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## Introduction: New Perspectives on Crime and Punishment in the American City

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### Recommended Citation

Gilfoyle, Timothy J.. Introduction: New Perspectives on Crime and Punishment in the American City. *Journal of Urban History*, 29, 5: 519-524, 2003. Retrieved from Loyola eCommons, History: Faculty Publications and Other Works, <http://dx.doi.org/10.1177/0096144203029005001>

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## INTRODUCTION

### New Perspectives on Crime and Punishment in the American City

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**Half a century ago**, the sociologist Daniel Bell argued that crime was “an American way of life.”<sup>1</sup> In the immediate decades following Bell’s pronouncement, most historical examinations of crime emerged out of and were grounded in the social sciences.<sup>2</sup> Only in the past three decades have professional historians seriously examined the impact of crime on North American cities. Broadly speaking, six subjects or themes dominate this historiography: the evolution of municipal legal systems,<sup>3</sup> levels of violence,<sup>4</sup> riots or “crowd” behavior,<sup>5</sup> the rise of the prison and penal reform,<sup>6</sup> the adoption of state-controlled policing systems,<sup>7</sup> and the emergence of organized crime.<sup>8</sup>

Most of this literature, however, does not consider crime as a “way of life” in American cities. The social environments and networks of criminals, the “underground” or “informal” economy, and the impact of crime on citizens, for example, remain largely unstudied. More recently, historians influenced by the work of James Scott have argued that certain forms of crime reflect hidden forms of resistance—indeed, oppositional subcultures—to the dominant structures of society.<sup>9</sup> For the most part, however, specific forms of criminal behavior and the social structures and reactions they created or generated remain relatively unexplored subjects by urban historians.<sup>10</sup> Compared with other fields in social and urban history, the historical literature on urban crime in the United States remains comparatively small and confined primarily to the second half of the twentieth century.<sup>11</sup> Herbert Asbury’s examinations of nineteenth-century urban crime—still in print more than half a century after publication—remain among the most influential, despite Asbury’s tendency to mythologize and sensationalize his subjects.<sup>12</sup>

The articles in this special issue of the *Journal of Urban History* examine how urban residents were affected by and reacted to crime. As a group, the articles reflect the influence of social history in their concern with how “ordinary” men and women experienced and negotiated with parts of the criminal justice system.<sup>13</sup> For example, much has been written on the rise of the penitentiary.

Little attention, however, has been directed at how the accused and convicted experienced criminal justice in the jails and penitentiaries of American cities.<sup>14</sup> The close examinations of the Tombs, Sing Sing, and New York's other prisons in the ensuing pages attempt to reinterpret those systems of incarceration. Similarly, the use of petitions to Chicago mayors and the "invention" of racketeering illustrate how regular citizens reacted to "crimes" resulting from the social experiment of national prohibition.

"America's Greatest Criminal Barracks" examines the daily operation, living conditions, and organization of North America's largest nineteenth-century jail. New York's Hall of Justice, better remembered as the Tombs, departed sharply from modern ideas of penal reform. Nineteenth-century cities constructed new jails like the Tombs simultaneously with the experimental forms of incarceration associated with the modern penitentiary. These structures, however, shared little similarity. Tombs and other officials permitted casual, unregulated systems to emerge, not the isolating institutions of total surveillance associated with the prison. The treatment of the incarcerated depended less on penal ideology and more on informal procedures and personal relationships between law enforcement authorities and inmates. The organization and operation of the Tombs ultimately reflected an ideology more reminiscent of older, preindustrial forms of punishment, not the "total institutions" associated with the modern penitentiary.

The essays by Andrew Cohen and Michael Willrich ask historians to reconsider a signal event in the history of Chicago crime—national prohibition. In "Close that Place of Hell," Willrich shows how working poor women influenced the criminal justice process while challenging both their husbands and various gender stereotypes. Building on his recently published work on the criminal justice system in Chicago,<sup>15</sup> Willrich argues that poor women, however socially marginalized, relied on petitions to elected officials to challenge police corruption in the public sphere and spousal neglect in their "private" homes. Petitioners demanded law enforcement, but not the kind epitomized by the Chicago Crime Commission. Whereas the commission adopted a masculine, hard-line rhetoric associated with their attacks on "bootleggers" and "organized crime," women petitioners linked crime fighting to more directly personal concerns: home life, family, and dependency. This epistolary tradition of petitioning, Willrich argues, later proved influential on Franklin Roosevelt and the rise of the New Deal.

Andrew Cohen examines the concept, creation, and context of "racketeering," a term invented in the 1920s and attached to "a new and distinct type of criminal." Racketeering was a product of national prohibition and initially used to charge organized tradesmen and small businessmen with extortion. While corporations that formed associations and managed competition were self-described proponents of "free enterprise," small producers in urban trades—laundry workers, teamsters, service providers—that organized and cooperated were defined as "rackets" and criminal enterprises. Both groups

intended to control their markets. Large corporations sought rules to facilitate new kinds of national and international commerce; small tradesmen and craft unions wanted to forestall the rise of a new corporate order. A close examination of racketeering shows how national prohibition not only transformed Chicago's criminal justice system but directly influenced the structure of the emerging welfare state under Franklin Roosevelt's New Deal.

Rebecca McLennan challenges what she identifies as the "creed and deed" interpretation of penal reform historiography. Instead of emphasizing the ideas of proponents of the penitentiary—best exemplified by David Rothman and Michel Foucault—McLennan treats the penitentiary as a social institution. Focusing on Sing Sing, where the majority of inmates originated from the New York metropolitan area, she analyzes how convicts, guards, administrators, and free citizens influenced the structure and evolution of penal reform in New York. The abolition of penal contract labor proved to be the most important event affecting the American penitentiary system from 1820 to 1960. McLennan shows how that development instigated a new penology in the twentieth century that departed sharply from its nineteenth-century predecessor and continues to shape American prisons today.

Each of these articles is part of larger, forthcoming or recently published studies of crime and criminal justice in the United States.<sup>16</sup> In various ways, these articles link the study of crime to national issues related to progressive reform, the rise of the New Deal, the evolution of urban criminal justice, and the rise of the modern carceral state. Hopefully, they will stimulate as many questions as answers.

## NOTES

1. Daniel Bell, "Crime as an American Way of Life," *Antioch Review* 13 (1953): 131-54, reprinted in Bell, *The End of Ideology* (Cambridge, MA, 1960).

2. For examples, see James A. Inciardi, Alan A. Block, and Lyle A. Hollowell, *Historical Approaches to Crime: Research Strategies and Issues* (Beverly Hills, CA, 1977); Don C. Gibbons, *Society, Crime and Criminal Careers: An Introduction to Criminology* (Englewood Cliffs, NJ, 1968); Donald Black and M. P. Baumgartner, "On Self-Help in Modern Society," in *The Manners and Customs of the Police*, ed. Donald Black (New York, 1980), 193-208; Donald Black, "Crime as Social Control," in *Towards a General Theory of Social Control*, vol. 2, *Selected Problems*, ed. Donald Black (Orlando, FL, 1984).

3. Lawrence Friedman and Robert V. Percival, *The Roots of Justice: Crime and Punishment in Alameda County, California, 1870-1910* (Chapel Hill, NC, 1981); Allen Steinberg, *The Transformation of Criminal Justice: Philadelphia, 1800-1880* (Chapel Hill, NC, 1989); Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (New York, 2003).

4. Jeffrey S. Adler, "'My Mother-in-Law Is to Blame, but I'll Walk on Her Neck Yet': Homicide in Late Nineteenth-Century Chicago," *Journal of Social History* 31 (1997): 253-76; Alder, "'The Negro Would Be More Than an Angel to Withstand Such Treatment': African-American Homicide in Chicago, 1875-1910," in Michael A. Bellesiles, ed., *Lethal Imagination: Violence and Brutality in American History* (New York, 1999); David T. Courtwright, *Violent Land: Single Men and Social Disorder from the Frontier to the Inner City* (Cambridge, MA, 1996); Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880-1960* (New York, 1988); Elliott J. Gorn, *The Manly Art: Bare-Knuckle Prize Fighting in America* (Ithaca, NY, 1986); Gorn, "'Good-Bye Boys, I Die a True American': Homicide,

Nativism, and Working-Class Culture in Antebellum New York City," *Journal of American History* 74 (1987): 388-410; Pamela Haag, "The 'Ill-Use of a Wife': Patterns of Working-Class Violence in Domestic and Public New York City, 1860-1880," *Journal of Social History* 25 (1992): 447-78; Roger Lane, *Roots of Violence in Black Philadelphia, 1860-1900* (Cambridge, MA, 1986); Lane, *Violent Death in the City: Suicide, Accident, and Murder in Nineteenth-Century Philadelphia* (Cambridge, MA, 1979); Lane, *Murder in America: A History* (Columbus, OH, 1997); Clare V. McKanna Jr., "Seeds of Destruction: Homicide, Race, and Justice in Omaha, 1880-1920," *Journal of American Ethnic History* 14 (1994): 65-90; Eric H. Monkkonen, "The American State from the Bottom Up: Of Homicides and Courts," *Law and Society Review* 24 (1990): 521-31; Monkkonen, *Murder in New York* (Berkeley, CA, 1999); Monkkonen, "Racial Factors in New York City Homicides, 1800-1874," in Darnell F. Hawkins, ed., *Ethnicity, Race, and Crime: Perspectives across Time and Space* (Albany, NY, 1995), 99-120.

5. The literature on riots is enormous. The most recent overviews are Paul A. Gilje, *Rioting in America* (Bloomington, IN, 1996); Roger Lane and John J. Turner Jr., eds., *Riot, Rout, and Tumult: Readings in American Social and Political Violence* (Lanham, MD, 1978); David Grimsted, *American Mobbing, 1828-1861: Toward Civil War* (New York, 1998). On nineteenth-century riots, see Gilje, *The Road to Mobocracy, Popular Disorder in New York City, 1763-1834* (Chapel Hill, NC, 1987); Iver Bernstein, *The New York City Draft Riots: Their Significance for American Society and Politics in the Age of the Civil War* (New York, 1989); Neil Larry Shumsky, *From Bullets to Ballots: Society, Politics, and the Crowd in San Francisco, 1877-1880* (Columbus, OH, 1991); Thomas P. Slaughter, *Bloody Dawn: The Christiana Riot and Racial Violence in the Antebellum North* (New York, 1991). On the twentieth century, see Fred Harris and Roger W. Wilkins, eds., *Quiet Riots: Race and Poverty in the United States* (New York, 1988); Maurico Mazon, *The Zoot-Suit Riots: The Psychology of Symbolic Annihilation* (Austin, TX, 1984); Sidney Fine, *Violence in the Model City: The Cavanaugh Administration, Race Relations, and the Detroit Riot of 1967* (Ann Arbor, MI, 1989); David Farber, *Chicago '68* (Chicago, 1988); Cheryl Greenberg, "The Politics of Disorder: Reexamining Harlem's Riots of 1935 and 1943," *Journal of Urban History* 18 (1992): 395-441; Greenberg, *Or Does It Explode?: Black Harlem in the Great Depression* (New York, 1991), 211-4; Dominic Capeci Jr. and Martha J. Wilkerson, *Layered Violence: The Detroit Rioters of 1943* (Jackson, MS, 1991); Ann K. Johnson, *Urban Ghetto Riots, 1965-1968: A Comparison of Soviet and American Press Coverage* (Boulder, CO, 1996). On "communal riots," see Arnold Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960* (Chicago, 1983); Hirsch, "Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953-1966," *Journal of American History* 82 (1995): 522-50; Raymond A. Mohl, "Making the Second Ghetto in Metropolitan Miami, 1940-1960," *Journal of Urban History* 21 (1995): 395-427, reprinted in Kenneth W. Goings and Mohl, eds., *The New African American Urban History* (Thousand Oaks, CA, 1996), 266-98. On the Los Angeles riot or rebellion of 1992, see Nancy Abelmann and John Lie, *Blue Dreams: Korean Americans and the Los Angeles Riots* (Cambridge, MA, 1995); Mark Baldassare, ed., *The Los Angeles Riots: Lessons for the Urban Future* (Boulder, CO, 1994); Dennis E. Gale, *Understanding Urban Unrest: From Reverend King to Rodney King* (Newbury Park, CA, 1996); Robert Gooding-Williams, ed., *Reading Rodney King, Reading Urban Uprising* (New York, 1993); Haki R. Madhubuti, ed., *Why L.A. Happened: Implications of the '92 Los Angeles Rebellion* (Chicago, 1993).

6. This literature is also enormous. The most recent overview is Norval Morris and David J. Rothman, eds., *The Oxford History of the Prison* (New York, 1995). Also see Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New Republic* (Boston, 1971); David W. Lewis, *From Newgate to Dannemora: The Rise of the Penitentiary in New York, 1796-1848* (Ithaca, NY, 1965); Michael Ignatieff, *A Just Measure of Pain* (New York, 1975); Ignatieff, "State, Civil Society and Total Institutions: A Critique of Recent Social Histories of Punishment," *Crime and Justice: An Annual Review of Research* 3 (1981): 153-91; Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Alan Sheridan, trans. (New York, 1977); Stanley Cohen and Andrew Scull, eds., *Social Control and the State* (New York, 1983); Peter Spierenburg, "From Amsterdam to Auburn: An Explanation for the Rise of the Prison in Seventeenth-Century Holland and Nineteenth-Century America," *Journal of Social History* 20 (1987): 439-62; Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial Metropolis to the European Experience* (New York, 1984); Edgardo Rotman, *Beyond Punishment: A New View on the Rehabilitation of Criminal Offenders* (Westport, CT, 1990); Larry Sullivan, *The Prison Reform Movement: Forlorn Hope* (Boston, 1990); Paul W. Keve, *Prisons and the American Conscience: A History of U.S. Federal Corrections* (Carbondale, IL, 1991); Adam J. Hirsch, *The Rise of the Penitentiary: Prisons and Punishment in Early America* (New Haven, CT, 1992); Michael Meranze, *Laboratories of Virtue: Punishment, Revolution, and Authority in Philadelphia, 1760-1835* (Chapel Hill, NC, 1996). On female incarceration, see Estelle B. Freedman, *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930*

(Ann Arbor, MI, 1981). An intelligent revision of this literature is Edward L. Ayers, *Vengeance and Justice: Crime and Punishment in the 19th-Century American South* (New York, 1984), which shows the importance of the South in early experiments in penal reform. A succinct summary of the literature appears in Larry Goldsmith, "History from the Inside Out: Prison Life in Nineteenth-Century Massachusetts," *Journal of Social History* 31 (1997): 121-2.

7. On the history of policing in the United States, see James F. Richardson, *The New York Police: Colonial Times to 1901* (New York, 1970); Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830-1870* (Chicago, 1971); Miller, "Police Authority in London and New York City," *Journal of Social History* 8 (winter 1975): 81-101; Mark H. Haller, "Historical Roots of Police Behavior: Chicago: 1890-1925," *Law and Society Review* 10 (1976): 303-23; David R. Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800-1887* (Philadelphia, 1979); John C. Schneider, *Detroit and the Problem of Order, 1830-1860: A Geography of Crime, Riot, and Policing* (Lincoln, NE, 1980); Schneider, "Public Order and the Geography of the City: Crime, Violence, and the Police in Detroit, 1845-1875," *Journal of Urban History* 4 (1978): 183-208; Eric Monkkonen, *Police in Urban America, 1860-1920* (New York, 1981); Monkkonen, "The Urban Police in the United States," in Clive Emsley and Louis A. Knafla, eds., *Crime History and Histories of Crime* (Westport, CT, 1996), 201-8; Eugene J. Watts, "Police Response to Crime and Disorder in Twentieth-Century St. Louis," *Journal of American History* 70 (1983); Sidney Haring, *Policing a Class Society: The Experience of American Cities, 1865-1915* (New Brunswick, NJ, 1983).

8. Among the most influential works are Alan A. Block, *Space, Time and Organized Crime* (New Brunswick, NJ, 1994); David T. Courtwright, *Dark Paradise: Opiate Addiction in America before 1940* (Cambridge, MA, 1982); Mark H. Haller, "Illegal Enterprise: A Theoretical and Historical Interpretation," *Criminology* 28 (1990): 207-35; Haller, "Policy Gambling, Entertainment, and the Emergence of Black Politics: Chicago from 1900 to 1940," *Journal of Social History* 24 (1991): 719-40; Larry Hartsfield, *The American Response to Professional Crime, 1870-1917* (Westport, CT, 1985); Jenna Weissman Joselit, *Our Gang: Jewish Crime and the New York Jewish Community, 1900-1940* (Bloomington, IN, 1983). The most recent biographies of Al Capone are Robert J. Schoenberg, *Mr. Capone* (New York, 1992); Laurence Bergreen, *Capone: The Man and the Era* (New York, 1994).

9. James Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, CT, 1990); Scott, "Everyday Forms of Peasant Resistance," *Journal of Peasant Studies* 13 (1986): 5-35; Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT, 1985). On the differences between alternative and oppositional subcultures and their relationship to a dominant culture, see Raymond Williams, *Problems in Materialism and Culture: Selected Essays* (London, 1980), 40-2. For historical applications of the above, the use of "infrapolitics" theory to analyze resistance, and political meanings attached to theft, see Robin D. G. Kelley, "'We Are Not What We Seem': Rethinking Black Working-Class Opposition in the Jim Crow South," *Journal of American History* 80 (1993): 75-112; Kelley, "The Black Poor and the Politics of Opposition in a New South City, 1929-1970," in Michael B. Katz, ed., *The "Underclass" Debate: Views from History* (Princeton, NJ, 1993), 293-333.

10. For more on this point, see Ned Polsky, *Hustlers, Beats and Others* (Chicago, 1985). The most comprehensive nationally focused overviews are Lawrence M. Friedman, *Crime and Punishment in American History* (New York, 1993); Samuel Walker, *A History of American Criminal Justice* (New York, 1980). The most complete collection of articles concerning the history of crime is Eric H. Monkkonen, ed., *Crime and Justice in American History: Historical Articles on the Origins and Evolution of American Criminal Justice*, 11 vols. (Westport, CT, 1991). I am defining "criminal behavior" narrowly here. Studies of certain previously defined "deviant" and "criminal" behaviors have attracted a huge literature, notably certain sexual behaviors (for example, abortion, homosexuality, prostitution, juvenile sexuality) and gambling, which is far too large to discuss here.

11. Much of this work focuses on youth gangs. See Eric C. Schneider, *Vampires, Dragons and Egyptian Kings: Youth Gangs in Postwar New York* (Princeton, NJ, 1999). Influential works by journalists, social scientists, and former gang members include Nicholas Pileggi, *Wiseguy* (New York, 1985); Terry Williams, *The Cocaine Kids: The Inside Story of a Teenage Drug Ring* (Reading, MA, 1989); Phillipe I. Bourgeois, *In Search of Respect: Selling Crack in El Barrio* (New York, 1995); David Dawley, *A Nation of Lords: The Autobiography of the Vice Lords* (New York, 1973); Kody Scott, *Monster: The Autobiography of an L.A. Gang Member* (New York, 1993).

12. Herbert Asbury, *The Gangs of New York: An Informal History of the Underworld* (New York, 1927); Asbury, *The Barbary Coast: An Informal History of the San Francisco Underworld* (New York, 1933); Asbury, *The French Quarter: An Informal History of the New Orleans Underworld* (New York, 1936);

Asbury, *Gem of the Prairie: An Informal History of the Chicago Underworld* (New York, 1940); Asbury, *The Grand Illusion: An Informal History of Prohibition* (Garden City, NY, 1950). For a recent example of a work heavily influenced by Asbury, see Luc Sante, *Low Life: Lures and Snares of Old New York* (New York, 1991). Important exceptions that challenge (if not refute) many of the underlying arguments found in Asbury include many of the works cited above, as well as Elaine Abelson, *When Ladies Go A-Thieving: Middle-Class Shoppers in the Victorian Department Store* (New York, 1989); Daniel Czitrom, "Underworlds and Underdogs: Big Tim Sullivan and Metropolitan Politics in New York, 1889-1913," *Journal of American History* 78 (1991): 536-58; Eric H. Monkkonen, *The Dangerous Class: Crime and Poverty in Columbus, Ohio, 1860-1885* (Cambridge, MA, 1975); Monkkonen, "Nineteenth-Century Institutions: Dealing with the Urban 'Underclass,'" in "*Underclass*" Debate, 334-65; Schneider, *Vampires, Dragons and Egyptian Kings*, 54.

13. British historians have done the most innovative work on the social history of crime. For examples, see John Brewer and John Styles, eds., *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries* (New Brunswick, NJ, 1980); V. A. C. Gatrell, Bruce Lenman, and Geoffrey Parker, eds., *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980); Douglas Hay, Peter Linebaugh, John G. Rule, Edward P. Thompson, and Cal Winslow, eds., *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975); Eric Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the Nineteenth and Twentieth Centuries* (New York, 1965); Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge, 1992); George Rude, *Criminal and Victim: Crime and Society in Early Nineteenth-Century England* (Oxford, 1985); E. P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (London, 1975). For critiques of this literature, see Joanna Innes and John Styles, "The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England," *Journal of British Studies* 25 (1986): 380-435; John H. Langbein, "Albion's Fatal Flaws," *Past and Present* 98 (1983): 96-120.

14. For an exception, see Goldsmith, "History from the Inside Out," 109-25.

15. Willrich, *City of Courts*.

16. Ibid; Andrew W. Cohen, *The Struggle for Order: Conspiracy, Racketeering, and Resistance to the Corporate Ideal in Chicago, 1900-1940* (forthcoming), previously "The Struggle for Order: Law, Labor and Resistance to the Corporate Ideal in Chicago, 1900-1940" (Ph.D. thesis, University of Chicago, 1999); Timothy J. Gilfoyle, *Good Fellow: George Appo and the Urban Underworlds of Nineteenth-Century America* (New York, forthcoming); Gilfoyle, "A Pickpocket's Tale: The Autobiography of George Appo," *Missouri Review* 16 (1993): 34-77; Rebecca McLennan, *The Crisis of Imprisonment: Politics, Protest, and the Making of the Modern American Penal System* (forthcoming), previously "Citizens and Criminals: The Rise of the American Carceral State, 1890-1935" (Ph.D. thesis, Columbia University, 1999).

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