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Kate Bradley (2007) 'Juvenile Delinquency, the Juvenile Courts and the Settlement Movement, 1908-1950: Basil Henriques and Toynbee Hall', Twentieth Century British History, 19, pp.133-155

Abstract

This article explores the relationship between the voluntary sector and the juvenile courts in the period c.1908–1950. It specifically examines the relationship between the settlement movement and the early juvenile courts by analysing the Inner London Juvenile Court, which sat at Toynbee Hall in the East End of London between 1929 and 1953. The settlements, which brought young graduates to deprived urban areas to undertake voluntary social work, were heavily involved in boys' clubs. Many of those who began their careers in settlement youth work went on to work with the early juvenile courts, viewing their experience in clubs as a vital foundation for this work. This article focuses on Basil Henriques, a former resident of Toynbee Hall, warden of the Bernhard Baron Settlement in Stepney and magistrate at the Inner London Juvenile Court, and his 1950 book, *Indiscretions of a Magistrate*. It concludes that, by critically examining Basil Henriques and *Indiscretions*, it is possible to begin to fully explore the discourses around citizenship, gender, class and race that informed the views and practices of juvenile court magistrates in the

period in which the voluntary sector and the welfare state underwent profound change.

Introduction

From the misbehaviour of medieval apprentices to today's mobile phone wielding 'happy-slappers', the supposed delinquent behaviour of young people has long been a cause of both general concern and regular periods of moral panic. On the surface, adults' complaints about the behaviour of the young mark concern about the maintenance of public safety and respect for others in society, as well as more profound fears over the continuation of good social order, of the inheritance of traditions, of maintaining social, class and gender norms in modern, changing times. These fears become more apparent when we identify the focus of these concerns: the young urban working classes. Further levels of anxiety emerge concerning the impacts of industrialization, urbanization and the rise of a secular, consumerist, mass democratic society, and in the British case, the nation's industrial and imperial decline. In this way, anxieties about the young can be seen as the working out of more general fears about modern British society. However ancient or modern the roots of these anxieties, the continuance of discourses about delinquent youth, and their importance to politicians and policy makers, requires close attention not only to its present manifestations, but to the ways in which certain ideas developed and took hold.²

'Young people' are a relatively recent concept in both legalistic terms and popular culture. The Youthful Offenders Acts of 1854, 1857, 1861 and 1867 were the first to treat juvenile offending as a specific type of offending and to introduce special

methods to deal with it.³ Before then, children and young people were treated as adults by the law of England and Wales. The interest in youth offending as a phenomenon was accompanied by the campaigns surrounding children's work in factories and anxieties around homeless or street children. This period in the nineteenth century also saw the growth of the boys' club movement, and a range of children's welfare societies, from the League of Brave Poor Things to the opening of homes and hostels for young people, such as the East End Juvenile Mission established in 1867 by Dr Thomas Barnardo. A series of Education Acts standardized schooling as a feature of childhood by making it compulsory and, later, free. The establishment of the National Society for the Prevention of Cruelty to Children (NSPCC) in 1884 further directed attention to the needs of children and young people. Along with the development of the field of psychology and the Child Study Movement, there was by the turn of the twentieth century a significant clustering of academic and popular interest in the welfare and development of children and young people. By the early 1900s, this constellation of reformers and activists in child welfare and development had crystallized its attitudes towards the young, and was becoming a powerful lobbying force for legal change regarding children. Their attitudes would go on to shape British social policy in relation to children and young people for the rest of the twentieth century: that children were vulnerable, requiring protection and guidance from their families, or where this failed, from the voluntary sector and the state.

Whilst these events can be read as a narrative of 'progress', important questions remain. Why did parts of the voluntary sector take such an interest in the potential delinquency of working class children and young people, as opposed to middle and upper class children? How did they define their views of 'delinquency' and 'citizenly'

behaviour? How did they police the behaviour of children, young people and their families? How were social workers or volunteers at charitable organizations able to wield such power and influence? How did the development of 'delinquency' come to be associated with a perceived lack of participation in 'suitable' leisure activities? This article will explore these questions through the work of some of the London university settlements from the inter-war to early post-war period, focussing on the ways in which notions of justice and citizenship interplay with gender and class. The settlements saw it as their role to encourage 'good' citizenship amongst the working classes through the provision of rational recreation, adult education classes and youth clubs from the 1880s onwards. This was seen as being a means of preventing 'bad' behaviour and contributing to the alleviation of social problems in the urban slums. Their involvement in the juvenile court movement before the 1950s was an extension of this earlier work through attempting to find other ways of reclaiming those who otherwise resisted the lure of boys' and girls' clubs and the formative experiences presented therein.

These relationships have been explored by a number of historians in recent years. Victor Bailey has explored the connections between delinquency and citizenship by focusing on juvenile justice as an important element of British social policy formation in the period 1914–1948. Bailey emphasized the role of the juvenile courts in aiming to bring about the social inclusion of the juvenile delinquents in this period, and especially the role of policy makers in shaping the Children and Young Persons Act of 1933 and the Children's Act of 1948. Whilst Bailey's account provides analysis of the policy decisions, it does, however, not offer insight into the practices of juvenile courts on a daily basis.⁴

Other historians have examined the more quotidian aspects of juvenile justice and welfare, with interesting results. Abigail Wills further explored the theme of citizenship in her work on reform schools in the 1950s and 1960s, finding that the reform of male juvenile delinquents was inextricably linked with a discourse on the creation of 'manly' young citizens, who were healthy in body as well as in mind.⁵ Gender plays a central role in the work of Pamela Cox and Anne Logan. Cox's work on 'delinquent' girls highlighted the importance of gender in shaping the ways in which such girls were policed. Girls committed fewer crimes than boys, but there was proportionately no difference in the types of crimes girls committed. Yet girls were overwhelmingly treated as being vulnerable to moral danger. Cox discovered a symbiotic relationship between the voluntary sector and the state in terms of the care of 'difficult' girls, particularly those with venereal disease or who were pregnant.⁶ In a previous issue of this journal, Anne Logan explored the connections between the establishment of the juvenile courts from 1908 and the encouragement of female magistrates in these courts.⁷ Logan foregrounds the importance of gender not only in the ways in which children and young people were treated, but in how this influenced the recruitment of magistrates and the development of the court in the inter-war period.⁸ Before the Sex Discrimination (Removal) Act of 1919, the lay and stipendiary magistracy was open only to males. Women's rights and juvenile justice campaigners actively worked for the introduction of women magistrates as 'specialist' magistrates in the juvenile courts, as they were believed to be especially able to deal with children's cases, regardless of whether or not they were themselves married or had children.⁹ Women magistrates formed part of a discourse in which the juvenile court was seen to function as a surrogate or replicated parent, and came to be accepted as fulfilling a 'motherly' role alongside the male magistrates' patriarchal

role.¹⁰ This article will complement and extend Logan's work in part by examining the roles and perspectives of the court and its constituents as seen by a prominent male magistrate, Basil Henriques (1890–1961), who was not only part of the juvenile justice reform campaigns, but also a member of the networks around the university settlements.

Taking the work of these three historians together, it would appear that the acceptance of particular gender roles played a substantial role in the construction of early to mid-twentieth century juvenile justice. Whilst class figures in the accounts mentioned here, we may wish to consider the role of social background. Wills noted that many of those who applied for posts in approved or reform schools had backgrounds in teaching or youth work in boys' clubs or the Scouts,¹¹ whilst Bailey found that several of those prominent in the inter-war juvenile courts and research into the psychology of delinquents had backgrounds in the settlement movement,¹² one of the major providers of organized leisure for youth. This connection was not coincidental—it marked the interface between the experience of social work with children and young people and the development of social policy. The settlements saw themselves as experts on 'citizenship'—they used their experience in clubs and other forms of social work to springboard their members into positions of authority, as advisors on particular issues or to launch the careers of former residents in social policy and research. In living or volunteering at university settlements, the residents and staff were participating in discourses about citizenship, middle class and working class agency, and about the problems of urban youth. Not only did they participate in these discourses, their later work in policy formation helped to perpetuate them. This article will address the questions of why those connected with the settlement movement, such as Basil Henriques, were so

keen to concern themselves with juvenile delinquency, and how they defined 'good' behaviour along the lines of their own experiences and within the structures of organized leisure. Henriques was the founder of the Oxford and St. George's Jewish Club in Stepney, East London, which later developed into the Bernhard Baron Settlement. He was also a founder member of the National Association of Boys' Clubs and a magistrate at the Inner London Juvenile Court. As a result, Henriques viewed himself as an expert on the creation of healthy, respectable adults through youth clubs and associational activities, and also as an expert on the reclamation of juvenile offenders through his methods in the court and in the club.

The University Settlement movement and the 'youth problem'

The university settlement movement emerged in the 1880s as an attempt to combat chronic urban social problems. 'Settlements' like Toynbee Hall and Oxford House, which were both founded in 1884 in East London, brought young graduates to live in the poorer areas of the major cities to live, to undertake social work for and to learn something of what poverty meant for their host communities.¹³ Such young graduates included William Beveridge, Clement Attlee, William Braithwaite, Ernest Aves, Frank Wise, John Sinclair, Hubert Llewellyn Smith and R.H. Tawney, all of whom went on to prominence in public life.¹⁴ Settlements were replicated across London and the major British towns and cities, across Europe, North America and Japan. They provided a wide range of welfare and educational services, often in conjunction with other voluntary or state bodies. Work with children and young people tended to be a common theme in settlement social work, from youth clubs and Scout troops to co-operation with local branches of organizations such as the Children's Country Holiday Fund and the Metropolitan Association for the Befriending of Young Servants. At the same time that the settlements attempted to stem social problems in their locality, they also acted as a school of political training—which was particularly the case at Toynbee Hall. The young graduates were encouraged to engage with local social problems, but also to cut their political teeth through standing for election as school managers or onto sanitary committees, as Cyril Jackson did.¹⁵ Others canvassed for their fellow residents, or criticized the local council in letters to the editors of the local newspapers.¹⁶ Smoking debates, popular lectures and an endless round of visitors to the settlement ensured that the young residents had regular contact with and access to those prominent in Victorian and Edwardian public life.¹⁷

Like many other reform groups or commentators of the time, the British settlement movement placed a great emphasis on the need for youth work, as a way of creating 'good citizens'. Youth clubs kept young men and boys off the streets away from temptation, and provided them with training in sports and crafts, as well as opportunities for leadership. But it was not all about the development of working class youth. The volunteer youth workers were not so much older themselves than their charges. Some, like C.R. Ashbee and Robert Morant, used settlement club work as a means of sexual exploration and adventure amongst 'rough' working class males, a transgression of social and sexual boundaries.¹⁸ But for others, such as Basil Henriques, the experience of working in a club was an epiphany opening their eyes to religious service or political activism.

The residents of Toynbee Hall were involved in a range of youth activities, from clubs to helping with the local Children's Country Holiday Fund branch. In the early twentieth century, the settlement began to develop a research interest in the question of young people's lives, such as resident E.J. Urwick's 1903 edited volume, *Studies of Boy Life in our Cities*, which brought together a range of other residents' experiences and perceptions of urban youth.¹⁹ Work with 'juvenile delinquents' began in 1921, when a team of residents took up an invitation from the prison chaplains to provide classes and lectures at Wormwood Scrubs. Toynbee volunteers provided classes on drama, Plato's Republic, music and the League of Nations to the adult inmates of Wormwood Scrubs,²⁰ whilst the younger prisoners were able to sample gymnastics and natural history. In the same year, one resident ran a course for forty young men at Feltham Borstal Institution in West London.²¹ In 1925 these services were extended to Pentonville Prison. E St. John Catchpool, then the Sub-Warden of Toynbee Hall, organized a series of lectures, some aimed at the

general prison population but with a series specifically designed for young offenders. The settlement estimated that 50 per cent of the inmates had attended at least one of the courses offered. The scheme also encouraged one settlement resident to organize a collection of 1,000 books of all types to be given to the prison, whilst others volunteered to become prison visitors.²²

The settlement was responding in part to the same impulses that had driven Lilian Le Mesurier and women prison visitors to establish and maintain libraries in prisons for young offenders.²³ On one level, it was an altruistic attempt to constructively entertain prisoners and to relieve the monotony of prison life. It was also an introduction to more positive leisure pursuits for life outside. But the settlement was not so much interested in the more basic educational provision that some of the prisoners would have needed, but rather in providing access to the arts and humanities. Certainly the settlement extended the range of opportunities prisoners had during their sentences, if the inmates had little effective choice in what was offered to them. In this way, the settlement was engaging with the findings of the Juvenile Organizations Committee of the Board of Education that much juvenile delinquency resulted from a lack of leisure opportunities.²⁴ It was also part of an increasingly important trend in juvenile justice in the inter-war period which located delinquency as the product of poor home environments, or as the result of psychiatric deficiencies, or as a consequence of poverty, often a combination of all these factors. These causes, as Bailey points out, were also inextricably linked to the impulse to reclaim and reform the young offender;²⁵ and together these were the spectrum of views that informed the Home Office Departmental Committee on the Treatment of Young Offenders whose 1926 report largely shaped the 1933 Children and Young Persons Act.²⁶

Yet the settlement was also aware that certain factors predisposed young men to dubious ways—sharing the prevalent view that there was a fine line between deprived and depraved.²⁷ Various agencies and individuals had attempted to deal with the problems faced by homeless and orphaned children, including the East London politician John Benn's 1890s campaigns for a London County Council scheme to provide inexpensive, safe lodging-houses for young men.²⁸ Similarly Ada Chesterton's Cecil Houses provided reputable, comfortable and affordable accommodation for young women.²⁹ Boys were seen to be at risk of being made homeless either through unemployment or due to overcrowding. Those in work or of working age were either encouraged to find digs outside the parental home to ease pressure on space, or were a financial burden their parents could ill afford, especially if their parents were out of work and dependent upon family means-tested benefits. The question of housing for boys, at least, was one picked up by the Warden of Toynbee Hall, Jimmy Mallon. Toynbee Hall took over part of the Barnardo's Stepney Causeway complex, creating the John Benn Hostel in 1925. Funded by the Benn family publishing business Ernest Benn Ltd., and philanthropic foundations, the hostel provided accommodation for over 100 boys. Boys came to the hostel through a variety of means, directed through the courts as part of care or probation orders, or through referrals by voluntary or state agencies, or through their own efforts.³⁰

The Inner London Juvenile Court at Toynbee Hall³¹

The NSPCC had worked alongside Toynbee Hall since the 1880s with various incarnations of East London branches of the children's charity being based there, so the two organizations were well aware of each other before mutual connections brought the Inner London Juvenile Court to the settlement. Sir William Clarke Hall, a senior juvenile court magistrate and the son-in-law of the Reverend Benjamin

Waugh, the founder of the NSPCC, was well known in East London through his work at the Old Street Juvenile Court in Shoreditch.³² Clarke Hall had connections with the settlement movement through being a trustee of the John Benn Hostel,³³ but also with Basil Henriques, who was a well-established figure in the Jewish East End community by the inter-war period. Indeed, Clarke Hall recruited Henriques to the magistracy, and subsequently to the Inner London Juvenile Court.³⁴ In 1929, Clarke Hall personally requested that the Inner London Juvenile Court move to the settlement, as it had the 'right' combination of both voluntary sector and state support systems in place for the young, from youth clubs to hostels and state juvenile employment exchanges. Mallon was in 1929 appointed a lay magistrate with the court's move to Toynbee Hall, and, soon, it was one of the busiest courts in England.³⁵ The arrival of the court merged the settlement's various interests and concerns in child and youth welfare in a highly visible and practical form.

When the trustees of the charity decided to build a major extension to the campus to mark the fiftieth anniversary of the settlement, the court was given its own purpose-built rooms from 1938. Prior to this, it had sat in the main public rooms on the ground floor of the settlement, visible to all passing through the settlement's main courtyard. The Children Act 1908 contained the requirement that juvenile courts should ideally be held in a separate building to the adult court, or if this was not possible, in a different room; the minimum requirement was that the juvenile courts sat on different days or at different times to adult courts.³⁶ Yet this was not always fully applied across the country, despite its inclusion in the Juvenile Courts (Metropolis) Act 1920 and further exhortations in a Home Office Circular of 1921.³⁷ The concept of creating separate and different space for resolving the issues of children and young people did not diminish during the 1920s. The first purpose-built juvenile court was built in

1928, and pressure continued to be placed on the government to include further provision for such environments in what would be the Children and Young Persons Act 1933.³⁸ Thus the new rooms at Toynbee Hall fulfilled the recommendations of the 1933 Children and Young Persons Act by attempting to make the court more accessible and less frightening for young people, although it was still ahead of the zeitgeist. Rather than fitted benches, as in an adult court, ordinary tables and chairs were used, although a sense of officialdom was conveyed by using felt cloth on the tables. The court was also on a smaller scale than the adult court, with participants sitting far closer together. Unlike an adult court, there was also a view over the Toynbee Hall rooftops, bringing light and air into the room.³⁹ The children, police and witnesses entered through the rear of the Toynbee building, as opposed to the main theatre block entrance on the quad. In this way, the children were not exposed to the gaze of others using the settlement or of passers-by (nor arguably, the other way round).

The concept of holding the court at the settlement enshrined some of the principles of both the 1908 Children Act and the 1933 Children and Young Persons Act by attempting to create a 'child-friendly' environment for those brought before it. But it also reflected the view, particularly espoused by radical magistrates such as Clarke Hall, that the juvenile court was an instrument of welfare, education and social reform. (Yet children and young people did not see it in these terms, as in the case of the child who stopped Mallon outside the settlement to ask, 'Please, sir, is this the prison?')⁴⁰

Inside the Inner London Juvenile Court

On 28 January 1938 a meeting to address a perceived rise in juvenile delinquency was called at the Home Office, with representatives of the Department of Education, Chief Constables, magistrates and probation officers present. The meeting concurred that whether or not there was an actual increase in juvenile delinquency, the level of publicity given to it required attention in the form of a survey.⁴¹ Three members of the London School of Economics staff were commissioned to undertake the survey—Alexander Carr-Saunders, Hermann Mannheim and E.C. Rhodes. Two had connections with Toynbee Hall. Carr-Saunders had been a resident at Toynbee Hall in the period 1910–1911, later moving further into the East End to undertake social work.⁴² Hermann Mannheim had begun his career in legal studies in his native Germany, developing an interest in psychology and, later, criminology. He rose to become a criminal judge at the Kammergericht, the highest court in Prussia. However, on Hitler's rise to power in 1933, Mannheim resigned his post and emigrated to London in January 1934. Shortly afterwards, he came into contact with both Mallon and Henriques amongst others involved in the juvenile court system, before becoming a major figure in the development of British criminology.⁴³

One of the principal sources for the Carr-Saunders et al. survey was the Toynbee Hall Juvenile Court, which was referred to in the text as Court A. They investigated the juveniles attending the court, but also a control group of non-delinquent children from the same area. The Toynbee delinquents largely came from poorer neighbourhoods, in comparison to the control group. 32.8 per cent of delinquents came from relatively more affluent areas in the East End, whilst 61.8 per cent of the controls lived in such areas.⁴⁴ Carr-Saunders et al. found that in the East End, there was a correlation between poor leisure access,⁴⁵ out-of-work fathers,⁴⁶ poor

attendance of youth clubs or organizations,⁴⁷ high gang membership⁴⁸ and being brought before the juvenile court. But these figures did not hold true in other parts of London, or nationally. In effect, Carr-Saunders et al. challenged the long-held assumption of settlement workers—such as Henriques—that the learning of citizenly behaviours through club attendance helped to prevent juvenile delinquency. What it suggested, rather, was that clubs could have a potentially positive impact in areas of multiple deprivations such as the East End. Oral history testimony, such as Jerry White's study of Campbell Bunk and Arthur Harding's accounts in *East End Underworld*, suggests that it was easy for the young to slide into crime without making conscious decisions to do so.⁴⁹ When Sub-Warden at Toynbee Hall in the early 1920s, E. St. John Catchpool noted how East London children were frequently brought before the juvenile courts for the simple act of playing games in the wrong place—the street.⁵⁰ It would appear that a combination of environmental factors—the potential encouragement and opportunity to engage in locally 'normal' criminal behaviours as well as the application of legal punishments for normal behaviour such as playing—were the distinctive characteristics of juvenile delinquency in the East End.

Inside the East London Juvenile Court—the viewpoint of Basil Henriques

Alexander Paterson, the Borstal reformer and later member of the Prison Commission, started his career in the Oxford and Bermondsey Mission in South London.⁵¹ The Oxford and Bermondsey Mission ran several small clubs, each attracting around 80–100 boys from the impoverished area around London and Tower Bridges.⁵² Paterson threw himself into the work of the mission, and in 1911 published an account of his life and work in the area, entitled *Across the Bridges*. *Across the Bridges* found an enthusiastic audience amongst young Oxbridge

students, many of whom were inspired to spend time in the slums. One of these young men was Basil Henriques, who was mesmerized by Paterson's book during his second year at Oxford. Henriques wrote:

I felt that Bermondsey needed me, but I felt still more that I needed Bermondsey. I simply must learn first-hand of their hardships and handicaps. I must discover for myself the virtues that enable them to live so nobly under such conditions [...] I felt I must make that struggle. I must cross that bridge.⁵³

Basil Henriques was born into an affluent Jewish family from London. He attended Harrow before going up to Oxford, from where he graduated with a third class degree in 1913. During his time at Oxford, Henriques discovered the liberal Jewish movement, Paterson and social theory.⁵⁴ Fired up by *Across the Bridges*, Henriques went to the Oxford and Bermondsey Mission's Dockhead club to help. Some 33 years later, in his first volume of autobiography, Henriques recounted his complete culture shock at what he found in the youth club:

Of all the impressions of that first night the most extraordinary was that these 'slum boys of the lower classes' should speak to me as though I were their equal. I, who until now had scarcely even spoken to any one who had not had an education like my own or who had not mixed in the same kind of circle, unless it was to my batman or butler, was just accepted as an equal by these boys. It seems very silly now, but nothing seemed more odd to me that night than that.⁵⁵

Henriques was astonished by their acceptance of him into their brotherhood, and highly critical of his own social snobbery. The 'slum boys' who attended this club

were probably far more tolerant on first impressions of a naïve young graduate than 'unclubbable' delinquents on the streets of Bermondsey—possibly as they were by now accustomed to the presence of awkward upper middle class men at their clubs.⁵⁶ He slowly built up a rapport with the boys, and became ever more involved in club work. Following the death of his father, Henriques decided to take up full-time social work in the East End, with a particular view to setting up a Jewish youth club.⁵⁷ Henriques's first step was to move into Toynbee Hall in October 1913,⁵⁸ where he had training in a variety of social work activities, but most importantly it was a base for him whilst he took the first steps to set up his own settlement.⁵⁹

Basil Henriques was best known in the East End for being the Warden of Bernard Baron Settlement in Stepney, but he was extensively involved in work for the benefit of the Jewish community. He became a Justice of the Peace in 1924 at the age of 33, was the chairman of the committee of the Norwood Orphanage, a manager of three local schools, was a Visiting Guardian of the Jewish Board of Guardians, and was on the House Committee of the London Hospital. In 1925 he was appointed a Juvenile Court magistrate.⁶⁰ Henriques was also one of the earlier members of the National Association of Boys' Clubs (NABC), founded in 1924.⁶¹ In addition to this considerable activity, Henriques also managed to write a series of books on the practice of youth work: *Club Leadership* in 1933, *Indiscretions of a Warden* in 1937, *Fratres: Club Boys in Uniform and Club Leadership Today* in 1951. Henriques also wrote two books on the juvenile courts and the prevention of delinquency, *Indiscretions of a Magistrate* in 1950 and *The Home-Menders: The Prevention of Unhappiness in Children* in 1955.

Indiscretions of a Magistrate (1950)⁶² concentrated upon Henriques's work at the Inner London Juvenile Court. His emphasis in the book is upon the 'delinquents', the children and young people whose behaviour attracted particular attention, but not so much upon the welfare cases seen by the court. Henriques had high ambitions for Indiscretions. The book was to provide both the professional and the general reader with an insight into the causes of juvenile delinquency and remedies thereof. His aim was to demonstrate that each case and each child should be taken on their own merit, distinguishing, as he put it, between 'the mentally sick and the mischievous, [...] the unhappy and the thoroughly undisciplined'. This would, he hoped, end discussion of the need for corporal punishment and instead direct attention onto the environmental causes of delinquency.⁶³ Calls for a return to birching were by no means prevented by Indiscretions, but Henriques set out his argument through a variety of cases seen by his court to prove his 'method'. Indiscretions is an important text for the historian as it provides a detailed insight into the thinking of a prominent juvenile court magistrate and youth movement leader, and rationales for many policy approaches and sentencing decisions. Most specifically, it demonstrates the ways in which magistrates such as Henriques came to their work with gendered assumptions about the boys' and girls' behaviour, and how they applied this thinking to their sentencing decisions. Indiscretions takes us from the operation of gender in shaping the nature of the magistracy, through recruitment to the juvenile courts, to the ways in which upper middle class adult males like Henriques subsequently constructed and negotiated their worlds, a perspective not necessarily gleaned from procedural manuals for the courts or from juvenile court statistics.

Truancy and 'beyond control' cases were the two main types of civil cases heard by the court. Henriques, like many of his contemporaries, believed truancy to be an early sign of delinquency. Truancy was, on the one hand, a crime unique to children, but it was also due to a lack of parental control and supervision. It reflected on the parents' ability not only to ensure that the child reached school, but also to support their child in their school years. Henriques also viewed it as a measure of how happy and settled the child was in his or her home and school life.⁶⁴ Truancy became one of the control issues which could result in the removal of the child from home. Before the 1944 Education Act, the truancing child brought social workers into contact with his or her family. Following this intervention, the child was brought to the juvenile court. After 1944, the parents rather than the child were brought to the court, firstly to the petty sessions, with a possible referral to the juvenile court to attempt to deal with the truancing child in person.⁶⁵

On the whole, Henriques was sympathetic towards the youngest 'beyond control' cases. Fairly or unfairly, he attributed the younger children's problems to the incompetence of their parents. Some of the cases he described make harrowing reading, even in his sanitized version. He described two cases in which small children had sadistically tortured and killed small animals, as well as another involving violence against an infant sibling.⁶⁶ Henriques typically found that 'beyond control' children ran away from home, committed theft, had outbursts of temper, bit others, destroyed clothes, attempted arson and suffered from enuresis.⁶⁷ Despite their disturbing and destructive behaviour, these were unhappy children, desperately seeking attention from their families. This may have been due to psychological or developmental problems, or poor parenting skills or difficulties in the home.

Henriques suspected that some parents may have attempted to use the court to rid

themselves of unwanted children, but for others it may have been the best way of getting help with an extremely difficult child.⁶⁸ For many, it was a last resort.

Older children posed different problems. Henriques found that boys over 15 with widowed mothers were often out of control due, it was said, to a combination of mourning for their father and lack of a father figure. Some 'beyond control' cases were less clear cut. Henriques cited a case of a teenage boy who knocked out his father's teeth on discovering that the father had assaulted the mother earlier in the day. The father was ordered by the court to leave the familial home—the boy in Henriques's view clearly not being the one 'beyond control'.⁶⁹ The male 'beyond control' cases appear from Henriques's account to centre upon the fear of the boy slipping into property-related crime. For example, runaway boys who were found not to be in possession of any money were sent home, their fares paid for from the poor box, in order to keep them from 'moral harm'.⁷⁰

Teenage girls, on the other hand, provoked a different fear of 'moral harm'.

Henriques's account of the court's work has many parallels with Pamela Cox's findings in *Gender, Justice and Welfare*. Henriques recalled that mothers often brought their daughters to the court in beyond control cases when the girls had been associating with older girls and staying out at night, refusing to admit where they had been.⁷¹ Parental fears ranged from their daughters being involved with inappropriate men (and the concomitant risk of unwanted pregnancy) to prostitution. The latter fear was not unfounded. Whitechapel had long been a centre for prostitution—it was here that Jack the Ripper had preyed on vulnerable young women in 1888. The vice trade continued undeterred, as it still does, in the area, fuelled by the City as well as by the docks. In the 1930s, the area was home to some of the 'cruder' prostitutes (the West

End attracted a different calibre of prostitute).⁷² The Second World War also brought an influx of American soldiers into London. Henriques recalled comments by girls that the soldiers sounded like Hollywood stars. Certainly their exotic accents, their greater disposable income and their proximity were a powerful combination for these young women. It is likely that a large number of girls were wrongly accused of prostituting themselves with their American boyfriends, but also that some girls saw the opportunity to exploit the situation to their advantage.⁷³ Not all prostitutes were 'professional' in the sense that it was a full-time or regular occupation: 'There is a fringe of unknown numbers of "casual" or occasional prostitutes, such as the married woman from the suburbs seeking sex adventure and an augmented dress allowance.'⁷⁴ Aside from these 'beyond control' cases, Henriques reported little delinquency amongst girls. Girls, around 1949–50, came to court on housebreaking charges, but in the main, Henriques argued, their crimes were opportunistic, with shoplifting and stealing from their colleagues' bags and coats the main crimes.⁷⁵ Girls' crimes centred upon the acquisition of desirable items, such as trinkets, in shops or from their colleagues. Aside from Henriques's moral fears for female offenders, the girls were not necessarily different from boys in their criminal endeavours.

The implications of prostitution aside, the juvenile court, certainly at Toynbee Hall, had a role in shaping and controlling the sexual mores of young women. The girls' own views on acceptable sexuality were never fully considered in the court; the age of consent was essentially used as a means of controlling girls' sexual behaviour. Once over 16 and/or married, sexual regulation passed to the husband or potential husband,⁷⁶ thereby invoking a further series of issues regarding the informal, social policing of women's sexual behaviour.

Boys, on the other hand, tend to be prosecuted for crimes in which they exerted their physical and sexual power over smaller children, both male and female. Henriques pointed out that these crimes were rare, but nonetheless still disturbing.⁷⁷ Sexual contact between a male over the age of 16 and either a male or female under the age of 16—the legal age of consent—was a crime which was punished through the adult courts rather than through the juvenile. Whilst it was appropriate that the adult be charged and prosecuted through the adult legal system, this nonetheless subjected children to having to provide testimony in the same manner as adults and having to face their abuser. However, when all parties were under the age of 16, the case came to the juvenile court.⁷⁸ Henriques did not mention any cases in which the minors were both of the same or similar age, but referred to two cases in which the age gap between the minors was significant. In the first, a 12 year old boy was found guilty of sodomising a three year old boy, and in the second, a fifteen year old boy was found guilty of sexually assaulting two younger girls (their ages were not provided) in an air-raid shelter, whilst another young boy stood as look-out. In the latter case, it was the testimony of the lookout that secured the conviction.⁷⁹ Boys were also often found guilty of what Henriques termed ‘wasting electricity’, or making obscene calls to telephone operators.⁸⁰ All of these incidents involved teenage boys attempting to assert power over smaller children unable to defend themselves or women operators at a physical remove. Whereas girls were charged with crimes or chastised for behaviour that arguably brought abuse upon themselves, boys were prosecuted for aggressive, intimidating and abusive crimes against the person. Female sexuality was policed, but so was male sexuality, and the encouragement of one gender to avoid being abused was paralleled by punishment of those who indulged in abusive behaviour. Yet ‘wasting electricity’, as suggested by the throw-

away term used, was not viewed with the same severity as girls staying out past their curfew.

The principal crime committed by boys acting alone was defrauding the railway. Whilst obviously a crime against the railway and an unfortunate charge to have on one's record, it was one of the few crimes that was perpetrated by boys of all backgrounds, ostensibly either on the grounds of poverty or of trying to see if they could 'get away with it'.⁸¹ Other than that, most boys acted in gangs rather than individually. One theme that emerges from Henriques's account was the practice of boys—usually under 12—breaking into shops to steal items and generally create havoc. In one incident, two boys stole contraceptives from a vending machine outside a tobacconist's shop.⁸² Henriques referred to other boys taking contraceptives either from their fathers' barber shops or from machines.⁸³ The availability of vending machines on street corners prompted Henriques and Cynthia Colville (Lady in Waiting to Queen Mary and a magistrate at the Toynbee Hall Juvenile Court from 1929) to campaign in the late 1940s to ban the locating of these machines outside shops.⁸⁴ A letter to *The Times* in 1949 highlighted the temptation for both young people and adults to attack the machines in order to steal the change inside, but condemned the manner in which promiscuity was encouraged by being able to obtain condoms without having to face the reproachful eye of a chemist. Henriques and Colville went on to attack the prohibition of selling alcohol to under-eighteens, as 'from a welfare point of view, such sales would do them and society far less harm than the sale of contraceptives in this way'.⁸⁵ A curious logic, perhaps, but the incident nevertheless highlighted Henriques's fears for the sexual morality of young people, especially girls.

Through *Indiscretions*, Henriques provided a picture of the workings of the court, his attitudes as a magistrate towards children and young people and, on occasion, an initial insight into the experiences of young people in the court. His account is not always comfortable reading, but in the absence of other types of evidence, it provides at least an imperfect way of reconstructing the voices of the children and young people who attended the court. Unlike surveys of juvenile delinquency, he mentioned children's responses to the court—such as the girl who screamed all the way through each hearing out of terror⁸⁶—and to the cases brought against them. Yet the children and young people in Henriques' account are still far from being historical actors in their own right.

The removal of the Juvenile Court

Despite the considerable reputation of the Inner London Juvenile Court, by 1950 the settlement no longer felt able to continue to house the court. Certain sections of the staff and trustees began to feel that the court had a negative impact upon the work of the settlement as a whole. Rather than seeing the work of the court as a means to intervene positively in the lives of children in crisis, the court came to be seen as a financial burden. The juvenile courts changed in the course of the twentieth century from being the devoted work of activists to part of an expanding welfare state. It was no longer an innovation of the voluntary sector, but now an element of national government. Through exploring the removal of the court, we can see some of the uneasiness between the voluntary sector and the state as these issues were worked out.

Henriques's court was well-embedded and supported at Toynbee Hall following its move there in 1929. The court continued throughout the Second World War, with

cases being adjourned only when bombing could be heard close by. The court had a degree of fame: in addition to Henriques's account of his work there, a 1946 film, *Children on Trial*, explored the life of the Court.⁸⁷ So news of its potential removal came as a surprise to Henriques. He felt that the court had 'always had such extraordinary courtesy from everyone at Toynbee', as he wrote in the second of a series of letters to Jimmy Mallon, the warden of the settlement, relating to the court's removal.⁸⁸ Mallon and Henriques exchanged a number of heated letters about the court in June 1950. On 1 June 1950, Mallon wrote to Henriques to advise him that the court would be required to move for a variety of reasons, one of which, he argued, was Henriques's attempts 'to [conceal] the fact that the Court did actually sit here'.⁸⁹ Henriques, for his part, had not made much of the association between the two largely as a matter of protecting the settlement from negative press.⁹⁰ Mallon was, in principle, in agreement. In July 1951, he advised the Bedford Institute Association, a Quaker group who had been approached to take over the court, that young people had a tendency to think of the settlement only as a court.⁹¹ In the 1930s, Mallon had been asked by a small boy, 'Please, sir, is this the prison?' (see above) which he had at the time found amusing.⁹² However, in 1951, the Sub-Warden of the settlement had had great difficulties in trying to persuade children at a local school that he was not a policeman.⁹³ In 1952, Mallon wrote to Henriques to express his desire to keep the court—in complete contradiction to his comments of 1950.⁹⁴ What had become clearer by the letters of 1952 was that the impulse to remove the court came not from Mallon, but from within the Council of Toynbee Hall, the governing body of the settlement.

Council member George Macaulay Booth, the son of Charles Booth, was at the head of the campaign to remove the Court.⁹⁵ This put Mallon in an embarrassing situation,

which shortly blew up with Clement Attlee, former Toynbee Hall resident, exiting Prime Minister and President of the Council of Toynbee Hall. Booth was a trustee, and therefore accountable to Attlee. Booth was determined to remove the juvenile court: he was opposed to the court because it prevented the room in the theatre block being let out to other groups, and also due to the damage caused by the young people attending the court.⁹⁶ This became apparent from Mallon's correspondence with the receivers at New Scotland Yard in 1951. Mallon was under pressure from the trustees to obtain rent from the Home Office for the court, both to ensure an income and to compensate for damages. This was especially the case as Mallon argued that there was a greater volume of young people using the courts, which made the arrangement problematic for Toynbee Hall.⁹⁷ In his letter to Hoare of the Bedford Institute Association, Mallon referred to minor burglaries and arson attempts which were attributed to young people attending the court.⁹⁸ It would appear that the settlement recognized that juvenile delinquency was an increasing problem—and an increasing problem that they felt was no longer theirs.

Whilst these complaints and grievances were genuine, what was unjustifiable was keeping this not insignificant development from Attlee. Attlee was not informed of these moves through the Council, but by James Chuter Ede, his Home Secretary.⁹⁹ Attlee wrote:

I wonder if this is really necessary as it seems a pity. The court has a very high reputation at home and abroad and it will be difficult to find alternative accommodation. I should have thought that it was a very good advertisement for Toynbee Hall, especially with our American visitors. Is there any chance that this decision might be reconsidered?¹⁰⁰

Sir John Anderson was also at this time Chairman of the Toynbee Hall Council, working alongside Attlee. Anderson intervened in the tussles with Booth, and was responsible for persuading Booth against an immediate removal of the court.¹⁰¹ Henriques had set this discussion in motion by contacting Chuter Ede,¹⁰² who had been partly responsible for the 1948 Criminal Justice Act, which had again adapted provision for youthful offenders. Chuter Ede also intervened to encourage Mallon to ask the council to reconsider the change at their next meeting, which Mallon was able to do.¹⁰³ Although Attlee and Chuter Ede were able to exhort the Council to reconsider the matter of the Juvenile Court, this was only a stay of execution. In mid-April 1953, Henriques and his court moved to sit at Bethnal Green. Monday, 13 April 1953 was their final date of sitting at Toynbee Hall.¹⁰⁴

The settlement had valid reasons for asking for the court's removal—it was short of valuable space, and could well use the income from renting the rooms out to other organizations. But the removal of the court had another significance. It had been presented for many years as an exemplar of the ideal working of a juvenile court, from its new facilities of 1938 through to the filming of *Children on Trial* and Henriques's publications. In the 1930s, the court had sat easily alongside other settlement activities or state agencies based there, a good example of how a charity could operate within a mixed economy of welfare for the benefit of its local community. By the early 1950s, the attitude of the settlement management was increasingly hostile to the court, ostensibly for financial reasons. But what we can see in this is a growing tension between certain parts of the voluntary sector and the state, and the negotiation of a new relationship and purpose.

Conclusion

Settlement youth work provided young upper middle class graduates with a foundational training that encouraged many to pursue careers in education, but predominantly in juvenile justice and reform. Such work appealed to notions of 'saving' young men in particular and developing 'citizenly' behaviour in them. It was a powerful and vivid experience for the young social workers, and often shaped their work for years to come. It provided them with a foundation of experience that could be later used to justify policies or attitudes towards children and young people—as the case of Henriques demonstrated. The arrival of the East London Juvenile Court at Toynbee Hall in the late 1929s was in many ways the logical conclusion of the earlier work of the settlement movement in relation to juvenile delinquency. It continued a pattern of co-operation between the voluntary sector and the state in regards to youth welfare, which can be traced back to the earliest campaigns of the NSPCC in the 1880s. It also functioned as an extension of the settlement's work in adult education and youth clubs, and created further opportunities for individuals such as Henriques to codify ideas about social work practice in relation to young people. The court's removal marked the end of the settlements' project to reclaim young citizens and their optimism in the success of clubs and learning as a panacea to social ills—at least as it had developed before the Second World War. That the East London Juvenile Court had an important role to play in the lives of children and young people is not in doubt; but it was an arena in which discourses about the roles of leisure, gender and class as seen by middle class reformers were played out as the relationship of the voluntary sector to broader society evolved.

Basil Henriques's *Indiscretions of a Magistrate* provides the historian with a way into the worldview of those involved in youth work, settlements and the juvenile courts in

the early to mid-twentieth century. However representative he may have been of juvenile court magistrates in the period, Henriques saw himself as a major expert on the problem of 'juvenile delinquency' and its solution. Henriques used publications such as *Indiscretions of a Magistrate* as a conduit for his highly gendered and class driven views of what 'childhood' was and should be. Henriques presented himself as occupying the role of benevolent 'friend' to the children brought before his court, as a 'home-mender' to their parents, but he did not consider the ways in which his role could be seen negatively. Henriques's philosophy was not built on sustained empirical research: rather, he used his experience of youth work and the juvenile court in one area of London as the basis for his arguments. Although the Carr-Saunders study highlighted the uniqueness of certain causal factors in the East End, Henriques wove a narrative that drew heavily upon the length and depth of his experience in this particular locale to make recommendations for the nation. His book vividly brings the world of his court to life, through a persuasive mixture of personal reflection, emotive story-telling and recommendations for practitioners and the public alike. Henriques and his court illustrate the ways in which the particular and the personal could shape not only the immediate environment, but also broader discourses about the roles of young people, the voluntary sector and the state.

Acknowledgements

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