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Title: ***Divergent victims in the Old Bailey, 1950-1979***

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Abstract:

This chapter explores how victims were conceptualised and represented in selected twentieth century English criminal trials. Based on qualitative evidence drawn from *Times* newspaper reports of Old Bailey trials between the 1950s and the 1970s, the chapter explores the representation of victims who, in various ways, conformed to and diverged from notions of 'ideal' victimhood (Christie, 1986). It focuses on three groups of divergent victims: women and girls who were victims of sexual offences; men defined in court as 'homosexual' and who were victims of violence and other offences; and minority ethnic individuals or groups who were similarly victims of violence and other offences. The chapter quotes from sensitive materials that use terminologies of the period, now rightly contested, to discuss categories of gender, sexuality, ethnicity and age.

Key words

criminal trial, divergent victims, ideal victims, media reports

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Introduction

This chapter explores victims in historical contexts, considering how they have been conceptualised and represented in selected twentieth century criminal trials. It focuses in particular on those who diverged from 'ideal victimhood', a framework proposed by criminologist, Nils Christie. Christie classically described the ideal victim as 'a person or category of individuals, who, when hit by crime, most readily are given the complete and legitimate status of being a victim' (Christie, 1986, 17-30, 18). Based on evidence drawn from *Times* newspaper reports of Old Bailey trials between the 1950s and the 1970s, the chapter explores the representation of complainants who were less readily attributed that status. The chapter quotes from sensitive materials that use terminologies of the period, now rightly contested, to discuss categories of gender, sexuality, ethnicity and age.

The chapter has three parts. The first outlines the parameters of the wider project from which our data is drawn. The second briefly outlines key historiographical approaches to the victim, briefly explores the representation of victims who can most clearly be described as 'ideal' or 'conforming' victims – older women and children. The final part focuses on those whose encounters with the criminal justice system were much more problematic and much more influenced by aspects of their identities that were presented as 'divergent' in comparison. This final part thus explores trials for sexual assault involving female victims, and trials for violent and other offences involving 'homosexual' and minority ethnic victims.

For all crime victims, the post-war period was one of significant change. The Costs in Criminal Cases Act was passed in 1952, the Criminal Injuries Compensation Board was established in 1964, and new 'victim support' initiatives were set up from the mid-1970s onwards (Walklate, 2007; Walklate, 2017; see Mawby in this volume). Some of that support, in the form of women's refuges and rape crisis centres, for example, was linked to grassroots social

movement and other forms of activism that were challenging conventional social attitudes. However, plenty of prejudice remained in the criminal justice system. Women who were victims of sexual offences were still judged on their previous behaviour and appearance (D'Cruze and Jackson, 2009; Bourke, 2007); racism was still endemic in British society, particularly with increasing immigration from the Caribbean, Africa and Asia (Hall et al, 1978; Gilroy, 1987; Olusoga, 2016) but rarely prosecuted; and despite the 1967 Sexual Offences Act which decriminalised (male) homosexuality, many gay, lesbian, bisexual and trans people were still subject to abuse, violence and stigma (Lewis, 2016; Weeks, 1981, 2018 edn., 260-270; Tatchell, 2002). This chapter will explore the representation of divergent victims in the Old Bailey courtroom and the media.

Part One

Data and Methods

The material for this chapter is drawn from an ESRC-funded project entitled 'Victims' access to justice through English criminal courts, 1675 to the present' (ES/R006962/1). We draw upon a dataset we have created from a sample of *The Times* newspaper reports. *The Times* was selected because it had routinely reported on Old Bailey trials for over a century. These reports provide snapshots of the business of the Old Bailey. Inevitably, there was a high degree of selectivity in the *Times'* reporting. Our wider research indicates that it was much more likely, for example, to cover trials for murder and other forms of interpersonal violence, as well as crimes which disproportionately involved female victims (see Cox, Shoemaker and Shore, forthcoming). It was less likely to report more mundane property and public order offences. With these caveats in mind, these *Times* reports still remain a key source for crime historians

and historical criminologists, not least because archived legal and criminal trial materials dating from this period are typically subject to lengthy closure orders.

The Old Bailey (or Central Criminal Court) is a sessional courtroom which hears the most serious crimes in London (and historically from the county of Middlesex), which had - at some point in time - been punishable by death. It is also one of the few English and Welsh courts for which we have consistent and detailed trial reporting (accessible via the Old Bailey Proceedings, digitised at the oldbaileyonline.org) for a substantial part of its history from the late seventeenth to the early twentieth century. Our wider project makes extensive use both of these digitised trial reports for the period 1674 to 1913 and of our larger *Times* dataset which covers selected reports of Old Bailey trials between the 1910s and 1970s. Over time, the range of offences tried at the Old Bailey narrowed considerably, as a many minor felonies were diverted to summary (or lower) court jurisdiction during the nineteenth century. However, the most serious offences, including murder, rape, robbery, and (particularly violent) burglary, continued to be tried at the Old Bailey into the twentieth century. In 1856, the jurisdiction of the court was extended to include a small number of cases from the rest of England and Wales; and in 1972 it became a Crown Court. As a result, for the period considered in our wider project, it accounted for a sizable proportion of all the trials held nationally. Its location and public prominence also meant that its exerted significant influence within the public imagination.

The words spoken by witnesses (sometimes but by no means always including the victim themselves), police, prosecution counsel, defence counsel and judges during these trials could thus carry enormous cultural weight, especially when reported and amplified in a leading national newspaper. It is important to emphasise that the words reported were spoken in the context of an adversarial criminal trial. The role of prosecution and defence counsel (barristers supported by solicitors) here was to persuade the jury of the guilt or innocence of the defendant,

albeit in the name of public justice rather than in the name of personal justice for the victim who was not a formal party within proceedings. Counsels' characterisations of victim and defendant were, therefore, crucial to trial outcomes, as was were judges' interventions during proceedings and their closing summations.

In this chapter we focus on a period of history that is particularly underrepresented in crime history studies, the second half of the twentieth century. We draw on reports of every Old Bailey case published by *The Times* (identified via the keywords "Central Criminal Court" and "Old Bailey") between January 1950 and December 1979. In all, there are 2023 [HS to confirm] such cases (excluding those in which the victims were institutions, or where identifying details were not reported). Each *Times* report was transcribed to record verbatim information about the victim(s) and defendant(s) involved in each case, including their name, age, sex, occupation, ethnicity and address (where available), and to answer specific binary research questions (including whether or not the victim appeared at trial, whether or not counsel was present, whether or not the defendant was found guilty). Data was collected to allow a broader quantitative analysis of the kinds of victims whose cases were progressed to the Old Bailey and the outcomes of these cases (see Cox, Shoemaker and Shore, forthcoming). However, the rich qualitative nature of the *Times* reports present additional opportunities to delve back into the dynamics of the courtroom and partially to recover the testimonies, narratives, and arguments that constituted the administrative practice of justice.

We know from an abundance of historical literature that as long as crime reporting has existed it has been a vehicle for exploring social norms and anxieties, reinforcing contemporary moral frameworks alongside the more mundane business of entertaining and exorcising their readership in order to turn a healthy profit (Carter Wood, 2012; Crone, 2012; Devereaux, 2007; King, 2007; Reiner, 2001; Sindall, 1990). We also know that cases which involved victims or defendants who embodied social ideals or confirmed social prejudices, crimes which

transgressed moral codes as well as legal ones, and anything involving well-known persons or unusual events, were likely to attract greater coverage (Rowbotham, Stevenson and Pegg, 2013).

These factors shaped the *Times'* coverage of crime. Of our 2023 cases, 62.2% (1259) involve male victims and 37.8% (764) involve female victims. Of the offences tried within our sample, X per cent were for X, Y per cent for Y and Z per cent for Z. A number of the trials that we have opted to consider in this chapter were for murder or manslaughter. *Times* coverage of these cases was often much more detailed than that of others. The majority of victims appearing in the Old Bailey in the 1950s, 60s and 70s were white middle-class men who had experienced a property or violent crime [HS and RS to confirm]. The cases that generated most coverage, however, seem to have been those that involved a 'violated' 'ideal' victim, or a 'quasi-culpable' 'divergent' victim.

Part Two

Historians and the Victim

The history of victims and complainants has been underrepresented in historical criminal justice research (but see Hoyle and Young, 2002; Rude, 1985; Hay, 1983; Rock, 1990). That said, valuable work by Churchill (2017), Godfrey (2008) and Davis (1984) has considered the role of the victim in provincial contexts, particularly in the later nineteenth and early twentieth centuries. Whilst surveys of twentieth century crime touch on the role of the victim in criminal justice contexts (Emsley, 2011; Godfrey, 2013, 2018), there is no significant study of the history of victims of crime in this period. This chapter, and the wider project on which it is based, seeks to address this gap.

Conforming victims

As both crime histories and studies in critical victimology have evidenced, experiences, representations, and narratives of criminal justice draw heavily on codified understandings of victims and defendants as fitting into a matrix of 'good' and 'bad', 'right' and 'wrong', 'worthy' and 'unworthy' (Hall, 2013, 201-202; Christie, 1986). Historically, those whose social identities and behaviours allowed them to fit easily into institutional conceptions of such categories, tended to enjoy sympathetic hearings both inside and outside the courtroom. While there was no single set of criteria that might constitute a 'conforming' victim, broadly speaking, this encompassed victims who through age, infirmity, or incapacity could be considered vulnerable, and/or those who were considered 'respectable'. Of course, perceptions of victims have been historically linked with perceptions of defendants, and the interplay of these factors could also be impacted by the nature of the alleged crime. Our *Times* data indicates that certain victims tended to be favourably represented in trial reports: the elderly, especially older women, who had experienced assault or robbery; some young children who had been sexually abused or murdered; and middle-class property-owning men who were robbed, extorted, or assaulted – especially if they could be contrasted with a working-class, unemployed, younger defendant. As outlined above, these cases were not those the most commonly seen in the Old Bailey courtroom. Yet it was often these cases that made compelling print copy.

Elderly Women

Van Wijk (2013: 160) summarises Christie's characterisation of the 'ideal' victim and her six attributes: '(S)he is: (i) weak; (ii) carrying out a respectable project; and (iii) not to be blamed. (S)he should furthermore be victimized by a (iv) big and bad offender who is (v) unknown.' Christie's archetypal ideal victim is therefore 'the 'little old lady' who – after having cared for

her sick sister – gets robbed by a big and hooded drug addict in clear daylight.' Cognate accounts argue that elderly female victims could elicit sympathy on a number and combination of counts: on the basis of their age, marital status, physical frailty and moral rectitude (see Smart, 2013, 180-182).

Many of these factors played out in an exemplar Old Bailey case from 1954, one of XX that we have been able to identify as involving older women victims (either because they were recorded as being over the age of 50 [??] or because of descriptions of them in court). Jane Smith, a 77 year old retired school mistress, was defrauded of her life savings by Daphne Draycott, 56, a former children's nurse. Much of the prosecution focussed on establishing Draycott's moral dereliction, and contrasted this with Smith's virtues. Smith was 'in the habit of giving shelter to elderly ladies', and this charitable activity had brought her into contact with the defendant (*The Times*, 21st October 1954). In passing a ten-year sentence on Draycott, the judge emphasised Smith's virtues: 'I hope Miss Smith has not lost the kindness in her heart and her faith in human nature, but she has lost every penny she has . . . There can be no doubt you are an evil woman in whom there is no pity, and after your record, society is entitled to be protected from you in the future' (*The Times*, 21st October 1954). The dichotomy of the case was starkly configured: an elderly woman who had dedicated herself to educating children, kindness, living charitably and with faith in society victimised by a woman who gave up the care of children to lie, cheat, steal, and defraud the good-natured. The dichotomy was couched by the judge, quite literally, in terms of Good vs Evil.

Children

The framing of children as 'ideal' victims is complex. The moral reputations of girls were subject to the same sort of scrutiny as adult women victims, especially in sexual offence cases.

This is pertinent because the child victims in our *Times* sample were overwhelmingly victims of violent and sexual crime. In total, 7.1 per cent of those in our 1950-1979 sample were aged sixteen and under, and of these, 91.8 per cent had experienced a violent offence, including murder, manslaughter and assault, or a (violent) sexual offence, including rape and sexual assault. A significant proportion of them died as a result of their injuries. Of the 266 [child?] victims recorded [in our 1950-79 sample?], 100 were victims of murder, manslaughter or unlawful killing. [Heather - please can you clarify this figure? Are there 266 child victims in the Times sample for 1950-79? Is a child defined as someone under the age of 16? If so, that means that they account for 13.1 per cent of victims in this sample, not 7.1 as suggested above].

This information, in and of itself, is very valuable, as historical data on child victimisation is very thin. The Criminal Statistics for England and Wales do not record child victims [Heather, can you clarify this? Does it mean that the Stats don't record ages of victims unless they are murder victims?] (Morgan and Zedner, 2003, 22). Until recently, crime and victimisation surveys, which were introduced in the early 1980s, have not included those under the age of 16. Those that have since done so have indicated that children experience substantial levels of property crime and assaults, often committed by other minors in or around schools, in addition to offences committed against them by adults (Howard League for Penal Reform, 2007).

Significantly, comparatively little was said or reported in the Old Bailey about ideal child victims relative to ideal elderly victims. Children were less frequently [??] named in *Times* reports and less detail given about them. In other words, the focus of the proceedings (and reporting thereof) in these cases tended to be on the actions and character of the defendant [PC question – am I correct? Even when it comes to a judge's summing up?]. For example, xxxx [is it possible to add an example where typically scant details are offered?]. However, in cases where a child diverged from ideal victimhood, typically where the defence aimed to present them as culpable in some way for their own victimisation, their lifestyles and their characters

were held up to much greater court and press scrutiny (Eigenberg and Garland, 2008). Children, like women, involved in sexual cases, would reach a borderland in their teenage years where their victimisation was more routinely challenged by the defence. In 1977, for example, fifty-five-year-old Frederick Crouch was found guilty of unlawful sexual intercourse with a fourteen-year-old girl, having previously been convicted of indecently assaulting a thirteen-year old boy. The girl, however, was described as a 'teenage temptress' to whom Crouch had 'succumbed ' (*The Times*, 6th April 1977). In this context, child victims were portrayed as sexually mature agents, leading adult men into temptation – and in doing so, clearly diverging from the narrative of ideal victimisation.

Part Three

Divergent victims

Divergent victims are necessarily defined in relation to ideal victims. Those who did not appear to be vulnerable, respectable, socially conforming or deserving were often presented very differently in court, even by prosecution counsel (see also Bates, 2017). If they had, additionally, appeared to have contributed to their own victimisation – by behaving in a certain way, by wearing certain clothes, by putting themselves at risk, by mixing with the wrong people in the wrong places – they could often expect their credibility, trust-worthiness and character to be questioned, and/or that the defendants concerned would receive a lighter sentence. Critics of the concept of 'victim proneness' initially developed by German criminologist Hans von Hentig in the 1940s (Godfrey, 2017, and Cox and Walklate in this volume) have emphasised the corrosive effects of these forms of 'victim blaming'. Our *Times* dataset suggests there were many examples of these narratives at work in the Old Bailey from the 1950s onwards, particularly in relation to three groups of victims: women and girls who were victims of sexual

offences; men defined in court as ‘homosexual’ and who were victims of violence and other offences; and minority ethnic individuals or groups who were similarly victims of violence and other offences.

Victims of Sexual Offences

It is well documented that victims of sexual offences are among those groups of complainants most likely to struggle to see their allegation progressed to court or to secure a conviction (Bates, 2019; Brown and Walklate, 2011). Representing a victim as divergent, unworthy, and unsympathetic been a much-used tactic by defence counsel. In September 1956, sixty-two-year-old General Sir Frank Messervy, a war veteran of considerable standing, pled guilty to indecently assaulting a thirteen-year-old girl. The court heard that he had had “similar troubles before” and had previously been convicted of indecent exposure. The victim was described as “of subnormal intelligence, untruthful, and dishonest, and with abnormal sexual tendencies” (*The Times*, 11th September 1956) (Davies, 2007, 2017 edn). Messervey was bound over for three years, and in passing sentence, the judge stated that he considered “the evidence showed clearly that he [Messervey] was not the instigator of the offence” (*The Times*, 11th September 1956).

In November 1960, twenty-eight-year-old Frederick Stewart (of Jamaican heritage) was convicted of having unlawful carnal knowledge of a girl under sixteen. A serious sexual offence, he was sentenced to six months imprisonment. However, Stewart appealed and within two months his sentence was reduced to a £50 fine. The appeal did not seek to prove the innocence of the offence, but to provide mitigation in hopes of overturning the conviction. The Lord Chief Justice who handled the appeal noted that Stewart was of previously good character,

and that the matter had been an isolated incident. More importantly he noted that the offence was committed:

> …with a no-good girl of 15½ who slept with black men quite promiscuously. On the morning after the offence she was found in bed with another Jamaican . . . It would appear that this man had been led astray by the girl and as he had been released on bail, it would not seem right to take him away from work and bring him back to prison (*The Times*, 23rd November 1960).

The victim here was a white girl said to have socialised and slept with black men – thus playing to a host of race-based anxieties of the time. Her own status as a divergent victim was clear, even though Steward, as a black man, was also likely to have been subject to especial scrutiny. In reducing Stewart's sentence so dramatically, the judge indicated that it was not right to hold him fully accountable for his part in a statutory offence as the victim in question was not worthy of full protection under the law. Similarly, in the 1974 trial of William Regan for raping a nineteen-year-old woman, despite labelling him a 'dangerous and violent man', the judge in passing a four year sentence [HS to check sentence length] stated, "I make allowances for the fact that girls who take lifts from strangers are asking for trouble" (*The Times*, 9th April 1974).

In the mid-1970s, pressure from rape crisis campaigners and others contributed to a significant change to legal procedure. The 1976 Sexual Offences (Amendment) Act conferred the entitlement to anonymity on both complainants and the accused in rape investigations (although this was repealed in relation to the accused in 1988). This marked a key moment in rape victims' ability to access justice. However, in one of the first Old Bailey rape trials that followed, the judge ordered that the anonymity of the victim be lifted whilst preserving that of the accused in order to encourage witnesses to come forward. As a result, seventeen-year-old Lorraine Brown was named in court and the press and furthermore identified by the defence as

a prostitute – an accusation she denied. Meanwhile, the defendant, a "wealthy company director" continued to be "protected from publicity by the Act and was referred to as Mr X" (*The Times*, 7th February 1978). In open court the judge speculated that Brown might have reservations about seeing her name "plastered all over the national dailies", to which defence counsel responded, "It could argue that it might boost her trade" (*The Times*, 7th February 1978). There is no record in the report of this remark being subject to any objection in court.

'Homosexual' victims of violent and other offences

In November 1962, George Brinham, aged 46, a former Labour Party chair, was found dead with head wounds at his Pimlico flat. Within weeks, sixteen-year-old Thomas Somers had been charged with his murder. The court heard how they had met that evening, shared drinks, and gone to the cinema together. Somers had accompanied Brinham back home and alleged that Brinham had put his arms around him and asked him for a kiss. Somers had then bludgeoned Brinham with a decanter and ransacked the flat to create the impression of a violent robbery (*The Times*, 22 January 1963). A short way into the trial, the judge directed the jury to ignore the charge of murder and proceed with that of manslaughter instead, declaring,

> I cannot see how any jury properly directed on the evidence can fail to find there was provocation. There is the statement of the lad which shows quite clearly that this man attempted to make homosexual advances, and that in consequence Somers picked up the decanter and hit him on the head. I should think that is about as clear a case of provocation as it is possible to have (ibid).

Material uncovered at Brinham's flat was labelled by the defence as "the literature of a male pervert" (ibid). The police testified as to previous complaints by other young men about the victim's conduct. Somers was found not guilty of manslaughter and released. His counsel

stated, “I shall submit that one is entitled to kill a man if he commits a forcible and atrocious crime against you” (ibid). There was no allegation of a serious sexual assault by Brinham. The tacit acceptance of his deviant moral character on account of his homosexuality was enough, in the eyes of defence counsel, judge and jury, to justify his murder.

Violence against gay men was widespread in twentieth century Britain, both before the decriminalisation of homosexuality in 1967 (Houlbrook, 2005: 273-74) and after (Weeks, 1981; Tatchell, 2002). Sexual orientations of all kinds also continued to be used as grounds for harassment, abuse and blackmail. Our *Times* sources suggest that gay men who were victims of so-called ‘queer-bashing’ and other forms of violence had highly ambiguous protection under the law in the years following decriminalisation. In September 1969, Michael de Gruchy, a twenty-nine-year-old clerk from Mitcham in Surrey, was beaten to death near Wimbledon Common by a group of men and boys (*The Times*, 23 January 1970). By November, twelve suspects appeared at the magistrates’ court on murder charges which were subsequently dropped for eight of them. All twelve were additionally charged with the lesser offence of conspiring to cause actual bodily harm. When the case reached the Old Bailey two months later, the prosecution explained how the group had assembled near the Common that evening for the purposes of “queer bashing”. Armed with wooden planks and branches, they had waited to attack men approaching the Common, who they assumed to be going there for sex. They beat De Gruchy about the head and face and “left [him] dying outside the gates of Putney Vale Cemetery” (*The Times*, 20 January 1970). All the defendants were subsequently found guilty on all charges [HS to confirm].

Just days after this trial had concluded, the body of twenty-four-year-old Jeremy Wingfield was found in Nevern Square, Earls Court in the early hours of a Sunday morning. He had been killed by a single stab wound (*The Times*, 23rd February 1970). A brief investigation led the police to a nineteen-year-old van driver, Thomas Baxter, who had apparently met with the

victim and a group of his friends for a short period the previous night. Baxter was put on trial and pled not guilty to the charge (*The Times*, 16th May 1970). He claimed that once he had realised that Wingfield was 'homosexual', he had drawn a dagger to protect himself but that Wingfield had somehow fallen on to this and died. Baxter was found guilty of manslaughter rather than murder, for which he was sentenced to four years imprisonment. The judge, Mr Carl Aarvold pronounced "I accept the jury's verdict in this case that you were provoked" (*The Times*, 16th May 1970).

As in George Brinham's case, the divergent sexuality of the defendant was deemed sufficiently threatening to warrant a lesser conviction. Similarly, when thirty-six-year-old theatre director Edwin Thornley was robbed and murdered in May 1974, his sexuality played a central role in the case. Counsel for the prosecution [HS to confirm] told the court that Thornley had been "lured from Piccadilly Circus, the haunt of male prostitutes, to Hungerford Bridge" where he was robbed and stabbed (*The Times*, 3rd December 1974). In fact, there was no evidence to suggest that Thornley had been engaging prostitutes but this appeared to go unchallenged in court [HS to confirm].

The impact of the characterisation of gay men as divergent victims was documented by gay rights activists in the 1970s and beyond (Tatchell, 2002). As their own surveys illustrated, one impact was to dissuade many gay men and others from seeking access to criminal justice for any reason (ibid). Another was to cast doubt on their credibility as victims and witnesses in a range of prosecutions that were not limited to the violent cases discussed above. For example, Hew McCowan was the victim in a 1965 trial where the defendants, the infamous Kray Twins, were charged with demanding money with menaces. They were already well known to the police and prosecuting agencies due to 'convictions for violence, blackmail, and bribery' (*The Times* 21st April 1965). During proceedings the judge remarked in relation to McCowan, "What sort of man is he? He has Homosexual tendencies . . . but does that make him a man who cannot

be believed on oath?" He suggested that the jury would have to ask themselves "Did that make him an unreliable witness?" (*The Times*, 19th March 1965). The prosecution ended in a 'mis-trial', which meant that xxxx [HS to confirm]. The cases discussed above clearly indicate how sexuality was used in court to channel social anxiety and to dilute criminal justice processes in ways that severely compromised some victims' access to justice on the basis of their sexuality.

Minority Ethnic Victims

The past and present discriminatory representation and treatment of minority ethnic people in the British criminal justice system has also been well documented. A 1978 study into the political construction of the 'new' threat posed by young black 'muggers' by Stuart Hall and colleagues at the Birmingham Centre for Contemporary Cultural Studies (Hall et al, 1978) laid the foundations for vital further research. Young black men, particularly those of West Indian and Caribbean heritage, were frequently demonised by the police and the press in ways which directly impeded their access to justice and undermined their confidence in the justice system (for a recent overview, see Lammy, 2017). Crime surveys and other studies have indicated that minority ethnic groups are less likely to report victimisation of many kinds and more likely to experience racially-motivated offences (Smith, 1997, 114-125; Phillips and Bowling, 2017; Jansson, 2006). However, there has been relatively little research into the history of minority ethnic victims' engagement with criminal justice system or of historical representations of their victimisation in court.

Our *Times* sample offers some limited but valuable insights here. Using the terminology of the period to generate search terms, we identified a small number of cases within the overall sample of 2023 cases that involved minority ethnic victims. These victims were referred to in *Times* reports by their national or global region of origin (most frequently Indian, Asian, Jamaican,

Nigerian, Punjabi, Pakistani and West Indian) and/or by their identification in court as 'coloured', 'immigrant', or a 'man of colour'. The representation of minority ethnic victims in this period as both divergent and ideal is complex. Both characterisations are present in trial report narratives.

In a 1961 case of wounding with intent to cause grievous bodily harm, a gang of young, white, males attacked a group of 'coloured persons'. The prosecution counsel made clear that this was what would be referred to today as a racially aggravated case: 'They then attacked individual passers-by for one reason only – the colour of their skins. There was not a shred of evidence…that any of the coloured persons attacked gave offence by so much as a word or the flicker of a gesture' (*The Times*, 1st November 1961). The two victims, Cecil Coates and Easton Tarrant, received a number of injuries. Tarrant sustained a fractured skull and needed seventy stitches in his face. The trial took place over a number of days, not least because some of the defendants were accused of threatening their fellow accused. Eventually, three of the youths were sentenced to between eighteen months and six years imprisonment and the judge described the events as a 'despicable outrage' (*The Times*, 11th November 1961).

By contrast, other trials for violent crimes involved members of the same minority communities as victims and defendants. In July 1966, twenty year old Grace Ebun Fayomi was murdered by fellow Nigerians, Kayode DuroJaiye Orishagbemi and Evelyn Tinoula Akolo, who believed she was a witch. Her body had been found in a parcel in Hampstead (*The Times*, 1st August, 25th November, 26th November, 29th November and 2nd December 1966). Origshagbemi was sentenced to life imprisonment (*The Times*, 6th December 1966). At his sentencing, the judge recommended that he be kept in prison for no less than twenty years, due to the 'horrifying' nature of the crime (*The Times*, 6th December 1966). Grace was described as having been

subject to 'cruelty and violence from the moment she arrived in the country in October 1965' (ibid).

In 1968, the father of twenty-year old Sarabjit Kaur was tried for, and convicted of, her murder. Suchnam Singh Sandhu had given his daughter a fatal dose of phenobarbitone, struck her on the head with a hammer and then dismembered her body 'because she had brought disgrace upon the family when she became pregnant' (*The Times*, 6th November 1968). [HS to confirm – as I've seen different accounts of this case?] He was sentenced to life imprisonment.

In the same month that this verdict was reached, Carl Livingstone Johnson, aged 28, was killed in a pub in Walthamstow. Five other Jamaican men were arrested and charged with murder. At the trial in June 1969, the prosecution argued that the death had occurred as a result of fight or 'clash' between opposing factions of a gang. The court heard [from prosecuting counsel?] that 'That night Mr Carl Johnson and his brother…went to that public house clearly looking for trouble, and there were plenty of people present prepared to let them have it' (*The Times*, 18th June 1969). In this case, with the victim thus portrayed as the aggressor, the defendants were discharged A number of other Old Bailey cases in our sample involving Jamaicans also referred to gang activity, although it is difficult to establish the extent to which these were instances of organised crime or simply confrontations involving groups of men. Certainly, Carl Livingstone's case fits into older patterns of associating organised crime activity with 'foreigners' with the inference that immigrants introduced new kinds of crime that threatened the fabric of English life (Shore, 2011, 476, 484-5). Notably, this intimation is clearly present in all three of the intra-minority cases discussed here. Sarabjit Kaur and Grace Ebun Fayomi were represented as victims of their own 'foreign' cultures and thus as deserving of the especial protection of the English criminal justice system. In the process, English values were shown to have been upheld against 'foreign' incursion.

But, of course, the question of 'protection' in relation to minority ethnic victims is a complex one. The conviction of those who racially attacked Cecil Coates and Easton Tarrant in 1961 was a rare example where the justice system delivered full access to justice for victims of racial violence in this period. Our final example features the murder of eighteen-year-old Sikh student, Gurdip Singh Chagger, in Southall in 1976 which bears striking and shocking similarities to the murder of eighteen-year-old Stephen Lawrence in another part of London in 1993. Like Lawrence, Singh Chagger died in an unprovoked attack at the hands of a group of white youths. The Southall community, one of London's most diverse at the time, came onto the streets to protest. Three days later, five people were charged with xxxx [HS to confirm]. *The Times* reported, 'The murder charges came last night after more than two thousand Asians and West Indians had marched through the streets of Southall demanding justice' (*The Time*s, 8 June 1976). Asian community leaders 'appealed to the Prime Minister…to make a statement denouncing the killing…and all racial violence' (ibid). By the time the trial started in April 1977, however, the events were being described by the *Times* as a conflict between gangs of black and white youths, rather than as a racially aggravated murder (*The Times*, 21 April 1977). In May, two of the youths (aged seventeen and eighteen) were imprisoned for six months for having an offensive weapon and for affray (*The Times*, 3 May 1977). This verdict stands as clear evidence of what the MacPherson Report into the murder of Stephen Lawrence would later call out as 'institutional racism' within the 1970s criminal justice system (Goodman and Ruggiero, 2008).

Conclusions

This chapter has drawn on the well-known model of the 'ideal' victim (Christie, 1986) to analyse a much less well-known aspect of English criminal justice history and criminological history. It has used *Times* reports of Old Bailey trials that took place in the 1950s, 1960s and

1970s to explore how ideal and divergent victimhood was contructed within this high profile adversarial context. Acknowledging from the outset that Old Bailey trials involved only serious cases and that *Times* reporting of these was selective, the chapter compares the representation of three different groups of divergent victims: women and girls who experienced sexual offences; 'homosexual' men who experienced violent and other offences; and minority ethnic groups who also experienced violent and other offences. It finds that all these groups were often judged to have been quasi-culpable for their own victimisation and that they were often penalised as a result, typically through the undermining of their integrity and through more lenient outcomes for defendants. In this sense, they all experienced forms of 'secondary victimisation' at the hands of the criminal justice system even where their counsel secured a conviction. However, the chapter also finds that victims drawn from these groups could also be represented as highly deserving of public sympathy, especially where their victimisation was also linked to 'foreign' cultures and practices. Overall, the chapter contributes new insight into the historical representation of victimisation in the twentieth century courtroom.

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