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

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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.”¹¹ In the immediate decades following Bell’s pronouncement, most historical examinations of crime emerged out of and were grounded in the social sciences.² 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,³ levels of violence,⁴ riots or “crowd” behavior,⁵ the rise of the prison and penal reform,⁶ the adoption of state-controlled policing systems,⁷ and the emergence of organized crime.⁸

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.⁹ 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.¹⁰ 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.¹¹ 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.¹²

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.¹³ 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. 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, 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 epistolatory 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. 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**


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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.


15. Willrich, City of Courts.


Timothy J. Gilfoyle is the author of City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920 (1992), an associate editor of the Journal of Urban History, and a coeditor of the “Historical Studies in Urban America” series of the University of Chicago Press. He is currently completing two books, one on the nineteenth-century underworld in New York and another on the creation of Millennium Park in Chicago. He teaches at Loyola University Chicago.