

Peter Bartlett project notes for CSLS seminar

PB outlined two projects of relevance, both in a sense very standard socio-legal: the first looking at implementation of law; the second looking at how crime happens and how it's responded to. In both cases, an interest in the voice of non-legal actors (a big issue in the field of mental disability law) was a major factor.

Project 1: [PhD 1993, University of London, Published as Poor Law of Lunacy, Continuum, 1999] on Poor Law administration of lunacy in mid-19th c Leicestershire. This was a branch of C19th poor law, effectively run by poor law officials, caught up in poor law debates [cf academic views at that time that this was all about medical debates].

Sources used were:

- Published Parliamentary papers at the British Library
- Period (and more recent) published sources – journal articles, treatises etc
- Records held Records of Leicestershire County Asylum, 1837-1870 held in Leicestershire County Records Office, including:
 - Admission orders (medical report from PL doctor, PL relieving officer comment)
 - Case book – including notes at time of admission; SOME material on time in the asylum; SOME notes on discharge/death (often slight)
 - Admission registers – providing basic demographic information [throughout period]

Usage of the records: to get a reasonable sense of dynamic of relationships, how events occur eg:

- Poor law ideologies as affecting administration of people.
- Complexities of the poor law: some people wanted in; some people really didn't. How people manipulated the poor law (both administrators and patients/inmates)
- Descriptive stats – NB for example that women were not particularly over-confined, statistically (ideologies more complex – but still a hard case to make out that this was about women, in classic feminist sense) [big issue in the background – C20th statistically different!]

Problems: fairly standard for administrative records: they are what they are (and nothing else). NOT as much from P as I would have liked – no letters, transcripts – what we have is what is repeated in the documents, and that is for specific administrative purposes (getting the person in, diagnosis...). Obvious question: would P have understood the situation the same way it's recorded? (Similarly, would administrators have written down different things/perceived the situation differently if in a different context.)

Project 2: gay murders: how do gay men get end up dead, in short relationships (one night stands and the like) 1976-2001. 47 BJ Criminology (2007) 573

Starts as interest in 'homosexual panic' – A comes on to B, B freaks out, and bludgeons A to death. For lawyers: provocation defence ('Portsmouth Defence'). Became clear that a focus on the situation rather than the defence would make a more interesting paper.

The start date was chosen because that's when the Crown Prosecution Service (CPS) computerises case records: 'homosexual: casual' is a category within their classification. 78 accused/convicted [no one acquitted] and 77 deceased (accident – while most 1 on 1, some multiple killers, some multiple accused for one deceased)

Records: PB had access to CPS files – key documents included:

- Witness statements [lots of them, most notably, with accused, since he will usually be the only witness]
- Forensic statements
- Pictures of the crime scene
- Trial note by counsel (often)
- If appeal, sometimes some transcript evidence, but that's fairly rare

Usage

- Descriptive stats. A lot not surprising – poor and drunk. Horrible pasts – c ½ at special school or borstal. Almost everybody had a history of offending; roughly ½ for violence. Some interesting findings – overwhelmingly young [median age 23; cf median age of 30 for heterosexual comparators in Thomsen study]; re SO: c ½ - 2/3 had had sex with men before without payment. Important finding: this is in part about my community's violence against itself. [interesting question whether that will have changed in the last decade]
- qualitative analysis – contexts (robbery, rent boys, power issues)

Problems of documents

- Again, context of documents: these are not detached views; these are people being interviewed by the police, with a view to a murder/manslaughter trial. What do accused (or police) say to their mates?
- Note that a significant number of accused in the murder study were subject to probably flawed psychology reports.