence remained central to colonial rule.<sup>26</sup> The experience of Britain’s colonised populations, both in the empire and in the metropole, further highlights the uneven spread of the decline of violence even to the present day, where Britons of colour are significantly more likely to experience both state and civilian violence.<sup>27</sup>

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<sup>24</sup> Benjamin Seebröcker, ‘Lethal Violence in Decline?: A Critical Review of Historical Homicide Rates in England’, *Crime, Histoire & Sociétés / Crime, History & Societies*, Vol. 25, No .2 (2021), pp. 33–57.

<sup>25</sup> The historiographical debate about the decline of violence and the modern state is now an old one, with consensus grouped around suspicion of statistics that tell us more about political economy than actual instances of violence. Nonetheless, it is also well accepted that murder rates were in significant abeyance by the early twentieth century. See: Howard Taylor, ‘Rationing Crime: The Political Economy of Criminal Statistics Since the 1850s’, *The Economic History Review*, Vol. 51, No . 3 (1998), pp. 569–590, p. 582; V.A.C. Gatrell, ‘Crime, Authority and the Policeman-State’, in F. M. L. Thompson, ed., *The Cambridge Social History of Britain 1750 - 1950 Volume Three: Social Agencies and Institutions* (Cambridge, 1996), pp. 243-310, p. 245.

<sup>26</sup> Mark Doyle, *Communal Violence in the British Empire: Disturbing the Pax* (London, 2016), pp. 3-5; Caroline Elkins, *Legacy of Violence: A History of the British Empire* (London, 2022), pp. 33-34.

<sup>27</sup> Panikos Panayi (ed.), *Racial Violence in Britain, 1840-1950* (Leicester, 1993); Jon Burnett, ‘Racial violence and the Brexit state’, *Race & Class*, Vol. 58, No. 4 (April 2017), pp. 85–97.

Even if we accept the qualified claim that violence and murder was ever increasingly distanced from everyday life within Britain itself, violence still posed a problem for the British state. Intimate violence, particularly violence against women, was a ubiquitous feature of England's law courts. Police and Magistrate courts fined husbands for beating or deserting their wives. Divorce courts bore witness to cruelty, infidelity and desertion. Courts of the Assizes or the Central Criminal Court at the Old Bailey, saw professional judges overseeing jury trials of (mainly) men who had killed their wives, lovers and sweethearts in fits of jealous or revengeful rage.<sup>28</sup>

One influential argument that has shaped the historiography on violence sees the English judiciary, since at least the middle of the nineteenth century, increasingly hostile to male violence, particularly extreme acts of violence and homicide against women.<sup>29</sup> Indeed, the professionalisation of the law in the nineteenth century, the growth of the modern prison system and the standardisation of criminal justice contributed to more stringent, and systematic punishment of men who killed their wives or lovers.<sup>30</sup> Broader transformations in the domestic sphere throughout the nineteenth century, and associated attitudes towards appropriate gendered behaviour, further stigmatised violence against women. The stress Victorian Britons placed on the importance of the 'Paterfamilias', the male household head who provided *and* cared both financially and emotionally for his family, contained little space for violent

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<sup>28</sup> Ginger Frost, "'I am Master Here': Illegitimacy, Masculinity, and Violence in Victorian England', in Lucy Delap, Ben Griffin, and Abigail Wills, eds., *The Politics of Domestic Authority in Britain since 1800* (London, 2009), pp. 27–42, p. 32; A. J. Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life* (London, 1995), pp. 52–67; Gail Savage, 'The Passionate Politics of Marital Conflict: How Do You Get the Story Straight When Everyone Has Their Own?', *Journal of British Studies*, Vol. 34, No. 3 (1995), pp. 422–426, p. 423.

<sup>29</sup> This argument is most associated with the work of Martin Wiener: Martin J. Wiener, *Men of Blood*, p. 251; See also, Hammerton, *Cruelty and Companionship*, p. 14.

<sup>30</sup> John Carter Wood, *Violence and Crime in Nineteenth Century England: The Shadow of Our Refinement* (Abingdon, 2004), pp. 28–32.

outbursts towards his own family members.<sup>31</sup> The ‘sanctification’ of Victorian femininity, which with it attached a new purity and vulnerability to the female body, further stigmatised everyday acts of violence.<sup>32</sup>

Such stigmatisation was not however an inevitable consequence of broader transformations, but was actively fought for and forged by nineteenth-century reformers and feminists who vigorously protested against the ubiquity of male violence, particularly the violence of working-class men.<sup>33</sup> Movements against the ubiquity of male violence was a component of broader attempts to transform, morally improve, *and* discipline Britain’s working-class populations in service of what is known as the ‘civilising mission’ of the nineteenth-century British state.<sup>34</sup> The civilised male subject was not, in this formulation, a violent one.

The hostility the law, and judges in particular, displayed against violence against women was reflective of widely held conceptions of the English criminal law as advanced, enlightened, and civilised, which by very definition was dispassionate, rational, and sceptical of emotion.<sup>35</sup> Yet as legal theorists, legal historians and historical criminologists have argued, such a narrative of the development of law ignores the centrality of emotions to legal categories.<sup>36</sup> A generation of historians have uncovered just how saturated the legal process, and particularly

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<sup>31</sup> Ben Griffin, *The Politics of Gender in Victorian Britain: Masculinity, Political Culture and the Struggle for Women’s Rights* (Cambridge, 2012), p. 43; John Tosh, *A Man’s Place: Masculinity and the Middle Class Home in Victorian England* (New Haven, 1999), p. 69.

<sup>32</sup> Sharon Marcus, *Between Women: Friendship, Desire, and Marriage in Victorian England* (Princeton, 2007), p. 41.

<sup>33</sup> Carol Smart, *Feminism and the Power of Law* (London, 1989), pp. 140-142.

<sup>34</sup> Carter Wood, *Violence and Crime in Nineteenth Century England*, pp. 47-56; Alison Twells, *The Civilising Mission and the English Middle Class, 1792-1850: The ‘Heathens’ at Home and Overseas* (Basingstoke, 2009), p. 15.

<sup>35</sup> Conley, *Certain Other Countries*, p. 41.

<sup>36</sup> The role of the emotions and feelings within the legal process still a hotly contested topic between legal scholars, for instance see: Dan M. Kahan and Martha C. Nussbaum, ‘Two Conceptions of Emotion in Criminal Law’, *Columbia Law Review*, Vol. 96, No. 2 (1996), pp. 269–374.

the adversarial criminal trial, was with emotion.<sup>37</sup> This is no more the case than with intimate violence, so often attributed to the emotional force of relationships gone wrong. The modern doctrine of provocation in English criminal law, which reduced the capital crime of murder to the crime of manslaughter, was in its very definition both intrinsically ‘emotional’ *and* directly concerned with intimate life and infidelity specifically.<sup>38</sup>

As the legal scholar Jeremy Horder has long argued, modern definitions of provocation rest on the idea of ‘loss of self-control’. Crucially, this marks a radical break from early modern definitions of provocation. To lose ‘self-control’ depended on fundamentally altered conceptions of both anger and the body in the modern mind.<sup>39</sup> As Horder contends, the late eighteenth- and nineteenth-century law saw the relationship between reason and the passions as an unsteady one, and anger always possessed the potential to temporarily, yet completely, unseat reason. The force of anger and the passions could trigger violent responses that were often disproportionate to the slight received, yet still worthy of mitigation because the person wasn’t in control of their action at the time.<sup>40</sup> Horder’s argument chimes with major transformations in how the emotions in general were defined in the emerging discipline of nineteenth-century psychology.<sup>41</sup> As Thomas Dixon has argued, emotions themselves can be seen as a specifically modern way of conceptualising the feeling body. In this new framework,

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<sup>37</sup> See for example: Katie Barclay, ‘Performing Emotion and Reading the Male Body in the Irish Court, c. 1800–1845’, *Journal of Social History*, Vol. 51, No. 2 (December 2017), pp. 293–312; Laura Kounine, ‘Emotions, Mind, and Body on Trial: A Cross-Cultural Perspective’, *Journal of Social History*, Vol. 51, No. 2 (December 2017), pp. 219–230; Seal and Neale, “‘In His Passionate Way’”, pp. 811–829.

<sup>38</sup> G. R. Sullivan, ‘Anger and Excuse: Reassessing Provocation’, *Oxford Journal of Legal Studies*, Vol. 13, No. 3 (1993), pp. 421–429; Adrian Williamson, ‘Gender and the Law of Provocation in the Long Twentieth Century’, *Women’s History Review*, Vol. 29, No. 3 (April 2020), pp. 495–519.

<sup>39</sup> Jeremy Horder, *Provocation and Responsibility* (Oxford, 1992), pp. 73–77.

<sup>40</sup> Horder, *Provocation and Responsibility*, p. 76.

<sup>41</sup> Rob Boddice, *The History of Emotions* (Manchester, 2018), pp. 18–26; Alberti F. Bound, *Matters of the Heart: History, Medicine, and Emotion* (Oxford, 2010), p. 18; Larry S. McGrath, ‘Historiography, Affect, and the Neurosciences.’, *History of Psychology*, Vol. 20, No. 2 (2017), pp. 129–147.

emotions were increasingly seen as mechanistic and delineated from the mind and will, which attempted to constrain, but were never totally in control of, emotional urges and drives.<sup>42</sup>

Anger is a case in point. The Early Modern law placed an emphasis on the subject's ability to assess whether anger, and violent retaliation was a reasonable response.<sup>43</sup> Modern anger, in contrast, flipped this reasoning. Anger preceded reason, and could obliterate it. The legal test therefore came not from the subject's ability to assess whether anger was a legitimate response, but whether a *reasonable man* (and the 'man' is important) could *reasonably* be expected to be angry in the same situation.<sup>44</sup> This then led to an at least theoretical understanding that anger – and the emotions more broadly – could upend anybody's ability to reason.<sup>45</sup>

In practice, nineteenth-century English judges maintained a restrictive definition of what may lead a reasonable man to lose his self-control.<sup>46</sup> Actual violence or the imminent threat of violence was most likely to be perceived as legitimately provocative. Unsurprisingly, given the importance of the mechanistic emotions to modern legal thought, physicality was important, both for the provocative act and the violent response.<sup>47</sup> Significantly, judges maintained a strict understanding that 'words or taunts' could very rarely justify violence.<sup>48</sup> When it came to

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<sup>42</sup> Thomas Dixon, *From Passions to Emotions: The Creation of a Secular Psychological Category* (Cambridge, 2003), p. 150.

<sup>43</sup> Horder, *Provocation and Responsibility*, p. 72; The historian Allyson Creasman has detected a similar theme within the Early Modern German Law, Allyson F. Creasman, 'Fighting Words: Anger, Insult, and "Self-Help" in Early Modern German Law', *Journal of Social History*, Vol. 51, No. 2 (2017), pp. 272–292.

<sup>44</sup> Sarah Sorial, 'Anger, Provocation and Loss of Self-Control: What Does "Losing It" Really Mean?', *Criminal Law and Philosophy*, Vol. 13, No. 2 (June 2019), pp. 247–269.

<sup>45</sup> The modern doctrine of provocation's definition of anger reflected and reinforced what emotion historians have charted as broader changing definitions of anger's disabling effect on the mind in the modern western world. See for instance: Thomas Dixon, 'What is the History of Anger a History of?', *Emotions: History, Culture, Society*, Vol. 4, No. 1 (September 2020), pp. 1–34; Barbara H. Rosenwein, *Anger: The Conflicted History of an Emotion* (New Haven, 2020).

<sup>46</sup> Wiener, *Men of Blood*, p. 32.

<sup>47</sup> Williamson, 'Gender and the Law of Provocation', p. 497.

<sup>48</sup> A. J. Ashworth, 'The Doctrine of Provocation', *The Cambridge Law Journal*, Vol. 35, No. 2 (1976), pp. 292–320.

intimate provocations, physicality also mattered. Being merely told of infidelity was insufficient, but discovering infidelity *in flagrante* could well lead to a successful provocation defence. Furthermore, violent responses had to be immediate, acts committed ‘in the heat’ of the moment, a sign that anger was still in charge.<sup>49</sup>

As Martin Wiener has argued, this shape of modern provocation limited the success of provocation defences for men who had killed their wives or lovers.<sup>50</sup> However, Wiener significantly underplays the significance of provocation defences – successful or not – in popularising the idea of loss of self-control in general, and that intimacy, and particularly discovering infidelity, could obliterate reason due to the force of jealousy and anger. Whether in a strictly legal reading of the doctrine, or in the broader popular knowledges of what counted as provocatory, the passions became widely recognised as forces which could lead to a total loss of self-control.

Recently, historian Krista Kesselring has addressed the weaknesses of previous historical approaches to the doctrine of provocation.<sup>51</sup> Historiographical orthodoxy understands the English common law as long affording leniency to men who killed their wives after discovering they had been unfaithful. This is often described in historical scholarship as the ‘long tradition’ or the ‘unwritten law’ of the right to male violence within the domestic sphere.<sup>52</sup> Yet as Kesselring highlights, positioning infidelity as provocation as a ‘thousand year’ legal tradition

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<sup>49</sup> Ashworth, ‘The Doctrine of Provocation’, p. 296.

<sup>50</sup> Martin J. Wiener, ‘Alice Arden to Bill Sikes: Changing Nightmares of Intimate Violence in England, 1558–1869’, *Journal of British Studies*, Vol. 40, No. 2 (2001), pp. 184–212.

<sup>51</sup> K. J. Kesselring, ‘No Greater Provocation? Adultery and the Mitigation of Murder in English Law’, *Law and History Review*, Vol. 34, No. 1 (February 2016), pp. 199–225.

<sup>52</sup> See for instance: Elizabeth Foyster, *Marital Violence: An English Family History, 1660–1857* (Cambridge, 2005), pp. 115–118; Martin J. Wiener, ‘The Sad Story of George Hall: Adultery, Murder and the Politics of Mercy in Mid-Victorian England’, *Social History*, Vol. 24, No. 4 (1999), pp. 174–195, p. 178.



fundamentally obscures the significant transformation of the doctrine in the nineteenth century.<sup>53</sup>

Crucially, it is only in the mid-nineteenth century where the law *begins* to recognise provocation defences in cases where men had killed their *wives*. Previously provocation defences were almost always only successful when a man had killed a (male) third party. Prior to this point, men who killed their wives were very likely to be treated with significant hostility by the early modern law.<sup>54</sup> Conversely, Kesselring sees the social and gender transformations positioned as the reason the law became more hostile to male violence as one of the reasons behind this shift. Companionate marriage and the idea of the home as a hallowed space of comfort and care, meant that the burden of domestic and intimate *failure* fell much more significantly on women.<sup>55</sup> Legal defences that afforded a degree of leniency to extreme acts of male violence weren't legacies of archaic custom, but specifically modern innovations responding to the changing norms, values and expectations attached to gender roles and intimate life in nineteenth-century Britain.

The legal shifts of the nineteenth century are the foundations of the twentieth-century crime of passion. What made the punishment of intimate crime and the crime of passion so fraught in twentieth-century Britain, for both state and citizen, was that when it came to doctrine, precedent, and indeed the worldviews and attitudes of lawyers and judges, the law was a creature of the nineteenth century. The social and cultural shifts unleashed in the twentieth century increasingly challenged the authority of a criminal justice system still rooted in nineteenth century precedent. Crimes of passion certainly captured the attention of a reading

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<sup>53</sup> Kesselring, 'No Greater Provocation?', p. 205.

<sup>54</sup> Kesselring, 'No Greater Provocation', p. 207.

<sup>55</sup> Kesselring, 'No Greater Provocation', pp. 221-223.

public because newspapers were well attuned to the profitability of sensational stories of love, sex, and death. But beyond the persistent popularity of the salacious, the crime of passion was often a scandal because it exposed a tension between the law's understanding of justice and more popular attitudes concerning the relative seriousness and criminality of certain violent acts.

The tensions that created the spectacle of the crime of passion *as* scandal were the contradictions of specifically nineteenth-century murder law. This was a law that was undeniably restrictive and hostile to intimate violence in many ways, but also created new space for specifically gendered violence to be mitigated under the rubric of the 'loss of self-control' defence. The idea of loss of self-control was always hard for the law to contain. The early twentieth-century criminal court saw judges, trained in nineteenth-century criminal law often fighting against juries and a broader public opinion who were always much more likely to want to expand the doctrine of loss of control.

This contestation over culpability, criminality, and punishment was reflective of how the politics, law and culture of twentieth-century Britain was deeply shaped by the legal and social innovations of the nineteenth. It draws attention to what Frank Mort has called the 'afterlife' of Victorian Britain.<sup>56</sup> The crime of passion was dramatised and made knowable by a criminal law in many ways forged by Victorian legal innovations. Its inconsistencies, contradictions, rigidity and increasingly its outmoded *feel* provided the conditions through which twentieth-century attitudes to violence were shaped.

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<sup>56</sup> Frank Mort, 'The Ben Pimlott Memorial Lecture 2010: The Permissive Society Revisited', *Twentieth Century British History*, Vol. 22, No. 2 (June 2011), pp. 269–298, p. 272.

## Chronologies: Between the Victorian Criminal Law and the 1957 Homicide Act

If the Victorian Criminal Law establishes the starting point for this thesis, the passing of the Homicide Act in 1957 marks an end point. The 1957 Act was a response from the Conservative government to the fraught and volatile campaign for the abolition of capital punishment, a movement that came to define British politics in the 1950s.<sup>57</sup> The ten years prior to 1957 witnessed a remarkable period of legislative attempts to remove and amend the death penalty. A Royal Commission on capital punishment sat between 1949 and 1953, while there were also increasingly vociferous public campaigns in support of abolition, often associated with particularly morally fraught executions.<sup>58</sup> The Conservative Governments of the 1950s were opposed in principle to abolition, but were wary of the divides it generated within Westminster, and the growing popular support abolition carried. Opinion polls (an ever present feature of post-war politics) consistently demonstrated support for retention of the death penalty, however a series of miscarriages of justice in the early 1950s generated much more vocal opposition to the ways in which the death penalty was administered.<sup>59</sup>

The compromise the Government settled on was to retain the death penalty, but amend murder law so that in practice its use was limited. The 1957 Act transformed and in some cases eliminated the legal categories which had generated the most forceful protests against English murder law over the previous fifty years. The Act is perhaps best known for introducing a distinction between capital murder and non-capital murder, retaining the death penalty in only

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<sup>57</sup> Brian P. Block & John Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Hook, 1997), pp. 130-135; Harry Potter, *Hanging in Judgment: Religion and the Death Penalty in England from the Bloody Code to Abolition* (London, 1993).

<sup>58</sup> Claire Langhamer, “‘The Live Dynamic Whole of Feeling and Behavior’: Capital Punishment and the Politics of Emotion, 1945—1957”, *Journal of British Studies*, Vol. 51, No. 2 (April 2012), pp. 416–441.

<sup>59</sup> Langhamer, ‘The Live Dynamic Whole’, p. 429.

a select number of contexts, including for repeat offences, in furtherance of theft, shooting, resisting arrest, or killing a police officer.<sup>60</sup> In effect, the Homicide Act then eliminated the threat of the death penalty for the sort of violence understood as archetypally passionate; immediate, sudden outbursts of physical violence.

The first two chapters of this thesis examine legal, institutional, and popular responses to this sort of crime. My focus is when defences of provocation or insanity *failed* at court, and defendants were found guilty of murder. This might seem like an unusual move, particularly as manslaughter, and not murder, are perhaps the most obvious moments where passion was recognised as justification for violence within English law. However, the criminal archive is much richer in cases where manslaughter defences failed. The prospect of death meant the Home Office, and its large bureaucratic machine, were mobilised into action to adjudicate on a reprieve from the death penalty. This added another interpretative layer, one not as rigidly bound to the precedent of English criminal law, particularly when it came to the issue of provocation.<sup>61</sup>

Deciding what was sufficient provocation to justify a reprieve was not as closely policed as provocation in a criminal court, and thus open to more contestation. Those who signed reprieve petitions targeted at the Home Secretary knew this, and so Home Office files in murder cases provide a crucial vantage point in glimpsing the interaction between state and public in fixing the relative criminal and moral value of certain acts of killing. For these reasons, death sentences and the decision whether to grant a reprieve were crucial – indeed central – sites

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<sup>60</sup> J. E. Hall Williams and J. C. Read, 'The Homicide Act, 1957', *The Modern Law Review*, Vol. 20, No. 4 (1957), pp. 381–386; J. Higgins, 'The Origins of the Homicide Act 1957', *Journal of Medical Ethics*, Vol. 12, No. 1 (1986), pp. 8–12.

<sup>61</sup> Frank Newsam, *The Home Office* (London, 1954), p. 119.

where intimate and passionate crimes were categorised and punished by the state, and their moral and legal value ultimately fixed.

A second innovation of the 1957 Homicide Act introduced a new doctrine of diminished responsibility, expanding models of incapacity beyond provocation or insanity, to include an ‘abnormality of the mind’ causing a ‘defect of reason’. Legal scholars and historians have often attributed the execution of Ruth Ellis in 1955, the subject of my final chapter, as a key driver in the creation of diminished responsibility within the 1957 Act.<sup>62</sup> Diminished responsibility in effect expanded the grounds that might impair someone’s judgement, a reflection of the fact that many saw the doctrine of provocation as too narrow, and particularly blind to the contexts and conditions that led victims of long-term abuse to extreme acts of retaliatory violence. A less well known innovation of the 1957 Act reduced a murder sentence to manslaughter in the unusual case of suicide pacts. Prior to 1957, if only one of a pair survived a suicide pact, this person would be liable for the murder of the other. The subject of my third chapter is the rather unsavoury prospect of sentencing someone to death who had sought it in the first place.<sup>63</sup>

The 1957 Homicide Act dramatically reshaped what constituted premeditated murder within English law. It in effect reduced the legal and cultural frames through which the crime of passion was constituted. This then points us toward central dynamics of the institutional and cultural life of the crime of passion. Capital murder, and the prospect of the death penalty, mattered. The Homicide Act implemented, with some caveats, what had long been recommended by various inquiries, commissions and select committees concerning the use of

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<sup>62</sup> Anette Ballinger, ‘A Muted Voice from the Past: The “Silent Silencing” of Ruth Ellis’, *Social & Legal Studies*, Vol. 21, No. 4 (December 2012), pp. 445–467; Lizzie Seal, ‘Ruth Ellis and Public Contestation of the Death Penalty’, *The Howard Journal of Criminal Justice*, 50 (2011), pp. 492–504; Jaqueline Rose, ‘Margaret Thatcher and Ruth Ellis’, *New Formations*, Vol. 6, (December 1988), pp. 1–14.

<sup>63</sup> John Cohen, ‘A Study of Suicide Pacts’, *Medico-Legal Journal*, Vol. 144 (1961), pp. 141–151.

capital punishment in Britain.<sup>64</sup> Both the 1930 Select Committee and the 1949 Royal Commission – albeit with markedly different approaches – saw a degree of value in amending murder law to account for various ‘degrees’ of premeditation. Amendments to murder law, finally successful in 1957, withdrew the prospect of the death penalty in cases where there was debate and contestation over how premeditated the murder was. The vast majority of these cases were intimate in nature. That is to say, they were very often understood as crimes of passion.

The 1957 Act thus addressed and conceded to, broader cultural attitudes that saw intimate violence caused by infidelity and/or jealousy as a different category of crime to calculated premeditated murder. The outcry when (mostly) men faced the death penalty for such crimes was symptomatic of broader attitudes to other acts of intimate violence long lost to the historical record: daily acts of violence never reported to the police, and rarely taken seriously when they were. The exceptionality of murder and the criminal archives they produce reveals the dynamics, particularly the relative moral weight attached to passionate violence, that shaped the acceptability and persistence of a whole range of violent acts throughout the twentieth century.

Judges remained relatively protected from the dissent and dissatisfaction of a broader public when it came to the fate of passionate killers. The same could not be said of twentieth-century politicians who increasingly had to both reflect and manage ‘public opinion’ in an age of mass, ‘full’ democracy, with a populace ever increasingly eager and willing to exert their rights as

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<sup>64</sup> Block and Hostettler, *Hanging in the Balance*; Langhamer, ‘The Live Dynamic Whole’, p. 417.

subjects and citizens and demand a hearing from their elected representatives.<sup>65</sup> This then fundamentally altered the approach taken to passionate crime, when the focus of attention moved from the criminal court to the Home Office, where the Home Secretary had the final decision on the royal prerogative of mercy, the mechanism that reduced the death penalty to a term of imprisonment.

## **The Crime of Passion and the Home Office (I): Precedent and Procedure in the Twentieth Century**

In many respects, this thesis is a history of the crime of passion as viewed from the files, minute-notes, memos, and press-cuttings contained within the archive of the Home Office. It is the first historical study to centre the Home Office's role in adjudicating on capital crimes in the twentieth century. Jill Pellew and George Chadwick have provided invaluable historical accounts of the development of Home Office bureaucracy and the use of the prerogative of mercy in the nineteenth century.<sup>66</sup> The Home Office's responsibility for criminal matters was shaped by broader political transformations: The centralisation of the criminal law on the one hand, and the standardisation of political administration and the growth of a professional civil service on the other.<sup>67</sup> The consolidation of the criminal law Acts of 1860 and 1861 abolished judicial discretion when delivering a death sentence, leaving the only mitigation the law offered, the royal prerogative, solely at the discretion of the Home Secretary.<sup>68</sup> By the late 1870s, the Home Office increasingly oversaw all aspects of the criminal law, including

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<sup>65</sup> Jon Lawrence, *Electing Our Masters: The Hustings in British Politics from Hogarth to Blair* (Oxford, 2009) pp. 97-99; Lawrence Black, *Redefining British Politics: Culture, Consumerism and Participation, 1954-70* (London, , 2010), pp. 4-6.

<sup>66</sup> Jill Pellew, *The Home Office 1848-1914: From Clerks to Bureaucrats* (London, 1982), pp. 2-3; Chadwick, 'Bureaucratic Mercy', p. 400.

<sup>67</sup> Pellew, *The Home Office*, pp. 64-92; Chadwick, 'Bureaucratic Mercy', p. 409.

<sup>68</sup> Chadwick, 'Bureaucratic Mercy', p. 387.

oversight of every pending execution in England.<sup>69</sup> This shift reflected the huge growth of matters the Home Office was responsible for, and the standardisation of the institution's inner workings by the end of the nineteenth century.<sup>70</sup>

The growth of the Home Office resulted in a process of decision making governed by strict patterns of procedure. Chadwick refers to this as an 'evolving bureaucratic calculus', managed by a highly hierarchical and regimented workforce of professional civil servants, recruited on the basis of merit and open examination rather than patronage, favour or affiliation.<sup>71</sup> Bureaucratic decision making, shaped by a powerful fidelity to precedent from a growing class of professional civil servants, increasingly constrained the latitude that individual Home Secretaries could wield in adjudicating on the royal prerogative.

Clerks within the criminal division built, maintained and amended hugely detailed tables and manuscripts of past cases, all carefully sorted and categorised into themes and classes of capital crime. The starting point of this thesis are these precedent books. As Pellew has shown, such books were the bedrock of Home Office administration, ensuring all decision making at non-ministerial level, as well as departmental advice to ministers followed institutional precedent.<sup>72</sup> The HO 384 file series contains rich precedent books on all functions and responsibilities of the Home Office, as diverse as sexual offences, jubilee celebrations, betting and gaming, and aliens and immigration.<sup>73</sup> The books that remain in the archive are the 'V' series, written in

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<sup>69</sup> For the official, institutional histories of the Home Office, written by two former permanent secretaries of the department see: Charles Edward Troup, *The Home Office* (London, 1926); Frank Newsam, *The Home Office* (London, 1954).

<sup>70</sup> Pellew, *The Home Office*, p. 87.

<sup>71</sup> Chadwick, 'Bureaucratic Mercy', p. 14; On the professionalisation of the civil service see: Patrick Joyce, *The State of Freedom: a Social History of the British State Since 1800* (Cambridge, 2013), pp. 190-193.

<sup>72</sup> Pellew, *The Home Office*, pp. 100-101.

<sup>73</sup> TNA, HO 384, Precedent Books; You can find more information on the precedent books in the National Archives online catalogue record: <https://discovery.nationalarchives.gov.uk/details/r/C9248> (Accessed: September 2023).



1949 and faithfully copied from, then superseding, the earlier 'N' and 'A' series dating from the early twentieth century.<sup>74</sup> The earlier series were themselves attempts to consolidate the growing number of individual memoranda, tables and briefing notes civil servants were using to follow, and indeed, establish institutional precedent. Precedent books were not just archival remnants of institutional decision making, they were in many ways the primary mechanism through which the Home Office made decisions. In keeping with the materialist turn in theories and histories of the modern state, death penalty decisions relied as much on the flow of paper, of memos written in conversation with weighty tomes of past precedent, as it did on the particular attitudes and inclinations of specific politicians.<sup>75</sup>

So what were the implications of the rise of 'bureaucratic mercy'? And what exactly was the nature and shape of the precedent the Home Office was so faithful to? The commitment to precedent reflected and reinforced a deeply conservative, legal minded attitude within the criminal division at the Home Office, that shaped the use of the prerogative up to the abolishment of the capital punishment in 1969. The Home Office were often careful to closely consult and follow the opinion of the trial judge in each case, even if judges from the late nineteenth century onwards were themselves deferential to the Home Secretary's role in the exercise of the prerogative.<sup>76</sup> Even with the introduction of open recruitment from the 1870s, the Home Office retained an extraordinarily stable workforce, which further embedded and reinforced a strong legal culture and conservative mindset. Most senior civil servants within the Home Office were trained barristers, and brought a deep knowledge and commitment to

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<sup>74</sup> [Home Office: Noters Section: Precedent Books | The National Archives](#) (Accessed: September 2022).

<sup>75</sup> Joyce, *The State of Freedom*, p. 54; Tony Bennett and Patrick Joyce, eds., *Material Powers: Cultural Studies, History and the Material Turn* (London, 2010).

<sup>76</sup> Chadwick, 'Bureaucratic Mercy', p. 216.

legal definitions of intent, premeditation, and culpability to reprieve decisions.<sup>77</sup> This fidelity to legal doctrine, long-term staff with decades of institutional experience, and deference to judicial opinion all contributed to a conservative-minded desire that the Home Office interfere in the legal process as little as possible.

Where the Home Office regularly *did* intervene, expand, and rework legal doctrine, often with the blessing of trial judges, was on the matter of provocation. Such an approach was based on the shared belief, both inside and outside the legal profession, that the legal definition of provocation was so restrictive as to preclude mitigation for a host of provocative contexts where it was both morally questionable to proceed with the death penalty, and where the death penalty risked outraging or incensing public opinion.<sup>78</sup> Unlike with other matters across all aspects of Home Office responsibility, the Home Office consistently avoided drawing up any strict classificatory contexts when it came to certain ‘types’ of murder. Rather, the focus of decision making centred much more concretely on intent and premeditation, reflecting the legally-minded attitude of the institution.<sup>79</sup>

This desire to retain a strict focus on reprieves based on intent contributed to one of the fundamental tensions in Home Office decision making which this thesis teases out. On the one hand, the refusal to recognise types of murder contributed at least rhetorically to a strong hostility towards the idea that intimacy, sexual relationships, courting, or marriage provided any automatic grounds for a reprieve from the death penalty. This was in keeping with the judicial hostility towards men who killed their wives. Home Office officials explicitly framed this approach to the reprieve as affording a degree of ‘protection’ to women from the excessive

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<sup>77</sup> Chadwick, ‘Bureaucratic Mercy’, p. 216.

<sup>78</sup> Troup, *The Home Office*, pp. 67-70.

<sup>79</sup> Troup, *The Home Office*, p. 68; Chadwick, ‘Bureaucratic Mercy’, p. 418.

brutality of their husbands and lovers. On the other hand, the Home Office's focus on premeditation, and following and expanding legal conceptions ideas of provocation leading to a 'loss of self-control', often led them to directly contradict their own pronouncements on their desire to protect women from male violence. The behaviour of wives, lovers and sweethearts *could*, and *could often* lead men to lose their self-control in a way that led Home Office officials to recommend a reprieve.

Degrees of provocation, in this framing, stood in direct proportion to the failure of certain women to adhere to gendered expectations of married and intimate life. The taken-for-granted assumption was that women's sexual behaviour could be one of the gravest provocations and the most dangerous threat to a man's self-control.<sup>80</sup> In a way, such attitudes were entirely consistent with a desire to protect women through the use of the prerogative. Both were responses to reflect, reinforce and shape appropriate gendered behaviour in marriage, and as the twentieth century developed, pre- and extra-marital relationships too.<sup>81</sup> Degrees of provocation were assessed by both the previous character of *both* the killer and the victim. Sexual infidelity, refusing sex, verbally questioning a man's character or masculine respectability were all common grounds for successful reprieves, especially when the woman in question had previously possessed a 'bad character'. Such an approach, as feminist legal scholars have now long demonstrated, was entirely consistent with the broader patriarchal underpinnings of the criminal justice system and the modern state more broadly.<sup>82</sup> Only certain

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<sup>80</sup> Lucy Bland, *Banishing the Beast: English Feminism and Sexual Morality 1885-1914* (London, 1995), pp. 55-56.

<sup>81</sup> Feminist historians have highlighted how the practice of the criminal law has consistently sought to police broader codes of appropriate gendered behaviour. See: Ginger Frost, 'He Could Not Hold His Passions: Domestic Violence and Cohabitation in England 1850-1905', *Crime, Histoire & Sociétés / Crime, History & Societies*, Vol. 12, No. 1 (2008), pp. 25-44, p. 38; Shani D'Cruz, *Crimes of Outrage: Sex, Violence and Victorian Working Women* (London, 1998); Bland, *Modern Women on Trial*, p. 5.

<sup>82</sup> Carol Smart, *Law, Crime and Sexuality: Essays in Feminism* (London, 1995); Lizzie Seal, *Women, Murder and Femininity: Gender Representations of Women Who Kill* (London, 2010), p. 4; Regina Graycar, 'Telling

women, those who could prove their respectability, were to be recognised as subjects and citizens worthy of the law's full protection.

This approach was rooted in the emergence of the Home Office as a modern bureaucratic institution of state power in the latter years of the nineteenth century.<sup>83</sup> If, as I demonstrate in my thesis, the crime of passion increasingly exposed and dramatised the transformation of intimate relationships in the twentieth century, then the way the Home Office approached these transformations remained deeply rooted in the legal culture of the nineteenth.

In foregrounding the decision making of politicians and bureaucrats at the Home Office, my thesis offers a new perspective on the people who were responding to, and attempting to constrain, social and sexual change from within the department. Perhaps the main character of this history, from within the plain, utilitarian and rather drab corridors of Whitehall's King Charles Street, is Sir Ernley Blackwell. Blackwell was Legal Adviser to the Home Secretary between 1913 and 1933.<sup>84</sup> The Legal Adviser was the most senior lawyer at the Home Office, and took particular responsibility for advising Home Secretaries on the royal prerogative. Blackwell was born in 1868 in St Andrews into a prosperous upper-middle class family, with links to Scottish aristocratic families through his mother, Eliza Robinson.<sup>85</sup> The Blackwell family's wealth and social status was dependent, like so many other upper-middle class families, on British imperial expansion in the nineteenth century. Ernley's father, James Hay

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Tales: Legal Stories about Violence Against Women Law and Literature', *Australian Feminist Law Journal*, Vol. 7 (1996), pp. 79–94; Ann-Louise Shapiro, *Breaking the Codes: Female Criminality in Fin-de-Siècle Paris* (Stanford, 1996).

<sup>83</sup> Jill Pellew, 'The Home Office and the Aliens Act, 1905', *The Historical Journal*, Vol. 32, No. 2 (June 1989), pp. 369–385.

<sup>84</sup> TNA, HO 45/18676, Staff and Office Matters: Sir Ernley Blackwell.

<sup>85</sup> 'Sir Ernley Blackwell: Long Service at the Home Office', *The Times* (London), 23<sup>rd</sup> September 1941, p. 7.

Blackwell, rose to the rank of Surgeon Major in the East India Company, and his maternal grandfather was a senior figure in the growth and establishment of the Madras civil service.<sup>86</sup>

Ernley's early life and education were entirely consistent with the upbringing and training of what historian Patrick Joyce has coined the 'civil service statesman'. For Joyce, these were senior figures in the administration of the British state whose background, education, and conception of British (imperial) politics and society, what we might describe as a 'world-view', was almost exactly the same as the politicians and government ministers that they served.<sup>87</sup> The civil service may have been increasingly professionalised and governed by meritocratic principles, but this did not lead to any significant shift in the shared background, social class, and educational pedigree of Whitehall's most senior civil servants. Blackwell, in keeping with the new class of professional bureaucrat, was an intimidatingly voracious and disciplined worker, with an encyclopaedic knowledge of both the criminal law and of the workings, precedent, and principles of the Home Office's Criminal Division. Along with his contemporaries at the higher echelons of the department Blackwell shaped an institutional culture known for its incredibly long hours, austere professionalism, and often forensic attention to detail.<sup>88</sup>

Blackwell's spidery handwriting features heavily in many of the case files and memoranda that forms the primary archival base for this thesis. By the 1920s, Blackwell had assumed the main responsibility for advising the Home Secretary whether to grant a reprieve. When the Home Office had been notified of a death sentence, the clerks of the Assize or Central Criminal Court forwarded documents in the case, including (and this was often the most important material for

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<sup>86</sup> 'Sir Ernley Blackwell', p. 7.

<sup>87</sup> Joyce, *The State of Freedom*, p. 193.

<sup>88</sup> Pellew, *The Home Office*, p. 263.

Blackwell) copies of the judge's notes made at trial.<sup>89</sup> Having consulted the wealth of precedent available to him within the Home Office's internal archives, he would write his opinion on the minute sheets attached to the judge's notes.<sup>90</sup> Following comments and sign-off from the Permanent Secretary, this would then be passed to a clerk or typist in the department, who would type up a briefing note.<sup>91</sup> The briefing note would provide a summary of the case, a sketch of the defendants life, previous convictions, and a sketch of past 'character', before the important judgement on what approach the Home Secretary may wish to take.<sup>92</sup> The last notes on the minute sheets were often a curt sentence signed 'SoS' – Secretary of State – almost always agreeing with Blackwell's judgement.

As other scholars have identified, Blackwell's often indecipherable handwriting touched many more volatile and politically fraught matters than just the use of royal prerogative.<sup>93</sup> Particularly in the years following the First World War, Blackwell was a central figure in the Home Office's obsession with policing public morals, and maintaining what the Home Office saw as 'social order', at a moment that witnessed alarmingly regular, political, economic, and social crises. Blackwell is perhaps most famous for his role in recommending the circulation of the Irish nationalist Roger Casement's 'black' diaries. Casement's private declarations of sex between men was seen by Blackwell as useful in dampening the outcry at his execution, and a valuable tactic in managing public opinion during the Irish war of independence.<sup>94</sup> The 1920s also saw the Home Office develop a new zeal when it came to the politics of morals and the supposed

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<sup>89</sup> TNA, HO 45/25909, Criminal: Capital Punishment exercise of the Royal prerogative of Mercy.

<sup>90</sup> TNA, HO 45/25411, Criminal: Murder in Scotland notes on various cases.

<sup>91</sup> TNA, HO 144/1693/410823, Criminal: Saunders.

<sup>92</sup> TNA, HO, 144/1770/438913, Criminal: Robinson.

<sup>93</sup> Christopher Hilliard, *A Matter of Obscenity: The Politics of Censorship in Modern England* (Princeton, 2021), pp. 55-58.

<sup>94</sup> Lucy McDiarmid, 'The Posthumous Life of Roger Casement', in Anthony Bradley and Maryann Valiulis eds., *Gender and Sexuality in Modern Ireland* (Amherst, VA, 1997), pp 126-159.

sexual and moral health of the nation. Blackwell helped facilitate the institutional crusade against queer sex, prostitution and even obscene literature which has often been most associated with the tenure of the Conservative politician William Joynson-Hicks.<sup>95</sup>

Historians focused on these various forms of moral politics situate the Home Office's reactionary tendencies as reflective of a growing struggle to police what we might call the antecedents of 'permissiveness'. That is, the economic, social, sexual, and psychological transformations that led to the emergence of public cultures and economies of sex and sexualised leisure, growing tolerance towards sexual practices not safely contained within marriage, and the ever-growing salience of freedom and autonomy within intimate and sexual life.<sup>96</sup> As this thesis demonstrates, the administration of the death penalty was increasingly imbricated within the broader social and sexual contestations that defined Home Office administration.

For all the stress on fidelity to precedent, Blackwell found himself advising on the use of the death penalty in worryingly unfamiliar criminal cases and increasingly advised the use of the royal prerogative in line with historically-specific political exigencies. As we will see, whether it was in the case of suicide pact survivors, or in adjudicating on the death penalty in cases involving inter-racial or queer sex, Blackwell's advice to the Home Secretary responded to, and attempted to contain, wider social processes transforming intimate and sexual life.

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<sup>95</sup> James J. Nott, "'The Plague Spots of London': William Joynson-Hicks, the Conservative Party, and the Campaign against London's Nightclubs", in Clare V. J. Griffiths et al. (eds), *Classes, Cultures and Politics: Essays on British History for Ross McKibbin* (Oxford, 2011), p. 238.

<sup>96</sup> See for instance: Julia Laite, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885-1960* (Basingstoke, 2012); Judith R. Walkowitz, *Nights Out: Life in Cosmopolitan London* (New Haven, 2012); Houlbrook, *Queer London*, p. 33; Hilliard, *A Matter of Obscenity*, pp. 33-35.

Focusing on the figure of Blackwell is historically productive because it draws attention not just to legal categories and state policy, but also the assumptions and ideologies of class, gender and generational difference which shaped the British state's response to social and sexual change. If Blackwell was a product, first and foremost, of the legal and educational establishments of the nineteenth century, he also contributed significantly to the shape and substance of the management of crime and social order in the twentieth. In stressing this, I am drawing attention to the *where* as much as the *why* in histories of social change and the emergence of permissive culture in twentieth-century Britain. Blackwell's handwritten notes highlights precisely what state power was and what it looked like, one grounded in a fidelity to precedent and custom and a cautious and sometimes reactionary conservatism. Such taken-for-granted bureaucratic cultures were built and reproduced within the associational life of the boarding school, law chamber, and as Blackwell's leisure pursuits suggest, the golf links, well into the middle of the twentieth century.

## **The Crime of Passion and the Home Office (II): Towards a Social History of Intimate Life**

It isn't only Blackwell's handwriting preserved in the archive of the Home Office archive. In preserving the documents used as part of the legal process, Home Office files on individual reprieve decisions have captured and preserved a wealth of criminal evidence and legal testimony not usually held by the other archives of the legal process. Archives of the Assizes and the Central Criminal Court mainly preserve the depositions used in each case. Home Office files often hold considerably more material including transcripts, copies of evidence, correspondence with the various authorities of the criminal process, and an increasingly comprehensive collection of press cuttings on each case.



That the Home Office felt compelled to collect news cuttings was a sign that the Home Office were aware – and wary – of the role the press played in shaping and fuelling ‘popular opinion’.<sup>97</sup> The burden of bureaucratic decision making when it came to the death penalty has preserved an archive of a depth that provides the opportunity to reconstruct the criminal process to a degree impossible from other legal archives. Simply, the prospect of the death penalty meant legal documents ended up in the Home Office Registry, who maintained a much stricter and comprehensive policy of document retention than other institutions of the criminal law.

Practicing what Ann Stoler would refer to as ‘reading against the grain’ of state archives, the criminal archive of the Home Office transforms into a wonderfully rich and textured archive of everyday life.<sup>98</sup> Such an archive provides a bracing vantage point to examine both intimate violence and the transformation of intimacy during this period. In many ways, my thesis continues a now long and well-established historical tradition of inverting the disciplinary logic of the state to reconstruct the lives of marginalised subjects. People whose voices, agency and intimacies rarely appear with any consistency or depth in most archival records.<sup>99</sup>

Take Marie Thomas. In 1925, when she was 19, she met George Thomas, the man she fell in love with and who would kill her ‘in a fit of jealousy’ the following year.<sup>100</sup> Marie was employed as a typist, an increasingly common profession for young working-class women yet

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<sup>97</sup> Laura Beers, ‘Whose Opinion?: Changing Attitudes Towards Opinion Polling in British Politics, 1937–1964’, *Twentieth Century British History*, Vol. 17, Vol. 2 (January 2006), pp. 177–205, pp. 181–182.

<sup>98</sup> Ann Laura Stoler, *Along the Archival Grain: Epistemic Anxieties and Colonial Common Sense* (Princeton, 2009), e.g., p. 19.

<sup>99</sup> Such an approach was the cornerstone of the emergence of social history and postcolonial inspired subaltern studies. For classic works see: Gareth Stedman Jones, *Outcast London: a Study in the Relationship Between Classes in Victorian Society* (New York, 1984); Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference* (Princeton, 2007 [2000]); For more recent work that takes a similar approach see: Tim Hitchcock and Robert Shoemaker, *London Lives: Poverty, Crime and the Making of a Modern City, 1690–1800* (Cambridge, 2015); Julia Laite, *The Disappearance of Lydia Harvey: a True Story of Sex, Crime and the Meaning of Justice* (London, 2022); Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918–1957* (Chicago, 2005).

<sup>100</sup> TNA, HO 144/6831, Criminal Cases: Thomas, George.

to marry in the 1920s. George was a miner, the main employment for men in south Wales for much of the twentieth century. Both Marie and George were in many ways typical young working-class people, living what we might say were rather unextraordinary lives. Yet the archival remnants of George's trial highlight not just the extraordinariness of his spectacularly brutal response to jealousy, but *also* the everyday extraordinariness of ordinary intimacies. This is no more apparent than in Marie's letter to George ending their relationship, presented as evidence at George's trial and preserved in his Home Office case file:

I shall never be sorry I met you. Our friendship has taught me many things, beautiful and otherwise, and perhaps when we are both of us old and tired, our beautiful sacred memories will come to us to tinge the twilight of our lives with golden rays of love and the dreams of the might have been. Happiness is too elusive and fragile a thing to catch and hold roughly or lightly. We held it lightly, and it flitted away from us like some brilliantly-hued butterfly of golden summer months – never to return again.<sup>101</sup>

Marie's letter is brutally poignant, not least because neither Marie nor George were to grow 'old and tired'. Marie's hope of an old age 'tinged with golden rays' of 'the might have been' was foreclosed by George's violent jealousy. William Joynson-Hicks's refusal to grant a reprieve meant George was hanged in December 1926. Viewed outside the frame of Marie's death however, her letter vividly demonstrates startling and unique evidence of the transformations in the culture and the cultural *feel* of everyday intimacies. Marie's letters expand our understanding of histories of romance, selfhood, and the changing terrain of intimacy between men and women. The emotionally expressive style is indicative of new and emerging genres and scripts of romantic and sexual subjectivity. The stress Marie placed on the 'fleeting' and transient nature of love and romance, on the value and beauty of pre-marital relationships in their own right, is telling of the growing salience and importance of cultures of

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<sup>101</sup> TNA, HO 144/6831; The letter was also printed almost verbatim in several newspapers. See: 'Wonderful Love Letters in Murder Trial', *Reynolds's Newspaper* (London), 21 February 1926, p. 8.

courtship and intimacy independent of marriage. Marie's letter was also the outcome of various forms of democratisation in modern Britain, of writing, of reading, and of individual reflexive self-expression.<sup>102</sup>

Littered throughout the Home Office archive are letters of similar intensity, style, and substance as Marie's. The criminal archive of the Home Office was, in the twentieth century, preserving love letters written by young, working-class women, who were increasingly exerting more agency and autonomy in their romantic lives, and articulating their desire using the resources and romantic scripts of a mass and popular culture of romance and desire. Painfully, this archive also demonstrates how such autonomy was foreclosed and limited by the violence of men.

As this thesis demonstrates, the archive of the Home Office not only enables a social history of everyday violence and intimacy, it can also help texture the history of intimate and sexual selfhood. This thesis is both a study of the interaction between crime, politics, and culture *and* in many ways, a social history of love and desire in Britain. A history attuned to the agency and autonomy of those caught up in the criminal archive, so often young women, victims of extraordinary acts of brutal violence.

The crime of passion as a social history of love also draws attention to the everyday social worlds that shaped everyday intimacies. The dense social fabric everyday intimacies were forged within was evident not just in criminal evidence and legal testimony, but also in the large and often vociferous reprieve campaigns organised by the families and friends of those

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<sup>102</sup> Christopher Hilliard, *To Exercise Our Talents: The Democratization of Writing in Britain* (Cambridge, 2006); Christopher Hilliard, *The Littlehampton Libels: A Miscarriage of Justice and a Mystery about Words in 1920s England* (Oxford, 2017), pp. 3-5.

facing the death penalty. Take George Thomas for example, whose solicitors presented a petition with more than 50,000 signatures urging the Home Secretary to grant a reprieve.<sup>103</sup> Here, the customs and associational life of a south Wales mining town was both made visible and consciously mobilised to further reinforce Thomas' usual 'exemplary character', and in so doing obscuring the brutality of the violence he committed.

As we will see, the norm and custom of local communities, which so often came to the aid of men sentenced to death, was often a constitutive component of the pressures that led to violence in the first place. This is no more apparent than in the criminal archive of the suicide pact, where community expectations, pressures and the stigma attached to, for example, unmarried motherhood, were the limiting factors that led young couples, particularly young women, to consider suicide.

The crime of passion, particularly as it appears in the archive of the Home Office, is uniquely placed to critically examine the history of love, intimacy, and sexuality in modern Britain. It exposes how the law and the state approached and attempted to shape both gender norms and sexual practices. The detritus of the criminal process exposed the historically-contingent ways families and communities were also (re)shaping these norms and customs on the plane of the everyday. It also, in often very moving ways, exposes the ways in which people were negotiating and describing their own sexual selves and their desires.

The growing importance of individual fulfilment, autonomy, and freedom in sexual life, I argue, met the inflexibility of norms, customs, and institutions slow to change, and the persistent ubiquity of men turning to violence when intimate life went wrong. Rather than

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<sup>103</sup> TNA, HO 144/6831; 'Condemned Cell Letters', *South Gloucestershire Gazette* (Gloucester), 5<sup>th</sup> March 1926, p. 3.

seeing male violence as an archaic hang-over of older cultural norms, intimate violence was central to historically-specific ideas and formulations of the modern gendered subject and the modern sexual self.

## Intimacy, Emotions, and Selfhood

The crime of passion offers a new vantage point to critically examine the history of sexuality and intimate life in modern Britain. Social historians have previously turned their focus to a specific aspect of intimacy, whether that be sex, contraception, courting, marriage, or divorce.<sup>104</sup> Others, inspired by Foucauldian frameworks, have focused on the production of knowledge about sex and the body, exploring how sexological or psychological discourses of desire helped bring overly sexual subjectivities – the sense of possessing a sexual self – into being.<sup>105</sup> My history of the crime of passion foregrounds different dynamics in the history of intimacy. By foregrounding relationships that, by definition, have gone very wrong, I draw attention to the ways in which love's *failure* – the trials, hardships and pain love caused – was a threat that constantly stalked the modern subject. Paraphrasing the sociologist Eva Illouz, my

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<sup>104</sup> Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England 1918-1963* (Cambridge; New York, 2010); Kate Fisher, *Birth Control, Sex, and Marriage in Britain 1918-1960* (Oxford, 2006); Hera Cook, *The Long Sexual Revolution: English Women, Sex, and Contraception, 1800-1975* (Oxford, 2004); Claire Langhamer, *The English in Love: The Intimate Story of an Emotional Revolution* (Oxford, 2013); Marcus Collins, *Modern Love: an Intimate History of Men and Women in Twentieth-Century Britain* (London, 2003); Hannah Charnock, "'A Million Little Bonds': Infidelity, Divorce and the Emotional Worlds of Marriage in British Women's Magazines of the 1930s", *Cultural and Social History*, Vol. 14, No. 3 (May 2017), pp. 363–379; Hannah Charnock, 'Teenage Girls, Female Friendship and the Making of the Sexual Revolution in England', *The Historical Journal*, Vol. 63, No. 4 (September 2020), pp. 1032–1053.

<sup>105</sup> Ben Mechen, 'Everyday Sex in 1970s Britain' PhD Thesis, University College London (September, 2015); For Foucauldian approaches to the growth of the reflexive self, even if the focus is not explicitly on sexual subjectivity see: Nikolas Rose, *Governing the Soul: the Shaping of the Private Self* (London, 2005); Much of the interesting work on the production of the sexual self has come from historians of queer practices and identities see: Teri Chettiar, 'Counselling for Connection: Making Queer Relationships during Britain's Sexual Revolution', *Medical Humanities*, Published Online First (August 2022), doi: 10.1136/medhum-2021-012347; Chris Waters, 'The Homosexual as a Social Being in Britain, 1945–1968', *Journal of British Studies*, Vol. 51, No. 2 (2012), pp. 685–710.

thesis asks what particular features of modernity and modern Britain made love *hurt* so much?<sup>106</sup>

As such, my focus contributes to recent interest in the utility of intimacy as a category, viewing its capaciousness a useful starting point to examine the intertwined histories of sex, relationships, friendships, the senses, emotions, and the self. George Morris has recently made a persuasive call for intimacy as a ‘category of historical analysis’, which calls attention to the indeterminacy and historical specificity of intimate relations between lovers, friends and families.<sup>107</sup> Beyond intimacy as a category, historians of Britain have paid attention to the ways the intimate, as a scale, can animate and provide new perspectives on large-scale historical transformations.<sup>108</sup> Tracing the crime of passion in twentieth century Britain, I argue, enables a history of intimate life in Britain, *and* an intimate history of the ways in which the English law and the British state grappled with policing intimate violence.

The ways in which the crime of passion was represented in British culture reflected the increasing precariousness of intimate life in the twentieth century, itself a product of the liberalisation of sexual practice and a growing stress on love and marriage as a means of an individualised, personal fulfilment. Historians have long drawn attention to the growing importance of sexual pleasure as a sign and guarantee of both marital and individual happiness.<sup>109</sup> Linked to the growing salience and public discussion of sexual pleasure was a

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<sup>106</sup> Eva Illouz, *Why Love Hurts: A Sociological Explanation* (Cambridge, 2012).

<sup>107</sup> George Morris, ‘Intimacy in Modern British History’, *The Historical Journal*, Vol. 64, No. 3 (June 2021), pp. 796–811.

<sup>108</sup> See for instance: Seth Koven, *The Match Girl and the Heiress* (Princeton, 2014), particularly chapter two, pp. 77–135; Emma Griffin, *Bread Winner: An Intimate History of the Victorian Economy* (New Haven, 2020); Laite, *The Disappearance of Lydia Harvey*; Julia Laite, ‘The Emmet’s Inch: Small History in a Digital Age’, *Journal of Social History*, Vol. 53, No. 4 (June 2020), pp. 963–989, p. 982.

<sup>109</sup> Laura Doan, ‘Marie Stopes’s Wonderful Rhythm Charts’ p. 597; Karen Chow, ‘Popular Sexual Knowledges and Women’s Agency in 1920s England: Marie Stopes’s “Married Love” and E. M. Hull’s “The Sheik”’, *Feminist Review*, Vol. 63 (1999), pp. 64–87; Lesley Hall, “‘The Subject Is Obscene: No Lady Would Dream of Alluding to It’: Marie Stopes and Her Courtroom Dramas’, *Women’s History Review*, Vol. 22, No. 2 (1 April

transformation of the domain of private, romantic, and intimate life more broadly. James Vernon has referred to this as the ‘emotional intensification’ of family life, as family sizes reduced, home ownership increased in more geographically scattered suburban locations, and family units became increasingly (to use a slight historical inaccuracy) ‘nuclear’ in nature.<sup>110</sup> Jon Lawrence has nuanced this argument somewhat, arguing that while working-class communities continued to live in cramped conditions close to extended families, smaller family units increasingly practiced an ‘assertive separateness’, and valued a higher degree of privacy for the couple-unit and their (declining) family size.<sup>111</sup>

Deborah Cohen argues that the increasing importance of privacy in modern life was a symptom of this stress on personal autonomy and freedom for people to choose the direction of both their public and private life.<sup>112</sup> The linkages between privacy and individual freedom, which fuelled the trend towards private family units declining in size in the 1930s and 1940s, would eventually implicate the family itself as a potentially negative and repressive force in the project of individual growth and self-actualisation by the early 1960s.<sup>113</sup> Claire Langhamer argues that love itself reflected and reinforced the turn towards self-actualisation and individual growth. By the 1950s romantic love promised personal fulfilment through, to paraphrase Langhamer, the pursuit of mutually beneficial ‘togetherness’.<sup>114</sup> Langhamer, as with Cohen’s reading of privacy and the family, sees the uneasy alliance between love and self-actualisation

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2013), pp. 253–66; Phoebe Gill, ‘The Production of Sexual Knowledges in Published Advice Literature in Britain, the Irish Free State and the Republic of Ireland, 1918-1987’, PhD Thesis, University of Birmingham (Forthcoming, 2023).

<sup>110</sup> James Vernon, *Distant Strangers: How Britain Became Modern* (Berkeley, USA, California Press, 2014), p. 62.

<sup>111</sup> Jon Lawrence, *Me, Me, Me?: The Search for Community in Post-War England* (Oxford, 2019), p. 5

<sup>112</sup> Deborah Cohen, *Family Secrets: The Things We Tried to Hide* (London, 2014), pp. 228-229.

<sup>113</sup> Cohen, *Family Secrets*, p. 235.

<sup>114</sup> Claire Langhamer, *The English in Love*, p. 5; For other approaches to modern love in Britain see: Marcus Collins, *Modern Love*, pp. 132-133; For when love went wrong see: Charnock, “‘A Million Little Bonds’”, p. 370.

as one destined to end in failure as marriage increasingly struggled to live up to expectations as love waned, withered, and changed shape over time.<sup>115</sup>

Other historians have tempered narratives of the inexorable rise of sexual pleasure and self-actualisation when it came to narratives of personal happiness. Pragmatic decisions based on finance, security and familial and community ties remained as important as pleasure well into the mid twentieth century when deciding who to marry.<sup>116</sup> Others have also drawn attention to the persistent and significant social and financial threats that sex for pleasure – outside of marriage – could pose, particularly for young women, where accessibility to contraception was still haphazard and taboos on extra and pre-marital sex still held significant purchase.<sup>117</sup> Pragmatism when it came to love, sex and sexual pleasure continued to powerfully shape the attitudes of working-class people, and working-class women, well into the mid twentieth century.<sup>118</sup> Such pragmatism was linked to the ongoing dangers of pre- or extra-marital sex, as well as the continued inflexibility of marriage laws and the inaccessibility of divorce to all but the most wealthy. The precariousness that came with the twentieth-century pursuit of love, coupled by the continued rigidity of marriage law and social norm, were the twin engines that powered narratives of intimacy gone wrong in the English criminal court.

The force and ferocity of the emotions on show, meanwhile, drew attention to the more dangerous, unknowable, and unruly aspects of the modern self. As Langhamer argues, romantic

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<sup>115</sup> Claire Langhamer, 'Love, Selfhood and Authenticity in Post-War Britain', *Cultural and Social History* Vol.9, No. 2 (1 June 2012), pp. 277–97, p. 293.

<sup>116</sup> Szreter and Fisher, *Sex Before the Sexual Revolution*, pp. 230–231.

<sup>117</sup> Pat Thane and Tanya Evans, *Sinners? Scroungers? Saints?: Unmarried Motherhood in Twentieth-Century England* (Oxford, 2012); Fisher, *Birth Control, Sex, and Marriage in Britain*; Selina Todd, *Young Women, Work, and Family in England 1918–1950* (Oxford, 2005).

<sup>118</sup> Helen Smith, 'Working-Class Ideas and Experiences of Sexuality in Twentieth-Century Britain: Regionalism as a Category of Analysis', *Twentieth Century British History* Vol. 29, No. 1 (March 2018): 58–78; Stephen Brooke, 'Gender and Working Class Identity in Britain during the 1950s', *Journal of Social History* No. 34, No. 4 (2001): pp. 773–95.



love's importance to marriage was stressed, particularly by its defenders, as an important container for the dangers of libidinal desire and the primacy of the pleasure principle in an increasingly Freudian age.<sup>119</sup> Historians have debated the reach and reception of Freudian thinking in Britain, though as Michal Shapira suggests, popular invocations of Freud in the popular press, became a means to fix and represent modern life and the modern mind as increasingly complex and unknowable, shaped by powerful internal emotional forces, repressions, and responses.<sup>120</sup> If people sympathised with the crime of passion because intimate life gone wrong could easily lead to losing one's self-control, this was very much dependent on popular understandings of the dangers of the emotional body.

As much as popular reportage in newspapers stressed the very long history and omnipresence of passionate crime, legal and popular responses depended on fundamentally modern models and definitions of the emotions, the will, and conscience.<sup>121</sup> Here, 'basic' emotions and instincts, such as fear, flight, self-preservation and the 'sex instinct' were powerful mechanisms from which all human action sprung from. Matthew Thomson has argued that the influential social psychology of the early twentieth century focused specifically on the role of universal 'instincts' in the constitution of individual psychologies. The stress on instincts was, in part, shaped by colonial-anthropological expeditions to study 'primitive' peoples. As Thomson suggests, psychologists such as William McDougall rejected models of evolutionary or biological racial hierarchies, stressing the universality of basic instincts, albeit checked, shaped and refined in western cultures by the 'civilising process'. 'Clearly', Thomson writes, 'the

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<sup>119</sup> Langhamer, *The English in Love*, p. 123.

<sup>120</sup> Michal Shapira, "'Speaking Kleinian': Susan Isaacs as Ursula Wise and the Inter-War Popularisation of Psychoanalysis', *Medical History* 61, no. 4 (October 2017): 525–47.

<sup>121</sup> See for instance: Boddice, *The History of Emotions*, p. 18; Dixon, *From Passions to Emotions*, p. 207.

individual psychology of the future had to embrace the irrational and instinctive side of people.’<sup>122</sup>

The taken-for-granted formulations of the crime of passion as a ‘normal response’ to intimate life gone wrong reflected this understanding of the human mind and body as instinctive and irrational when put under severe emotional duress. Upon this backdrop then, intimate and romantic life promised much. Yet that promise made its failure harder, and the force and ferocity of the emotions further popularised a common idea that the travails of intimacy could quite literally incapacitate.

The promise of individual fulfilment within modern love draws attention to the ways in which modern intimacies, and intimacies gone wrong, were shaped, and themselves contributed to, new ways of understanding the self in the twentieth century. Borrowing a phrase from the cultural historian T.J. Jackson Lears, the modern self, rather than possessing any fixed qualities, was ever more a *project* which required hard work and constant management to achieve ‘perfection’. In this frame, aspirational selfhood was assessed in reference to personal contentment, perfect family life, perfect intellect and perfect looks. Albeit in an American context, Lears argues that advertising in particular fostered an aesthetic of perfection, where consumer goods and consumerism were important means to improve one’s health, attractiveness, performance, and general well-being.<sup>123</sup> Beyond Lears’ focus on advertising,

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<sup>122</sup> Mathew Thomson, “‘Savage Civilisation’ Race, Culture and Mind in Britain 1898-1939”, in Waltrud Ernst and Bernard Harris (eds.), *Race, Science and Medicine, 1700-1960* (London: Routledge, 1999), pp. 235–59, p. 240; See also: Henrika Kuklick, *The Savage Within: A Social History of British Anthropology, 1885-1945* (Cambridge, 1993).

<sup>123</sup> T.J. Jackson Lears, *Fables of Abundance: A Cultural History of Advertising in America* (New York, 1994), p. 213; See also: Jackson Lears, ‘The Resurrection of the Body: Medicine and the Pursuit of Happiness in America’, *The New Republic*, Vol. 230, No. 15 (2004), pp. 25-34, p. 31.

the perfectionist project, I argue, is a productive framework to think through the transformations that shaped a sense of self in twentieth century Britain.

Both Thomson and Matt Houlbrook have argued that the popularity of popular psychologies of self-improvement in early-twentieth-century Britain reflected ideals of the self, the mind and body, fixed within an aspirational frame of constantly searching for greater health, intellect, and happiness.<sup>124</sup> Houlbrook has also highlighted how popular fiction, and popular romances in particular, increasingly led to what he refers to as the practice of ‘living a fictional life’, understanding desire, love, and romantic happiness as tales of self-actualisation where perfect romantic happiness was the ever just out of reach goal.<sup>125</sup> Popular fiction was one cultural mechanism that increasingly heightened the significance of daydreaming and fantasy in shaping aspirational intimacies and life-narratives attached to romantic, marital, and familial happiness. A number of historians of journalism and print culture have demonstrated how mass newspapers, increasingly attuned to the profitability of appealing to a female readership, perfected a didactic ‘lifestyle’ genre which fixed romance, beauty, desire, motherhood, and family life as the archetypal ‘perfectionist project’.<sup>126</sup>

Popular journalism during the early twentieth century pioneered cultural forms that further fixed daydreaming and fantasy as central features of the modern self as a perfectionist project.

Papers such as the *Daily Mirror* and its sister the *Sunday Pictorial* encouraged a culture of

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<sup>124</sup> Mathew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth Century Britain* (Oxford, 2006); Matt Houlbrook, ‘Charming Faces and the Problem of Identification’, in Rex Ferguson, Melissa M. Littlefield, and James Purdon (eds.), *The Art of Identification: Forensics, Surveillance, Identity*, (University Park, PA, 2021), pp. 33-62, p. 35.

<sup>125</sup> Matt Houlbrook, ‘“A Pin to See The Peepshow”: Culture, Fiction And Selfhood In Edith Thompson’s Letters, 1921-1922’, *Past & Present*, Vol. 207 (May 2010): pp. 215–49.

<sup>126</sup> Adrian Bingham, *Gender, Modernity, and the Popular Press in Inter-War Britain* (Oxford, 2004); Penny Tinkler, *Constructing Girlhood: Popular Magazines For Girls Growing Up In England, 1920-1950* (London, 2013).

romance, as a number of scholars have shown, that stressed hard-work and emotional and aesthetic management as cornerstones of romantic happiness.<sup>127</sup> Such forms were complimented by the explosion in ‘human-interest’ journalism. Indeed, the 1920s saw the birth of a new form of sensational ‘life-story’, often ghost-written in the first person that promised the ‘inside’ story on scandal and crime.<sup>128</sup> The life-story blurred the boundary between public and private life, drawing readers into the ‘inner world’ of crime and the criminal.

Sensational life stories became powerful modes through which readers increasingly *identified* with the emotions that drove people to kill across the twentieth century. As scholars of psychology and selfhood argue, it is impossible to extract the modern technologies of the self from their economic and cultural coordinates.<sup>129</sup> With human interest journalism obsessed with the intimate personal secrets of the self, the crime of passion in modern British culture augured what could happen to *any relationship*, if put under enough strain. The blurring boundaries between the public and private, at a moment where the private and domestic was simultaneously heralded as the primary zone for individual health and happiness, made the crime of passion an archetypal *modern* crime. It stood as the dark shadow of a modern intimacy always struggling under the weight of its own promise.

It is within this landscape of sexual, intimate, and emotional life that the twentieth-century crime of passion must be considered. If a satisfying and enriching intimate life was constitutive of a healthy and composed sense of self, it was unsurprising, for many observers at least, that

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<sup>127</sup> Charnock, “‘A Million Little Bonds’”, p. 231; Langhamer, *The English in Love*, p. 73.

<sup>128</sup> Matt Houlbrook, ‘Commodifying the Self Within: Ghosts, Libels, and the Crook Life Story in Interwar Britain’, *The Journal of Modern History*, Vol. 85, No. 2 (June 2013), pp. 321–363; Ann L. Ardis and Patrick Collier, eds., *Transatlantic Print Culture, 1880-1940: Emerging Media, Emerging Modernisms* (New York, 2008).

<sup>129</sup> Houlbrook, ‘Commodifying the Self Within’, p. 323; Rose, *Governing the Soul* (London, 2005); Thomson, *Psychological Subjects*, pp. 2-3.

so many lost their self-control when relationships went wrong. The aspirational pursuit of perfection was constantly shadowed by the threat of its failure and the greater success of others, opening up a new space and significance for jealousy as an archetypal emotion of modernity.

Thinking about the relationship between crime and intimacy, I suggest, is one historical method through which to tease out the emergence of a specific culture and sensibility of intimacy we might recognise as 'heterosexual'. 'The pursuit of perfection' bears resemblance to what the cultural theorist Lauren Berlant referred to as the allure of 'the good life' in modern western culture. 'The good life', Berlant contended, is a narrative of intimate happiness shaped by the moral, intimate, and economic coordinates of modern American culture. As Berlant argued, 'fantasy is the means by which people hoard idealizing theories and tableaux about how they and the world 'add up to something.'<sup>130</sup> Berlant's work is important to this thesis because she encouraged scholars of sexuality to think about the importance of feelings, dreams and fantasy in constituting both sexual cultures and sexual selfhoods. Writing with Michael Warner, Berlant encouraged a study of 'heterosexual culture' which prises apart the ways in which male-female sexual relations infused itself into the 'the fabric of ordinary rightness'.<sup>131</sup>

In this thesis, I track how the crime of passion was the constant counterpoint to the emergence of a modern culture and sensibility shaped by the pursuit of perfection and the allure of the 'good life'. A modern culture at first glance we might call explicitly heterosexual. This culture, I contend, has specific historical coordinates. On the one hand, the pursuit of perfection depended on uneasy, uneven but unmistakable liberalisation of sexual culture. Such shifts

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<sup>130</sup> Berlant, *Cruel Optimism* (Durham, 2011), p. 2.

<sup>131</sup> Lauren Berlant and Michael Warner, 'Sex in Public', *Critical Inquiry* Vol. 24, No. 2 (1998): pp. 547–66, p. 552; See also Lauren Berlant, 'Thinking about Feeling Historical', *Emotions, Space and Society*, Vol. 1, No. 1 (2008), pp. 4-9, pp. 4-5; Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham, 1997), pp. 13-14.

coincided with the emotional intensification of private and family life, and an ever-increasing weight placed on personal fulfilment through an often impossible unity between sexual pleasure, happy families and contended selves.

The chronology of this thesis, starting at the end of the First World War and finishing in the late 1950s, provides a much longer and gradual chronology of the rise of permissiveness and the emergence of liberal sexual culture in modern Britain.<sup>132</sup> I contribute to a now well established tendency within British historiography to critique the centrality of the 1960s.<sup>133</sup> I highlight the radical breaks and transformations of British culture and society from the 1920s onwards. These transformations set in motion new ideas of personal happiness and self-actualisation in intimate life that would facilitate the ‘sexual revolution’ of the later twentieth century. The crime of passion was a privileged, and fraught, site through which the law, the state, the media as well as ‘ordinary citizens’, contested and reshaped the sensibilities attached to romantic life. It was in this contestation, I argue, that modern sensibilities and modern sexual culture emerged.

If my method attempts to historicise the emergence of what, in Berlantian terms, we might call ‘heterosexual’ culture, my findings raise questions about the extent to which this culture has ever been exclusively ‘heterosexual’. Indeed, following recent interventions emerging from the field of queer history, I draw attention to the inherent patchiness of modern regimes of sexual

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<sup>132</sup> This conventional narrative of the ‘swinging sixties’ as a watershed and clean break is still one that retains significant cultural purchase, for popular histories that reinforce this reading see: Arthur Marwick, *The Sixties: Cultural Revolution in Britain, France, Italy, and the United States, C. 1958-C. 1974* (London, 2012 [1999]); Dominic Sandbrook, *White heat: A History of Britain in the Swinging Sixties* (London, 2007).

<sup>133</sup> Mort, ‘The Permissive Society Revisited’, pp. 269–298, p. 271; Frank Mort, *Capital Affairs: London and the Making of the Permissive Society* (New Haven, 2010); Hera Cook, *The Long Sexual Revolution: English Women, Sex, and Contraception, 1800-1975* (Oxford, 2004).

difference.<sup>134</sup> In the chapters that follow, I demonstrate how the jealousies of men who had sex with men, or suicide pacts entered into by young women, were vital to how the state, and emerging ‘expertise’ on crime and the criminal body, apprehended and made sense of the relationship between passion and violence.

Crucially, the passionate body often collapsed the boundaries of normal and pathological sexual desire, even if in other domains this boundary was beginning to solidify.<sup>135</sup> As I will demonstrate, sex between, and desire of, members of the same sex often made the passions of *all* bodies legible. Criminological works of the 1930s for instance, maintained that the illegality of male sexual practices often heightened passionate responses which could lead to violence.<sup>136</sup> Queer men, in this reading, were more likely to turn to violence due to the emotional effects of unrequited love or social shame. Yet, conversely, this further fixed the passions as universal forces that could lead anybody towards violence. The pull of the passions collapsed the difference between same and opposite sex attraction. The principle that the emotions often stood in conflict, and could ride roughshod, over social norm or legal proscription, was central to the way the crime of passion was constituted, and became the central motif of the debate over sexual liberalisation and its effect on ‘traditional’ institutions such as marriage and the

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<sup>134</sup> See for instance: Doan, *Disturbing Practices*, p. 32; Marcus, *Between Women*; Jules Gill-Peterson, *Histories of the Transgender Child* (Minneapolis, USA, 2018); Matt Houlbrook, ‘Thinking Queer: The Social and the Sexual in Interwar Britain’, in Brian Lewis (ed.), *British Queer History: New Approaches and Perspectives* (Manchester, 2013), pp. 134–136; This approach, of stressing the difference of the sexual past, and the historicity of the categories of sexual difference which shape our understanding of sex, is central to the method of what is called the ‘New Queer British History’, see: Chris Waters, ‘Distance and Desire in the New British Queer History’, *GLQ: A Journal of Lesbian and Gay Studies*, Vol. 14m No. 1 (2008), pp. 139–155, p. 141.

<sup>135</sup> Chris Waters, ‘The Homosexual as a Social Being in Britain, 1945–1968’, *Journal of British Studies*, Vol. 51, No. 3 (2012), pp. 685–710.

<sup>136</sup> This thesis focuses on the work of William Norwood East, a central figure in the emergence of a distinctly British criminological tradition, and for many years Chief Medical Officer of the Prison Commission. He was both a leading figure in the creation of expert discourses of crime *and* in the direction of state penal power. See: William Norwood East, *Medical Aspects of Crime* (London, 1936); William Norwood East, *Society and the Criminal* (London, 1949); William Norwood East, *The Adolescent Criminal* (London, 1942); On East’s importance to criminology in Britain see: David Garland, ‘British Criminology Before 1935’, *The British Journal of Criminology*, Vol. 28, No. 2 (1988), pp. 1–17.

family. As I highlight, the passions of queer people animated these debates from the start. Queer desire and queer passions, I contend, were at the very centre of how the modern body, and modern intimacy, was shaped and transformed in twentieth-century Britain.

Laura Doan has urged historians of heterosexuality and heterosexual practices to recognise that heterosexuality is a historically-specific ‘cultural understanding of the normal’.<sup>137</sup> My thesis takes up Doan’s challenge, with the caveat that there was nothing particularly ‘heterosexual’ about the cultural understanding of the normal as it pertained to the crime of passion. The crime of passion became a privileged, and fraught, site through which the law, the state, the media as well as ‘ordinary citizens’, contested and reshaped the sensibilities attached to romantic and intimate life, one shaped by queer as much as opposite-sex intimacies. It was in this contestation, I argue, that a sensibility we now might recognise as sexuality as a project of ‘perfection’, or the pursuit of the ‘good life’, emerged.

## Thesis Overview

Turning to the interplay between sensational trials, the decision making of the Home Office, the writing of criminologists, and the protests of the public against the death penalty, I begin by exploring the mechanisms through which passionate crime became fixed as less concerning than other forms of violence in twentieth-century Britain. I explore the multiple domains that made the crime of passion an ordinary, if lamentable, part of everyday intimate life. Beginning with sensational trials of the Frenchman Jean Pierre Vaquier in 1924, and the double murder trial of Alma Rattenbury and George Stoner in 1935, I explore how sensational newspaper reportage enabled people to both sympathise *and* identify with passionate killers. I then turn to

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<sup>137</sup> Laura Doan, “‘A Peculiarly Obscure Subject’ The Missing “Case” of the Heterosexual”, in *British Queer History: New Approaches and Perspectives*, ed. Brian Lewis (Manchester, 2013), pp. 87-110.



the problems this created for the Home Office, who attempted to maintain a principle of harsh treatment, while in practice conceding that the passions could provide grounds for mitigation, particularly if the past behaviour or character of the deceased was sufficiently provocative. The popular press, the nascent discipline of criminology, and the Home Office all shared a common conception of passionate violence as less deviant, less subversive and less of a concern to the maintenance of social order than other types of violence. I argue that passionate violence was often fixed with the dubious title of being 'normal'. Increasingly, its normality derived from the unknowability of the modern body, and the everyday struggles, pitfalls and disappointments modern romance could hold.

My second chapter continues to probe the 'normality' of the crime of passion by turning to the history of a specific emotion. Jealousy, I argue, underwent a spectacular transformation across western cultures in the twentieth century. Previously apprehended primarily as an illness or malady, from the late nineteenth century jealousy transformed into a lamentable yet commonplace part of everyday life. Jealousy was the regrettable side effect of a competitive and aspirational culture in pursuit of perfection in everyday intimate life. Jealousy's new status as the persistent dark shadow of romance fuelled the crime of passion's status as the inevitable consequence of the demands of intimacy. I then turn to how the Home Office approached jealous violence. Jealousy was a political and legal problem imbricated within a broader project of social control. I argue that the decisions Ernie Blackwell and the Home Office took in reprieving jealous men from the death penalty was part of affirming who was tolerated and who was not. In deciding whose jealousy to recognise, the Home Office made decisions rooted by broader assumptions based on race, age, gender, class and sexual practice.

In Chapter three, we move from individual passions to what queer theorists would call the ‘ontology of the couple’.<sup>138</sup> It is a history of the brief life of the ‘suicide pact’ as a legal and cultural phenomenon in modern Britain. I interrogate why, and for what reasons, Britain became gripped by what contemporaries saw as a worrying new archetype of modern life in the 1920s and 1930s. The suicide pact dramatised, I argue, the renewed significance of the couple as intimate form, one increasingly defined by a mutual togetherness that trumped all other social ties. The history of the suicide pact also exposes the dangers of heterosexual practices outside the confines of marriage and the family. Not everyone saw the suicide pact as a romance narrative of impossible love. Home Office officials, sceptical as to why it was typically men who survived suicide pacts, saw their trial as moments that further highlighted the threat of male violence in an age where women were seen as more susceptible to dreaming and idealising when it came to love.

My final chapter turns to the post-war period and perhaps the most well-known crime of passion in twentieth-century Britain: the trial and execution of Ruth Ellis in July 1955. This might initially strike the reader as a large chronological leap from the suicide pacts of the mid 1930s. There are both archival and methodological arguments for such a leap. The conditions of wartime, particularly the significant drop in crime tried by the British state limited the number of passionate murder trials in the criminal court *and* in the public imagination. Relatedly, the column inches newspapers afforded to domestic crime was similarly restricted.

Perhaps most significantly, it is the post-war period which marks a culmination point for the transformation of intimate life this thesis is interested in. In letters sent to the Home Secretary

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<sup>138</sup> See for instance: Annamarie Jagose, ‘Anthropomorphism, Normativity and the Couple’, *GLQ: A Journal of Lesbian and Gay Studies*, Vol. 25, No. 2 (April 2019), pp. 315–335.

urging a reprieve for Ruth Ellis, we see self-professed ‘ordinary citizens’, armed with the new value ordinary citizenship held in the nascent welfare state, candidly identifying with Ruth as someone capable of killing when intimate life went wrong. Here we see the clearest expression, one startlingly regular throughout the archive, of a reflexive autonomous sexual selfhood that contained within it the belief that emotional duress could push them, could push anyone, to commit murder.

In the reprieve campaign for Ruth Ellis, women articulated a murderous subjectivity, co-opting and subverting a narrative of intimate violence that had long served to mitigate violent men who had killed their wives, lovers or sweethearts. The ‘unruly intimacies’ that had been a taken for granted aspect of men’s responses to jealousy were now flipped. The archive, I argue, is an extraordinary artefact of women’s activism against the pervasive violence, abuse and control subjected on them by men. It was a moment where the personal was political before the second-wave feminist movement. The campaign to reprieve Ruth Ellis, I argue, expanded the definition of what counted as the difficult and demanding underside of intimate life, to include the banal and ubiquitous violence that crimes of passion had, ironically, served to normalise over the last fifty years.

In sum, this thesis is a history of the emergence of a specific sensibility of intimate life in twentieth-century Britain. The crime of passion was the shadow of this new terrain, where the promises of happiness and transformation were consistently betrayed by everyday disappointments. Moreover, the history of the crime of passion reveals in stark terms the ubiquity of male violence as a banal feature of the everyday, and the ways society and the state have consistently placed the responsibility for this violence on the behaviour of women. The ‘normality’ of the crime of passion in early twentieth-century Britain, I argue, was reflective

of the naturalisation of male violence, particularly when provoked by the ‘disreputable’ actions of women or queer men. A naturalisation that was in no way archaic or ahistorical, but a distinctly modern way of understanding the male body, and reflective of a specifically modern sensibility of intimate life.

# Chapter One: Constituting the Crime of Passion in Twentieth-Century Britain

## Introduction

In 1922, a young sailor named Frederick Bywaters went to sea madly in love. He was a crew-hand on the passenger liner the SS Morea, owned by the Pacific and Oriental shipping company. During that year, the Morea undertook several voyages to Japan. In the port cities so central to the global and imperial flows of goods and people – Marseille, Suez, Bombay, Colombo, Penang, Singapore – Freddie pored over the passionate letters from his lover, a woman ten years his senior named Edith Thompson.<sup>1</sup> Freddie was in what we might call a maddening love. For long periods of time, passionate love letters were the means through which Edith and Freddie sustained their illicit intimacy.<sup>2</sup> They declared the thrill of desire and the heartache of separation, as well as the deep pain of a love curtailed and constrained by Edith's marriage.<sup>3</sup> They discussed the plots of romance and crime novels, using them to devise elaborate – and fantastical – ways they might free themselves from the clawing and claustrophobic impossibility their love held.<sup>4</sup> They discussed whether they could ever face a suicide pact, following a spate of failed pacts by young lovers in the summer of 1922 while Freddie was at sea.<sup>5</sup> They even hypothesised about murder, and discussed the poisoning plots of famous detective fiction.<sup>6</sup> Discussing various forms of fictionalised violence was a means through which they attempted to escape from a social reality they found impossible.

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<sup>1</sup> I am thankful here for the careful historical research undertaken by family historians and shipping enthusiasts on P&O. For the Morea see: <https://www.benjido.co.uk/MClass/sources.php#20> (accessed June 2023) See also the wealth of information on the 'Ships Nostalgia' website: <https://www.shipsnostalgia.com/threads/rms-morea.302756/> (accessed June 2023).

<sup>2</sup> Matt Houlbrook, "'A Pin to See the Peepshow': Culture, Fiction and Selfhood in Edith Thompson's Letters, 1921-1922", *Past & Present*, Vol. 207 (May 2010), pp. 215–249.

<sup>3</sup> TNA, HO 144/2685, Criminal Cases: Bywaters and Thompson.

<sup>4</sup> 'Mrs Thompson's Impassioned Letters', *The Daily Sketch* (London), 6<sup>th</sup> December 1922, p. 12.

<sup>5</sup> 'Bywaters in Defence, Suggests Suicide Pact', *The Daily Sketch* (London), 6<sup>th</sup> December 1922, p. 2.

<sup>6</sup> 'Mrs. Thompson's Impassioned Letters', p. 12.

Four months after Freddie had disembarked the Morea at Tilbury, these private exchanges would be read and cross-examined at the Old Bailey, England's premier criminal court. Fictionalised violence had turned shockingly real. Millions of people pored over trial reports in the popular papers the following day, most of which faithfully reprinted, almost verbatim, the more florid parts of Edith's letters.<sup>7</sup>

On the 4<sup>th</sup> of October, Freddie stabbed Percy Thompson several times on Belgrave Road in the London suburb of Ilford. Bywaters' actions that October night were to become one of the most infamous murders in the history of English criminal law.<sup>8</sup> As is now well accepted, there is no evidence that Edith knew what Freddie had planned.<sup>9</sup> However at court, Edith was guilty by association, her passionate love-letters used as evidence that she had incited him to kill her husband. The case, and the spectacular trial it generated, is one of the most notorious and well-known crimes of passion of the twentieth century.<sup>10</sup>

'This is a story of passion', wrote the writer and journalist Filson Young in the introduction to the *Notable British Trials* edition of the trial transcript, published by the Edinburgh based publishers W.T. Hodge 1923. 'The passion in it which alone invests what would otherwise be a story of sordid crime with any dignity.'<sup>11</sup> Young's definition of a crime of passion was a strange and contradictory one. He stressed that 'the crime was essentially sordid and

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<sup>7</sup> 'Double Death Sentence in Ilford Trial', *The Daily Sketch* (London), 12<sup>th</sup> December 1922, p. 1.

<sup>8</sup> See for instance: Laura Thompson (ed.), *Au Revoir Now Darlint: The Letters of Edith Thompson* (London, 2023); Laura Thompson, *A Tale of Two Murders: Guilty, Innocence, and the Execution of Edith Thompson* (London, 2018); Lewis Broad, *The Innocence of Edith Thompson: A Study in Old Bailey Justice* (London, 1952); René Weiss, *Criminal Justice: The True Edith Thompson* (London, 1988); Jean Graham Hall and Gordon Smith, *R V Bywaters and Thompson* (Chichester, 1997).

<sup>9</sup> Lucy Bland, 'The Trials and Tribulations of Edith Thompson: The Capital Crime of Sexual Incitement in 1920s England', *Journal of British Studies*, Vol. 47, No. 3 (2008), pp. 624–48, p. 674.

<sup>10</sup> For recent media interest taken in the campaign to pardon Edith Thompson see: BBC News, 'Edith Thompson: Commission to re-examine hanged woman's case', 7<sup>th</sup> March 2023, online at: <https://www.bbc.com/news/uk-england-london-64879662> (accessed March: 2023).

<sup>11</sup> Filson Young (ed.), *The Trial of Frederick Bywaters and Edith Thompson* (Edinburgh, 1923), p. xiv; On the *Notable British Trials* series see: Shani D'Cruze, "'The Damned Place was Haunted': The Gothic, Middlebrow Culture and Inter-War "Notable Trials"", *Literature & History*, Vol. 15, No. 1 (May 2006), pp. 37–58, p. 39.

commonplace – the husband stabbed to death by his rival.’ While decrying it as sordid, the ‘husband who stabbed to death his rival’ was also referred to as ‘commonplace’, gesturing towards the taken for granted ordinariness of male violence in British culture. Yet Young immediately contradicted himself, ‘the case as a whole was not sordid, because...the emotional antecedents of the act itself...lift the whole story out of the commonplace.’<sup>12</sup> Young’s strange logic is the perfect place to start because it introduces the definitional contestations this chapter is interested in. What *was* a crime of passion? Was it something ‘essentially sordid and commonplace’? Or was it a crime that was, in Young’s words, an ‘emotional’ act that invested crime with ‘dignity’? As this chapter shows, for many over the course of the early twentieth century, the answer was that it was in fact, both.

Before we fix the trial of Thompson and Bywaters as the archetypal crime of passion in the English criminal court, it’s worth reflecting that not everyone agreed with Young. The *Daily Mirror*, reported that the Lord Chief Justice Gordon Hewart had, ‘added the words ‘vulgar’ and ‘sordid’ to characterize a murder coldly planned and deliberately executed, against an unprotected man, whose sole offence was that he stood in the way of natural freedom.’<sup>13</sup> Even in a ‘coldly planned and deliberately executed’ murder, Hewart saw the passions of the heart – this ‘natural freedom’ - as dangerous and in need of careful management. The passions as both natural yet dangerous reflected changing representations of the power of love in popular romantic fiction in the 1920s and 1930s.<sup>14</sup>

Contrasting Freddie’s actions with those of Abraham Rhodes, who murdered his wife the same year, the *Mirror* asked rhetorically, ‘Are there people who imagine that a crime plotted for

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<sup>12</sup> Young, *The Trial of Bywaters and Thompson*, p. xv.

<sup>13</sup> ‘On Appeal’, *The Daily Mirror* (London), 22<sup>nd</sup> December 1922, p. 5.

<sup>14</sup> See Karen Chow, ‘Popular Sexual Knowledges and Women’s Agency in 1920s England: Marie Stopes’s “Married Love” and E. M. Hull’s “The Sheik”’, *Feminist Review*, Vol. 63 (1999), pp. 64–87; Joseph McAleer, *Passion’s Fortune: The Story of Mills & Boon* (Oxford, 1999), p. 186.

months is less horrible than one due to the sudden impulse of uncontrollable jealousy or fear? We hope not.’<sup>15</sup> For the *Mirror*, truly passionate crime, and murders worthy of a degree of sympathy, were almost always unpremeditated.

Yet as the case of Thompson and Bywaters demonstrated, passionate crimes didn’t necessarily lack premeditation. The vehemence of the *Mirror*’s opinion piece was in part a reaction to the large and growing reprieve campaign for Bywaters in the weeks preceding his execution.<sup>16</sup> Over a million people signed a petition for Bywaters’ reprieve, perhaps the largest reprieve campaign of the entire twentieth century.<sup>17</sup> Notably this was a reprieve *just* for Bywaters, not for Thompson, who was fixed at trial as the domineering force, preying on the impressionability of the young. As the historian Lucy Bland argues, sympathy for *Freddie* turned on fixing Edith as a powerful and predatory figure, preying on a young and impressionable man. A frame that touched a cultural nerve when youth, and male youth, was increasingly invested in hopes for the future following the devastating loss of life in the First World War.<sup>18</sup>

Bland is correct to stress these points, and her focus on Edith inevitably means the actual reprieve campaign for Freddie is less of a concern. What Bland and other historians interested in this case have neglected however, was that Freddie’s reprieve campaign, while spectacularly large, wasn’t a particularly exceptional or unique response to the prospect of the death sentence. By taking Frederick Bywaters, rather than Edith Thompson, as the starting point for historical study, their trial looks less exceptional, and more reflective of the recurring ways violent men

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<sup>15</sup> ‘On Appeal’, *The Daily Mirror* (London), 22 December 1922, p. 5.

<sup>16</sup> The reprieve campaign was coordinated by the *Daily Sketch* newspaper, see: ‘Last Hope for Bywaters: Petition at Home Office’ *The Daily Sketch* (London), 27<sup>th</sup> December 1922, p. 1.

<sup>17</sup> TNA, HO 144/2685.

<sup>18</sup> Lucy Bland, ‘The Trials and Tribulations of Edith Thompson’, p. 674; See also Matt Houlbrook, ‘“A Pin To See The Peepshow”’, p. 218.



engendered broadly sympathetic responses from the newspaper reading public throughout the early twentieth century.

Two years previously, at least 150,000 people signed a petition for the reprieve of the 21-year-old Cyril Saunders, who had killed his sweetheart after she had ended the relationship. His local newspaper the *Western Times*, which coordinated the reprieve campaign, described him as ‘a very superior type of young man.’<sup>19</sup> In 1926, over 30,000 signed a petition for George Thomas, where letters similar in intensity to those written by Edith Thompson were read at trial.<sup>20</sup> In 1937, 30,000 signed a petition for the reprieve for Ronald Smedley, whose crime was described by his defence lawyer as ‘a tragedy comparable to Othello’s murder of Desdemona. The motive he declared was jealousy. The most powerful of human motives.’<sup>21</sup> In the years this chapter focuses on 1922-1957, reprieve campaigns for convicted murderers, almost all men who had been found guilty of wilfully killing their wives, lovers, and girlfriends, were mobilised with an almost banal regularity. The stress the existing historiography on crime has placed on the law’s increasing hostility to intimate violence neglects this broader and pervasive culture of sympathy for men who killed women.<sup>22</sup> A culture that reinforced a sense of the normalcy, inevitability and acceptability of male violence in specific pressurised contexts.

Even murders of marked brutality could generate large public petitions. In 1944, William Manton was found guilty of battering his wife to death with a wooden stool. Following her death, he transported her body on his bicycle across Luton wrapped in old sacks before disposing of her body in the River Lea.<sup>23</sup> In the days after his conviction, more than 26,000

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<sup>19</sup> ‘Fight for a Life: Extraordinary anxiety of the people of Devon’, *Western Times* (Exeter), 20th November 1920, p. 4.

<sup>20</sup> ‘Doomed Miner & Lock of Girl’s Hair: Execution Date Fixed’, *Reynolds’s Newspaper* (London), 7th March 1926, p. 3.

<sup>21</sup> ‘30,000 Sign for Smedley’, *Daily Mirror* (London), 30th November 1937, p. 2.

<sup>22</sup> John Carter Wood, ‘Criminal Violence in Modern Britain’, *History Compass*, Vol. 4, No. 1 (2006), pp. 77–90; Martin J. Wiener, ‘Alice Arden to Bill Sikes: Changing Nightmares of Intimate Violence in England, 1558–1869’, *Journal of British Studies*, Vol. 40, No. 2 (2001), pp. 184–212.

<sup>23</sup> ‘Carried Dead Wife to River on Bike’, *The Daily Mirror*, 24th March 1944, p. 4.

people signed a petition addressed to Herbert Morrison, the then Home Secretary.<sup>24</sup> For the petitioners, the news from the Home Office was welcome; Morrison had agreed to a reprieve. According to a note on the case written by Home Office civil servants, Manton was a ‘decent man, very fond of his home and children.’ Manton’s brutal murder of his wife was, they argued, due to the ‘many quarrels [the couple had] owing to her fondness for a ‘gay life’’.<sup>25</sup> Manton was due to serve nine years in prison, the usual length for what the Home Office referred to as ‘average murders’, as opposed to ‘bad cases’.<sup>26</sup> However he died in prison in 1947.<sup>27</sup>

Manton’s murder of his wife illustrates the processes that constituted the crime of passion as a coherent, if contested, object of knowledge: a volatile interaction between the law, the state, the media, and the reading (and writing) public. In this chapter I want to tease out the interactions and processes that made the crime of passion comprehensible, which in turn shaped legal verdicts, newspaper reports and public petitions against the death penalty. The culture of crimes of passion in Britain I argue, served to ultimately reduce the severity of punishment many men received. In so doing, I expose how violence, or at least the potential or capability to be violent, was secured at the centre of what was seen as the normal and ordinary masculine subject.

Given that English criminal law has never recognised, or at least, has never defined explicitly what a crime of passion is, its meaning has always been capacious and contested. In this chapter I survey three spaces with which passionate and intimate violence was constituted, disciplined and its moral weight was fixed. In each frame, the crime of passion took on different characteristics and brought different cultural, political, and gendered anxieties to the forefront

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<sup>24</sup> ‘Sack Murderer Reprieved’ *Derby Daily Telegraph* (Derby), 30th June 1944, p. 8.

<sup>25</sup> The National Archives (TNA), Home Office (HO) 384/385, Noters Section: Precedent Books, Capital Cases: Volume 1.

<sup>26</sup> TNA, HO 45/25411: Criminal: Murder in Scotland: notes on various individual cases.

<sup>27</sup> TNA, HO 384/359, Capital Cases: Volume 1.

of public attention. One thing that cut across these approaches to passionate violence was the taken for granted assumption that men might turn to violence under sufficient pressure. It was this taken for granted assumption that, I argue, enabled and encouraged a broader culture of sympathy for the male perpetrators of intimate ‘passionate’ violence.

If other scholars have charted the uneasy representational borderlands concerning other forms of criminality, from the burglar and ‘white slavers’ to the confidence trickster, this chapter is interested in an altogether different criminal ‘type’, the passionate killer.<sup>28</sup> The production of criminal types – and knowledge of crime more broadly – was constituted through an uneasy conversation between the law, the economies and discursive practices of popular journalism and fiction, and ‘expert’ discourses on crime emanating from the professionalising discipline of criminology. As I argue in this chapter, the common thread between these different discourses on crime, was that the passionate killer was a fundamentally different, and more normal type of criminal, because their crime was committed under the heavy force of emotional duress.

The first frame I explore is the crime of passion as a ‘cause-célèbre’. Sensational stories of dramatic criminal trials are perhaps the most recognisable mode of understanding the crime of passion. The 1920s and 1930s were particularly notable and volatile years for high-profile and scandalous trials. As Shani D’Cruze argues, ‘trials provided significant moments when fractures in the values and aspirations of (often) respectable private lives were held up for exhaustive public scrutiny’.<sup>29</sup> D’Cruze suggests that many ‘real life murder stories’, fixated on how ‘strong passions and sexual/psychological turbulence deformed normative narratives of

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<sup>28</sup> See for instance: Eloise Moss, *Night Raiders: Burglary and the Making of Modern Urban Life in London, 1860-1968* (Oxford, 2019); Julia Laite, *The Disappearance of Lydia Harvey: A True Story of Sex, Crime and the Meaning of Justice* (London, 2022); Matt Houlbrook, *Prince of Tricksters: The Incredible True Story of Netley Lucas, Gentleman Crook* (Chicago, 2016).

<sup>29</sup> Shani D’Cruze, ‘Intimacy, Professionalism and Domestic Homicide in Interwar Britain: The Case of Buck Ruxton’, *Women’s History Review* Vol. 16, No. 5 (November 2007), pp. 701–22, p. 715.

romance, leisure family formation and domestic harmony.<sup>30</sup> Both D'Cruze and Lucy Bland have shown how popular responses to sensational trials of the 1920s were often obsessed with the tension between the secrets of intimate life and the outward performance of middle-class and bourgeois respectability.<sup>31</sup> The 'secrets' starkly rendered by the criminal trial highlighted how the passions betrayed the difficulties in taming an unruly body and heart in the service of respectability.

This chapter focuses on two highly notable criminal trials of the 1920s and 1930s yet to be studied by historians of crime and culture. In 1924 the Frenchman Jean-Pierre Vaquier murdered Alfred Jones at the Blue Anchor inn in Byfleet, Surrey. Vaquier was passionately in love with Alfred's wife Mabel, and followed her back to Byfleet after a whirlwind affair in Biarritz.<sup>32</sup> After Vaquier had been found guilty, there was a vociferous public protest at the prospect of his execution.<sup>33</sup> This fell on deaf ears in the Home Office and Vaquier was executed in July 1924. Eleven years later, The singer and composer Alma Rattenbury along with her chauffeur and lover George Stoner, were jointly tried for the murder of Alma's husband Francis.<sup>34</sup> George was twenty years younger than Alma and it was obvious it was he who had killed Francis.<sup>35</sup> The parallels with the Thompson Bywaters case were striking, particularly to contemporaries.<sup>36</sup> The shadow of Thompson and Bywaters execution hung over the trial. Unlike twelve years previously, Alma was acquitted and George was found guilty of murder.

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<sup>30</sup> D'Cruze, 'Intimacy, Professionalism and Domestic Homicide in Interwar Britain', p. 715.

<sup>31</sup> Lucy Bland, *Modern Women on Trial*, p. 7.

<sup>32</sup> 'Vaquier's Amazing Defence', *Reynolds's Newspaper* (London), 1<sup>st</sup> June 1924, p. 8.

<sup>33</sup> 'Should Murderers be Hanged?', *Reynolds's Newspaper* (London), 7<sup>th</sup> September 1924, p. 2.

<sup>34</sup> The Rattenbury Stoner trial is more well-known than Vaquier. The trial has generated a number of fictive and theatrical interpretations, as well as 'true crime' accounts for a popular audience. See: Terence Rattigan, *Cause-Célèbre* (London, 2011 [1977]); Cadbury Research Library (CRL), Theatre Collection, MS937/1/157, 'Cause Célèbre' by Terence Rattigan, Her Majesty's Theatre, Leicester, 4<sup>th</sup> July 1977; Sarah Waters, *The Paying Guests* (London, 2015); Sean O'Connor, *The Fatal Passion of Alma Rattenbury* (London, 2020).

<sup>35</sup> 'Mrs Rattenbury's Secret Lovers', *The People* (London), 9<sup>th</sup> June 1935, p. 1.

<sup>36</sup> 'Thompson-Bywaters Case Recalled', *The Daily Herald* (London), 30<sup>th</sup> May 1935, p. 6.

He was reprieved, speedily, by the Home Office only a few days after the trial. During that time however, Alma Rattenbury died by suicide.<sup>37</sup>

Viewed alongside the Thompson Bywaters case, these trials were *the* archetypal crimes of passion in 1920s and 1930s Britain. All three were love triangles of some sort, all three contained intimate encounters that collapsed the rigid (if increasingly permeable) boundaries of social class, and all three exhibited women who exerted agency and possessed independence in their sexual lives. As Bland has argued, fears of the ‘modern woman’ animated newspaper coverage of the criminal law and the criminal trial during this period.<sup>38</sup> As this chapter reinforces, it is impossible to understand the changing terrain of both British culture and British intimate life without reference to the ways in which this was imbricated within a broader debate over the greater independence of women.<sup>39</sup> Indeed, a central contention of this thesis is that the naturalisation of male violence in modern Britain was in part a response to women gaining more autonomy over their sexual lives.

My analysis of these two sensationalised trials pays particular attention to the cultural mechanisms that elevated murder into a broader allegory and warning about the dangers everybody faced in intimate life. Highlighting what Matt Houlbrook refers to as the ‘commodification of the self’, I argue that the interest popular newspapers took in the personal, that is the ‘inside story’ and secret lives that led, eventually, to murder, was a crucial means a reading public sympathised with those on trial.<sup>40</sup> More broadly, this was a form of representation that enabled both recognition and identification from readers with killers.

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<sup>37</sup> ‘Her Last Song’, *The Sunday Pictorial* (London), 9<sup>th</sup> June 1935, p. 7.

<sup>38</sup> Lucy Bland, *Modern Women on Trial: Sexual Transgression in the Age of the Flapper* (Manchester, 2013), p. 5.

<sup>39</sup> Selina Todd, *Young Women, Work, and Family in England 1918-1950* (Oxford, 2005), pp. 116-117; Charlotte Macdonald, ‘Body and Self: Learning to be Modern in 1920s–1930s Britain’, *Women’s History Review*, Vol. 22, No. 2 (April 2013), pp. 267–279, p. 268.

<sup>40</sup> Matt Houlbrook, ‘Commodifying the Self Within: Ghosts, Libels, and the Crook Life Story in Interwar Britain’, *The Journal of Modern History*, Vol. 85, No. 2 (June 2013), pp. 321–63.

The historian Jonathan Saha has argued that sympathy is a historically contingent way of structuring and shaping the flow of emotion within a particular community, group or society.<sup>41</sup> Examining the 1924 murder trial of San Dwe, a Burmese Elephant keeper at London Zoo, Saha argues that sympathy for Dwe reflected and reinforced racialised hierarchies, what he refers to as a ‘colonial sympathy’.<sup>42</sup> This was rooted in the idea of a hierarchal difference between the colony and the metropole, and that life in London, its pace and pressures could be overwhelming for colonial subjects like Dwe. Sympathy for Dwe as a killer, therefore, was rooted in *difference*.<sup>43</sup> Similar elements were at play in Vaquier’s trials, where his ‘French sensibility’ was ill-fitting in an English criminal court.

However rather than seeing sympathy as a means to reinforce social difference, I explore how sympathy could also generate powerful modes of identification with those who killed. This sympathy, I argue, was contingent on modes of representation obsessed with the physical, emotional and bodily strains and stresses of intimate life. It was the sense that the body was fundamentally unpredictable when placed within the pressure cooker of romantic relationships, I argue, that led many to see the crime of passion as a regrettable, but ultimately inevitable and normal consequence of modern life and modern intimacy.

If sensational cause-célèbres were spectacular but infrequent occurrences, the Home Office archive highlights the banality and frequency with which ‘the passions’ appeared in the criminal court. Passionate violence took up a significant amount of civil servants’ time when adjudicating on whether to grant a reprieve from the death penalty. This is the second frame I examine within which passionate violence was comprehended and its morality fixed. I examine 222 capital cases we might identify as resembling a crime of passion between the years 1918

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<sup>41</sup> Jonathan Saha, ‘Murder at London Zoo: Late Colonial Sympathy in Interwar Britain’, *The American Historical Review*, Vol. 121, No. 5 (December 2016), pp. 1468–1491.

<sup>42</sup> Saha, ‘Murder at London Zoo’, p. 1490.

<sup>43</sup> Saha, ‘Murder at London Zoo’, p. 1475.

and 1957, all of which found in Home Office precedent books. In contrast to the trials this chapter begins with, most of these were not sensational cultural spectacles, although most did generate considerable newspaper coverage. Additionally, these are cases of what criminologists would refer to as ‘intimate partner murder’, and are mostly instances where men killed their wives, lovers or sweethearts. While substantially different to the spectacular ‘love triangle’ crimes I begin with, I explore them here because the Home Office themselves categorised these crimes in reference to the passions. Secondly, the way both the Home Office and the public responded to intimate partner murders was part of a broader understanding of passionate crime as more understandable and less concerning than other violent crime.

Just as the cause-célèbres of the 1920s and 1930s mobilised anxieties about modern femininity, the Home Office conceived of crimes of intimate violence in deeply gendered terms. Officials espoused an overt hostility to ‘passionate’ violence, viewing the role of the state as a protector against the worst excesses of male violence. This was not unique to the twentieth century. As Ginger Frost’s work highlights, nineteenth century judges were often hostile to the violent behaviour of men who had been ‘jilted’ or rebuffed by women.<sup>44</sup> However this overt hostility obscured how the Home Office consistently displayed a higher degree of leniency in cases where women had failed to live up to the gendered expectations of their social role. That is, killers were pushed to such an emotional extreme that (masculine) restraint was impossible. Underpinning this was the belief that certain acts of violence, particularly within the pressure-cooker of the domestic sphere, were ultimately irresistible.

The idea that murder could be a normal response to intimate life, chimed with expert ‘discourses’ on the nature and causes of crime within the emerging field of criminology in Britain. The crime of passion as viewed by criminologists is the third frame this chapter

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<sup>44</sup> Ginger Frost, *Promises Broken: Courtship, Class, and Gender in Victorian England* (Charlottesville, 1995).

examines. Criminology, a hybrid academic discipline combining medicine, psychiatry, anthropology and statistical study, aspired towards a ‘scientific’ study of the causes, treatment and prevention of crime.<sup>45</sup> The 1920s and 1930s witnessed the growing importance of scientific management of crime within penal institutions and the Home Office.<sup>46</sup> As David Garland has argued, in contrast to other European countries, British criminology developed first and foremost within the establishments and institutions of the criminal justice system.<sup>47</sup> Britain’s leading early thinkers within criminology, such as William Norwood East and Maurice Hamblin Smith, spent many years working in prisons and the Prison Commission as senior medical officers.<sup>48</sup> Expertise on crime was forged through the everyday practices of penal administration.

At the same time, expertise on the causes of crime became highly sought after by newspapers and publishers attuned to the booming profitability of crime tales in popular culture.<sup>49</sup> Amid the ‘Golden Age’ of detective fiction, there was a growing appetite – and market – for writing that performed the same unravelling of the inside stories and hidden secrets of – to use an anachronism – ‘true crime’.<sup>50</sup> Newspapers, magazines and cheap mass-market paperbacks all increasingly promised access to the true world of the crime and the criminal.<sup>51</sup> Scholars have drawn attention how the boundaries between academic and popular crime was flimsy and porous.<sup>52</sup> As Victoria Stewart has argued, nobody demonstrates this more than the writer F.

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<sup>45</sup> David Garland, *Punishment and Welfare: A History of Penal Strategies* (Aldershot, 1985).

<sup>46</sup> Leon Radzinowicz and Roger Hood, *A History of English Criminal Law and its Administration from 1750: Volume Five: The Emergence of Penal Policy* (London, 1986), p. 123.

<sup>47</sup> David Garland, ‘British Criminology Before 1935’, *The British Journal of Criminology*, Vol. 28, Vol. 2 (1988), pp. 1–17.

<sup>48</sup> William Norwood East, *Medical Aspects of Crime* (London, 1936), p. vii; Maurice Hamblin Smith, *The Psychology of the Criminal* (London, 1922); Neil Davie, ‘Criminal Man Revisited? Continuity and Change in British Criminology, c.1865-1918’, *Journal of Victorian Culture*, Vol. 8, No. 1 (January 2003), pp. 1–32.

<sup>49</sup> Matt Houlbrook, *Prince of Tricksters*, p. 150.

<sup>50</sup> John Carter Wood, ‘“The Third Degree”: Press Reporting, Crime Fiction and Police Powers in 1920s Britain’, *Twentieth Century British History*, Vol. 21, No. 4 (December 2010), pp. 464–485.

<sup>51</sup> Houlbrook, *Prince of Tricksters*, pp. 150–153.

<sup>52</sup> Victoria Stewart, *Crime Writing in Interwar Britain: Fact and Fiction in the Golden Age* (Cambridge, 2017), p. 70; Houlbrook, *Prince of Tricksters*, p. 152; Eloise Moss, *Night Raiders*, p. 44.



Tennyson Jesse. Jesse brought an interest in, and deep knowledge of, the latest thinking in the ‘science’ of crime to her work as a novelist, journalist and non-fiction writer.<sup>53</sup> This was, for Stewart, a form of criminology that also possessed a desire to ‘individualise and write a good story for a popular audience.’<sup>54</sup>

In this chapter I place Jesse’s work, particularly her most ‘criminological’ of texts, the 1924 *Murder and its Motives*, in conversation with the work of criminologists who were working within Britain’s prison system in the 1920s and 1930s.<sup>55</sup> What all these texts had in common was a peculiar lack of interest in what they referred to as ‘passionate crime’. This stemmed from a taken for granted assumption that passion, compared to say the complex psychological disorders that afflicted other criminals, was a rather uncomplicated psychological explanation which required very little treatment. In this reading the passionate killer was, in effect, normal, albeit placed within unfortunate and exceptional conditions which led them to extreme violence.

Historical criminologists argue that early field of British criminology popularised an individualised approach to the treatment and prevention of crime.<sup>56</sup> Here the ‘problem’ of crime lay in the individual, albeit an individual shaped by their familial and social environment, and its treatment was primarily a medical and psychiatric endeavour.<sup>57</sup> Only in the late 1970s, so conventional histories hold, was there a significant criminological shift towards what is known as the school of ‘Situational Crime Prevention’.<sup>58</sup> Here crime and criminal behaviour was seen primarily as caused by the environment and the means of opportunity. Anyone was capable of

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<sup>53</sup> Stewart, *Crime Writing in Interwar Britain*, p. 52.

<sup>54</sup> Stewart, *Crime Writing in Interwar Britain*, p. 70.

<sup>55</sup> F. Tennyson Jesse, *Murder and Its Motives* (London, 1924).

<sup>56</sup> Garland, ‘British Criminology Before 1935’, p. 3; Neil Davie, *Tracing the Criminal: The Rise of Scientific Criminology in Britain* (Oxford, 2006);

<sup>57</sup> Neil Davie, *Tracing the Criminal*, p. 12.

<sup>58</sup> Andrew Von Hirsch et al. eds., *Ethical and Social Perspectives on Situational Crime Prevention* (Oxford, 2000); Derek B. Cornish and R. V. G. Clarke, eds., *The Reasoning Criminal: Rational Choice Perspectives on Offending* (New York, 1986).

committing crime if the environment and context in which they found themselves encouraged or enabled it.<sup>59</sup> As my reading of early criminology highlights however, passionate crime was always conceptualised as something anybody was capable of committing, particularly given the pressures that could haunt romance and intimate life. Popular and academic criminology of the early twentieth century shared a common conviction that those who killed out of passion posed ‘little concern’ when it came to the management of crime. This is because, fundamentally, the passionate killer was driven by a ‘normal instinct’ pushed into extreme circumstances.

Men who killed their wives, lovers and sweethearts were the archetypal sympathetic criminal of the period. In this chapter I want to examine the glaringly obvious question, why? Central to the answer, I argue, is the uncomfortable naturalisation or normalisation of male violence. The idea that the *potential* to be violent was deeply rooted within modern, and particularly modern masculine, subjectivities. The assumption that violence and the passions was something anyone, any normal person was susceptible to, cut across the multiple frames through which the crime of passion was constituted in British culture. This assumption was also deeply gendered, built upon the naturalisation of male aggression and deeply hostile to the moral transgressions of women deemed to have incited violent male responses. Yet it also reveals something broader concerning the constitution of modern intimacies that both men and women increasingly recognised in their own lives. Modern intimacy, these cases revealed, was a dangerous and demanding pursuit, and the emotional force of it going wrong might lead *anyone*, in thrall to their passions, to end up in a criminal court.

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<sup>59</sup> Sam Wetherell, *Foundations: How the Built Environment Made Twentieth-Century Britain* (Princeton NJ, 2020), p. 119.

## The Crime of Passion as Sensational Spectacle

The Frenchman Jean Pierre Vaquier met Mabel Jones at the imposing beach-side *Hotel Victoria* in the Basque seaside resort of Biarritz, in the early months of 1924.<sup>60</sup> Vaquier, a rather eccentric engineer and self-professed inventor, was employed by the *Victoria* as a wireless operator. As he sat in the hotel's drawing-room, bored and sullen at a world who didn't appreciate him, he had ample time to watch the guests as they came and went.

Mabel Jones arrived in Biarritz somewhat of a lost soul. In the early 1920s, frustrated at how her husband Alfred seemed to prefer socialising (and drinking) with guests rather than running a profitable B&B, she set up her own catering company. Business started well and Mabel secured a contract supplying refreshments to one of the world's first dedicated motor racetracks at Brookland, Surrey.<sup>61</sup> Things began to falter in 1923, and her loss of the Brooklands contract led to a period of stress, worry and mental breakdown. In early 1924 her doctor recommended a period of recovery in Southern France.<sup>62</sup>

Mabel and Jean-Pierre were an unlikely couple. He spoke no English, she no French. They conversed through a red pocket French to English dictionary, talking long strolls across the beach-front saying little.<sup>63</sup> They soon left the *Victoria*, taking a tour of several Basque hotels, signing the visitor book as man and wife, presumably in front of a bemused or disapproving Concierge welcoming a married couple who spoke no common language.

Only two months after they first met, in the small and nondescript Surrey village of Byfleet, Mabel's husband Alfred died an extremely painful and unpleasant death after swallowing the

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<sup>60</sup> R.H Blundell and R.E. Seaton eds., *The Trial of Jean Pierre Vaquier* (Edinburgh, 1929), p. 3; The Home Office records on the case are: TNA, HO 144/4081, Criminal Cases: Vaquier.

<sup>61</sup> Blundell and Seaton, *Trial of Jean Pierre Vaquier*, p. 3.

<sup>62</sup> Blundell and Seaton, *Trial of Jean Pierre Vaquier*, p. 7; 'Frenchman's Bitter Tears', *Reynolds's Newspaper* (London), 11<sup>th</sup> May 1924, p. 5.

<sup>63</sup> 'Mrs. Jones and Vaquier: Dramatic Episodes in Duel with Counsel', *Reynolds's Newspaper* (London), 18<sup>th</sup> May 1924, p. 1.

poison Strychnine, hidden in a bottle of 'bromo salts'.<sup>64</sup> Alfred was in the habit of taking the salts to dampen the sting of particularly vicious hangovers. Vaquier had arrived in Byfleet a month previously. A distraught Mabel immediately threw him out of the *Blue Anchor*, their B&B, and alerted the police of her suspicion's that he had killed her husband. Vaquier was only arrested three weeks later. A chemist who had read about Jones' poisoning in the sensational news coverage of the national dailies, came forward and declared that he had sold the Frenchman Strychnine a few days prior to Alfred's death.<sup>65</sup>

Eleven years later, another unlikely couple found themselves at the centre of perhaps the most scandalous, sensational and morally fraught murder trial since Edith Thompson's and Freddie Bywaters' execution in 1922. The 37 year-old Anglo-Canadian Alma Rattenbury was a moderately successful musician and composer, who had married the Canadian architect Francis Rattenbury in British Columbia after the failure of her first marriage.<sup>66</sup> Francis divorced his wife to marry Alma, and the scandal this caused at home encouraged them to move to England in 1926, where they settled in the outskirts of Bournemouth in the spacious Victorian 'Villa Madeira'.<sup>67</sup>

Following the birth of their child in 1928, physical intimacy between the couple waned, and they began sleeping in separate bedrooms on different floors of the house. The arrangement was not a tense one and the couple remained close.<sup>68</sup> In 1934 however, the couple hired a new member of staff, an eighteen year-old chauffeur named George Stoner. Soon after, Alma and George began a breathless and intense sexual relationship. A relationship that, like other affairs over the last few years, Francis seemed to tolerate fairly well. This arrangement was proving

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<sup>64</sup> 'Amazing Story in Byfleet Poison Charge', *Reynolds's Newspaper* (London), 11<sup>th</sup> May 1924, p. 1.

<sup>65</sup> 'Vaquier Identified as Man Who Bought Strychnine', *Reynolds's Newspaper* (London), 4<sup>th</sup> May 1924, p. 11.

<sup>66</sup> O'Connor, *The Fatal Passion of Alma Rattenbury*, p. 38; Tennyson Jesse, *Trial of Rattenbury and Stoner*, p. 5.

<sup>67</sup> 'Villa Maderia Raided', *Gloucestershire Echo* (Gloucester), 17<sup>th</sup> June 1935, p. 1.

<sup>68</sup> Tennyson Jesse (ed.), *Trial of Rattenbury and Stoner*, p. 17.

more difficult for George to accept however. In March 1935, George attacked Francis with a wooden mallet. His injuries were severe and he died five days later. By this point both George and Alma had already been arrested.<sup>69</sup>

Nothing was more scandalous, salacious, and indeed profitable for the British newspaper industry than a love-triangle gone terribly wrong. The love triangle was a recurring feature not just within narratives of passionate murder in the criminal court, they also often heavily featured in the most high profile and scandalous divorce trials too.<sup>70</sup> The cut-throat commercial competition for readers in a truly mass-market meant the 1920s witnessed a spectacular period of innovation and experimentation in the practices of popular journalism.<sup>71</sup> These practices transformed crime reporting, as the more conventional trial report was supplemented with investigative pieces and human interest ‘scoops’.<sup>72</sup> Notorious criminals sold their ‘life-stories’ and inside perspectives on the criminal underworld.<sup>73</sup> Journalists entered into the world of the criminal too, often undercover. Their investigations secured spectacular guilty verdicts yet also often jeopardised criminal investigations and legal proceedings in the process of their reporting.<sup>74</sup>

Nothing sold more papers than murders, particularly when caused by sexual scandal and romantic heartache. In both trials under scrutiny here, journalists rushed to find unique angles, untold secrets and spectacular ‘scoops’. During both the police investigation into Alfred

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<sup>69</sup> ‘Story of Accused Couple’s Fight’, *Daily Herald* (London), 28<sup>th</sup> May 1935, p. 8.

<sup>70</sup> Gail Savage, ‘Erotic Stories And Public Decency: Newspaper Reporting of Divorce Proceedings In England’, *The Historical Journal*, 41 (June 1998), pp. 511–528.

<sup>71</sup> Adrian Bingham, *Gender, Modernity, and the Popular Press in Inter-war Britain* (Oxford, 2004).

<sup>72</sup> Ann L. Ardis and Patrick Collier, eds., *Transatlantic Print Culture, 1880-1940: Emerging Media, Emerging Modernisms* (New York, 2008); Sarah Newman and Matt Houlbrook, ‘Introduction: The Press and Popular Culture in Interwar Europe’, *Journalism Studies*, 14 (October 2013), pp. 640–650, p. 641.

<sup>73</sup> Matt Houlbrook, ‘Commodifying the Self Within: Ghosts, Libels, and the Crook Life Story in Interwar Britain’, *The Journal of Modern History*, Vol. 85, No. 2 (June 2013), pp. 321–363.

<sup>74</sup> Steve Chibnall, *Law-and-Order News: An Analysis of Crime Reporting in the British Press* (London, 1977), pp. 53-54; Mark Hampton, ‘Inventing David Low: Self-Presentation, Caricature and the Culture of Journalism in Mid-Twentieth Century Britain’, *Twentieth Century British History*, Vol. 20, No. 4 (January 2009), pp. 482–512.

Jones's death and the subsequent trial of Vaquier, the crime reporter was unusually on show. In the three weeks between Jones' death and Vaquier arrest, he stayed at the *Railway Hotel* in Woking, fraternising with the journalists covering the case. 'It is strange to think that the bland and smiling man', wrote the '*People's Own Correspondent*' following the trial, 'who, when rumours of murder filled the air, told me quite openly of his recent purchase of poison, is now under sentence of death.'<sup>75</sup> During the trial it emerged that journalists had even stayed at the *Blue Anchor* itself only days after Alfred had died. Take the following exchange between Mabel Jones and famed defence counsel Henry Curtis-Bennett:

I suggest to you after your husband's death dances went on, and that you were present and danced? – Dances did not go on.

Were there not reporters staying at your Hotel? – Reporters may have stayed there, but dances were not going on.

Did not you dance with them? – My two children and the reporters may have danced, but myself, no.<sup>76</sup>

Here the presence of the journalist collapsed the boundary between crimes that happened in private and their representation in the public world of the newspaper. The journalist was placed, quite literally, at the centre of the criminal process.

Tennyson Jesse, in her introduction to the *Notable British Trial* edition of the Rattenbury and Stoner trial, was particularly hostile to the journalists she brushed shoulders with in the gallery of the criminal court:

The behaviour of a certain section of the press during the course of the trial...would have caused an uneasy feeling in the public mind. Someone engaged in the case was telephoned and offered £500 as his 'rake-off', if it would get Mrs Rattenbury to write her life-story...By Thursday this gentleman, was offered £3500 as his "rake-off" and one paper was foolish enough to put this offer in writing!<sup>77</sup>

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<sup>75</sup> 'The Fascinating Murderer', *The People* (London), 6<sup>th</sup> July 1924, p. 1.

<sup>76</sup> Blundell and Seaton, *Trial of Jean Pierre Vaquier*, p. 45.

<sup>77</sup> Jesse (ed.), *Trial of Rattenbury and Stoner*, p. 34.

Jesse drew attention to how journalists attempted to commodify the criminal trial with a focus on ‘human-interest’ stories. At the same time however, Jesse herself was *also* participating in the same approach, openly admitting throughout the introduction that her knowledge of intimate aspects of the case came from interviews with those closest to Alma and George.

It was commercial practices such as the life-story and the ‘rake off’ that placed the secret life of the killer, their emotions, agonies and heartbreaks painfully on view for public consumption.<sup>78</sup> That a reading public were *able* to sympathise with protagonists of a murder trial lay, in part, in the new media forms that rendered the secret pains of intimate life available for consumption. Newspaper editors understood the profitability of making public the minutiae of illicit relationships, forbidden passions and the ‘sordid’ everyday details of managing and negotiating affairs. Murder trials often served the same function as a divorce trial, providing newspapers access to the secretes of sexual transgression. During Vaquier’s trial, Mabel Jones spent a gruelling seven hours in the witness box. Her testimony exposed the details of a passionate affair, and drew attention to the basic mechanisms of transgression, such as booking into hotels in Biarritz and London as man and wife.<sup>79</sup>

Littered throughout narratives of transgression in both the divorce and criminal court, the modern hotel was a site of both pleasure and peril, offering an anonymity that afforded the ability for transgression to go unnoticed, under the cover of masquerading as a married couple. The hotel also featured heavily in Rattenbury and Stoner’s trial. The centrepiece of the trial was a discussion of what the judge Mr Justice Humphreys referred to as a hedonistic ‘orgy’ at the Royal Palace Hotel in Kensington.

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<sup>78</sup> Houlbrook, ‘Commodifying the Self Within’, p. 344.

<sup>79</sup> ‘Mrs. Jones Seven Hour Ordeal’, *Reynolds’s Newspaper* (London), 6<sup>th</sup> July 1924, p. 3.

Tennyson Jesse, in her summary of the case in the *Notable British Trial* edition of the case published a year after the trial, was particularly critical of how Humphreys had presented this ‘orgy’:

It is difficult to imagine an orgy at the Royal Palace Hotel...indeed, this Editor has never been able to discover of what an ‘orgy’ consists. The private coming together of a pair of lovers and their normal physical ecstasies, however reprehensible these may be morally, do not seem well described by the word ‘orgy’.<sup>80</sup>

As Jesse’s criticism of the trial judge alluded to, love triangles in the courtroom served to both expose the secrets of sexual transgression to a reading public, and dramatise broader debates about the moral and sexual health of the British nation. Jesse’s language here reflects shifting attitudes to the public discussion of sex and sexual pleasure in 1920s and 1930s Britain. In line with sexual advice writers like Marie Stopes, Jesse suggests that ‘physical ecstasy’ on its own ought not to be condemned.<sup>81</sup> Condemnation was reserved for the affair, but not sex itself, reflecting a broader shift in the ability and inclination of writers (and female writers) to speak more candidly about sexual matters.

The illicit transgressions at the heart of these criminal trials required delicate management from English judges. What were often perceived as moral failings lay at the heart of these trials, but judges attempted to reinforce that the criminal law was judging culpability when it came to *murder*. Unlike in divorce trials, secret affairs on their own could not prove culpability. As Mr Justice Humphreys stated in his summation of the Rattenbury Stoner trial:

It is not a nice thing to have to say anything about a woman’s moral character, but even her own counsel...said things about her which must have been very painful to hear...Beware, do not convict her because she is an adulteress.<sup>82</sup>

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<sup>80</sup> Jesse (ed.), *Trial of Rattenbury and Stoner*, p. 18.

<sup>81</sup> Karen Chow, ‘Popular Sexual Knowledges and Women’s Agency in 1920s England: Marie Stopes’s “Married Love” and E. M. Hull’s “The Sheik”’, *Feminist Review*, Vol. 63 (1999), pp. 64–87.

<sup>82</sup> ‘Judge’s Warning’, *The Daily Mirror* (London), 1<sup>st</sup> June 1935, p. 4



In practice however, the distinction between moral and criminal culpability was always hard to define and maintain, not least because trial barristers often used one to gesture toward the other.

Take the approach taken by Henry Curtis-Bennett during Vaquier's trial. Opening the case for the defence, Curtis-Bennett made his intentions clear to the judge: 'I am attacking this lady's credit absolutely, remarked Sir Henry, in every way.'<sup>83</sup> Vaquier's defence was based entirely around the suggestion that Mabel had multiple affairs, and that it was in fact one of Mabel's lovers who had asked Vaquier to buy poison for him, a suggestion dismissed by the judge, Mr Justice Ivory, and disregarded by the jury. Even if Curtis-Bennett's legal strategy failed, Mabel's moral failings were on trial, for the masses if not for the jury, as much as Vaquier.

Tennyson Jesse was scathing of similar responses towards Alma Rattenbury. Jesse held particularly forceful in condemnation of the idea that Alma, like Edith Thompson before her, had been a dominating influence on the much younger George. 'In England it is apparently impossible', Jesse wrote, 'to admit the simple truth that a young man of eighteen is an adult.'<sup>84</sup> Throughout her introduction, Jesse forcefully defended and humanised Alma in the face of broader moral condemnation:

Most people in England, especially women, seem easily able to feel superior to Mrs. Rattenbury. She had taken for her lover a boy, young enough to be her son... That out of this unpromising material she had created something to her was beautiful and made her happy, was unforgivable to the people of England.<sup>85</sup>

She described such attitudes as particularly 'Anglo-Saxon', fixing strict moral condemnation of affairs and illicit desires as peculiarly English. Writing the introduction only a year after the publication of her fictionalised account of Edith Thompson's execution, *A Pin to See the*

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<sup>83</sup> 'Mrs Jones's Seven Hour Ordeal', p. 3.

<sup>84</sup> Jesse, *Trial of Rattenbury and Stoner*, pp. 14-16.

<sup>85</sup> Jesse, *Trial of Rattenbury and Stoner*, p. 18.

*Peepshow*, Jesse launched a forceful defence of Alma and female sexuality more broadly.<sup>86</sup> This was compounded by the fact that Alma had died by suicide just days after she was acquitted by the jury. For Jesse, it was the moral hypocrisies of the English that had led to the deaths of two women.

Tennyson Jesse was a rare contemporary voice which recognised how ‘love triangles’, whether in the criminal or divorce court, often served to morally condemn the modern woman, her sexuality and desires. Thanks to the scholarship of Lucy Bland, this feature of the English criminal court is well recognised by historians.<sup>87</sup> What I want to place more stress on here however, is how the agency and autonomy of sexually active (and transgressive) women, exposed the emotional fragility of the modern male subject, something that led to a significant amount of popular sympathy towards violent men.

Alma and Mabel’s ambivalent morality helped fuel the large reprieve campaigns – over 100,000 signatures in each - generated on behalf of Vaquier and Stoner. Public sympathy, at least as ventriloquised through the popular press, centred upon Vaquier’s crime as a passionate one, and Vaquier, as a Frenchman, as someone predisposed to passion. ‘There is a widespread feeling’, wrote a *Reynolds*’s opinion piece, ‘that he was swept away by circumstances. Nobody who watched the little fellow at the trial could help feeling sorry for him. He was so pathetically ignorant of all the procedure, so painfully bewildered by it all’<sup>88</sup>. Here, we see how a crime of passion was constituted in the criminal court even if the English criminal law refused to recognise the category.

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<sup>86</sup> F. Tennyson Jesse, *A Pin to See the Peepshow* (London, 1934); Houlbrook, ‘‘A Pin to Show the Peepshow’’, p. 221.

<sup>87</sup> Bland, *Modern Women on Trial*, p. 5.

<sup>88</sup> ‘Should Vaquier be hanged?’, *Reynold’s Newspaper* (London), 3<sup>rd</sup> August 1924, p. 10.

Vaquier's nationality helped, as *Reynolds's* used the French legal system, and the cliché of the passionate French more generally, to highlight the different legal and ethical framework Vaquier was socialised within. This made his plight within an English jurisdiction hostile to passion even more unpalatable. The passions also served to obscure the premeditation of Vaquier's crime. There was very little positioned in British culture as colder and more calculated than murder by poison.<sup>89</sup> Yet for *Reynolds's* Vaquier was still a man, 'swept away by circumstance.'

This way of comprehending, and representing, Vaquier's crime also featured in the opening pages of the *Notable British Trials* edition of the trial.<sup>90</sup> The introduction, written by practicing barristers, was one of the more restrained and legalistic of the publications in this series.<sup>91</sup> Yet they still couldn't resist a splash of sensation. 'The infatuation which existed between this man and the dead man's wife', declared Blundell and Seaton, '[is] one of the strongest ruling motives the world has ever known.'<sup>92</sup> Here, the 'ruling motive' mirrors *Reynold's* description of Vaquier as a man 'swept away'.

When it came to passionate crime, the moment a verdict was delivered in the criminal court often exemplified more than anything the power of the emotions and emotional breakdown to overcome composure and reason. In many ways, the response to a guilty verdict mirrored the emotional breakdown that led men to kill. Take *Reynolds's* description of Vaquier's crime, 'His composure soon gave way, and he created an amazing scene... The man, gripping the rail of the dock and his face becoming distorted by passion, screamed: Yours is an iniquitous verdict.'<sup>93</sup> *The People* reported that, 'in an instant the suave, bearded Frenchman who, since

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<sup>89</sup> Ian Burney, *Poison, Detection and the Victorian Imagination* (Manchester, 2012), pp. 12-13.

<sup>90</sup> Blundell and Seaton, *The Trial of Vaquier*, pp 3-5.

<sup>91</sup> D'Cruze, "'The Damned Place was Haunted'" p. 39.

<sup>92</sup> Blundell and Seaton, *The Trial of Vaquier*, p. 5.

<sup>93</sup> 'Amazing Melodrama of Vaquier's story', *Reynolds's Newspaper* (London), 6<sup>th</sup> July 1924, p. 3.

Easter-time has preserved a calm, almost light-hearted attitude was changed into a terrified and furious shouter of threats.’<sup>94</sup> To an extent, we can see this as a racialised description of the passionate Frenchman, where his national character was finally betrayed at a moment of crisis.

In this reading the foreign killer helped further fix emotional composure, restraint and reason as masculine virtues that secured English justice and British men as superior to their more passionate neighbours. Contrast Vaquier’s response to Stoner’s, as reported in *Reynold’s*, ‘For all his mere 18 years Stoner took his sentence like a man. For a short moment his eyes stared wildly at the judge, and he swallowed hard as he strove obviously to control himself.’<sup>95</sup> For *Reynolds’s* it was restraint and control, even under severe stress, which made Stoner behave ‘like a man’.

This control did not come easy. The wild stare and hard swallow intimated towards the ferocious emotional turmoil lurking inside. Vaquier, presumably because of his nationality, was less able to control this inner turmoil. Both responses reinforced the idea that managing the power of the emotions was *hard*, and in some situations impossible. The way popular newspapers dramatised responses to the death sentence, helped demonstrate the difficulty of emotional control in general. The breakdown within the criminal court exemplified all too clearly the ways men could easily be ‘swept away’ by the passions that led them to kill.

If Tennyson Jesse countered the more pernicious moralism of both judicial and cultural attitudes, she nonetheless reinforced a meta-cultural understanding of passionate crime as the often irresistible consequence of powerful emotions. Indeed, if Jesse was critical of suggestions George was in thrall to Alma because of her age, she saw the combination of sexual and class desire, and the allure of class-crossing, as a much more dangerous force:

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<sup>94</sup> ‘Vaquier’s Frenzy After Death Sentence’, *The People* (London), 6<sup>th</sup> July 1924, p. 1.

<sup>95</sup> ‘Reprieve Plea for Villa Murderer’, *Reynold’s Newspaper* (London), 2<sup>nd</sup> June 1935, p. 12.

The unfortunate Stoner, with a much simpler experience of life and with that adolescent urge to heroics, which is a hang-over from infantilism, could not see that there was no need for any drama of jealousy at all. The boundary line between drama and reality was obscure for him, and living entirely in an unintelligent world of crude emotion, he hit out almost blindly. And this gesture, conceived in an unreal world, materialised in a world of actual facts.<sup>96</sup>

Jesse's unravelling of Stoner's crime bears a striking resemblance to the ways in which Edith Thompson had been represented thirteen years previously. Critics of Thompson – particularly from voices already distrustful of cultural commodities like the middlebrow and romance novel - fixated on her voracious appetite for popular fiction.<sup>97</sup> In this critique, mass culture encouraged Edith to live in a 'land of make believe' which ultimately led to the tragedy of her husband's murder.<sup>98</sup> Jesse implicates Stoner's adolescence rather than any specific cultural product as the ultimate cause of his crime. Yet she argues that the force of emotions, particularly for someone still developing the capacity to manage them, 'blurred the boundary line between drama and reality'.

Read together, Thompson and Stoner both highlight the new importance - and the anxieties it generated - of the 'unreal worlds' that constituted modern intimate relationships. As Jesse intimated towards, romantic fiction, films, and other cultural texts popularised a new way of understanding the sexual and intimate self. One where 'crude emotions' dominated, and where the 'world of actual facts' would increasingly struggle to hold the weight and promise of desire, love and romance.

It would be overstating my argument somewhat to claim that it was a shared sense of the power of the passions alone that led so many to sign petitions for Vaquier and Stoner. Both generated sympathetic responses through specific assumptions about intent and responsibility. The passionate Frenchman cut a pathetic figure when faced with the severity and solemnity of

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<sup>96</sup> Tennyson Jesse, *Trial of Rattenbury and Stoner*, p. 37.

<sup>97</sup> Bland, 'Trials and Tribulations of Edith Thompson', p. 630

<sup>98</sup> Houlbrook, 'A Pin to Show the Peepshow', p. 216.

English justice. Stoner was very young- always likely to produce disquiet against the death penalty - in thrall to an older women who promised dreams of ultimately unattainable social mobility. Yet this kind of sympathetic response also depended on taken for granted assumptions that the emotions were capable of unseating reason and control. Passions sanitised violence, especially as newspapers used criminal trials like these to hone in on human heartaches and salacious secretes of sex and transgression.

Civil servants within the Home Office were well aware, and often greatly irritated by, the salacious and melodramatic excess of crime reportage. Indeed, this led them to regularly dismiss reprieve campaigns as nothing more than sentimental stunts encouraged by newspapers to sell more copies. The Home Office were sceptical and dismissive of ideas that the passions themselves, and emotional duress, could ever on its own justify a reprieve from the death penalty. Rhetorically, they remained hostile to any suggestion that the law or the state would afford leniency to men who killed their wives because of the strain of jealousy or infidelity. This rhetoric never matched the actual practice of regularly reprieving men in cases we might recognise as 'passionate'. Like with sensational cause-célèbres, the degree of responsibility a man should bear for his actions depended, ultimately, on the behaviour and respectability of the victim of his violence.

## **The Crime of Passion at the Home Office**

If melodramatic journalism helped constitute popular knowledges of what a crime of passion was, civil servants in the Home Office rejected the idea that the crime of passion was a coherent 'thing'. Alexander Maxwell, Permanent Secretary at the Home Office throughout the 1930s, went so far as to protest complete ignorance as to what 'passionate crime' was, during his appearance as an expert witness at the 1930 Select Committee on Capital Punishment. 'I do not quite know what you mean by passionate crimes', Maxwell protested, 'Do you mean crimes

of impulse? There are many crimes which are the culmination of a long period of friction or difficulty and those are to a very large extent crimes which affect women.’<sup>99</sup> Foregrounding impulse rather than passion, Maxwell demonstrated how Home Office decision making followed (albeit in an expanded form) legal definitions of provocation. Passion then became a needless and confusing detail when degrees of justification lay more in the suddenness and impulsiveness of the act itself than the emotions behind them.

In reflecting on what a ‘crime of impulse’ was, Maxwell nonetheless returned to the domain of the intimate and the domestic, admitting that these affect women ‘to a very large extent’. In drawing attention to the ‘large periods of friction and stress’ that often lay behind these crimes, Maxwell recognised what was more colloquially understood as passionate crime. In so doing, Maxwell also gestured towards how these impulsive crimes were a recurring and time-consuming feature of the Home Office’s workload when it came to the royal prerogative of mercy.

This brief exchange in a select committee hearing room reflected the approach the Home Office took when it came to the death penalty throughout the twentieth century. Rhetorically, the Home Office feigned ignorance when it came to the crime of passion. This was compounded by an overt disciplinary impulse to look severely on many men who killed their wives, girlfriends and sweethearts. However the day to day practice of Home Office administration tested and often contradicted this protective rhetoric. In assessing and adjudicating on the impulses and jealousies of violent men, civil servants at the Home Office reinforced the idea that there *were* situations when any man, even previously respectable men, could be pushed to violence due to the provocative behaviour of their lover, girlfriend or wife. While rejecting the phrase ‘crime

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<sup>99</sup> TNA HO 45/1739, Papers created by the Home Office for the 1930 Select Committee on Capital Punishment.

of passion', the British state's approach to the death penalty further reinforced a more pervasive sense that most men were capable of killing when it came to the sheer force of the emotions.

The 1930 Select Committee on Capital Punishment was one of the rare public instances where civil servants at the Home Office were forthcoming about how the royal prerogative of mercy was administered within the department. Sir Alexander Maxwell was joined by Chief Legal Counsel Sir Ernley Blackwell, who provided five full days of testimony on the matter.<sup>100</sup> In 1929, a former Home Secretary, the Liberal politician Herbert Samuel, surprised the Commons by calling for a select committee to ascertain whether the death penalty was in fact a unique and effective deterrent against murder.<sup>101</sup> Prior to Samuel's intervention, the debate on capital punishment, instigated by the Labour MP William Brown, was likely to come nothing.

The 1930 committee was one of the more controversial parliamentary reports on the subject of capital punishment to be published prior to abolition. Seven Conservative members resigned prior to its publication due to what they perceived as the bias of the chair, the liberal politician and Scottish minister James Barr.<sup>102</sup> The committee recommended an experimental suspension of the death penalty for five years, to properly ascertain its effectiveness as a deterrent. It also suggested the Home Office could expand their criteria for adjudicating on the royal prerogative, in effect imploring the department to draw a distinction between sadistic and cruel violence and more impulsive, sudden – indeed passionate – murders.<sup>103</sup>

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<sup>100</sup> TNA, HO 45/1739.

<sup>101</sup> Brian P. Block & John Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Hook, 1997), p. 92.

<sup>102</sup> 'The Death Penalty: Five Year Suspension Suggested', *Daily News* (London), 16<sup>th</sup> December 1930, p. 2.

<sup>103</sup> HMSO, *Report From the Select Committee on Capital Punishment* (London, 1930), p. 23; The protest at the report's findings was severe, particularly from Conservative politicians, and the weak Labour minority Government failed to put any of the Committee's recommendations into practice before it fell in 1931. The fragile composition of the subsequent National Government meant any further reform was unlikely. See, Block & Hostettler, *Hanging in the Balance*, p. 95.



The Committee's recommendation on expanding the use of the royal prerogative was shaped by the testimony it received from Maxwell and Blackwell. Blackwell's testimony provided an insight into the Home Office's approach to categorising murders:

It is practically impossible to draw up a hard and fast well-defined classification of the kinds of murders. There are broad ones, there are the murders of wives, the murders of what are called housekeepers who are living with men practically as wives and keeping the house for them. There are murders of sweethearts, those are broadly speaking the sort of classifications we make, but not otherwise.<sup>104</sup>

The Home Office clearly found classifying capital crime by the relationship between perpetrator and victim an easier task than by ascribing a general classification to motive. However, Blackwell wasn't quite as forthcoming to the committee as he could have been. Examining the Home Office archive reveals a much richer classificatory system than Blackwell alluded to.

Precedents on capital crime spill over two volumes of large bounded precedent notes, meticulously maintained by clerks within the Home Office. To aid decision making, these cases were classed into various types, and follow, to an extent, the topography outlined by Blackwell at the hearings of the 1930 committee. The first volume is structured by 'Murders, certain classes of persons'. This includes categories as various as 'Blind persons', 'Parents', 'Babes and young children', 'police officers', and 'sexual perverts by their victims'.<sup>105</sup> By far the categories with the most entries were those to which Blackwell had alluded to during the committee: murders where men had killed their wives, lovers or sweethearts.

Put simply, the Home Office categorised murder by degrees of intimacy between the killer and their victim, often nuancing this with direct reference to the emotions and passions embedded within these relationships. The pages labelled 'murder, categorised by victim', begins with

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<sup>104</sup> TNA, HO 45/1739.

<sup>105</sup> TNA, HO 384/158.

‘sweethearts, fiancé(e)s’ and continues to ‘lovers free to marry’. The next section by contrast introduces, ‘parties associating but not free to marry: murder by one of the other.’<sup>106</sup> The section concerned simply with ‘wives’ sub-divides in a slightly different way. Here we have, ‘wives – who have obtained separation orders’, followed by, ‘wives, through jealousy.’ The concern the Home Office approached this first category, ‘wives who have obtained separation orders’, was made clear by Maxwell in 1930.

The Labour politician, and pioneering figure in the suffrage movement, Dr Ethel Bentham asked Alexander Maxwell whether easier access to divorce would aid the prevention of violent crime. Maxwell countered that, ‘it is very often the first step that the wife takes the opportunity of availing herself of the facilities of the law which precipitates the trouble [murder]. Very often it is when the wife says, I am going to the court.’<sup>107</sup> Here was the highest-ranking official at the Home Office suggesting women were partially to blame for their own deaths at the hands of violent men. From this perspective, it was not the rigidity of marriage law that leads to social and intimate conditions where male violence was more likely. Rather the law itself was provocative, threatening the emotional stability and social standing of men when it offered even a degree of ‘protection’ for women escaping violent conditions. Such gendered assumptions lay at the bedrock of the general approach to disciplining violent men during the period.

The precedents contained within the books echoed Maxwell’s logic. Grounding ‘types’ of violence in specific relation to the victim, rendered violence legible predominantly in reference to the behaviour of women. The second volume was little different.<sup>108</sup> Rather than focus on victim, provocation was its central concern. As with volume one, provocation was sub-divided

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<sup>106</sup> TNA HO 384/158.

<sup>107</sup> TNA, HO 45/1739.

<sup>108</sup> TNA, HO 384/159, Capital Cases: Volume Two.

by the relation between the perpetrator and the victim. There was ‘provocation by spouse’, ‘sweetheart’, ‘paramour’ or ‘mistress’ and even ‘jealousy, other than above’, the assumption being that provocation in the above categories would almost certainly include jealousy. Such a taxonomy highlighted how passionate crime in fact *was*, to a degree, a coherent category when it came to the disciplinary regimes of the British state.<sup>109</sup>

As both Maxwell and Blackwell alluded to, disciplining ‘crimes of impulse’ was predominantly a task of disciplining crimes of violence against women. The categories defined by degree of intimate relation between the deceased and the perpetrator were by far the largest entries within the capital case volumes.<sup>110</sup> Across these categories the volumes contain 222 entries, of which 217 were men who had killed their partners. Across this almost 40-year period, there are only five entries where the killer was a woman, and two entries were the same woman, Ruth Ellis.<sup>111</sup>

A statistical analysis of these cases underscores the general practices that guided Home Office decision making when it came to capital crimes. Across all these categories, 131 or about 60%, were granted a reprieve. The Home Office were clearly more likely to grant a reprieve in these sorts of cases, but it wasn’t a given, nor was there any consistent policy that there was. Drilling further down into the sub-categories, the rate of reprieve fluctuates significantly. In fact, of the 43 cases contained within ‘murder of sweethearts free to marry, loss of affection on the victim’s part’, 27, or 57% were executed. A harsher approach in such cases was reflective of a clearly defined precedent of severity when it came to the ‘murders of sweethearts’.<sup>112</sup>

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<sup>109</sup> TNA, HO 45/1739; HMSO, Report From the Select Committee on Capital Punishment, pp. 18-32.

<sup>110</sup> TNA, HO 384/158; HO 384/159.

<sup>111</sup> TNA, HO 384/158; HO 384/159.

<sup>112</sup> TNA, HO 384/158; HO 144/1693/410823, Criminal cases: Saunders.

It was the sense that women needed ‘protecting’ from the excesses of male violence when women exerted a degree of romantic autonomy that fuelled a harsher approach.<sup>113</sup> As Home Secretary William Joynson-Hicks put it after consulting the trial judge in the 1926 case of George Thomas: ‘I have to consider the poor girl cut off in her youth because she flirted. [This is] clearly not sufficient reason for murder [and we] cannot interfere.’<sup>114</sup>

Herbert Morrison, Home Secretary in the National Government during the Second World War, was particularly forceful in applying this principle when it came to ‘protecting’ women from the jealous outbursts of men. Twice he in fact ignored the recommendation of his civil servants to reaffirm the principle that ‘throwing a man over must not be treated as justifiable provocation.’<sup>115</sup> In 1943, in the case of Joseph Gibbons, while he did eventually recommend a reprieve Morrison:

wished it to be put on record that his decision was based on the...circumstances of this case and that it was not be regarded as any indication that he is in favour, as a general principle, of regarding jealousy as a mitigating circumstance in a case where a man kills a woman of whom he is or has been fond.<sup>116</sup>

For many civil servants and politicians at the Home Office, the death penalty was a tool to protect women who exerted a degree of romantic and sexual autonomy in their intimate lives.

This was part of the same logic, however, that made the Home Office *more* likely to reprieve when the perpetrator of violence bore, in the Home Office’s own words, a ‘good character’. At the heart of this was a decision-making apparatus fixated on masculine conduct. Simply, what could, and should, be reasonably expected from respectable men?

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<sup>113</sup> This is consistent with the pattern identified by Ginger Frost, who argues the late nineteenth century witnessed a general hardening of attitudes against ‘sweetheart cases’ such as these: Frost, *Promises Broken*, p. 12.

<sup>114</sup> TNA, HO 144/6831, Criminal Cases: Thomas.

<sup>115</sup> TNA, HO 144/21551, Criminal Cases: Morgan.

<sup>116</sup> TNA, HO 144/21894, Criminal Cases: Gibbons.

That the Home Office were so clear and forceful about sweethearts in particular indicates their disciplinary approach was shaped by broader shifts in gender relations and the terrain of intimate life. The desire to ‘protect’— see Joynson Hicks’ imagined relationship with the ‘poor girl’ who ‘flirted’ - was a response to women, albeit in a limited manner, exerting a greater degree of autonomy in pre-marital romantic life.<sup>117</sup> Though even in sweetheart cases, respectable past conduct made a reprieve more likely. Alfred Allison was respited on the grounds of ‘his youth and good character’, even if Blackwell made clear there was ‘no provocation defence’, and he was ‘jealous after her affections had cooled.’<sup>118</sup> In Allison’s case, his good character was compounded by his youth, and often in sweetheart cases the men were very young. This was in keeping with broader reprieve decisions, where good character didn’t automatically guarantee a reprieve. As Joynson-Hicks noted in the minute file of Matthew Nunn, executed for killing his sweetheart in 1926, ‘There is no defence except good character, and that is not really a reason that the law should not be carried out.’<sup>119</sup>

However this should not diminish the fact that good character clearly did matter at the Home Office. Again, the consistently high reprieve rate in these cases, as explored above, tempers the extent we can take the pronouncements of Home Secretaries and their civil servants at face value. The time afforded to character and respectability was often an attempt to ascertain and fix both motive, premeditation, and provocation. Good character heightened the sense that acts of intimate violence were often an aberration, extreme and unusual acts of respectable men who had lost their self-control. Good character and provocation often went hand in hand.

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<sup>117</sup> On this see: Claire Langhamer, *Women’s Leisure in England, 1920-60* (Manchester, 2000); Frost, *Promises Broken*, p. 43; Andrew Davies, ‘Youth, Violence, and Courtship in Late-Victorian Birmingham: The Case of James Harper and Emily Pimm’, *The History of the Family*, Vol. 11, No. 2 (1 January 2006), pp. 107–20; Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England 1918-1963* (Cambridge, 2010), p. 38.

<sup>118</sup> TNA, HO 384/158.

<sup>119</sup> TNA, HO 144/3906, Criminal Cases: Nunn.

This was particularly acute when men had murdered their wives, rather than their lover or sweetheart. Categories containing the word ‘wives’ or ‘spouses’ also had higher rates of reprieve. In the 65 entries across the two books, 48 were reprieved, or 74%, significantly higher than the reprieve rate of 52% when you include the other categories. Again, the statements of Home Office civil servants was often contradicted by the high number they decided to reprieve. Take the 1919 case of Ambrose Quinn. In 1919, Blackwell advised Edward Shortt not to intervene even though the jury had strongly recommended him to mercy, and more than 4000 people had signed a petition for a reprieve.

To ascertain whether a reprieve was justified, the Home Office pored over the minutiae of the Quinns’ intimate and domestic life. ‘About the end of July’, wrote Blackwell, ‘the prisoner was informed by someone that his wife had attended a wedding party and had been seen home about two in the morning by two men, and that one of them had misconducted himself with her in a passage near her house.’ However, he continued by arguing that: ‘There was really no evidence to support the plea [of manslaughter] beyond the fact that he seems to have taken the tale of his wife’s misconduct very much to heart and was depressed and worrying about the bloke in the passage.’<sup>120</sup> Turning to the recommendation to mercy, Blackwell hypothesised that

the jury were merely expressing their sympathy with the soldier whose wife had aroused his jealousy by her conduct in his absence. But even from that standpoint the case is a very weak one. She may have been flighty and addicted to pictures, but he can allege against her no more than one act of indiscretion. The bruises on her body, corroborate her father’s evidence that prisoner had punished her pretty severely for any lapse from virtue she may have been guilty of in the passage. Women - even erring wives - must be protected and in my opinion there should be no interference.<sup>121</sup>

The sub-text of Blackwell’s memo was hard to miss. Quinn’s previous violence towards his wife was not merely evidence of bad character, but also an indication that she had *already* been

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<sup>120</sup> TNA, HO 144/1536/392581, Criminal cases: Quinn.

<sup>121</sup> TNA, HO 144/1536/392581, Criminal cases: Quinn.

sufficiently ‘punished’ for her ‘lapse from virtue.’<sup>122</sup> Here Blackwell came close to legitimating male violence as punishment within marital relationships. Nonetheless, he proceeded to affirm the reasoning he gave in many sweetheart cases, that the behaviour of the deceased, read the behaviour of women, was rarely a justification for a reprieve.

Contrast this, however, with the case of another George Robinson in 1922. Like with Quinn, Blackwell thought that, ‘although I do not think it can be said that he had received any provocation from his wife, it seems that her early relations with the old man Schofield had rankled in his mind.’<sup>123</sup> Blackwell continued by stressing the lack of *intention*, ‘I do not think that the prisoner had formed any long-standing intention to kill his wife, but having the razor in hand, in a moment of anger he attacked her. I think, therefore, that effect may properly be given to the strong recommendation of the jury.’<sup>124</sup> This reasoning seems to directly contradict his judgement in the Quinn case. Blackwell readily admits that Robinson’s wife had done little in way of provocation, yet still sees grounds for reprieve, mainly because of the lack of pre-meditation. If the violence was sudden and frenzied enough, then wives – even ones not ‘erring’ whatever that may mean – were clearly afforded less protection from the Home Office.

Blackwell’s words on protecting erring wives were hollow. Often, the degree of provocation was assessed through the past behaviour of the victim. James Sutherland was reprieved in 1927, the precedent books noting that, ‘his wife was a prostitute before and after marriage.’<sup>125</sup> In 1928, Harry Frampton’s wife had ‘taunted him by referring to another man.’<sup>126</sup> Similar descriptions of women’s behaviour recur throughout books. In 1939, George William Gascoigne was reprieved on the grounds that his wife, ‘had neglected the home and associated

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<sup>122</sup> TNA, HO 144/1536/392581.

<sup>123</sup> TNA, HO 144/15900, Criminal Cases: Robinson

<sup>124</sup> TNA, HO 144/15900.

<sup>125</sup> TNA, HO 385/158; TNA, HO 144/21215, Criminal Cases: Sutherland.

<sup>126</sup> TNA, HO 385/158; HO 144/21016, Criminal cases: Frampton.

with other men.’<sup>127</sup> In 1941, the Home Office went so far as to describe William Deane’s wife as a ‘worthless woman [who] left him during which she was a prostitute.’<sup>128</sup> In 1953, Thomas Waite was reprieved, after ‘his wife was misconducting herself with his brother.’<sup>129</sup> Provocation was thus shaped and conceptualised first and foremost as a gendered phenomenon. Of course, other types of provocative behaviour appear in the precedent books, but the most frequent provocative actions were that of the behaviour of wives and lovers.

Within the 30 reprieves listed in the ‘murder of wives: through jealousy’ section of the precedent book, 20 explicitly mention the provocative behaviour of the wife as specific grounds for justifying a reprieve.<sup>130</sup> The Home Office conceptualised their use of the prerogative as a space where the doctrine of provocation in criminal law could be expanded. In effect this shaped the actual practice of criminal justice in very specific gendered ways, where women’s infidelity consistently provided grounds for a reprieve. Pushing this further, such an approach sheds more light on the boundaries of what the Home Office conceptualised as reasonable masculine behaviour.

An objection to this argument could be that we are always starting beyond the remit of the ‘reasonable man’, who do not, as a rule, end up under sentence of death. However, the logic so often used was that a reprieve was justified *because* the act of violence was an exceptional (and sometimes even reasonable) response to significant provocation. Here violence is never far away from the constitution of reasonable and respectable masculinity.

This points towards the other side of the Home Office’s likelihood to grant a reprieve: the relative ‘suddenness’ of the violent act and lack of premeditation. Again, the idea of the

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<sup>127</sup> TNA, HO 385/158.

<sup>128</sup> TNA, HO 385/158.

<sup>129</sup> TNA, HO 385/158.

<sup>130</sup> TNA, HO 385/158.



‘frenzy’ helped affirm a man’s character through its exceptionality. In 1946, over 10,000 people signed a petition for Albert Oxnard, whose murder of his wife was described by Frank Newsam as ‘the sudden unpremeditated act of a quiet and inoffensive man.’<sup>131</sup> Immediacy mattered in part because it stood at the heart of the *legal* doctrine of provocation that the Home Office were always keen to follow, even if they expanded its scope. The power of the emotions, the ability for *all* to lose their self-control if pushed far enough, became a central check on the criminal law and a means through which violence against women was, if not justified, or even excusable (these men still served lengthy prison sentences), conceptualised as worth mitigating compared to other types of cruel, sadistic or calculated murder.

Home Office decision making reflected and reinforced both transformations and continuities in how male behaviour and masculinity was shaped in early twentieth-century Britain. In many ways, it reflects what the historian Michael Roper refers to as a way of understanding the behaviour of men caught between ‘manliness and masculinity’.<sup>132</sup> For Roper, manliness was a code of male behaviour shaped by nineteenth century social life. It stressed outward character and respectability forged through a happy domestic life, good professional standing at work, and friendship and trust legitimated through participation in the associational life of the local community.<sup>133</sup> The shift from nineteenth century manliness to twentieth century masculinity was a shift inwards. What it meant to be a man moved from outward markers of manliness to inside the body itself, where the mind, the psyche and the emotions all played a part in constituting what it meant to *feel* and *behave* like a man.<sup>134</sup> For many historians, the mechanised

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<sup>131</sup> TNA, HO 385/158; HO 144/23285, Criminal cases: Oxnard (closed), quote seen in HO 385/158.

<sup>132</sup> Michael Roper, ‘Between Manliness and Masculinity: The “War Generation” and the Psychology of Fear in Britain, 1914–1950’, *Journal of British Studies*, Vol. 44, No. 2 (April 2005), pp. 343–362.

<sup>133</sup> For a further discussion on the construction of nineteenth century manliness see: John Tosh, *A Man’s Place: Masculinity and the Middle-Class Home in Victorian England* (New Haven, 1999), p. 6.

<sup>134</sup> Roper, ‘Between Manliness and Masculinity’, p. 345; see also: Peter N. Stearns, ‘Men, Boys and Anger in American Society: 1860-1940’, in J. A. Mangan and James Walvin (eds.), *Manliness and Morality: Middle-class Masculinity in Britain and America, 1800-1940* (Manchester, 1987), pp. 76- 89, p. 87.

slaughter of the First World War was the crucial conjuncture here. The ‘brutalisation’ of the male body revealed its fragility, and the prevalence of shell-shock reinforced the complexity and unknowability of the mind.<sup>135</sup>

Roper is less convinced by ideas that the First World War marked a clean break from older ideas of manliness, arguing that character and respectability were still hugely important means through which men developed a sense of self and had this recognised and legitimated by the community and society in which they lived.<sup>136</sup> The approach taken to violent men within the Home Office is a case in point. Reprieves were highly dependent on previous good character and respectable conduct. Indeed, civil servants often asked local police forces to provide a plotted history of past conduct.<sup>137</sup> Yet this decision making apparatus was ever more influenced by new models and popular conceptions of the masculine mind, body and psyche as fragile and unpredictable. The Home Office increasingly recognised a volatile and tetchy masculine subject. A masculinity unmoored and a little lost in a topsy-turvy world of battered and fragile minds and bodies, whose power and primacy, at least on the surface level, was challenged by the growing independence and confidence of young women. The twin engine of successful reprieves was the convergence of respectable manliness and the new pressures of the masculine mind and body.

The difficulties in following established precedent when it came soldiers who had suffered shell-shock was a case in point. Blackwell initially was hostile to the idea that shell-shock provided grounds for a reprieve:

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<sup>135</sup> Joanna Bourke, *Dismembering the Male: Men's Bodies, Britain and the Great War* (London, 2009); Jessica Meyer, ‘Separating the Men from the Boys: Masculinity and Maturity in Understandings of Shell Shock in Britain’, *Twentieth Century British History*, Vol. 20, No. 1 (January 2009), pp. 1–22.

<sup>136</sup> Roper, ‘Between Manliness and Masculinity’, p. 351; For more recent approaches that are also skeptical of the received chronologies of the transformation of twentieth century masculinity see: Matt Houlbrook, Ben Mechen and Katie Jones (ed.), *Men and Masculinities in Modern Britain: A History of the Present* (Forthcoming, 2024).

<sup>137</sup> See for instance: TNA, HO 144/21833, Criminal Cases: Arthur Smith North.

Before the war we had many cases where men cut their sweethearts throats from jealousy, and it is impossible to say that this crime would not have been committed had it not been for prisoner's war experience. The only reason for doubt as to the allowing the law to take its course is the strong recommendation of the jury supported apparently by a good deal of public feeling.<sup>138</sup>

In an unusual move the Home Secretary, the liberal politician Edward Shortt, forcefully disagreed with Blackwell, 'I do not think that it is possible to hang a man who had suffered so severely from shell shock.'<sup>139</sup> Blackwell was clearly uncomfortable with such a decision but a precedent was set. In the early 1920s a series of shell-shock survivors were reprieved in 'sweetheart cases'.

The contest over the shell-shock survivor was a rare example where older models of respectable manliness clashed with a more psychological reading of the causes and consequences of male behaviour and male violence. In most cases, ideas of masculine character and respectability blended fairly easily with newer psychological theories of the unpredictability and force of the passions. At the centre of this convergence was the behaviour of women, particularly women of 'bad character' – most often exemplified through sex-work - who threatened a man's social standing and jeopardised the fraught and exhausting process of keeping the emotions, passions and impulses in check.

If the Home Office maintained an overt hostility to the crime of passion as a coherent category, the practice of the royal prerogative in the early twentieth century reinforced the idea that intimate life and its emotions was a pressured and fraught project of keeping one's cool. A project that for some nominally respectable men was ultimately impossible. This further contributed to a sense that the crime of passion – crime of impulse - was a different class of ultimately less concerning crime. Even if the Home Office was suspicious of public sympathy

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<sup>138</sup> TNA, HO 144/1738/329571, Criminal Cases: Huty.

<sup>139</sup> TNA, HO 144/1738/329571.

for men who killed their partners, their approach further reinforced their status as objects often worthy of sympathy and leniency when it came to the death penalty.

The idea of the crime of passion as a regrettable, but inevitable part of intimate life received further legitimacy from within the emerging discipline of criminology. As criminologists increasingly attempted to understand the criminal mind using psychological and psychoanalytic theory, the passions, and the crimes they caused became fixed in the rather oxymoronic frame of the 'normal murder'.

## **The Crime of Passion and the Normal Criminal**

Shortly before the former bus conductor George Hague was executed for the murder of his sweetheart in 1935, he was visited at Durham Prison by the Chief Medical Officer of the Prison Commission, Sir William Norwood East. The Home Office had ordered further inquiries into his mental condition, and Norwood East was often called upon to provide medical advice to support the Home Office in adjudicating on a reprieve.<sup>140</sup> In Hague's case, he found no evidence of insanity or mental deficiency. He wrote to Sir Ernley Blackwell stating that, 'Hague had sexual relations with the deceased girl, and no doubt this strengthened his determination that no one else should have her.'<sup>141</sup> This note affirmed Blackwell's initial judgement that the Home Office should not interfere with the case.

A year later East was asked to visit Hull Prison to conduct a similar interview with Arthur North, who had also killed his sweetheart. East wrote to Blackwell, 'the prisoner suffers from a sense of his own inferiority - his long illnesses have contributed to this - that the exasperation

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<sup>140</sup> TNA, HO 45/25411.

<sup>141</sup> TNA, HO 144/20027, Criminal Cases: Hague.

may have been due to his failure to excite reciprocal feeling in the girl.’<sup>142</sup> Unlike the year previously, in so small part due to his previous ill-health, North was granted a reprieve.

Norwood East, as these letters demonstrate, developed a keen interest in the psychological aspects of crime during his tenure as Chief Medical Officer. In his advice to Blackwell, East focused on the psychological effects of romantic disappointment and sexual life. The male brain and body was shaped here by the power of desire and the pull of jealousy. Murder, for East, was shaped by inferiority complexes and need for total possession. Here we see perhaps most clearly how the reprieve process was caught at the confluence between judgements on respectability and more psychological theories on the unpredictability of the male mind, psyche and body. Norwood East’s letters to Blackwell litter the Home Office archive across his tenure as Chief Medical Officer. During this period, East also published *Medical Aspects of Crime* in 1936, viewed by many historical criminologists as one of the founding texts of a distinctly British criminological tradition.<sup>143</sup>

East used the resources available to him as Chief Medical Officer to explore the psychological aspects of murder in his 1936 study of criminal behaviour.<sup>144</sup> Drawing on the same statistics and categories the Home Office criminal department used to adjudicate on the death penalty, East analysed a sample of murders committed between 1919-1936. He began by contending that murder was first and foremost caused by ‘powerful emotional reactions’. Those who committed murder were most likely to be between 16–40-year-olds, East argued, because ‘both men and women are most emotional during [these] ages.’<sup>145</sup>

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<sup>142</sup> TNA, HO 144/21833, Criminal Cases: Smith North

<sup>143</sup> Davie, ‘Criminal Man Revisited’, p. 4; Garland, ‘British Criminology Before 1935’, pp. 11-12.

<sup>144</sup> William Norwood East, *Medical Aspects of Crime* (London, 1936), p. 363.

<sup>145</sup> East, *Medical Aspects of Crime*, p. 364.

Unsurprisingly, the sexual and romantic passions featured prominently in his analysis, with 68% of his cases' victims listed as either 'sweetheart, paramour, or wife'.<sup>146</sup> Within his entire sample of 235 cases (excluding those found guilty but insane at court), 38% were attributed to 'jealousy' or 'revenge'.<sup>147</sup> The force of the passions was still legible in almost all of the other motives, including 20% of cases attributed to 'quarrels', with 4% the result of suicide pacts.<sup>148</sup> When discussing the main underlying causes of the murders in his sample, East turned to the psychology of William McDougall, placing blame squarely with varying strengths and weaknesses of 'natural instincts'. East cited a man who kills his pregnant lover, as a prime example of the 'self-preservation' instinct, while also suggesting that 'the sex instinct, of all others, is associated with murder most frequently.'<sup>149</sup> In explaining how such natural and supposedly universal instincts drove some to kill, East argued that the emotions that accompany them, 'anger, jealousy, love and lust, fear, hate and the feeling of possession [can] overstep their normal limits.'<sup>150</sup>

For something as abject as murder, East stressed the relative normality of its perpetrators in relation to other forms of crime, 'As a group the majority of murderers whose original sentences have been commuted to penal servitude for life more closely approach normality than any other class of criminal.'<sup>151</sup> This normality was forged in murder's instinctual and emotional explanatory framework. A similar tendency featured in the work of Cyril Burt, another highly influential figure in both penal institutions of the 1930s and in the emerging discipline of criminology.<sup>152</sup> While employed in the Education department of London County

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<sup>146</sup> East, *Medical Aspects of Crime*, p. 364.

<sup>147</sup> East, *Medical Aspects of Crime*, p. 365.

<sup>148</sup> East, *Medical Aspects of Crime*, p. 376.

<sup>149</sup> East, *Medical Aspects of Crime*, p. 375.

<sup>150</sup> East, *Medical Aspects of Crime*, p. 375.

<sup>151</sup> East, *Medical Aspects of Crime*, p. 375.

<sup>152</sup> Debates over empirical and scientific value of Burt's research has dogged the field of both criminology and psychology, see: N. J. Mackintosh (ed.) *Cyril Burt: Fraud or Framed?* (Oxford, 1995).

Council, Burt grounded his study of the causes of crime in reference to hundreds of case-studies with both delinquent and ‘pre-delinquent’ schoolchildren.<sup>153</sup> Like with Norwood East, Burt drew on the social psychology of McDougall, as well as the psychoanalytic theories of Freud. For Burt, crime was related to emotional responses, (fear, disgust, anger, tender, curiosity) caused by the pull towards a set of universal basic instincts (flight, repulsion, pugnacity, parental, sexual, herd).<sup>154</sup>

Burt saw ‘crimes of impulse’ as caused by a build-up of ‘negative sentiments’. Negative sentiments build up through the inevitable consequences of frequent proximity; ‘persons with whom we have to live’, suggested Burt, ‘are the very ones whose daily demands, and daily mannerisms, chafe most insistently upon our tenderest nerve’.<sup>155</sup> However, such intense outbursts, in this reading, weren’t merely the extreme consequence of quotidian irritation, but were produced through the complex interplay between positive and negative sentiments. It was precisely ‘because they are dear to us, their idiosyncrasies and injustices hurt us most’.<sup>156</sup> Caught in a symbiotic relationship, negative sentiments were fuelled by the intensity of intimate life. The strain of constantly having to ‘muffle and mask, swallow and keep down’, could cause outbursts of a ‘sudden and overwhelming paroxysm of rage.’<sup>157</sup> It was this battle between the conscious mind and the repressed sentiments, what Burt later goes on to define as psychoanalytic ‘complexes’, that caused, the ‘jealous husband [to] strangle his wife [or] the jilted lover [to] shoot the girl he loves.’<sup>158</sup>

As the study of crime became increasingly more complex, as psychology, psychoanalysis and statistical analysis promised an abundance of techniques and technologies to unlock, mitigate

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<sup>153</sup> Pamela Cox, *Gender, Justice, and Welfare: Bad Girls in Britain, 1900-1950* (Basingstoke, 2003).

<sup>154</sup> Burt, *The Young Delinquent*, p. 411.

<sup>155</sup> Burt, *The Young Delinquent*, p. 547.

<sup>156</sup> Burt, *The Young Delinquent*, p. 548.

<sup>157</sup> Burt, *The Young Delinquent*, p. 548.

<sup>158</sup> Burt, *The Young Delinquent*, pp. 547-548.

and control crime and criminal behaviour, most murders remained remarkably simple and of little interest to the criminologist. Much of this stemmed from the taken for granted assumption that the force of the emotions could lead anyone to kill under the right conditions. This led criminologists to view passionate murder as a curiously ‘normal’ type of crime.

The boundaries between ‘expert’ and popular knowledges on the causes of crime were always porous. This is no more apparent than in the work of F. Tennyson Jesse. Eleven years prior to editing the *Notable British Trials* edition of Rattenbury and Stoner’s trial, Jesse wrote the popular criminological work *Murder and its Motives*. This was a non-fiction study on the causes of murder published by William Heinemann in a relatively cheap edition aimed at a popular audience.<sup>159</sup>

In her preface, Jesse made clear her deep knowledge of medical and psychological theories of criminal behaviour, perhaps to distance herself from the worst excesses of lurid sensation. Nonetheless, the substance of the book, structured by criminological ‘types’ of criminal she identifies, were in fact accounts of sensational, highly notable trials of the late nineteenth and early twentieth centuries. In so doing, Jesse blurred the emerging taxonomies of disciplinary criminology with the popularity of crime fiction and popular journalism.

In keeping with Norwood East and Burt’s understanding of intimate murders, *Murder and its Motives* regularly returned to the idea that passionate crimes were different classes of crime, something that *anyone* was capable of committing.<sup>160</sup> Contrasting the ‘congenital’ criminal with the ‘occasional’ criminal Jesse wrote,

In the former are men such as Smith and Cream [notorious poisoners], but in the latter any one of us might someday find himself; it is merely a question where our particular breaking point happens to come.<sup>161</sup>

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<sup>159</sup> Stewart, *Crime Writing in Interwar Britain*, p. 71.

<sup>160</sup> F. Tennyson Jesse, *Murder & Its Motives* (London, 1924), p. 11.

<sup>161</sup> Jesse, *Murder & Its Motives*, p. 14.



Here we find what we can now see as a familiar refrain when it came to passionate crime, that everyone had a ‘breaking point’, and everyone was capable of violence if pushed far enough.

Jesse’s ‘occasional’ criminal was reminiscent of what the proto-criminologist and sexologist Havelock Ellis’ referred to as ‘criminal by passion’, in his 1890 work *The Criminal*.<sup>162</sup> Usually ‘a man of wholesome birth and honest life’ fuelled by ‘exaggerated sensibilities’ and burdened by ‘the stress of a great unmerited wrong’, Ellis excluded the criminal by passion from any further analysis, arguing that its cause was the pull of ‘social’ rather than ‘anti-social’ instincts.<sup>163</sup> For this reason, this criminal ‘never becomes a recidivist... His crime is a solitary event in his life, therefore he cannot figure as a serious danger to society’.<sup>164</sup> Even if criminologists like East and Burt would distance themselves from the work of Ellis, his influence on Jesse’s thinking highlights the broader cultural reach of the ‘criminal by passion’. Furthermore, in practice, the findings of Burt and East shared Ellis’ assumption that passionate killers posed the criminologist few difficulties due to the ‘social’ nature of their crime.

Criminologists, both ‘popular’ and ‘academic’, were not that interested in the passionate killer. Criminology promised a new way of both comprehending and treating crime, a scientific discipline that sought to reduce crime rates and reduce the prison population. Partly because murder rates weren’t all that high, criminologists focused on other, more concerning types of violence. Yet part of this lack of interest came from a taken for granted assumption that it was *impossible* to reduce rates of passionate violence. It was, in this reading, an inevitable part of society, and inevitable component of the day to day travails of intimacy and an almost hard-wired (masculine) response to jealousy and rage caused by infidelity.

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<sup>162</sup> Havelock Ellis, *The Criminal* (London, 1890), pp. 19-20.

<sup>163</sup> Ellis, *The Criminal*, p. 2.

<sup>164</sup> Ellis, *The Criminal*, p. 2.

## Conclusion

As we have seen, ‘crimes of passion’ was a consistently contested term, one rejected by jurists and civil servants in the Home Office, and one whose meaning was variable and changing to fit all manner of violent crime. Yet the crime of passion had a shadowy existence within the corridors of the Home Office. In popular culture, the crime of passion was a staple of popular journalism, one responding to the regularity of intimate violence in the English criminal court. Spectacular and sensational murder trials worked in similar ways to the divorce court in unveiling the secrets of sex, and highlighting the social costs infidelity and transgression could cause.

The Home Office rhetorically disavowed the crime of passion as alien and antithetical to English and British justice. The department nonetheless comprehended and disciplined intimate violence through a taxonomy of specific emotional responses. Indeed, the Home Office’s criminal division spent a significant amount of its time devoted to examining and passing judgement on the emotions and emotional impulses of men who had killed their wives, lovers, mistresses, ‘sweethearts’, and ‘paramours’.

This taxonomy was consciously positioned as a tool in regulating and policing romantic and sexual relationships between men and women. The stress the Home Office placed on ‘protecting’ wives and young women (even in reality they often did nothing of the sort), was reflective of the Home Office’s self-appointed role in checking, and attempting to shape, men’s violent behaviour, particularly when their relationships had ended or gone wrong. Implicit in this ‘protector’ role was the inevitability of male violence. Sometimes worth punishing harshly as a deterrent, in the case of ‘sweetheart’ cases, and sometimes worthy of a degree of leniency, particularly when the woman’s behaviour had been ‘sufficiently provocative’. Underneath both decisions was an assumption that male violence regrettable yet inevitable.

Such thinking reflected a wide-reaching assumption, one that was so pervasive in fact that the Home Office found themselves consistently fighting against a broader impulse to show leniency to *most* men who had killed their wife or lover. If the reflexive self was a product of the modern world, then so was the ability to lose control of it. This idea, that there was a point where everyone could lose their self-control, was a shared assumption across the institutions and discourses examined here, pointing towards a generally held view of the self as a potentially violent one. Given that most acts of extreme violence were committed by men, such a formulation of the violent self consistently served to explain, mitigate, and normalise male violence, particularly violence against women.

In modern Britain, violence played a heightened role in the cultural and the individual imaginary, as a way of understanding intimacy and the self, one constantly plagued by the threat of urges, impulses, and emotional pulls one is never really in control over. In the next chapter we turn more concretely to the dark-side of this way of understanding the self and the dangers of intimate life. If the modern (male) subject was increasingly engaged in a project of ‘muffling’ and ‘masking’ the difficulties of everyday life, this difficulty, as I argue, was often managing the furious tides of jealousy. An emotion that increasingly came to define familial, workplace, community *and* intimate life.

## Chapter Two: ‘Are True Lovers Jealous?’ Jealousy, Intimacy, and the Crime of Passion

### Introduction

In 1923, the *International Journal of Psychoanalysis* – the London based journal founded by Ernest Jones, a central figure in the popularisation of psychoanalysis in Britain – published Sigmund Freud’s ‘Certain Neurotic Mechanisms in Jealousy, Paranoia and Homosexuality’.<sup>1</sup> The article is better known as one of the three essays to be published as part of Freud’s *Three Essays on the Theory of Sexuality*.<sup>2</sup> Within it, Freud sketched some of his most well-known theorisations on homosexuality. It introduced the idea of homosexuality as caused by the over-identification with the mother, as well as narcissism, and fear of castration. Taken together, these three elements constituted Freud’s ‘psychical aetiology of homosexuality’.<sup>3</sup> Unlike his earlier writings, Freud placed a new focus on jealousy, and specifically inter-sibling rivalry, as another explanation for what he called ‘homosexual object choice’. The furious jealousy of childhood was central to the constitution of the homosexual subject in Freud’s thinking. Unpacking jealousy at the start of his essay however, Freud also referred to it as, ‘one of those affective states, like grief, that may be described as normal’. Employing language remarkably similar to the criminologists of the previous chapter, who saw passionate crime as fundamentally ‘normal’, Freud saw most cases of jealousy as not of much concern to the analyst: ‘there is not much to be said from the analytic point of view about normal jealousy.’<sup>4</sup>

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<sup>1</sup> Sigmund Freud, ‘Certain Neurotic Mechanisms in Jealousy, Paranoia and Homosexuality’, *The International Journal of Psycho-Analysis*, Vol. 4, (January 1923), pp. 1–10; On the popularisation of psychoanalysis in Britain see Michal Shapira, “‘Speaking Kleinian’: Susan Isaacs as Ursula Wise and the Inter-War Popularisation of Psychoanalysis”, *Medical History*, Vol. 61, No. 4 (October 2017), pp. 525–547.

<sup>2</sup> Sigmund Freud, *On Sexuality: Three Essays on the Theory of Sexuality and Other Works* (Harmondsworth, 1977).

<sup>3</sup> Ivan Crozier, ‘Taking Prisoners: Havelock Ellis, Sigmund Freud, and the Construction of Homosexuality, 1897–1951’, *Social History of Medicine*, Vol. 13, No. 3 (December 2000), pp. 447–466, p. 458.

<sup>4</sup> Freud, ‘Certain Neurotic Mechanisms in Jealousy, Paranoia and Homosexuality’, p. 1.

Jealousy, for Freud, was a ‘normal’, analytically un-interesting feature of intimate relationships and social life.

Compare Freud’s description of jealousy with that of the Judge Mr Justice McCardie, who during a session of the Surrey Assizes in 1931 stated, ‘The great causes of crime still remain as they have largely in the past, lust, greed, vanity and jealousy – just the fundamental weaknesses of mankind and womankind.’<sup>5</sup> If Freud was right, if jealousy was ‘normal’ and analytically not interesting, then if we are to believe McCardie, this normal ‘affective state’ was also one of the ‘great causes of crime’. With a reputation as a modernising judge critical of the conservatism of the English judiciary, particularly when it came to marriage, divorce, and sexual transgression, it is plausible, if perhaps unlikely, that McCardie had read Freud.<sup>6</sup> Nonetheless, his thoughts on jealousy, gleaned from the daily experience of administering the law and following precedent, were identical to Freud’s conclusions. Jealousy was a natural ‘fundamental weakness’.

In this chapter, I examine the relationship between jealousy, violence, and normality. I argue that jealousy is an emotion central to the feel of modernity and modern life. Omnipresent in cultural depictions of love and romance on stage, screen and in print, it also increasingly figured in the aspirations and daily disappointments of everyday life. Jealousy pervaded all social relations and encounters considered by many scholars to be archetypally modern, whether that be in sibling or familial rivalries, the pursuit and desire for commodities, or aspirational dreams of social mobility and economic advancement.<sup>7</sup> If a keynote of what it means to be modern is

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<sup>5</sup> ‘Chief Causes of Crime’, *Reynolds’s News* (London), 1 March 1931, p. 9.

<sup>6</sup> See for instance: Antony Lentin, *Mr Justice McCardie (1869-1933): Rebel, Reformer, and Rogue Judge* (Newcastle-upon-Tyne, 2017), pp. 106-107; Rebecca Bradley, ‘A Revolutionary Without the Means: Justice Henry McCardie and the Position of Wives under British Law’, online at: <https://blog.bham.ac.uk/legalherstory/2018/03/17/a-revolutionary-without-the-means-justice-henry-mccardie-and-the-position-of-wives-under-british-law/> (accessed May 2023).

<sup>7</sup> The sociologist Eva Illouz has charted how the pain of intimate life is reflective of the growth of a specifically modern sensibility, linked to the growth of individualism and commodity capitalism. See: Eva Illouz, *Why Love*

the growth of aspirational and ‘popular’ individualism, whether that be in the economic, cultural, or intimate domain, then it figures that jealousy would increasingly stalk the modern subject too.<sup>8</sup> Indeed, as I will show, jealousy was deeply embedded within modern forms of subjectivity, and negotiating the inevitability of jealous thoughts became central to the daily travails of modern life and modern love. The omnipresence of jealousy as a symptom of modern intimacy, thus led many to see jealous crime as less of a concern than other forms of violent crime. If jealousy was normal, then the logical next step was to see jealous crime, to an extent, as normal too. What I argue in this chapter, contrary to McCardie’s view of jealousy and crime as something that remained ‘largely as they have in the past’, is that jealousy was at the very heart of specifically *modern* cultures of crime, intimacy, and romance. Jealousy, I argue, was one of the defining emotion of modernity and the modern condition.<sup>9</sup>

What is jealousy? The answer is more complex than you might think. To offer a crude definition, we might describe jealousy as a meta-category for a host of negative affective states associated with the actual or perceived loss of something or someone to a rival.<sup>10</sup> Recently, cognitive psychologists have argued that jealousy is itself a specific, ‘core’ emotion, that, like fear, has a biological basis and developed as responses to specific risks and potential harms.<sup>11</sup>

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*Hurts: A Sociological Explanation* (Cambridge, 2012), pp. 212-214; For other work that highlights the growth of competitive cultures and societies within western modernity see: Penny Tinkler and Cheryl Krasnick Warsh, ‘Feminine Modernity in Interwar Britain and North America: Corsets, Cars, and Cigarettes’, *Journal of Women’s History*, Vol. 20, No. 3 (2008), pp. 113-143; Erika Rappaport, Sandra Dawson, and Mark J. Crowley (eds.), *Consuming Behaviours: Identity, Politics and Pleasure in Twentieth-Century Britain* (London, 2015); On how archetypally modern objects, in this case the car, shape and structure aspirational desire and life-narratives, see: John Urry, ‘Inhabiting the Car’, *The Sociological Review*, Vol. 54, No. 1 (2006), pp. 17-31.

<sup>8</sup> For a recent influential piece on the importance of ‘popular individualism’ as a way of narrating the history of twentieth century Britain see: Emily Robinson et al., ‘Telling Stories about Post-War Britain: Popular Individualism and the “Crisis” of the 1970s’, *Twentieth Century British History*, Vol. 28, No. 2 (June, 2017), pp. 268-304.

<sup>9</sup> Louis Lo, a literary critic, similarly sees jealousy, while an affective state visible across time periods, as a constitutive component of specifically modern forms of literature, art, and gender formations. See: Louis Lo, *Male Jealousy: Literature and Film* (London, 2008). For another theoretical and philosophical study of jealousy in a longer timeframe see: Giulia Sissa, *Jealousy: A Forbidden Passion* (Cambridge, MA, 2017).

<sup>10</sup> Gregory L. White and Paul E. Mullen, *Jealousy: Theory, Research, and Clinical Strategies* (New York, 1989), p. 66.

<sup>11</sup> Mingi Chung and Christine R. Harris, ‘Jealousy as a Specific Emotion: The Dynamic Functional Model’, *Emotion Review*, Vol. 10, No. 4 (October 2018), pp. 272-287, p. 273.

Such a theory is contested, yet they argue that the motivation to action contained in jealousy is sufficiently different to other emotions such as fear or anger as to warrant its status as a hard-wired ‘core’ emotional response.<sup>12</sup> Earlier models of jealousy, particular within the social psychology which developed in the first half of the twentieth century, sees jealousy more as an ‘advanced sentiment’ that is built upon the foundations of the ‘base instincts’, that is the ‘sex’ and ‘self-preservation’ instincts.<sup>13</sup> While the definitional debate over the status of jealousy is less of a concern here, it is sufficient for us to grasp that jealousy has been conceptualised as a negative and unpleasant emotional state specifically related to the fear of loss.

In some ways, jealousy evades critical historical study by being almost everywhere at once. Jealousy abounds across literary traditions, time-periods, and geographies. So, too, does jealous violence. Given the long literary tradition of jealousy turned violent, particularly the symbolic power of Shakespeare’s *Othello* as a cultural touchstone, it is unsurprising that Mr Justice McCardie saw jealous violence as an almost timeless crime.<sup>14</sup> Indeed other judges invoked *Othello* directly. Delivering an opinion at the Court of Criminal Appeal on the case of Joseph Huddy, the war veteran we encountered in the previous chapter, Mr Justice Darling stressed, ‘The same remark might apply to Othello. He had done a lot in wars, but he committed a brutal murder and by the same act proved that he was far from insane.’<sup>15</sup> Drawing parallels between contemporary trials and the jealousy of *Othello* further fixed jealousy as an age-old, almost timeless motive for extreme violence.

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<sup>12</sup> Chung and Harris, ‘Jealousy as a Specific Emotion’, p. 274.

<sup>13</sup> See for instance: William McDougall, *An Introduction to Social Psychology, 13th Edition* (Boston, 1918), p. 285; On the importance of McDougall’s social psychology to the ‘psychologisation’ of everyday life see: Mathew Thomson, *Psychological Subjects: Identity, Culture, and Health in Twentieth-Century Britain* (Oxford, 2006), pp. 54-75.

<sup>14</sup> Interestingly scholars of *Othello* have recently stressed the historical specificity of jealousy in the text and situate it within the class dynamics of early modern England, rather than, say, a universal literary tradition of jealous lovers. See Rebecca Olson, “‘Too Gentle’: Jealousy and Class in *Othello*”, *Journal for Early Modern Cultural Studies*, Vol. 15, No. 1 (2015), pp. 3–25.

<sup>15</sup> ‘Murder and Madness’, *The Globe* (London), 24 November 1919, p. 4.

Yet this move obscured jealousy's historical specificity. Historians have recently stressed jealousy's historical contingency. Jade Shephard has argued that in nineteenth century legal and medical thought, jealousy still retained its association with illness and temporary madness.<sup>16</sup> Such associations were weakening however, as jealousy was increasingly evoked in the courtroom as a natural instinct as part of provocation defences. This is something that Dawn Keetley suggests was also happening in the criminal court of the antebellum United States. The courtroom, Keetley argues, 'provided audiences with a radical new conception of jealousy as a natural instinct, an irrevocable part of human nature.'<sup>17</sup> Echoing the argument of this chapter, Keetley suggests that jealous violence became a more significant phenomenon when love, and managing love within marriage, 'became a more critical aspect of men's sense of self.'<sup>18</sup> Keetley's argument chimes with perhaps the most influential study of modern jealousy by the historian of emotion Peter Stearns. Focused primarily on the twentieth century United States, Stearns argues that the naturalisation of jealousy was reflective of its increased centrality to twentieth century American culture, one increasingly centred upon aspiration and competition.<sup>19</sup> Competition pervaded all aspects of life, starting at the oedipal rivalries of childhood, and running through schooling, courting, the pursuit of marriage, a stable family, and a satisfying work-life. As competition became central to modernity, jealousy lost its older associations with illness and insanity and became a more ubiquitous and (usually) less troubling emotion.<sup>20</sup>

Contemporaries were all too aware of jealousy's new significance. The American sociologist Kingsley Davis, writing in 1936, argued that 'so deeply emotional is jealousy that it appears in

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<sup>16</sup> Jade Shepherd, "'I am not very well I feel nearly mad when I think of you": Male Jealousy, Murder and Broadmoor in Late-Victorian Britain', *Social History of Medicine*, Vol. 30, No. 2 (May 2017), pp. 277–298.

<sup>17</sup> Dawn Keetley, 'From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America', *Journal of Social History*, 42 (December 2008), pp. 269–297, p. 269.

<sup>18</sup> Keetley, 'From Anger to Jealousy', p. 274.

<sup>19</sup> Peter N. Stearns, *Jealousy: The Evolution of an Emotion in American History* (New York, 1989), p. 12.

<sup>20</sup> Stearns, *Jealousy*, p. 176.



the midst of modern social relationships...as a bull in a china shop.’<sup>21</sup> For Davis, intimacy was one part of a modern social life defined by competition and aspiration, ‘in so far as a society fosters a desire to win, and builds up an emotional drive in the individual to that end, it inevitably fosters the fear of losing’.<sup>22</sup> Characteristic of the sociology of the period, Davis argued that the prevalence of jealousy in a society was shaped by the broader rules and law that governed and structured intimacy and individual behaviour. Outlining a rather complex taxonomy of differences between ownership and possession, one defined best through the convergence of internal feeling (love and desire) and outward social markers (marriage), Davis argued that social institutions tended to work against the worst excesses of jealousy. If love and desire was closely tied to social prescriptions on intimate life than most people could achieve a secure sense of ‘ownership’ over a loved one. Jealousy, in this reading, could be channelled healthily to ‘protect, maintain and prolong the intimate association of love.’<sup>23</sup> However the pace of social change in modern societies threatened to decouple the internal from the external. ‘Rapid change [has] given our culture a certain amount of anomie, which is reflected in the emotions surrounding the distribution of sexual favour’. The example Davis proffered is illuminating here: ‘those who are not used to dancing and who disapprove of it are apt to grow extremely jealous if a wife or sweetheart indulges.’<sup>24</sup> The break-up of social cohesion in modern societies, that is, the diversity of moral frameworks when it came to legitimate social behaviour like dancing, meant that jealousy was likely to proliferate wildly.

Davis’ study of jealousy stood at the centre of broader social theories of modernity, that of anomie, social dislocation and the weakening of cohesive cultural mores that shaped individual behaviour and intimate life. Furthermore, Davis saw jealousy as both inevitable and central in

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<sup>21</sup> Kingsley Davis, ‘Jealousy and Sexual Property’, *Social Forces*, Vol. 14, No. 3 (1936), pp. 395–405, p. 399.

<sup>22</sup> Davis, ‘Jealousy and Sexual Property’, p. 397.

<sup>23</sup> Davis, ‘Jealousy and Sexual Property’, p. 396.

<sup>24</sup> Davis, ‘Jealousy and Sexual Property’, p. 404.

a competitive culture of aspiration where everybody increasingly feared ‘losing’. When it came to everyday intimacies, jealousy became both more mundane *and* dangerous when romance and romantic happiness became an integral component of the ‘pursuit of perfection’.<sup>25</sup> Following Stearns, we might see how this perfectionist project could only function if jealousy was to a certain extent normalised. In other words, jealousy was the emotion that fuelled aspiration, competition, comparison, and desire.

The courtroom reflected and reinforced jealousy’s centrality to modern life and modern love. Jealousy came to define the crime of passion. It is impossible to understand why certain murders elicited large amounts of sympathy, without grasping the new centrality and power jealousy held within intimate life. While the judiciary attempted to maintain a hostility towards jealousy as legitimate provocation, the Home Office regularly granted reprieves when jealousy was ‘justified’, that is, when the victim had been unfaithful. Jealousy, more than any other emotion, contributed to the idea that certain acts of violence were understandable, relatable, and something anyone was capable of. Given the fundamental importance of romantic love, and the pain of jealousy this caused, jealousy could make *anybody* violent.

Yet not everyone’s jealousy was comprehended in this way, particularly within the Home Office. The jealousy of certain men generated a different institutional response, exposing the various forms of ‘worry’ civil servants exhibited over male violence. Which jealous men worried the Home Office? Here worry and fear guided the shape and direction of state power.<sup>26</sup> Historians have long charted how the Home Office was preoccupied with ideas of social collapse in direct relation to sexual morality and intimate life in the volatile years after the First

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<sup>25</sup> T. J. Jackson Lears, *Fables of Abundance: a Cultural History of Advertising in America* (New York, 1994), p. 213.

<sup>26</sup> For how worry has shaped the policy at the Home Office, particularly in the context of race and immigration see Carina E. Ray, “‘The White Wife Problem’: Sex, Race and the Contested Politics of Repatriation to Interwar British West Africa”, *Gender & History*, Vol. 21, No. 3 (2009), pp. 628–646; Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Post-war Era* (Ithaca, 1997).

World War.<sup>27</sup> In the context of rapid demobilisation, economic downturn, racial tension and class conflict, sexual immorality was both a sign of societal breakdown and a harbinger of worse to come.<sup>28</sup> The way civil servants worried about jealous men reflected these broader concerns. Worries over the increase (it seemed) of interracial sex and sex between men, shaped whose jealous outbursts were recognised as ‘normal’, and whose were to be fixed as deviant. The state’s worries were channelled into an attempt to fix who could legitimately feel jealous and for what reasons. In so doing, the Home Office, and the state, shaped jealousy increasingly in ethnic and sexually absolutist terms.

This chapter begins by probing the centrality of jealousy to the booming print culture of love, romance, and intimacy in early to mid-twentieth century Britain. My focus here is on the portrayal of jealousy as something both banal, ubiquitous, *and* uniquely painful. It was this heady mix that led many to sympathise with people who killed out of jealousy. I then turn back to the precedent books, arguing that even if Home Office politicians and civil servants tried to restate their hostility to jealous violence, they nonetheless *did* conceptualise jealousy as sufficiently provocative to warrant a reprieve from the death penalty. That is, jealousy as significantly powerful enough as to obliterate anyone’s self-control. If jealousy was normal, then this compounded the sense that jealous violence was, to a degree, a normal crime.

I complicate this by moving towards particularly volatile flashpoints where the status and management of jealousy became a delicate operation for the Home Office. I turn to the Home Office’s worry. Worry when jealousy was dangerous, whether that be when a person of colour was violently jealous of their white lover or when the jealous male lover of a soldier threatened

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<sup>27</sup> See for instance: Julia Laite, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885-1960* (Basingstoke, 2012); Jeffrey Weeks, *Sex, Politics and Society: The Regulation of Sexuality since 1800* (London, 1981), pp. 215-217; Christopher Hilliard, *A Matter of Obscenity: The Politics of Censorship in Modern England* (Princeton, 2021), pp. 38-41.

<sup>28</sup> Lucy Bland, ‘White Women and Men of Colour: Miscegenation Fears in Britain after the Great War’, *Gender & History*, Vol. 17, No. 1 (2005), pp. 29–61.

to expose the prevalence of male sex within barracks. By looking at the contrasting approaches the Home Office took, we see how the state responded, and attempted to stabilise a gendered social order felt to be in flux and where established categories of difference were felt to be eroding at a worrying pace.<sup>29</sup>

The chapter focuses on two particularly worrying encounters – between jealousy and interracial sex and jealousy and homosexuality. Taken together, these case studies reveal the Home Office performing a specifically affective politics of punishment that redrew and reshaped what acceptable jealousy looked and felt like. It was one means through which the state affirmed who was tolerated and who was not, and further fixed what it meant to be a normal man in the image of the white man who loved and had sex with women. As this chapter demonstrates, this disciplinary project wasn't inevitable or timeless, but one mobilised in the service of historically specific state-power. However, the Home Office wasn't totally in control here. Civil servants and politicians struggled to make sense of new patterns of social and intimate life. In the contestation over the death penalty, those who campaigned on behalf of jealous men, often challenged the Home Office's judgement on whose jealousy was legitimate. Jealousy was a difficult emotion for the state to manage.

The crime of passion revealed the importance and centrality of jealousy to modern social life in Britain. Jealousy stalked everyday life increasingly framed as one of constant competition, comparison, and aspiration. Appreciating the new power jealousy held, as a normal if regrettable aspect of daily life, further clarifies that sympathy for passionate killers was in part produced by a historically specific solidarity based on the pains and perils of romance. At the same time jealousy, and the solidarities it generated, were often clothed in the language of

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<sup>29</sup> Joanna Bourke, *Dismembering the Male: Men's Bodies, Britain and the Great War* (London, 2009); Michael Roper, 'Between Manliness and Masculinity: The "War Generation" and the Psychology of Fear in Britain, 1914–1950', *Journal of British Studies*, Vol. 44, No. 2 (April 2005), pp. 343–362.

timelessness, an omnipresent danger of the age-old struggle against the forces of passion. Jealousy's slippery historical specificity is thus a perfect site to unpack not just the modern coordinates of intimate life, but also how these historical shifts slipped out of view when fixed as universal and timeless responses to the perils of the passions.

## **The Pain and Perils of Modern Love: The Culture of Jealousy**

The centrality of romance, love and passion within the emergence and growth of mass cultural forms has been well documented by historians.<sup>30</sup> Whether in the pages of popular newspapers, novels, on the cinema screen, or broadcast through the airwaves, romance narratives were impossible to avoid. Within print culture more specifically, tales of love, or love gone wrong, weren't contained to fiction, but also regularly appeared in the pages of the popular press.<sup>31</sup> The popular culture of romance, moreover, grew into a central and lucrative genre for popular newspapers increasingly targeting a female audience. In addition to the journalism of the courtroom, whether that be covering murder or divorce trials, serialised short-stories, opinion pieces, interactive quizzes, and agony aunt columns all further fixed discussion of the agony and ecstasy of romantic life at the heart of popular culture.<sup>32</sup> Indeed, all the cultural products mentioned above, as a generation of historians have charted, transformed the culture and intimacy and sexuality in the modern world, transformations not just confined to Britain, which

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<sup>30</sup> See Alana Harris and Timothy Willem Jones, 'Introduction' in Harris and Willem Jones, eds., *Love and romance in Britain, 1918-1970* (Houndmills, 2015), pp. 9-10; Adrian Bingham, *Family Newspapers? Sex, Private Life, and the British Popular Press 1918-1978* (Oxford, 2009), p. 45; Hannah Charnock, "'A Million Little Bonds': Infidelity, Divorce and the Emotional Worlds of Marriage in British Women's Magazines of the 1930s", *Cultural and Social History*, Vol. 14, No. 3 (May 2017), pp. 363-379; Jill Greenfield and Chris Reid, 'Women's Magazines and the Commercial Orchestration of Femininity in the 1930s: Evidence from *Woman's Own*', *Media History*, Vol. 4, No. 2 (December 1998), pp. 161-174.

<sup>31</sup> Gail Savage, 'Erotic Stories And Public Decency: Newspaper Reporting of Divorce Proceedings in England', *The Historical Journal*, Vol. 41, No. 2 (June 1998), pp. 511-528; Lucy Bland, "'Hunnish Scenes' and a 'Virgin Birth': a 1920s Case of Sexual and Bodily Ignorance", *History Workshop Journal*, Vol. 73 (2012), pp. 118-143.

<sup>32</sup> Adrian Bingham, *Gender, Modernity, and the Popular Press In Inter-War Britain* (Oxford, 2004), pp. 105-110.

encouraged the development of a reflexive sexual self, where scripts of individual fulfilment became ever increasingly linked to romantic happiness.<sup>33</sup>

Such a quest was not easy, however. The true pay-off for finding romantic happiness was partly navigating the road towards it, pockmarked with false hope, near misses and crushing disappointment. Maintaining a loving mutually fulfilling union meant carefully managing difficult periods, and caring not just for your husband or wife, but managing and shaping your emotions and emotional responses in pursuit of marital strength.<sup>34</sup> Companionate marriage took hard work and constant management and negotiation of emotions that might damage the goal of lasting marital happiness. Chief among these threats was jealousy, whose dangers were ever more pressing because feeling jealous was positioned as an inevitable feature of sexual life. ‘Why, there is no true love without jealousy’, opened a feature on the emotion in the weekly periodical *Answers* published in 1935, ‘to be in love, and not have the tiniest bit of jealousy concerning your adored one’s present friends would be unnatural to many of us.’<sup>35</sup> As the writer alluded to, a little bit of jealousy wasn’t necessarily a bad thing. To be jealous was to desire, and such an emotion could be harnessed to deepen affection: ‘doesn’t it only help to make her seem still more attractive and desirable’, continued the writer in *Answers*, ‘your interest in her deepens. You fall in love with her afresh.’<sup>36</sup>

Jealousy, desire and love thus went hand in hand, and jealousy was central to representations of the perils of sexual and romantic intimacy. To illustrate this, take the specially commissioned series of sketches by the renowned art-deco illustrator ‘Erté’. His stylised depictions of young women are synonymous with the art-deco movement and the popular iconography of the 1920s

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<sup>33</sup> See for instance Claire Langhamer, ‘Love, Selfhood and Authenticity in Post-War Britain’, *Cultural and Social History*, Vol. 9, No. 2 (June 2012), pp. 277–297.

<sup>34</sup> Charnock, “‘A Million Little Bonds’”, p. 366.

<sup>35</sup> ‘Are True Lovers Jealous?’ *Answers*, Vol. 71, No. 10 (July, 1923), p. 6.

<sup>36</sup> ‘Are True Lovers Jealous?’, p. 6.

more broadly.<sup>37</sup> In the special Christmas edition of the weekly *Sketch* magazine, Erté presented a series of sketches along the theme of, 'Secrets through the eyes of the mask'.

Described as a 'ballet of emotions', stylised (and eroticised) female figures depict various intimate emotional states. As the *Sketch* began its feature, 'Erté imagines that we watch the eye-holes in the mask and see the changing emotions dance across the narrow windows.'<sup>38</sup> Love opens the tableaux. Erté presents love as a balletic figure held in chains with a fiery red billow of hair blurring into a thin transparent veil (figure one). Erté then contrasts this with jealousy, the caption describing it as, 'the cruellest mistress of all, and as she passes across the narrow stage, she brings the sting of the serpent in her tail.'<sup>39</sup> Jealousy is depicted here as half woman half serpent, both dangerous, alluring and irresistible (figure two). Jealousy is followed by sadness, and we finish with indifference, 'the soul is not happy', the caption concludes, 'but it bids us believe it is free.'<sup>40</sup>

Erté's refuses to present the passions as a journey towards personal fulfilment. Love, in contrast, is defined through disappointment, sadness and ultimately indifference. Erté's pieces are archetypal *modern* images, not merely in their rendering of the art-deco style. The juxtaposition between secrets, masks, and the eyes as a brief flittering 'stage', was symptomatic of a fascination with ideas of interiority, inner-worlds, and the individual psyche. The interest taken in the 'world within' was closely linked to ideas about the artificiality and anonymity of the external world and modern social life.

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<sup>37</sup> Marshall Lee (ed.), *Erté at Ninety: The Complete Graphics* (London, 1982).

<sup>38</sup> 'Secrets through the eyes of the mask: The Ballet of the Emotions', *The Sketch* (London), 1<sup>st</sup> of December, 1927, p. 5.

<sup>39</sup> 'Secrets Through the Eyes of the Mask', p. 7.

<sup>40</sup> 'Secrets Through the Eyes of the Mask', p. 9.

*Secrets Through the Eyes of the Mask.***DANCING ACROSS THE MIRRORS OF THE SOUL: LOVE.**

Love is the first emotion which comes dancing its way across the revealing windows in the mask, as it is mirrored in the wearer's eyes.

SPECIALLY DRAWN FOR "THE SKETCH" BY ERTÉ.

Figure 1, 'Secrets Through the Eyes of the Mask', *The Sketch* (London), 1st of December 1927, p. 5.



*Secrets Through the Eyes of the Mask.*



THE CRUELLEST OF ALL THE EMOTIONS: **JEALOUSY** HAS HER WAY.

Love is quickly succeeded by **Jealousy**, the emotion which is the cruellest mistress of all; and, as she passes across the narrow stage, she brings the sting of the serpent in her train.

SPECIALLY DRAWN FOR "THE SKETCH" BY ERTÉ.

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Figure 2, 'Secrets Through the Eyes of the Mask', *The Sketch* (London), 1st of December 1927, p. 6.

Who knew what others were feeling, what emotions lurked underneath the surface, of those you brushed shoulders with on an omnibus or within in a tube-carriage?<sup>41</sup>

Such representations were supported by popular psychologies of jealousy itself. ‘Up till now’, wrote a ‘special correspondent’ for the popular newspaper *Reynolds’s News*, ‘medical science has regarded jealousy as a defect of character that is incurable. Individual psychology investigators have now come to the conclusion that jealousy is a disease, with the same general characteristics as other diseases. Jealousy is a mixture of fear, envy and weakness.’<sup>42</sup> Crucially for these ‘psychology investigators’, ‘it is just as independent from volition as love, which comes and goes without any conscious effort of will on the part of its victim.’<sup>43</sup> Jealousy, in other words, was no moral failing of character, but a ‘disease’, which could strike seemingly at random, something anyone was susceptible to. The language of disease both warned of jealousy’s danger and potency, but normalised it through a sense of inevitability, something anybody could be susceptible to. The shift away from ‘character’ is revealing. Rather than evidence of poor or weak character, jealousy was fixed firmly as a universal emotion, one lurking in the depths of all psyches. The cure, as *Reynolds’s* saw it, lay ‘by means of exhaustive psycho-analysis.’<sup>44</sup> Here we see evidence of what Mathew Thomson and Michal Shapira have charted as the haphazard popularisation of psychoanalysis in British culture. Psychoanalysis provided a popular psychological speak through which the mind, body, and the emotions were represented.<sup>45</sup> Here, what is important is jealousy could affect *anyone*, yet uncontrollable without specific psychological help.

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<sup>41</sup> Simeon Koole, ‘How We Came to Mind the Gap: Time, Tactility, and the Tube’, *Twentieth Century British History*, Vol. 27, No. 4 (December 2016), pp. 524–554, p. 550.

<sup>42</sup> ‘Jealousy a Disease’, *Reynolds’s News* (London), 16<sup>th</sup> July 1933, p. 10.

<sup>43</sup> ‘Jealousy a Disease’, p. 10.

<sup>44</sup> ‘Jealousy a Disease’, p. 10.

<sup>45</sup> Shapira, ““Speaking Kleinian””, p. 547; Mathew Thomson, *Psychological Subjects*, p. 4.

From the viewpoint of the popular press at least, jealousy was everywhere, from early childhood, sibling rivalry, competition at school or work, and even lurking behind leisurely pursuits such as gardening or golf. Take the two cartoons published in periodicals the *Bystander* and *Tatler* (figures three and four) published in 1920 and 1921 respectively. In 'Red Jealousy' a 'suburbanite' thinly veils rage at the fact his neighbour's tomatoes had ripened before his. In 'Green Jealousy', a golfer struggles to contain his ill-pleasure at being beaten on the green, his companion enjoying the victory, as is his show-boating caddie.<sup>46</sup> Jealousy lurked everywhere in an increasingly aspirational and competitive culture, where the quality of your tomatoes or your skill at golf could trigger pained reflections on individual competence and self-worth.

If jealousy permeated every aspect of popular culture, it was particularly pronounced in the genre of popular romances in the 1920s, whether on page or on screen. One of the most studied popular novels of the early 1920s, Edith Hull's 1919 *The Sheik* placed jealousy at the centre of its depiction of love, romance and desire.<sup>47</sup> As Karen Chow has argued, *The Sheik* captures more than any other novel the transformation of popular fiction, highlighting how romance as a genre contributed to shifting popular sexual subjectivities of the period.<sup>48</sup>

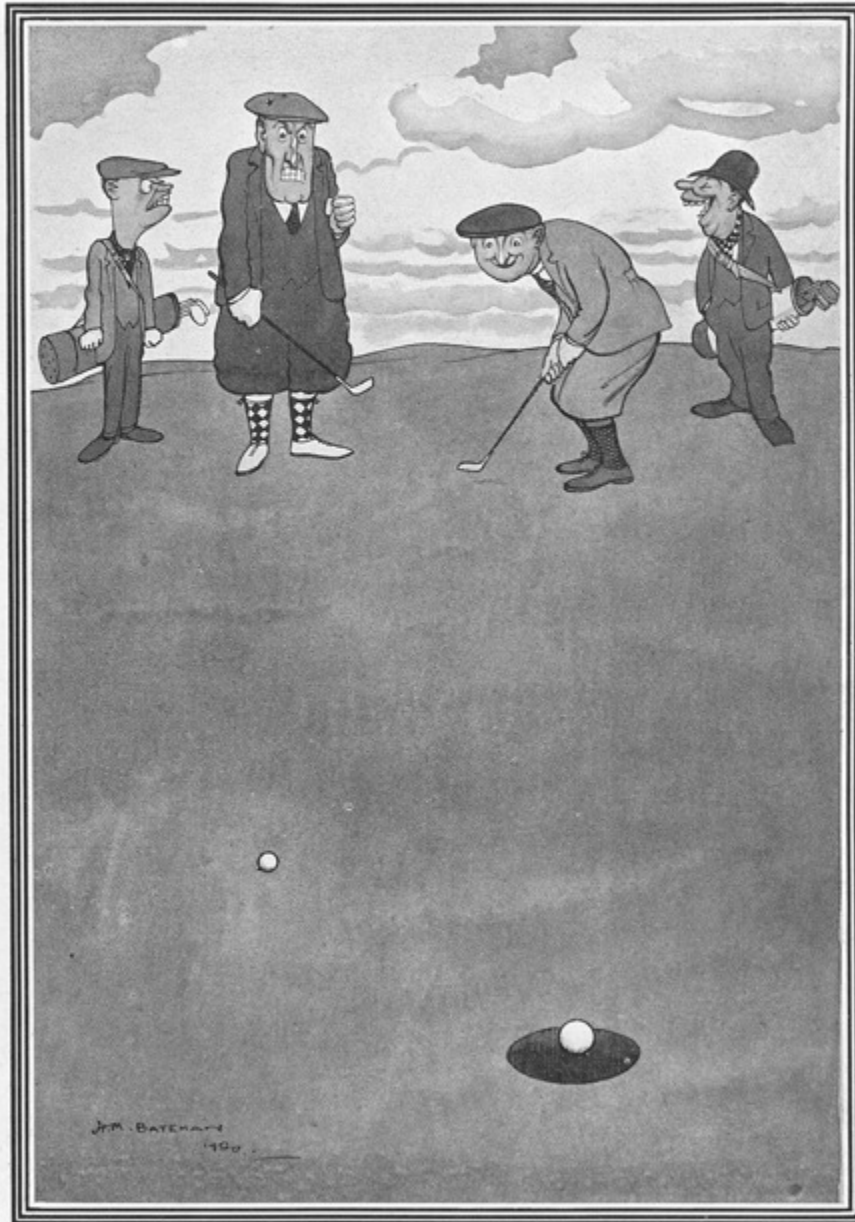
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<sup>46</sup> 'Green Jealousy', *The Tatler*, No. 994 (July 1920).

<sup>47</sup> Ellen Turner, 'E.M. Hull and the Valentino Cult: Gender Reversal after *The Sheik*', *Journal of Gender Studies*, Vol. 20, No. 2 (June 2011), pp. 171–182; Also see this special issue dedicated to *The Sheik*: Amy Burge, 'Introduction to the special issue on *The Sheik*', *Journal of Popular Romance Studies* (December, 2020), pp. 1–4.

<sup>48</sup> Chow, 'Popular Sexual Knowledges', pp. 64–87, p. 68.

## GREEN JEALOUSY.

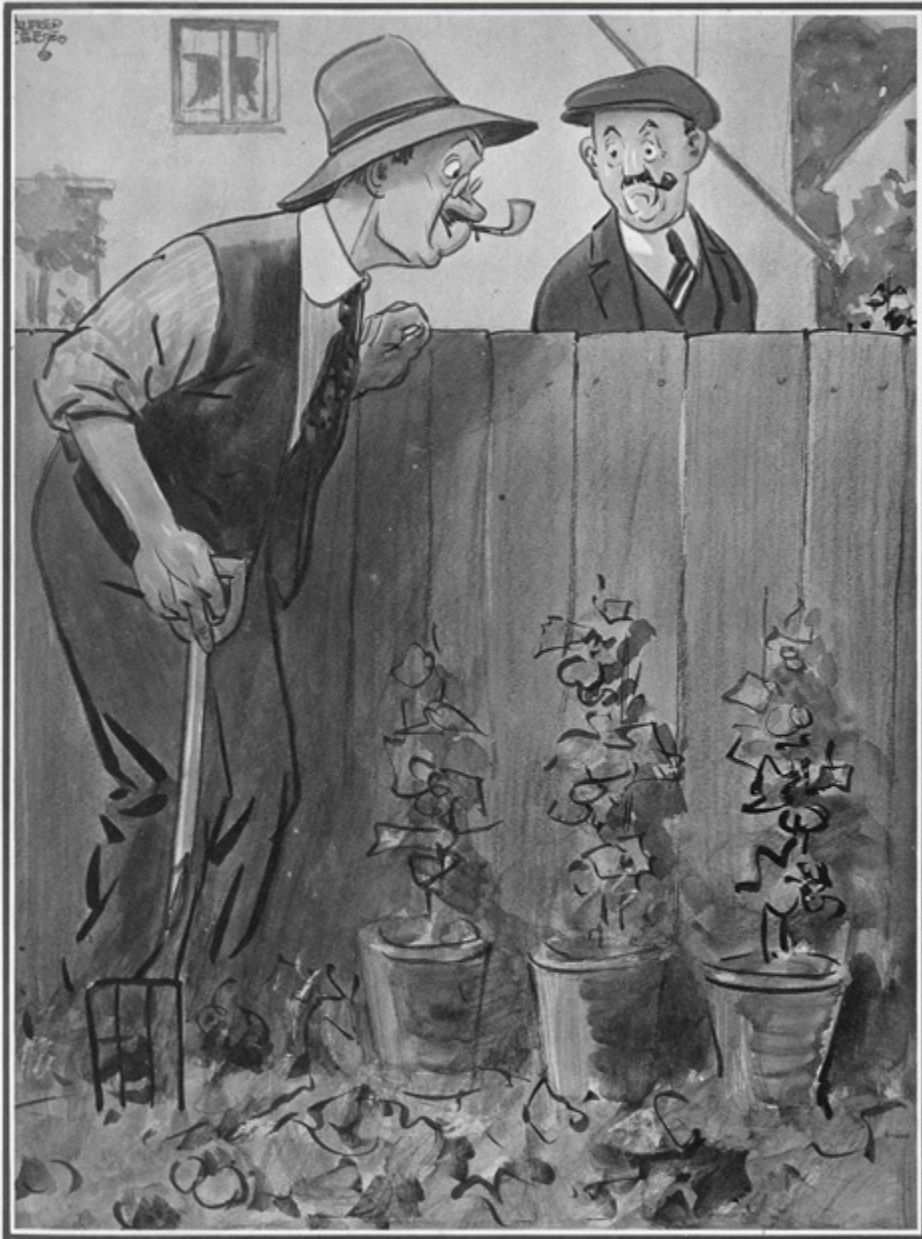


BY H. M. BATEMAN

Figure 3, 'Green Jealousy', *The Tatler*, No. 994 (July 1920).



## Red Jealousy



BY ALFRED LEETE

SUBURBANITE (whose neighbour's tomatoes have ripened before his): "Good heavens! You'll have to destroy them—they're going Bolshevistic!"

Figure 4, 'Red Jealousy', *The Bystander* (London), 12 October 1921, p. 4.

Novels like the *Sheik* legitimated female desire as an everyday experience and demonstrated its value as a cultural commodity. Something that the 1921 silent film adaptation further encouraged, particularly through the figure of Rudolph Valentino as the eponymous Sheik, one carefully curated as an object of female desire.<sup>49</sup> Central to the language of longing and desire that permeated *the Sheik*, was the ecstasy of love and the agony of jealousy. Take the below extract, serialised in *Reynolds's*,

A sudden jealousy of the two dead women shook her. They had been loved. Why could not she be loved? Wherein did she fail that he would not love her? Other men had loved her, but he whose love she craved, he did not love her, and his love was all she longed for in the world. To feel his arms around her only once with love in their touch, to see his passionate eyes kindle only once with the light she prayed for. She drew a long sobbing breath, 'Ahmed, mon bel Arabe' she murmured yearningly.<sup>50</sup>

The portrayal of the protagonist Diana's desire for Ahmed, the Sheik, clearly traded in the racialised language of the exoticized other. As others have argued persuasively, the popularity of romances set in distant locales such as the 'desert' of Arabia or other colonial outposts, portrayed the colonial frontier as an exotic space of imperial and sexual adventure, and colonial subjects as fraught objects of sexual longing.<sup>51</sup> As the above passage highlights, this sexual longing was presented as spectacularly physical. Diana draws 'long sobbing' breaths and murmurs 'yearningly'. Desire and jealousy were presented as a painful and violent force. Jealousy did not slowly creep in, but was 'sudden', containing an intensity that 'shook' her. Diana's jealousy was rooted in a deep love, a love that 'was all she longed for all in the world.' Love, desire, and being desired was presented in absolute, fundamental terms. There is nothing more important than being loved by the one you long for, the passage suggests, and its denial

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<sup>49</sup> *The Sheik* (1921), dir. George Melford; Gaylyn Studlar, 'Valentino, "Optic Intoxication", and Dance Madness', in Steve Cohan and Ina Rae Hark (eds.), *Screening the Male: Exploring Masculinities in Hollywood Cinema* (London, 1993), pp. 23-46.

<sup>50</sup> 'The Sheik: A Romance of the Desert', *Reynolds's News* (London), 6 March 1927, p. 12.

<sup>51</sup> See for instance: Hsu-Ming Teo, *Desert Passions: Orientalism and Romance Novels* (Austin, 2012), pp. 74-75.

could generate an almost violent jealousy. The message implicit within the depiction of love in *The Sheik*, is that romance could *hurt* as much as it provided pleasure and happiness.

The associations between romance, jealousy and physical pain were central to the print culture of love in this period. In the 1940s and 1950s in particular, discussion of jealousy suffused new journalistic practices which historians such as Adrian Bingham, Claire Langhamer and Deborah Cohen have argued played an important role in creating a public space for a more frank and overt discussion of sex, love, marriage, and marriage problems.<sup>52</sup> The publication of surveys and polls, like the ‘little Kinsey’ study of sexual behaviour and attitudes in Britain increased the legitimacy and respectability of public discussion of sex. They also encouraged a reflexive understanding of the sexual self by encouraging readers to understand their sexual desire in reference to the aggregated attitudes of the sexual mores of the ‘nation’.<sup>53</sup> This reflexive genre was used, unsurprisingly, to explore the role of jealousy in intimate life.

Lord Rothemere’s *Sunday Pictorial*, the sister paper of the *Daily Mirror*, and one the most popular Sunday papers of the period, played a central role in popularising these genres, as part of its relentless focus on courting an explicitly female audience.<sup>54</sup> On the 18<sup>th</sup> October 1942, the *Pictorial* ran a feature titled ‘Are you Jealous?’ ‘Jealousy has broken more marriages’, the piece began, ‘and made more unhappiness than anything else in the world. Most women are jealous – but they’d rather die than admit it.’<sup>55</sup> The piece then asked the reader to reflect on whether they were jealous, posing a series of sixteen hypothetical questions, all of which aimed

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<sup>52</sup> Adrian Bingham, ‘The “K-Bomb”: Social Surveys, the Popular Press, and British Sexual Culture in the 1940s and 1950s’, *Journal of British Studies*, Vol. 50, No. 1 (2011), pp. 156-179; Claire Langhamer, *English in Love: The Intimate Story of an Emotional Revolution* (Oxford, 2013), p.13 ; Deborah Cohen, *Family Secrets: The Things We Tried to Hide* (London, 2014), pp. 191-192.

<sup>53</sup> Adrian Bingham, ‘The “K-Bomb”’, p. 163; For a more recent exploration of how popular surveys of sex and the transformation of sexual selfhood see: Ruby Ray Daily, “‘Dear Dr K’: Mobility, Sex, and Selfhood in Alfred Kinsey’s British World Correspondence, 1948–58”, *Twentieth Century British History*, Vol. 32, No. 1 (March 2021), pp. 24–45, p. 33.

<sup>54</sup> Bingham, ‘The “The K-Bomb”’, p. 163.

<sup>55</sup> ‘Are You Jealous?’, *Sunday Pictorial* (London), 18 October 1942, p. 10.

at women. These included scenarios such as, ‘When you meet his women friends or colleagues, do you find yourself wanting to take his arm and to impress on them your own superior position’, ‘Can you laugh about his secretary’s new hat’, and ‘do you want your happiness? Or your man’s happiness? REALLY?’<sup>56</sup> The purpose of the piece was ultimately self-improvement. After answering as honestly as possible the *Pictorial* exhorted its readers, ‘Now you know your weak points. Watch out for them, check them, and answer these questions in a month. When you can answer them all with confidence, then – and only then – will you be able to say, NO I’m not jealous.’<sup>57</sup> The piece traded in the power of confession to tackle and eradicate jealousy. Crucially it offered the hope that recognising jealous thoughts was a route to staving off jealousy, a tool in securing the health and happiness of marriage. After all, jealousy was positioned as the chief cause of ‘broken marriages’ and ‘unhappiness’. The piece was self-help in miniature, one that exhorted women to subsume their self-worth into their husband’s happiness, a task that required valuing the interest other women took in him, rather than seeing it as competition. The tension between competition and desire ran throughout the piece, competition was potentially everywhere, from the clothes of secretaries to the smiles and jokes of friends. The true task of a loving wife was to see beyond the superficiality of such daily competition and trust the strength of the marital union.

This sort of questionnaire, a regular feature of popular journalism, had much in common with the activities and practices of popular correspondence courses, such as Pelmanism or the ABC correspondence schools, which promised self-improvement through introspective reflection on character, managing the emotions as well as mental and memory training. The self-improvement correspondence course, as Mathew Thomson has shown, was aimed (mostly) at middle-class men in professional jobs, whose desire for self-improvement was focused on

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<sup>56</sup> ‘Are you Jealous’, p. 10.

<sup>57</sup> ‘Are you Jealous’, p. 10.



performance at work and economic advancement.<sup>58</sup> Yet, as Matt Houlbrook has recently argued, the resonances between Pelmanism and new ‘media stunts’ like the questionnaires in the *Sunday Pictorial*, problematise and disrupt any neat class or gender distinctions when it comes to the culture of self-improvement.<sup>59</sup> The correspondence course and the newspaper questionnaire traded in the competitive culture of modern life, positing the self as a project one must work on to succeed and advance. A competitive culture aimed at, and consumed by, working-class women and girls reading *Reynolds’s* or *The Pictorial*, as well as young lower-middle class male clerks and accountants dreaming of promotion. Self-improvement, and the competition for jobs or affection it was responding to, was as true for the private world of intimacy as it was for the public world of work. As we have seen, central to this project was managing, containing, and freeing yourself of jealous thoughts.

Jealousy was also a common feature of marital advice literature. The *Pictorial’s* ‘agony aunt’ in the late 1940s and 1950s, Ann Douglas, took a similar approach to the ‘problem’ of jealousy as the previous feature. Responding to a woman who was worried about her own, ‘furious jealousy, even when he looks at his own sisters’, Douglas wrote, ‘jealousy is one of the most painful of all human ills. But you can begin to cure the reasons for it within yourself. It is rooted in your sense of inadequacy. Talk with your husband and you’ll remove the worst of its sting.’<sup>60</sup> Douglas’ advice here is a little more kind than the questionnaire, reinforcing the idea that communication and openness were important cornerstones for a happy marriage.

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<sup>58</sup> Thomson, *Psychological Subjects*, pp. 23-26.

<sup>59</sup> Matt Houlbrook, ‘Charming Faces and the Problem of Identification’, in Rex Ferguson, Melissa M. Littlefield, and James Purdon (eds.), *The Art of Identification: Forensics, Surveillance, Identity* (University Park, PA, 2021), pp. 36-38.

<sup>60</sup> ‘The Jealous Wife’, *Sunday Pictorial* (London), 12<sup>th</sup> October 1952, p. 5.

Douglas also further reinforced jealousy as a destructive emotion, albeit one, in line with the questionnaire, that could be mitigated and cured through self-help, self-improvement and marital work. The same logic was applied when it came to husbands' jealousy:

It is a failing in him that is causing this jealousy. She must accept the fact that there is little she can do about it, she must try to discover why he is jealous. If she can find out the real reason she might be able to help him.<sup>61</sup>

Here, jealousy's status is a little more complicated than the 'disease' we saw earlier; it was a 'failing' deep 'within' her husband, but also one that he might have little control over. Yet again, like with *Reynolds's*, the answer was deep reflection, recognition and communication, an exhortation to confess, to rid the self of secrets to strengthen the health of marriages, and inter-personal relationships.

Surveying her correspondence about jealousy over the years, Douglas concluded that 'I have realised from the hundreds of letters I received that this is a very serious problem.'<sup>62</sup> Within the world of self-help, marriage guidance and agony aunt columns, jealousy was enemy number one. It posed a seemingly omnipresent threat to all marriages, its danger compounded by its ubiquity. With mutual love, affection and a healthy sex life placed at the centre of narratives of self-fulfilment, jealousy was always a counterpoint that threatened the fragile foundations of achieving and maintaining a happy marriage. People were particularly susceptible to jealousy when marriage was first and foremost an affective project of achieving individual and conjugal happiness, especially within a broader (consumer) culture of competition, desire, and comparison.

Given the focus on popular newspapers courting a female audience, it is unsurprising that much concern about jealousy was aimed at women. Yet, as Erté's illustrations most explicitly

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<sup>61</sup> 'Ann Douglas Replies', *Sunday Pictorial* (London), 15<sup>th</sup> March 1953, p. 14.

<sup>62</sup> 'Ann Douglas Replies', p. 14.

demonstrate, jealousy was itself gendered, often fixed as feminine even when it gripped the male mind and body. Here we see the gendered coding of emotion, particularly when it pushed the boundaries of (masculine) self-control and composure. The normalisation of jealousy in the twentieth century reflected and reinforced the feminisation of mass-culture, whether that be in the popular journalistic forms through which jealousy was legitimated, or in the broader and more nebulous sense that the emotions increasingly reigned supreme in all aspects of daily life. Furthermore, jealousy as a feminine emotion served to further fix women's culpability for 'normal' intimate violence, even if they were the victim of these acts. As the cause of jealousy and jealous violence, women not only challenged the outward markers of masculine respectability, they also were responsible for a weakening of male composure and a dangerously feminine succumbing to the power of the emotions.

As we have seen, in all the genres and cultural texts historians have used to highlight dramatic shifts in both the culture of romance *and* the development of sexual subjectivities, jealousy always stood close-by. Jealousy was central to popular definitions of what love was, and what it meant to love and desire another. Jealousy placed agony and pain at the heart of romance. As Dr Gabriella Brun was quoted in a 1943 edition of the *Sunday Pictorial*, 'No two people who are in love can entirely avoid being jealous. But the pain of jealousy – pain to both parties – can be avoided and the emotion can become a constructive factor in married life if properly applied.'<sup>63</sup>

## **Jealousy and the Crime of Passion**

Given the ubiquity of jealousy, and the sense that jealousy permeated all aspects of modern intimacies and modern life, it is unsurprising that jealousy regularly reared its head in murder

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<sup>63</sup> 'Jealousy Need Not Worry You' *Sunday Pictorial* (London), 20th June 1943, p. 10

trials. Acts of violence were often, to quote *Reynolds's*, 'dramas' of 'love and jealousy'. James Tobin was sentenced to four years for wounding by shooting in 1923. This was for *Reynolds's*, 'a drama of jealousy' involving 'a single woman aged twenty-six, her sailor lover, a Dane, and his rival, a middle-aged Irishman'.<sup>64</sup> John Eastwood beat his former colleague to death with a hatchet, when he discovered that his wife had been having an affair with him.<sup>65</sup> A 'tragedy of jealousy', according to *Reynolds*, and an act even prosecuting counsel referred to as a 'crime of passion'.<sup>66</sup>

At the latter end of our period, the *Sunday Pictorial* published the exclusive 'life-story' of Mia Emmett-Dunne in 1955, whose second-husband, Frederick Emmett-Dunne, was found guilty of the murder of Mia's first husband Reginald.<sup>67</sup> 'I am to blame', the piece opened, 'I drove him to insane jealousy'.<sup>68</sup> Writing on how she tried to improve the state of their marriage Mia wrote, 'It became a sort of challenge to make myself nice for him. I wanted him to prefer me to the others. And I thought perhaps it might provoke Reg into being more attentive. I did provoke Reg, but not in the way I wanted.'<sup>69</sup> The trial of Emmett-Dunne gripped a reading public only days after the execution of Ruth Ellis, who was, in the words of the *Daily Mirror*, 'the jealous woman who shot her lover dead'.<sup>70</sup> Mia's account inverted the suggestions made in the *Sunday Pictorial* concerning jealousy. The 'challenge' she sets for herself was reflective of a culture of performance, improvement, and preference, yet by playing with jealousy she ultimately reaped tragic and destructive consequences.

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<sup>64</sup> 'Love and Jealousy Drama', *Reynolds's News* (London), 11<sup>th</sup> November 1923, p. 9.

<sup>65</sup> TNA, HO 144/3082, Criminal Cases: Eastwood, John William.

<sup>66</sup> 'Tragedy of Jealousy', *Reynolds's News* (London), 9<sup>th</sup> December 1923, p. 5.

<sup>67</sup> 'I am to Blame', *Sunday Pictorial* (London), 10<sup>th</sup> July 1955, p. 1.

<sup>68</sup> 'I am to Blame', p. 1.

<sup>69</sup> 'I am to blame', p. 15.

<sup>70</sup> 'Blonde Model Smiles as she Goes to Death Cell', *The Daily Mirror* (London), 22 June 1955, p. 1.

Given the stress placed on the potency of jealousy, it is perhaps unsurprising that it regularly appeared in the criminal courts. As we saw in the previous chapter, jealousy was so central to the Home Office's taxonomy of intimate murder that it had its own section within their capital crime precedent books. As with all cases of intimate murder, the Home Office did not display a consistent approach to jealousy when it came to the prerogative of mercy. However, jealousy, especially if there were 'good grounds' to be jealous, meant the Home Office *were* more likely to reprieve based on the expanded definition of provocation they used in capital cases. The categories that explicitly mentioned jealousy, 'murder of spouse through jealousy', and 'jealousy, murder of 'third party' held a higher number of reprieves than the book's other sections.

Take 'murder of third party', the category in which Emmett-Dunne appears. Howard Ball's conviction for the murder of his landlord was quashed in 1924, though the Home Office stated that he would 'probably have been reprieved anyway' due to the fact that 'he suspected [infidelity] probably with reason vis-à-vis his wife'.<sup>71</sup> The Lord Chief Justice Gordon Hewart's opinion at the CCA highlights the (limited) grounds on which the law might recognise a provocation through jealousy defence, 'Rice [deceased] was a powerful man, and aggressive in drink, while Ball was frail, sober and respectable. Rice became fond of Ball's wife and was seen to kiss her, the result of it all being Ball became jealous...There was evidence that Rice did threaten to shoot Ball, and handle him roughly if he dogged his footsteps.'<sup>72</sup> Hewart continued by affirming the position that infidelity *on its own* was not usually legitimate grounds for provocation, 'It would be ludicrous to suggest that because a man's wife is debauched the offender can be shot with impunity', but nonetheless conceding that in the circumstances in

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<sup>71</sup> TNA, HO 384/358.

<sup>72</sup> 'Goaded by his Wife's Lover', *Daily Mirror* (London), 9<sup>th</sup> December 1924, p. 18.

Ball's case the jury *should* have been led to consider a manslaughter sentence.<sup>73</sup> Here we see the sort of double talk frequently employed in the Home Office, the disavowal of the crime of passion as ludicrous, while also recognising jealousy as provocative when compounded by other mitigating factors.<sup>74</sup>

Even if the Home Office weren't so tightly bound to legal definitions of provocation, they nonetheless also tried to maintain a general principle of hostility towards violent jealousy, while nonetheless often granting reprieves in practice. In 1941 the civil servant Frederick Emmert shot Montague Ridge in an Exeter hotel. Emmert's wife had been living with Ridge for several months. Quoting Emmert's wife's testimony at the inquest, the *Leicester Evening Mail* titled their piece, 'Perfect husband on murder charge.'<sup>75</sup> Sentencing Emmert to death, Mr Justice Singleton again reaffirmed the opinion of Hewart in the Rice appeal, stating that, 'if a wife goes to live with someone else it does not justify the husband killing the other man'.<sup>76</sup> Singleton used his judgement to distance English law from 'other countries', and by inference, passionate and revengeful crime, 'a higher value of life was placed on human life than in some other countries.'<sup>77</sup>

Given this forceful judgement, the Home Office were placed in a difficult position. The jury had, unsurprisingly, strongly recommended him to mercy. 'A wife is not the husband's property', began Emmert's entry in the precedent book, 'but law does recognise that husband is wronged by the lover'. This recognition was in reference to divorce law, rather than any particular doctrine of provocation. However, it goes on to qualify this, 'reprieve[d] mainly because of effect of mind of wife leaving for the third time. SoS emphasised however wife

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<sup>73</sup> 'Goaded by his Wife's Lover', p. 18.

<sup>74</sup> TNA, HO 144/11968, Criminal Cases: Ball, Howard.

<sup>75</sup> 'Perfect Husband on Murder Charge', *Leicester Evening Mail* (Leicester), 26<sup>th</sup> September 1941, p. 7.

<sup>76</sup> 'Husband who Shot Other Man', *Dundee Evening Telegraph* (Dundee), 29<sup>th</sup> November 1941, p. 5.

<sup>77</sup> 'Triangle Murder Drama', *Belfast News-Letter* (Belfast), 15<sup>th</sup> November 1941, p. 3.

leaving not automatic grounds for reprieve.’<sup>78</sup> The Home Secretary, Herbert Morrison, was particularly averse to leniency and mitigation of intimate murders such as these during his wartime tenure.<sup>79</sup> However, Morrison was often fighting against institutional precedent that did regularly reprieve men who killed in jealous and revengeful rages.

The legitimacy of jealousy, and by extension the grounds for reprieve, were directly proportionate to the behaviour of the victim. In 1933, when Alexander Lionel Hoare was under sentence of death, the Home Office surmised that, ‘In an outburst of fury and jealousy he killed her’. The cause of this fury and jealousy? ‘She had played “shuttlecock” between her husband and the prisoner, and in an outburst of fury and jealousy he killed her.’<sup>80</sup> In 1939 Albert Illingworth’s sweetheart had, according to the Home Office, ‘given him some cause for jealousy by associating with other men’, and ‘given his history of epilepsy’, he was respited.<sup>81</sup> Again we see jealousy compounded by another mitigating circumstance. The reference to Illingworth’s epilepsy was an indication of the growing role prison medical officers played in reprieve decisions. Medical officers assessed the health and mental capacity of prisoners to aid the Home Office’s deliberation on whether a reprieve was justified. For medical officers such as William Norwood East who we encountered in the last chapter, epilepsy was a ‘mental disease’ that had longstanding associations with crime and criminal behaviour.<sup>82</sup> In Illingworth’s case, epilepsy was not evidence of incapacity on its own, but it was something that made him more susceptible to the brute force of jealousy.

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<sup>78</sup> TNA, HO 384/358.

<sup>79</sup> See for instance: HO 144/21552, Criminal Cases: Morgan, Samuel.

<sup>80</sup> TNA, HO 384/358

<sup>81</sup> TNA, HO 384/358.

<sup>82</sup> For an interesting reflection on Norwood East’s thinking on the associations between epilepsy, sexuality and crime see: Matt Houlbrook ‘Thinking Queer: The Social and the Sexual in Interwar Britain’, in Brian Lewis (ed.), *British Queer History: New Approaches and Perspectives* (Manchester, 2013), pp. 146-147.

In the cases examined here, the Home Office approached jealousy as an emotion that *could*, in the right circumstances, make someone completely lose their self-control. For this to be successful, there usually had to be another mitigating circumstance, whether that be illness, the transgressions of the deceased, or excellent prior character. At the heart of this judgement however, lurking in the background, was the idea that there were some situations where jealousy could trigger a complete loss of control, a jealousy that even ‘normal’, ‘ordinary’ and ‘respectable’ men could fall foul of.

To finish, I want to read out from another precedent book entry from 1935: ‘The motive was an outburst of jealousy. Mistress was responsible for the position and in view of this and youth, respited’.<sup>83</sup> Here was perhaps the clearest articulation that jealousy in the right circumstances could be grounds for a reprieve. The prisoner in this case was George Stoner, whose trial, alongside his lover Alma Rattenbury, we encountered in the previous chapter. Moving from newspaper reportage and popular crime writing, to the institutional thinking of the Home Office, we see a common understanding of jealousy as an immobilising force. The Home Office explicitly implicate Alma Rattenbury for George Stoner’s jealousy, her behaviour, and his youth the grounds for a reprieve. Again, jealousy here was both normal, unsurprising, *and* emasculating.

We cannot understand the Home Office’s approach to jealousy without situating this within broader cultural preoccupations. Surveying some of the cases we’ve explored here, Thompson and Bywaters, Rattenbury and Stoner, Ruth Ellis or Frederick Emmett-Dunne, the crime of passion could easily be described simply as a crime of jealousy. Jealousy was the key through-line that links them, and jealousy was consistently positioned as the trigger for sudden, impulsive acts of extreme violence. If, as many opinion pieces had pointed out, to be in love

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<sup>83</sup> TNA, HO 384/158.



was also to be jealous, and if jealousy impaired the faculties of reason and will, then by this logic, almost anyone could be pushed to jealous violence. As we will see, this logic was taken up within the corridors of the Home Office itself. However, there was always a limit to who could feel jealous, and whose jealousy could be seen as legitimate. The next section takes up this idea by moving our focus to a Cardiff port, and the love and jealousy of Lester Hamilton.

## **The Waitress, the Seaman, and the Civil Servant**

The modern world was plagued by jealousy. The task for everyday Britons was to manage jealousy effectively. The difficulty this posed, it seemed, led to acts of jealous violence, and it is here when jealousy became a problem for the British state. Usually, jealousy was seen as something that could lead ordinary men to violence. There were moments however, where jealousy posed other problems for the Home Office, particularly when jealous violence was entangled within spaces and social relationships the Home Office saw as a threat to social and moral order.

This was no more apparent than in the years immediately after the First World War. Other scholars have charted the preoccupations and worries of the British state when faced with the challenges of demobilisation, economic catastrophe, and social dislocation.<sup>84</sup> Turning to Britain's port cities, a centre of racial violence and rioting in the early post-war years, we can see how the policing of jealousy, and jealous men, was part of a broader project of policing men of colour and their relationships with white women. Jealous violence became a crucible in which a politics of race, sexuality and gender was enacted, and the meanings attached to these loaded categories were fixed. It also demonstrates the global and imperial dynamics that structured both intimacy *and* jealousy.

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<sup>84</sup> See for instance: Susan Kingsley Kent, *Aftershocks: Politics and Trauma in Britain* (Basingstoke, 2009); Jon Lawrence, 'Forging a Peaceable Kingdom: War, Violence, and Fear of Brutalization in Post-First World War Britain', *The Journal of Modern History*, Vol. 75, No. 3 (2003), pp. 557–589.

On the 12<sup>th</sup> of February 1921, Lester Hamilton, a seaman born in Jamaica but living in Tiger Bay in Butetown, the port and shipping district of Cardiff, shot Doris Appleton three times in a frenzied attack at her home.<sup>85</sup> Lester and Doris, a nineteen-year-old white woman, had for a year or so been in a rather passionate relationship, though as we will see the nature of the relationship would become the battleground of Lester's culpability.<sup>86</sup> Lester was found guilty of Doris' murder on the 26<sup>th</sup> of July 1921.<sup>87</sup> The Home Office, despite a large reprieve campaign for Lester, refused to intervene and he was hanged on the 16<sup>th</sup> of August 1921.<sup>88</sup>

1920s Butetown contained one of the largest multi-racial and multi-cultural communities in Britain. Its population was reflective of Britain's imperial economy, dependent on transient and cheap labour from its colonies to transport goods across the Empire's trading routes.<sup>89</sup> The First World War, and the mobilisation of colonial subjects this brought with it, significantly increased the numbers of non-white, mostly British colonial subjects, working and living in Britain's port towns.<sup>90</sup> The demobilisation of a multi-racial imperial fighting force further increased the number of Black and Asian men living not just in Butetown but in all British port town and cities. It was an explosion of racial violence in Cardiff, Liverpool and London in the summer months of 1919 which was to set the scene for a greater fixation on racial categories of difference in 1920s and 1930s Britain.<sup>91</sup> As Lucy Bland has shown, such fears frequently

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<sup>85</sup> TNA, HO 144/1707/422053, Criminal Cases: Hamilton, Lester; For a recent discussion of Hamilton's trial, in the context of a larger study into the history of race and the death penalty see: Lizzie Seal and Alexa Neale, "In His Passionate Way": Emotion, Race and Gender in Cases of Partner Murder in England and Wales, 1900–39', *The British Journal of Criminology*, Vol. 60, No. 4 (June 2020), pp. 811–829, pp. 821–825.

<sup>86</sup> 'Cardiff Shooting Drama: Story of a Coloured Man's Love', *Western Mail* (Cardiff), 14<sup>th</sup> February 1921, p. 4.

<sup>87</sup> TNA, HO 144/1707/422053.

<sup>88</sup> 'Hamilton Hanged', *South Wales Echo* (Cardiff), August 16, 1922, in TNA, HO 144/1707/422053.

<sup>89</sup> See for instance: Simon Jenkins, 'Aliens and Predators: Miscegenation, Prostitution and Racial Identities in Cardiff, 1927–47', *Cultural and Social History*, Vol. 11, No. 4 (December 2014), pp. 575–596; Laura Tabili, *Global Migrants, Local Culture: Natives and Newcomers in Provincial England* (Basingstoke, 2011), p. 41; Peter Fryer, *Staying Power: The History of Black People in Britain* (London, 2018), pp. 311–317.

<sup>90</sup> Glenford D. Howe, *Race, War and Nationalism: A Social History of West Indians in the First World War* (Oxford, 2002).

<sup>91</sup> Jacqueline Jenkinson, *Black 1919: Riots, Racism and Resistance in Imperial Britain* (Liverpool, 2009), p. 19.

revolved around sex, marriage and relationships between white women and black men.<sup>92</sup> Indeed, following historians such as Ann Stoler, Bland argues that racial difference and racial violence was made comprehensible through the sexualisation of difference. Sexual boundaries marked an made knowable racial difference.<sup>93</sup>

This sexualisation of difference also generated through feeling, both individual and collective.<sup>94</sup> Racial difference, and racial antagonism, was produced through who could feel what for whom. Jealousy, in this framework, became critical. In the port riots of 1919, jealousy operated as a collective feeling, or at least was positioned as a collective feeling, as racial violence was understood primarily within the terms of competition – competition for jobs, for housing, and for women. Lester’s jealousy inverted this logic of racial violence. This wasn’t a case of collective white male jealousy, but a black man jealous of a white woman. His jealousy *did* however become a means to further fix interracial relationships as dangerous, something that reinforced and legitimated the logic of the collective jealousy of the white mob– namely that men of colour had no *right* to love, or have sex with, white women.<sup>95</sup>

During Lester’s trial much hinged on the authenticity of his relationship with Doris and their *love*. Here jealousy in the court took on a curious characteristic. Love authenticated jealousy in a way that sex without love, the relationship between sex-worker and client certainly did not.<sup>96</sup> From the evidence heard at trial, it’s hard not to see Doris and Lester as madly in love with each other. Though the fact Doris occasionally sold sex, casually and intermittently, was

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<sup>92</sup> Bland, ‘White Women and Men of Colour’, p. 49.

<sup>93</sup> Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley CA, 2010), pp. 64-67.

<sup>94</sup> For a philosophical enquiry into how feelings shape hierarchies of difference see: Sara Ahmed, *The Cultural Politics of Emotion* (Edinburgh, 2014) especially, pp. 10-12.

<sup>95</sup> Carina E. Ray, ‘“The White Wife Problem”: Sex, Race and the Contested Politics of Repatriation to Interwar British West Africa’, *Gender & History*, Vol. 21, No. 3 (2009), pp. 628–646, p. 629.

<sup>96</sup> For a reflection on how sex without love has been used as evidence of a-priori evidence of deviancy in the English criminal court, albeit in a different context, see: Anette Ballinger, ‘A Muted Voice from the Past: The ‘Silent Silencing’ of Ruth Ellis’, *Social & Legal Studies*, 21 (December 2012), Vol. 21, No. 4 pp. 445–467.

used by the prosecution to cast doubt on the authenticity of their relationship. To an extent, it is hard to really believe that Doris – and Lester for that matter – weren't a fantastical construction of reactionary moral mouthpieces who decried the dangerous criminality of Britain's ports. She certainly rather proudly embodied many of what were considered the most dangerous and immoral aspects of young, working-class femininity in the years immediately after the war.<sup>97</sup> Not only did Doris sell sex, she did so in a rather ad-hoc and amateur manner, moving seamlessly between casual work as a waitress, sometimes selling sex, sometimes having sex purely for pleasure. In this guise, she manifested many attributes of the 'amateur' prostitute, something social purity groups saw as a worryingly increasing phenomenon during and after the war.<sup>98</sup>

Doris not only sold sex to foreign men, but she *enjoyed* it as well. That we know this is down to the extraordinary letters included in the prosecution's brief but not used at trial. They are candid and steamy love notes, within which Doris articulated a striking openness with expressing female pleasure while also painfully negotiating the social stigma that both her work and pleasure brought:

I hope you are not too week [sic] to work after the doing that you have given me the two nights. You have given me what I wanted but still for all that I could have done with more if we had the convenience as we have got on the ship...So my dear cheer up till we meet and are together once more you need not worry about me goin [sic] down the bay because those games have finished.<sup>99</sup>

Doris' letter ends in a familiar fashion across the letters, with reassurances to Lester that she is 'not going down the bay', presumably a reference to sex work.

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<sup>97</sup> Lucy Bland, *Modern Women on Trial: Sexual Transgression in the Age of the Flapper* (Manchester, 2013), pp. 123-124; Carol Dyhouse, *Girl Trouble: Panic and Progress in the History of Young Women* (London, 2014), p. 70.

<sup>98</sup> Laura Tabili, '“Women of a Very Low type”: Cross-Racial Boundaries in Imperial Britain', in Laura Frader and Sonya O. Rose (eds), *Gender and Class in Modern Europe* (Ithaca, 1996), pp. 165–190; Laite, *Common Prostitutes*, p. 118.

<sup>99</sup> TNA HO 144/1707/422053.

But Doris' letters to Lester weren't just steamy notes, they also contain heartfelt declarations of true love. 'I do not know if I have the key to your heart', Doris wrote in one letter, 'but I know that you have the key of my heart and there is no one to take it from you but God.'<sup>100</sup> At the end of another note, Doris spelt out 'I love you only and forever', in small intricate kisses (see figure five below). A clerk at the Department of Public Prosecutions deemed this significant enough to carefully reproduce the note on the typed copies of Doris's letters.<sup>101</sup>

Ignoring these letters, the prosecution attempted to portray their relationship as one solely between sex-worker and client. If Lester's relationship to Doris was a primarily economic and transactional one, as the prosecution stressed, then Lester had no right be jealous. Lester's defence disputed such a claim by stressing the authenticity of his relationship with Doris. As he said in testimony, 'I loved her when I shot her. It was only a passion I got in.'<sup>102</sup>

The criminologists Alexa Neale and Lizzie Seal have recently examined Lester's case as part of a longer study on race and the death penalty in Britain. They argue that the weight and importance of jealousy and jealous behaviour was shaped by what they refer to as a 'legitimate/illegitimate' binary.<sup>103</sup> Legitimate jealousy, in this framing, was conferred through the relative social acceptability of the relationship. In this case, the *illegitimacy* of Lester's jealousy was two-fold. First, the relationship between prostitute and client and secondly between a white woman and a black man. From the vantage point of the prosecution, inter-racial relationships could *only* be conceived as transactional.<sup>104</sup>

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<sup>100</sup> TNA HO 144/1707/422053.

<sup>101</sup> TNA HO 144/1707/422053.

<sup>102</sup> TNA HO 144/1707/422053.

<sup>103</sup> Lizzie Seal and Alexa Neale, 'In His Passionate Way', pp. 821–825.

<sup>104</sup> Seal and Neale, 'In His Passionate Way', p. 823; TNA HO 144/1707/422053.

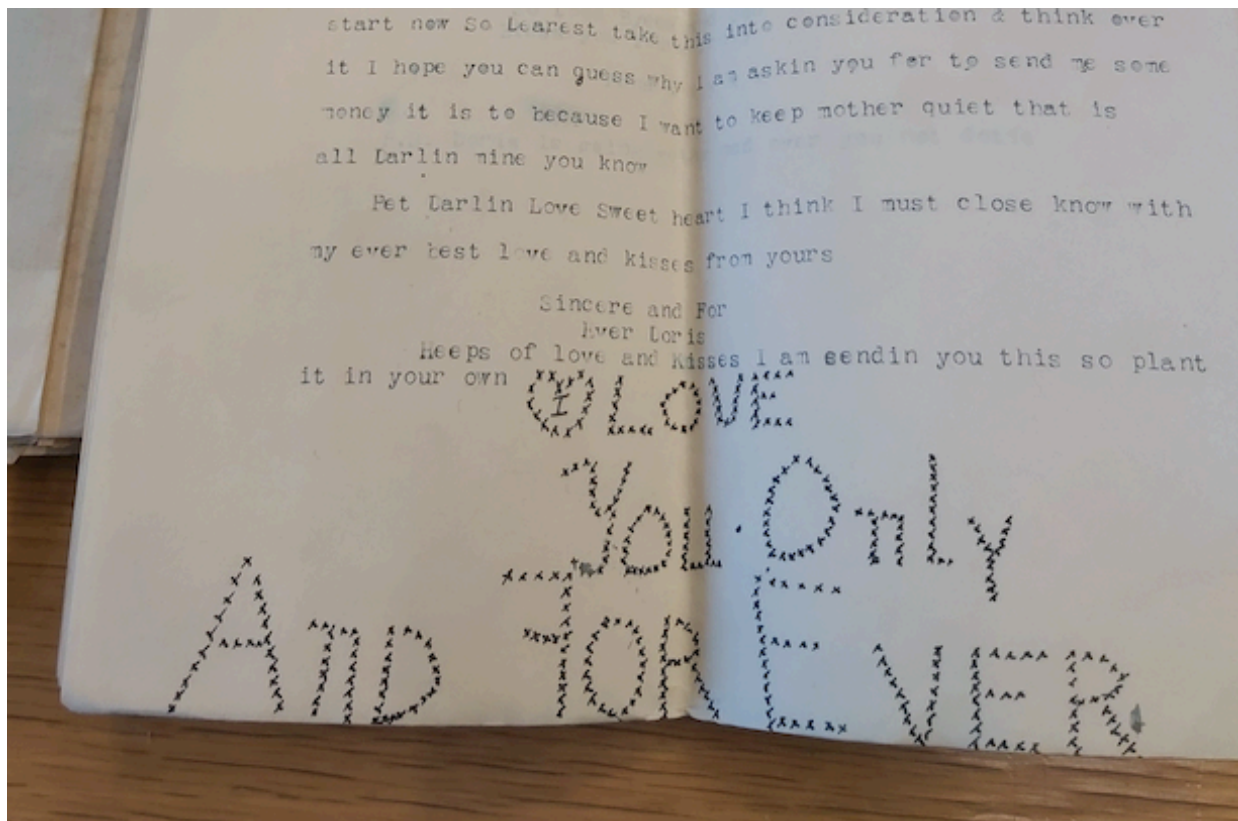


Figure 5, Letter from Doris to Lester, TNA HO 144/1707/422053.

I agree with Neale and Seal's reading of the meanings and historically specific significance of Lester's trial and his subsequent execution. However, I want to spend a bit longer and stress a few slightly different aspects of this case. Thinking specifically about jealousy, and Lester as a jealous man, it was in fact a rather surprising strategy the prosecution took in so vigorously attempting to undermine the legitimacy of Lester and Doris' relationship. It should not, strictly speaking, have mattered. The fact Lester had shot Doris was never really in doubt. However, their approach was a tacit acceptance that jealousy *did matter*, and could shape a legitimate/illegitimate binary on the morality and acceptability of certain acts of killing. Because of this, the prosecution felt it necessary to contest Lester's *right to be jealous*. And in so doing they attempted to further inscribe sex-work and interracial sex and relationships as fundamentally deviant. Such an approach served to normalise jealousy and jealous violence. Lester's crime was to be jealous when he had no *right* to be.

The Home Office took a similar approach when advising the Home Secretary on Lester's possible reprieve. The racial politics of port-towns overdetermined their reading of the case to such an extent they were fundamentally unable – or unwilling – to recognise Doris and Lester's relationship as anything but one of sex-worker and her client. Ernley Blackwell's primary concern was how Lester's crime reflected the 'problem' of immigrant communities:

We have heard a great deal of the trouble that is caused in Cardiff by the association of coloured men with white women and also of the evils resulting from prostitutes resorting to ships. When a man shoots a prostitute in these circumstances merely because he finds that she is carrying on with other men to make her living, I do not think that mercy can properly be shown to him. I see not sufficient reason for interference with the sentence.<sup>105</sup>

As Neale and Seal make clear, Lester was hanged first and foremost as a deterrent against interracial relationships that Blackwell, and the Home Office increasingly saw only as a problem.<sup>106</sup> Something Blackwell made explicit on a further memo sheet, 'This affords some evidence of the need for deterrent sentence in the case of murder of white women by coloured.'<sup>107</sup> Blackwell could not be more clear, the death penalty provided one mechanism for the British state to discourage interracial relationships in their entirety.

The Home Office took a similar approach a year later in the case of Haseen Mohammed, a seaman living in what *Shields Daily Gazette* described as the 'Arab colony' of South Shields.<sup>108</sup> South Shields also saw sporadic rioting in the aftermath of the First World War, and the *Gazette's* description of an 'Arab colony' further highlights how ports were central to the racialized spatial imaginary of 1920s Britain. Mohammed had shot his lover reportedly after his friend had told him that 'she was going to sleep with me tonight'.<sup>109</sup> Directly comparing the case to Hamilton's, Blackwell wrote, 'In these cases of coloured men cohabiting with white

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<sup>105</sup> TNA HO 144/1707/422053.

<sup>106</sup> Seal and Neale, 'In His Passionate Way', p. 823.

<sup>107</sup> TNA HO 144/1707/422053.

<sup>108</sup> 'Young Woman Shot Dead at Shields', *Shields Daily Gazette and Shipping Telegraph* (Shields), Tuesday 13<sup>th</sup> March 1923, p. 1.

<sup>109</sup> TNA, HO 144/3009, Criminal Cases: Mohammed.

woman and shooting them when they prove unfaithful, it is better not to interfere with the sentence except on very strong grounds.’<sup>110</sup> The unfaithful behaviour of wives and lovers often did lead to a reprieve in other contexts, especially when the Home Office considered the behaviour of the woman to have been immoral. This was certainly the case here. As Blackwell also noted, ‘She was evidently a drunken, worthless creature, and apart from this crime the police knew nothing against the prisoner.’<sup>111</sup> Mohammed’s race then was the primary reason Blackwell did not recommend a reprieve, part of a broader disciplinary project that fixed men of colour, and interracial sex, as dangerous, deviant and the cause of social unease, unrest, and dislocation. Such judgements reinforced gendered assumptions too. For Blackwell, Doris could be nothing *but* a sex-worker and Jane Brown a ‘drunken, worthless creature.’ Within this reasoning we see how the policing of racial binaries also served to draw and further fix gender codes too, with respectable femininity defined fundamentally against any desire, love, or intimacy with men of colour.

Blackwell’s overt candidness is an early example of what has become common course in the British Home Office in the twentieth and twenty-first centuries, where the lives and bodies of Britain’s Black population are not only treated less fairly, but are used as tools in the construction and policing of a homogenous, and socially and economically superior white British population.<sup>112</sup> Rather than take this rather depressing continuity as an ahistorical universal – a truism that the Home Office has been and always will be a deeply racist institution – in Blackwell’s judgement we see, I think, a markedly historically contingent, indeed nascent form, of racial politics coming into view. The ‘great deal of trouble in Cardiff’ was institutional

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<sup>110</sup> TNA, HO 144/3009.

<sup>111</sup> TNA, HO 144/3009.

<sup>112</sup> To follow this practice at the Home Office throughout the rest of the twentieth century and into the present see: Kathleen Paul, *Whitewashing Britain: Race and Citizenship in the Post-war Era* (Ithaca, 1997); Jordanna Bailkin, *The Afterlife of Empire* (Berkeley, 2017); Randall Hansen, *Citizenship and Immigration in Post-War Britain: the Institutional Origins of a Multicultural Nation* (Oxford, 2000); Frances Webber, ‘On the creation of the UK’s ‘Hostile Environment’’, *Race & Class*, Vol. 60, No. 4 (April 2019), pp. 76–87.



recognition that race, and interracial sex in particular, was a social problem, a problem that required draconian punishment to contain. Such institutional thinking revealed how Blackwell, the Home Office and the British state conceived of the nation, and its relative health, security, and stability in increasingly ethnically absolutist terms.<sup>113</sup>

In order to make this judgement Blackwell had to delegitimize Lester's jealousy, which he did by casting Doris and Lester's relationship as solely as transactional. A framing that tacitly accepted that certain men in certain contexts *did* have the right to be jealous and their violence was the inevitable if regrettable consequence of male rage. In order to delegitimize Lester's jealousy, Blackwell had to perform a rather selective and overdetermined reading of the evidence. Referring to the emotionally expressive letters Doris sent Lester, Blackwell dismissively described them as, 'simply those of a prostitute...It was simply the murder of a prostitute by a man who had no claim at all upon her fidelity to him.'<sup>114</sup> That a clerk felt compelled to carefully reproduce her signature of small kisses tells us that this wasn't, in fact, taken for granted in the halls of Whitehall.

Others certainly recognised the possibility that Doris and Lester loved each other. Blackwell and other senior civil servants were insistent however on this point. On a petition signed by hundreds living and working in Tiger Bay and Butetown, Blackwell's spidery handwriting clings to the margins, the sole word 'hardly' negating and undermining the plea that, 'For some time previous to the 12<sup>th</sup> day of February 1921, Lester Hamilton and the deceased girl Doris Appleton, lived together as man and wife.'<sup>115</sup>

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<sup>113</sup> Tabili, 'The Construction of Racial Difference in Twentieth-Century Britain', p. 61.

<sup>114</sup> TNA HO 144/1707/422053.

<sup>115</sup> TNA HO 144/1707/422053.

Blackwell's judgement was itself a product of an institutional logic that determined what was possible to see. With a governmental agenda and departmental culture so hostile and alert to the 'dangers' caused by prostitution and racial tension, Lester and Doris were simply unable to be anything other than archetypes. The victims not only of institutionalized racism but of the scales through which Blackwell and the Home Office more broadly comprehended and responded to crime. In responding in this kind, Blackwell and the Home Office shaped whose jealousy was normal, whose was pitiable and whose was punishable.

The judgements the Home Office made on behalf of social order and public morality were contested and incomplete. It is perhaps easy to associate the actions of the Home Office, and the disciplinary logic of the British state as totalising, reflective of pervasive racial hostility at work both in the state and in broader society. However, reading against the grain of the Home Office files we see a markedly different approach to, and acceptance of, interracial relationships. Firstly, the jury strongly recommended Lester be reprieved, an indication that they, unlike Blackwell and the Home Office, recognised the authenticity of Lester and Doris' relationship.<sup>116</sup> A petition signed by hundreds of people living mostly in the streets near where Lester and Doris lived, opened by foregrounding the loving nature of their relationship and Lester's good character:

The said Lester Hamilton endeavoured to save the said Doris Appleton from a life of prostitution... The said Lester Hamilton saw a Japanese with... Doris at her mother's house on the 12<sup>th</sup> day of February, it so provoked him that in a fit of frenzy and having lost all self-control he committed the crime.<sup>117</sup>

J.M. Rees, who spoke on behalf of the 'Roath Brotherhood', a non-conformist religious association in Cardiff argued in a similar vein, stressing that the act was committed in a 'drunken and jealous fit', that 'he had great provocation' and 'it was not premeditated.'<sup>118</sup>

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<sup>116</sup> 'Hamilton Hanged', *South Wales Echo* (Cardiff), 16<sup>th</sup> August 1923, in TNA HO 144/1707/422053.

<sup>117</sup> TNA, HO 144/1707/422053.

<sup>118</sup> TNA, HO 144/1707/422053.

These petitions attempted to fix Lester not just as the ‘normal’ jealous criminal, but also as a ‘normal’ jealous man. Or to be more precise, his actions, while abhorrent, were something a ‘normal’ man was quite capable of committing under the right circumstances. They refused the reading of Lester as deviant, in both his sexual jealousy and his race. Rather, they stressed his respectability, and his honour, evidenced through the marital-like nature of his relationship and his desire to ‘rescue’ Doris from a ‘life of prostitution’.<sup>119</sup> Such an approach reflected rhetorical strategies that became common in anti-racist politics of the interwar period in Britain. This refused the reading of Britain’s coloured population as fundamentally alien and insisted on rights as subjects and citizens of the Empire.<sup>120</sup> Lester wasn’t just the deviant and dangerous other in a dangerous and deviant urban space, but in the words of his barrister, who wrote personally to the Home Secretary on his behalf, ‘ [he] led a moral life, was devoted to the girl and is spoken most highly of by all who knew him.’<sup>121</sup>

In the reprieve campaign, we see a very different attitude to Lester, and his relationship with Doris. An insight into the attitudes of a local community where hostility was perhaps not the defining characteristic of interracial relationships. A reminder that in the face of hostility, repression and indignity, men of colour and white women, and as Lucy Bland has argued particularly white working-class women, have stubbornly loved each other, had children, had loving relationships and forged networks of friendships, community, and solidarity.<sup>122</sup>

It’s worth recognising however, that Lester’s local respectability was fixed at Doris and her family’s expense. Take the extraordinary account of the events at Doris’ funeral, recounted in the *Western Mail*:

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<sup>119</sup> TNA, HO 144/1707/422053.

<sup>120</sup> Laura Tabili, *We Ask for British Justice: Workers and Racial Difference in Late Imperial Britain* (Ithaca, 1994).

<sup>121</sup> TNA, HO 144/1707/422053.

<sup>122</sup> Bland, ‘White Women and Men of Colour’, p. 36.

Incidents without precedent in the history of Cardiff were witnessed at the funeral on Thursday...More police had taken up positions at the graveside to control the thousand or so of excited females, who trampled on the floral tributes on the surrounding graves...Booing wildly the women hammered at the door and several picked up loose stones and hurled them at the windows.<sup>123</sup>

Such hostility is striking, evidence of the social disapprobation sex-work, promiscuity and a more general 'bad' and deviant femininity could bring, even in areas like Tiger Bay where sex-work was a ubiquitous part of the local economy. Lester's respectability, and the justification many saw for his jealousy and his crime, was fixed through the disrespectability of the Appletons. While Lester's individual jealousy was understandable, his association with Doris and her family further fixed their relationship, and by extension all interracial relationships as sordid, tinged with the association of vice, sex-work, crime and poverty.

In the actions of the Home Office, we see the hostility to, and demonisation of, interracial relationships as a specifically *national* project, a tool of social discipline at the national level that often stood in quite marked contrast to the lived experience of interracial community at the local. This national project, as Blackwell's comments made clear, was an explicitly affective one. That is, one mobilised through the legitimacy of the emotions, specifically the legitimacy of jealousy, and the relative criminality of violent jealous acts.

## **The Peculiar Case of Lance-Corporal Dearnley**

As Lester Hamilton's execution makes clear, Ernley Blackwell's advice to the Home Secretary was part of a broader politics of social order and control. Blackwell and the Home Office were intervening, and attempting to shape what it meant to be a man, and the right and wrong ways these men ought to respond to jealousy. Lester, on account of his race, his job, and his location was denied the right to *be* a normal man through a denial of his right to be jealous. He was simply denied the right to feel jealous, particularly in relation to a white woman. This was a

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<sup>123</sup> TNA, HO 144/1707/422053.

racial politics mobilised through the emotions and an assertion of a gender order shaped through acceptable and unacceptable feelings.

This section turns to the ambivalent masculinity of the soldier, to explore how the Home Office attempted to shape and control another post-war anxiety, that of the queer man and the ‘problem’ of sex between men. Jealousy, yet again, became a problematic emotion for the Home Office, and the jealousy of queer men became central to a much broader disciplinary project concerned with containing sexual ‘deviancy’ and sexual practices between men.

The Home Office and the police, particularly the Metropolitan Police, tackled the ‘problem’ of sex between men, almost exclusively as it manifested in public and in semi-public spaces such as nightclubs and cafés, with a new zeal, in the years following the First World War.<sup>124</sup> Central to this disciplinary obsession with the public aspects of male homosexual – sex in public spaces, soliciting, queer-focused nightlife – was the policing of aberrant masculinity.<sup>125</sup> Indeed, as a generation of historians of sexuality have now long told us, the epistemological framework for conceptualising and disciplining sexual acts between men was a primarily based around gender rather than sexual difference.<sup>126</sup> Something which became even more heightened in the aftermath of the First World War, as the ‘problem’ of homosexuality became associated with the public presence of effeminate men. The effeminate homosexual became another worrying archetype of modernity and modern social life. A figure who disturbed and disrupted gender not just through who they wanted to have sex with, but how they comported themselves within

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<sup>124</sup> Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago, 2005), p. 31; Weeks, *Sex Politics and Society*, p. 84.

<sup>125</sup> Houlbrook, *Queer London*, 23-24; Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries, 1870-1930* (Chicago, 1997), pp. 124-125.

<sup>126</sup> Houlbrook, *Queer London*, 167-194; Laura Doan, *Disturbing Practices: History, Sexuality, and Women's Experience of Modern War* (Chicago, 2013); Chris Waters, ‘Distance and Desire in the New British Queer History’, *GLQ: A Journal of Lesbian and Gay Studies*, 14 (2008), pp. 139-155.

the world, a process enabled through the use of modern consumer products such as make-up and mass-produced clothing.<sup>127</sup>

Queer sex and violent crime collapsed the distance between two types of dangerous masculinities: the excessively masculine (read violent) and the excessively feminine. For the Home Office, both posed a threat to the social order, yet violent crime committed against queer effeminate men undermined and risked exposing the inconsistencies in their attempts at controlling and disciplining both. The queer man's status as a dangerous threat in urban space struggled to accommodate vulnerability and passivity, sites of potential sympathy, albeit a sympathy dependent upon a grammar of weakness. Violence against the queer effeminate man also risked shining a light on what, and crucially *who* were the dangerous and violent presences in urban space, often the very men the queer other was defined against. On the other hand, these encounters could also reinforce violence as a legitimate, even essential part of a 'tough' masculinity, and a 'natural' response to the predatory advances of queer men.

As an example, take the case of the ex-Guardsman Roland Bateman, who was charged, but found not guilty, of the attempted murder of Phillip Eaton in 1929. Bateman was, however, found guilty on a charge of robbery. Eaton had picked up Bateman in Hyde Park, a well-known and popular cruising spot. Once back at Eaton's private apartment, Bateman assaulted Eaton with brutal ferocity, before stealing a number of his clothes and possessions. Newspaper reports of the incident foregrounded the brutality of the assault. 'Philip Eaton, a wealthy young American', wrote the *Western Morning News*, 'is on the danger list at St. George's Hospital after being found insensible and bleeding from severe wounds in his flat'.<sup>128</sup> Given the copious

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<sup>127</sup> Matt Houlbrook, 'The Man With The Powder Puff' In Interwar London', *The Historical Journal*, Vol. 50, No. 1 (March 2007), pp. 145–171, p. 152.

<sup>128</sup> 'Police and Flat Mystery', *Western Morning News* (Devon), 15<sup>th</sup> August 1929, p. 7.

amount of press coverage, heightened by the several days Bateman evaded police, the sheer brutality of the attack was well documented.

According to the Metropolitan Police report on the case however, the jury at trial, ‘believed Bateman’s tale’ that he became mad when ‘Eaton put his hand inside Bateman’s trousers’.<sup>129</sup> Bateman’s defence was one from our contemporary standpoint we might recognise as a ‘gay panic’ defence.<sup>130</sup> In such defences the defendant is so enraged by the advances of another man that the violent act stands at the midway point between provocation and self-defence. In Bateman’s case we see the seeds of a now recognisable affective homophobia, visible both in Bateman’s violence and in the jury’s acceptance of his aggressive impulse when confronted with the advances of another man.

However, it is also important to situate this response not exactly within the encounter itself, but rather as first and foremost a legal strategy. An interpretation of violence that obscured both the brutality of Bateman’s violence, and the sexual murkiness of the encounter. As Houlbrook, Chauncey, and other historians of queer sex have now long made clear, in the earlier parts of the twentieth century many men, particularly working-class men who ascribed to models of ‘tough’ masculinity, would often willingly engage in sex with other men and it not pose a significant challenge to their masculinity.<sup>131</sup> As the Bateman case highlights, these sexual encounters were often shadowed with the threat of violence, robbery and blackmail. Eaton’s attack was not the only case to receive considerable press attention. In 1924, Frank

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<sup>129</sup> Matt Houlbrook has written about the Bateman case, with a focus on the dangers queer men navigated when soliciting sex or having sex within private spaces such as furnished apartments, See: Houlbrook, *Queer London*, p. 123; The police file can be found at: TNA, Metropolitan Police (MEPO) 3/362 (Bateman: Attempted Murder of Phillip Eaton).

<sup>130</sup> See for instance: Roger N. Lancaster, *Sex Panic and the Punitive State* (Berkeley, 2011), pp. 31-38; Sarah Oliver, ‘Provocation and Non-violent Homosexual Advances’, *The Journal of Criminal Law*, Vol. 63, No. 6 (December 1999), pp. 586–592.

<sup>131</sup> See: Houlbrook, *Queer London*, p. 123; George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York, 1994), p. 16; Regina G. Kunzel, ‘Situating Sex: Prison Sexual Culture in the Mid-Twentieth-Century United States’, *GLQ*, 8 (June 2002), pp. 253–270.

Williams, an Australian artist, was beaten and robbed by two men in their early-twenties. The men had met on the Strand, another well-known cruising spot, and the geographic centre of the police's and Home Office's concern over public sex in the 1920s. The *Daily Mirror* wrote that 'Mr Williams' flat was in great disorder. There was blood all over the floor'.<sup>132</sup> The two men had beaten Williams with a glass bottle.<sup>133</sup>

It is important to question whether such violence was in fact fuelled by an aversion to queer sex itself. Indeed Houlbrook's *Queer London* contains multiple examples of 'tough' men articulating the pleasure they got from sex with other men.<sup>134</sup> Resorting to violence during or after sex was often a means of asserting dominance over a passive and effeminate other, and an economic opportunity derived from such passivity. In this frame, such violence is better conceived as gender-based, rather than intrinsically homophobic. As Houlbrook argues, both intimacy with, and brutality towards, queer men were means of asserting male toughness and reinscribing gender difference.<sup>135</sup>

Yet issues emerged, both for violent men and the state, when this brutality and casual violence caused significant injury or death. The defence of provocation used by Bateman, dictated as it was by legal regimes that disciplined all forms of sexual contact between men, reworked their intimate encounter to create a more sexual binary, that is the idea of sex itself being so repulsive and threatening as to justify violence. The law-court, and the subsequent response to these cases by the Home Office and the British state, fixed and communicated queer men as something to be feared and repulsed *as* queer men. At trial, men couldn't justify their violence on the grounds of toughness alone. Rather, they had to mould their defence to fit established

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<sup>132</sup> 'Studio Mystery', *Daily Mirror* (London), 14<sup>th</sup> May 1925, p. 2.

<sup>133</sup> 'Studio Mystery', p. 2.

<sup>134</sup> Houlbrook, *Queer London*, p. 122.

<sup>135</sup> Houlbrook, *Queer London*, p. 123.



definitions of provocation, thus bringing the ‘queer panic’ defence into being. The totalising judgement of the law foreclosed the ambiguity of the sexual and violent encounter.

In the case of Albert Dearnley, we see a similar process, through which the Home Office’s use of the prerogative of mercy contributed to fixing queer desire as a threat to ‘normal’ masculinity. Doing this required fixing queer desire and crucially queer *jealousy* as pathological. Lance-Corporal Albert ‘Eddie’ Dearnley killed his fellow soldier, his ‘boyhood chum’ according to the *News of the World*, James ‘Tot’ Ellis, in April 1923.<sup>136</sup> The Dearnley trial however was not an isolated incident. Indeed, violent attacks associated in some way with sexual encounters between men were frequent enough for the Home Office to dedicate an entire section of the capital case precedent book to them; ‘sexual perverts murdered by their victims’.<sup>137</sup> Within the precedent books, Dearnley’s crime stood alongside the 1941 trial of Ernest Prince, who ‘killed an acquaintance with an axe [who] had made indecent advances to him, and pr[isoner] had only taken money from the body in order to simulate robbery.’<sup>138</sup>

The Court of Criminal Appeal quashed Prince’s initial murder conviction, arguing the trial judge had not sufficiently directed the jury on the issue of provocation, that is, of the ‘indecent advance’ of the deceased before Prince killed him.<sup>139</sup> The case resembled Bateman’s, where robbery, violence and queer sexual practices were entangled. The trial of Alfred Brailey in 1951 highlighted how by the mid-century this provocation defence was well established. Brailey’s defence was that, ‘he was overcome by a fit of revulsion’ while ‘practicing indecency with a night watchman.’<sup>140</sup> The Home Office ultimately rejected Brailey’s argument because,

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<sup>136</sup> <sup>136</sup> ‘His Boyhood Chum: Comrade Charged With Murder Of Drummer’, *News of the World* (London), 21<sup>st</sup> October 1923, p. 1.

<sup>137</sup> TNA, HO 384/159.

<sup>138</sup> TNA, HO 384/159.

<sup>139</sup> TNA, HO 384/159.

<sup>140</sup> TNA, HO 384/159.

‘he had had a previous conviction for persistently importuning for immoral purposes.’<sup>141</sup> Here soliciting, and by extension queer desire, undermined Brailey’s ‘revulsion’ and increased his criminal culpability. Brailey’s invocation of revulsion highlights its increasing currency *as* a defence. In 1954, Donald McCarthy was reprieved by the Home Office after committing a ‘brutal crime’. However, he was ‘given the benefit of the doubt’ even though there was ‘no corroboration of indecent advances’.<sup>142</sup> By 1954, such a defence was well conceptualised, and the idea of queer men causing violence out of rage and disgust was so well established, that even the suggestion of indecent advances was enough to justify a reprieve.

In 1962, George Brinham, a former chair of the Labour party, was killed by the eighteen year old Thomas Somers.<sup>143</sup> During the trial the judge Mr Justice Paul directed the jury towards manslaughter, explicitly stating that ‘homosexual advances’ was ‘about as clear a case of provocation as it is possible to have’.<sup>144</sup> The jury in fact acquitted Somers of both murder *and* manslaughter.<sup>145</sup> Between Bateman’s trial in 1929 and the death of George Brinham in 1962, the unwanted advances of queer men was fixed as a ‘clear’ form of provocation within English law. This chronology matches the uneasy emergence of the ‘hetero/homo binary’. As Chris Waters has argued, the mid-century witnessed the ‘homosexual’ emerge a ‘social being’, one both demanding civic and political rights *while also* becoming a figure to be loathed and feared.<sup>146</sup> The criminal law, I argue, was central to this process. The law fixed forms of violence associated with queer encounters as a-priori evidence of *disgust and fear* of the queer man *as* a queer man. This defence is still colloquially known as the ‘Portsmouth’ or ‘Guardsman’

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<sup>141</sup> TNA, HO 384/159.

<sup>142</sup> TNA, HO 384/159.

<sup>143</sup> TNA, Director of Public Prosecutions (DPP), 2/3582, Laurence Thomas Somers: Murder of George Ivor Brinham.

<sup>144</sup> ‘Death Blow Boy Goes Home With Mum’, *Daily Mirror* (London), 22 January 1963, p. 9.

<sup>145</sup> ‘Boy Cleared of Killing’, *Daily Herald* (London), 22 January 1963, p. 7.

<sup>146</sup> Chris Waters, ‘The Homosexual as a Social Being in Britain, 1945—1968’, *Journal of British Studies*, Vol. 51, No. 3 (2012), pp. 685–710, p. 699.

defence, a reminder of the ambivalent sexuality and masculinity of the soldier, one hyper-masculine, violent, an object of queer desire *and* an active participant in queer sex.<sup>147</sup>

Albert Dearnley's trial didn't involve an early instance of the 'Portsmouth defence' explicitly. Rather, it would fall to the Home Office to untangle a story of jealousy, desire and shame. To briefly summarise the case: Dearnley was found guilty on the 17<sup>th</sup> November 1923 of the murder of James Ellis at the Bandajos barracks in Aldershot. Dearnley had badly beaten Ellis before brutally tying, gagging and leaving him in secluded woodland. Ellis died of suffocation and was not found for three months. As with the attacks on Eaton and Williams, the case is marked for the sheer brutality of the violence Dearnley committed. During the trial, Dearnley's motive shifted several times, starting as a game of 'cowboys and Indians' that went very wrong yet morphed into a half-hearted defence of provocation, that he had attempted to 'teach him a lesson' after insulting Hilda, Dearnley's sweetheart.<sup>148</sup> The death of a soldier in mysterious circumstances was big news, and the popular press took great interest in Dearnley's trial. This was for *The News of the World* a sensational case of a childhood friendship that went spectacularly wrong. 'His Boyhood Chum', they exclaimed on a front page 'exclusive', explaining the case to their readers as one of a friendship ruined by 'quarrelling', over a 'girlfriend'.<sup>149</sup>

Once Dearnley was found guilty, the judge Mr Justice Avory forwarded his notes to the Home Office expressing concern that Dearnley's motive remained obscure. Having reviewed the case, Blackwell concluded that Dearnley had also robbed Ellis. Blackwell had already written

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<sup>147</sup> Julian Meldrum, 'On the Streets', in Bruce Galloway (ed.), *Prejudice and Pride: Discrimination Against Gay People in Modern Britain* (London, 1983), pp. 67-68; Matt Houlbrook, 'Soldier Heroes and Rent Boys: Homosex, Masculinities, and Britishness in the Brigade of Guards, circa 1900-1960', *Journal of British Studies*, Vol. 42, No. 3 (July 2003), pp. 351-388.

<sup>148</sup> TNA, HO 144/15934.

<sup>149</sup> 'His Boyhood Chum: Comrade Charged With Murder Of Drummer', *News of the World* (London), 21<sup>st</sup> October 1923, p. 1.

advice to the Home Secretary that Dearnley not be reprieved when the Governor of Winchester prison sent an urgent letter to Whitehall, outlining that Dearnley had admitted to sexual practices with Ellis.

This then precipitated a hectic and hurried few hours in Whitehall. Blackwell pushed for the execution to be postponed while the Home Office investigated the Governor's letter and the veracity of the story Dearnley had now admitted. Blackwell did so in an incredibly secretive manner. This investigation is still housed in a separate envelope within Dearnley's file, with only Blackwell, the Home Secretary and a handful of senior civil servants fully in the know: 'The following papers are separately preserved and are to be kept absolutely and strictly confidential. No-one is to see them (emphasis in original).'<sup>150</sup>

The story the Home Office ascertained was markedly different to the one heard at trial. In the Phoenix Park military camp in Dublin, sixteen-year-old Eddie was recruited as his sergeant's 'Store man'. In the words of this Sergeant, Harry Ormes, 'for several years when I was drunk or had had beer I used to go to Dearnley's bed.'<sup>151</sup> Eddie described this arrangement slightly differently, though the voice you hear is the governor of Winchester prison, 'Ormes was in the habit of committing sodomy with him [Dearnley] in his room – he says he did not know at the time how wrong it was, that his mother died when he was quite a small boy and he was never warned about anything.'<sup>152</sup> At some point, Ellis discovered what had happened; 'One day Drummer Ellis caught them at it. From that time he threatened Dearnley that unless he would allow him to do the same he would give both him and the sergeant away. Dearnley by now had realised the evil of the practice and was wanting to break away, but Ellis would not let him.'<sup>153</sup>

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<sup>150</sup> TNA, HO 144/15934.

<sup>151</sup> TNA, HO 144/15934.

<sup>152</sup> TNA, HO 144/15934.

<sup>153</sup> TNA, HO 144/15934.

The rest of the story outlined in Dearnley's statement was one of jealousy, coercion, and blackmail. Having 'realised' the 'evil' of sodomy with Ormes and Tot, Eddie desires to go 'straight' and begins 'walking out' with a girlfriend of his living in the family barracks in Aldershot.<sup>154</sup> Eddie's relationship with Hilda, who happened also to be Ormes' sister-in-law, made Ellis 'very jealous'. Ellis 'threatened to give him [Dearnley] away to her – he was at wits end to know what to do. Thoroughly ashamed of what he had did and did not wish her to know. He did not know how to silence Ellis.'<sup>155</sup> Dearnley killed Ellis following his attempt to tell Hilda about what had happened.

The story the Home Office encountered was riddled with questions of coercion and complicated by blackmail and the weaponisation of secrecy. Its messiness, the opacity of desire, points us to a different landscape of sexual practices between men. Here the homosocial world of the barracks is one where sex is both ubiquitous and shameful, taken for granted in some contexts, deviant and potentially ruinous in others. The indeterminate figure of the soldier, national hero, masculine ideal *and* participant in queer sex, was one of the main reasons Blackwell was so careful to maintain the secrecy of their investigation. Blackwell was well aware of the tension implicit in the figure of the soldier being one of national pride while *often* participants in transgressive and subversive sexual practices. Within Dearnley's file, one detects an almost common-sense acceptance that sex between men in these spaces, while lamentable, was certainly not surprising.

In his new memo outlining that there *was* in fact a case for reprieve, Blackwell wrote, 'the deceased had engaged in unnatural practices and that the deceased had pursued Dearnley to an extent which made his life a misery. In these circumstances the Secretary of State has come to

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<sup>154</sup> TNA, HO 144/15934.

<sup>155</sup> TNA, HO 144/15934.

the conclusion that the extreme penalty should not be exacted.’<sup>156</sup> The disciplinary logic of the state required Dearnley, for his defence to be worth any weight, to be nothing but a victim of the predatory advances of other men.

Here the legitimacy of acts of violence by, and towards, queer men was shaped by certain emotions. In Dearnley’s case, the ‘right’ emotion here was shame, one evidenced through secrecy, a willingness to die and to take the shame of it to his grave. Conversely, and similarly to the operation of jealousy in Lester Hamilton’s trial, jealousy became pathological and deviant when fixed to the wrong object. James Ellis’ jealousy of Hilda became the means to justify or at least mitigate the seriousness of his own death. Ellis, like Lester Hamilton, possessed a hysterical jealousy, one fixed on an object he had no *right* to be jealous over. Again, in policing crime we see the Home Office defining and policing who could be jealous, indeed what constituted acceptable jealousy.

Such an understanding chimed with the aetiologies of homosexuality drawn by the psychology and sexology of the period. It is worth remembering where we opened this chapter, with Freud’s argument that intense jealousy of siblings as a rival for their mother’s affection was often the ‘chief cause’ of ‘homosexual object choice’.<sup>157</sup> If jealousy was increasingly normalised in twentieth century culture it simultaneously became ever more important in identifying homosexuality within the emerging taxonomies of sexual science and psychoanalysis.

William Norwood East, who undertook hundreds of medical inquiries into the mental health of condemned prisoners in his role as Chief Medical Officer to the Prison Commission, drew similar links between jealousy and homosexuality in his academic studies of crime.

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<sup>156</sup> TNA, HO 144/15934.

<sup>157</sup> Freud, ‘Certain Neurotic Mechanisms in Jealousy’, p. 5.

Referencing a case where ‘a man stabbed a male companion in the back while he slept’, East noted:

Here again, jealousy determined the crime. These and other cases suggest that it may be advisable to suspect homosexuality when a person murders another of the same sex and no motive can be found.<sup>158</sup>

If jealousy was often the glaringly obvious motive in many murder cases, both jealousy and motive became murky without obvious gender difference.

Jealousy’s role in making the homosexual legible depended on the ubiquity of jealousy as a motive in intimate violence between men and women. Jealousy was a regrettable yet inevitable and regular cause of violent crime. When murder appeared motiveless, jealousy became the obvious candidate for causality. If there were no other obvious reasons to be jealous, then homosexuality was ready to offer a definite explanation for ‘motiveless crime’.

In unravelling the ‘motiveless’ crime, East presented a motive caused by the strain of queer intimacy: ‘When he discovered that his victim was going to marry the landlady, he became jealous and attempted to kill them both. He informed a relation that he did it because his victim, “having had my body, turns me over for this woman”’.<sup>159</sup> Jealousy is East’s central explanation for how homosexuality may lead to violent crime. It is worth remembering that for East, homosexuality was primarily something to manage as part of a broader project of the punishment and treatment of crime and the criminal. Jealousy was the least concerning aspect of these cases. The issue was that this jealousy was fixed onto the wrong object. Jealousy, murder, and homosexuality thus became mutually constitutive in East’s analysis. As we can see from both the writings of Freud and East, jealousy came to stand at the heart of both psychological and disciplinary definitions of the ‘homosexual’.

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<sup>158</sup> William Norwood East, *Medical Aspects of Crime* (London, 1936), p. 376.

<sup>159</sup> East, *Medical Aspects of Crime*, p. 414.

As the Dearnley case highlighted, the jealous homosexual, as a specific type of criminal, elicited multiple responses. For criminologists developing a progressive penal practice the jealous homosexual was one who required careful monitoring and treatment. For the Home Office, the jealous homosexual, even when a victim of violent crime, was a dangerous and subversive figure that required careful and secretive management. This then further contributed to the establishment of an emerging 'normal' emotional response to queer desire, one of disgust, fear, and sometimes, violent rage.

It was the ubiquity of jealousy, furthermore, that made it so volatile and dangerous. Jealousy's potency, its ability to lead to extreme acts of violence meant the Home Office ever increasingly obsessed over when jealous violence could be mitigated and when it could not. Jealousy, in this framework, became a means to police the shape of what normal men could feel and these feelings thus shaped normal men. Simply, jealousy was natural in some contexts, mostly white men who were jealous of their wives, lovers (and sometimes) mistresses, and pathological in others. For the Home Office, violence was the natural response *towards* pathological jealousy, a reasoning that supposed it was a normal and even instinctive response to the unwanted desire and affection of queer men. Seen from the pages of the Home Office archive, the policing of male jealousy encouraged an affective regime of normal and deviant sexuality, where rage was the appropriate response to queer desire.

## **Conclusion**

As this chapter has highlighted, if the British Home Office and the British state spent a lot of their time worrying about social order in the years following the First World War, a lot of this time was spent worrying about the effects and consequences of jealousy, and jealous men. Jealousy, as we have seen, was both ubiquitous and dangerous in equal measure. The fact that jealousy was taken for granted as part of intimate and social life reflected a large-scale shift in



emotional regimes since the nineteenth century. In this framing, jealousy was an almost uncontrollable passion. Put under the right amount of pressure any man could turn to extreme and lethal violence. As we will see, by the mid-1950s such a conception - that the emotional force of intimate life could lead anyone to violence - was such a foundational part of many people's sexual subjectivity, it would fuel one of the largest reprieve campaigns in British legal history.

Jealousy's ubiquity also meant it had to be carefully managed by the British state. The Home Office responded to jealousy as part of a broader politics of social order and control. Jealousy became a means to fix certain men as deviant and outsiders. This was a specifically *affective* form of social discipline that marked the foreigner, the man of colour and the queer as fundamentally outside the boundaries of acceptable British masculinity. In the cases of Lester Hamilton and Albert Dearnley, the Home Office stood at the vanguard of an exclusionary disciplinary project that further fixed interracial sex and sex between men as fundamentally deviant. This was rooted in the specific exigencies of the 1920s Home Office, the threats to social order of the man of colour in port-towns, and the effeminate 'quean' in the capital, but it had long-lasting effects for racial and sexual politics right up to the present day.

As we have seen, judgements on jealousy within the Home Office attempted to bring a specific type of man into being. A man usually in control of his emotions but capable of staggeringly brutal acts of violent if sufficiently provoked. This subject was modelled on an older model of masculinity. Character and respectability still mattered. Yet his emotional make-up, the emotional forces that drove his desires were different. In this way the violent man of the 1920s looked backwards to a time of heroic manliness, and forward to a culture not just of emotional expressiveness, but of an age where the emotions ruled supreme.

In the next chapter we turn from jealousy to impossible love. The central dynamic however, remains the same. Like jealousy, transformations in romantic love augured larger twentieth century transformations of intimacy, sexuality, and selfhood. Its uneasy, contested, and painful emergence, once again, highlights how the criminal court was a privileged space through which this emergence was dramatised and debated.

# Chapter Three: ‘No Future to Look Forward to’, Suicide Pacts, Intimacy, and Society in 1920s and 1930s Britain

## Introduction

This chapter examines a little remembered cultural and legal spectacle. In 1922 alone, four people faced murder trials after attempting suicide along with another person. Almost all were romantic couples who had agreed to die together. In what was known before the 1920s as a ‘mutual suicide’, it increasingly became known by a term previously only used in the United States: the ‘suicide compact’, ‘suicide pact’ or ‘death pact’.<sup>1</sup> As one regional newspaper commented, the suicide pact was, ‘a phrase which the morbidness and sensationalism of the age have brought into being’.<sup>2</sup>

For George Orwell, the suicide pact was the archetypal morbid act for morbid times.<sup>3</sup> As his protagonist, Gordon Comstock declares in the 1936 *Keep the Aspidistra Flying*:

For can you not see, if you know how to look, that behind that slick self-satisfaction, that tittering fat-bellied triviality, there is nothing but a frightful emptiness, a secret despair? The great death wish of the modern world. Suicide pacts. Heads stuck in gas-ovens in lonely maisonettes. French letters and Amen Pills.<sup>4</sup>

The suicide pact here stood amongst the detritus of a modern consumer culture that, for Orwell, was increasingly devoid of meaning. Following the pessimism of writers like Orwell, the historian Richard Overy has gone so far as to characterise this period as the ‘Morbidity Age’.<sup>5</sup> Not just capturing a preoccupation with death and mortality in the aftermath of the First World War, morbidity also connoted a tendency towards excessive introspection and the effect of

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<sup>1</sup> ‘Amazing Story of Lovers’ Suicide Pact’, *Reynolds’s Newspaper* (London), 14<sup>th</sup> May 1922, p. 5; ‘Holiday then Death Pact’, *The Daily Sketch* (London), 12<sup>th</sup> May 1922, p. 3; ‘Lover’s Dramatic Story of a Death Pact’, *Reynolds’s Newspaper* (London), 21<sup>st</sup> May 1922, p. 7.

<sup>2</sup> ‘Suicide Pacts’, *Derby Daily Telegraph* (Derby), 19<sup>th</sup> December 1922, p. 2.

<sup>3</sup> On the salience and centrality of morbidity, anxiety and nervousness to British culture in the period see: Susan Kingsley Kent, *Aftershocks*, pp. 26-27; Max Saunders, *Imagined Futures: Writing, Science, and Modernity in the To-Day and To-Morrow Book Series, 1923-31* (Oxford, 2019), p. 154.

<sup>4</sup> George Orwell, *Keep the Aspidistra Flying* (London, 2000 [1936]), p. 16.

<sup>5</sup> See for instance: Richard Overy, *The Morbid Age: Britain Between the Wars* (London, 2009).

mass culture on the dissolution and dislocation of established social norms.<sup>6</sup> In the face of global conflict, mechanised slaughter, and rapid, unsettling technological change, Overy argues that morbidity came to define British society's particular understanding of the future. The future, in this frame, was uncertain for some and doomed to catastrophe for others.<sup>7</sup>

In this chapter, I argue that the emergence of the suicide pact dramatised a broader crisis of intimacy and modern social life during the 1920s and 1930s. This was a 'morbid' sense of impossibility that played out as a personal and interpersonal crisis. As a means for contemporaries to launch a critique on the dangers of modernity, the suicidal couple, as much as the flapper or the ex-serviceman, became a recognisable archetype in 1920s and 1930s Britain. This archetype dramatised wider concerns of how mass culture and consumerism increasingly blurred the boundaries between fantasy and reality, encouraging young people to imagine themselves tragic hero(in)es of their own impossible love stories.<sup>8</sup>

The cultural reach of the suicide pact was disproportionate to the number of people who entered into these pacts. Nonetheless, beyond the archetype stood actual couples who, in the act of suicide, saw a solution to a modern intimacy they experienced as impossible. John Holloway and Elizabeth Kirkham were one such couple. Young sweethearts in their early twenties, John had enlisted in the Marines a few years earlier and Lizzie was a domestic servant. In September 1923, having spent a week together while John was on furlough, they became increasingly despondent at having to part. A day after he was due back on ship, John was dead, and Elizabeth

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<sup>6</sup> Morbidity has been a useful frame to capture a sense of damage and dislocation in the aftermath of the first world war, for its use with multiple different focuses see: Susan Kingsley Kent, *Aftershocks: Politics and Trauma in Britain, 1918-1931* (Basingstoke, 2009); Joanna Bourke, *Dismembering the Male: Men's Bodies, Britain and the Great War* (London, 2009); Laura Doan, 'Topsy-Turvydom: Gender Inversion, Sapphism, and the Great War', *GLQ: A Journal of Lesbian and Gay Studies*, 12 (October 2006), pp. 517–542.

<sup>7</sup> Overy, *The Morbid Age*, p. 11.

<sup>8</sup> On the relationship between mass culture and the 'fictionality' of everyday life see: Matt Houlbrook, 'A Pin to See The Peepshow': Culture, Fiction And Selfhood in Edith Thompson's Letters, 1921-1922', *Past & Present*, No. 227 (May, 2010), pp. 215-249, p. 223; On the 'spectacularisation' of British culture see: Michael Saler, 'Clap If You Believe in Sherlock Holmes': Mass Culture and the Re-Enchantment of Modernity, c. 1890-c. 1940', *The Historical Journal*, 46 (2003), pp. 599–622, p. 607.

had been charged with his murder. Elizabeth and John had taken poison, salts of lemon acquired at the local chemist. As Elizabeth wrote to her friend Annie, they were now ‘two lovers who find rest and a pleasant future’.<sup>9</sup> John wrote to his mother that he had ‘no future to look forward to, so I have gone elsewhere, taking Lizzie’.<sup>10</sup> Lizzie’s future, positioned within the imagined space the couple inhabited through death, was ‘pleasant’ and emancipatory, in which the constraints on their relationship and the hardships of the present melted away.

Inspired by queer theoretical approaches to the study of time, this chapter examines and historicises John and Lizzie’s inability to imagine a future for themselves, and the cultural fascination and anxiety such impossible futures generated.<sup>11</sup> The central focus of this chapter is fifteen attempted suicide pacts which culminated in criminal proceedings between 1922 and 1932. Thinking through the reasons people gave for considering a suicide pact, listening to them in their own words, reveals with startling clarity the acute pressures involved in managing socially transgressive intimacies. The suicidal couple found themselves caught between the continued rigidity of social norms and the growing primacy of self-fulfilment in legitimating healthy and happy relationships.

As seen from the pages of popular newspapers, the free-floating suicidal couple were archetypal of what James Vernon has called a ‘society of strangers’. For Vernon, modern social life was increasingly characterised by its anonymity.<sup>12</sup> The indeterminate performativity of the modern self within an increasingly anonymous world has proved an influential framework in

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<sup>9</sup> TNA, Records of Justices of Assizes (ASSI), 6/58/3, Murder: Kirkham.

<sup>10</sup> TNA, ASSI 6/58/3, Murder: Kirkham.

<sup>11</sup> Lee Edelman, *No Future: Queer Theory and the Death Drive* (Durham, 2004), p. 4; José Esteban Muñoz, *Cruising utopia: The Then and There of Queer Futurity* (New York, 2009), p. 11; C. Dinshaw, L. Edelman, R. A. Ferguson, C. Freccero, E. Freeman, J. Halberstam, A. Jagose, C. Nealon, and N. T. Hoang, ‘Theorizing Queer Temporalities: A Roundtable Discussion’, *GLQ: A Journal of Lesbian and Gay Studies*, 13 (January 2007), pp. 177–195, pp. 180–181.

<sup>12</sup> James Vernon, *Distant Strangers: How Britain Became Modern* (Berkeley, 2014), pp. 61–62.

cultural histories of Britain in the 1920s and 1930s.<sup>13</sup> Yet the suicidal couple problematises Vernon's claim that anonymity defined the nature and feel of modernity. The suicide pact, as an archetype, certainly contributed to a sense that modernity had both an anonymous *and* fantastical feel to it. Yet what led these couples to consider suicide in the first place was precisely the fact that they *were not* living in a society of strangers. Rather it was the claustrophobic pressures of family life, the workplace, and the wider community that led them to see, in John Holloway's words, 'no future to look forward to'.<sup>14</sup> The suicide pact thus nuances historical arguments about the shape and texture modern society in Britain. Modern social life increasingly existed in the space *between* the anonymity and fictionality of the society of strangers and the patterns of sociability rooted in the community, the workplace, and the street. Modern society was anonymous only in very specific spaces, such as the West End street, the seaside resort, or the tube or train carriage, spaces defined by their temporary nature and fundamental transience.<sup>15</sup> In the daily reality of lives within persistently knowable communities, the 'happy ever after' ending these couples dreamed of was ultimately unimaginable.

As Jon Lawrence has argued, the cramped reality of life lived in crowded streets, particularly for working-class communities, meant that social life felt anything but strange. Although Lawrence also sees a shift in patterns of working-class sociability in this period, what he refers

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<sup>13</sup> Such work often takes the work of sociologist Erving Goffman as its starting point who saw the performativity of social relations as one of the key conditions of modernity: Goffman, *The Presentation of Self in Everyday Life* (New York, 2021, [1959]), pp. 48-50; For how British historians have explored this see: Houlbrook, *Prince of Tricksters: The Incredible True Story of Netley Lucas, Gentleman Crook* (Chicago, 2016), pp. 5-7; Laura Doan, 'Topsy-Turvydom: Gender Inversion, Sapphism, and the Great War', *GLQ: A Journal of Lesbian and Gay Studies*, Vol. 12, No. 4 (October 2006), pp. 517-542, pp. 518-519; Angus McLaren, 'Smoke and Mirrors: Willy Clarkson and the Role of Disguises in Inter-war England', *Journal of Social History*, Vol. 40, No. 3 (2007), pp. 597-618; James Vernon, "'For Some Queer Reason': The Trials and Tribulations of Colonel Barker's Masquerade in Interwar Britain', *Signs*, Vol. 26, No. 1 (2000), pp. 37-62.

<sup>14</sup> TNA, ASSI 6/58/3.

<sup>15</sup> For an excellent discussion of the Tube as an exemplary modern space see: Simeon Koole, 'How We Came to Mind the Gap: Time, Tactility, and the Tube', *Twentieth Century British History* (August 2016), pp. 525-554, p. 525-527.

to, following Raymond Firth, as an ‘assertive separateness’ between the couple and the home on the one hand, and a wider network of family, neighbours, and community on the other.<sup>16</sup> This shift is reminiscent of what Deborah Cohen has charted in the twentieth century middle-class family, where the increased value placed on privacy reflected and reinforced the growing centrality of individual freedom.<sup>17</sup> A freedom to choose and shape a personal future was often guided by dreams and fantasies of romantic fulfilment. The suicide pact phenomenon of the 1920s was the consequence, I argue, of this emerging faultline in intimate and social life. It was a product of a new conception of intimate life increasingly linked to the privacy of the couple, while simultaneously constrained and constricted by the persistent power of the norms and values of community and familial networks.

This chapter is structured in four parts. I begin by situating the suicide pact within a broader history, and historiography, of suicide, before examining why, and for what reasons, the suicide pact emerged with such force in the early 1920s. I then turn to examining the suicide pact’s association with dreaming, fictionality, and performance within an atomised and anonymous modern society. From the pages of the popular press, the suicide pact stressed the ‘timeless’ force of impossible love. Paradoxically, such invocations of the timeless passions coexisted alongside critiques that saw the suicide pact as a consequence of a modern culture that encouraged dreaming and fantasy. While I argue that such a framing obscured as much as it elucidated the grim reality of suicide pacts, the resources provided by a consumer culture of romance were increasingly important in ameliorating the pain of living with an impossible intimacy in the present.

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<sup>16</sup> Jon Lawrence, *Me, Me, Me: The Search for Community in Post-War England* (Oxford, 2019), p. 5; Raymond Firth (ed.), *Two Studies of Kinship in London* (London, 1956), p. 34.

<sup>17</sup> Deborah Cohen, *Family secrets: The Things We Tried to Hide* (London, 2014), pp. 235-236.

The second half of this chapter examines the limitations of conceptualising the suicide pact too narrowly through the frame of romance and fantasy. Cutting through the obfuscations of the romantic tragedy metanarrative, I tease out the fear, threat, shame, and stigma that came with negotiating intimacy that was incompatible with the norms, values, and expectations of everyday life. Turning to the archival remnants of the criminal proceedings launched against suicide pact survivors, I argue that the society of strangers was only one - fleeting and transient - space through which modern Britons moved. The experience of modern intimacy and modern desire, I argue, was defined by the act of negotiating the incompatibility between, and the contradictions in, the material and fantastical spaces in which romance and the romantic self were made meaningful.

The final part of my chapter queers the suicide pact. While it was closely aligned with impossible romantic love between men and women, in the later part of 1922, a series of pacts between young girls raised serious concerns over the nature and impact of modern life on women and female friendship. Emerging sexological and psychological expertise attempted to pathologise the suicide pact as explicitly homosexual. However in popular culture, the pact between women served to pathologise not sex but female friendship itself. Exploring how emerging criminological and psychoanalytic theories of the queer suicide pact and queer suicide share many similarities with romantic suicide, I attempt to call attention to the somewhat queer foundations of modern romantic love. Turning to one unusual case of a suicide pact between women, I highlight how it refused and resisted interpretation, a queer act that troubled both contemporary abilities to comprehend their actions, and our own contemporary frames for desire, sex, and sexuality.



## Situating the Suicide Pact

Historians of suicide have stressed the need to deeply historicise the categories and knowledge regimes that shape meanings affixed to suicide.<sup>18</sup> They argue that the act itself has an inherent plasticity, and that it can almost resist or refuse interpretation. This makes its study both a fiendishly difficult and uniquely productive site of historical analysis.<sup>19</sup> The changing meanings and social responses to suicide point towards a productive method in charting change over time. Historians such as Michael MacDonald and Olive Anderson argue that the disciplinary regimes attending to suicide were reflective of, and produced by, the deep historical processes of secularisation, industrialisation, and urbanisation.<sup>20</sup> Yet the persistent difficulty these historians face is linking the broad to the particular, and doing justice to the lives of those who died by suicide. Scholars across disciplinary boundaries have warned of the dangers of attempting to explain why someone decided to end their life.<sup>21</sup> In light of this, the cultural representation of suicide has provided safer historical ground.<sup>22</sup>

Yet, I want to make a plea for a method that unpacks the cultural meanings affixed to suicide while being attuned to the particular contexts and crises that led people to attempt to end their life. To do one without the other fails to grasp the complexity and slipperiness of suicide and its history. I do not profess to do justice to or to fully understand the causes of suicide presented

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<sup>18</sup> Terri L. Snyder, 'What Historians Talk About When They Talk About Suicide: The View from Early Modern British North America', *History Compass*, Vol. 5, No. 2 (2007), pp. 658–674.

<sup>19</sup> Marc A. Hertzman, 'Fatal Differences: Suicide, Race, and Forced Labor in the Americas', *The American Historical Review*, Vol. 122, No. 2 (April 2017), pp. 317–345.

<sup>20</sup> Michael MacDonald, 'The Secularization of Suicide in England 1660–1800', *Past & Present*, Vol. 111 (1986), pp. 50–100, p. 52; Olive Anderson, *Suicide in Victorian and Edwardian England* (Oxford, 1987), pp. 3–6; Victor Bailey, *This Rash Act: Suicide Across the Life Cycle in the Victorian City* (Stanford, Calif, 1998), p. 25.

<sup>21</sup> Ronald Holmes and Stephen Holmes, *Suicide: Theory, Practice, and Investigation* (Thousand Oaks, 2005), pp. 27–38.

<sup>22</sup> For work that takes this approach see: Georges Minois, *History of Suicide: Voluntary Death in Western Culture* (Baltimore, 1999), p. 321; Katherine Gaudet, 'Liberty and Death: Fictions of Suicide in the New Republic', *Early American Literature*, Vol. 47, No. 3 (2012), pp. 591–622; Lisa Lieberman, 'Romanticism and the Culture of Suicide in Nineteenth-Century France', *Comparative Studies in Society and History*, Vol. 33, No. 3 (July 1991), pp. 611–629.

here. Following the recent work of Ella Sbaraini, I see the most sensitive and productive method to trace the history of suicide, is to listen carefully to the historical actors who faced such acts, understanding their intentions in their own words.<sup>23</sup>

The suicide pact phenomenon of the 1920s and 1930s, I argue, stood at a critical conjuncture in the history of romance and intimate relationships between men and women. The period witnessed an emotional intensification of companionate marriage as a hegemonic ideal.<sup>24</sup> Central to this was marriage as an emotional bond and a happy marriage as a key, indeed a pre-requisite, to self-fulfilment.<sup>25</sup> The pursuit of emotionally nourishing companionate marriage reflected and reinforced an intensification of what James Vernon refers to as the ‘emotional economy’ of the family.<sup>26</sup> Declining family size, the rise of home ownership, and the growth of suburban living, placed a new significance on the home, the family, and the couple as the primary site for intimate and emotional sustenance.<sup>27</sup> This was further compounded by a popular culture of romance that presented romantic love, and the quest for romantic happiness, as a vital component of a modern, aspirational selfhood.<sup>28</sup> This new emotional and intimate

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<sup>23</sup> Ella Sbaraini, ‘The Materiality of English Suicide Letters, c. 1700 – c. 1850’, *The Historical Journal* (October 2021), pp. 1–28; This is an approach similarly taken by recent scholarship examining histories of depression, stress and self-harm in Britain. See for example: Jill Kirby, *Feeling the Strain: A Cultural History of Stress in Twentieth-Century Britain* (Manchester, 2021), p. 21; Chris Millard, *A History of Self-Harm in Britain: A Genealogy of Cutting and Overdosing* (Basingstoke, 2015), pp. 6-7; Andrew Burchell and Mathew Thomson, ‘Composing Well-being: Mental Health and the Mass Observation Project in Twentieth-Century Britain’, *Social History of Medicine*, Vol. 35, No. 2 (May 2022), pp. 444–472.

<sup>24</sup> Marcus Collins, *Modern Love: An Intimate History of Men and Women in Twentieth-Century Britain* (London, 2003), p. 55; Timothy Willem Jones, ‘Love, Honour and Obey? Romance, Subordination and Marital Subjectivity in Interwar Britain’, in Alan Harris et al. (eds) *Love and Romance in Britain 1918-1970* (Basingstoke, 2014), pp. 128-129; Karen Chow, ‘Popular Sexual Knowledges and Women’s Agency in 1920s England: Marie Stopes’s ‘Married Love’ and E. M. Hull’s ‘The Sheik’’, *Feminist Review* (1999), pp. 64–87.

<sup>25</sup> Hannah Charnock, ‘“A Million Little Bonds”: Infidelity, Divorce and the Emotional Worlds of Marriage in British Women’s Magazines of the 1930s’, *Cultural and Social History*, Vol. 14, No. 3 (May 2017), pp. 363–379, p. 365.

<sup>26</sup> James Vernon, *Distant Strangers*, p. 62.

<sup>27</sup> Judy Giles, *The Parlour and the Suburb: Domestic Identities, Class, Femininity and Modernity* (Oxford, 2004), pp. 48-49; Peter Scott, *The Making of the Modern British Home: The Suburban Semi and Family Life between the Wars* (Oxford, 2013), p. 11; Selina Todd, *Young Women, Work, and Family in England 1918-1950* (Oxford, 2005), pp. 221-222.

<sup>28</sup> Barbara Caine, ‘Love and Romance in Interwar British Autobiography’ in Harris et al. *Love and Romance in Britain*, p. 21; See also: Bridget Fowler, *The Alienated Reader: Women and Romantic Literature in the Twentieth Century* (New York, 1991); Joseph McAleer, *Popular Reading and Publishing in Britain, 1914-1950* (Oxford, 1992).

terrain of marriage and the family monopolised what it meant to live a happy and satisfying life, a constitutive component of the ‘pursuit of perfection’ which also, as the last chapter explored, forged a new understanding of jealousy as its dangerous pre-requisite.<sup>29</sup> In this context, dreaming and fantasy were important ways in which people imagined and experienced an aspirational future of conjugal happiness.<sup>30</sup>

The suicide pact ‘crisis’ emerged in the spaces between the imagined ideal of romantic happiness and the messy reality of its failure. The social and financial threats that marital failure and sexual transgression posed compounded the impossibility and intolerability of the future. As historians of heterosexual practice have observed, the financial and social costs of reproductive sex constantly stalked and policed the limits to pre- or extra-marital relationships.<sup>31</sup> The archival traces of failed suicide pacts heave with the weight of shame and fear caused by pregnancy, failed marriages, and extra-marital relationships. The conjuncture that led to the suicide pact’s emergence as a distinct legal and cultural category, I argue, were the specific claustrophobic pressures of sexual and intimate life in the early 1920s. Here, the potency and primacy of dreams clashed with the continued permanency and inflexibility of marriage and the continued costs of sexual transgression.

Prior to 1957, English law stipulated that a sole survivor of a suicide pact was liable for the murder of the deceased.<sup>32</sup> In England, it was the *failure* of a suicide pact that was the precondition for its emergence as a vehicle to mobilise anxieties about modern love. I am not suggesting that successful pacts did not happen or were not important in the construction of the

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<sup>29</sup> T. J. Jackson Lears, *Fables of Abundance: A Cultural History of Advertising in America* (New York, 1994), p. 162.

<sup>30</sup> Houlbrook, “A Pin to See the Peepshow”, pp. 223-224.

<sup>31</sup> Pat Thane and Tanya Evans, *Sinners? Scroungers? Saints?: Unmarried Motherhood in Twentieth-Century England* (Oxford, 2012), pp. 31-33; Simon Szreter and Kate Fisher, *Sex Before the Sexual Revolution: Intimate Life in England 1918-1963* (Cambridge, 2010); Kate Fisher, *Birth Control, Sex, and Marriage in Britain 1918-1960* (Oxford, 2006).

<sup>32</sup> J. E. Hall Williams and J. C. Read, ‘The Homicide Act, 1957’, *The Modern Law Review*, Vol. 20, No. 4 (1957), pp. 381-386.

cult of the suicide pact. We know that successful pacts happened, precisely because the same newspapers who followed suicide pact murder trials also reported on the inquests of couples who did die together.<sup>33</sup>

Nonetheless it was the murder trial which elevated the suicide pact to its archetypal status.<sup>34</sup> It was popular newspapers, particularly titles such as *Reynolds's Newspaper* and *The News of the World*, that helped turn isolated and infrequent instances of attempted suicide into cultural spectacles dramatised and invested with broader warnings about the state of society.<sup>35</sup> Reportage drew upon tropes of both romantic and crime fiction to present the suicide pact as a dramatic narrative of love and death. Such frames of representation also reinforced the salience of the fantastical and fictional to the broader culture of romance and intimacy in the period.<sup>36</sup>

Yet, as Adrian Bingham has warned, it is important to recognise that 'popular journalism' did not speak with one voice in this period.<sup>37</sup> The suicide pact was a case in point. The trial reports of *Reynold's* or *The News of the World* were deeply invested in heightening the romantic drama of the suicide pact. For them, these cases revealed the pain of 'timeless lovers', caught in 'tragic trysts'.<sup>38</sup> Other newspapers were openly critical of such styles, viewing the fictional excess of the sensational trial report as dangerous aspects of modern life that had created the conditions for the suicide pact in the first place.<sup>39</sup> The suicide pact as a warning about modern life followed the more conventional frame for understanding suicide by the 1920s, associated primarily with

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<sup>33</sup> See for instance: 'Father's Phone Call Drama', *The Daily Mail* (London), Tuesday 1<sup>st</sup> November 1932, p. 9; 'Poison Mystery of Girl and Man', *The Daily Mail* (London), Friday 10<sup>th</sup> June 1932, p. 11.

<sup>34</sup> Lucy Bland, *Modern women on trial: Sexual Transgression in the Age of the Flapper* (Manchester, 2013), pp.7-8; For work using trials in similar ways see: Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries, 1870-1930* (Chicago, 1997); George Robb and Nancy Erder, *Disorder in the court: Trials and Sexual Conflict at the Turn of the Century* (New York, 1999).

<sup>35</sup> For how popular newspapers used other criminal trials for similar purposes see: Bland, *Modern Women on Trial*, pp. 154-159.

<sup>36</sup> Matt Houlbrook, 'Commodifying the Self Within: Ghosts, Libels, and the Crook Life Story in Interwar Britain', *The Journal of Modern History*, Vol. 85, No. 2 (June 2013), pp. 321-363, pp. 325-326.

<sup>37</sup> Adrian Bingham, *Gender, Modernity, and the Popular Press in Inter-War Britain* (Oxford, 2004), p. 45.

<sup>38</sup> 'Lovers' Tragic Tryst', *The News of the World* (London), 21<sup>st</sup> November, 1926, p. 2.

<sup>39</sup> 'Suicide Pacts of Morbid Girlhood', *Sunday Mercury* (Birmingham), 14<sup>th</sup> January 1923, p. 4.

the sociology of Emile Durkheim and his followers.<sup>40</sup> Such thinking saw suicide as a barometer of the health of modern societies and indicative of the dangers of urbanisation, industrialism, and modern capitalism.<sup>41</sup> Yet the suicide pact as romance borrowed from a slightly different register, one that drew on the long-held literary representations of romance and suicide and the figures of the ‘doomed lovers’.<sup>42</sup> The different frames to represent suicide mirrored, and indeed helped constitute, the suicide pact as both timeless and modern at the same time. Timeless as a love story, worryingly modern as an epidemic.

Agreements to die together predate the 1920s and are not, of course, a phenomenon unique to Britain. By the mid-nineteenth century, stock associations of suicide centred on the ‘lonely, unhappy, ruined or the lovelorn’.<sup>43</sup> Scholars have demonstrated how both suicide and mutual suicides have stood at the symbolic centre of other political or social ‘crises’, whether that be Weimar Berlin, the eighteenth-century American Republic, or fin-de-siècle France.<sup>44</sup> However, it is clear that the instances of mutual suicides increased in 1920s Britain, and they took on new significance when clothed in the language of the ‘morbid’ suicide pact.

The Home Office precedent books on capital crimes list twelve cases of attempted ‘joint suicides’ between 1900 and 1918. In contrast, the Home Office records double the number between 1918-1939.<sup>45</sup> Contrast this to a meagre nine cases between 1939 and the Homicide Act of 1957, we can see that something clearly significant occurred in the years bookmarked by the two world wars. Most cases in the 1920s were also classed, in the Home Office’s own

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<sup>40</sup> Bailey, *This Rash Act*, pp. 16-33.

<sup>41</sup> Philippe Besnard, ‘Durkheim’s Squares: Types of Social Pathology and Types of Suicide’, in Jeffrey C. Alexander and Philip Smith, eds., *The Cambridge Companion to Durkheim* (Cambridge, 2005), pp. 70–79.

<sup>42</sup> Lieberman, ‘Romanticism and the Culture of Suicide in Nineteenth-Century France’, p. 614 ; Michelle Faubert and Nicole Reynolds, ‘Introduction: Romanticism and Suicide’, *Literature Compass*, Vol. 12, No. 12 (December 2015), pp. 641–651.

<sup>43</sup> Barbara Gates, *Victorian Suicide: Mad Crimes and Sad Histories* (Princeton, 2014), p. 38.

<sup>44</sup> Moritz Föllmer, ‘Suicide and Crisis in Weimar Berlin’, *Central European History*, Vol. 42, No. 2 (2009), pp. 195–221; Gaudet, ‘Liberty and Death’, p. 592.

<sup>45</sup> TNA, HO 384/158, ‘Capital Cases Volume 1’; HO 384/159, ‘Capital Cases Volume 2’.

classification system, as ‘joint suicides: mistresses, paramours, sweethearts and fiancés’.<sup>46</sup> In contrast, the periods both preceding and following it present a much more varied picture. Romantic suicide pacts still occurred, but not as frequently as they had previously, and were rivalled in number by mutual suicides caused by the more recognisable drivers of suicide such as economic misfortune or ill-health.<sup>47</sup> From the vantage point of the Home Office’s precedent books at least, the 1920s and 1930s emerge as the high noon of the overtly romantic suicide pact.

It was 1922 which witnessed the startling explosion of the suicide pact into British public life, a year that also saw a series of economic crises with unemployment reaching an unprecedented high level.<sup>48</sup> This further fuelled a pervasive sense of dislocation, unease and uncertainty as the country struggled to recover from the effects of war. Between May 1922 and January 1923, both legal and government institutions struggled to make sense of the suicide pact when they appeared in the criminal courts. The judiciary were unnerved by something they clearly understood as novel and unfamiliar. In the trials of Maude Hibbert in May 1922 and Alfred Hibling in July of 1922, both judges dismissed the murder charges against them. In Hibling’s trial, Mr Justice Acton captured the general mood when he declared:

public feeling was that these cases...belonged rather to an age... we had now passed...Twice within the last months... learned judges... considered it undesirable that the full charge be proceeded with.<sup>49</sup>

Acton’s opinion reflected the strange temporality of the suicide pact. Unnerving and outmoded, the suicide pact highlighted the inconsistencies of a criminal law which still hadn’t quite

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<sup>46</sup> TNA, HO 384/158.

<sup>47</sup> The standard historical accounts of modern suicide in England are: Olive Anderson, *Suicide in Victorian and Edwardian England*, pp. 257-258, and Victor Bailey, *This Rash Act*, pp. 254-256.

<sup>48</sup> On the economic crisis of the early 1920s see: Adam Tooze, *The Deluge: The Great War and the Remaking of Global Order 1916-1931* (London, 2015), pp. 181-183; David Edgerton, *The Rise and Fall of the British Nation: a Twentieth-Century History* (London, 2018), pp. 83-85.

<sup>49</sup> ‘Judge and Death Pact Survivor’, *Reynolds’s Newspaper* (London), 3<sup>rd</sup> December 1922, p. 9.

eradicated the harsher extremes of the ‘bloody code’.<sup>50</sup> Rather than fixing the suicide pact itself as belonging to an earlier age, it was the attitude of the criminal law that was outmoded. The trial of Maude Hibbert in May 1922 was the other trial Mr Justice Acton was referring to. During Hibbert’s trial, Mr Justice Horridge dismissed the murder charge, and sentenced Maude to nine months’ hard labour. As Horridge surmised, ‘I have a great feeling myself against murder trials when one knows that the sentence... will not be carried out.’<sup>51</sup> For Horridge, Maude’s suicide pact was not, really, a case of murder. A petition led by George Bernard Shaw protesting the sentence Horridge *did* serve amassed thousands of signatures.<sup>52</sup> This was an indication that many agreed with Horridge’s premise but went further, seeing the suicide pact, and suicide, as neither murder nor a crime at all.

The actions of Horridge and Acton were judicial responses to an event that exposed the inadequacy and unpopularity of certain aspects of murder law. From the perspective of the popular press at least, it was clear that there was considerable opposition to the practice of trying a suicide pact survivor for murder. The National Conservative MP Edward Spears even introduced a private member’s bill in 1924 to amend the criminal law. In opening his debate he railed against the ‘inhumanity of the criminal law’ and made an appeal for mercy to those, ‘unhappy people who appear to me to be, perhaps, the most unhappy of all—people who, having felt that life was too much for them, find that, after all, they are compelled to face it, and this time to face it alone.’<sup>53</sup> Spears’ speech reflected broader social attitudes increasingly uncomfortable with the criminalisation of suicide.<sup>54</sup> His focus also demonstrates how the

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<sup>50</sup> Peter King and Richard Ward, ‘Rethinking the Bloody Code in Eighteenth-Century Britain: Capital Punishment at the Centre and on the Periphery’, *Past & Present*, Vol. 228 (2015), pp. 159–205, pp. 163–164.

<sup>51</sup> ‘Sentence in Brighton Death Pact Case’, *Reynolds’s Newspaper* (London), 7<sup>th</sup> July 1922, p. 1.

<sup>52</sup> ‘GBS on Unsuccessful Suicides’, *Dundee Courier* (Dundee), 2<sup>nd</sup> November 1922, p. 5.

<sup>53</sup> Hansard, HC Deb 30 July 1924 vol 176 cc2068–71; Spears’s Bill passed its first reading and was co-sponsored (among others) by Nancy Astor. It failed to receive the support of Macdonald’s first Labour Government however, and never received a second reading.

<sup>54</sup> Anderson, *Suicide in Victorian and Edwardian Britain*, p. 256.

suicide pact focused new attention on the couple form, and the happiness, stability and comfort derived from mutuality, even at moments where the ‘world was too much for them’.

The judicial rulings of Acton and Horridge were attempts to align the criminal law with this broader hostility towards the treatment of suicide pact survivors. However, these were scuppered by a definitive ruling on the legal status of the suicide pact survivor in the court of appeal in December 1922. In an altogether more unpleasant case, Lionel Symonds was charged with the murder of Gladys Wall, only fifteen years of age and the daughter of his employer. The post-mortem revealed that Gladys was four months pregnant, and a series of letters written by Gladys found in Lionel’s coat revealed the increasing strain and fear this pregnancy caused.<sup>55</sup> In his summation, Lord Chief Justice Gordon Hewart directly addressed the differing interpretations of the law that had characterised 1922, and delivered a definitive judgement on the matter:

One has heard to-day in this court phrases such as ‘suicide pact’. It is quite obvious that there is a great deal of misapprehension regarding this part of the criminal law. The meaning of it is that if two persons agree to commit suicide together... the survivor is guilty of murder... because... he incited, aided and abetted the dead person to take his or her life.<sup>56</sup>

Hewart’s judgement settled the matter from that point on. If a suicide pact case made it to trial, the murder charge was almost always heard. Mr Justice Horridge was perhaps overcompensating for his earlier error when he heard his second suicide pact case in 1929:

it is not an unreasonable law, you know, the law is seldom unreasonable, because if a man induces a woman by agreement with her, to take deadly poison...it is not an unreasonable thing to say that the man is guilty of murder, and that is what the law is.<sup>57</sup>

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<sup>55</sup> TNA, HO 144/19035.

<sup>56</sup> TNA, HO 144/19035; ‘Court of Criminal Appeal: The ‘Suicide Pact’’, *The Times* (London), 19<sup>th</sup> December 1922, seen in TNA, HO 144/19035.

<sup>57</sup> TNA, HO 144/19816.



Making explicit what Hewart had implied through the language of incitement, judges increasingly conceptualised the suicide pact as a gendered crime of male coercion. Following Hewart's judgement in the CCA, judges followed a much more consistent approach in their directions to juries in suicide pact cases. In the subsequent twelve cases between Symonds' trial and 1932, all the (male) defendants were found guilty and sentenced to death.

It was Home Office precedent, traced back to an obscure mid-nineteenth century case, to reprieve suicide pact survivors.<sup>58</sup> However, in keeping with legal opinion on the matter, Home Office officials approached the suicide pact increasingly as a consequence of male coercion over young and impressionable women. Symonds for instance, served just over twelve years in prison, the longest prison sentence of the period.<sup>59</sup> Officials and politicians at the Home Office, as Lionel Symonds' case testified to, increasingly punished cases involving transgressive - and illegal - sex and sexual relations more severely.<sup>60</sup> In his briefing note, Ernley Blackwell wrote in reviewing Symonds' case, 'This was a very bad case of its kind...A girl who was probably barely fifteen when their relations commenced...The prisoner should serve a long term.'<sup>61</sup> Lionel Symonds' long sentence was reflective of a disciplinary trend in the 1920s where suicide pact survivors served significantly longer sentences than they had previously.

This was in stark contrast to the very thin precedent officials drew on in earlier cases. In 1919, Blackwell had informed the Home Secretary that survivors usually served a sentence of twelve-months.<sup>62</sup> Between 1919 and 1932, in the eight cases that culminated in a guilty verdict, the average sentence was five and a half years. Hardening attitudes in the Home Office towards -

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<sup>58</sup> TNA, HO 144/1674/369548, Criminal Cases: Luck, Richard.

<sup>59</sup> TNA, HO 144/19035.

<sup>60</sup> See for instance, the long prison sentences given to Arthur Hallows and Ralph Pattinson: TNA, HO 144/19810; TNA, HO 144/19816.

<sup>61</sup> TNA, HO 144/19035.

<sup>62</sup> TNA, HO 144/1674/369548.

and increased attempts to control - illegal, illicit, and transgressive sex begin elucidates such disciplinary trends.<sup>63</sup> The approach the Home Office took to the suicide pact reflected and reinforced heightened concern with consent, sexual abuse, and sex trafficking in the early decades of the twentieth century.<sup>64</sup> Officials at the Home Office did not see the suicide pact as a romantic tale of impossible love. Rather, as with judicial pronouncements on suicide pact law after 1922, the Home Office comprehended the failed suicide pact through the gendered frame of sexual coercion and control.<sup>65</sup> It is no coincidence that all pact survivors who were found guilty of murder were men. There were four criminal trials where women survived their suicide pact, but none were found guilty of murder.<sup>66</sup> The regularity with which men survived affirmed the Home Office's own reading of these cases as sites where young women needed protecting from the dominating influences of older men.

In 1930, the Director of Public Prosecutions Archibald Bodkin espoused a similar position at the 1930 Select Committee into Capital Punishment. Doctor, Suffragist, and Labour MP Ethel Bentham, who served on the 1930 committee, asked Bodkin 'Would you suggest the survivor of a suicide pact was generally of unbalanced mind'? 'I don't think so', was Bodkin's reply. Bentham continued, 'You do not expect a really hardened criminal to kill himself in a suicide pact? No, but it is rather remarkable how often the survivor is the man, and the suicide pacts are almost always between a man and woman.'<sup>67</sup> Bodkin reflected the Home Office's growing

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<sup>63</sup> Julia Laite, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885-1960* (Basingstoke, 2012), p. 137; Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago, 2005), pp. 33-34.

<sup>64</sup> Carol Smart, 'A History of Ambivalence and Conflict in the Discursive Construction of the 'Child Victim' of Sexual Abuse', *Social & Legal Studies*, Vol. 8, No. 3 (September 1999), pp. 391-409, 393; Julia Laite, *The Disappearance of Lydia Harvey: a True Story of Sex, Crime and the Meaning of Justice* (London, 2022), p. 156.

<sup>65</sup> On the disciplinary preoccupations of the Home Office in this period see: Houlbrook, *Queer London*, p. 31; Christopher Hilliard, *A Matter of Obscenity: The Politics of Censorship in Modern England* (Princeton, 2021), pp. 39-40.

<sup>66</sup> TNA, Records of Justices of the Assize (ASSI), 36/35/8, Sussex. Accused: M. Hibbert; TNA, ASSI 13/52, Murder: Walker; TNA, ASSI 6/58/3, Murder: Kirkham; TNA, Records of the Central Criminal Court (CRIM), Defendant: Trager, Hannah.

<sup>67</sup> HMSO, *Report From the Select Committee on Capital Punishment* (London, 1930), p. 158

scepticism to the ‘genuine’ nature of suicide pacts, and hotly attuned to the potential coercive influence of older men over young, impressionable women.

If the suicide pact was not unique to the 1920s and 1930s, it was *characteristic*, and came to be seen as characteristic of the age.<sup>68</sup> The spotlight placed on it as a modern archetype almost certainly increased the number of suicide pacts and attempted pacts. If the suicide pact was conceptualised as a gruesome archetype of the modern age, it was because in many ways it *was*. Its cultural visibility was dependent on the institutions, styles, and genres of mass culture. It was the debates over the effects of mass culture on the individual mind and body that led to so much worry and concern over the increase in suicide pacts, whether that be focused on the dangers of impossible love, or young women’s susceptibility to coercion and abuse at the hands of men. On the other hand, attending to the archival traces left by those who attempted a suicide pact further highlights its historical specificity. The goodbye letters written by suicide pact survivors reflected the increasing difficulty in containing love and desire within the existing norms and institutions of marriage and family life. Shorn of its spectacular framing, couples were negotiating the impossible tensions they felt in reconciling socially transgressive intimacies.

## **The Suicide Pact, Modern Romance and the ‘Society of Strangers’**

In the latter months of 1922, the playwright Sutton Vane was struggling to attract interest in his new manuscript. Much to the annoyance of the producers who turned him down, the self-produced *Outward Bound* would be one of the more surprising theatrical hits of the decade.<sup>69</sup>

‘There is no doubt’, wrote *Tatler*, ‘that Sutton Vane’s interesting play will create a good deal

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<sup>68</sup> Matt Houlbrook, ‘“The Man with the Powder Puff” in Interwar London’, *The Historical Journal*, Vol. 50, No. 1 (March 2007), pp. 145–171, p. 151.

<sup>69</sup> ‘“Outward Bound” At the Everyman’, *The Sketch* (London), 25<sup>th</sup> August 1926, in ‘Outward Bound by Sutton Vane’, Theatre Collection, Cadbury Research Library (CRL), MS38/4937.

of discussion'.<sup>70</sup> Their prediction was an apt one. Vane's play was so successful that Warner Brothers would release a film adaptation by 1930.<sup>71</sup> Set on a cruise-liner, the early scenes are stalked by Henry and Ann, a mysterious young couple who appear fleetingly, saying little before floating silently back to their cabin. As the play reaches its climax, and the audience realise that the liner's destination is in fact the afterlife, Henry and Ann admit that they had agreed to die together in a suicide pact.<sup>72</sup>

In choosing the cruise-liner as his setting, Vane used the claustrophobic transience of the ship to force intimacy between a disparate group of strangers. The cruise-ship became perhaps the archetypal space of the 'society of strangers' in the 1920s and 1930s, something Agatha Christie would explore in *Death on the Nile*, as would Alfred Hitchcock in 1931's *Rich and Strange*.<sup>73</sup> The denouement of Christie's novel also includes a suicide pact of sorts, although one markedly different to the emerging trope of young impossible love coming to define the act in this period.<sup>74</sup> The cruise-ship enabled writers to explore, subvert, and play with the implications of anonymous forms of leisure, consumption, and the transitory anonymity of modern life.<sup>75</sup> Vane's ship entangled a rather dysfunctional group of cultural archetypes. The alcoholic and destitute aristocrat, the haughty and snobbish Anglo-Indian matriarch, and the miserly new-monied businessman are forced together along with a pair of mysterious and secretive lovers.<sup>76</sup> The forced intimacy between these strangers, however, was a pressure

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<sup>70</sup> 'The Passing Shows', *Tatler* No. 1167 (7 November 1923) in 'Outward Bound', CRL, MS38/4937.

<sup>71</sup> *Outward Bound* (1930), dir. Robert Milton.

<sup>72</sup> Sutton Vane, *Outward Bound: A Play* (London, 1934), e.g. pp. 6-12.

<sup>73</sup> Agatha Christie, *Death on the Nile* (London, 1937); *Rich and Strange* (1931) dir. Alfred Hitchcock; For other middlebrow mysteries set on cruise-ships see: Bruce Graeme, *Mystery on the Queen Mary* (London, 1937); Gina Kaus, *Luxury Liners* (London, 1932); For an interesting reflection on the experience of being at sea and its relationship to the feel of modernity see: Tamson Pietsch, 'Bodies at sea: Travelling to Australia in the Age of Sail', *Journal of Global History*, Vol. 11, No. 2 (July 2016), pp. 209-228. See also Tamson Pietsch, *Floating University: Experience, Empire and the Politics of Knowledge* (Chicago, 2023).

<sup>74</sup> Christie, *Death on the Nile*, 242.

<sup>75</sup> For a discussion on the importance of modern mobility in Christie's novels, albeit with a focus on the train rather than the ship see: Chris Ewers, 'Genre in Transit: Agatha Christie, Trains, and the Whodunit', *Journal of Narrative Theory*, Vol. 46, No. 1 (2016), pp. 97-120, pp. 98-99.

<sup>76</sup> Vane, *Outward Bound*.

cooker, where the characters were unable to sustain performances that hid their secrets and the truth would eventually emerge.

Vane's suicidal couple was a means to include a reflection on the changing nature of modern love within a play whose *raison d'être* was to dramatise and pass judgement on modern life itself. Henry and Ann's shadowy presence in the early scenes heightens the sense they are totally consumed in each other. When we do hear them, they describe their love in powerful, terrifying terms. 'Ann, haven't you and I sinned in some way', Henry asks in Act One. 'We've been true to each other.... We've done nothing that isn't right... We've never cared for the world. We're not going to care for it now,' Ann reassures Henry.<sup>77</sup>

*Outward Bound* premiered in October 1923, a year after the startling explosion of the suicide pact into British public life. It is probable that Ann and Henry were modelled on Maude Hibbert and her lover (and brother-in-law) George Hibbert, the decade's first high-profile suicide pact trials.<sup>78</sup> Their affair had caused chaos in the Hibbert family. Maude was 23, George considerably older at 35. 18-months prior to their pact, Frederick had started divorce proceedings against Maude, citing George as a co-respondent. George was living apart from his wife – confusingly also called Maud (no e) – and six children, while Maude had returned to live with her mother in Kettering. It was George who first suggested suicide. Maude, while accepting, was cautious, 'be quite sure things are as bad, love, as you think they are', Maude wrote to George in a letter presented at the inquest, 'and remember your little ones. How will they be able to look after themselves? But I suppose you have thought all that out.'<sup>79</sup>

Like Henry and Ann, George and Maude saw their suicide as the only way to reconcile the constraints on their love for each other. In a letter to her mother, Maude explained her actions

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<sup>77</sup> Vane, *Outward Bound*, p. 48.

<sup>78</sup> 'Amazing Story of Lovers' Suicide Pact', *Reynolds's Newspaper* (London), 14<sup>th</sup> May 1922, p. 2.

<sup>79</sup> TNA, ASSI 36/35/8.

with reference to impossible love, ‘Neither of us can go on without each other, which you know is impossible, so we have decided what we think is best.’<sup>80</sup> Maude stressed the freeing, emancipatory effects of her suicide, ‘My last wish mother is to be with him forever... Don’t waste money on black or flowers. But come in your brightest clothes, as black means sorrow, mother, and I am happy.’<sup>81</sup> In a goodbye letter to his brother William, George similarly stressed the happiness of love rather than the sorrow of death. Assuming it was likely Maude who would be blamed, he tried to counteract such narratives, ‘say, a woman who will sacrifice her all to give one man supreme love and happiness and then finally go out with him is not bad but an angel.’<sup>82</sup>

Both Maude’s and George’s letter were similar in framing to Elizabeth Kirkham’s considered in the introduction. The impossibility of the present was contrasted with an emancipatory, imagined future unshackled from the social constraints that foreclosed the ability to live openly and legitimately together. Such future-orientated desires were reflective of the increasing power held by scripts of individual flourishing dependent upon sexual and romantic coupledness. In Maude and Elizabeth’s letters we see the historical antecedents of what queer theorists have referred to as the overpowering hegemony of ‘heterosexual futurity’. That is the very idea of the future itself shaped by the institutions of social, familial, and sexual reproduction.<sup>83</sup>

In Maude’s ‘last wish’ to ‘be with him [George] forever’, we also see an articulation of an afterlife that owes as much to the centrality of religion and Christianity in British society as it does to the role of fantasy and fiction in forging a sexual and romantic self. Elizabeth’s desired

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<sup>80</sup> TNA, ASSI 36/35/8.

<sup>81</sup> TNA, ASSI 36/35/8.

<sup>82</sup> TNA, ASSI 36/35/8.

<sup>83</sup> Edelman, *No Future*, pp. 3-5; Lauren Gail Berlant, *Desire/Love* (Brooklyn, NY, 2012), pp. 70-73; Jonathan Katz, *The Invention of Heterosexuality* (Chicago, 2007).

‘future elsewhere’ was not explicitly a Christian one, she made no mention of heaven, yet the ability to imagine a future beyond the temporal present was clearly indebted to what Callum Brown would refer to as the diffuse and pervasive presence of a ‘discursive Christianity’ in Britain. That is, a Christianity that shapes the practice of everyday life without necessarily being linked explicitly to formal religious practice.<sup>84</sup>

Other suicidal couples were more explicitly religious in their thinking about the future. Mabel Hill wrote to her mother in, ‘hope [that] the good Lord will forgive me.’<sup>85</sup> Such tortured words were reflective of Mabel’s complex relationship to her faith. Mabel’s hope of forgiveness contained a tacit understanding that the Lord may well *not* forgive, given scripture’s clear insistence that suicide was a sin against God’s will. This then points towards the uneven processes of secularisation in modern Britain. The religious taboos on suicide had diminishing purchase in the twentieth century. Yet as Mabel, Elizabeth and Maude’s letters attest, both Christian ethics and Christian life narratives still structured personal attitudes to mortality and the afterlife. In their own pained reflections on faith, the suicidal couple further reveal their critical conjectural status, standing at the pivot point between a religious and secular world. In so doing, they also help clarify how religious thinking and ethics shaped scripts of romantic life and individual flourishing now regarded as explicitly secular.

As with the fictional lovers of Sutton Vane’s *Outward Bound*, Maude and George also moved anonymously through urban and leisure spaces in the days before their suicide attempt. They visited London before travelling to the coast, where they attempted suicide in a block of furnished apartments in Brighton.<sup>86</sup> As George wrote, ‘I met M.E. (Maude) in London last

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<sup>84</sup> Callum G. Brown, *The Death of Christian Britain: Understanding Secularisation, 1800-2000* (London, 2009) pp. 12-13; For a critique of the concept of ‘discursive Christianity’ see: Jeremy Morris, ‘The Strange Death of Christian Britain: Another Look at the Secularization Debate’, *The Historical Journal*, Vol. 46, No. 4 (2003), pp. 963–976.

<sup>85</sup> TNA, CRIM 1/624, Defendant: Turner, Herbert.

<sup>86</sup> ‘Holiday Then Death Pact’, *The Daily Sketch* (London), 12<sup>th</sup> May 1922, p. 3.

Monday morning, and we did London fairly well, leaving there for Brighton...We have lived this time for one another, knowing full well the final consequences which we are both prepared and willing to take.’<sup>87</sup> In a letter Maude wrote to George prior to their trip she wrote, ‘Now love, I am going to ask you for some money to get a pretty nightie for our last week together.’<sup>88</sup> In Maude and George’s letters we see the emancipatory potential that leisure and consumer culture could bring those living transgressive intimacies. Doing London ‘fairly well’ or purchasing and wearing a ‘pretty nightie’ were means of embodying and experiencing an intimacy primarily lived as fantasy. Within the walls of a London hotel or seaside apartment, the boundaries between fantasy and reality melted away.

The masquerade that accompanied many suicidal couples’ final moments together only further cemented and reinforced the fantastical impossibility of their intimacy.<sup>89</sup> Their performance, bound within the walls of a lodging-room, could be nothing but transient, impermanent, and impossible. The legitimate, and legitimating sexual geographies of the family were both a real and idealised space that the suicidal couple could only dream of. As we can see from Maude and George’s final week together, the lodging-room and the sea-side resort enabled the performance of an intimacy ultimately unavailable to them.

Maude and George weren’t the only suicidal couple who travelled to the coast before attempting suicide.<sup>90</sup> Ten years later, in the industrial suburbs of Bradford, Mabel Hill and Herbert Turner fell in love. Herbert was a car-mechanic. Mabel, ten years his senior, worked, as many working-class women did in West Yorkshire, as a factory worker in the textile trade.

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<sup>87</sup> TNA, ASSI 36/35/8; ‘Amazing Story of Lovers’ Suicide Pact’, *Reynolds’s Newspaper* (London), 14<sup>th</sup> May 1922.

<sup>88</sup> TNA, ASSI 36/35/8.

<sup>89</sup> On the way the sea-side resort became coded as places of illicit transgression – but perhaps failed to live up to its image – see Peter Gurney, “‘Intersex’ and ‘Dirty Girls’: Mass-Observation and Working-Class Sexuality in England in the 1930s”, *Journal of the History of Sexuality*, Vol.8, No. 2 (1997): pp. 256–90.

<sup>90</sup> See the case of Herbert Turner and Mabel Hill for instance: TNA, HO 144/19281.



Mabel was separated from her husband, also called Herbert, who confronted the pair in Blackpool, where they were holidaying for the weekend. Unnerved by the encounter, Mabel and Herbert changed their itinerary and travelled south to London. ‘We visited several theatres in London’, Herbert told the police in his first statement, ‘spending her money and mine. I paid the expenses, which we shared.’<sup>91</sup> They stayed at several hotels, culminating with a stay at the vast Regent Palace in the centre of Piccadilly Circus [figure six]. Opened in 1915, the Regent Palace was the largest hotel in Europe with over one thousand bedrooms. It was perhaps the most iconic and spectacular symbol of the exponential growth of the West-End’s leisure and tourism economy.<sup>92</sup> Its scale, and affordability – reflective of the growing democratisation of leisure and tourism – provided the perfect backdrop for Mabel and Herbert to both go unnoticed *and* live out the fantasy of an intimacy they experienced as out-of-reach.

In the days before their pact, Mabel and Herbert played out their fantasy in the pleasure-orientated economy of London’s West-End. Dining out in Soho, shopping on Regent Street, going to the theatre and the cinema, Herbert and Mabel participated in quintessentially urban, indeed metropolitan, leisure and consumer practices. Mabel and Herbert’s journey mirrors Maude and George’s pact, further highlighting how London was both a real *and* imagined space of anonymity, mobility, leisure, transgression, and sexual freedom. Hotels, boarding-houses, leisure spaces such as the theatre, the restaurant and the department store were recurring spatial coordinates. It is not a coincidence that hotels, boarding houses, and seaside resorts also frequently featured in divorce proceedings of the period, as well as playing central roles in literary representations of infidelity and marital breakdown. Indeed, the period also saw an increasing number of what was known as ‘hotel divorces’, where a married couple,

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<sup>91</sup> TNA, CRIM 1/624.

<sup>92</sup> ‘The Regent Palace Hotel’, *British Architect* (London), 4th June 1915, p. 289; Judith R. Walkowitz, *Nights Out: Life in Cosmopolitan London* (New Haven, 2012), pp. 19-20.

often in collusion with a member of hotel staff willing to testify in court, staged an act of adultery in order to obtain a divorce under the restrictive conditions of the Matrimonial Causes Act.<sup>93</sup> The hotel stood at the symbolic vanguard of the shifting social, sexual, and intimate mores of the 1920s and 1930s. As an archetypal transient and anonymous space, the hotel highlighted more than anything the fragility of marriage when anybody could pretend to sign a hotel register as husband and wife. Again, the boundaries between the real and the fictive begin to blur. The London hotel as an imagined urban space drew the provincial couple towards it, as they plot out the form and structure of their final moments together.

Both Maude and George's and Mabel and Herbert's engagement with the (consumer) culture of love and romance also made tolerable the intolerable pain of agreeing to and enacting suicide. This was also the case for Marjorie Hill and Henry Fleming, who in March of 1930 attempted suicide by gas-poisoning in a rented lodging-room in Aldershot. The *Daily Mail* described how 'flowers had been arranged in vases in the drawing room, and attached to a bunch of violets was a piece of printed paper bearing the words: 'Morning will soon end my dreams.'<sup>94</sup> The couple had used a gramophone during Sunday evening, and the title of the last-played record still on the instrument was: 'Let me dream in your arms again.'<sup>95</sup>

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<sup>93</sup> Henry Kha, 'The Spectacle of Divorce Law in Evelyn Waugh's *A Handful of Dust* and A. P. Herbert's *Holy Deadlock*', *Law & Literature*, Vol. 30, No. 2 (May 2018), pp. 267–285.

<sup>94</sup> 'The Last Record', *The Daily Mail* (London) 25<sup>th</sup> February 1930, p. 7.

<sup>95</sup> 'The Last Record', p. 7.

*The*  
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Figure 6, 'The Regent Palace Hotel', *British Architect* (London), 4th June 1915, p. 289.

Marjorie and Henry made sense of their impossible love through the materiality of a consumer culture that increasingly valued and valorised the debilitating effects of romantic love and the pain of separation. But in so doing Marjorie and Henry further aligned the suicide pact, and the intense romantic love that supposedly fuelled it, with performance, spectacle, and fictionality. It made the suicidal couple themselves transitory figures who occupied the border lands of fact and fiction, warning of the dangers of the increasingly performative subjectivities that modern consumer culture encouraged.

As the *Daily Mail's* coverage of Violet's inquest demonstrated, newspaper coverage was particularly invested in representing suicide pact cases as romantic tragedies. *Reynolds's Newspaper* took an intense interest in Maude Hibbert's trial and was clearly invested in representing it as a crime of romantic passion. 'Tragedy', wrote *Reynolds's* 'special correspondent', 'decreed by the hand of fate, put an end to the illicit love of a man for his brother's wife, and the same mysterious hand foiled the runaway lovers in their final decision to take the step into eternity together, for one of them died – the other is yet alive'.<sup>96</sup> *Reynold's* revelled in the melodramatic, positioning the suicide pact as a timeless tragedy in the process,

It appears that these two people, finding it impossible to overcome their passion for each other, had planned to enjoy a few days of bliss, and then having drunk a cup of forbidden happiness to the dregs – to go together to the far distant shore from whence return is impossible.<sup>97</sup>

Evoking myth with references to the afterlife and phrases like 'forbidden happiness', *Reynold's* universalises the tragedy in question through an appeal to the literary. Though at the same time, *Reynold's* was also making an intervention on a historically specific conception of romantic love, 'Love, illicit but binding, love, deep and real, though it wronged others, formed the basis on which was built a Brighton tragedy teeming with pathos'.<sup>98</sup> This is both a universal tragedy,

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<sup>96</sup> 'Amazing Story of Lovers' Suicide Pact', *Reynold's Newspaper* (London), 14th May 1922.

<sup>97</sup> Ibid.

<sup>98</sup> 'Lover's Dramatic Story of a Death Pact', *Reynold's Newspaper* (London), 21st May 1922, p.10.

‘teeming with pathos’, and a comment on a ‘deep and real’ love that was uneasily – and in this case fatally – contained within marriage.

*The News of the World* would employ similar methods in subsequent cases. The 1926 trial of William Hallows, following his suicide pact with Kathleen Wheeldon, was for *The News of the World* a ‘Lovers’ Tragic Tryst’.<sup>99</sup> The ‘tryst’ described the crime in melodramatic, almost gothic, terms; ‘In the gathering gloom of a summer’s night lovers kept a tragic tryst in a lonely wood on the outskirts of Manchester, and realising the futility of their mutual infatuation, entered into a suicide pact’.<sup>100</sup> Evoking the gothic was a favourite literary trope in their approach to the suicide pact.

Writing a year earlier during the trial of George Temperton, *The News of the World* began, ‘Whilst the peaceful township of Conisbrough, surrounded by pretty well-wooded country, near Doncaster, lay wrapped in slumber, a tragedy that shocked the district was brought to light’.<sup>101</sup> Replete with lonely woods and gathering gloom the gothic invocations of shadows, of seeing and not seeing, heightened the melodramatic aspects of the suicide pact and further fixed it first and foremost as a romantic tragedy of doomed love.<sup>102</sup> The utilisation of melodrama also elided the actual geography of Conisbrough, a heavily industrialised mining town to the south of Doncaster. The transfiguration of an industrial, densely populated mining town into the mythic landscape of fairy tales encapsulates well how the generic conventions of melodrama helped divorce the suicide pact from the material and historical conditions that produced it. The evocation of myths, classicism and tragedy placed the romantic lovers outside

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<sup>99</sup> ‘Lovers’ Tragic Tryst’, *The News of the World* (London), 21<sup>st</sup> November 1926, p. 3.

<sup>100</sup> ‘Lovers’ Tragic Tryst’, p. 3.

<sup>101</sup> ‘Crime Drama by Arches: Midnight Tragedy Revealed’, *News of the World* (London), August 30 1925, p. 7.

<sup>102</sup> On the importance of the gothic and melodrama in interwar crime reportage see: D’Cruze, ‘“The Damned Place was Haunted”’, p. 38.

of history, a representational sleight of hand that obscured the very material and historically specific forces that both produced the suicide pact.

In her 1926 satirical short story on the suicide pact, the Anglo-American novelist Mary Borden satirised the investment newspapers had in representing the suicide pact as a romantic tragedy. Describing 'No Verdict's protagonist Charlie she wrote, 'It was impossible to take this little man seriously, either as a criminal or as a hero of romance. He was too insignificant, but the law said he was a criminal and the papers had made out that he was a hero of a love story.'<sup>103</sup> The associations between romance, suicide and fictionality lay at the heart of Borden's story. In describing the love affair between her two protagonists, Borden held a keen eye on the power of fiction in narrating and making romance meaningful. Charlie, it turned out, was an aspiring writer, who would read passages of his work to his lover, Susie. Charlie described the effects his stories had on Susie during the trial:

it made her eyes shine listening to it, and she'd get so excited I'd begin to think it was some good, and that maybe I would get it published some day and get money for it, and be able to take her off there or somewhere... It was a kind of make-believe you see. I told her she was the girl in the book – we'd make believe we were both in it living in the story.<sup>104</sup>

It was not just newspapers that made Charlie and Susie heroes in a romance; they had already done that themselves. Other literary representations fixated on the troubling interactions between intimacy, performance, and suicide pacts. Take the short story 'Truth', written by Diana Maugham and published by *Pall Mall Gazette* in 1931 [Figures seven & eight]. Maugham, the niece of Somerset Maugham, would later be more commonly known as Diana Marr-Johnson, a popular author and playwright.<sup>105</sup> In this early short-story, Maugham dramatises the "startling inner-history" of a suicide pact. The piece was accompanied by an

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<sup>103</sup> Mary Borden, 'No Verdict', *Four O'Clock and Other Stories* (London, 1926), p. 129.

<sup>104</sup> Borden, 'No Verdict', p. 149.

<sup>105</sup> Samuel Rogal, *A William Somerset Maugham Encyclopedia* (London, 1997), pp. 152-153.

illustration of a glamorous young Society couple, stares fixated into the middle-distance, invoking a wistful, troubled introspection.



Figure 7, Dianna Maugham, 'Truth', *Nash's Pall Mall Gazette*, Vol.81, No. 459 (August, 1931), p. 73.

## *The startling Inner History of a Suicide Pact*

game that has ceased to amuse me."

His tone was not offensive, but very weary. Gerda felt suddenly cold inside and dismayed. It was as if she had been called a liar. His remark was harmless, and even humorous, but it piqued her. She had spoken with the honesty bred of boredom, and a sudden longing to drop the social game with its hedgings and its weariness. Why should you play a game with a stranger, a ship that passed in the night? It was so much more interesting to drop masks and be genuine, that is if the other person would understand.

Gerda caught Lady Kevington's eye and knew what the glance meant. Arthur Belmont was unoccupied and trying to attract her attention.

Wilfully disregarding the signal from her aunt, she turned her back further on Arthur and spoke calmly to the man on her left.

"You have the wrong ideas, you know. I am prepared to be more honest than you imagine, and probably far more than you would dare to be yourself. Has it never struck you that human beings waste such a lot of low voices



He was speaking.

"Very well, but remember, you brought it on yourself. Do you know that you are beautiful?"

Gerda pulled herself together. It was decidedly a question, and not a statement.

"Yes," she said in a

Figure 8, Dianna Maugham, 'Truth', *Nash's Pall Mall Gazette*, Vol.81, No. 459 (August, 1931), p. 73.



The protagonist, Gerda, bored at her aunt's dinner-party, longs wistfully to be at the stylish dance across the street, with a group of 'bright young things'. As she feigns interest in her dinner guests, she notices the 'dark, piercing' eyes of her neighbour. Rough, aloof, and direct, shunning the conventions and etiquette of dinner, Gerda is instantly drawn to him, particularly the 'nervous restlessness' of his hands. 'In some way they spelt pain', Maugham describes, 'as if he had some carefully concealed hurt that only expressed itself in the curious twitching motion of his fingers.'<sup>106</sup> Here the body contained secrets, carefully, if imperfectly, hidden.

After cagey opening repartee, the pair grow closer until suddenly, the man reveals he will commit suicide that night. Gerda horrified, quickly formulates an elaborate ploy to dissuade him. She tells him she is in fact also going to commit suicide that evening, as she is pregnant. Moving hurriedly to the privacy of his rooms, they make a pact. However, this isn't a conventional suicide pact. The man pledges that he will not commit suicide if she does not and he will marry her and father her child. Tragedy averted, Gerda reveals her trick, and to her surprise, Lance also reveals that he had also invented his suicide. Having decided to proceed with their romance anyway, the story finishes with a shared commitment to continued deception, 'don't try and talk truth – I think it might be better: My darling, I shall never believe a word you say.'<sup>107</sup>

As a tale of duplicity and deception, this is a space where truth was indeterminate, a play-thing, something to mould and manipulate to endure the monotony of a Society dinner. In subverting the suicide pact, Maugham inverted its logic - this is a pact that *prevents* rather than guarantees suicide – while utilising common reference points for narrative effect, particularly in the trope of the young, pregnant, unmarried woman. As Gerda explains why she wants to commit

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<sup>106</sup> Dianna Maugham, 'Truth', *Nash's Pall Mall Gazette*, Vol.81, No. 459 (August, 1931), p. 73.

<sup>107</sup> Dianna Maugham, 'Truth', p. 78.

suicide; 'well, there's only reason for a woman.'<sup>108</sup> The suicide pact becomes, in this rendering, the perfect site to dramatise a society where public life is a performance and secrets of the self are hidden within, occasionally breaking through in a morbid gaze or a nervous tapping of the fingers.

For Borden, Maugham, and other commentators, the suicide pact demonstrated the consequences of the increasing centrality of 'a kind of make-believe' to modern intimacies. It is easy to characterise such approaches as another thinly veiled critique of a democratic mass culture that encouraged men like Charlie to consider themselves writers and women like Susie to imagine their own life as romantic fairy-tales.<sup>109</sup> Yet in Borden's protagonists' 'shining eyes' we see a glimpse of the nourishing and enriching potential fiction and the wider popular culture of romance held for young couples and the suicidal couple in particular. It is reminiscent of Maude and George 'living life for one another' in the days before their pact, and of Violet and Henry's use of flowers and gramophone records to make sense of suicide. It reminds us of the pleasures and possibilities fiction and the fantastical provided when negotiating intimate life, albeit intimacies that in this context were constrained, painful and ultimately fatal.

## **Beyond Romance – The Experience of Negotiating an Impossible Intimacy**

The 1922 pact of Lionel Symonds and Gladys Wall was a rare case where romantic tragedy *was not* invoked in the reportage of the popular press.<sup>110</sup> Gladys's youth, the fact that she was

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<sup>108</sup> Maugham, 'Truth', p. 78.

<sup>109</sup> On the 'democratising' effects of mass culture see; D. L. LeMahieu, *A Culture for Democracy: Mass Communication and the Cultivated Mind in Britain Between the Wars* (Oxford, 1988), pp. 253-255; On the democratisation of writing see: Christopher Hilliard, *To Exercise Our Talents: The Democratization of Writing in Britain* (Cambridge, 2006), pp. 6-10.

<sup>110</sup> 'Young Gladys Wall's Fate on Railway after Midnight Walk', *Glasgow Weekly News* (Glasgow), 29<sup>th</sup> April 1922, p. 1.

pregnant, and Lionel's clearly manipulative behaviour limited the extent to which newspapers invoked romance during his trial.<sup>111</sup>

Newspapers nonetheless utilised the same registers of sensationalism, human-interest, and melodrama in their coverage as they did in other overtly 'romantic' suicide pact trials. Only a week after Gladys' death, before even the Coroner's inquest had taken place, the *Glasgow Weekly News* (*GWN*) published a front-page piece, 'Young Gladys Wall's Fate on Railway after Midnight Walk'.<sup>112</sup> *GWN*, like *Reynold's*, pioneered new-forms of journalism that blended the tried and tested formula of sensational melodrama with more innovative human-interest journalism. Unlike most suicide pact reportage, the *GWN* piece was not a trial report. Rather they sent their 'special commissioner' – an emerging archetype in the professionalised popular press – to Hersham. This was an investigative piece securing 'exclusive' interviews with witnesses and close family. *GWN's* special commissioner framed the piece as a domestic tragedy, 'tragedy has brought into a house grief and despair when once love and happiness reigned supreme. The figures in the drama are a fifteen-year-old girl and a married man twenty-three years of age'.<sup>113</sup> *GWN* without naming the suicide pact, described its emerging central dynamic, the actions of a couple destroying the delicate harmony, stability and security of domestic life.

*GWN* continue to emphasise domestic tragedy when the piece moves inside Lionel's family home; 'here in a neat little cottage I came upon a scene of poignant suffering. Sitting staring before her, sat the twenty-two-year-old wife of Symonds. Colourless cheeks and heavy eyes told only too plainly of the torture she endured'.<sup>114</sup> This passage demonstrates the power of a journalism obsessed with interior lives. Crossing the threshold of the family home, eroding the

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<sup>111</sup> TNA, HO 144/19035.

<sup>112</sup> 'Young Gladys Wall's Fate', p. 1.

<sup>113</sup> 'Young Gladys Wall's Fate', p.1.

<sup>114</sup> 'Young Gladys Wall's Fate', p. 1.

boundary between public and private, the investigative journalist reveals the personal pain of suffering and grief. Tragedy was written onto the body. Colourless cheeks and heavy eyes were unproblematic signifiers, 'telling all to plainly' the 'torture' of grief and familial loss. Written soon after the event, the correspondent shies away from any causative explanation, heightening the 'mystery' of the event for narrative effect. By establishing this as a domestic tragedy, it nonetheless established and reinforced the suicide pact's central dynamic, that of the illicit couple's threat to the stability and security of established marital and family life.

Though if narratives of romantic tragedy were limited, both in the court-room and in newspaper reports, there was one person who saw, and experienced, this pact as a romance: Gladys herself. In stressing this, I am not trying to deny that Lionel was abusive and coerced her through emotional manipulation into suicide. He did. Rather I am arguing that seeing her only as a manipulated victim fails to grasp how important romantic love was to Gladys in constituting her own reasons for suicide. In her letters to Lionel, Gladys paints a rich, vivid, and expressive picture of her love. This was powerful and maddening:

Oh love I do love you ever so much and darling for always, you are all to me and all I want dear... Last night before you went I got hugging your coat and did not like leaving it dear. I very nearly go mad over that, because it belongs to my darling, my own dearest in all the world for ever.<sup>115</sup>

Dreams of, and longing for, Lionel, performed and practised through coat-hugging and letter-writing, were central to how Gladys lived a constrained intimacy: 'I do miss you so, dearest, but I suppose we must be satisfied, as we have had a lovely time together this week. I do hope some day [sic] we may be together for always, dearest.'<sup>116</sup> Her letters were sites where Gladys dreamt. She worked through her aspirations for romantic happiness, while negotiating the

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<sup>115</sup> TNA, HO 144/19035.

<sup>116</sup> TNA, HO 144/19035.

corporeal demands of pregnancy and the psychological demands of an abusive, coercive relationship.

Pain and fear in the present both produced, and clashed with, dreams of an impossible, unattainable future. Her romance was as dreamlike as others explored in this chapter, even if we accept that such dreams were shaped and tempered by the manipulative behaviour of Lionel. Gladys's letters help reassess the material causes of the cases under consideration here. They draw attention to the material relations, social and bodily co-ordinates, bodily pain, and social shame, that pushed young people towards suicide in the first place.

In her letters to Lionel, Gladys negotiated the implications of her pregnancy, and the physical pain of her changing body. It is the possibility she might be pregnant that first leads to the idea of suicide, 'if anything does happen I think the only thing is for me to kill myself.'<sup>117</sup> Unsure and ill-experienced, Gladys constantly sought Lionel's guidance, 'Well, you know when you told me to take them salts, dear, well, I did...but to be sure, could you tell me what it is like when you know, dear.'<sup>118</sup> Gladys's body was a constant, and growing source of anxiety, 'every night or when I make the bed there seems to be some spot, you know dear, I wonder if I did.'<sup>119</sup> Her pregnancy, and perhaps her attempts at administering a miscarriage, also caused her significant physical pain, 'these pains what I had are like I never had before dear', she wrote, 'so there might be some hope yet dear.'<sup>120</sup> The 'hope' that came with her pain and illness an indication of the trauma that Gladys had to bear on her own, without the help of her family or friends and with limited support from Lionel.

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<sup>117</sup> TNA, HO 144/19035.

<sup>118</sup> TNA, HO 144/19035.

<sup>119</sup> TNA, HO 144/19035.

<sup>120</sup> TNA, HO 144/19035.

As Gladys's letters testify, the implications of pregnancy, and the stigma of unmarried motherhood was so great as to render certain futures impossible. Three of the trials this chapter examines involved the threat of pregnancy. While contraception was increasingly available and advertised by the 1920s, ignorance of sexual matters and birth control remained both widespread *and* was actively encouraged in pursuit of performing a respectable gendered self.<sup>121</sup> The dangers implicit in procreative sex outside marriage, and the ignorance or unavailability of ways to limit the threat of pregnancy, further served to imbue futures not contained within marriage and the family with precariousness and shame. A precarity further compounded by the familial and social hostility, as well as the significant financial hardships, unmarried mothers faced.<sup>122</sup> For the women who bore the brunt of the risk attached to extra or pre-marital sex, the weight of shame contributed in very materially and corporeally rooted ways to a sense that the future was impossible to imagine.

Marjorie Hill was pregnant with her second illegitimate child. According to evidence given at Henry's trial, she told him she would 'rather die' than 'have another child by a married man'.<sup>123</sup> Unable to bear telling her mother, she asked Henry to write; 'We love each other, and are very happy, but Marjorie was terrified that those at home will come and denounce her and then she will be homeless.'<sup>124</sup> The ability to imagine a future was shaped as much by questions of finance, food and housing as it was by affective and fantastical dreams of romantic happiness.

Marjorie's inability to write to her mother revealed the ambivalent relationships those who considered suicide pacts had with their parents, their family, and the wider community in which they lived. Romantic couples' illicit and secret relationships were embedded within larger

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<sup>121</sup> Kate Fisher, *Birth Control, Sex, and Marriage*, pp. 67-68.

<sup>122</sup> Thane and Evans, *Sinners?*, 31-33; Jane Robinson, *In the Family Way: Illegitimacy Between the Great War and the Swinging Sixties* (London, 2015); Cohen, *Family Secrets*, p. 220.

<sup>123</sup> TNA, HO 144/20114; 'Zero Hour Has Come', *The Daily Mail* (London), 5<sup>th</sup> April 1930 in TNA, HO 144/20114.

<sup>124</sup> TNA, HO 144/20114.

familial and community networks that meant their romances were always constrained, secret, and ultimately impossible. The pressures of negotiating illicit intimacies come to the fore in Gladys's letters. The love letter has been theorised – particularly by historians and literary scholars – as a textual means to negotiate intimacy and desire across distance.<sup>125</sup> Yet the opposite was true for Gladys and Lionel. As an apprentice in the bakery Gladys's family both lived and worked in, Lionel was constantly close by. More scrawled notes than carefully composed love letters, they were the means by which Gladys and Lionel communicated in a setting where they very rarely went unnoticed. As one of Gladys's notes ends, 'Oh, I do love you dear, goodbye. You have just come in, I hear. xxx.'<sup>126</sup> We can almost feel the claustrophobic limits on Gladys and Lionel's relationship. This was an intimacy lived out in fleeting moments when they could slip out of view from the constant presence of family.

In other cases, the decision to commit suicide was preceded by a rather dramatic showdown between the couple and disapproving family members. William Hallows and Kathleen Wheeldon's relationship – the 'Lovers' Tragic Tryst' explored earlier – was thrown into jeopardy when it was discovered by Kathleen's mother. Like Gladys, Kathleen was only fifteen at the start of their relationship. 'She is going to the police' Kathleen wrote to William, adding, 'mother called you a dirty little bastard'.<sup>127</sup> The threat of police involvement a reminder here how ideas around sexual consent and agency stalked the suicide pact. It was not just the Home Office who saw the suicide pact primarily as a consequence of the predatory behaviour of (older) men.

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<sup>125</sup> Cohen, *Family Secrets*, p. 221; Seth Koven, *The Match Girl and the Heiress* (Princeton, 2014), p. 226; Erika Rappaport, '“The Bombay Debt”: Letter Writing, Domestic Economies and Family Conflict in Colonial India', *Gender & History*, Vol. 16, No. 4 (2004), pp. 233–260; Margaretta Jolly and Liz Stanley, 'Letters as / Not a Genre', *Life Writing*, Vol. 2, No. 2 (2005), pp. 91–118.

<sup>126</sup> TNA, HO 144/19035.

<sup>127</sup> TNA, HO 144/19810.

Mabel Hill's farewell letter to her parents exemplifies how painful negotiating the tension between falling in love and the expectations and responsibilities of social life could be:

My Darling Mother [sic], I hope you will try and forgive me for what I am about to do. I cannot think of any other way out for a bad girl...I am brokenhearted [sic] at what I have done and the world is well rid of me.<sup>128</sup>

In constructing a 'bad' self, Mabel drew on cultural scripts that aligned failed marriages with personal failure, particularly the failure of women and wives to 'work' on their marriage.<sup>129</sup> In Mabel's letter, we see the stakes of failing, or transgressing, social norms. Her failure to conform to the expectations of married and family life internalises a guilt so powerful – seeing the world as 'well rid' of her - it would ultimately kill her.

Here we see someone negotiating the impossibility of a social life where she is anything but anonymous. Her every word and action were scrutinised, judged, and assessed in relation to the expectations and constraints of acceptable and respectable femininity. The importance of respectability was also apparent in the campaign Herbert's family mobilised in the wake of his conviction. In an attempt to lobby the Home Office to reduce his sentence, Herbert's solicitors sent six letters of a supposed eighty attesting to his good character. The letters they chose were a *Who's Who* of local notables, including the local vicar, the secretary of the local chapter of the society of Oddfellows, the headmaster of Herbert's old school, and the director of Longside Weaving Company, one of the largest employers in Shipley. As the vicar E.A. Elwin wrote, 'He comes from a good and industrious family, well respected in the neighbourhood. His father is a butcher, straightforward and honest, his mother is a good and respectable woman who has brought up her children carefully.'<sup>130</sup> The deployment of the local community in the service of Herbert's respectability reveals, ironically, the very conditions that shaped his and Mabel's

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<sup>128</sup> TNA, CRIM 1/624.

<sup>129</sup> Charnock, 'A Million Little Bonds', p. 372.

<sup>130</sup> TNA, HO 144/19281.



decision to commit suicide. What came to Herbert's aid – the norms and values of the local community – was also what led Mable to see her future as intolerable.

Examining the campaigns families, friends and specifically spouses mounted on behalf of those found guilty, also problematises the nature of romantic love in these cases and its relationship to married life. The suicide pact as romantic tragedy presented a rather uncomplicated picture of a romantic love that increasingly rode roughshod over the permanency of marriage. However, there were competing definitions of romantic love at play in suicide pact cases. The suicide pact could also serve to further reinforce the strength and power of married love over the shallow and fleeting extra-marital passions.

Take for instance the letter Ella Pattinson wrote to her local MP in 1935 campaigning for the release of her husband Ralph, who had been found guilty of the murder of Rita Dawson in 1929. Fortunately for Ella, her MP was Prime Minister Ramsay Macdonald, who personally wrote to the Home Secretary John Gilmour enquiring whether Ralph could be released. Ralph was released only a few months later.<sup>131</sup> In a beautifully crafted letter of persuasion, she delivered an appeal, 'that comes from an anxious and a yearning heart who is seeking a brighter future and the dawn of a brighter day.'<sup>132</sup> Ella presents herself within the model of the conjugal union that has been cruelly separated. Only once does Ella refer to Ralph's crime, 'I can assure you there is nothing I would refrain from giving or sacrificing worthy from an honourable wife and mother until the sudden relapse from which my husband suffered, I can assure you all the character of my husband was beyond reproach and all our married life was one of devotion and has always claimed to have been a respectable citizen.'<sup>133</sup>

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<sup>131</sup> TNA, HO 144/19816.

<sup>132</sup> TNA, HO 144/19816.

<sup>133</sup> TNA, HO 144/19816.

Framing Ralph's actions as a 'sudden relapse', Ella reinforced his relationship with Rita as inferior to the marriage union, a sinful succumbing to the passions. William Hallowes's wife Catherine also persistently petitioned the Home Office for his early release. In a letter to her local MP Alan Chorlton, she began by dismissing the significance *and* criminality of the suicide pact, 'he was tried and sentenced... for a supposed suicide pact. Nothing was proven against him except some silly letters'. She continued in a similar tone, 'I realise that he may have been foolish, but he is no criminal... He was always a good son, a good husband and father until this unfortunate affair.'<sup>134</sup> Like Ella, Catherine contrasted the permanency and power of marital love and familial responsibility against the fleeting, foolish and immature passions that led to William's suicide pact.

Ella's and Catherine's campaign displayed a different type of love than the one that dominated cultural representations of the suicide pact. Hannah Charnock argues a new conception of love increasingly came to define the hallmark of a healthy and happy marriage in the 1920s and 1930s.<sup>135</sup> This was marriage as an emotional bond, that might be tested by infidelity but not fundamentally broken.<sup>136</sup> Though as Ella's letters show, there were also financial and material factors that led both women to present the love they had for their husbands in this way. '[M]y two children and I are dependant [sic] upon the Guardians for our welfare, where if only I had my husband he would relive us from that anxiety.'<sup>137</sup> Love clearly could not be extracted from the financial security that married life guaranteed in an economy where women's earning potential continued to be severely limited.<sup>138</sup>

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<sup>134</sup> TNA, HO 144/19810.

<sup>135</sup> Charnock, 'A Million Little Bonds', p. 365.

<sup>136</sup> Charnock, 'A Million Little Bonds', p. 365.

<sup>137</sup> TNA, HO 144/19816.

<sup>138</sup> On the challenges that married women faced in the labour market of the 1920s and 1930s see: Helen McCarthy, *Double Lives: A History of Working Motherhood* (London, 2020), pp. 126-128; Todd, *Young Women, Work, and Family in England*, p. 194.

Unlike the depictions of the suicide pact in newspaper reports, or in Mary Borden's short story, the suicidal couple were, in reality, fleeing social life they couldn't bear precisely because they couldn't go unnoticed. In so doing, they left in their wake parents, marriages, families and friends who would struggle with the effects of their attempted suicide for years to come.

## Queering the Suicide Pact

William Norwood East regularly encountered the consequences of failed suicide pacts during his tenure as the Prison Commission's Chief Medical Officer. 'He strikes me as being not a particularly virile or self-reliant young man', East wrote in his medical report into Herbert Turner's mental state following his trial in 1932.<sup>139</sup> Affirming the perception that the older Mabel was the driving force behind the pact, East argued, '[He is] one who would easily be led by someone older than himself.' He continued, 'I found him emotional and depressed, and I think there can be no doubt that he was genuinely attached to the deceased woman and is more concerned at the moment with the past than with the present or the future.'<sup>140</sup> East's examination of Herbert reinforced the sense that the suicidal couple inhabited a quasi-fictional present shaped by the impossibility of the future. Ultimately, his reading of the suicide pact was in keeping with a now familiar narrative: emotionalism and lovesickness blended with the spectre of coercion and manipulation.

However five years later East described 'homosexuality' as the chief cause of suicide pacts in his *Medical Aspects of Crime*. 'Crimes of violence due to homosexuality', East wrote, present no special difficulties to the psychiatrist. It is to be remembered that suicide pacts, entered into by members of the same-sex, may be due to this condition [homosexuality].'<sup>141</sup> As with East's conception of homosexual jealousy explored in the previous chapter, the suicide

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<sup>139</sup> TNA, HO 144/19281.

<sup>140</sup> TNA, HO 144/19281.

<sup>141</sup> W. Norwood East, *Medical Aspects of Crime* (London, 1936), p. 376.

pact was a symptom of the *social* impossibility of queer life or queer love. It is telling that East sees ‘crimes of violence due to homosexuality’ as possessing no psychiatric ‘difficulties’. As East made clear, the violence committed by the ‘homosexual’ was not exactly due to any mental deficiency, that is to say East didn’t pathologise homosexuality as something that may lead people to violence in its own right. Rather it was the social proscriptions on homosexuality that led to strong emotions like jealousy or unrequited love that could lead to violence or suicide.

While they emanated from markedly different ethical positions, East’s conception of queer suicide has parallels with the work of the German sexologist Magnus Hirschfeld. Hirschfeld argued that suicide was a legitimate, if tragic, response to the impossibility of queer life within the framework of oppressive institutions and social norms.<sup>142</sup> By the 1930s Hirschfeld was perhaps the world’s best-known scientist of sex, a sexologist who also fiercely campaigned against the criminalisation of homosexuality.<sup>143</sup> Indeed, the historian Laurie Marhoefer goes so far as to argue that Hirschfeld ‘made the modern homosexual’, through his scientific arguments on homosexuality as an innate and biological ‘inversion’, rather than a sickness or mental illness. Central to Hirschfeld’s politics was that homosexuals were, and should be considered, sexual minorities deserving of political rights.<sup>144</sup>

Norwood East, as you might expect from a leading figure in Britain’s prison administration, was no radical. Yet *Medical Aspects of Crime*, highlights his familiarity not just with Hirschfeld’s sexology, but with the latest sexological and psychological theories of

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<sup>142</sup> Heike Bauer, *The Hirschfeld Archives: Violence, Death, and Modern Queer Culture* (Philadelphia, 2017), p. 43.

<sup>143</sup> On Hirschfeld’s contribution to the growth of sexology as a scientific discipline see: Chris Waters, ‘Sexology’, in M. Houlbrook and H. Cocks, eds., *Palgrave Advances in the Modern History of Sexuality* (London, 2005), pp. 41-63; Veronika Fuechtner, Douglas E. Haynes, and Ryan M. Jones (eds.), *A Global History of Sexual Science, 1880-1960* (Berkeley, 2017), pp. 1-3.

<sup>144</sup> Laurie Marhoefer, *Racism and the Making of Gay Rights: A Sexologist, His Student, and the Empire of Queer Love* (Toronto, 2022), p. 4.

homosexuality. In fact, as the historian Chris Waters has highlighted, East was careful to remain neutral on whether homosexuality was innately criminal or even abnormal.<sup>145</sup>

‘Homosexuality’, East wrote:

may be regarded as abnormal or normal, but whether homosexual conduct is due to congenital inversion, premature arrest in sexual evolution, acquired sexual deviation, or commercial cupidity, does not alter the fact that anti-social conduct appears to be less certainly attributable to abnormality of mind in proportion to the frequency with which the corresponding anti-social tendencies are found in the ordinary population.<sup>146</sup>

Other than demonstrating a detailed knowledge on the various sexological aetiologies of homosexuality, East’s suggestion here is that homosexuality itself does not cause criminal behaviour, but rather the social conditions within which the homosexual finds himself leads to crime. This then leads East to his fundamental argument, ‘crime is essentially a social problem, and not altogether a medical one.’<sup>147</sup>

It is striking how often East ‘suspects’ homosexuality in *Medical Aspects*, when confronted with obscure motives for both suicide and murder. Here motiveless crime mirrors Hirschfeld’s understanding of the relationship between homosexuality and suicide. For Hirschfeld, suicide was a site of collective trauma, the product of social stigma and legal persecution, as well as, in keeping with East’s analysis, unrequited love. As the historian Heike Bauer has argued, Hirschfeld chronicled a ‘large number of queer suicides’ in his work, as part of his broader political project of highlighting the suffering specifically social and legal persecution engendered on queer people *as* a group of people.<sup>148</sup> Here suicide stood as a tool that brought the homosexual as a minority group in need of political rights into being. In keeping with East, Hirschfeld also saw suicide pacts, what he referred to as *doppelselbstmorde* (double suicides)

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<sup>145</sup> Chris Waters, ‘Havelock Ellis, Sigmund Freud and the State: Discourses of Homosexual Identity in Interwar Britain’, in Laura Doan and Lucy Bland (eds.), *Sexology in Culture: Labelling Bodies and Desires* (Cambridge, 1998), pp. 165-179, pp. 172-174.

<sup>146</sup> W. Norwood East, *Medical Aspects of Crime*, p. 315.

<sup>147</sup> W. Norwood East, *Medical Aspects of Crime*, p. 316.

<sup>148</sup> Bauer, *The Hirschfeld Archives*, p. 47.

as a common response to social proscriptions that shaped the impossibility of queer life and queer love. In his major study *Homosexualität des Mannes und des Weibes* (*Homosexuality in Men and Women*) published in 1914, Hirschfeld wrote, ‘couples who kill themselves together... prefer togetherness in death to loneliness in life, unity in dying to a socially and legally enforced separation in life.’<sup>149</sup> The stress on ‘together in death’ in contrast to ‘socially and legally enforced separation’, possessed a striking similarity to the ways in which the suicidal couples we’ve traced through the English criminal court articulated their own reasons for suicide.

Given that Norwood East references *Homosexualität* on several occasions in *Medical Aspects of Crime*, it is likely that his tendency to ‘suspect’ homosexuality in suicide pact cases draws explicitly on Hirschfeld’s work. For both East and Hirschfeld, impossible love, and the jealousy toward socially sanctioned, publicly performable monogamy, lurked behind the seeming unintelligibility of suicide pacts. This theory of causation shared striking similarities with dominant cultural representations of suicide pacts. It also chimes with how East interpreted Herbert Turner’s suicide pact during his medical examination. It draws on the same conception of impossible love, and the burden of having a future structured by that love denied. Queer suicide *and* the notable suicide pacts of the 1920s were constituted by a very similar interplay between desire, affective bonds, and social shame.

The suicide pact of the 1920s and 1930s was symptomatic of the uneasy, contested, and painful emergence of a new kind of affective life, melded in the interplay between living and dreaming, where the pursuit of individual fulfilment and sexual pleasure increasingly revealed the fragility of marriage but also the severe consequences of loving outside it. The suicide pact, seen from either Herbert Turner’s medical examination or East’s assertion of queerness, cut

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<sup>149</sup> The translation is Bauer’s: ‘*The Hirschfeld Archives*’, p. 47

across sexual binaries. I suggest that the suicide pact highlights the contribution of queerness – queer bodies, queer desire, queer love – in mobilising and dramatising a new form of intimate life outside the inflexibility of marriage and the family. Taking a closer look at the history of the suicide pact, reveals the messy, contradictory, and perhaps queer history, of modern romantic love itself.

Understanding the suicide pact as a queer crime, however, was one interpretative frame restricted in its cultural reach beyond the writings of psychologists and criminologists. Yet suicide pacts between men and women were not the only type of pacts to elicit more broad and wide-ranging popular attention. During 1922, the year the suicide pact appeared in court and the press most frequently, much public anxiety was fixed on a different kind of suicide pact. The *Sunday Mercury*'s feature on the causes of suicide pacts, titled 'suicide pacts of morbid girlhood', was concerned with pacts entered into between young female friends. In this critique, the suicide pact was the consequence of passionate, yet markedly platonic, adolescent friendship:

Disappointment in love may cause a few attempts at suicide, but not the death pacts between two girls such as 1922 witnessed to an unheard-of degree. What really is the true cause of this: two companions have had a good time together. One has become tired of life and tells her friend that she desires to end it all. She has no fear of God and neither has her friend, they may have been chums for years, and the second feels that she cannot live without the other girl.<sup>150</sup>

Actively disavowing romantic love, *The Mercury* positioned the cause of these pacts as frivolous, the nihilism of girlhood heightened by phrases like 'tired of life' and 'had a good time together.'<sup>151</sup> Presented here these friendships were aligned closely with a certain reading of transitory adolescence. Adolescent friendships represented as shallow and pleasure-orientated, presumably positioned against a more sensible, serious, and healthy affective tie

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<sup>150</sup> 'Suicide Pacts of Morbid Girlhood', p. 4.

<sup>151</sup> 'Suicide Pacts of Morbid Girlhood', p. 4.

that comes with graduation into full adulthood. The danger of such friendships then, comes in the drastic dissonance between the immaturity of such affective bonds – an extension of the immaturity of the girls themselves – and the violent finitude of the suicidal act. What emerged is a lethal tension in the life-cycle, with the hedonism of adolescence so powerful as to halt the subject's progression into adulthood, and although unmentioned but implicit in such a critique, into the normative affective ties of marriage and the family.

The anxiety of *The Mercury* reflected a wider concern with the morbidity of female friendships during this period.<sup>152</sup> Placed within this context we can start to tease out the suicide pacts' wider significance to affective ties, sexuality, and normativity more broadly. Pathologised fears concerning the morbid emotionality and hyper-femininity of young women appeared frequently in a multiplicity of discursive domains, including literature, medicine, psychology and sexology.<sup>153</sup> The deaths of millions of young men, many of whom were sweethearts, lovers or husbands, led to a perception that many women lacked 'natural' or 'healthy' outlets for their affections and desires.<sup>154</sup> Locating friendship between women as unhealthy, indeed lethal, served to reinforce the naturalness of the affective relationships between men and women.

As *The Mercury* piece highlights, this anxiety was not orientated at the homoerotic possibilities of same-sex friendship, rather the affective constitution and power differentials of the friendships themselves, particularly the prevalence of jealousy, obsession and domination.<sup>155</sup> The main ways the suicide pact was presented – and critiqued – in popular culture, morbidity, obsession, and over-emotionalism, were all key pillars of a pathologised hyper-femininity,

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<sup>152</sup> Carol Dyhouse, *Girl Trouble: Panic and Progress in the History of Young Women* (London, 2014), p. 77.

<sup>153</sup> Lesley Hall, "'Sentimental Follies' or 'Instruments of Tremendous Uplift'? Reconsidering Women's Same-Sex Relationships in Interwar Britain', *Women's History Review*, Vol. 25, No. 1 (January 2016), pp. 124–142, p. 129.

<sup>154</sup> Hall, "'Sentimental Follies'", p. 130; For a further reflection on this, particularly how this structured attitudes towards single women see: Katherine Holden, *The Shadow of Marriage: Singleness in England, 1914-60* (Manchester, 2010).

<sup>155</sup> Hall, "'Sentimental Follies'", p. 130.



often mobilised to warn of the dangers of intense friendships between women. The female suicide pact disturbed and disrupted, generating anxieties and moral panics not explicitly in the domain of the sexual, but in the affective, which could be as dangerous to the health of marriage and the family as any sexual transgression.

However, if the suicide pact between women was mobilised to pathologise female friendship in reactionary journalism and other cultural texts, the meanings and motives of suicide pacts between women in the criminal archive were more complex and opaque. Take for example, the friendship of Norah Walker and Beattie Simpson. Norah was 19, Beattie 20. They met at work, at the tobacco strippers John Player's and Sons, a large factory that employed lots of young women in Nottingham. They were well-liked in the factory, even if their colleague Winnifred thought Norah was a little impulsive and Beattie 'determined'.<sup>156</sup> Norah was originally from the seaside resort of Mablethorpe on the East Coast, a popular holiday destination for the working-class communities of the East Midlands. For the second year running, Norah and Beattie spent their week summer holiday in Norah's family Mablethorpe cottage. Beattie wrote home several times, telling her parents how much she was enjoying herself.<sup>157</sup> Rather suddenly, her parents thought, Beattie wrote abruptly to say she was spending an extra-week away. Several days later Beattie was dead. Norah and Beattie, shut up in their bedroom for several days, had taken poison. Only Norah survived.<sup>158</sup>

Unsurprisingly, the criminal investigation was preoccupied with explaining *why* Norah and Beattie entered into a suicide pact. The depositions reveal a disciplinary obsession with trying to ascertain motive. This is something Norah and Beattie steadfastly refused to reveal, in either their actions or their goodbye letters. Norah wrote to her father, 'No one will ever know the

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<sup>156</sup> TNA, ASSI 13/52.

<sup>157</sup> TNA, ASSI 13/52; 'Seaside Girls' Tragedy' *The Daily Mail* (London), 7<sup>th</sup> August 1922, p. 7.

<sup>158</sup> 'We Agreed to Die', *The Daily Sketch* (London), 17<sup>th</sup> August 1922, p. 5.

reason why we've done this, but please believe me Dad neither of us are in any kind of trouble.' She added as a PS, 'Please Dad let me and Beattie be buried together. As long as we stay together we shan't mind'.<sup>159</sup> Beattie echoed her friend by telling her Mother, 'I will tell you mam we knew this would be the end of it all'.<sup>160</sup> This obscurity baffled the investigative authorities, with the inquest proceedings trying, and constantly failing, to discover a plausible motive.

By the time the case went to criminal trial, it seems like the defence counsel at least, had settled upon a plausible motive. As Norah's barrister Paul Sandlands argued, 'the friendship of Walker and the dead girl was one of those they read of in classical literature, but seldom met in real life. Each had pledged herself to the other and had vowed to have no friend of either sex.'<sup>161</sup> Beattie, as positioned at court, had previously had suicidal thoughts, and it was a sign of the devotion Norah had for her that she decided to join her in a suicide attempt. This explanation was certainly plausible. It worked for both counsels, the public prosecution offering no evidence in pursuit of a murder verdict. In keeping with the suicide pact trials prior to Lionel Symonds' in late 1922, the spectacle of a young woman in the dock for murder led the judge Mr Justice Lush to call into question the state of the law. 'Would it be advisable' Lush was quoted in the *Daily Sketch* as saying, 'to revise the law which says that where two persons agree to die together each should be considered guilty of the murder of the other.'<sup>162</sup>

Sandlands was quick to stress the platonic nature of Norah and Beattie's relationship, something also presented with considerable force by the popular press. This was a 'death test of devotion' for the *Dundee Evening Telegraph*, where "sexless love ends in tragedy".<sup>163</sup>

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<sup>159</sup> TNA, ASSI 13/52.

<sup>160</sup> TNA, ASSI 13/52.

<sup>161</sup> 'Common Sense and Death Pact Law', *The Daily Sketch* (London), November 1<sup>st</sup> 1922, p. 2.

<sup>162</sup> 'Common Sense and Death Pact Law', *The Daily Sketch* (London), November 1<sup>st</sup> 1922, p. 2.

<sup>163</sup> 'Death Test of Devotion', *The Evening Telegraph* (Dundee), 1<sup>st</sup> November 1922, p. 6.

Removing sex from the suicide pact reduced the moral and criminal culpability of Norah and Beattie. Two young women, driven to suicide through melancholy and devotion, free from any sordid details of sex or abuse, were well placed to generate sympathy. Presenting the case in these terms, this form of knowledge was a good legal argument. It distanced Norah and Beattie from other, more unpleasant suicide pacts. The tropes of devotion and timeless love, were a 'cleaner', more sanitised frame of representation. Here was a young woman whose only crime was to love her friend too much. However, Norah and Beattie's suicide pact is a little more obscure than this legal argument would care to admit. Their refusal to provide an explanation in their goodbye letters, an epistolary form, as we have seen, strongly associated with the confessional, raises more intriguing problems in trying to decipher Norah and Beattie's actions.

One alluring avenue of inquiry is to ponder why Norah and Beattie were so intent on refusing any plausible explanation for their actions. It is tempting to glimpse, perhaps, a queer relationship, and queer desire, underneath the surface of Norah and Beattie's pact. Indeed, Norwood East would probably 'suspect' homosexuality, given the obscurity of Norah and Beattie's motive. However, this appeals, first and foremost, to our own contemporary proclivity to see sex and sexuality as a sort of catch-all heuristic that can explain the unexplainable.

Rather we should take Norah and Beattie's refusal to explain as an invitation to read across sexual categories and binaries and foreground the commonalities between suicide pacts between hetero- and homo-lovers, as well as female friends. Norah and Beattie's suicide pact may not be queer, but it still helps queer or disturb the categories through which contemporaries and historians alike tried and try to comprehend, categorise, and make meaningful both suicide pacts and sexual identity. Rather than see sexuality as the cause of suicide pacts, it was the idea of *impossibility* that served as the conceptual glue that made suicide and suicide pacts legible. The impossibility of the future was often the central feature of all suicide pacts of the period,

one that had specific historical coordinates. This impossibility was forged through intimate desires and dreams that were fundamentally incompatible with social norms that made life possible. Here, whether from the pages of Hirschfeld's sexology, or in the English criminal court, we see the emergence of a modern intimacy, a way of being in the world, that cut across sexual binaries. The suicide pact couple's sense of impossibility was living and loving in a world that would, and could not, recognise the shape of their intimacy.

## Coda

There is perhaps one thing I should have mentioned earlier. Edward Spears, the politician who brought a Private Members Bill to change the law's treatment of suicide pact survivors in 1924, was married to the novelist Mary Borden, whose 1926 'No Verdict', fictionalised the murder trial Spears found so objectionable. Prior to his political career, and his foray into suicide pact activism, Edward Spears was a senior officer in the British Army, serving as head of the military mission at the French war office during the First World War.<sup>164</sup> It was in 1917 when he met Borden, who had established and run a field hospital in Flanders, halfway between the fronts of Dunkirk and Ypres.

In the closing years of the war, Borden and Spears sustained an intense and passionate love-affair. Borden, whose decision to head to Flanders was in part a flight from a loveless marriage, told Spears how he had 'made her feel alive again'. In one of many passionate letters between the pair, Borden tells of how 'I would run to my room sometimes, shut myself in, take out your letter, of yesterday, read it, handle it.'<sup>165</sup> Borden suffered immensely with the stress and strain

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<sup>164</sup> Max Egremont, 'Spears, Sir Edward Louis, Baronet (1886-1975)', *Oxford Dictionary of National Biography* (Oxford, 2004), online at: <https://www.oxforddnb.com/display/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-31706?rskey=7cidzF&result=1> (accessed May 2023).

<sup>165</sup> Churchill Archives Centre (CAC), GBR/0014/SPRS, The Papers of Sir Edward Spears, 'Personal correspondence'; Jane Conway, *Mary Borden: A Woman of Two Wars* (London, 2010), p. 69.

of negotiating an illicit love affair with Spears and the potential prospect of obtaining a divorce from her husband Douglas. In a letter written shortly before she finally asked for a divorce, she wrote to Douglas, 'You know how it has been with us, you know, since the day we were married, there has been something, a want. Now I have found out what it all means and is'.<sup>166</sup> According to her biographer, the day she told Douglas of her love-affair with Spears, Borden 'broke down in uncontrollable tears, shaking all over.'<sup>167</sup>

Borden and Spears love-affair, resembled the opening scenes of a now recognisable suicide pact narrative: broken marriage, new passion, and the clash between the social strictures and the indiscriminate power of romantic love. However, Borden and Spears' love affair didn't end in suicide. Their wealth and social standing meant that obtaining a divorce was, while not without strain, more easily obtainable. Though Mary and Douglas would continue to wage a bitter and destructive war over the custody of their children, they were perhaps lucky that he was prepared to agree to a divorce without naming a third party – avoiding the public scandal this would cause. Borden and Spears married at the British Consul in Paris in May 1918, thus securing in 'real life' the fantasy of married love that was the cause of so much pain for many of the suicidal couples surveyed here.

Borden and Spears themselves were well aware and attuned to the forces that produced the suicide pact as a cultural spectacle. Spears' political activism an indication of the importance of the law, one he saw as inhumane, cruel, and barbaric, in enabling the suicide pact - through the spectacle of a criminal trial - to become such a gruesome archetype of the times. Mary Borden's fictionalised account of such trials took this further by locating the suicide pact at the intersection between the criminal law, popular journalism and the changing significance of

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<sup>166</sup> CAC, GBR/0014/SPRS.

<sup>167</sup> Conway, *Mary Borden*, p. 85.

romantic love. For Borden, the suicide pact was constituted by the unsavoury interplay between the law and the shifting terrain of intimate life increasingly sustained by melodrama, fantasy, and dreams of romantic happiness. Borden and Spears' response to the suicide pact captures nicely the historical co-ordinates it arose from and why it triggered such interest and generated so much anxiety.

By engaging in a small amount of historical conjecture, we can also use the intimate history of Borden and Spears' relationship to reflect more critically on the concrete material conditions that forced couples into suicide pacts. We can't say for certain, but it's likely the suicide pact chimed with the narrative of their own constrained love affair in the embers of the First World War. That they could afford both the cost and the risk of divorce differentiated them from our couples, and enabled them to achieve, in one way, the dream of romantic happiness that so painfully eluded others. The fact that Borden and Spears' marriage was imperfect and troubled serves as a reminder that the dream of romantic happiness that marriage symbolises is often exactly that, a dream, an ideal rooted in concrete social relations but sustained and made meaningful in the realm of the imaginary. That is what makes it so powerful, and why falling short was, and remains, a painful personal experience.

## **Conclusion**

It is worth reflecting on why the life of the suicide pact as a legal problem and cultural phenomenon was so brief. It was not, after all, until 1957 and the passing of the Homicide Act, that survivors of a suicide pact were no longer treated as liable for murder.<sup>168</sup> The striking absence of murder trials involving suicide pacts from the late 1930s onwards suggests something else was also at play. Key to this story, I would argue, is that the terrain on which marriage, love, and intimate life intersected was shifting. Amendments to divorce law in the

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<sup>168</sup> Williams and Read, 'The Homicide Act, 1957', p. 382.

1937 Matrimonial Causes Act further increased access and availability to divorce.<sup>169</sup> While rates of divorce continued to remain low, the Act removed some of the acute pressure that created the particularly claustrophobic conditions which led couples to consider suicide. Within this context, couples negotiating intimacies outside marriage increasingly had other – albeit still precarious and insecure – means of reconciling and living with marital breakdown. In short, the institutionalised and social co-ordinates of marriage and intimacies had shifted, and relented just enough, to release the acute pressure that forced many to contemplate suicide over the preceding years.

The suicide pact was the product of a specific tension in the history of modern intimacy on the one hand, and modern society on the other. It further clarifies how people negotiated their desires, intimacies, and sense of self in the *space between* mass culture and the norms, values, and networks of everyday life. In making this point I am not dismissing the analytic utility of the society of strangers as a way of conceptualising the feel and condition of modernity. Performance, shapeshifting, and spectacle *were* central to how the suicidal couple were represented. The wider popular culture of romance also provided vital resources which helped ameliorate the pain of intimacies experienced as impossible.

In appreciating the gap between cultural representations and the material causes of suicide pacts, we can see how the anonymity of modern social life was one that brought only temporary and fleeting relief. For John Holloway and Lizzie Kirkham, Mabel Hill and Herbert Turner, Marjorie Hill, and Henry Fleming, it was claustrophobia, rather than anonymity, that defined their experience of modern life and modern intimacy. This suggests the need to see the society of strangers as one of several spaces modern subjects moved through.

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<sup>169</sup> Sharon Redmayne, 'The Matrimonial Causes Act 1937: A Lesson in the Art of Compromise', *Oxford Journal of Legal Studies*, Vol. 13, No. 2 (1993), pp. 183–200.

The suicide pact couple existed in a twilight zone of sorts. Following Anna Clark's conception of twilight in conveying the moral regimes used to discipline subversive and illicit sex, the suicidal couple occupied both a moral and historical twilight zone.<sup>170</sup> Moral, in that their sexual relations weren't exactly deviant in the emerging taxonomies of psychological and sexual science, but were unacceptable – indeed unthinkable – within the existing norms that guided married, family and community life. Historical, in that the impossible love felt to be so intolerable for these couples looked forward to the increasing primacy of self-fulfilment to sexual selfhood. Ultimately however, this love was constrained, and ultimately constrained intolerably, by norms, values and practices of everyday life that had yet to quite lose their strength.

The suicide pact, I argue, reveals how modern intimacy is produced and sustained through the interplay between the social and the imagination, telling stories about happiness and the future that legitimate both desire and a sense of a self in the world. Its painful and uneasy emergence, and the anxiety it generated, was a reminder of the continued exclusionary logic of such romantic fantasies. As this chapter has attempted to argue, the suicide pact marked a significant moment in the making of modern intimacies and the dreams and fantasies which sustained them.

In the following chapter, we turn to the post-war period to explore how self-professed 'ordinary people' narrated and negotiated the disappointments that stalked modern romantic love and desire. It was the idea that intimacy and love could cause unique physical and emotional suffering, so evident in popular representations of the suicide pact this chapter has explored,

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<sup>170</sup> Anna Clark, 'Twilight Moments', *Journal of the History of Sexuality*, Vol. 14, No. 1/2 (Jan-Apr, 2005), pp. 139-160, p. 142.



that led many people to both sympathise, *and* crucially identify with, those who killed out of jealousy, grief or anger.

## Chapter Four: Post-war Passions and the Emotional Politics of Intimacy in the Campaign to Reprieve Ruth Ellis

### Introduction

On the 26<sup>th</sup> of June 1955, the front page of the popular Sunday newspaper *Empire News* was emblazoned with a curiously un-newsworthy photograph. On the right-hand side of the page, sat a young mother, her infant boy on her knee.<sup>1</sup> The woman, relaxed in front of the camera, smiles warmly. This, the viewer gets the impression, is a private snapshot, one strikingly familiar and part of the mundane iconography of everyday life. Yet as its place in the *Empire News* attests, this snapshot was unusual. This is a snapshot out of place, a private moment made startlingly public.<sup>2</sup> The headline that looms above it, ‘Mother in the Shadow of the Gallows’, revealing the more sinister meaning latent in the photograph’s incongruity.<sup>3</sup>

Most of those who picked up the paper during the hot, sticky heatwave of late June 1955 would have instantly recognized this woman as Ruth Ellis, her picture a regular feature in almost all British newspapers from the date of her initial arrest in April, through to her trial on the 17<sup>th</sup> and 18<sup>th</sup> of June. Perhaps the most notorious crime of passion in the English criminal court, Ruth was on trial for the murder of her lover David Blakeley, who she had shot - six times - outside a pub in Hampstead north London. Ruth Ellis was the last woman to be hanged in Britain before the abolition of capital punishment for murder in 1969.<sup>4</sup> For the readers of the *Empire News*, Ruth’s family snapshot was read in the context of the growing campaign for the

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<sup>1</sup> ‘The Mother in the Shadow of the Gallows’, *Empire News* (London) 26<sup>th</sup> June 1955, p. 1; Seen in: TNA, HO 291/237, Criminal Cases: Ellis, Ruth.

<sup>2</sup> For the ways in which the photograph and the snapshot have been fundamental aspects of the iconography and lived experience of twentieth-century social life see: Erika Hanna, *Snapshot Stories: Visuality, Photography, and the Social History of Ireland, 1922-2000* (Oxford, 2020), pp. 19-23.

<sup>3</sup> ‘The Mother in the Shadow of the Gallows’, p. 1.

<sup>4</sup> Claire Langhamer, ‘“The Live Dynamic Whole of Feeling and Behavior”: Capital Punishment and the Politics of Emotion, 1945–1957’, *The Journal of British Studies*, Vol. 51, No. 2 (April 2012), pp. 416–441; Brian P. Block, John Hostettler, *Hanging in the Balance: A History of the Abolition of Capital Punishment in Britain* (Hook, 1997), p. 163.

Home Secretary, the Conservative politician Gwilym Lloyd-George, to reprieve her from the death penalty. The campaign drew a significant amount of its vigour from Ruth's position as a mother, and the fate of her children. 'The boy knows nothing of the tragedy', suggested the caption, yet many who supported a reprieve feared he, along with his younger sister, would forever be shaped by the trauma of the judicial killing of their mother.

In the picture, this child, sat on Ruth's knee, is featureless. His face white-washed. The alteration, ostensibly protecting his privacy, simultaneously renders him no child and every child. The faceless boy is a canvas, a literal *tabula-rasa*. It is both eerily specific and universal. The faceless child was a reminder, not only of the innocence of Ruth's child, but of all children.

The private domesticity of the photograph stands in contrast with the established iconography of the Ruth Ellis trial and its enduring popular memory. Ruth Ellis was a former model, actress and nightclub host, with striking peroxide blonde hair reminiscent of Marilyn Monroe.<sup>5</sup> Early newspaper reports fixed Ruth as an alluring and dangerous *femme-fatale*, her crime proof of the sinister and dangerous undercurrents of her glamorous appearance, sexual autonomy, and her movements within the leisure economies of London. Both popular accounts and academic studies of the trial have tended to focus on representations of Ruth as transgressive and deviant.<sup>6</sup> Feminist scholars have argued that Ruth was on trial for murder *and* in effect, for her glamorous femininity and sexual autonomy.<sup>7</sup>

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<sup>5</sup> See for instance: 'It was Obvious I shot to Kill, Says Accused Model', *The Daily Mirror* (London), 21st June 1955, p. 1.

<sup>6</sup> For popular accounts of Ruth Ellis and her trial see: Victoria Blake, *Ruth Ellis: Crime Archive* (Kew, 2008); Laurence Marks, *Ruth Ellis: A Case of Diminished Responsibility* (London, 1990); Robert Hancock, *Ruth Ellis: The Last Woman to be Hanged* (London, 1963).

<sup>7</sup> Annette Ballinger, 'The Guilt of the Innocent and the Innocence of the Guilty: The cases of Marie Fahmy and Ruth Ellis', in Alice Myers and Sarah Wight (eds.), *No Angels: Women who Commit Violence* (London, 1996), pp. 1-28; Anette Ballinger, 'A Muted Voice from the Past: The 'Silent Silencing' of Ruth Ellis', *Social & Legal Studies*, Vol. 21, No. 4 (1 December 2012), pp. 445-67; Denise Farran, *The Trial of Ruth Ellis: A Descriptive Analysis* (Manchester, 1988); Jacqueline Rose, 'Margaret Thatcher and Ruth Ellis', *New Formations*, Vol. 6 (Winter, 1988), pp. 4-29.



Historians of post-war British culture, notably Frank Mort, have seen Ruth Ellis' trial as part of a wider dramatisation of social change through the spectacle of scandal and scandalous events. Scandals which sparked debates about the effects of the modern city, and modern life more broadly, on the minds, bodies and morals of British citizens.<sup>8</sup>

As the front page of the *Empire News* alluded to, Ruth's status as a glamorous ex-model wasn't the only frame through which her life was narrated and the morality of her execution judged. The family snapshot and the faceless boy, in contrast, performed an altogether different function to that of the *femme-fatale*. Rather than position Ruth as spectacular, exceptional and transgressive, Ruth and her child were transformed into symbols of the everyday. A recognisable, quotidian image of a caring mother reading to her son.<sup>9</sup> It is an image we might want to describe as exemplary of the post-war moment in which it was taken. Ruth as mother, stands in and reflects the familial and private nature of an emerging gendered citizenship, where good motherhood, increasingly defined through the strength of an explicitly psychological bond between mother and child, provided the foundations for the health of a nation rebuilding from the physical and psychic ruins of war.<sup>10</sup>

The faceless child, in this formulation becomes the emblematic infant citizen, at once both real – this is a real child facing real trauma – and phantasmatic, a symbol not only of all children,

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<sup>8</sup> Frank Mort, *Capital Affairs: London and the Making of the Permissive Society* (New Haven, 2010), pp. 125 - 127.

<sup>9</sup> For an excellent discussion on the competing and contradictory visual representations of Ruth Ellis see: Lynda Nead, 'A Bruise, a Neck, and a Little Finger: The Visual Archive of Ruth Ellis', *Radical History Review*, Vol. 142 (January 2022), pp. 57–71.

<sup>10</sup> See for instance: Janet Finch and Penny Summerfield, 'Social Reconstruction and the Emergence of Companionate Marriage, 1945-59', in David Clark (ed.), *Marriage, Domestic Life, and Social Change: Writings for Jacqueline Burgoyne, 1944-88* (London, 1991), pp. 6-27; Claire Langhamer, 'The Meanings of Home in Post-war Britain', *Journal of Contemporary History*, Vol. 40, No. 2 (2005), pp. 341–362; For accounts of the 'psychologization' of motherhood in this period see: Denise Riley, *War in the Nursery: Theories of the Child and Mother* (London, 1983); Mathew Thomson, *Lost Freedom: The Landscape of the Child and the British Post-War Settlement* (Oxford, 2013), pp. 79-105; For a reflection on the implication of these shifts for fathers and well as mothers see: Laura King, 'Hidden Fathers? The Significance of Fatherhood in Mid-Twentieth-Century Britain', *Contemporary British History*, Vol. 26, No. 1 (March 2012), pp. 25–46.

but also of the nation itself. Ruth's child as infant citizen further highlights how social reconstruction, the welfare state, and the promise of affluence in the 1950s was a national project specifically for and in the service of children, and more nebulously, for a future saturated with the wishes and dreams of these children.<sup>11</sup> The dark underside of the *Empire News* front page then, is not only the threat to the future the 'shadow of the gallows' brings to Ruth Ellis' son, but the symbolic threat hanging a young mother posed to the health of a nation increasingly forged in the image of the child.

We can't say for certain if Matthew R., himself married with three young children read the *Empire News*. We do know, however, that the fate of Ruth Ellis' children haunted him to such an extent that he felt compelled to petition the Home Secretary on her behalf. 'In the case of Mrs Ellis', he wrote in a letter sent directly to the Home Office on the 6<sup>th</sup> of July, 'my wife and myself think apart from anything else, the children should be spared all of this.' Drawing on the painful personal experience of losing his own parents, Matthew asserted that 'a mother's love can never be substituted, no matter what is done' (emphasis in original). Refracted through the pain of losing a parent, he articulated his own attachment to a definition of good and healthy parenting that stressed the dangers of a separation between mother and child. Refusing attempts to fix Ruth as fundamentally deviant or subversive, Matthew R. continued by stressing that she was 'no hardened criminal' but a 'woman let down'. Instead, he foregrounded Ruth's position *as a mother* as a-priori evidence of her potential redemption; 'we feel that Ruth Ellis, given a chance to go back to her dear children, will become a good citizen (emphasis in original).<sup>12</sup>

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<sup>11</sup> See for instance: Rosemary Elliot, 'Suffer the Children? Divorce and Child Welfare in Post-war Britain', *Journal of Family History* Vol. 46, No. 4 (October 2021), pp. 433–59, pp. 434-435.

<sup>12</sup> The National Archives (TNA), Home Office, HO 291/236, Ruth Ellis, #229 Matthew R. to Secretary of State (SoS); The numbering system is my own, based on cataloguing and analysing all 530 letters that appear across three boxes of Home Office material related to Ruth Ellis' execution. I have chosen not to reproduce writers' names, as their letters were not written in the knowledge they would be made public.

This chapter explores how British people felt about and responded to the imminent execution of Ruth Ellis. Across the three Home Office files relating to Ruth Ellis, there remains 530 petitions written to the Home Secretary between the culmination of Ruth Ellis' trial and her execution. The actual number of letters and petitions sent is likely to be much higher than this. This mid-century reprieve campaign marks both a culmination point, and in many ways a radical break, with how the British public sympathised with passionate crime across the early twentieth century. Much of the sympathy for Ruth Ellis was in keeping with how people responded and sympathised with women sentenced to death throughout the twentieth century. As Ginger Frost, John Carter-Wood and Lizzie Seal have argued, sympathy for women sentenced to death often depended upon narratives of victimhood, and regularly stressed the redemptive power of gendered categories like motherhood in 'rescuing' and 'saving' the female criminal.<sup>13</sup>

Yet Matthew R.'s powerful identification with Ruth and her children hints towards the rather novel aspects of the reprieve campaign. The way many letter writers identified with the emotions that led Ruth to kill, drew upon forms of protest previously reserved for men who had killed their wives and lovers out of jealousy and rage. Many positioned Ruth Ellis, and women more generally, as more susceptible to acting irrationally under the force of emotions. This drew on long-held ideas about the sensitivity and fragility of the female mind and body. Yet it obscured how the idea that passions could lead anyone to kill had normalised and mitigated the consequences of *male* violence for at least the last fifty years.

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<sup>13</sup> Lizzie Seal, 'Ruth Ellis and Public Contestation of the Death Penalty', *The Howard Journal of Criminal Justice*, Vol. 50, No. 5 (2011), pp. 492–504, p. 495; John Carter Wood, "'Those Who Have Had Trouble Can Sympathise with You': Press Writing, Reader Responses and a Murder Trial in Interwar Britain', *Journal of Social History*, Vol. 43, No. 2 (2009), pp. 439–462, p. 442; Ginger Frost, "'She is but a Woman': Kitty Byron and the English Edwardian Criminal Justice System', *Gender & History*, Vol. 16, No. 3 (2004), pp. 538–560.

Yet, the reprieve campaign for Ruth Ellis opened up a new space for the public discussion of female violence, as well as the emotional difficulties of intimate life as experienced by *women*. The way many women identified with the passions that led Ruth to kill implicated the everyday experience of domestic violence as one of the reasons the emotional management of intimate life was so difficult and demanding. In so doing, they subverted narratives of the emotional demands of intimate life, narratives that had long served to normalise violence against women, to identify and protest against this very violence.

The campaign to reprieve Ruth Ellis from the death penalty also demonstrated significant transformations of politics, society and culture in post-war Britain. It bears a very different feel to the reprieve campaigns we have previously explored. Significantly, the Ruth Ellis reprieve campaign reflected the new importance and significance of both citizenship *and* feelings. As we will see, citizenship - *being an ordinary British citizen* – became increasingly dependent upon and intelligible through intimate life and its affective registers in post-war Britain.

Implicit in Matthew R's faith in Ruth's latent potential for good citizenship, was a definition of citizenship, specifically female citizenship, dependent upon motherhood, child-rearing and the family. The child, in this formulation holds an almost magical redemptive and rehabilitative quality. Ruth will (my emphasis) become a 'good citizen', if only she is 'given a chance to go back to her dear children'. Ruth's performance of good citizenship wasn't merely dependent on her being able to look after her children, but also to *love* her children. Here the affective aspects of intimacy blur with the social function of both the family and citizenship more broadly. Drawing on his own personal experience of grief, 'It is bad enough when parents die naturally – I know from bitter experience', Matthew R. articulated an attachment firstly with her children – the faceless child on the front of *Empire News* – a form of sympathy driven



through personal identification with infant grief, and secondly with Ruth herself as both *his* and a generic absent mother.

By examining the relationship between letter-writing, the production of sympathy and acts of personal identification, I track how certain emotions, *love, grief, anger and jealousy*, acted as binding agents – sticky attachments – that cohered to produce a collective sense, perhaps a collective feeling, of the affective ethics of everyday life. If in earlier chapters we have examined the cultural process that made sympathy for crimes of passion possible, here we pivot to the ways self-professed ‘ordinary’ citizens articulated their own sense of solidarity with those who killed, supposedly because of the pain caused by intimate life.

My argument then, has two broad components: one theoretical, the other historical. In looking at how the circulation of emotion worked to produce bonds between strangers, I am indebted to work in affect and queer studies, as well as recent turns in the history of emotion, that critically examine the political work emotion does in creating and building collectives and policing populations. As Sara Ahmed argues, ‘it is through emotions that the boundaries of the social and the subject are drawn.’<sup>14</sup> Ahmed’s theorisation of emotions, not as things subjects *have* but as *things* that circulate between subjects and objects, compliments Monique Scheer’s suggestion that emotions are things people *do* rather than have, they are, to paraphrase the title, a form of practice.<sup>15</sup> Matthew R.’s grief, at the loss of his own mother and the imminent death of Ruth Ellis, a very public and symbolic mother, exemplifies how emotions circulate in specific material and historical contexts, attached to objects that both bind subjects through identification – in this case a shared experience of maternal loss - and set the limits to that

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<sup>14</sup> Sara Ahmed, *The Cultural Politics of Emotion* (Edinburgh, 2014), p. 4.

<sup>15</sup> Monique Scheer, ‘Are Emotions a Kind of Practice (and Is That What Makes Them Have a History)? A Bourdieuan Approach to Understanding Emotion’, *History and Theory*, Vol. 51, No. 2 (2012), pp. 193–220.

identification – Ruth’s redemption and rehabilitation into full citizenship was contingent upon a very restrictive definition of motherhood and maternal love.

My chapter argues that the circulation of specific emotions served to generate sympathy for Ruth Ellis as a condemned prisoner – ‘the mother in the shadow of the gallows’ – and enabled a form of identification, not only with Ruth’s social position – a mother of young children and a woman who had suffered domestic abuse more specifically - but also with the *feelings* that led Ruth to kill David Blakeley. Thinking about emotions as something that circulate, moreover, help bring the mechanics and technologies of this circulation more firmly into view. The most obvious mode of circulation here is newspaper production. Newspapers were the primary means a wider British ‘public’ read about and made sense of Ruth Ellis’ crime. Several popular journalistic styles were deployed in narrating Ruth Ellis and her crime; criminal exposé, trial report, scathing editorials on the ethics of capital punishment, opinion polling on public attitudes to the case, and sensationalised ‘exclusive’ life stories written by family, friends and even Ruth herself. The style, form and genre of these shaped what could be known about Ruth, and more specifically, determined the shape and structure of what could be felt.

I want to be careful not to place an overly deterministic agency to the popular press in shaping emotional responses. As we will see, letter writers engaged carefully with the newspapers they read, determining meaning within a wider tapestry of their own lives. But what I *do* want to draw out is how the genre and style of a journalistic form such as the life-story, encouraged a specific way of consuming, reflecting and responding to Ruth Ellis, that both made it possible, and actively encouraged, the production of sympathy and personal identification with Ruth and her emotions.

It is no surprise to find next to the ‘Mother in the Shadow of the Gallows’ on the front page of the *Empire News*, stood the headline ‘My Sister Ruth has Lost the Will to Live’, an ‘exclusive’

life-story ostensibly written by Ruth's Brother Granville, serialised over the three weeks between her sentence and execution.<sup>16</sup> Squeezed in beside this, hugging the edge of the page, was a teaser for next-week's exclusive, 'the Secret Life of Ruth Ellis', 'written' by her close friend Jacqueline Dyer.<sup>17</sup> The front page of the *Empire News*, from the family snapshot to the candid reflections of Ruth's brother and the sensational secrets proffered by her closest friends, not only traded in the sentimental iconography of the family, but also focused explicitly on making private and interiorised life – the world within the individual – public and available for consumption.

We need to, however, break these responses into two distinct parts. The first is the production of sympathy, the second, the ways letter writers were able to *identify* with Ruth's plight and more specifically her feelings. Sympathy and identification are not the same thing, though they can, of course, co-exist.<sup>18</sup> The focus of my chapter is moments where sympathetic responses mixed with either personal reflections or resonances. I examine how personal identification with Ruth's feelings could coincide, even contribute to, a self-reflexive identification with being or feeling 'ordinary'. Such identification, I argue, drew upon the long established cultural practice of recognising passionate violence as a regrettable, yet ultimately *normal* response to the demands of intimate life in twentieth century Britain.

The letters this chapter focuses on are a site where histories of feeling, selfhood, intimacy and sexual morality converged with a new significance and salience of citizenship and 'ordinariness' in post-war Britain. These letters reflected a specific post-war valorisation of

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<sup>16</sup> 'My Sister Ruth has Lost the Will to Live', *Empire News* (London), 26<sup>th</sup> June 1955, p. 1; Seen in: TNA, HO 291/237.

<sup>17</sup> 'Girl Friend Fights to Save Ruth Ellis', *Empire News* (London), 26<sup>th</sup> June 1955, p. 1: Seen in: TNA, HO, 291/237.

<sup>18</sup> See for instance: Candace Clark, *Misery and Company: Sympathy in Everyday Life* (Chicago, 1997), pp. 3-27; Martha Nussbaum and Alison LaCroix, eds., *Subversion and Sympathy: Gender, Law, and the British Novel* (New York, 2013).

ordinariness, which as Claire Langhamer argues, ‘was a powerful, yet mutable category that was widely harnessed as a distinctive social and political standpoint.’<sup>19</sup> Furthermore, as Langhamer has also explored, ordinariness, and the practice of good citizenship this ordinariness often denoted, increasingly developed a specific emotional quality, where feeling became ‘an increasingly legitimate basis upon which to assert knowledge claims about the world, and carve out a space in civil society.’<sup>20</sup> These letters support such a claim in two ways. Firstly, and perhaps most simply, the strength and scale of the letter-writing and petitioning campaign demonstrates how a certain set of feelings, *anger, disgust, pity, grief*, both fuelled and legitimated their public appeals *as* citizens. Secondly, the associations between ordinariness, feeling and intimate life letter-writers articulated, reveals how sexual subjectivities themselves were becoming a marker of ordinariness, and their management a key component of good citizenship.

In many ways the reprieve campaign marks a culmination point for the processes my earlier chapters have explored. The letters themselves lend further weight to a number of historians’ argument that reflexive, interiorised, and individualised selfhood, fuelled by the democratisation of education, writing and psychological knowledge, was a common – almost universal - way of living and being in the world that cut across class hierarchies by the 1950s.<sup>21</sup> Very few earlier reprieve campaigns had such a startling number of individual letters of varying style and emotional intensity. Indeed, earlier campaigns composed mostly of formal petitions organised by the condemned prisoner’s solicitors. The chaos of Ruth Ellis’ Home Office files,

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<sup>19</sup> Claire Langhamer, ‘“Who the Hell Are Ordinary People?” Ordinariness as a Category Of Historical Analysis’, *Transactions of the Royal Historical Society*, Vol. 28 (December 2018): pp. 175–95, p. 194.

<sup>20</sup> Claire Langhamer, ‘An Archive of Feeling? Mass Observation and the Mid-Century Moment’, *Insights*, Vol. 9, No. 4 (2016), pp. 1–15, p. 13.

<sup>21</sup> Carolyn Steedman, ‘State-Sponsored Autobiography’ in Becky Conekin, Frank Mort and Chris Waters (eds.), *Moments of Modernity: Reconstructing Britain, 1945–1964* (London, 1999), pp. 41–54.

hundreds of individually penned letters, vividly demonstrates this democratisation of writing and political protest.

In these letters, we see how arguments over the power of jealousy was reworked and mobilised to be compatible with the political salience of the 'ordinary' citizen in post-war Britain. The relationship between sex and citizenship, intimacy and ordinariness was a contradictory and ambivalent one. As those moved by Ruth Ellis' execution articulated so clearly and painfully, an attachment to family, motherhood and the home co-existed uneasily and precariously with the powerful desire drives of the autonomous self. The intimate and social practices that indicated good and ordinary citizenship were always subordinate to, or at least contingent upon, the capricious whims of the emotional body. Jealousy, rage, infatuation - emotions felt and articulated as a common and shared part of intimate life - threatened to destabilise and destroy hard-won ordinariness. Everyone, it seemed, could find their ordinariness undermined by the force and ferocity of intimacy gone wrong.

As we have seen, this was a feature of reprieve campaigns from the early twentieth century, yet it took on new significance and had new political dimensions in the post-war years. Ordinariness as a political category became a project of managing your emotions in the service of building a nation of healthy families. As historians of sexuality have shown, the symbolic importance of the post-war family served to both vilify the homosexual as a public threat to children *and* shape the nascent campaign for decriminalising sexual practices between men as a project for the right to *privacy*.<sup>22</sup> The private and the domestic were the hallowed realms of post-war Britain. Emotionally nourishing marriages, healthy children invested with dreams of

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<sup>22</sup> See for instance: Richard Hornsey, *The Spiv and the Architect: Unruly Life in Post-war London* (Minneapolis, 2010), p. 16. Jeffrey Weeks, *Coming Out: Homosexual Politics in Britain from the Nineteenth Century to the Present* (London, 1991); Matt Houlbrook, *Queer London: Perils and Pleasures in the Sexual Metropolis, 1918-1957* (Chicago, 2005), pp. 242-243.

the advancement and betterment in the future, these were the rewards of war and the promise of the welfare state.<sup>23</sup>

Yet behind the hallowed walls of the family home stood a nation of ‘ordinary people’, it seemed, often struggling to manage the emotional demands, and difficulties that came with shaping the autonomous sexual self into the confines of marital and family life. Ruth Ellis’ crime of passion generated a sympathy based on the force of emotional life reminiscent of reprieve campaigns over the previous half-century. However this sympathy was now caught up within a society and culture where the intimate, the sexual and the private held heightened political significance. Within these letters we see ‘ordinary citizens’ working through these contradictions in their own words, as sexual selfhoods and political citizenship increasingly coalesced.

The following section focuses more specifically on the letters as an archive and these letters as historical documents. To use Mary Favret’s wonderfully productive phrase, it closely examines the ‘envelope of historical contingency’ that framed who was writing and how these people argued their case on behalf of Ruth Ellis.<sup>24</sup> I examine the social and geographic locations of the letters themselves, revealing their dependence upon longer traditions of middle-class and bourgeois humanitarian protest as well as middlebrow literary genres. What was new about this campaign, I argue, was the further democratisation of public protest in post-war society. The reprieve campaign was represented by the popular press as a democratic one, attracting letters from people ‘from all walks of life’. Such positioning was reflective of the impact of democratisation not only of active political citizenship but of the cultural resources that encouraged a personally centred and emotionally expressive form of written protest.

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<sup>23</sup> Thomson, *Lost Freedom*, p. 49.

<sup>24</sup> Mary A. Favret, *Romantic Correspondence: Women, Politics, and the Fiction of Letters* (Cambridge, 2004), p. 56.

I then turn to the technologies that lubricated the circulation of the powerful emotions that lay behind people's aversion to Ruth's hanging. My interest here is the interrelationship between established genres of humanitarian protest and an emerging cultural form of personal confession.<sup>25</sup> I argue that humanitarianism, and the long-established genres that solicited sympathy for the suffering of others, provided a framework through public protest rooted in the authority of the self emerged. In the confessional form utilised throughout the reprieve campaign, we see a new type of protest where the personal was explicitly political.

The second half of the chapter explores the relationship between citizenship, ordinariness, and the threat the passionate body posed to everybody's ordinariness. I first turn to the contestation of what constituted ordinariness, arguing that post-war citizenship both encouraged a new bullishness to 'speak back' to power, as long as this was contained within a business-as-usual commitment to quietness. This sensibility also coincided with a powerful identification with Ruth on the grounds of the emotional demands of everyday intimacy. In so doing, I explore how 'being ordinary' was coalescing around a specific conception of citizenship, public duty *and* the careful (yet often impossible) management of sexual selfhood and passion. Such forms of identification flipped the gendered frameworks of the passionate, (potentially) criminal body we've already explored. Women increasingly identified male violence, and the threat of this violence, as a burden that made everyday intimacies often difficult and impossible to manage. However such arguments often fixed women as inherently emotional, passionate, and particularly susceptible to passionate violence. This then obscured how these very ideas had served to mitigate *male* violence with depressing regularity over the first half of the twentieth century.

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<sup>25</sup> Deborah Cohen, *Family Secrets: The Things We Try to Hide* (London, 2014), p. 251.

I conclude by probing more explicitly the limits to such identification, to ask more broadly who was able to *feel like* Ruth Ellis. Paying attention to the how these claims to ordinary citizenship were articulated within the context of rapid decolonisation and the mass migration of British colonial subjects to the metropole, I draw attention to the racialised aspects of the reprieve campaign. I argue that in the post-war period we see the emergence of an emotional community that increasingly recognised itself through a collective conception of intimate and sexual life. Yet the powerful exclusionary zones latent in this form of collective belonging shaped who could be recognised as citizens. In so doing it *also shaped* whose emotions were understandable, and by extension universal, and whose were dangerous, subversive and deviant.

## Who Was Writing for Ruth Ellis?

‘On the Home Secretary’s desk’, opened an article in the conservative leaning *Daily Sketch* newspaper on the 4<sup>th</sup> of July 1955, ‘there stands a calendar turned to July 13<sup>th</sup>.’ The 13<sup>th</sup> of July was the date fixed for Ruth Ellis’ execution. ‘It is a grim and continuous reminder to the Home Secretary’, the *Sketch* continued, ‘of the most agonising decision, short of declaring war, that any statesman can be called upon to make.’<sup>26</sup> Stressing the gravity of high office and the solemnity of the decisions those in such positions must make, *The Sketch* contrasted this with the growing campaign for Ellis’s reprieve. ‘He has a right to be protected from half-hysterical public clamour in some sections of the Press. He has a right to be left alone to reach an unbiased judgement without being assailed by emotional and partisan appeals when he needs a cool and quiet mind as he never needed it before.’<sup>27</sup>

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<sup>26</sup> ‘The Sketch Says – One man and Ruth Ellis’, *The Daily Sketch* (London), 4<sup>th</sup> July 1955, page number unknown, in TNA, HO 291/237.

<sup>27</sup> ‘The Sketch Says – One man and Ruth Ellis’.



Refracted through an ideological and commercial tug-of-war with its competitors, most notably the *Daily Mirror*, the *Sketch* characterised appeals to the Home Secretary on behalf of Ruth Ellis as hysterical, over-emotional distractions that obstructed good and proper – read ‘cool’ and ‘quiet’ – governance. The *Sketch*’s characterisation of the reprieve campaign reflected the battle for moral authority between emotion and reserve that lay at the heart of the Ruth Ellis case.<sup>28</sup> Between the date of Ruth Ellis’ sentence and that of her execution, the question of whether she should be reprieved dominated newspaper coverage in Britain and fuelled a steady supply of petitions and letters into Whitehall postbags. The archival traces of this campaign, housed in three Home Office files relating to the Ruth Ellis case, challenges the *Sketch*’s dismissive characterisation of such appeals as the distracting emotional and partisan appeals of a hysterical public.

To be sure, many letters *were* emotional, some were even partisan. They are rare historical examples of moments where a public, self-consciously recognising themselves as a collective of citizens, ‘spoke back’ to government representatives. As Daisy Payling has argued, the immense growth of opinion polling, social surveys, and focus groups in the post-war period, by government, political parties, social welfare institutions and businesses alike, resulted in a population very much self-aware of itself as a population.<sup>29</sup> In the petition archive, we see the effects of this, as citizens asserted the right to speak back and have their voices heard *as* citizens.

Most of the 530 petitions retained in Home Office files were individually penned letters. There are also letters co-authored by married couples, friends, and small groups. Larger petitions also

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<sup>28</sup> Langhamer, “The Live Dynamic Whole of Feeling and Behavior”, p. 419.

<sup>29</sup> Daisy Payling, “The People Who Write to Us are the People Who Don’t Like Us’: Class, Gender, and Citizenship in the Survey of Sickness, 1943–1952”, *Journal of British Studies*, Vol. 59, No. 2 (April 2020), pp. 315–42, p. 322; For a history of a similar phenomenon in the United States during this period see: Sarah Igo, *The Averaged American: Surveys, Citizens, and the Making of a Mass Public* (Cambridge MA, 2007).

appear with hundreds of signatures, many bearing the scuffs and dirt-marks that came with being handed around streets, suburban neighbourhoods and housing estates. 472 of these petitions, almost 90%, were in support of a reprieve, while 57 were against. As the later postmarks imply, the smaller anti-reprieve campaign was a direct consequence of the pro-reprieve campaign, people who agreed with the *Daily Sketch*'s depiction of it as hysterical and over-emotional and felt compelled to balance the record. Of the letters written by individuals, it's possible to ascertain that 153 of these were written by men, 134 by women. The rest are either written by couples, groups or the gender of the writer is ambiguous. From the information we do have, and the general *feel* of the archive more broadly, I agree with the criminologist Lizzie Seal's suggestion that the archive is relatively evenly split between men and women, both in the letters for and against a reprieve.<sup>30</sup>

The main focus of this chapter is personal appeals to the Home Secretary, often several pages in length, offering thoughts on the ethics of capital punishment, the morality of hanging a woman, and the peculiarity of crimes of passion, often in reference to their own feelings and personal experiences of intimacy. These types of letters, however, were only one way people petitioned and made their feelings known. In fact, these sorts of letters form only a significant minority of the appeals we do have. The majority of appeals are short, only a few sentences, and many follow a set pattern; 'The undersigned, wish to appeal for a reprieve for Mrs Ruth Ellis now convicted of murder and under sentence of death'.<sup>31</sup> These letters are much more in keeping with the substance of earlier reprieve campaigns we've already explored. They were part of a co-ordinated campaign by Ruth Ellis' solicitors, prominently advertised by the *Daily Mirror*, the self-appointed spearhead of the reprieve campaign. Ellis' solicitors Cardew-Smith

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<sup>30</sup> Seal, 'Ruth Ellis and Public Contestation of the Death Penalty', p. 494.

<sup>31</sup> Most of these letters and petitions were filed together in TNA HO 291/236, suggesting that the civil servants differentiated them from the more personal and idiosyncratic appeals.

and Ross published a press-release advising on how people should compose their reprieve.<sup>32</sup> This was published verbatim by the *Mirror*, advising their readers to send appeals directly to the solicitors themselves.<sup>33</sup>

Six days later, Cardew-Smith and Ross forwarded what they received; ‘We enclose 43 unopened letters addressed to the Home Secretary which have been received at this office. We also enclose 694 letters and 179 petitions containing 7,075 signatures also received by us.’<sup>34</sup> With the Home Office archive containing only 530 letters, it is likely the Home Office only kept letters directly addressed to Lloyd-George and destroyed most of the appeals forwarded to them. Approximately 83 of the 472 letters for a reprieve kept by the Home Office follow the exact wording as printed in the *Daily Mirror*, with around 40 more following a similar pattern.

Looking at letters sent to public figures during the abdication crisis, the historian Frank Mort highlights how many letter writers were middle-class women from suburban and provincial backgrounds. Their anguished appeals and personal identification with the sovereign were reflective, Mort argues, of a feminine middlebrow culture where letter-writing was a well-established and popular medium for self-actualisation and affirmation.<sup>35</sup> Such forms of life-writing were in turn part of a longer history of women’s engagement with the epistolary form.<sup>36</sup> Following Mort, we see a similar geographic and social pattern in the Ruth Ellis archive. Suburban and provincial addresses appear frequently, particularly in letters written by women. On thick letter-paper topped with embossed addresses from affluent postcodes, the letters often have a markedly more formal structure, in some cases shown by the self-consciously

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<sup>32</sup> TNA, HO 291/236,

<sup>33</sup> ‘Save Ruth Ellis’ Petition Is Planned’, *The Daily Mirror* (London), Friday 3<sup>rd</sup> July, 1955, p. 3, in TNA HO 291/237.

<sup>34</sup> TNA, HO 291/236.

<sup>35</sup> Frank Mort, ‘Love in a Cold Climate: Letters, Public Opinion and Monarchy in the 1936 Abdication Crisis’, *Twentieth Century British History*, Vol. 25, No. 1 (March 2014), pp. 30–62.

<sup>36</sup> See for instance: Amanda Gilroy and W. M. Verhoeven, eds., *Epistolary Histories: Letters, Fiction, Culture* (Charlottesville, 2000); Margaretta Jolly and Liz Stanley, ‘Letters as / Not a Genre’, *Life Writing*, Vol. 2, No. 2 (2005): pp. 91–118.

subservient and polite mode of public address, and in others through the confident and natural way that public petitioning blended easily with life-narratives. The length, fluidity and reflexivity of the appeal reflected a confidence with the epistolary form and with public participation. More often than not, such expressive appeals came from middle-class petitioners, who were well-versed in the language of petitioning and humanitarian action on behalf of less fortunate others.

Petitioning was both driven by the middle-classes and also *perceived* as a middle-class activity. Take for instance the letter A. C., ‘a resident of the S.W.17 postal district [Streatham, South-West London]’ wrote on the 6<sup>th</sup> of July. Incensed at what he described as the ‘hawking of petitions’, he argued that:

a great number of those persons who signed these documents scarcely knew what they were signing or in what cause, and in fact some of those persons, being of limited education, signed merely because they were overawed by the person who called upon them.<sup>37</sup>

He concluded by aligning himself with, but disapproving of, his fellow middle-class citizens engaged in such a practice; ‘Again, as a responsible middle-class business man I trust that you will prevent the establishment of such an alarming precedent.’<sup>38</sup> Contained in A. C’s diatribe, we see an implicit classed conception of who was petitioning, indeed who *could* petition.

Yet the archive as a whole is far too interesting to be characterised one-dimensionally as another example in the long history of middle-class petitioning. What makes this archive unique, amongst other things, is the extent to which we see the democratisation both of the act of petitioning and the form of life-writing these petitions were framed within. The social and class composition of the letters is in no way uniform. While middle-class voices are, unsurprisingly, over-represented, this is not an archive of solely middle-class dissent.

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<sup>37</sup> TNA, HO 291/236, #499 A.G.C. to SoS.

<sup>38</sup> TNA, HO 291/236, #499 A.G.C. to SoS.

The reprieve campaign itself, as an object of news and notoriety in its own right, was represented in overtly democratic terms. ‘The writers are from all walks of life’, wrote the *Evening Standard*, ‘typists, labourers, accountants, schoolmasters, housewives’.<sup>39</sup> Not only were more people, from different social strata, petitioning in a way that was once mainly the purview of the middle-classes, but such democratisation was self-reflexively and self-consciously mobilised to emphasise the popularity of the reprieve campaign. In so doing, it reflected, and reinforced, the shifting post-war terrain of who and what constituted the public, public opinion and ordinary citizenship.

Many appeals, from across different social positions, self-reflexively claimed a cross-class conception of common citizenship. This cut across classes while reinforcing class difference. Take for instance the above ‘responsible business man’, and contrast it with G. D’s letter from Handsworth, a poor, working-class area in north-west Birmingham. Like A.C, he was similarly incensed by the reprieve campaign, and he opened his appeal against a reprieve by claiming a similar ‘ordinary’ respectability, ‘I’m just a working chap, law abiding and a decent citizen’.<sup>40</sup> Both letters claim the right to appeal through a shared claim to citizenship, yet such citizenship was articulated from different class positions, ‘the respectable business man’ and the ‘working chap’. As we will see in the next section, such formulations were a part of the wider significance of *being* and *feeling* ordinary – being and feeling ‘decent’ - in post-war Britain.

Social class and difference shaped the archive in important ways. To be sure, the middle-class tradition of humanitarian protest and middlebrow genres of life-writing meant that many of the more emotionally expressive and intimate appeals were written by women from affluent

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<sup>39</sup> ‘They All Ask by Letter: Please Save Mrs Ellis’ *Evening Standard* (London), date and page unknown; Seen in TNA, HO 291/237.

<sup>40</sup> TNA, HO 291/236, #486 G. D. to SoS.

suburbs and provincial towns. Though not all. The archive reflected the further democratisation in the post-war period of both political action *and* self-reflexive forms of life-writing.

## Newspapers, Life-Stories and the Confessional

Newspapers played a galvanising role in Ruth Ellis' reprieve campaign. Many petitions were constructed through a complicated engagement with newspapers and the different forms through which they reported on Ruth Ellis' crime. Newspapers were the primary means a wider public learnt about Ruth Ellis and constructed their appeals in conversation with their trial reports, features and 'exclusive' life-stories.

Writing from the 'Flora Baker Wing' of the Central Middlesex Hospital, Anne E. opened by stating, 'I have read with much interest the different cases in the newspapers these past two weeks', qualifying such intense reading by continuing, 'Of course now I am on the sick list I have much more time for reading.'<sup>41</sup> Many writers went one step further than Anne, and attached the newspaper articles that had moved them. The author Raymond Chandler's pro-reprieve letter to the *Evening Standard*, was particularly popular and was attached by several petitioners. 'I had precisely that feeling', wrote Charles G. in response to reading Chandler's letter, 'in reading of her – Ruth Ellis – condemnation, and could only feel distressed in the whole circumstance of the crime.' 'I would like to say sir', he continued, 'that that letter [Chandler's] and those sentiments became mine.'<sup>42</sup> Pro-reprieve opinion pieces, notably by the columnist 'Cassandra' in the *Daily Mirror*, and Howard Culpin in the *Evening News* were commonly included within letters. One anonymous petition simply forwarded a cutting of Culpin's piece, with a short commentary written directly on top of Ruth Ellis' photograph [Figure 10]. Such cuttings are interesting historical artefacts, a material trace of news and media

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<sup>41</sup> TNA, HO 291/235, #13 Anne E. to SoS.

<sup>42</sup> TNA, HO 291/235, #60 Charles G. to SoS.

consumption used to strengthen personal and intimate appeals. These letter-writers were self-consciously stitching their own opinions into a wider circuit of public thought.



Figure 10, TNA, HO 291/235, Ellis, Ruth #81, Anonymous to SoS.

If other letter writers didn't explicitly acknowledge the source of their information about Ruth Ellis, their deep knowledge of the case and the attention to detail their appeals contained were reflective of a similar intense interest and deep engagement with newspaper coverage. In an eight-page long appeal, Miss R. E, writing from Bayswater in west London, presented six points of mitigation that she thought was more than enough evidence to justify a reprieve. 'It is based', her appeal began:

on the firm conviction that David Blakeley was a professional provocateur who knowingly and deliberately deceived Mrs Ellis as to his real character and intentions, whose sole intent was to attain a similar position of monetary independence which Mrs Ellis had attained.<sup>43</sup>

She then continued to lay out her 'evidence in support of this aspect of Blakeley', which consisted of a close reading and rearticulation of Ruth and David's fraught relationship. While the evidence that R.E. drew upon did feature, rather briefly, during the trial, the richly textured details of Ruth and David's relationship was disseminated to a wider reading public primarily through the life-stories and (auto)biographies published in the Sunday newspapers following Ruth's sentence:

The quarrels, general unhappiness and constant provocation was due on his part to his love and jealousy for her. As, however, he had succeeded in deceiving Mrs Ellis into believing he loved her the fact that he had failed to convince her that there was no other woman for him scarcely constitutes grounds for his protestation of jealousy on his part.<sup>44</sup>

R.E. built her own understanding of why Ruth Ellis committed murder through the details of her private life and the emotional nature of her intimate life with David. Details that were made visible, most concretely, by serialised life-stories, particularly the 'exclusive' autobiography of Ruth's life published in the *Woman's Sunday Mirror*.<sup>45</sup>

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<sup>43</sup> TNA, HO 291/235, #184 R. E. to SoS.

<sup>44</sup> TNA, HO 291/235, #184 R. E. to SoS.

<sup>45</sup> 'My Love and Hate', *Woman's Sunday Mirror* (London), 26<sup>th</sup> June 1955, p. 1, in TNA, HO 291/237.



‘My Love and Hate’, opened the three-part series in the *Mirror*, introducing the interplay between love and jealousy as its central theme. ‘Only a woman could really understand my state of mind on the night I shot David. And only a woman who had led a similar life to mine could understand how I was irresistibly compelled to do what I did.’<sup>46</sup> An appeal to a gendered conception of the emotional body and a hat-tip towards its audience and a rearticulation of its purpose as a ‘woman’s magazine’, this opening captures the emotional and intimate economy such life-stories traded in. The ‘truth’ of events, the ‘real’ reasons for crime and scandal lay inside, both behind closed-doors and drawn curtains, and *within* the mind and body itself. The gendered nature of this life story; the stress on women’s knowledge and women’s experience, was something many letter writers themselves articulated when identifying with the emotional strain David had placed upon Ruth. It also served to feminise an argument about passionate violence that had long served to normalise male violence against women.

R.E’s letter demonstrates how people consumed and reworked such life-stories to articulate a similar conception of what *caused* Ruth’s crime, but also repositioned and reframed this within the idiosyncrasy of their own argument. R.E’s focus on David as a ‘professional provocateur’, isn’t directly taken from one news article or life-story, but rather is an opinion assembled through multiple readings of different articles. Yet its dependence upon the journalism that uncovered the hidden, interior, and private worlds of crime, criminals, romance and everyday life is undeniable. ‘I have read her life story’, wrote Annie A. from Fife, ‘and that man David Blakely had been cruel to her at different times. She had always forgiven him, and she gave him money and always returned kindness towards him.’<sup>47</sup> Annies’s letter is perhaps the most explicit example of the engagement with these journalistic forms.

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<sup>46</sup> ‘My Love and Hate’, p. 1.

<sup>47</sup> TNA, HO 291/236, #221 Annie A. to SoS.

The invitation to witness the personal and intimate aspects of the case contributed to an increased personalisation of public participation and political protest. Indeed, what makes many of the letters so striking is the intimacy of the letter itself. These petitions not only drew from the personal and interior worlds of the writers themselves, but they also directly appealed to Lloyd-George as person, rather than merely a representative of state-power. Rather than Home-Secretary, many letter writers urged him to make a decision as a father, sibling and husband. ‘Think of your own mother’, wrote Ellen R. from Clonmel in Tipperary, Ireland, ‘your wife or daughter, that losing there [sic] heads in a quarrel or a fit of jealousy could be in Ruth Ellises [sic] place.’<sup>48</sup> Ellen R. expressed here an almost taken for granted assumption that anybody could commit murder due to the force of jealousy, yet focuses specifically on Lloyd-George’s female family members.

Gwilym Lloyd-George’s very famous political family certainly helped in this regard. Many drew on the political legacy of his father, David Lloyd-George, ‘My last words’, concluded Mrs S. on Jersey, ‘are that your father, the great Lloyd George, was above all a humane man.’<sup>49</sup> These were political appeals driven and mediated through the affective and intimate terrain of the family. As this section has made clear, such political action was contingent, in part, on the popularity of confession as a genre, itself reflective of a shift where family and private life, while increasingly sacred, was ever more visible and on view.

## **Humanitarianism and the Legacies of Communal Protest**

If the personal and intimate nature of these petitions makes the archive so striking, it is also important to recognise the older forms of protest, petitioning and civic participation letter-writers drew on in constructing their appeals. Unsurprisingly, given this was a campaign to

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<sup>48</sup> TNA, HO 291/236, #287 Ellen R. to SoS.

<sup>49</sup> TNA, HO 291/235, #202 Mrs S. to SoS.

reprieve someone from the death-penalty, many letter-writers were both aligned to, and framed their appeals within, the long-established and growing campaign against capital punishment.<sup>50</sup> As we have seen, the twentieth century movement against capital punishment had long drawn much of its support from the unease many people felt at executing people (mostly men) who had committed passionate crimes.

Many saw Ruth's imminent execution as a-priori evidence of the barbarity of the death penalty as a punishment and deterrent. Those who aligned their letters for a reprieve with the abolition movement frequently referred back to common and well-rehearsed arguments against the death penalty. It was, they argued, a barbaric, inhumane punishment hardly befitting of a country that dared to call itself 'civilised'. The focus on barbarity, inhumanity and the injustice of state-sanctioned violence calls attention to the well-established traditions of humanitarian activism, specifically humanitarian campaigns against the excessive violence and use of force by the state.

The influence of humanitarian protest runs deeply through the archive, reflected both in the object of their appeals – the pain and suffering the state was inflicting on a young woman and her two children – but also discursive strategies and rhetorical styles letter writers drew upon. If the expressive nature of many of the appeals reflected a specifically post-war trend towards emotional openness, then it's also important to recognise that such bonds of sympathy and personal identification *also* drew on the traditions of eighteenth and nineteenth century humanitarianism.

As scholars such as Karen Halttunen and Vic Gattrell have shown, humanitarian protest emerged in the late eighteenth century, where the moral philosophy of sympathy and the

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<sup>50</sup> Langhamer, "The Live Dynamic Whole of Feeling and Behavior", pp. 416–41; Block and Hostettler, *Hanging in the Balance*, p. 123.

literary technologies of sentiment increasingly encouraged and promoted a form of sensibility where *feeling* and *being moved* by the pain of others was emblematic of moral refinement.<sup>51</sup> Furthermore, the growing medicalisation of the body in the nineteenth century fuelled an aversion and sensitivity to pain and a defamiliarization of death and dying, contributing to a growing revulsion to the pain and suffering of others, and particularly the use of force and the capricious violence of the state.<sup>52</sup> Both Gattrell and Halttunen pay specific attention to the material basis that such cultures of sympathy emerged from. The growth of market exchange and commodity capitalism, the proliferation of cheap printing and the emergence of a reading public this caused, encouraged and strengthened ‘moral circuits’ of sympathy, whether this be for condemned prisoners, enslaved people, children, the working poor or animals.<sup>53</sup>

Humanitarian protest explicitly encouraged a strong, powerful emotional bond between the object of sympathy and those consuming their pain from a distance. Such visceral, bodily reactions to suffering appear frequently throughout the Ruth Ellis archive. ‘I am just horror stricken’, wrote Ruth B. from Marylebone, ‘at the thought of Ruth Ellis hanging.’<sup>54</sup> The personal toll Ruth Ellis’ case took was echoed by many letter writers. ‘Why am I writing to you’, began an anonymous letter, ‘because I have had no peace about Ruth Ellis.’<sup>55</sup> As another anonymous letter exemplified, such powerful affective responses could be debilitating, ‘without a word of lie I have developed paralysis in parts of my body, and my nerves are suffering most terribly.’<sup>56</sup> It was the intensity of this painful emotional response that both

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<sup>51</sup> Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge MA, 2000); V.A.C., Gattrell, *The Hanging Tree: Execution and the English People 1770 - 1868*, (Oxford, 2010); See also: Thomas Laqueur, ‘Bodies, Details, and the Humanitarian Narrative’, in Lynn Hunt (ed.), *The New Cultural History* (Berkeley, 1989), pp. 176-204.

<sup>52</sup> Lucy Bending, *The Representation of Bodily Pain in Late Nineteenth-Century English Culture* (Oxford, 2000), pp. 177-239.

<sup>53</sup> Karen Halttunen, ‘Humanitarianism and the Pornography of Pain in Anglo-American Culture’, *The American Historical Review*, Vol. 100, No. 2 (1995), pp. 303–334.

<sup>54</sup> TNA, HO 291/235, #132 Ruth B. to SoS.

<sup>55</sup> TNA, HO 291/235, #88 Anonymous to SoS.

<sup>56</sup> TNA, HO 291/235, , #139 Anonymous to SoS.

compelled many to write and legitimated their appeal, 'I feel impelled', wrote one anonymous letter, 'by an inward force, to appeal to you for mercy on behalf of her.'<sup>57</sup> Suffering nerves, illness, paralysis- all of these responses have an older, sentimental feel to them, as characteristic of nineteenth century humanitarian campaigns as it is the culture of emotional expression emerging in post-war Britain.

The long history of humanitarian revulsion to pain and suffering also contextualises some of the more voyeuristic and erotic letters in the archive. As Halttunen has argued, revulsion and disgust in response to pain was always stalked by an inverse set of emotional responses. As pain increasingly became intolerable, this also creates the conditions for it to become 'pornographically pleasurable.'<sup>58</sup> The new significance of the healthy body as an ideal and the suffering body as obscene, 'placed a new imaginative significance on the body as illicit, prurient and titillating.'<sup>59</sup> It is this hazy borderland between disgust and desire that historians such as Judith Walkowitz and Seth Koven have explored, highlighting how humanitarianism, philanthropy and social justice movements appealed (primarily to middle-class audiences) through a dual horror at, and desire of, the hungry, the dirty or the mutilated body.<sup>60</sup> Both pay close attention to how humanitarian inspired literature, whether that be novels, newspaper reports or social surveys, drew on the genres of the gothic, horror and sensation to elicit a heady mix of revulsion, sympathy and excitement. Popular journalism, from the 'penny dreadfuls' of the late nineteenth century to the Sunday newspapers this chapter focuses on, has carefully negotiated, and profited from, these multiple affective and erotic responses to crime, poverty and violence.

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<sup>57</sup> TNA, HO 291/235, , #116 Anonymous to SoS.

<sup>58</sup> Halttunen, 'Humanitarianism and the Pornography of Pain', pp. 303–334, 306.

<sup>59</sup> Halttunen, *Murder Most Foul*, p. 66.

<sup>60</sup> Judith R. Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late Victorian London* (London, 1994); Seth Koven, *Slumming: Sexual and Social Politics in Victorian London* (Princeton, 2004).

In the case of Ruth Ellis, the interplay between sympathy and desire was further charged by explicit sexualisation and objectification. Her job as a night-club host, her peroxide-blond hair, her multiple-lovers and her transient and fluid movements through sexualised and transgressive urban-spaces, contributed to the production of Ruth as an object of desire, disgust and pity. We can begin to glimpse the complex interplay between both competing representations of Ruth and the sympathetic and libidinal responses they generated in placing newspaper coverage against some of the more directly desirous petitions in the archive. Take, the front page of the *Daily Mirror* on the 4<sup>th</sup> of July, ‘Ruth Ellis Leaves Her Cell to Go to Church’:

Ruth Ellis, the blonde ex-model under sentence of death for murder, sat in the church of Holloway Prison yesterday screened from the other prisoners. Green curtains hung on three sides of the pew. Only the padre could see her – and she could see only the padre.<sup>61</sup>

What on the surface is a poignant and pious picture, a moment of confession and penitence was also laced with erotic undercurrents. The piece trades in the erotics of visibility and invisibility, seeing and not seeing. The intense, temporary and transient privacy between Ruth and the padre, the unnecessary reference to Ruth as a ‘blonde ex-model’, all blurred the boundary between confession and the peep-show. This is a peep-show where the reader has the ability – and perhaps pleasure – of peeping behind the curtain and catching a glimpse. It isn’t just the padre who can see Ruth.

Unsurprisingly, the reprieve campaign reflected how sympathy could bleed into desire and attraction. This could range from a self-conscious repression or denial of being attracted to Ruth, as was the case in Gunnar R.’s letter, ‘P.S. Her Beauty has nothing to do with this, nor

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<sup>61</sup> ‘Ruth Ellis Leaves Her Cell to Go to Church’, *Daily Mirror* (London), 4<sup>th</sup> July 1955, p. 1.

the fact that she is a woman', to explicit declarations of love, 'I am dearly in love with her', admitted Martin N., 'and I grant you my honest writing for her that I now wish to marry her'.<sup>62</sup>

The erotics that lurked in the spectacle of state-violence came clearly to the fore in Leonard P.'s letter, who, while initially asking for a reprieve on 'sympathetic grounds', continued by asking that if no reprieve was to be forthcoming, 'your permission as a private individual to witness the execution on the morning of the 13<sup>th</sup>.'<sup>63</sup> Conversely, desire for Ruth, in a more repressed and disgusted form, manifested predictably in an outpouring of misogyny in letters that opposed a reprieve. A few of these letters were downright venomous and ugly diatribes; 'Demi-prostitute, Demi-whore, living with two men and maybe more', began an anonymous letter, reflecting, albeit in an idiosyncratic form, a common trope in anti-reprieve letters that equated Ruth's promiscuity with sex-work.<sup>64</sup> 'Burn her at stake', a scrawled anonymous letter went further, 'Witch. Callous. Let her pay the penalty underworld.'<sup>65</sup> Fixing Ruth as an erotic and sexualised object resulted in both explicit attraction, desire and love *as well as* in a more repressed form, disgust, hatred and incitement to misogynistic violence.

The specific sexual politics of the 1950s is clearly crucial context here. Ruth's sexualisation reflected not just long-established tropes in the representation of feminine criminality, but also the growing commercialisation and commodification of the sexualised female body in popular culture. Disgust and approbation towards Ruth's promiscuity, moreover, was in part reflective of the wider discourse of moral decay, particularly decay in urban spaces, which haunted, and indeed was a fracture point, of post-war reconstruction.<sup>66</sup> Yet, understanding how such historically specific responses to sex and crime were both felt, conceptualised and circulated,

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<sup>62</sup> TNA, HO 291/236, #334 Gunnar R. to SoS; TNA, HO 291/236, #157 Martin Nolan to SoS.

<sup>63</sup> TNA HO 291/236, #315 Leonard P. to SoS.

<sup>64</sup> TNA, HO 291/236, #490 Anonymous to SoS.

<sup>65</sup> TNA, HO 291/236, #530 Anonymous to SoS.

<sup>66</sup> Richard Hornsey, *The Spiv and the Architect*, p. 16.

*also* requires an appreciation for the established genres, forms and styles that represented crime, deviancy and the criminal *and* the traditions of humanitarian protest and sympathy these were entangled within. If the technologies of humanitarian protest tells us something about the means through which personal and collective feelings were shaped, the reprieve campaign as a specific political action, rather than the discourses it drew on, was *also* shaped by the direction of humanitarian activism in the early twentieth century. Not just specific to the Ruth Ellis campaign, I argue that responses to crimes in passion throughout the twentieth century stood at the intersection of new modes of being in the world and older forms of protest.

The blurred borders between personal appeal and collective protest was no more apparent than in appeals which foregrounded Ruth's motherhood and the fate of her two young children. The experience of motherhood was a powerful mechanism to personally identify with Ruth, while petitions written 'for the sake of her children' were reminiscent, and drew both their form and power from, the growing focus and symbolic importance of the child, in women's, humanitarian and internationalist movements.<sup>67</sup>

Many letter-writers generated their appeals for Ruth and her children through the moral economy of rescue and salvation, long-established tropes in women's philanthropic movements, particularly on behalf of poor working women and children.<sup>68</sup> 'As a woman', wrote C F., 'who believes in saving life when there is only a spark left (physically or morally to save) I should like to put in my plea for this young mother.'<sup>69</sup> In this formulation, Ruth's past actions and behaviour come secondary to her latent potential as a mother, something achievable through rescue, forgiveness and moral education. The desire to rescue, while more

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<sup>67</sup> See for instance: Emily Baughan, 'Every Citizen of Empire Implored to Save the Children!' Empire, Internationalism and the Save the Children Fund in Inter-War Britain', *Historical Research*, Vol. 86, No. 231 (February 2013), pp. 116–37.

<sup>68</sup> Caitríona Beaumont, *Housewives and Citizens: Domesticity and the Women's Movement in England, 1928-64* (Manchester, 2013), e.g. p. 20.

<sup>69</sup> TNA, HO 291/235, #149 C F. to SoS.



implicit, ran through appeals centred on Ruth's children. 'It is of the children one thinks of most', wrote Florence D., 'their awful sorrow of losing a mother... should the hanging takes place'.<sup>70</sup> A petition with fifty signatures, dirty and pockmarked from being passed hand to hand was titled simply, 'Petition for Ruth Ellis for the sake of her children'.<sup>71</sup>

The recurrent themes of rescue and salvation in many of the letters also draws attention to the prevalence and ubiquity of religious language throughout the archive, both in appeals for and against a reprieve. Indeed, perhaps the most unifying aspect of the letters is their religiosity. This ranged from framing the appeals in religious ethics, in an almost cursory, formulaic way - 'May God guide thee to the right decision' - to deep, fervent religious appeals written with an almost evangelical zeal; 'It [Ruth's reprieve], will be God's work through me and then you (to him be there glory) which will certainly be fruitful in making Ruth Ellis a good woman, a devout Christian and a shining example to save other potentially damaged lives.'<sup>72</sup>

This religiosity highlights the significance of what Callum Brown 'discursive Christianity' in post-war Britain. Christianity, beyond the institutionalised practice of church-going, was deeply infused into everyday life, in personal ethics, and woven into the everyday resources used in articulating a sense of self.<sup>73</sup> Religion, as seen through this archive, was both a guiding ethic and an established formula, an easy to reach structure through which to draw a petition from.

The culture of public confession, and the authority of the self so important to the reprieve campaign, clearly didn't appear miraculous and fully-formed at a certain point in the mid twentieth century. As these letters highlight, resorting to personal feelings drew on the long-

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<sup>70</sup> TNA, HO 291/235, #40 Florence D. to SoS.

<sup>71</sup> TNA, HO 291/235, #140 Group petition to SoS.

<sup>72</sup> TNA, HO 291/236, #467 Group petition to SoS; TNA HO 291/235, #116 Anonymous to SoS.

<sup>73</sup> Callum Brown, *The Death of Christian Britain: Understanding Secularisation, 1800-2000* (London, 2009), pp 12-13.

established technologies of humanitarian protest. Moreover discourses of rescue and salvation became deeply embedded in the culture of public protest and provided a language through which this new-found authority of the self was articulated through. As we will see in the next section, what *was* novel about the campaign, something that marked this out as specifically post-war, was how such personal authority as a *feeling subject* was articulated through the conception of being an ‘ordinary citizen’ with a right to speak and be heard.

## Ordinariness, Authenticity and Affective Citizenship

Dorothy W. wasn’t used to writing on public matters. At least, she wanted to give that impression. ‘I have never written a letter to anyone before’, she began, ‘concerning matters outside my own private affairs, but I am completely shocked at the verdict given on Ruth Ellis’.<sup>74</sup> Framing appeals through their unusualness was a common tactic. ‘Although almost forty, began an anonymous letter writer, ‘I have never written to any government official or even newspaper. In this case however, I feel compelled, on the grounds of common decency and humanity to ask your attention in the case of Mrs Ruth Ellis.’<sup>75</sup> Thomas and Margaret Y., in a jointly authored letter, conveyed a similar force and compulsion to do something they had never done before, ‘As a married couple of ten years standing, we entreat you to give able consideration to a reprieve for Ruth Ellis. We have never before been moved to such an action.’<sup>76</sup>

To a certain extent, we can characterise such framing as evidence of the novel and unprecedented mobilisation of people in support of a reprieve. However, the rhetoric of exceptionality wasn’t just a marker of inexperience with the petition form. Rather, the self-conscious articulation of inexperience was part of a more general rhetorical strategy to both

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<sup>74</sup> TNA, HO 291/235, #105 Dorothy Wilson to SoS.

<sup>75</sup> TNA, HO 291/235, #147 Anonymous to SoS.

<sup>76</sup> TNA, HO 291/235, #34 Thomas and Margaret Y. to SoS.

claim and identify with a specific conception of ‘ordinary’ citizenship. Such strategies provided a veneer of ‘quiet’ and ‘restrained’ political participation, something that the historian Chelsea Saxby argues became a well-rehearsed trope of public complaint in late twentieth-century Britain.<sup>77</sup>

Such strategies were clearly an attempt to ward off criticism, already well-rehearsed in the conservative sections of the popular press and media, that the reprieve campaign, and public protest in general, was overly-emotional, eccentric, and hysterical. Claims to ordinariness clearly served to protect letter-writers from general critiques of the reprieve campaign. However, in keeping with the renewed significance of the ordinary and the ordinary citizen in a post-war welfare state, ordinariness also served as the ground through which people legitimated their petition in the face of government authority. ‘As ordinary members of the public, my wife and I would like to associate ourselves with any petition or pleas for clemency you may receive’, wrote Michael G. on behalf of himself and his wife Rita. Referring to themselves as a married couple was itself a marker of ordinariness, a further source of legitimation and authority from which to speak and petition.<sup>78</sup>

Ordinariness was grounded in a commitment to quietness, private-life, decency, and placing limited demands on others, the government or the state. In this formulation, letter-writing and public petitioning, in ‘normal’ circumstances, could be positioned as an affront to such ordinary sensibilities. As Alan B. wrote, ‘I am only a simple man, uneducated with a Christian conscience. I fought six years for the country I love. I am not a crank and have never written a letter like this before’.<sup>79</sup> What was ‘crankish’ for Alan B., was seen as ‘meddling’ by Margaret W., ‘Please do not think I am trying to tell you your job. I am not the usual meddling type, but

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<sup>77</sup> Chelsea Saxby, ‘Making Love on British Telly: Watching Sex, Bodies and Intimate Lives in the Long 1970s’, PhD Thesis, University of Birmingham (2020).

<sup>78</sup> Langhamer, “‘Who The Hell Are Ordinary People?’” p. 177.

<sup>79</sup> TNA, HO 291/235, #48 Alan B. to SoS.

I do feel strongly on this case.’<sup>80</sup> Too much protest, too many letters sent to public figures, and the ‘ordinary citizen’, the ‘simple man’ veers dangerously into eccentric and crankish territory. As a letter writer from Birmingham put it, ‘As an ordinary member of the public, with no axe to grind I respectfully petition you to spare the life of Ruth Ellis’.<sup>81</sup>

This was an undeniably a small ‘c’ conservative sensibility, privileging the private over the public, and laced with a hefty dose of scepticism of public protest, particularly if it was loud or brash. However, such a sensibility didn’t map neatly on to either party political affiliation or class position. This commitment to quietness and privacy is, at first glance, seemingly at odds with the more expansive conception of citizenship and the social that accompanied the growth of the welfare state and post-war reconstruction. However, as Ross McKibbin argues, the radical political transformations of the late 1940s left, in many ways, civil society and popular culture relatively untouched.<sup>82</sup> This created the conditions whereby post-war citizenship was both more active (in the sense that it bestowed greater support and protection for its citizens) yet *at the same time* could accommodate and be complimentary with a more conservative sensibility of everyday life, grounded in privacy, the home, and the family.<sup>83</sup>

As Alan B.’s letter attests, the aversion to being seen as a ‘crank’, didn’t preclude a powerful identification with the nation and the rights and responsibilities of British citizenship. Brown has never written a letter before, but he did, he made very clear, fight for ‘six years for the country that I love.’ Other letter writers similarly demanded a hearing specifically on the grounds of being ‘ordinary’ British citizens. ‘It is my duty [to write] under the law of the land’, wrote William P., ‘Ruth Ellis must not hang’. William’s letter was one of the clearest

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<sup>80</sup> TNA, HO 291/236, #241 Margaret W. to SoS.

<sup>81</sup> TNA HO 291/235, #188, Anonymous to SoS.

<sup>82</sup> Ross McKibbin, *Classes and Cultures: England 1918-1951* (Oxford, 1998), p. 535.

<sup>83</sup> Emily Robinson, ‘The Authority of Feeling in Mid-Twentieth-Century English Conservatism’, *Historical Journal*, Vol. 63, No. 5 (December 2020), pp. 1303–1324, p. 1305.

articulations of the responsibility citizenship brought with it. He even signed his letter simply as a 'British citizen'.<sup>84</sup> Others implied such responsibilities through the language of duty. 'We both felt that', wrote B.G. on behalf of himself and his wife, 'that even as ordinary folk we have a duty to let you know our feelings in this matter.'<sup>85</sup> Harry I. was compelled by a similar sense of duty, 'I do this', he wrote, 'as I consider it my duty as a member of the public.'<sup>86</sup>

Being guided by a powerful sense of duty was reminiscent of older forms of civic responsibility that underpinned humanitarian protest and philanthropic action. Yet what made these appeals different, I would argue, is the confidence, even bullishness, in which letter-writers claimed their right to speak *as* citizens. Like Alan B., many claimed citizenship status, and their right to speak and be heard, through their experience of war and war-service. 'I am 44 married with 6 children', wrote James H., 'and served through the 6 years of war and my father did before me. On these grounds I claim a hearing.'<sup>87</sup> Elinor L. appealed for a reprieve 'in the name of my country' and 'as a woman who has seen her husband and son go to war.'<sup>88</sup> Here the duty to protest blurred with the *right* to be heard.

If the experience and memory of war served to legitimate their claim to citizenship and thus their right to a hearing, then so did other signifiers of what it meant to be 'ordinary'. As three of the previous examples highlight, marriage was a common marker of ordinary citizenship. For the Youngs this was 'as a married couple of ten years standing', the strength of their marriage evidence of their good citizenship. As a letter simply signed 'A housewife' stressed, 'I am a respectable woman, with a good home and a husband whom I love.'<sup>89</sup> Mrs G. from the suburban town of West Drayton similarly began her letter with a reference to her husband and

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<sup>84</sup> TNA, HO 291/236, #293 William P. to SoS

<sup>85</sup> TNA, HO 291/235, #129 B. G. to SoS.

<sup>86</sup> TNA, HO 291/239, #188 Harry I. to SoS.

<sup>87</sup> TNA, HO 291/235, #185 James H. to SoS.

<sup>88</sup> TNA, HO 291/236, #387 Elinor L. to SoS.

<sup>89</sup> TNA, HO 291/235, #155, Anonymous to SoS.

her children, ‘This letter is from a mother of two daughters and a son and both my husband and myself plead with you for her life.’ Situating herself immediately as a ‘mother of two daughters and a son’ both further signified and reinforced her position as an ‘ordinary citizen’. It also implied that the emotional resonance of the child and the family led people to identify and sympathise with Ruth as a mother.

Politically, letter-writers were self-reflexively aware of the rights and responsibilities citizenship conferred, and were increasingly confident in claiming, asserting and ‘speaking back’ to power and state authority. However, such public and political participation was guided and constrained by a sensibility best defined as ‘quiet’: a small-c conservative commitment to the private, the personal and the familial. That such quietness had a specifically familial feel to it further highlights how marriage and the family were themselves indicators of being ordinary. What was novel about such references to family and intimate life were their explicitly affective nature. Indeed, it was the feel of these social relations that further legitimated them *as* ordinary. It wasn’t enough, at least in the space of a public appeal, to perform ordinariness through referencing social and familial status. Rather, a true marker of ordinariness was how such relationships made you *feel*. Ordinariness was conferred through a *loving* marriage, a *caring* childhood. Emotion, in this formulation marked out authenticity. To be ordinary, these letters suggest, you also had to *feel* a certain way too.

## **Precarious Ordinariness: The Passions Strike Back**

If navigating and claiming ordinariness was increasingly contingent upon feeling, then the capriciousness of the emotional body could, as many letter writers exemplified, pose a threat to hard-won ordinariness centred around home, spouse and child. Take, as an example, the letter from Thomas and Margaret we explored above. They were, as we have seen, ‘a married couple of ten years standing’, who sympathised for Ruth Ellis as they believed, ‘that the crime

was committed under such emotional stress that the laws' purpose would never be served by the death of Miss Ellis.' Having carefully crafted a rhetorical display of their own respectability and ordinariness, they pivoted to radically empathising with Ruth, through a shared response to the demands of jealousy and intimate life; 'We have at least an understanding of such emotion', they stated before using this as the very grounds through which an appeal should be granted, 'and can therefore trust that you will give mercy to this tragic woman.'<sup>90</sup>

The curious use of 'therefore trust' implied a tacit assumption that Lloyd-George had experienced the same emotions. They trust he will grant a reprieve because they assume that he, like them, must know what it *feels* like to be jealous, heartbroken, worn down by the affective demands of love, marriage and intimacy. In Thomas and Margaret's formulation, the emotional demands Ruth went through is to a certain extent ordinary, even if her ultimate action was certainly not.

The common experience of jealousy and the painful experience of disrupted intimacy was one of the key conditions for people to both sympathise and personally identify with Ruth. Something as we have seen, was a well-worn tactic in reprieve campaigns usually for jealous men who had killed their wives, lovers or sweethearts earlier in the twentieth century. Using the same confessional form used to narrate Ruth's 'life-story' in the Sunday papers, many people positioned their appeal for Ruth within their *own* experience of jealousy.

In an anonymous letter, 'a housewife' recounted a recent experience that threatened to destabilise her hard-won respectability:

Quite recently, we went away for an annual holiday. During this time, I suffered as much jealousy, hatred, fear and pain that, for a time, my nature was completely changed. The reason for this, was that my husband indulged in a few mild flirtations

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<sup>90</sup> TNA, HO 291/235, #34 Thomas and Margaret Y. to SoS.

with attractive women whom we met; he does not realise to this day the fearful effect his mild disloyalty had on my mind.<sup>91</sup> (Emphasis in original).

The act of confession was the means through which she both understands and identifies with Ruth. ‘If I had been called upon to endure the suffering and humiliation that was the lot of Ruth Ellis, I shudder to think what my reaction might have been.’<sup>92</sup> A very similar letter, also from an anonymous woman, contained the same form of personal confession. ‘I am writing as a woman that nearly found herself in the same boat’, she began, ‘I was greatly attracted to a married man, he to me, we were very much in love and knew we could never have one another as I am married myself.’ Continuing by describing how her lover had ‘become very friendly with a single young lady’, and the pain and jealousy this caused her, she claimed to ‘really understand how she [Ruth] came to shoot the man she loved, as if I had not had a very strong will I could have done the same.’ She positioned this identification as a specifically gendered identification and attachment, ‘A woman is a very different creature than a man...after all aren’t all women just a bit jealous.’<sup>93</sup> Such identifications weren’t solely limited to women and a gendered conception of the emotional body, however. Men similarly identified with the jealousy Ruth felt, and used the confessional form to strengthen their appeal. ‘I have never seen her’, wrote George H., a haulage contractor from Leicester, ‘but I do know that you can be out of your mind with jealousy.’<sup>94</sup> Both men and women articulated a powerful shared conception of jealousy as debilitating, yet hard to avoid within the pressure-cooker of everyday love, romance and intimacy.

If letter-writers identified with the jealousy Ruth felt, women also used the confessional form to describe their own experience of domestic violence, abuse, and emotional manipulation. David’s violence was a prominent feature of the *Woman’s Sunday Mirror’s* feature, the fourth

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<sup>91</sup> TNA, HO 291/235, #115 Anonymous to SoS.

<sup>92</sup> TNA, HO 291/235, #115 Anonymous to SoS.

<sup>93</sup> TNA, HO 291/235, #177 Anonymous to SoS.

<sup>94</sup> TNA, HO 291/235, #154 George H. to SoS.



instalment of which was titled, ‘The Night David tried to Strangle Me’.<sup>95</sup> The description of personal experiences of male violence and control was echoed in a number of letters. ‘A woman understands who has been in the same position’, wrote ‘Mrs B’ from Birmingham, ‘Like myself and millions of others beaten by their own husbands.’ Mrs B’s letter was striking for the immediacy of the violence she is subjected to, conveying a rather striking sense of claustrophobia and oppressiveness, ‘at the moment of writing, I have a big bruise on my back what he did to me, also 18 months ago I received a double black and eye and was told by my doctor I was lucky not to have lost an eye.’<sup>96</sup> For Mrs B, the confessional form was a means to launch a powerful rebuke to the ubiquity of male violence and the wider indifference of men, like Lloyd-George, who held political or judicial power.<sup>97</sup> Lloyd-George’s inaction, his indifference to Ellis’ abuse and manipulation, was evidence of something their own experience of being a woman had already taught them, that the law privileged and protected men, at the expense of women’s safety, security and physical and psychological health. As a Miss H. wrote, ‘I for one will be sorry to be a woman in an inhumane man’s country and I know I won’t be alone in this feeling’.<sup>98</sup> A sentiment shared by another anonymous letter writer, ‘Hundreds of women are anxiously awaiting your reprieve of Ruth Ellis’ (emphasis in original).<sup>99</sup>

Such personal appeals reflected and reinforced a widely held view throughout the archive that the emotional – and often abusive – demands of intimacy meant the crime of passion was a fundamentally different class of crime to other murders. As Miss A. H. wrote, ‘I think a sudden passionate act... does not call for the extreme penalty. It cannot be compared in moral magnitude with murder that are callously planned, committed out for the sake of gain or sheer

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<sup>95</sup> ‘The Night David Tried to Strangle Me’, *Woman’s Sunday Mirror*, Sunday 10<sup>th</sup> July 1955 (London) pp. 6-7.

<sup>96</sup> TNA, HO 291/235, #91 Mrs B. to SoS.

<sup>97</sup> TNA, HO 291/235, #177 Anonymous to SoS.

<sup>98</sup> TNA, HO 291/235, #102 Miss H. to SoS.

<sup>99</sup> TNA, HO 291/235, #112 Anonymous to SoS.

viciousness.’<sup>100</sup> This was a candid articulation of the broader cultural understanding of passionate crime that had long fuelled reprieve campaigns.

Mary O., writing from a small hamlet south of Bangor, North Wales, ‘[felt] strongly that the crime of Ruth Ellis is in a fundamentally different category from many other crimes of violence and is not one to merit the death sentence.’<sup>101</sup> ‘[This] was not murder for gain’, added Allan B., a common ethical delineation between understandable (read emotional) and more deviant (read material) types of crime, ‘she shot [David] in her agony of jealousy.’<sup>102</sup> ‘Jealousy is a terrible thing’, wrote Arthur B. from Torquay in Devon, ‘it seems to me not a case of murder in the ordinary acceptance of the word, but anything under the impulse of one of the strongest emotions in human life. She shot him because she loved him. Not the reverse.’<sup>103</sup> Tom S. agreed that Ruth shot David ‘because she loved him’, going one step further to position women who kill *in general* as guided by love and the passions, ‘This is a lovers’ quarrel; women do not kill men they don’t love; and should be treated as a crime of passion, no matter how seemingly deliberate the action.’ This crime of passion was something Tom S. candidly admitted being capable of committing, and assuming most people would think the same way, ‘Many of us have at times felt almost murderous towards the sex partner,’ he added.<sup>104</sup>

Tom S’s letter is revealing because he presented jealousy as both universal (we’ve all felt murderous) *as well as* something that particularly affected women. Such a leap demonstrated how invocations of the force of jealousy, ones that had previously been used in reprieve campaigns mostly for violent men, was now presented as something women were particularly vulnerable to. As chapter two demonstrated, this reflected the way that jealousy, even when it

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<sup>100</sup> TNA, HO 291/236, #220 Miss A.H. to SoS.

<sup>101</sup> TNA, HO/291/236, #234 Mary O. to SoS.

<sup>102</sup> TNA, HO 291/236, #432, Allan B. to SoS.

<sup>103</sup> TNA, HO 291/235, #157 Arthur B. to SoS.

<sup>104</sup> TNA, HO 291/236, #237 Tom S. to SoS.

affected men, was represented as a feminine, and feminising emotion. At Ruth Ellis' trial, a defence that had for long sought to normalise violent men became reinscribed as specifically feminine crime.

During her trial, Ruth Ellis' defence called the psychoanalyst Duncan Whitaker, who drew rather haphazardly on Jungian psychoanalysis to argue for diminished responsibility grounded in the idea that women were fundamentally more emotional and hysterical than men. Whitaker's argument was thus: Women in general were a) more emotionally invested in sexual relationships than men, b) they subsequently were more affected by sexual infidelity and c) more 'prone to hysterical reactions than men.'<sup>105</sup> This was a long-established gendered conception of the feminine hysteric in quasi-psychoanalytic garb. Such a fixing of female crime was not new, and not unique to English criminal courts. As Ruth Harris has explored in her study of crimes of passion in nineteenth century France, women who killed were often normalised (rather than pathologised) by positioning (and pathologising) women *in general* as fundamentally emotionally unstable and hysteric.<sup>106</sup> Such positioning however ignores the fact that the force of jealousy was consistently *also* (and much more regularly) deployed, in the English criminal court at least, to defend men who had killed out of jealousy, rage, or revenge.

That women in particular were susceptible to violent crime due to intimacy nonetheless became a common motif in the letters sent on her behalf. 'The circumstances of Mrs. Ellis' life', wrote a Miss M.J. from Wandsworth west London, 'which preceded the killing of her lover are not dissimilar to those of many thousands of women who, at her age, have not succeeded in stabilising their emotional life.'<sup>107</sup> Mr W. C. similarly believed that the intensity and volatility

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<sup>105</sup> Jonathan Goodman and Patrick Pringle, eds., *The Trial of Ruth Ellis* (Newton Abbot, 1974).

<sup>106</sup> Ruth Harris, *Murders and Madness: Medicine, Law, and Society in the Fin de Siècle* (Oxford, 1989), pp. 209-227.

<sup>107</sup> TNA, HO 291/235, #171 Miss M. J. to SoS

of women's 'emotional life' made them more susceptible to crimes of passion, 'intense love can turn to intense hate – murderous hate. Women understand this more than men.'<sup>108</sup>

However such evocations of the female body were *also* used to decry the effects of abuse and domestic violence. Take Marie L., who opened her letter by arguing that, 'A woman especially a highly strung woman, is a delicate piece of machinery. Damage to that machinery builds up, builds until one knows that one must be rid of the accumulated mass of wrongs and slights.'<sup>109</sup> A number of letter writers followed Marie but went further, in so doing explicitly including the effects of male violence and abuse as a central part of negotiating and managing everyday intimacies.

Marie, for example, recounted at length her relationship with a sailor in the New Zealand Navy, stationed in Britain during World War II, who returned to New Zealand and broke off all contact with her once she was pregnant. To make matters worse, she discovered that, 'he had (a) a wife of long standing and had two children in Dorchester; (b) he had already bigamously married in New Zealand; (c) he had let down in my own home town another young girl who had a small daughter just nine months older than mine (emphasis in original).' Her own experience formed the basis of her identification with Ruth. 'I was lucky', Marie wrote, 'He was 13,000 miles away, but I verily say to you, that had he been within reach and I had the means I would have done what Ruth Ellis did...there are thousands of us saved by the lack of means of the opportunity.'<sup>110</sup> Marie stitches her personal identification with Ruth into a collective one, she is but one of 'the thousands' of women pushed to extremes through the behaviour of men. The crime of passion, for Marie L., was not just ethically different from

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<sup>108</sup> TNA, HO 291/235, #199 Mr W. C. to SoS.

<sup>109</sup> TNA, HO 291/236, #319 Marie L. to SoS.

<sup>110</sup> TNA, HO 291/236, #319 Marie L. to SoS.

other crimes, rather it was a lamentable facet of modern intimacy constantly and menacingly stalking the painful and difficult edges of everyday life.

This was a specifically gendered form of activism that drew on the lived experience, and the authority that came with it, of being a woman. While constrained in many ways the feminist liberation movements of later decades would find uncomfortable, not least in the way the female body was often essentialised as frail and emotional, it nonetheless was a rather striking example of women, protesting at both the behaviour of men and a more pervasive social and sexual misogyny. For these women, the personal was very much political, and they used their own encounters with violent men to launch a critique of excessive violent masculinity, *as* citizens demanding a hearing from the state

For these women, their own experiences were increasingly seen as legitimate grounds for public participation centred on the *shared experience* of intimate life, in this case jealousy, ill-treatment, violence and domestic abuse. Not only was this a forceful intervention to expand what legitimate violent responses to intimate life looked like, one which previously was limited to the jealous rages of violent men, but it also demonstrated a rather early example of women's activism where the boundaries between public and private, the political and the domestic, were breaking down.

In the tensions the case threw to the surface, we can glimpse the everyday effects of a significant conjuncture in the history of modern intimacy. On the one hand, articulations of sympathy based on the fate of Ruth's children and her position as a mother reflected the post-war solidification of everyday intimacy around the private home and the small and emotionally insular family. This was itself reflective of the wider-shift in social and intimate life caused by more people getting married, and getting married earlier, declining fertility rates, the stress on mutuality and love and the practical and emotional intensification of parenthood.

But those who identified with Ruth's crime as one of passion, reveal how the increasing importance of personal fulfilment and self-actualisation could not always be contained within the ordinary institutions of marriage and the family. These candid expressions of love gone wrong are a further indication of what Claire Langhamer has argued was the uneasy and precarious relationship between companionate marriage and individualised notions of love that would unravel spectacularly in the later twentieth century.<sup>111</sup> Such identifications with Ruth were a powerful political rebuke of both the physical and emotional violence – especially male violence – that lurked behind the veneer of a happy marriage and contented family life.

What is particularly striking about this archive is how a quiet commitment to 'ordinary' life could also contain a curious affinity with those who killed out of passion. Passionate murder, for these letter writers, was something ordinary people were perfectly capable of committing, given the power and volatility of intimate life. Such responses to crimes of passion was not new. What was new was how such affinities with passionate crime were articulated within and alongside a discourse of citizenship, and what it meant to be a good citizen, predicated upon the explicitly emotional and affective aspects of everyday and intimate life.

## **Dorothy A.'s Letters and the Politics of Confession**

To finish, I want to turn to two rather extraordinary letters written by a woman from Moss Side, a poor urban district to the east of Manchester's city centre. The letters, sent within five days of each other in the first week of July 1955, help to tie together the various strands of the argument I have been making here. In one woman's appeal, we see how ordinariness, painfully fought and striven for, was always contingent on the behaviour of men and the pain and passions this could induce. The candid and intimate nature of her letters is emblematic of an

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<sup>111</sup> Claire Langhamer, 'Love, Selfhood and Authenticity in Post-War Britain', *Cultural and Social History*, Vol. 9, No. 2 (June 2012), pp. 277–97.

archive fuelled by the confessional form as a means of therapeutic release *and* political action. It is perhaps the starkest and most revealing letter we have that exemplifies the ways in which people came to see their own lives reflected in the trial and execution of Ruth Ellis.<sup>112</sup>

Dorothy A. was born in Southport, Merseyside in the summer of 1900. By the time of the 1921 census, she was working as a domestic servant in Southport, a job she spent twenty-six years as prior to her fortieth birthday. Her life matches the chronology of this thesis, a young women in the 1920s and 1930s, the letter she wrote in 1955 reflected the new terrain of post-war society and culture, but she drew on personal memories and intimacies from across the early twentieth century.

Dorothy's letters were not, in any way, 'ordinary', or representative. Even in an archive marked by the emotionally expressive and candid nature of the appeals, her letters stand out both in their idiosyncrasy and in the sheer potency of her anger, sadness and disgust. She sent her first letter on the 4<sup>th</sup> of July, the day after the *Daily Mirror* had publicised Ruth's solicitors' appeal. Running to over eleven pages, the letter is long, eccentric, and at points rambling and hard to follow. Thoughts flowed into each other, arguments squeezed into margins, long sentences forcefully emphasised with heavy underlining. There was an energy and anger to the letter, breathless and often incandescent with rage. Dorothy was furious. Furious at the wrongdoing Ruth experienced, furious at the wrongdoing she herself had experienced, and furious at the wrongdoing women in general experience at the hands of men.

The Home Office replied with their standard response a day later. It was formulaic, guarded and cursory, no more than an acknowledgement. Dorothy however, replied on the 9<sup>th</sup> of July. This was another eight page letter, very similar to her first. We might characterise her letters

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<sup>112</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS; TNA, HO 291/236, #415 Dorothy A. (2) to SoS.

as the antithesis of those that fought hard to establish their quietness and ordinariness. Dorothy was not quiet. She might, in a negative framing, be seen as the archetypal ‘crank’ many were keen to distance themselves from when they composed their own appeals. Nonetheless in her vivid and idiosyncratic way, Dorothy’s letters *were* in fact reflective, in a clearly exaggerated form, of the common way people came to identify with Ruth through what they saw as a shared experience of jealousy, ill-treatment and specifically abusive behaviour. ‘I have suffered much through playboys myself and am today unmarried never have I been and never will be now’, she began her letter, ‘I am 55 yesterday, July 3<sup>rd</sup> I have met the most unscrupulous of men, so much so, I would not consider marriage with anybody now.’<sup>113</sup>

‘Betrayed at 42. I was a perfectly respectable woman up to meeting him at 39’, she wrote, introducing the main, but not sole, antagonist of her life-story:

He said, I cannot marry you, I have a wife in the asylum, but if you do a bit in the house, you will have a home for life. I had my own room as his housekeeper, with his promise of a home for life. I fell for him, understanding all was secure for my future.<sup>114</sup>

What we see here, interestingly, isn’t a straightforward romance. The affective and sexual nature of their relationship was bound up within its financial and material coordinates. Dorothy ‘falls for him’ *because* she saw her future as secure. The promise of security, crucially the security of a home, was a theme she repeatedly returned to. It turned out this man’s promise was a hollow one, one that crumbled when she became pregnant. ‘We have roughed it Ever [sic]. Since. In. One. Room. I have suffered, baby has suffered, and we were promised a home... I don’t love him now, and never will. He wanted shooting, as I found out After [sic], to my sorrow.’<sup>115</sup> Like others who saw themselves capable of killing, Dorothy A. similarly

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<sup>113</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.

<sup>114</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.

<sup>115</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.



professed not only the ability, but the *desire* to kill. 'I didn't shoot as Ruth did I don't understand guns, or I should have known what a condemned cell was.'<sup>116</sup>

To make matters worse, she continued by recounting her second and 'last dose of love':

A man in the flats became a widower his wife having gassed herself... I thought for him, & did his errands out of respect and pity for him, thinking him respectable, I become attached to him and eventually to love him (after 7 years loneliness. With first my little girl.) It was loneliness drew me to him at first for want of a companion. I loved him (He is incapable of loving anybody but himself.) after six months (he brought the woman in who caused his wife to Gas herself, (carrying on while she lived) (he was)).<sup>117</sup>

This was not a letter to an intimate relation or friend, but to a politician and government official. It was candid and expressive, painting a rich and complex picture of the material and affective basis of intimacy and falling in love. Love cannot be separated from financial security. The 'want of a companion' rooted not in the abstract pursuit of an all-powerful love, but as a defence against persistent, crushing loneliness. Love, for Dorothy A. was pragmatic and precarious, rooted in the spaces, constraints and financial contingency of everyday life. It was, at the same time, something irresistible yet dangerous. As she recounted the experience of discovering her lover had been unfaithful, she described a rather heart-wrenching acceptance of the ultimate pain and futility of the pursuit of love,

I went to bed, broke my heart, I have gone snow white my hair through this last dose of love as we call it. Never again for Me [sic] I know. He took her upstairs and used her, over my head, I live below I could hear ALL!<sup>118</sup>

In this vivid picture of the cramped and claustrophobic space in which she negotiated her heartbreak, she also conveyed a melancholic rejection off the socially prescribed idea of love as the route to happiness and fulfilment. 'Never again' Dorothy firmly stated, will she be

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<sup>116</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.

<sup>117</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.

<sup>118</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.

beholden to a ‘love’ she questions deserves its name. She picked up a similar theme in her second letter, ‘so much for ‘In Love’. I am rather a cynic now. I’m Sorry.’<sup>119</sup>

Her cynicism permeates her two letters. She conveyed a deep sense of tragedy, both a rejection of love and an irresistible urge towards it. Love often blurred interchangeably with financial security and the promise of a good quality home. Dorothy’s letters revealed the way love and intimacy was deeply imbricated within what Lauren Berlant would call the pull of the ‘good life narrative’, and historian T.J. Jackson Lears refers to as the ‘perfectionist project’.<sup>120</sup> That is, how the ethics of the striving-self, the quest for self-transformation and self-actualisation – an increasingly central aspect of everyday life in western capitalist societies– cohered around the promise of contentment that a good job, a good home and a loving marriage and family would bring.

Indeed, as Berlant has argued, the good life narrative was/is a means of assessing oneself and one’s identity through the acquisition of property, wealth *and* a stable and fulfilling set of familial relationships.<sup>121</sup> The good-life is the endlessly out-of-reach goal of material security and intimate fulfilment. The anger and cynicism Dorothy A. conveys was the painful underside to such attachments to the good life. One she professed to – but can’t quite – let go. Her identification with Ruth, like so many others in the archive, was structured by a shared sense, a common experience, of this cruelty. The reality that love and intimacy, and the quest for a stable and secure future this love would bring, far from being fulfilling, empowering and emancipatory, could not just be a futile and impossible quest, but potentially a ruinous one.

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<sup>119</sup> TNA, HO 291/236, #415 Dorothy A. (2) to SoS.

<sup>120</sup> Lauren Berlant, *Cruel Optimism* (Durham, 2011), p. 2, pp. 191-222; T. J. Jackson Lears, *Fables of Abundance: A Cultural History of Advertising in America* (New York, 1994).

<sup>121</sup> Berlant, *Cruel Optimism*, p. 11.

Dorothy moved seamlessly and interchangeably between her own life-narrative and Ruth's. Turning towards Ruth's life, she included the same nuanced detail and vivid descriptions of events as she did in describing her own. Having described the events of her first 'betrayal' - 'I became one of his victims' - she pivoted to the events that led up to Ruth shooting David:

How much suffering must a woman endure? We are not all given so much patience in provocation and love. (Ruth Ellis was one). After the receiver was hung up on her, the door barred against her, giggling voices overheard probably about Ruth we presume... A woman who only two months previous was having his child.<sup>122</sup>

Dorothy focused on the same sort of details she is preoccupied with when recounting her own experiences. The 'barred door' and 'giggling voices' reminiscent of the picture she paints of her own apartment and the noises heard through the floorboards. It was another example of how Ruth's life-story came to stand-in for, and reflect back, readers' own experiences. Ruth's life-story didn't just mobilise solidarity and sympathy through commonalities in the abstract – motherhood, illegitimate pregnancies, or infidelity for example – it brought such commonalities to life through the powerful resonances and associations thrown up by the giggle, the glance or the whisper.

Ruth's life-story, and the responses to it from letter writers such as Dorothy A., revealed the power and significance of the confessional as a form. Not only did it dramatise Ruth in a way in which people were able to *imagine* themselves in the same situation, it also facilitated a new genre and style of political participation. This was a form of politics where the most intimate of experiences were made public, not just in the pursuit of individual and psychic wellbeing, but as a legitimate basis for political participation. If humanitarian protest had long encouraged a politics of sympathy grounded in *feeling* the pain of others, then the forms of protest seen in Dorothy A.'s letter reworked this tradition to mobilise a politics of solidarity based on the *actual* affective experience of both romance and intimacy in general.

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<sup>122</sup> TNA, HO 291/235, #10 Dorothy A. (1) to SoS.

## Conclusion

Dorothy A's letters were the most extraordinary example of common ways those who campaigned for a reprieve drew candidly on their own feelings and experiences of intimacy. The number and strength of these appeals present, I would argue, a markedly different account of British society, politics and political action in the 1950s than we might be used to. As we have seen, this was a campaign articulated through a commitment to a 'quiet ordinariness' we might see as emblematic of the 'traditionalism' of the 1950s. There was nothing, this chapter has shown, 'traditional' about such political participation. Even if letter-writers re-emphasised their attachment to privacy, the family and the home, they *nonetheless*, as Dorothy A., revealed so strikingly, powerfully articulated the personal and the intimate *as* political. The personal, for these letter writers, *was* political, a legitimate basis for political action and public participation.

It is clearly an understatement to say that Ruth Ellis' execution mobilised powerful passions in those who read about it in the newspapers. These feelings, mediated through and articulated within specific discursive forms- notably the confessional life-story, and drawing on and re-working an existing humanitarian and religious infrastructure of protest, facilitated politically potent acts of recognition and identification. These personal and collective forms of recognition contributed to what resembled, I think, a specific 'emotional community', built not just around a shared aversion to the prospect of hanging a young woman, and crucially a *young mother*, but on the assumption that intimate life had a common *feel* to it, love, passion, and intimacy *felt* a certain way.

How people conceived of, and related to, the crime of passion was a case in point. The unpredictability of the passions became one of the major conditions through which people sympathised and identified with Ruth. Jealousy and anger were felt to be a common threat, one

that constantly lurked in the shadows of intimate life. The crime of passion, as seen through these letters, was a threat to everyone's respectability and ordinariness. The specific gender politics of Ruth Ellis' trial and the reprieve campaign obscured who usually committed acts of violence due to the force of jealousy or rage. When committed by a woman, as was the case here, the crime of passion further fixed *all* women as emotional, and the crime of passion as a specifically feminine crime, even if men had overwhelmingly committed crimes out of jealousy throughout the early twentieth century. Nonetheless, the sense that anyone, particularly women, could be pushed to violence due to emotional duress led to a breakthrough of overtly political protest against the behaviour and abuse of men in the domestic sphere. This was a powerful inversion of the crime of passion that usually appeared in the English criminal court, where the (often coded as wayward) behaviour of women afforded violent men a degree of mitigation against the full force of the law.

Feeling like Ruth did, or assuming you *could or have* felt like Ruth, mobilised political action. The question remains however: was there a limit to who could recognise themselves in Ruth, and crucially, who *could be recognised* by a wider public? Who could feel what for whom? Returning to the front page of the *Empire News* (figure ten), Ruth's faceless child served as a powerful symbolic function; it transformed the specific into the universal. Or at least it gave the impression and veneer of universality. This every-child however, was *also* Ruth's *actual* child. And this fixed the symbolic child implicitly as the White child. Sympathy and identification with Ruth as a mother cannot be divorced from the fact that motherhood, and what it meant to be a good mother, was increasingly and intensively racialised in a rapidly decolonising post-war nation-state.

As Jordanna Bailkin's study of post-war adoption and fostering highlights, what was commonly accepted as good motherhood, one increasingly defined through constant

attachment and attention to the psychological needs of the child, was one that didn't extend to Black mothers, particularly African women who had migrated to the UK for work and study. As Bailkin stresses, the 'regulation of motherhood can't be understood outside the orchestration and control of borders.'<sup>123</sup> Identifying and sympathising with Ruth and her children was thus a racialised mode of feeling predicated on the supposed needs of the specifically *White* child. Race, I would argue, was a silent structure deeply embedded in the campaign for Ruth Ellis' reprieve. Calculated choices of representation, most notably in how Ruth was positioned in the popular press, structured how people understood and related to Ruth's plight. Such representations were themselves racialised. It is unlikely that a non-White or non-British subject would have been afforded the same-level of detail and introspection that characterised Ruth's life-stories. Such stories were deeply invasive, but they were also, through such invasion, humanising.

I wanted to draw attention to the ways in which whiteness lurked behind the force and potency of responses to Ruth's case, because it further elucidates both the *look* and the *feel* of the emotional community that was cohering around the concept of 'ordinary citizenship' in post-war Britain. The 'ordinary citizen', I argue, was as an implicitly racialised and specifically affective mode of belonging. An emotional community, loosely and precariously organised by British citizenship on the one hand and the shared experience (or supposed shared experience) of intimacy on the other, would be mobilised in the years that followed when attitudes to immigration hardened, as well as in the subsequent backlash against the social and sexual liberation movements of the 1960s and 1970s. In each of these cases, the affective composure of the 'ordinary citizen' played a significant part in demonising whatever at that moment threatened it, be it the migrant, the feminist or the queer.

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<sup>123</sup> Jordanna Bailkin, *The Afterlife of Empire* (Berkeley, 2017), p.177.

This chapter demonstrates the ways in which a number of seemingly contradictory histories and processes cohered in the emergence of ‘ordinary citizenship’ as an explicitly emotional community in the post-war period. An ‘ordinary citizenship’ that contained within it a curious affinity with the crime of passion. The ordinary citizen was a powerful political category and a potent structure of feeling. Ordinarity, while centred on privacy, quietness and a commitment to the home and the family, was also increasingly stalked by the dangers of the emotional body and the individual psyche. In these letters, we see ‘ordinary citizens’ navigating the implications of this in their own words. Words that were laced with pain, fury, disgust, indignation and tragedy. These remarkable letters are archival remnants of people negotiating the tensions inherent in being and feeling ordinary in post-war Britain. They highlight the persistent power, desire and need to assert, reinstate and attach yourself to the normative markers of respectability, while also highlighting a new-found legitimacy and authority of the self. This sense of authority would become ever more central to British politics, society and intimate life in the subsequent decades of the twentieth century.

## Conclusion

In April 1924, Ernley Blackwell, Legal Advisor and the most senior lawyer at the Home Office, received a letter from a civil servant at the Scottish Office. The Secretary for Scotland held the power of prerogative when it came to death sentences under Scots law. The Scottish Office were finding it difficult to make a reprieve decision. A man had killed his wife after she had obtained a separation order, yet a large petition for his reprieve had been gaining momentum since the end of his trial. Blackwell's advice was clear. Resist the urge to give any consideration to the reprieve campaign:

In all such cases we have taken the view that wives who have been obliged by reason of their husbands' ill-treatment to seek the protection of the law, must subsequently be afforded the fullest measure of protection from violence that the law allows.<sup>1</sup>

Twenty years later, Frank Newsam, Blackwell's successor as the most knowledgeable on reprieve matters in the department, wrote another clarifying note to the Scottish office. In 1944, Newsam advised the Scottish Office on the consideration the department should take when it came to 'respectability':

It is important to give no countenance to the view that the value of human life can be measured by degrees of social respectability. The object of the law is to give the same protection to drunken prostitutes as to virtuous wives, and the former class are more likely to have need of such protection than the latter.<sup>2</sup>

As this advice suggests, the Home Office's approach to the royal prerogative resisted the constitution of the 'crime of passion' as a coherent category in early twentieth century Britain. The Home Office were often sceptical and dismissive of arguments that positioned passions – that is the power of the emotions when intimate relationships went wrong – as a justification or excuse for murder or other extreme acts of violence.

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<sup>1</sup> TNA, HO 45/25411, Murders in Scotland: Notes on Various Cases.

<sup>2</sup> TNA, HO 45/25411.



Blackwell and Newsam would no doubt object to the idea that the crime of passion has a history. Both would argue that neither the criminal law nor the Home Office ever recognised anything as nebulous as ‘passion’ as a mitigating circumstance when it came to extreme acts of violence. They might even maintain that when it came to the violence of jealous men, something which *did* appear in the English criminal court with rather depressing frequency, the Home Office maintained a disciplinary approach that afforded very little recognition that emotional duress due to infidelity were grounds for a reprieve. Blackwell and Newsam would also, perhaps, take pride in a decision making apparatus they valorised as cool, rational and fundamental dispassionate.

However as this thesis has demonstrated, the Home Office stood at the centre of a broader contestation over the inevitability and acceptability of (almost always but not quite exclusively) male violence. The emotions that led to violence, and the passions of intimate life, were fundamental to how the Home Office adjudicated on the royal prerogative of mercy throughout the early twentieth century. It was the contestation over the inevitability of violence that brought the crime of passion into being as a capacious, ill-defined but nonetheless powerful category. As I have demonstrated, this category served to normalise intimate violence and led to often broad popular sympathy with men who had killed their wives, lovers or sweethearts. This sympathy reflected a powerful and pervasive sense that the emotions – jealousy chief among them – could lead *anybody*, even nominally respectable people of good standing in their local community, to kill the ones they supposedly loved.

The assumed power of jealousy generated powerful forms of solidarity between a reading public and (mostly) men sentenced to death. The popular protest against hanging people who killed out of passion stood at the centre of the growing movement for the reform of murder law and the abolition of capital punishment in twentieth century Britain. While many of those who

asked for clemency for condemned prisoners would probably have opposed the total abolition of capital punishment, the disquiet generated by the death penalty in cases of passionate crime contributed to a growing sense that the law was outmoded, and that the death penalty should at least be reformed.

The Home Office, moreover, never opposed or countered such ideas in the ways the pronouncements of Blackwell and Newsam might suggest. As this thesis makes clear, the Home Office's decision making framework when it came to the death penalty was suffused with emotion. Civil Servants developed a decision making apparatus that drew clear boundaries where jealousy might warrant a reprieve. Contrary to what Newsam suggested, the behaviour and respectability of the victim repeatedly *did* matter. In practice, the Home Office expanded the doctrine of provocation most often when women possessed 'bad characters' and had failed to live up to the gendered expectations of marriage and family life.

In exploring the practice of the royal prerogative, this thesis has exposed the ways in which the British state was responding to, and intervening in, broader transformations of both gender norms and intimate life in twentieth century Britain. The stress civil servants placed on the need to 'protect' reflected paternal attitudes that reinforced ideas of weak and vulnerable femininity, particularly as women increasingly exerted agency and autonomy in their sexual and romantic lives. To be sure, the frequency with which women were (and are) the victims of male violence highlights how in many ways women *were* and remain vulnerable to gendered violence. Yet the approach the Home Office took, particularly in drawing up a taxonomy of 'good' and 'disreputable' victims, further restricted women's autonomy by tacitly accepting women's sexual agency could lead men to violence they weren't really in control over. If there were, by the Home Office's logic, good and disreputable victims, there were 'good' and 'disreputable' perpetrators too. The 'bad' victim, who might lead anybody to lose their self-

control, tacitly reinforced the widely held idea that anybody- but particularly men - were capable of extreme acts of violence.

The responses to murder and the prospect of the death penalty, from the state, the popular press, and the reading public, reflected historically contingent understandings of the pain and ferocity of the emotions associated with love, romance and intimate life. The crime of passion stalked modern romance. It raised questions and anxieties over the consequences of a form of selfhood and ideas of self-fulfilment that were increasingly difficult to contain within institutions such as marriage and the family. It was the difficulties many people encountered in intimate life, the idea that love *hurt*, that led many to consistently sympathise with those who killed out of passion.

In October 1937, the *Daily Mail* published, in their own words, ‘a provocative article about lovers – and pistols.’<sup>3</sup> The piece was forthright condemnation of both crimes of passion and the people who look sympathetically upon them, written by the journalist Douglas West. ‘I would not kill any girl for love’, West concluded, ‘love is quite a dangerous enough preoccupation as it is.’<sup>4</sup> If ultimately a rejection of the view that crimes of passion were worthy of sympathy, West’s argument was a reaction to, and symptom of, a culture that often did see the passionate killer as a sympathetic ‘type’ of criminal. As West wrote, ‘certainly the husband who kills his wife...can count on a fund of sympathy withheld for murderers for gain.’ West’s article was reflective of a popular culture that constituted the crime of passion as the archetypal shadow of modern love. Take West’s extended reflection on intimacy:

Very charming and edifying it would be if all lovers were constant. In this little Eden, this paradise of conjugal harmony, this land of perfectly adjusted temperaments...love might become tractable and calculable. We have to deal,

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<sup>3</sup> ‘I’d Never Kill a Girl for Love’, *The Daily Mail* (London), 9<sup>th</sup> October 1937, p. 10.

<sup>4</sup> ‘I’d Never Kill a Girl for Love’, p. 10.

unfortunately, with the sort of life in which love is no more better organised than most things.<sup>5</sup>

West's advice to heartbroken lovers was to live with disappointment, to see the beauty and value in 'pensive sorrow'.<sup>6</sup> His criticism of the crime of passion acknowledged the intimate terrain on which it acquired new significance. Love, intimacy, and desire were fraught, fickle, and capricious things. To live a modern life was to engage in a constant battle of navigating disappointment, managing jealousy, and accepting that dreams of romantic happiness perhaps never quite live up to their promise.

From the perspective of West's article, both crimes of passion and the love that caused them were characteristically 'heterosexual', that is they were a symptom of a new terrain of intimate life that shaped sexual relationships between men and women. However as this thesis has demonstrated, for Home Office officials, prison administrators and criminologists, the potential for the passions to cause men's intimate violence cut across same and opposite sex relations, and regularly collapsed binaries of sexual difference.

The crime of passion, as West alluded to, was a persistent features of a modern intimacy that was impossible to contain within the laws and cultural norms that shaped sex, marriage and family life. The ubiquity of jealousy warned of the threat of love cooling in a competitive and aspirational culture where long-lasting, happy, and *permanent* conjugal unions were fixed as important pillars of a life worth living. The allure of permanency was increasingly an emotional rather than a contractual or legal one. Suicide, and suicide pacts, exemplified the cost of the inflexibility of law and custom as it struggled to adapt to the power of a modern love which seemed ever more central to self-fulfilment and individual happiness.

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<sup>5</sup> 'I'd Never Kill a Girl for Love', p. 10.

<sup>6</sup> 'I'd Never Kill a Girl for Love', p. 10.

The way the crime of passion was comprehended, constituted and sympathised with in British culture was reflective, and helped fuel, the long, contested and painful emergence of liberal sexual cultures and the liberal sexual self. As I have argued, this is a history where modern love and modern intimacy was shaped by *both* opposite and same-sex love, sexual practices and intimacy from at least the start of the twentieth century. Appreciating this draws attention, I argue, to the queer foundations of modern intimacy itself. If the early twentieth century crime of passion collapsed binaries of sexual difference, by the mid-century however it also held a privileged role in solidifying the homo/hetero binary and fixing the homosexual man as an object of fear and disgust. Here, the ‘unwanted advances’ of the ‘homosexual’ could elicit extremely violent reactions from otherwise ‘normal’ men.

The archival remnants of the criminal process starkly render the difficulties and pain modern intimacy could cause. The violence as it appeared in these records bore often only a passing resemblance to the melodramatic ‘love dramas’ so beloved of the popular press. In reality, intimate violence was often the consequence of intolerable living conditions, of financial precarity, ill-health and the intolerable pressures sexual transgression could bring while access to divorce and contraception were patchy. More than anything, the lived reality of crimes of passions highlighted how modern intimacies have been persistently shaped and constrained by the regularity with which men turned to violence.

New cultural forms like romance fiction and films, and cultural practices like reading, and film-going encouraged dreaming and fantasy. These became an increasingly important means people made sense of their sense of self, desire and what love meant to them. The love we have glimpsed in Home Office files reflects the power and importance of dreaming and the imagination to modern love and modern intimate life. However, love and romance also remained rooted within social worlds that constrained the ability of these dreams to ever truly

flourish. Partly this was down to the slow and uneven chronology of the emergence of liberal sexual cultures in Britain, which meant unhappy marriages were hard to leave, and extra or pre-marital sex remained risky and potentially ruinous, even if the heart increasingly yearned for something more. Yet the consequences of marital breakdown or falling out of love brought with it the ever-present risk of male violence, which the murder trials examined here were the rare, if regular, extreme examples of. In a cruel twist, once these acts of violence made it to the criminal court and into ‘love dramas’ in the popular press, the material conditions that led to murder slipped out of view. Furthermore, the responses to intimate violence, whether from the law, the Home Office or in reprieve campaigns, further normalised male violence by fixing it as the regrettable but inevitable consequence of the demands of intimate life.

If the idea of the emotional volatility of intimate life served to naturalise male violence in twentieth century Britain, this framework also became the means through which women began to name and protest the ubiquity of this violence. As we saw in the campaign to reprieve Ruth Ellis from the death penalty, women increasingly implicated male violence as a vexatious part of the dangers and disappointments that haunted life as a ‘perfectionist project’. The identification of male violence as a common feature of everyday life would evolve into a more overtly feminist politics of identifying and refusing the banality of domestic violence in the 1970s and 1980s. The broader feminist critique of domestic violence, which the Ruth Ellis campaign was a galvanising moment, also held profound implications for the criminal law.

As the twentieth century progressed, feminist critique of the criminal law would increasingly identify the doctrine of provocation as one which provided protection to men, but little to the mostly female victims of long term domestic violence and abuse.<sup>7</sup> This has led to a sharpening

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<sup>7</sup> Wendy Chan, ‘A Feminist Critique of Self-Defense and Provocation in Battered Women’s Cases in England and Wales’, *Women & Criminal Justice*, Vol. 6, No. 1 (1995), pp. 39–66, pp. 48–50; Carol Smart, *Feminism and the Power of Law* (London, 1989), p. 5.

and nuancing of what constitutes legitimate loss of control in English law, less susceptible to mitigating the violent outbursts of jealous men, and increasingly (albeit in a piecemeal and imperfect manner), recognising the emotional and psychological effects of long held campaigns of coercion, control and abuse.<sup>8</sup>

This is an unfinished history. As the legal scholars Jeremy Horder and Kate Fitzgibbon have shown, despite attempts to remove adultery as legitimate grounds for provocation by the New Labour government, the senior judiciary re-introduced the doctrine through a series of Appeal Court judgments in the mid 2010s.<sup>9</sup> Clearly there are certain members of the English judiciary who are still sympathetic to violent men who kill out of jealousy. This is a symptom of a society where male violence is still normalised and women are still often blamed for the violence inflicted upon them. Ideas of incitement, of provoking men, of ‘asking for it’, still run deep within the institutional cultures of British police forces, and are still frequently used as defences in criminal trials for rape, sexual violence and domestic homicides.<sup>10</sup> The rate of criminal convictions in rape trials are shockingly low and the cases of sexual violence continue to be massively underreported.<sup>11</sup>

This thesis has demonstrated the poverty of theories of the naturalness of male violence, and the huge cost to women’s lives when male violence is explained and mitigated through reference to the behaviour of women. The crime of passion has been the shadow of modern

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<sup>8</sup> Charlotte Barlow et al. ‘Putting Coercive Control into Practice: Problems and Possibilities’, *The British Journal of Criminology*, Vol. 60, No. 1 (January 2020), pp. 160–179, p. 161.

<sup>9</sup> Jeremy Horder and Kate Fitz-Gibbon, ‘When Sexual Infidelity Triggers Murder: Examining the Impact of Homicide Law Reform on Judicial Attitudes In Sentencing’, *The Cambridge Law Journal*, Vol. 74, No. 2 (July 2015), pp. 307–328.

<sup>10</sup> See for instance: ‘Police Scotland: Racism, Sexism and Homophobia Uncovered in Review’, *BBC News*, 23<sup>rd</sup> May 2023, online at <https://www.bbc.co.uk/news/uk-scotland-65686066> (accessed: June 2023).

<sup>11</sup> ‘Nearly 70% of Rape Victims Drop Out of Investigations in England and Wales’ *The Guardian Online*, 30<sup>th</sup> May 2023, online at: <https://www.theguardian.com/society/2023/may/30/nearly-70-of-victims-drop-out-of-investigations-in-england-and-wales> (accessed June 2023).

intimacy throughout the twentieth century. The critical history this thesis has undertaken shows that this is in no way natural, normal or inevitable, nor does it need to be in the future.



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CRIM, Records of the Central Criminal Court.

DPP, Records of the Director for Public Prosecutions.

HO, Records Created or Inherited by the Home Office.

MEPO, Records of the Metropolitan Police Office.

PCOM, Records Created or Inherited by the Prison Commission and the Home Office Prison Department.

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